

20790

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

THOMAS LEE GEDDIE

APPELLANT

Appellate Case No. 2012-212226

RECORD ON APPEAL

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No Respondent's Brief Filed
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State of South Carolina)
)
County of Sumter)
)

The State of South Carolina,)
Plaintiffs)

)
)
Trial
2011-GS-43-01155

vs.

Thomas Lee Geddie,)
Defendant)

June 4th-7th, 2012
Sumter, S.C.

BEFORE THE HONORABLE W. Jeffrey Young, Judge.

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

Mr. John P. Meadors,
Assistant Solicitor for the State

Mr. Timothy Ward Murphy,
Attorney for the Defendant

Margaret T. Sullivan,
Court Reporter

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1 MR. MEADORS: Your Honor, the state would call
2 the case of the State versus Thomas Lee Geddie under
3 Indictment No. 2011-GS-43-1155 on the charge of murder.
4 He is represented by Tim Murphy.

5 THE COURT: Mr. Bradley, please swear the
6 jury.

7 (Whereupon, the jury pool is sworn.)

8 THE COURT: Ladies and gentlemen, we are
9 about to start the trial of the State versus
10 Thomas Lee Geddie under Indictment No.
11 2011-GS-43-1155. Mr. Geddie is charged with the
12 crime of murder. The indictment reads that Thomas
13 Lee Geddie did in Sumter County, on or about
14 September 19th 2010, wilfully, feloniously and
15 intentionally kill the victim, Xavier Titus with
16 malice aforethought, either express or implied by
17 means of shooting the victim multiple times. And
18 the victim did die as a proximate result thereof
19 on or about September 19th 2010, in Sumter County
20 in violation of Section 16-3-10.

21 Now, Ladies and gentlemen, let me remind
22 you, the fact that the defendant was charged,
23 arrested and indicted is in no way is indicative
24 that the defendant is guilty of the charge. The
25 defendant has pled not guilty to this charge and

1 therefore, the state has burden of proving his
2 guilt beyond a reasonable doubt.

3 Ladies and gentlemen, before we select a
4 jury, there are several questions I need to ask
5 you, and that is why you are back under oath. And
6 Ladies and gentlemen, one of the reasons that you
7 are under oath is because this is such a crucial
8 stage of the trial. Just like a building must
9 have a firm foundation and be strong and
10 protective of those who live in it, so must a jury
11 be sworn as a basis of a fair and impartial trial
12 for those who participate.

13 The state, the solicitor for the people,
14 and the defendant who is on trial. And the
15 answers to these questions are the foundations by
16 which these attorneys will build a jury. And they
17 are relying on your truthful answers to help them
18 strike an unbiased jury who will diligently listen
19 to the facts and deliver a just verdict. Again,
20 thank you for your complete answers to the
21 questions that I am about to ask you.

22 Ladies and gentlemen, is anyone on the
23 jury panel related by blood or marriage or a have
24 a close personal relationship with the defendant,
25 Thomas Lee Geddie, or the alleged victim Xavier

1 Titus? If so, please stand.

2 THE COURT: Yes, sir. Please give me your
3 name and jury number.

4 THE JUROR: Robert Lee Burgess. No. 13.

5 THE COURT: Okay.

6 THE JUROR: The victim. Currently I am
7 the victim's cousin.

8 THE COURT: And do you think because you
9 know him personally, do you think you could be
10 fair and impartial to the state or the defendant
11 in this case?

12 THE JUROR: No.

13 THE COURT: Juror 31 any objection to
14 removing him for cause from this trial?

15 MR. MEADORS: No.

16 THE COURT: Yes, sir, in the back.

17 THE JUROR: Your Honor, I am Juror No. 76.

18 THE COURT: Yes, sir.

19 THE JUROR: Second cousin.

20 THE COURT: Second cousin? Anybody
21 have -- to who?

22 THE JUROR: The victim.

23 THE COURT: The victim. Does anybody have
24 any objections to him being removed for cause?

25 MR. MEADORS: No. His number again,

1 Judge?

2 THE CLERK: What was his number again,

3 judge? We didn't get it?

4 THE COURT: What was your number again?

5 THE JUROR: Seventy-six.

6 THE COURT: Yes, ma'am.

7 THE JUROR: I taught the victim in 9th

8 grade as a student.

9 THE COURT: How long ago was that?

10 THE JUROR: Seven to eight years.

11 THE COURT: Would the fact that you taught

12 the victim 7 or 8 years ago, make it so you can't

13 be fair and impartial to the state or defense in

14 this case?

15 THE JUROR: No, sir.

16 THE COURT: You can be fair to both?

17 THE JUROR: I can.

18 THE COURT: Thank you, ma'am.

19 THE COURT: Ladies and gentlemen, this is

20 a list of possible witnesses in this case. It's a

21 fairly long list. Let me read through it, and

22 then I am going to ask everybody if you know any

23 of the witnesses. Carlton Lee Bracey.

24 Investigator Michael Bean of the Sumter County

25 Sheriff's Office. Captain Gene Hobbs of the

1 Sumter County Sheriff's Office. Corporal Blake
2 Weathersbee of the Sumter County Sheriff's Office.
3 Investigator Robert Burnish with the Sumter County
4 Sheriff's Office. Investigator Robert Richardson
5 of the Sumter County Sheriff's Office Captain Joe
6 Lane of the Sumter Police Department. Cedric
7 Hilton. Investigator Tripp Mayes with the Sumter
8 County Sheriff's Office. Sergeant Trevor Brown of
9 the Sumter County Sheriff's Office. Lieutenant
10 Donnie Vickers of the Sumter County Sheriff's
11 Office. Investigator Jim Atkinson of the Sumter
12 County Sheriff's Office. Investigator Truman
13 Duggin of the Sumter County Sheriff's Office. Dr.
14 Janice C. Ross of Newberry Pathology. Teddy G.
15 Geddie. Special Agent Ila Simmons with the State
16 Law Enforcement Division. Special Agent Adrian
17 Riley Hefney of the State Law Enforcement
18 Division. Investigator Marie A. Hodges with the
19 Sumter Police Department. Special Agent Kenneth
20 H. Whitler with State Law Enforcement Division.
21 And Kelvin Green.

22 Is there any member of the jury panel who
23 has any relation to or have a close business or
24 personal relationship with any of these witnesses
25 who might be called in this case? If so, please

1 stand. Yes, sir, you are already disqualified.

2 You can go. Yes, ma'am. Please state your name
3 and number.

4 The JUROR: Stephanie Williams. 183. You
5 said Eddie Hobbs?

6 THE COURT: Eddie Hobbs. Yes, ma'am. Do
7 you know him?

8 THE JUROR: Yes, sir. I have gone to
9 church with him for years.

10 THE COURT: Would the fact that he is an
11 investigator or involved in this case, would it
12 make it so that you couldn't be fair and impartial
13 to the state and the defendant?

14 THE JUROR: I can be fair.

15 THE COURT: Thank you. Yes, ma'am, in the
16 back.

17 THE JUROR: 116. Eddie Hobbs. I worked
18 with him before he became involved in law
19 enforcement. And Donnie Vickers is married to my
20 cousin.

21 THE COURT: How long ago was that?

22 THE JUROR: A while back. I don't, I met
23 the victim. I talked to him on the phone.

24 THE COURT: Would the fact that you knew
25 Deputy Hobbs a while back and somehow related to

1 Donnie Vickers make it so that you couldn't be
2 fair and impartial to the state or the defense?

3 THE JUROR: No, sir.

4 THE COURT: Thank you, ma'am. Yes, ma'am
5 somebody else?

6 THE JUROR: Rachel Hill 79. I know
7 Captain Hobbs as well.

8 THE COURT: Okay. Thank you, ma'am. Yes,
9 sir.

10 THE JUROR: James Newcome. No. 52. I
11 know Truman Duggin in situations in his duties.

12 THE COURT: Would the fact that you are---

13 THE JUROR: I have no problem.

14 THE COURT: Thank you, sir. Now the
15 attorneys who will be trying this case are
16 Mr. John Meadors for the solicitor's office. And,
17 Mr. Meadors, if you like to introduce yourself.

18 MR. MEADORS: May it Please the Court, my
19 name is John Meadors. I am an assistant solicitor
20 with the solicitor's office for the Third Circuit.
21 Thank you.

22 THE COURT: Mr. Murphy, would you like to
23 introduce yourself and your law firm?

24 MR. MURPHY: My name is Tim Murphy. And I
25 work with the public defender's office. And I

1 also practice with Mr. Wade Kolb.

2 THE COURT: Has any member of the jury
3 panel ever been represented by either attorney who
4 is involved in this case or the law firm in which
5 they are associated? If so, please stand.

6 (Whereupon, no response.)

7 THE COURT: Has any member of the jury
8 panel formed or expressed an opinion about any
9 issue or matter involved in this case? If so,
10 please stand.

11 (Whereupon, no response.)

12 THE COURT: Thank you, no one is standing.
13 Has any member of the jury panel or your family
14 ever been the victim or accused of committing a
15 violent crime? If so, please stand.

16 (Whereupon, no response.)

17 THE COURT: Thank you, no one is standing.
18 IS any member of the jury panel aware of any bias
19 or prejudice towards either the state or the
20 defendant in this case? If so, please stand.

21 (Whereupon, no response.)

22 THE COURT: Thank you, no one is standing.
23 Is any member of the jury panel who is also a
24 member of the grand jury been indicted in this
25 case? If so, please stand.

1 (Whereupon, no response.)

2 THE COURT: Thank you. No one is
3 standing. Is there any member of the jury panel
4 who is a member of or a contributor to any group
5 which had a primary concern the promotion of law
6 enforcement or victim's rights; such as, a group
7 would include and certainly wouldn't exclusively
8 be, Mother's Against Drunk Drivers, Students
9 Against Drunk Drivers or Citizens Against Violent
10 Crime. If so, please stand.

11 (Whereupon, no response.)

12 THE COURT: Thank you. Does any member of
13 the jury panel know of any reason whatsoever, why
14 he or she should not serve as a juror in this case
15 with particular emphasis being placed on your
16 ability to be fair and impartial to both the state
17 and the defendant? If so, please stand.

18 (Whereupon, no response.)

19 THE COURT: Thank you. Does the state
20 have any additional questions for me to ask?

21 MR. MEADORS: No, sir.

22 THE COURT: Does the defense have any
23 additional questions?

24 MR. MURPHY: No, Your Honor.

25 THE COURT: Now, Ladies and gentlemen,

1 what is going to happen now, you all went through
2 this morning with Judge Cothran. Your names will
3 be drawn from a list. When your name is drawn,
4 please come forward. Turn around and face General
5 Sumter. Each side will have an opportunity to
6 strike you. Please don't take it personally if
7 you have been stricken. They have it in their
8 mind what they are looking for on a jury. It
9 not's personal. They can struck you for any
10 reason except for race.

11 THE CLERK: 139 Miranda Rivers (f-w)
12 accepted. 174 Betty Webb (f-b) accepted. 15
13 Stephen Baxter (f-b) accepted. 177 Patricia Wiley
14 (f-b) accepted. 135 Brandon Ray (m-w) defense
15 struck. Juror No. 130 Diedra Pleasant (f-b)
16 accepted. 79 Rachel Hill (f-w) defense struck.
17 Juror 59 Crystal Frazier (f-w) accepted. Juror
18 No. 29 Ellen Burcham (f-w) accepted. Juror 183
19 Rebecca Wilson (f-w) defense struck. Juror No. 88
20 Carl Johnson (m-b) defense struck. Juror No. 108
21 Henry McDaniel (m-b).

22 THE COURT: Yes, sir.

23 THE JUROR: I didn't know.

24 THE COURT: That happens. So you
25 recognize the victim's mother. You know her.

1 THE JUROR: Yes, sir.

2 THE COURT: Knowing that do you think
3 still you can be fair and impartial to the state
4 and the defense?

5 THE JUROR: I can.

6 THE COURT: You can.

7 MR. MURPHY: Court's indulgence. Please
8 excuse the juror. Juror No. 169 Dawne Walters.
9 (f-w) accepted. Juror No. 143 Abraham Samuel
10 (m-b) accepted. Laura Clark (f-w) defense struck.
11 Amanda Peterson 186 (f-b) state struck. Juror No.
12 118 Ellen Moore (f-w) accepted. Juror No. 78
13 Marie Hill (f-b) accepted. Juror no. 52 no Egan
14 (m-w) defense struck. Juror No. 117 Tiffany
15 Monroe (f-b) state struck. Juror 65 Jacqueline
16 Glisson (f-b) state struck. 179 David Williams
17 (f-w) accepted. Alternate juror No. 75 Shelby
18 Hardee (f-w) accepted. Juror no. 89 Trisha
19 Johnson (f-b) accepted.

20 THE CLERK: Ladies and gentlemen, when I
21 call your name, raise your hand please. Miranda
22 Rivers, Bennie Webb, Steven Baxter, Tricia Wiley,
23 Deidra Pleasant, Ellen Burcham, Dawne Walters,
24 Abraham Samuel, Ellen Moore, Marie Hill, David
25 Williams, Shelby Hardy, Tricia Johnson. Thank

1 you.

2 THE COURT: Ladies and gentlemen, you all
3 have been selected as the jurors for this trial.
4 And at this time I am going to send you back to
5 into the jury room for just a few minutes while I
6 take up a few matters. But while you are back
7 there, I am going to ask you to select your own
8 foreperson. And then I need to bring you back.
9 The foreperson will be the spokesman here in
10 court. And he will be the one who is responsible
11 for writing the verdict when you reach it.

12 Thank you, Ladies and gentlemen.

13 (Whereupon, the following takes place
14 outside the presence of the jury.)

15 THE COURT: Is there any objection to the
16 jury that has selected, from the state? And in
17 the manner in which it was selected, from the
18 state?

19 MR. MEADORS: No.

20 THE COURT: From the defense?

21 THE COURT: Any motions or pretrial
22 motions?

23 MR. MURPHY: Not at this time.

24 THE COURT: We will be here at 9:30
25 tomorrow morning. So we will be here about a half

1 hour earlier. Let's bring the jury back.

2 (Whereupon, the following takes place
3 within the presence of the jury.)

4 THE COURT: Ladies and gentlemen, who have
5 you all decided to be your foreperson? What is
6 your name, sir?

7 THE JUROR: Stephen Baxter.

8 THE COURT: Mr. Baxter, you will be the
9 foreperson. And all of the rest of you all can
10 sit anywhere you want. The alternate will sit
11 where you at. And, Mr. Baxter, you will sit in
12 the front right seat. Now, Ladies and gentlemen,
13 this trial is not going to start until tomorrow
14 morning. We have some other matters to take up
15 this afternoon. And so I am going to release you.
16 And please do not discuss this case with anybody.

17 The best way not to discuss the case with
18 anybody is just don't tell anyone you are on the
19 jury. They may ask where you heard about and what
20 kind of case it is. And so just don't say
21 anything. Be back here just a little before 10.
22 At that time you will be sworn and we will start
23 the trial. Ladies and gentlemen, have a nice
24 evening and we will see you in the morning.

25 (Whereupon, jury is dismissed.)

1 THE COURT: If there is nothing further,
2 the court is adjourned until 10 o'clock for
3 everybody else. And 9:30 for court personnel.

4 (Whereupon, the trial commences on
5 Tuesday, June 5th 2012 at 10:00 a.m.)
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1 THE COURT: You may bring the jury. Good
2 morning, Ladies and gentlemen, I hope you had a
3 nice evening. It's a good day to have a jury
4 trial, because it's nasty weather outside.
5 Mr. Bradley, would you please swear the jury.

6 (Whereupon, the jury is sworn.)

7 (Photographs and diagram marked State's
8 Exhibit 1 through 5 into evidence.)

9 THE COURT: Thank you. Ladies and
10 gentlemen, before we begin this trial, I want to
11 tell you this trial will probably be different
12 from what you might expect. You know many people
13 don't have an opportunity to attend an actual
14 court session as you are today. And may think
15 from watching TV, movies or reading books, that
16 trials are always full of high drama, intense
17 action and rivetting circumstances.

18 Now while all these things may be true at
19 times, this trial is not for entertainment. This
20 is a real trial, which is a fundamental part of
21 our democracy, in a search of the truth in an
22 effort to make sure justice is done. In searching
23 for the truth and ensuring that in justice is done
24 is often slow, deliberate and repetitive. The
25 exact opposite of what you may have seen on TV, in

1 movies, or read in books.

2 Now, Ladies and gentlemen, this courtroom
3 is a place of honor that is dedicated to the
4 protection and the preservation of our citizen's
5 rights through what has been called and I truly
6 believe to be the greatest justice system ever
7 created. The attorneys who are appearing before
8 you are advocates for the parties that they
9 represent. But first and foremost, they are
10 officers of this court who are sworn to uphold the
11 integrity and the fairness through our judicial
12 system. And to help you in the search for the
13 truth.

14 You should expect them to be professional,
15 competent and ethical in representation of their
16 client's interest. And remember, Ladies and
17 gentlemen, you too just took an oath to listen to
18 the evidence in this case and reach a fair and
19 just verdict. And you are expected to be
20 professional, reasonable and ethical as well. And
21 let me again thank you, for accepting this
22 important responsibility of jury duty.

23 Now what I am going to tell you now is
24 just intended to serve as an introduction to the
25 trial of this case. These remarks are not a

1 charge on the law in the case. I will charge you
2 the law as applicable to this case at the end of
3 all of the evidence. This is merely an
4 explanation of the procedures that we would follow
5 so you may better understand what is going on.

6 And let me say it promptly, Ladies and
7 gentlemen, that you will not be allowed to take
8 notes. And therefore, it is very important that
9 you listen closely throughout this trial. Now,
10 Ladies and gentlemen, the defendant in this case
11 is charged by an indictment filed in this court
12 with murder. The elements of which will be
13 explained to you later. As I said earlier, the
14 indictment charging the defendant is simply the
15 document by which the case is brought into court
16 and in no way or any sense is it evidence of any
17 of the allegations contained therein.

18 The defendant has pled not guilty to the
19 charge in the indictment. So the state therefore
20 has the burden of proving all of the elements of
21 the charge against the defendant beyond a
22 reasonable doubt. And it will be your duty,
23 Ladies and gentlemen, to decide whether the state
24 has met that burden. Your purpose in this case is
25 to determine the facts. You are to determine the

1 facts from the testimony that you heard from this
2 witness stand, and any other evidence that is
3 introduced in court. It is up to you as jurors to
4 determine the inferences which you feel may be
5 properly drawn from the evidence.

6 Now, Ladies and gentlemen, it's especially
7 important that you perform your duty diligently
8 and conscientiously, because ordinarily there is
9 no way to correct an erroneous determination of
10 facts by a jury. On the other hand but with
11 equal emphasis, the same law that makes you the
12 judges of the facts makes me the judge of the law.
13 The law as given to you by me is the only law that
14 you may consider. You must accept the law as I
15 give to it you and follow it even though you may
16 disagree. Let's make an agreement. I cannot tell
17 you what the facts are and you cannot disagree
18 with me about what the law is or what the law
19 should be. As jurors, your job is to take the law
20 as I gives it to you and apply it to the facts as
21 you find them from the testimony of the witnesses
22 and any other evidence that is presented. After
23 hearing the evidence, you will deliberate and
24 render a true and just verdict under the solemn
25 oath that you just took as jurors.

1 Until I advise you to begin your
2 deliberations at the conclusion of the case, you
3 must not discuss the case with anyone else,
4 including your fellow jurors. You may not use a
5 computer, cell phone or other electronic device
6 with communications capabilities while in
7 attendance at trial or during deliberations. Now
8 you may use your cell phone and other electronic
9 devices during lunch breaks or when you go home
10 for the evening. But you still may not use them
11 to disclose information about the case when you
12 are not here in court. Information in the case
13 includes, but certainly would not be limited to
14 information about a party, a witness, an attorney
15 or court officer, any news account about the case,
16 and any information collected through juror
17 research on any topic that may be raised or
18 offered by any witness during this trial.

19 In essence, Ladies and gentlemen, the idea
20 is that all the information you will need to reach
21 your verdict, should come from within the four
22 walls of this courtroom. Now, Ladies and
23 gentlemen, after the case is submitted to you, you
24 must discuss it only in the jury room with your
25 fellow jurors.

1 The attorneys and the parties in this case
2 are advised that they are not to talk to you at
3 all. So if you see anyone involved in this case
4 and they don't even say hello, well they are not
5 being unfriendly during this period, they are just
6 following my instructions. Now, Ladies and
7 gentlemen, it is very important that you keep an
8 open mind and not decide any issue until all of
9 the evidence has been presented, the attorneys
10 have made their closing arguments, and I have
11 instructed you on the law of this case.

12 It's your solemn responsibility to
13 determine the guilt or the innocence of the
14 defendant. And you have heard it must be based
15 solely on the evidence as it is presented in this
16 trial. And on the law as I give it to you during
17 the trial. Now, Ladies and gentlemen, in just a
18 moment, the solicitor will make what is called an
19 opening statement in which he will explain to you
20 what he believes are the issues in this case. The
21 defendant's attorney may also make an opening
22 statement, although he is not required to do so.
23 What the attorneys tell you during their opening
24 statement is not evidence. It is only their
25 contention as to what they believe the issues are,

1 and what they believe the evidence will show.
2 Now, Ladies and gentlemen, from time to time
3 during this trial, you may hear one of the lawyers
4 say something like, Your Honor, I believe, we have
5 a question of law or a matter of law to discuss
6 with you. Or Your Honor may we approach the
7 bench. Or somehow I might find it necessary to
8 excuse you from this courtroom for a short time
9 while the attorneys and I discuss a matter of law.
10 And the reason for this, as I have said to you,
11 you are the judges of the facts. And sometimes
12 when I am discussing matters of law with the
13 attorneys, it may be necessary for me to make a
14 comment on facts in connection with making a
15 ruling as to whether a particular law applies.
16 And as I have said, I am not supposed to
17 tell you what I think about the facts. So I will
18 excuse you from the courtroom while these
19 discussions take place so that you will in no way
20 be influenced by anything that I might say or do
21 in connection with the facts. Also during the
22 trial, you may hear one of the attorneys make an
23 objection about certain evidence that's about to
24 be presented. And whether I sustain the objection
25 or grant the objection and stop the testimony or

1 overrule, which would be to deny and let the
2 testimony continue, should not be construed that I
3 favor one side or the other. I do not.

4 Nor should you infer that the objecting
5 party is trying to hide something from you. In
6 this court as in all situations in life, there are
7 specific rules that must be followed, and the
8 attorneys as officers of this court are merely
9 trying to follow the rules of evidence of this
10 court in making their objections. And I am ruling
11 based on what I believe the law of the State of
12 South Carolina to be concerning the evidence that
13 is being presented.

14 In determining what the true facts are,
15 you must decide whether or not the testimony of a
16 witness is believable. It will be my
17 responsibility as the trial judge to rule as a
18 matter of law as to whether certain testimony is
19 admissible. But once the testimony is admitted,
20 whether or not you decide to believe it is solely
21 for you as jurors to determine.

22 In deciding whether to believe a witness
23 you have a right to consider the interest of any
24 witness, the bias of any witness, the prejudice of
25 any witness, the opportunity for the witness to

1 have actually observed the matter of things about
2 which the witness may testify. And you may
3 consider the way the witness acts on the witness
4 stand.

5 Ladies and gentlemen, you have a right to
6 consider anything that is in the record that will
7 help you evaluate the testimony of the witness.
8 That means as jurors, it is your duty to pay close
9 attention to the witness, to observe the witness,
10 to listen to the witness, and to pay close
11 attention. So at the end of all the testimony
12 after the argument of counsel and the charge on
13 the law by me, you will then be in a position to
14 determine what the true facts are, and to apply
15 the law to those facts and thus render a true and
16 just verdict.

17 In addition, Mr. Foreman, it is your
18 responsibility to preside in the jury room and be
19 the jury spokesperson here in court. You will
20 also have the additional duty to write the verdict
21 on the verdict form. But I will give you further
22 instructions at the appropriate time. In order to
23 preserve everyone's rights, I will give the
24 parties an opportunity to object to anything I
25 said.

1 Does the state have any objection to
2 anything I told the jury?

3 MR. MEADORS: No, sir.

4 THE COURT: Does the defense have any
5 objection?

6 MR. MURPHY: No, Your Honor.

7 THE COURT: Thank you. Ladies and
8 gentlemen. We will now begin this trial.
9 Mr. Meadors.

10 MR. MEADORS: May it Please the Court.

11 THE COURT: Yes, sir.

12 MR. MEADORS: Ladies and gentlemen, Xavier
13 Titus is dead. Shot once, twice, three times,
14 four times, five times, by Thomas Geddie. Once
15 and twice and three times. That's what this case
16 is about, a senseless, brutal slaying; a murder.

17 Mr. Foreman, Ladies and gentlemen, good
18 morning. My name is John Meadors. I am an
19 assistant solicitor with the third circuit. And I
20 am here today representing Solicitor Chip Finney,
21 the State of South Carolina, Sumter County and the
22 Titus family sitting behind counsel table. And
23 the Sheriff's Department, Investigator Burnish and
24 Investigator Mims. And Thomas Geddie who is
25 represented by Mr. Tim Murphy.

1 My job and my role is to make sure the
2 facts are presented to you in a way that follow
3 the rules; that Mr. Murphy will follow the rules
4 and I follow the rules. His Honor told you, and
5 it's just a charging paper. The Sumter County
6 Grand Jury, you heard the indictment that is
7 against Mr. Geddie is for murder.

8 The first thing it is my job to explain to
9 you what murder is. All of you have heard about
10 murder, and know what it is. Probably could say
11 it better than I do. But murder is the unlawful,
12 intentional unlawful killing of another with
13 malice aforethought. We have got to prove that on
14 or about September 19th 2010, that Thomas Geddie
15 did in Sumter County, shoot Xavier Titus. And
16 that Xavier Titus died as a result of those
17 gunshot wounds.

18 So what does all that mean? Malice
19 aforethought. Malice is simply a means of
20 evilness, wickedness. Aforethought is just a term
21 of art. I'm not sure I really understand it.
22 Malice aforethought. It doesn't -- we don't have
23 premeditation in this state. Plan it out and then
24 you act on it, you have murder. Malice
25 aforethought, aforethought is just a term of art.

1 The instant the trigger is pulled, a bullet a
2 projectile.

3 Now in this case, I think we will be able
4 to show that there was a planned robbery. A
5 planned. Somebody lying in wait, Mr. Geddie.
6 And for some reason the evidence will show, he
7 decided to shoot. It's a robbery gone bad. And
8 it ended in the death of Xavier Titus.

9 It's the burden of the state to prove.
10 And we will bring a pathologist in here later
11 named Dr. Ross, probably tomorrow, who will
12 present evidence to show that the gunshot wound
13 entered the body of Xavier Titus and was the
14 proximate cause of his death. That's the burden
15 of proof that is on the state. The same in this
16 case and in every other case that is being tried
17 in the country. We have to prove Mr. Geddie
18 guilty beyond a reasonable doubt. Beyond has to
19 cause reasonable folks to hesitate to act.

20 Ladies and gentlemen, there are different
21 types of evidence in every case. In this case I
22 think you are going to see about everything. You
23 will see direct evidence and that's evidence that
24 is taken from this witness stand. Somebody will
25 come in here and tell you the jury and His Honor

1 that I heard this, I saw this, I felt this, I
2 smelled this, I touched this. It is evidence that
3 you collect and gather with one of your senses.
4 And then you come in and say, hey, this is what I
5 heard and felt, touched, smelled. That's direct
6 evidence.

7 There is also circumstantial evidence.
8 Evidence of a fact and circumstances which
9 indicate the existence of a fact. Evidence of a
10 fact and circumstances which indicate the
11 existence of another fact. The law says neither
12 one of them is stronger than the other. They are
13 both the same. The judge will tell you about it
14 in a minute. To use the example, as it snowed.
15 You go to bed to one night in the winter and there
16 is no snow on the ground. You get up the next
17 morning, and there is snow. You know it snowed.
18 You didn't see it. But you take facts before you
19 went to bed. Before you get up in the morning,
20 you know it snowed.

21 Other evidence you might hear, documentary
22 evidence and documents, pictures that were taken
23 by the investigator that you will see. Another
24 piece of evidence that you will hear or type of
25 evidence you will hear in this case that you often

1 don't hear in all cases, but you will hear
2 co-conspirator testimony. You will hear testimony
3 from Kelvin Green, who was with the defendant,
4 Thomas Geddie, on the late night hours of
5 September 19th, and into the early morning hours
6 of September 20th, 2010.

7 Mr. Green is going to take the stand later
8 today or tomorrow and tell you what the plan was;
9 tell you his involvement. The state will tell you
10 what they are presenting and offering. And listen
11 to all of that. And they will tell you that there
12 was supposed to be a robbery of Mr. Titus, and it
13 just went dead. Co-conspirator testimony. Ladies
14 and gentlemen, what happened? We believe that
15 evidence will show, and we are going to take you
16 there. We are going to take you there through
17 witnesses. We are going to take you back in time
18 to September 19th 2010, to the testimony of
19 witnesses, to the testimony of some fine officers:
20 Eddie Hobbs, Blake Weathersbee, other officers,
21 witnesses, back in time to pictures to September
22 19th to September 20th 2010.

23 There is another person Cedric Hilton,
24 sitting back there on the front row. Raise your
25 hand, Cedric. Cedric was with Xavier Titus, the

1 evidence will show, September 19th 2010. They
2 were just out relaxing, socializing. Decided they
3 would go to a club later on I believe, is what the
4 evidence and witnesses tells me the same. At some
5 point in the evening, and he's the passenger in
6 Mr. Titus' car. At some point in the evening,
7 they had said, you may want to buy some weed. Or
8 Mr. Titus may want us to get some money before he
9 goes out later.

10 And they started going in the Dixie area,
11 and then they head out in the Wedgefield area,
12 because they are getting a phone call from
13 somebody. Mr. Titus is. I think the evidence
14 will show he is getting a phone call from Kelvin
15 Green. Show up. And I believe the testimony
16 will be Mr. Titus was going to collect some money.
17 Mr. Green may say he was going to purchase
18 something, but Mr. Titus -- they were going to get
19 some money. I am laying it all out there. This
20 is what the evidence is going to show.

21 And we get to Spann's. And we are going
22 to have pictures and a diagram of the area. You
23 all may know where Spann's is better than I do.
24 Out in the Wedgefield area. It's decided that
25 that's where Titus, Xavier Titus, Za, is going to

1 meet Kelvin Green. They get there first, Xavier
2 and Mr. Hilton and Mr. Titus, in that parking lot
3 at Spann's. I believe the testimony will be there
4 were phone calls back and forth, where are you.
5 Where are you. And then Mr. Hilton testified at
6 that point he sees a Toyota coming back up towards
7 Spann's. We will show you on the map.

8 And at that point, he sees the person
9 inside Kelvin Green, motion him down. Follow us.
10 And then they will follow. The car that Xavier
11 Titus and Cedric Hilton will follow this Toyota
12 down the road is Isadore Nathaniel Rd. It's a
13 dirt road. We will show it to you on the map.
14 And they will take a left. And they start to go
15 down this dirt road late at night. They go around
16 this field. Mud puddles. The first car with
17 Kelvin Green goes up. The second car driven by
18 Xavier Titus and Mr. Hilton goes behind them.

19 At that point Mr. Hilton says turn
20 around. He will tell you, I thought something was
21 up. Turn around and face back out towards
22 Wedgefield Road. He turns around. At this point,
23 there is a conversation between Mr. Green and
24 Mr. Xavier Titus, turn your lights off. People
25 around here can see. There are a couple of houses

1 in the area. Cedric Hilton said, no, don't turn
2 your lights off. Don't turn your lights off.
3 Back and forth. Finally the lights are turned
4 off.

5 The lights are turned off, shots are
6 fired. One, two, three, four, five. Entering the
7 body of Xavier Titus. Front seat right here,
8 Mr. Hilton, leans over, presses on the gas. Tries
9 to steer out where they are. Steers back around
10 on to Isadore Nathaniel Road. Goes over to some
11 bushes. Says, come on, let's go. Talking to
12 Xavier. Come on, let's go Xavier. He will
13 testify he knew he wasn't going anywhere.

14 Mr. Hilton runs to the woods. Runs to the
15 bushes; tries to get several people to help him at
16 some houses, they don't. Gets back to Spann's and
17 waited for the police officers to arrive. Some of
18 these officers here in the courtroom today are
19 going to tell you about what they saw. Law
20 enforcement arrives. He tells them what happened.
21 He says my buddy may be shot down there. Captain
22 Hobbs goes there and finds the lifeless body of
23 Xavier Titus. The investigation begins. Titus is
24 dead. Xavier Titus is dead. It leads to Kelvin
25 Green. It leads to Thomas Geddie.

1 That's the scenario that's going to be
2 put up. We're going to take you through the
3 investigation. When Kelvin Green gets to the
4 stand, we are going to take you through that.
5 He's going to testify, subject to cross
6 examination by Mr. Murphy. He's going to tell you
7 the individual known as Thomas Geddie, he's going
8 to tell you that Thomas Geddie was back behind the
9 bushes where the car was turned around. When the
10 light went out, Thomas Geddie for some reason
11 started shooting and went beyond the robbery. A
12 robbery gone bad. The evidence will show that the
13 robbery had gone as bad as it can go.

14 And he will testify that there wasn't
15 supposed to be a death. There was supposed to be
16 a robbery. There is some evidence that was
17 collected by Investigator Bean and some other
18 officers with the Sheriff's Department. One of
19 them was a Budweiser beer bottle. We are going to
20 bring that beer bottle in with the other evidence.
21 And there is a fingerprint on there that
22 Investigator Marie Hodge of the city will show you
23 that's the fingerprint of Thomas Geddie that was
24 found in the bushes by the projectile, that we
25 believe came from the gun. That's what we think

1 that the evidence will show.

2 Ladies and gentlemen, your role here as
3 Your Honor said so eloquently and much better than
4 I can, and I don't want to repeat any of it. You
5 are the judge of the facts. He is the judge of
6 the law. If you ever see the law, he is the law.
7 No mistake about it. It's his courtroom. He's
8 the law. What he says the law is, is the law.
9 Your role is judges of the facts.

10 Your clerk, your wonderful clerk, Mr.
11 Campbell, didn't put you all through a school.
12 You had to be jurors when you came here yesterday.
13 But you have been going through a school your
14 whole life. It's a school of common sense.
15 Evaluate people when they talk. Deciding what the
16 truth is. Deciding what is believable and
17 credible. You'll bring those same attributes, you
18 have your whole life, today, tomorrow as you
19 evaluate this testimony. And that's all Mr.
20 Murphy or I can ask you to do. Listen to the
21 testimony. Decide what's credible -- what's
22 believable. Apply those facts to the law His
23 Honor, Judge Young, will give you, and you will
24 come up with a verdict. It's a beautiful, pure
25 system. And that's all we can ask of you, to

1 listen and use your common sense.

2 I respectfully submit, Thursday, Friday,
3 whenever you get this case, and return to your
4 jury room, you will be asked to come back with a
5 verdict. The verdict will be to simply speak the
6 truth. And I submit respectfully that after you
7 have heard the evidence from all the witnesses,
8 looked at the documents, your verdict will be and
9 I ask you come back with a verdict that on the
10 late night hours of September 19th, 2010, early
11 morning hours of September 20th 2010, Kelvin Green
12 and Thomas Geddie went to rob Xavier Titus; take
13 him of his money. But it went extremely bad. It
14 went wrong.

15 And Mr. Geddie took it to the ultimate,
16 and he killed Xavier Titus. I am going to ask you
17 for a guilty verdict of murder. Thank you.

18 THE COURT: Thank you, Mr. Meadors. Mr.
19 Murphy for the defendant.

20 MR. MURPHY: Thank you, Your Honor. Good
21 morning.

22 THE JURY: Good morning.

23 MR. MURPHY: My name is Tim Murphy. And
24 it's my pleasure this morning to introduce Thomas
25 Geddie my client over there. Thomas Geddie is an

1 innocent man. This is a horrible crime, and he is
2 an innocent man. Now I am not going to rely at
3 this point on the facts to that, because the law
4 that we all abide under and you have sworn to
5 uphold right now, it states that Thomas Geddie is
6 an innocent man. He's entitled to a presumption
7 of that innocence all the way through this trial.

8 So everything you have heard from Mr.
9 Meadors, I would submit at this point, is in fact
10 is what they hope to prove. And just remember
11 that. At that point and throughout this entire
12 trial, Mr. Geddie is entitled to be considered
13 innocent. Not just not guilty. Not just I wonder
14 what is going to happen. He's innocent. And
15 that's what he asks for from you.

16 And that's what he's entitled to as an
17 American citizen from you throughout this trial.
18 He's entitled to that presumption. Now, Ladies
19 and gentlemen, I am not going to spend a lot of
20 time talking about facts. But what I will say is,
21 hold the state's feet to the fire to demonstrate
22 exactly what Mr. Meadors said they would do. Hold
23 their feet to the fire. Hold them to their burden
24 of proof.

25 And at the end of this, ask yourself are

1 you firmly convinced that they have met that
2 burden. Because that's what reasonable doubt
3 means. Now this is an incredibly serious case. A
4 young man is dead. And my client, an innocent
5 man, is accused of that death by the state. And
6 the basis I will submit to you, the basis for that
7 comes down to one person, Kelvin Green.
8 Mr. Hilton, the survivor of this horrible crime,
9 won't be able to say that my client was at the
10 scene.

11 He won't say that. He can't identify my
12 client being there. The only person that states
13 my client was at the scene that night, the only
14 person that states that my client pulled the
15 trigger and killed that poor, young man is
16 Mr. Green. Mr. Green. The individual who, their
17 own witness will state, enticed these two young
18 men to that scene. Mr. Green an individual who
19 gives different statements to different people.
20 And actually different statements to law
21 enforcement. Two different statements to law
22 enforcement saying some different things.
23 Mr. Green who will tell you he has been offered a
24 deal by the state; who has a motive to lie; who
25 has a motive to get out of the murder. Mr. Green,

1 is the only person that points the finger at my
2 client. That's what the state's case is all
3 about.

4 Ladies and gentlemen, Mr. Green is a liar.
5 I think the evidence will show you. My client is
6 not guilty. He's an innocent man. He is an
7 innocent man throughout this trial. Give him what
8 he is entitled to. And at the end of all the
9 state's case and all this testimony, we are
10 satisfied and we are convinced. And when you go
11 back there and you sit down and you look through
12 the facts and you assess the credibility of their
13 star witness and all the other evidence, you will
14 come to the right conclusion. And that conclusion
15 is that the only just verdict in this case as it
16 regards Mr. Geddie is that he is not guilty in
17 this crime. Thank you.

18 THE COURT: Thank you, Mr. Murphy. The
19 state may call it's first witness.

20 MR. MEADORS: May it Please the Court.
21 Your Honor, the State of South Carolina would call
22 Cedric Hilton.

23 THE COURT: Mr. Hilton, come down and be
24 sworn.

25 Cedric Hilton, after being duly sworn,

1 testified as follows:

2 THE CLERK: Please state your full name
3 and spell your last name for the record?

4 A Cedric Hilton. H-I-L-T-O-N.

5 DIRECT EXAMINATION by Mr. Meadors:

6 Q Good morning, Mr. Hilton.

7 A Good morning.

8 Q I would just ask one thing, if you would
9 please speak up and into microphone so these
10 Ladies and gentlemen and this Court Reporter can
11 hear you please, sir. Mr. Hilton, please tell
12 these Ladies and gentlemen a little bit about
13 yourself. Where are you from?

14 A Sumter, South Carolina.

15 Q Were you born and raised here?

16 A Yes, sir.

17 Q Where did you go to elementary school?

18 A Alice Drive Elementary in South Carolina,
19 Sumter.

20 Q And where did you go after that?

21 A I went to Powell Academy, Sumter High and
22 Willow Gray.

23 Q To where?

24 A To Sumter High, Willow Gray and Powell
25 Academy.

Cedric Hilton-direct by Meadors

1 Q Sumter High and then you went to Willow
2 Gray.

3 A I went to Willow Gray. From Powell to
4 Willow Gray to Sumter High.

5 Q And when did you get out of Sumter High?

6 A 2000, 2001, something like that.

7 Q What did you do after that?

8 A Just as far as in streets, hanging around,
9 working. Landscaping.

10 Q And at some point, did your grandmama die?

11 A Yes, sir.

12 Q When was that?

13 A In 03. 2003.

14 Q And then you said you were hanging around
15 in the streets. Did you get a possession of crack
16 conviction, where you got a YOA one to six shock
17 incarceration?

18 A Yes, sir.

19 Q And was that 2003?

20 A 2003.

21 Q After your grandmama died?

22 A Yes, sir.

23 Q Did you ever work at Red Bone Alley.

24 A Red Bone Alley.

25 Q What did you do there?

Cedric Hilton-direct by Meadors

1 A Dishwasher.

2 Q And this was afterwards? After shock;

3 right?

4 A Yes, sir.

5 Q Where did you work? Did you ever work at

6 Gold Kist?

7 A Gold Kist. And landscaping with my uncle.

8 Q What did you do at Gold Kist?

9 A Worked as clean up crew.

10 Q Did you say you worked for your uncle?

11 A Yes, sir.

12 Q What did you do for your uncle?

13 A Landscaping, cut grass.

14 Q The victim in this case, Xavier Titus,

15 what did you call him?

16 A Xavier.

17 Q Xavier.

18 A Little Xavier; yes, sir.

19 Q Little Xavier?

20 A Yes, sir.

21 Q How long had you known the victim?

22 A For a while since elementary, middle

23 school.

24 Q That's elementary?

25 A Yes, sir. Middle school, Powell Academy.

Cedric Hilton-direct by Meadors

1 Q Okay. Is it fair to say at some point you
2 started hanging around on a regular basis?

3 A Yes, sir.

4 Q How regular, daily?

5 A Daily basis.

6 Q Did you know Kelvin Green or Thomas
7 Geddie?

8 A No, sir.

9 Q I am going to go right to it. Let's go
10 back to September 19th 2010, where were you
11 working then?

12 A I was working, doing landscaping for my
13 uncle.

14 Q Taking business as it comes?

15 A Yes, sir.

16 Q And September 19th 2010, until
17 September 20th 2011, was that a Saturday, Sunday?
18 September 20th 2010?

19 A Yes, sir. That was a Saturday going into
20 Sunday morning.

21 Q Going back to that Saturday, September
22 19th 2010, did you have an occasion to see Xavier
23 Titus?

24 A Say it again?

25 Q Did you get with Xavier on the 19th?

Cedric Hilton-direct by Meadors

1 A Yes, sir.

2 Q How did that come about?

3 A Well I was at a little house party,
4 drinking and playing cards. And Carl Adams said
5 they wanted to go to the club. And he said I'll
6 go to the club. And that's how we went together.
7 We were going to go to a club. So I left the
8 party to meet with them.

9 Q What party if you know?

10 A I was visiting a house party.

11 Q And what club were you going to?

12 A Prodigy. Jose name, something like that.

13 Q So you leave the party you are at on 15?

14 A Uh-huh. (Affirmative.)

15 Q And what do you do?

16 A Go to my friend's sister's house; Sherman.

17 Go to his sister's house to meet him. They are
18 arranging to pick up Sherman's kids. And then
19 they came back into the house and meet me there.
20 And then we started planning on going to the club.

21 Q And this is you and who?

22 A Me, Xavier, Sherman and another friend.

23 Q And just before, I don't know if this is
24 an issue or not. But Sherman is who?

25 A Sir?

Cedric Hilton-direct by Meadors

1 Q Who is Sherman?

2 A He is a friend.

3 Q So you all were talking; you, Sherman,
4 Zav, maybe somebody else. You are talking about
5 going go to a club.

6 A Yes, sir.

7 Q What happens next?

8 A Me and Sherman left. Sherman left and
9 went to get dressed. And Twain he's going to get
10 dressed. And somebody kept calling Xavier's
11 phone for him. So I told him to take me somewhere
12 to get something. So...

13 Q You told Zav to take you somewhere to get
14 something?

15 A Yes, sir.

16 Q Okay.

17 A Okay. So we were riding around looking
18 for whatever so.

19 Q And who was riding around there?

20 A Xavier was driving. I was on the
21 passenger seat.

22 Q Okay, so just the two of you.

23 A And his phone kept ringing, ringing,
24 ringing. And he kept telling them, I am on the
25 way. So he's telling me just ride with him, and

Cedric Hilton-direct by Meadors

1 he drop me back off. I was like who, so I ride
2 with him.

3 Q Did you all go to the Dixie area?

4 A Yes, sir. Right in the Dixie area looking
5 for marijuana; didn't find any. So he was going
6 to drop me off. His phone kept ringing, so he
7 drive. I ride with him.

8 Q So instead of dropping you off, he said he
9 had to go to do something.

10 A Because his phone kept going up.

11 Q He said you got to go with me.

12 A Yes, sir.

13 Q Okay. What happens next, if anything?

14 A So we are riding. The phone still
15 ringing. We are just riding, chilling. Going
16 towards Bishopville. And a car came back through
17 like pulling up at Spann's. And a truck coming
18 from down the road. I don't know the name of the
19 road, but coming from that direction. And told us
20 to follow him. So we were going to follow him in
21 the woods.

22 Q Slow down a little bit, please. What type
23 of truck was it?

24 A Toyota. Older model.

25 Q So you're at Spann's?

Cedric Hilton-direct by Meadors

1 A Yes, sir.

2 Q Had you been to Spann's before?

3 A Yes, sir.

4 Q And you see this truck coming up towards
5 you.

6 A Yes, sir.

7 Q When the truck approaches you all what
8 happens?

9 A A dude throw his hand up, and was like
10 follow me. So we follow him down the road. Made
11 a left out of Spann's and followed him down the
12 road and made a left onto the dirt road.

13 Q What time of night was this, Cedric?

14 A It was late. Real late into the night.

15 Q Had you been down this dirt road before?

16 A No, sir.

17 Q Did you know where you were going?

18 A No, sir.

19 Q What happens next?

20 A So we turned down the dirt road and Kelvin
21 told us to park down there and turn the lights
22 out. And I told Xavier to turn the car around
23 because---

24 Q Slow down a little bit please, sir. I am
25 sorry.

Cedric Hilton-direct by Meadors

1 A I told Xavier to turn the truck around.

2 Q Go ahead. You were going down the dirt
3 road, I apologize.

4 A Yes, sir. We're going down the dirt road,
5 and so I told Xavier to turn the truck around and
6 face the way we came in, in case anything happens
7 because it was dark back there in the woods.

8 Q Why did you tell him to turn it around?

9 A Because it was dark, dark in the woods.
10 You can't see back there. I just felt like
11 something was going to happen back there.

12 Q Didn't feel right to you.

13 A Didn't feel right.

14 Q Okay. So does Little Zav turn the truck
15 around?

16 A Yes, sir. He turned the truck around.
17 Kelvin came to the car. And he was saying, turn
18 the lights out. Turn the lights off. And I was
19 telling him, don't turn the lights off. Don't
20 turn the lights off. And Kelvin kept like
21 bugging, like said for us to turn the lights out.
22 And Xavier went to turn the lights out. And as
23 soon as he turned them off, the shooting started.

24 Q Now you say that Kelvin told you. Did you
25 know that was Kelvin at the time?

Cedric Hilton-direct by Meadors

1 A No, sir.

2 Q So after -- so he did turn the car around,
3 Titus.

4 A Yes, sir. He turned the car around.

5 Q And after that someone came to the
6 driver's side?

7 A Yes, sir.

8 Q And they were asking you to what?

9 A To turn the lights out. They were telling
10 him to turn the lights out.

11 Q And what were you saying, if anything?

12 A I was telling him, don't turn the lights
13 out. No, don't turn the lights out.

14 Q And why were telling him that?

15 A Because I felt something was bad. Going
16 bad. It was dark.

17 Q And what happened after that?

18 A A couple of shots rang off or whatever.

19 So I went to the floorboard, mashed the gas with
20 my hand; the other hand used the steering wheel to
21 get us across until to like break into some bushes
22 or whatever. Jumped out and ran. Knock on a
23 couple of people's houses. They kick me off their
24 porch. And I ran to the store. Tried to break in
25 the store. Called the police. And the police

Cedric Hilton-direct by Meadors

1 car -- an old couple came riding through the
2 parking lot from a---

3 Q And they called law enforcement?

4 A Yes, sir.

5 Q So as you were running from the car, you
6 say you went by several folks' houses?

7 A Yes, sir.

8 Q And nobody would help you?

9 A No, sir.

10 Q Do you run back to Spann's?

11 A Yes, sir.

12 Q And this couple called the police for you?

13 A Yes, sir.

14 Q Did you have your shirt on?

15 A No, sir.

16 Q When did you take your shirt off?

17 A I had white tee shirt on, so they wouldn't
18 follow me.

19 Q So why did you take your shirt off?

20 A So they wouldn't follow me. I had a white
21 tee shirt on.

22 Q Make it harder to see?

23 A Yes, sir.

24 Q After the shots ring out, did you did you
25 see your friend Za?

Cedric Hilton-direct by Meadors

1 A Yes, sir.

2 Q And did you know he was hit?

3 A Yes, sir.

4 Q And when you got out of the car to run,
5 did you say, come on or anything?

6 A Yes, sir. I told him to come on.

7 Q Did you expect him to come on?

8 A No, sir.

9 Q You knew he was hit bad.

10 A Yes, sir.

11 Q And you didn't get hit?

12 A No, sir.

13 Q You are going to have to, His Honor, will
14 tell you, you have to too. But I am going to ask
15 to come down, but you are going to have to speak
16 up so the Court Reporter and everybody can hear
17 you with Your Honor's permission.

18 THE COURT: Yes, certainly. Again, please
19 speak up, and try to get close to that microphone.
20 You may step down.

21 (Whereupon, the witness steps down from
22 the witness stand.)

23 MR. MEADORS: Your Honor, I have what I
24 believe is State's 5 without objection.

25 THE COURT: Is that correct?

Cedric Hilton-direct by Meadors

1 MR. MURPHY: No objection.

2 THE COURT: Thank you.

3 MR. MEADORS: Come around this way, I am
4 sorry, back that way. You have got to face the
5 jury, please, sir, I am sorry.

6 A Excuse me.

7 Q This is State's No. 5, Cedric, and I have
8 showed you this before; correct?

9 A Yes, sir.

10 Q And do you recognize this is an aerial of
11 the area we are talking about?

12 A Yes, sir.

13 Q And I will just point out to reference.
14 Is this Spann's here?

15 A Yes, sir.

16 Q And you can hold it down. Would you point
17 to Spann's on State's 5?

18 A Right here. (Pointing.)

19 Q You were with Xavier Titus late September
20 19th 2010. Show the Ladies and gentlemen of the
21 jury where you were waiting on somebody to meet
22 Titus.

23 A In the parking lot right here.

24 Q And you are going to have to speak up.
25 That's Spann's?

Cedric Hilton-direct by Meadors

1 A Spann's in the parking lot. At Spann's
2 grocery in the parking lot.

3 Q And did you wait there for awhile?

4 A Yes, sir. About 3 or 4 minutes at the
5 most.

6 Q And I think you said the phone calls were
7 coming back and forth?

8 A Yes, sir. The phone calls were coming and
9 forth coming. And I see a truck coming from this
10 direction heading towards Spann's.

11 Q So you saw a truck coming from this
12 direction coming towards Spann's?

13 A Yes, sir.

14 Q No doubt about that.

15 A No, sir.

16 Q What color truck was that?

17 A A brown, a brown truck.

18 Q Show the Ladies and gentlemen of the jury
19 where the truck went.

20 A The truck came from that direction, and
21 pulled right beside us. Made a U-turn and came
22 back up, and came down the road. Down the little
23 dirt road. Turned onto the dirt road.

24 Q And I think you said the person had
25 motioned to you to follow. Where did that happen?

Cedric Hilton-direct by Meadors

1 A At Spann's grocery. When we pulled into
2 Spann's, we parked right there. They pulled into
3 Spann's facing us. And he motioned for us, like
4 follow us.

5 Q When you say us, was it, how many people
6 were in there, just one person?

7 A Yes.

8 Q Okay.

9 A So the truck U-turned off the the parking
10 lot and came back down the road, and made a left
11 on the dirt road.

12 Q Made a left onto the dirt road. Had you
13 ever been on that dirt road before?

14 A No, sir.

15 Q Can you show us on State's No. 5 on that
16 dirt road how far you went? I am not showing all
17 that way down. Is this the dirt road you went
18 down?

19 A Yes, sir. This is the dirt road, and we
20 came around that curve until about right here.

21 Q If that's a mud puddle does that help your
22 reference?

23 A Yes, sir.

24 Q All right.

25 A But we came all around and leading to the

Cedric Hilton-direct by Meadors

1 woods. Right around to the curve, to the mud
2 puddle right here.

3 Q Was it a big mud puddle?

4 A Yes, sir.

5 Q I mean huge?

6 A Yes, sir. You had to go around the
7 puddle.

8 Q You had to go around the puddle.

9 A Yes, sir.

10 Q After you went around the puddle, show the
11 Ladies and gentlemen of the jury what happened.

12 Where you went, excuse me.

13 A We through the mud puddle so we were
14 facing this way right here. So I told Xavier to
15 turn the truck around, because I felt something
16 bad. So Xavier turned the truck around, and was
17 facing back out toward Wedgefield.

18 Q And where was the truck that you followed
19 in?

20 A Right in front.

21 Q And were there woods to the left of where
22 you were? Wooded area?

23 A Yes, sir; woods to the left.

24 Q Show the Ladies and gentlemen of the jury
25 where you said this person Kelvin started talking

Cedric Hilton-direct by Meadors

1 to Titus.

2 A Right here on the curve; time we turned
3 our truck.

4 Q You didn't know Kelvin.

5 A No, sir.

6 Q Tell the Ladies and gentlemen of the jury,
7 did you see Kelvin with a gun?

8 A No, sir, I didn't see Kelvin with a gun.

9 Q Did you see him holding a gun.

10 A No, sir.

11 Q Did you see him holding an AK-47?

12 A No, sir.

13 Q And what if anything, was he asking you to
14 do? Asking Titus to do.

15 A Turn the lights off.

16 Q What did you say?

17 A No. I told him no, don't turn the lights
18 off.

19 Q Hell no, don't turn them off.

20 A Yes, sir.

21 Q Did that conversation go back and forth?

22 A Yes, sir. But we turned the lights off.

23 And I kept telling him don't turn the lights off,
24 because we were in the dark.

25 Q You didn't feel -- think it was right.

Cedric Hilton-direct by Meadors

1 A No, I don't think it was.

2 Q You know that; don't you?

3 A Yes, sir.

4 Q Does he finally turn the lights off?

5 A Yes, sir.

6 Q And prior to turning the lights off, did
7 you see who you know as Kelvin with a gun?

8 A No, sir.

9 Q The lights go off.

10 A The lights go out; shots rang out. And I
11 jumped on the door frame and used one hand on the
12 gas pedal and one hand -- the other hand was on
13 the steering wheel to get us out of the cross
14 fire.

15 Q And can you show on here how far you were
16 able to make it?

17 A Not far. We just went to the mud puddle,
18 I guess. And it was like bumping over something.
19 But had tracked going into the woods or whatever.
20 I ran into the woods. I ran through some woods
21 like, there is some houses. Not many houses right
22 here. Several of these houses heading back up at
23 Spann's.

24 Q So nobody came to the door. Nobody would
25 help you here?

Cedric Hilton-direct by Meadors

1 A No, sir.

2 Q Where did you take your shirt off, if any?

3 A No, sir.

4 Q Where did you take your shirt off, if
5 anything?

6 A Through the bushes.

7 Q So you ended up getting back to Spann's?

8 A Yes, sir.

9 Q And that's where you finally see law
10 enforcement.

11 A Yes, sir; seen them pulling up. So we
12 just got carjacked. And I received a ride back at
13 the time.

14 Q When cars were coming, were you hiding up
15 here before you called the police?

16 A Yes, sir. Cars were coming. So I got
17 right behind the store, and over into the woods on
18 this side into the bushes.

19 Q Did you miss a police car going by?

20 A Yes, sir. A police car went by. I tried
21 to flag him down. He didn't hear me, so he kept
22 riding.

23 Q Were you hiding? Let me, did you know
24 what cars were coming before they got there?

25 A No, sir.

Cedric Hilton-direct by Meadors

1 Q So were you kind of waiting to see what
2 the car was.

3 A Yes, sir.

4 Q Okay. You can have a seat back. Thank
5 you.

6 (Whereupon, the witness resumes the
7 witness stand.)

8 MR. MEADORS: Your Honor, for the record,
9 Mr. Murphy and I have looked at State's 1, 2, 3
10 and 4. And they are without objection.

11 THE COURT: Is that correct, Mr. Murphy?

12 MR. MURPHY: Yes, Your Honor.

13 THE COURT: State's 1, 2, 3, 4 are
14 admitted without objection.

15 (Photographs marked State's Exhibit Nos.
16 1, 2, 3, 4 into evidence.)

17 MR. MEADORS: May I approach, please?

18 THE COURT: Yes.

19 Q I am going to zoom in. You testified
20 about the mud puddle in State's 2. Is that the
21 mud puddle?

22 A Yes, sir.

23 Q And that's on Isadore Nathaniel Road?

24 A Yes, sir, it is.

25 Q Now what type of car did Xavier -- well

Cedric Hilton-direct by Meadors

1 Titus drive?

2 A A Lincoln truck.

3 Q A Lincoln truck?

4 A Yes, sir.

5 Q And now look at State's 3. Is that the
6 side of his car?

7 A Yes, sir.

8 Q And that's the car you were in with
9 Mr. Titus that night?

10 A Yes, sir.

11 Q And you have testified earlier that you
12 literally put your hand on the gas, and was
13 steering away from there when the shots were
14 fired?

15 A Yes, sir.

16 Q And I believe you testified that you went
17 down the road a little bit then you wrecked?

18 A Yes, sir.

19 Q State's 1 and State's 4 shows the car
20 after you had driven it and ran into the woods?

21 A Yes, sir.

22 Q And next to the left door handle, is there
23 woods there? To the driver's side.

24 A Yes, sir.

25 Q Where is Titus' body after you get out?

Cedric Hilton-direct by Meadors

1 Shots are fired. You try to get away. You wreck.

2 When you left, where was he?

3 A Still inside the truck.

4 Q Was he leaning over your way or leaning
5 his way or which?

6 A Leaning toward.

7 Q Leaning towards your side?

8 A Yes, sir.

9 Q And could you physically see that he was
10 hit and bleeding?

11 A Yes, sir.

12 Q Do you know how many people were outside
13 that car before the shots were fired?

14 A No, sir.

15 Q You don't know whether there was one or
16 two?

17 A No, sir.

18 Q You saw one.

19 A I saw one.

20 Q And you never saw one with a gun.

21 A No, sir.

22 Q Now on September 23rd, did you -- well did
23 you have an occasion to talk with investigator

24 Burnish sitting right here after this incident?

25 A Yes, sir.

Cedric Hilton-direct by Meadors

1 Q And they read you your rights, talked to
2 you?

3 A Yes, sir.

4 Q And you voluntarily gave them a statement?

5 A Yes, sir.

6 Q And you gave them two statements?

7 A Yes, sir.

8 Q Kind of telling them what happened?

9 A Yes, sir.

10 Q Did you have a gun?

11 A No, sir.

12 Q Did Little Zav, Xavier Titus have a gun?

13 A No, sir.

14 Q So you, Little Zav and Kelvin didn't have
15 a gun.

16 A Yes, sir.

17 Q You didn't see him with a gun.

18 A No, sir.

19 Q And was he, he being Kelvin, was he right
20 at the passenger, or where was he in relation?
21 Was he at the driver's side window talking to--

22 A Yes, sir,---

23 Q ---and Little Zav?

24 A ---he was at the driver's side window.

25 Q So you didn't have any trouble seeing him?

Cedric Hilton-direct by Meadors

1 A No, sir.

2 MR. MEADORS: I beg the court's

3 indulgence.

4 THE COURT: Yes, sir.

5 MR. MEADORS: Thank you, sir. That's all

6 I have.

7 THE COURT: Mr. Murphy.

8 MR. MURPHY: Thank you, Your Honor.

9 Cross Examination by Mr. Murphy:

10 Q Mr. Hilton.

11 A Yes, sir.

12 Q Now I think you said this before. The
13 only person that you saw was Kelvin. The person
14 you identified as Kelvin.

15 A Yes, sir.

16 Q And he's the one that enticed you to go
17 down, you and Xavier.

18 A Yes, sir.

19 Q More Xavier than you. Enticed him to go
20 down this dark road; correct?

21 A Yes.

22 Q And it was after Kelvin told Xavier to
23 turn out the lights, shots started firing.

24 A Yes, sir.

25 Q Now you said that you didn't see Kelvin

Cedric Hilton-cross by Murphy

1 with a gun.

2 A No, sir.

3 Q But he could have had one.

4 A He could have had one.

5 Q And in fact in one of your statements to
6 police, you said that you wrote down, Kelvin
7 started shooting or it was somebody in the bushes;
8 right?

9 A Yes, sir.

10 Q Okay. So at that time, you thought Kelvin
11 was the---

12 A Was the Shooter.

13 Q ---shooter. Right?

14 A Yes, sir.

15 Q But it could have been somebody else.

16 A Yes, sir.

17 Q And you told that to police.

18 A Yes, sir.

19 Q Both times you talked to them; right?

20 A Yes, sir.

21 Q Things just happened real fast; right?

22 A Yes, sir.

23 Q I would imagine. Now looking again, you
24 saw Kelvin through the driver's side window;
25 correct?

Cedric Hilton-cross by Murphy

- 1 A Yes, sir.
- 2 Q He was on the driver's side window.
- 3 A Yes, sir.
- 4 Q And that's the side where the shots were
5 coming from.
- 6 A Yes, sir.
- 7 Q And you're on the passenger side.
- 8 A Uh-huh. (Affirmative.)
- 9 Q And as you're looking, you're looking past
10 Zavier; right?
- 11 A Yes, sir.
- 12 Q To Kelvin; right?
- 13 A Yes.
- 14 Q And he's standing in the dark; correct?
- 15 A Uh-huh. (Affirmative.) Yes, sir.
- 16 Q So you're not looking at his whole body;
17 are you?
- 18 A No, sir.
- 19 Q Was he like leaning down, or was he just
20 standing there talking?
- 21 A Just standing there taking.
- 22 Q So really you're not sure whether or not
23 he had a gun or not; right?
- 24 A No, sir.
- 25 Q And at least initially you thought he was

Cedric Hilton-cross by Murphy

1 the shooter.

2 A Yes, sir.

3 Q And that's what---

4 A At the time I did.

5 Q And that's what you told police; right?

6 A Yes, sir.

7 Q And this happened two years ago?

8 A Yes, sir.

9 Q Right about two years ago. And since then
10 you have learned a lot more about the case; right?

11 A Yes, sir.

12 Q And you've learned that they arrested
13 somebody. Kelvin and another guy too; right?

14 A Yes, sir.

15 MR. MURPHY: Mr. Hilton, thank you for
16 your testimony. I have no further questions.

17 MR. MEADORS: Just a couple more
18 questions.

19 Redirect Examination by Mr. Meadors:

20 Q Mr. Murphy asked you about a prior
21 statement. I am going directly to what he asked
22 you okay?

23 (Statement of Hilton marked State's
24 Exhibit No. 6 for ID only.)

25 MR. MEADORS: Approach him, please?

Cedric Hilton-cross by Murphy

1 THE COURT: Certainly.

2 Q I am going to show you State's 6 for Id.

3 Mr. Hilton, is this your statement?

4 A Yes, sir.

5 Q And that's you up there, and your name
6 down there, Hilton?

7 A Yes, sir.

8 Q September 23rd.

9 A Yes, sir.

10 Q 2010. And that's Sergeant Burnish;
11 correct?

12 A Yes, sir.

13 Q When Mr. Murphy was just asking you,
14 Little Zav hit the light. Kelvin started shooting
15 or either a person jumped out of the dark and
16 started shooting.

17 A Yes, sir.

18 Q And that was September 23rd; right?

19 A Yes.

20 Q And you didn't know who had been arrested;
21 correct?

22 A No, sir.

23 Q And so your initial statement is either he
24 shot or somebody jumped out of the woods; right?

25 A Yes.

Cedric Hilton-redirect by Meadors

1 Q And that's what you told them.

2 A Yes, sir.

3 Q And were you all, you and Mr. Titus right
4 next to some woods?

5 A Right next to the woods; yes, sir.

6 Q I mean were you right next to some bushes?

7 A Yes, sir.

8 Q And could somebody have been back there?

9 A Somebody could have been.

10 Q And if they had been back there, would you
11 have been able to see?

12 A No, sir.

13 Q And that's why you wanted to get out of
14 there; wasn't it?

15 A Yes, sir.

16 MR. MEADORS: That's all I have.

17 THE COURT: Mr. Murphy, any recross based
18 on his redirect?

19 MR. MURPHY: No, sir.

20 THE COURT: Ladies and gentlemen, now is a
21 good time to take a short break. We will take a
22 15 minute recess. If you need to smoke, the
23 bailiff will accompany you outside to do so.
24 Thank you. Please do not discuss anything about
25 the case while you are back there.

Cedric Hilton-redirect by Meadors

1 (Whereupon, the Court Breaks.)

2 THE COURT: The Court will be in recess
3 until 11:25 a.m.

4 (Photograph marked State's Exhibit No. 7
5 for evidence.)

6 THE COURT: You may bring the jury.

7 (Whereupon, the following takes place
8 within the presence of the jury.)

9 THE COURT: Mr. Meadors, you may call your
10 next witness.

11 MR. MEADORS: The state would call
12 Corporal Weathersbee.

13 CORPORAL WEATHERSBEE, after being duly
14 sworn, testified as follows:

15 THE CLERK: State your name and sell your
16 last for the record.

17 A Blake Weathersbee.

18 W-E-A-T-H-E-R-S-B-E-E.

19 Direct Examination by Mr. Meadors:

20 Q Good morning, Corporal.

21 A Good morning.

22 Q Tell the Ladies and gentlemen of the jury
23 about your background, and how long you have been
24 in Sumter.

25 A I have been here all my life.

Corporal Weathersbee-direct by Meadors

1 Q And where did you go to school?

2 A I went to Alice Drive Middle School.

3 Later on I went to Clarendon Hall and Sumter.

4 Q What did you do after that?

5 A I was in maintenance at Federal Mogul in

6 Summerton for 5 and a half years.

7 Q What did you do after that?

8 A I went to work for the sheriff's office in

9 2005, I believe. March 2005.

10 Q And did you have training in the Criminal
11 Justice Academy?

12 A I did. I was also a reserve with the
13 sheriff's office prior to being hired full time.

14 Q And do you do periodic updates or
15 training, continuing legal ed. and that sort of
16 thing?

17 A Every year.

18 Q Have you been on the road pretty much
19 since you were at the sheriff's department?

20 A Yes, sir. Up until I think February of
21 this year, when I went to the warrant's division.
22 I was a patrol deputy.

23 Q And for the sheriff as a part of that, do
24 you have a certain region you patrol in Sumter?

25 A I patrolled all areas of the county at one

Corporal Weathersbee-direct by Meadors

1 time or another. Generally the areas I patrol
2 last part were Wedgefield, Pinewood, 15 south
3 area.

4 Q And so back when this incident occurred on
5 September 19th 2010, you were a corporal on the
6 road?

7 A Yes, sir.

8 Q And did you have an occasion to respond
9 either to Spann's or something in relation to this
10 incident?

11 A I did.

12 Q And tell the Ladies and gentlemen what you
13 did, and where did you go?

14 A I don't recall exactly how the call was
15 dispatched. But I met the young man at Spann's.
16 He didn't have a shirt on. He was obviously very
17 upset. And covered in sweat. And obviously he
18 had been running for a fairly good distance. And
19 he was pretty drenched. And he told me, he said,
20 I think my friend has been shoot. And I'm trying
21 to decide where the person was. He said I don't
22 know. It's a dirt road going towards the
23 Wedgefield area from Spann's. It was fairly late
24 at night. I don't remember exactly what time it
25 was. He wasn't able to tell me exactly which road

Corporal Weathersbee-direct by Meadors

1 it was. Once I got another deputy on the scene to
2 stay with him, I left to go and try to find the
3 scene of the crime, to see if he got shot, see if
4 they were injured or still alive, whatever the
5 case may have been.

6 So I went down Wedgefield Road and I saw
7 two cars parked on Wedgefield Road at the
8 intersection of Wedgefield's and Burnt Gin, which
9 was the first dirt road that came to my mind.
10 It's one of the more traveled dirt roads in the
11 area. I went down there and it actually turned
12 out to be a vehicle wreck. It had nothing to do
13 with this actual incident.

14 Q So that was beyond Isadore Nathaniel.

15 A Yes. It's probably a half mile past
16 Isadore Nathaniel. You can see the other road
17 from Isadore Nathaniel due to the way the fields
18 are on Wedgefield Road.

19 Q And is it fair to say that Isadore
20 Nathaniel is a pretty desolate road?

21 A Yes. There's -- there are parts to
22 Isadore Nathaniel where there are residences, and
23 there are parts where there are not.

24 Q So and you said it, you don't know exactly
25 what time, but it's late at night; right?

Corporal Weathersbee-direct by Meadors

1 A It was very late at night. I don't know,
2 remember exactly what time.

3 Q So when you take off and the young man
4 Mr. Hilton is back this way, you pass Isadore
5 Nathaniel, and you actually think it might be
6 Burnt Gin?

7 A Correct.

8 Q Because he didn't know the name of the
9 road.

10 A Right, he said a dirt road.

11 Q Isadore Nathaniel actually does have a
12 road sign on it; doesn't it?

13 A I believe it does.

14 Q After you realized it wasn't Burnt Gin,
15 did you come back to Isadore Nathaniel? And
16 before I get there, let me get back to it. You
17 testified you saw Cedric Hilton the young man back
18 there, who testified.

19 A Correct.

20 Q He didn't have a shirt on?

21 A No, sir.

22 Q And so you were you the first officer to
23 see him?

24 A Yes, sir.

25 Q And did you before you left, did you wait

Corporal Weathersbee-direct by Meadors

1 for another officer to come be with him?

2 A Yes, sir.

3 Q Now back to my other question. After
4 Burnt Gin, where did you go if anywhere?

5 A While I was at Burnt Gin, Captain Hobbs
6 also had come to the scene, and left and went down
7 the first dirt road that he came upon, which was
8 Isadore Nathaniel. And he came upon a vehicle
9 parked which was somewhat wrecked in the woods,
10 with someone lying near the vehicle. And he
11 called that on the radio. And I left the wreck to
12 proceed to go down there and find more back up.

13 Q Did you Mr. Hilton again?

14 A I don't recall if I actually contacted --
15 came in contact with him again or not. I
16 provided, more or less, I was on the scene doing
17 crime scene logs, and things of that nature.

18 MR. MEADORS: I beg the court's
19 indulgence.

20 THE COURT: Yes, sir.

21 MR. MEADORS: That's all I have. Thank
22 you.

23 THE COURT: Mr. Murphy?

24 MR. MURPHY: No questions.

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

Corporal Weathersbee-direct by Meadors

1 MR. MEADORS: Investigator Eddie Hobbs.

2 Your Honor, we would ask the officer to be
3 excused.

4 THE COURT: Any objection?

5 MR. MEADORS: No, Your Honor.

6 THE COURT: Thank you, Officer.

7 Eddie Hobbs, after being duly sworn,
8 testified as follows:

9 THE CLERK: Please state your full name
10 and spell your last name for the record.

11 A Gene Edward Hobbs. I've always been
12 called Eddie. My last name is H-O-B-B-S.

13 Q Investigator or Captain, can you tell this
14 jury where you are from, your background, your
15 education?

16 A Yes, sir. I was born in Sumter County.
17 My father was a Southern Baptist Preacher. He
18 preached all over South Carolina and that's where
19 I spent my childhood. He retired in 1977, and
20 came back to Sumter. At that time, I went to
21 Sumter High. Graduated in 1980. I was very
22 fortunate to be hired by Sheriff Reeves at a very
23 young age for the Sumter County Sheriff's Office.
24 That was in 1985. I continued my career. I went
25 to the academy. I had to do the 40 hours of study

Investigator Hobbs-direct by Meadors

1 every 2 years to keep my certification up.

2 Under Sheriff Tommy Mims, I made sergeant and

3 lieutenant. And ran a shift for over 12 years.

4 When Sheriff Dennis was elected, he appointed me

5 to Captain of patrol. And I ran the Sumter County

6 Sheriff's Office Patrol Division for close to

7 9 years. I was Captain in 2010, when this event

8 happened.

9 I have since retired, and Sheriff Dennis

10 was nice enough to rehire me. And I am now

11 working as an investigator for Sumter County

12 Sheriff's Office.

13 Q Now, investigator, back in September 2010,

14 then you were a Captain of patrol?

15 A Yes, sir, I was.

16 Q And as a part of your duties then, did you

17 respond to all crime scenes?

18 A No, sir. I do take a turn to be on call.

19 This particular evening, I was working in other

20 detail. The detail was finished around 12:30. It

21 was in Cherryvale. I was actually on my way home

22 when this call came out. It was checking on a

23 suspicious person, and shots were fired possibly.

24 A very random call, with very little information.

25 The shift sounded like they were very short and

Investigator Hobbs-direct by Meadors

1 very busy. So I wasn't too far away in
2 Cherryvale. So I went ahead and said I would
3 respond to Spann's also.

4 Q And are you familiar with the Spann's in
5 the Wedgefield area without question.

6 A I have been working for 27 years, so I am
7 very familiar with Wedgefield.

8 Q Where did you go first?

9 A I went and met, to Spann's. Corporal
10 Weathersbee was already introducing Mr. Cedric at
11 this time. I too agreed that Mr. Cedric had had
12 what we call a critical incident. Something very
13 bad happened. In his mind has happened. He was
14 very sweaty. He obviously he exerted himself.
15 His focus was poor, and he seemed out of breath at
16 this moment. This is really what I would call a
17 clear state of shock. Something had happened bad.

18 Q So you gathered some background
19 information, I guess, and what did you do?

20 A We were still very much in the dark at
21 this particular moment. He did not know where his
22 friend was. He was with a friend, and his
23 friend was driving.

24 He kept -- he kept talking to me. He said
25 he heard some shots. And I was really concerned

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1 where his friend was at this particular moment.

2 And I asked him to stop. I never exited the

3 vehicle at this time. I said where is your friend

4 now. He said, I don't know. He was with me, and

5 now he's not. Then I really asked him to focus on

6 where he was at. And he said it was dirt road

7 heading towards Wedgefield.

8 What I did get he could remember, was

9 Isadore Nathaniel name at that particular moment.

10 I knew where he was talking about. I told

11 Corporal Weathersbee please to stay at the scene.

12 When I get relief, I am going to check this first

13 dirt road on the left, and I did.

14 MR. MEADORS: If it is all right, Your

15 Honor, I am just going to bring this up here.

16 THE COURT: Certainly.

17 Q This is State's 5. I don't know if you

18 need to look at it before.

19 A I have looked at maps many times.

20 Q This is Spann's up here?

21 A May I step down?

22 THE COURT: Certainly. You speak loud

23 enough?

24 A I think I do.

25 (Whereupon, the witness steps down from

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1 the witness stand.)

2 Q This is State's 5 for the record.

3 A Yes, sir.

4 Q This is Spann's up here. Where did you go
5 first?

6 A I actually came from Deschamps Road.
7 When the call came out, I made them turn up here.
8 It's off the map. Deschamps Road, and come up to
9 the Spann's from the Wedgefield Road direction.
10 And that's where right in this part of the parking
11 lot where I know.

12 Q It's where he was shocked. I think you
13 even said, clearly something had happened to him.

14 A Oh, there was no doubt in his mind he had
15 a critical incident.

16 Q He came to a dirt road, and that's all he
17 knows.

18 A Towards Wedgefield.

19 Q Towards Wedgefield. So show the jury what
20 you did.

21 A Well I mean, at this point, I asked
22 Weathersbee to stand still. We still need another
23 deputy in a big area to check. But I went ahead
24 and went up to this Isadore Nathaniel and I just
25 took my time coming up in there.

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1 Q And let's go back in time now. You have
2 got a good memory here. It's late at night;
3 right?

4 A Oh, it's after 12:30. I got off at 12:30.
5 It was before one, 12:30. Somewhere like that.

6 Q So it's September 20th.

7 A It really is. Early Sunday morning.

8 Q As you are riding down here, describe that
9 road.

10 A It's a very rough road. It always has
11 been. Even when I was a young rookie on the
12 Sheriff's Office, and there was actually bigger
13 pot holes and stuff that you want to dodge in your
14 vehicle. You can't go what you would call full
15 speed, which at this point I would call 35 miles
16 an hour. You could not do that. You would mess
17 up your car. So because of the situation, I am
18 already going through leisurely travel, got my
19 window down watching what is going on. I am going
20 very slow at this point.

21 Q So at this point, I mean you don't really
22 know what---

23 A I don't know the situation completely. I
24 don't know what is wrong with his friend. I know
25 he is missing his friend, and that he ran out a

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1 pretty good ways. This is a fair distance from
2 where you are running if you are running on foot.
3 I mean, we even thought maybe Burnt Gin. That's
4 even a much harder. So that's why I picked this
5 dirt road here to check first.

6 Q So it's dark.

7 A Very dark. No street lights. You have a
8 couple of homes that have lights, but they are
9 few and far between.

10 Q Trees, woody.

11 A Oh, yes, sir. Even the fields that you
12 see here are very thick. They are waist high. So
13 it's not like, this gives you at least the
14 dynamics of the field. At this time of year
15 2010, the weeds were very high. It was just a
16 very rural area.

17 Q You going down Isadore Nathaniel.

18 A Yes, sir.

19 Q And there comes I believe, a mud puddle
20 over here.

21 A Yes, sir. Oh, it's huge. It's a very
22 big mud puddle. I don't see at first. At this
23 time I see the Lincoln SUV vehicle.

24 Q And let's show right here, and we will be
25 through with this in just a minute.

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1 A Okay.

2 Q I'm showing you what's State's No. 4. Did
3 you see that?

4 A That is the vehicle. I actually saw it on
5 the other side.

6 Q Okay, I understand.

7 A Yes, sir.

8 Q You were coming the other way.

9 A That's correct.

10 Q You see this in the woods. And that---

11 A It looked like a vehicle accident.

12 That's, when you see it, you say this is not
13 right. It's crooked in the road.

14 Q And at that point, you don't know what car
15 was involved or anything.

16 A I don't know this vehicle. This vehicle
17 is brand new to me at this point. I don't -- I
18 didn't know of any vehicle description at this
19 point.

20 Q And looking at State's 4, there appears to
21 be part of the mud puddle. Would that be the same
22 mud puddle that's here?

23 A Yes, sir.

24 Q So I guess your testimony is that this
25 vehicle was before the mud puddle at this point.

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1 A Yes, sir.

2 Q So State's 5 that would be roughly in
3 here.

4 A Yes, sir. And then as soon as you drive
5 up, you can see the mud puddle very clearly. The
6 car grabs your attention in the dark area in your
7 headlights. Because of the color of the car and
8 you say I am really focused on the car and because
9 of the type column.

10 Q I think that's all we need of State's 5
11 for. If you will take a seat back, please.

12 (Whereupon, the witness resumes the
13 witness stand.)

14 Q You are coming -- State's Exhibit No. 4,
15 you are coming this way.

16 A Yes, that is from Wedgefield Road. The
17 passenger's side.

18 Q Tell the Ladies and gentlemen of the jury,
19 what do you observe.

20 A When I am driving down and I see the car,
21 and I notice the car quite clearly. And the car
22 is awkward. The road goes one way, and car is
23 perpendicular in the road. And then the woods, a
24 portion of the woods. Then at this time I see a
25 young black male on the passenger side laying

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1 down. His pants are down, his shirt is up. He's
2 what I would call riddled with injuries.

3 I immediately stopped the vehicle. Exit
4 my vehicle in what we call the apex of the door.
5 Where the door and the entry lap, enter there. I
6 did call out very quickly. He's, everything
7 appeared lifeless. And like I said, the injuries
8 were very riddled. It was very noticeable where I
9 was at. Knowing there was a shot fired, called,
10 it looked every bit at this moment what I would
11 call an ambush situation. I was very worried
12 about my own officer's safety.

13 I immediately called for back up. And I
14 immediately did like I said, the call out, and
15 kept up a defensive position at my door. Really I
16 unholstered my weapon at this particular moment.

17 Q Based on your experience, training and
18 just observing the young body of Xavier Titus, he
19 was dead?

20 A Yes, sir. He was very much lifeless.

21 Q Do you stay there to -- you're literally
22 the first officer on that death scene.

23 A That is correct.

24 Q And I know you grab your, you don't know
25 what's up. You grab your---

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1 A I took a defensive position.

2 Q Do you stay there until other officers
3 arrive? Crime scene investigators or other?

4 A Well I was there; yes, sir, almost for the
5 beginning of the first two hours of the scene but
6 did call for back up several times. As you heard
7 from Corporal Weathersbee, he went to the wrong
8 scene. As matter of fact, I had another
9 supervisor who tells me that he's with you. I was
10 very much alone. There was no doubt that he was
11 not with me. I really wanted him to come at this
12 particular time. It was a worrisome situation.
13 But Weathersbee finally did come to the scene.
14 And we cleared the other side of the vehicle and
15 tried to make the area as safe as we could, to
16 call in the rest of the crime scene supervisors
17 and investigators.

18 Q You stayed with Xavier's body until others
19 got there.

20 A Absolutely, sir. I wouldn't go until I
21 was officially relieved. And that is the perfect
22 crime scene situation. And I think it was
23 Sergeant Burnish at the time. It's Lieutenant
24 Burnish now. But I do remember briefing him at
25 the scene.

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1 MR. MEADORS: Mr. Murphy, can we approach?

2 (Whereupon, the attorneys approach the
3 bench and confer with judge.)

4 Q You described the car and the body; that
5 being Xavier Titus. Look at State's 7, and tell
6 me is that what you saw when you came upon the car
7 and the body on September 20th 2010?

8 A Yes, sir.

9 Q On Isadore Nathaniel Road.

10 A This is what I drove up on, and secured
11 back up on for the scene.

12 MR. MEADORS: Your Honor, State's 7
13 without objection.

14 THE COURT: Is that correct?

15 MR. MURPHY: Yes, Your Honor.

16 (Photograph marked State's Exhibit No. 7
17 into evidence.)

18 (Exhibits 14 through 47 marked.)

19 Q Now Senior Investigator Michael Bean, does
20 he work with you? Or did he work with you then
21 and now?

22 A We work for the same sheriff's office;
23 yes, sir.

24 Q And would he be one of the investigating
25 officers that would have come and gathered

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1 evidence and looked at the scene?

2 A Yes, sir. That is his responsibility with
3 the sheriff's office.

4 Q Did you, you were the first officer on the
5 scene. First, you are Captain.

6 A Yes, sir.

7 Q You are going out there. Did you see any
8 weapon on Titus there?

9 A I saw no weapons. We did -- that's when
10 the back up officer came, that is what we are
11 searching for, any other victims, any other
12 suspects. Weapons are very much a key concern.
13 Those are the things that we are concentrating on.
14 We did not see any at this time.

15 Q I mean but physically in his hand or near
16 his body---

17 A No, sir.

18 Q ---Zavier Titus.

19 A Absolutely not, sir.

20 MR. MEADORS: Thank you, sir.

21 A Yes, sir.

22 THE COURT: Mr. Murphy.

23 MR. MURPHY: No questions.

24 THE COURT: Thank you, sir. Ladies and
25 gentlemen, now is a good time to break for lunch.

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1 Please do not discuss anything about the case
2 while you at lunch. You can use your cell phone,
3 but please do not use that to disclose anything
4 about the trial. We will resume testimony at
5 2:00 o'clock. Have a nice lunch.

6 (Whereupon, at 11:54 a.m. jury dismissed
7 for lunch.)

8 THE COURT: Court will be in recess until
9 2:00 p.m.

10 (State's Exhibit Nos. 8-41 marked into
11 evidence.)

12 THE COURT: You may bring the jury.

13 (Whereupon, the following takes place
14 within the presence of the jury.)

15 THE COURT: Ladies and gentlemen, it's a
16 little cool in here. And considering it's June
17 5th, we really can't complain. When it's warm
18 jurors tend to get a little sleepy. I had a
19 trial last year when I noticed one of the juror's
20 heads was kind of wobbling. So I stopped the
21 testimony and told them to all stand up. And one
22 of them could not stand up. Sound asleep. So I
23 will try to give you enough breaks to keep you
24 alert. Is the state ready to proceed?

25 MR. MEADORS: Yes, sir, thank you.

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1 THE COURT: The defense ready to proceed?

2 MR. MURPHY: Yes, sir.

3 THE COURT: You may call your next
4 witness.

5 MR. MEADORS: Your Honor, the State of
6 South Carolina calls Sergeant Michael Bean.

7 Michael Douglas Bean, being
8 first duly sworn, testified as follows:

9 THE CLERK: State your full name and spell
10 your last for the record.

11 A Michael Douglas Bean. B-E-A-N.

12 DIRECT EXAMINATION By Mr. Meadors:

13 Q Good afternoon, Sergeant. Could you tell
14 the Ladies and gentlemen of this jury, about
15 yourself. Where you are from. Where you were
16 raised. Your education, your training. And in
17 particular, your training in law enforcement.
18 Where did you go to school?

19 A All over the world. My dad was military.
20 We went all over. Three years was the longest
21 duration. I graduated from Hillcrest High School
22 in Dalzell. Stayed here. Went to USC, went to
23 Tec. Wound up getting a degree from St. Leo's.

24 Q In, in what? What was your degree in?

25 A Resource Management with a minor in

Sergeant Bean-direct by Meadors

1 Information Systems. I spent 30 years working in
2 the computer field with a manufacturer in heating
3 for Westinghouse, Cutler Hammer. Retired from
4 that and joined the sheriff's office as a patrol
5 officer. And about a year and a half into that,
6 they decided they needed somebody in the crime
7 scene with that computer background to do some of
8 the things we do there now. And I was recruited
9 into that. And I have been there since I guess,
10 early 06.

11 Q And your role has been in crime scene
12 exclusively?

13 A Yes, sir.

14 Q And explain that to the Ladies and
15 gentlemen of this jury. As a crime scene
16 investigator, you may say I am crazy, but what do
17 you do?

18 A A short version when we go to a crime
19 scene, we get the information from officers on
20 the scene. We go through and try to collect the
21 evidence that either validates or disproves the
22 story we are being told. We collect the
23 documents, package it, and then have it processed
24 whether it be with us or sled or somebody else.

25 Q And when you collect evidence you don't

Sergeant Bean-direct by Meadors

1 really know at that point whether or not it's
2 relevant or has anything to do with the case
3 necessarily; do you?

4 A Sometimes, no.

5 Q Now let's go specifically to September
6 19th. And I have been saying 19th, between
7 Saturday and Sunday. Look at a calendar of
8 September 2010. Would the Saturday be actually
9 the 18th, and the Sunday the 19th?

10 A Yes, sir.

11 Q And so this early morning hours of 12:30
12 of that Sunday would have actually been the Sunday
13 of the 19th; correct?

14 A Yes, sir.

15 Q Did you have occasion to respond to
16 Isadore Nathaniel Road on September 19th?

17 A Yes, sir, I did.

18 Q And were you on call?

19 A We are always on call; yes, sir.

20 Q And specifically where did you go?

21 A To Isadore Nathaniel; a dirt road off of
22 Wedgefield Road.

23 Q Had you ever been on that road before
24 prior to this?

25 A No, sir.

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1 Q And tell the jury what if anything you
2 observed when you got there.

3 A There was an SUV in the woods, a body
4 beside it in the passenger door. Officers of
5 course were all over the scene, blocking the
6 scene; securing it.

7 Q State's 7. Is that what you observed?

8 A Yes, sir.

9 Q And who actually took these pictures?

10 A I did.

11 Q What did you do when you got there?

12 A We talked to the officers to find out what
13 the details the best we could. Then we began
14 photographing it as it was before anything is ever
15 disturbed.

16 Q And I am going to show you, may I
17 approach?

18 THE COURT: You may.

19 Q Some pictures that are already in
20 evidence. State's 30, can you tell the Ladies
21 and gentlemen of jury what that is?

22 A That's the driver's door of the SUV.

23 Q And there appears to be holes in here.

24 Based on your experience and training and just
25 looking at it then, what does that appear to be?

Sergeant Bean-direct by Meadors

1 A Bullet holes.

2 Q State's 31. You can grab on. Just speak
3 into the mike whenever you need to.

4 A This is the rear of that same vehicle.

5 Q Thirty-two.

6 A (This the passenger side of that vehicle
7 there, the SUV, in the woods.

8 Q Thirty-three.

9 A This is a look inside the passenger door
10 of that vehicle.

11 Q Now does it appear to you, well let me ask
12 you, State's 7, is that the body of who we now
13 know is Titus? Mr. Titus? Is that outside the
14 passenger side door?

15 A Yes, sir.

16 Q State's Exhibit No 34.

17 A This is a similar view to the previous
18 view. It's looking in the passenger's door.

19 Q Take you back to State's Exhibit No. 1.
20 Does it appear, this is the driver. Does that
21 show the driver's side door on State's No. 1?

22 A Yes, sir. It is somewhat hidden, but it's
23 basically there.

24 Q And does that show some type of little
25 tree next to the driver's side door?

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1 A Yes, sir.

2 Q State's Exhibit No. 35.

3 A Keys that were on the dirt road, that were
4 on Isadore Nathaniel Road up the path.

5 Q Thirty-six.

6 A This is a view of the passenger seat with
7 a marker by a bullet hole, or a hole in the seat
8 itself.

9 Q Thirty-seven.

10 A This is this same seat in the previous
11 view, but on the other side where a bullet came
12 out.

13 Q So is it fair to say you documented that
14 this vehicle received several bullet holes that
15 even went inside; correct?

16 A Yes, sir.

17 Q And that's indicated on the seats inside;
18 correct?

19 A Yes, sir.

20 Q And there's blood inside.

21 A Yes, sir.

22 Q And the victim's body was found outside
23 the passenger side; correct?

24 A Correct.

25 Q Now State's 38, what is this, please, sir.

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1 A This is a Toyota that was -- a truck that
2 was towed to the sheriff's impound yard; which it
3 belonged to Mr. Green.

4 Q Mr. Kelvin Green.

5 A Mr. Kelvin Green.

6 Q So this morning, not this morning, but
7 that morning September 19th 2010, in the early
8 morning hours, you went out to Isadore Nathaniel
9 Road and took these pictures.

10 A Yes, sir.

11 Q Documented the car and the scene there.

12 A Yes, sir.

13 Q Did that end your investigation?

14 A No, sir.

15 Q Was it dark out there that night?

16 A Very; yes, sir.

17 Q Did you have an occasion, and is it your
18 practice and custom, do you normally go to a crime
19 scene once?

20 A No, sir. We make multiple visits.

21 Q Did you have an occasion to go back out to
22 the crime scene later that day or another time?

23 A Yes, sir. When they were going back out
24 and looking again.

25 Q Same day.

Sergeant Bean-direct by Meadors

1 A Same day.

2 Q You go back out. Could you see there?

3 A Oh, yes, sir.

4 Q Now, I don't need you to come down. Here
5 is State's Exhibit No. 5. Would you just agree
6 that this is an aerial of the area that we are
7 talking about?

8 A Yes.

9 Q And you can agree with me if you want to.

10 A Yes, sir.

11 Q And the reason I am asking you that, did
12 you take pictures of this area, and then kind of
13 move on in and take closer pictures?

14 A Yes, sir.

15 Q So State's 5 would you agree with me that
16 that is Spann's?

17 A That is.

18 Q And would you agree with me that this is
19 Isadore Nathaniel Road?

20 A Yes, sir.

21 Q I am going to show you what is No. 9. And
22 did you actually produce it?

23 A Yes, sir, that's a sketch I did of the
24 scene.

25 Q I am going to come back to this when we

Sergeant Bean-direct by Meadors

1 finish. Can he step down---

2 THE COURT: Sure.

3 Q ---for a second right now? This will be
4 brief right now.

5 (Whereupon, the witness steps down from
6 the witness stand.)

7 Q I don't think you will have any problem
8 speaking up, but please speak up. Tell the jury
9 what State's 9 is.

10 A This is a sketch I did of the scene; the
11 wooded area. We saw the vehicle in the woods. A
12 huge mud puddle here. The victim's body. This
13 direction goes to Isadore Nathaniel. This
14 direction T's into Farmer's Road. If you go the
15 other way, you are going down the Wedgefield Road.
16 These are some areas of interest we photographed,
17 other photos.

18 Q And I am going to come back to this again,
19 but you produced this; correct?

20 A Yes, sir.

21 Q And did you find potential evidence in
22 this area here that's marked?

23 A Yes, sir. In the wood line here, we found
24 a beer bottle, plastic cigarette mouthpiece and an
25 unfired bullet round. A little further a few feet

Sergeant Bean-direct by Meadors

1 over we found fired bullet cartridges. Four fired
2 bullet cartridges.

3 Q And marked over here it says Kelvin's
4 cell phone.

5 A Cell phone.

6 Q Here is the mud puddle; correct?

7 A Yes, sir.

8 Q And if you went back this way, this will
9 take you to where Spann's is up here; correct?

10 A That's Wedgefield Road.

11 Q You can have a seat back.

12 (Witness resumes the witness stand.)

13 Q And let's start off with the mud puddle.

14 No. 10, does that show the mud puddle?

15 A Yes, sir.

16 Q And when you take the pictures, are you
17 trying to get an idea of the scene so you can come
18 in like we're doing right now, and show the jury
19 what you saw?

20 A Correct. We try to give a visual
21 presentation of the area; what we saw and what
22 happened.

23 Q State's 9. The mud puddle; correct?

24 A Yes, sir.

25 Q Mud puddle State's 10.

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1 A Correct.

2 Q Now if we are going to head up this way,
3 away from the mud puddle, is that what this
4 picture depicts in State's 8?

5 A Yes, sir.

6 Q In State's No. 11, can you show what that
7 depicts?

8 A This is the wood line where the items were
9 found. The sketch at that time. They were in
10 this area here which is Isadore Nathaniel Road.

11 Q Show us on here.

12 A This is State's Exhibit No. 9.

13 Q Show us on State's 9 where this is on
14 State's 11.

15 A Okay. That would be turn it around. That
16 would be looking at this area with the yellow
17 circles from the item looking into that direction.

18 MR. MEADORS: Judge, it might be easier if
19 I ask him to come on back down.

20 THE COURT: All right.

21 Q State's Exhibit No. 12.

22 A The same wood line you saw with the yellow
23 circles in the sketch. Looking at it from a
24 different angle.

25 Q Show again on State's 9.

Sergeant Bean-direct by Meadors

1 A That would be this area. Which would be
2 this area here.

3 Q Show me on here. Not only the mud
4 puddle.

5 A It's further around behind the officer.

6 Q Back around here.

7 A Yes, sir.

8 Q Are you trying to move in on what you are
9 looking at?

10 A Yes, sir. We're kind of starting out and
11 move into, bring it up a little closer.

12 Q State's 13, show the ladies and gentlemen
13 what that is.

14 A This is a yellow area here where the
15 fired rounds were located in the edge of the,
16 south of the tree line.

17 Q Five, 6; correct? Five, 6, 7, 8.

18 A Yes, sir. There is a -- it's actually a
19 beer bottle and the unfired rifle round and a
20 cigar were in this area right here. And the
21 items, the four rounds are a little further out.

22 Q I am going to go ahead and be specific in
23 a minute. But State's Exhibit 13 shows the three
24 unfired rounds; correct? The beer bottle, the
25 plastic cigar and mouthpiece.

Sergeant Bean-direct by Meadors

1 A Yes, sir. It doesn't show the unfired --
2 yes, sir, it does show the unfired rounds. I am
3 sorry. Yes, sir.

4 Q And 5, 6, 7, 8, those are cards or
5 placards.

6 A Yeah, they are photo markers.

7 Q And you put those on the scene. And you
8 come in and tell the jury those are 5, 6 and No.
9 7.

10 A Correct.

11 Q Now looking at State's 14, is that
12 included in State's 13?

13 A Yes, sir. These bushes are a little
14 further out, but they are depicted in the right
15 side of that photo.

16 Q That bush; is that a bush?

17 A Yes, sir.

18 Q And can you see in here on State's No. 14
19 one of the placards?

20 A Yes, sir. It is hard to see because it is
21 angled away from it. I believe that's marker No.
22 6.

23 Q Right there.

24 A Right there.

25 Q So again you are coming in; correct?

Sergeant Bean-direct by Meadors

1 A Yes, sir.

2 Q So this is a close up of this.

3 A Yes, sir. Well this is really a close up
4 of this. This is 6, and you will see 6 right
5 here.

6 Q For the Ladies and gentlemen of the jury,
7 that just ties you back directly to this tape.

8 A Yes, sir.

9 Q What is 15?

10 A Some broken branches from that same area,
11 where some of the branches were broken.

12 Q So you go even further with 15 from 14;
13 correct?

14 A Yes, sir.

15 Q Closer in. Is that fair to say? And
16 again referring back to No. 9, the diagrams that
17 you made and all of these are a picture of what
18 area?

19 A The crime scene.

20 Q Okay. On No. 9 where are we?

21 A This area here, the yellow markers.

22 Q State's No. 16. All these in evidence.
23 What's that a picture of?

24 A Marker No. 1 which is a cell phone.

25 Q And State's 7, is that a closer picture of

Sergeant Bean-direct by Meadors

1 that?

2 A That's a closer picture of Marker No. 1,
3 the cell phone; yes, sir.

4 Q Is that what you do, take a closer
5 picture?

6 A Yes, sir.

7 Q And that cell phone, is that the cell
8 phone?

9 A Yes, sir.

10 Q State's 40?

11 A Yes, sir.

12 Q Come back to Kelvin Green?

13 A Yes, sir.

14 Q State's 18, is that another shot of the
15 area where you depicted where these items were
16 found?

17 A Yes, sir. It's just a little different
18 angle. It's the same tree line or wood line.

19 Q So generally where was the evidence that
20 you collected in State's No. 18?

21 A It would have been back over here.

22 Q Would you describe this as wooded?

23 A It's fairly heavily wooded; yes, sir.

24 Q Now State's No. 2, do you all sometimes
25 take pictures of something that just doesn't

Sergeant Bean-direct by Meadors

1 really have anything to do with anything?

2 A Right. We didn't know whether it played a
3 part of the case.

4 Q This is placard No. 2. Is that a placard
5 which really didn't have anything to do with it?

6 A Correct.

7 Q But you took it just to take it?

8 A Yes, we did. We didn't know whether it
9 pertained to the case or not. When we collected
10 it, it was just plastic.

11 Q State's 20?

12 A It's the same picture. Same wood line.
13 Roadway in the back. These are the fired rounds.

14 Q And you have got three. Are there three
15 things in here depicting that?

16 A Yes, sir. There is three pointers that
17 show the cartridges, and we used one marker in the
18 photo, which is 3. And the three fired
19 cartridges.

20 Q And it's a little closer up on State's
21 Exhibit No. 21?

22 A Closer view, the same thing, markers and
23 photo markers.

24 Q And I actually look like I got a couple
25 more in here. State's 22.

Sergeant Bean-direct by Meadors

1 A A different angle, the same items. Out
2 from the tree line just a little bit.

3 Q Twenty-three?

4 A Same items again.

5 Q You collected these, and actually they all
6 say what they are collected for.

7 A Yes, sir.

8 Q But you got them and turned them into
9 evidence?

10 A Yes, sir. We documented them and entered
11 them into evidence. And transferred them to sled.

12 Q State's No. 4. Excuse me, Judge, I
13 apologize. 24. Which was a Placard No. 4.

14 A This is a fourth single fired round. Just
15 out from the previous three. Indicated by the red
16 marker.

17 Q That was in what type of round?

18 A Fired round.

19 MR. MEADORS: Beg the court's indulgence.

20 Q Looking at State's 39, and tell me what
21 that is.

22 A This is an unfired round taken from that
23 same area.

24 Q And looking back at your diagram, can you
25 show us where that was found?

Sergeant Bean-direct by Meadors

1 A Where the beer bottle and the items were.

2 Q And would that be depicted in No. 26?

3 A That is the item, yes, sir.

4 Q No. 26 is a picture of No. 39.

5 A Correct.

6 Q Then show us on your No. 9 where that is
7 depicted.

8 A Right here. In that yellow area right by
9 the wood line.

10 Q And getting back to No. 4, that was a
11 fired casing; correct?

12 A Correct; yes, sir.

13 Q And that was coming back from sled also;
14 correct?

15 A Yes, sir.

16 Q Is that another picture too? No. 5?

17 A That is. That is the same time.

18 Q I just asked you about No. 5. No. 5 is
19 No. 26. Going back to No. 13, what placards do
20 you see in here?

21 A Five, 6, I believe that's 7 and 8.

22 Q So this is a close up of No. 5; correct?

23 A Yes, sir.

24 Q No. 26 is close up of No. 5.

25 A Yes.

Sergeant Bean-direct by Meadors

1 Q On State's 13.

2 A Yes, sir.

3 Q No. 6, State's 27.

4 A Yes, sir. That's a cigarette, cigar butt,
5 plastic.

6 Q You collected everything and you don't
7 know whether it is relevant or not?

8 A Correct.

9 Q No. 7?

10 A A beer bottle at the same scene.

11 Q The same scene. And on State's Exhibit
12 No. 13, where is this on No. 7?

13 A It's in the back.

14 Q Back where my finger is?

15 A Yes, sir.

16 Q And State's Exhibit No. 7, does that
17 contain 41, State's 41?

18 A Yes, sir, this is the beer bottle. Item
19 7. Or marker 7, excuse me.

20 Q Marker 7. Is that the beer bottle?

21 A Yes, sir.

22 Q No. 7. On No. 28, this beer bottle in my
23 hand. State's 41. You collected it.

24 A Yes, sir.

25 Q What did you do with it? As well as this

Sergeant Bean-direct by Meadors

1 other evidence.

2 A We entered it into evidence with the
3 latents from the bottle; did a swab off of that.
4 We submitted those items.

5 Q I'll come back to that in a minute.
6 Placard No. 29.

7 A I believe that's a cigarette butt. A
8 cigar butt.

9 Q That's No. 6.

10 A I don't know what it is.

11 Q Referring to 9, can you tell me.

12 A It looks like a cigar butt.

13 Q Okay. Have a seat back. We will figure
14 it out.

15 (Whereupon, the witness resumes the
16 witness stand.)

17 Q Let's go back to No. 7, which will be the
18 beer bottle. State's 42. You said you dusted it
19 for prints or tried to take latent prints?

20 A Yes, sir.

21 Q And what if anything -- were you able to
22 do that?

23 A Yes, sir. I lifted the latents and
24 submitted it to the agent's office for analysis.

25 Q Tell the Ladies and gentlemen of this

Sergeant Bean-direct by Meadors

1 jury, what that means. I mean, every day
2 language. You lifted a latent. What's a latent?

3 A I took a -- I lifted a powdered bottle up.
4 Produced a print. Took the latent lifters, print
5 lifters. Lifted the print, put it on a back of a
6 card. Documented everything. Then I submit it to
7 Marie Hodge at the Sumter PD who runs the Avis
8 computers. She submits it to try to see if it
9 will come back with a match.

10 Q So you yourself lifted a latent off this.

11 A Yes, sir.

12 Q And when you left a latent off a bottle,
13 do you know who it will be if anybody?

14 A No, sir.

15 Q Anyway to look at that with your naked eye
16 and say well that's so and so or that's so and so?

17 A No, sir.

18 Q Do you just try to find -- see if you can
19 identify them?

20 A Correct.

21 Q You also swabbed the bottle you said?

22 A Correct the bottle; yes, sir.

23 Q And both of those you put into evidence
24 for someone to test later?

25 A Correct.

Sergeant Bean-direct by Meadors

1 Q Now referring back to an evidence log,
2 does this refresh your memory on -- beg the
3 court's indulgence.

4 THE COURT: Sure.

5 (State's Exhibit Nos. 42, 43, 44 marked
6 for Id.)

7 Q Were there several cell phones found in
8 the car on Isadore Nathaniel Road?

9 A Yes, sir.

10 Q And can you look at these and tell if
11 these are the phones?

12 A Yes, sir. They are the phones.

13 Q By Mr. Meadors) Your Honor, without
14 objection.

15 THE COURT: Well they are already in.
16 Which were these?

17 MR. MEADORS: These are not in yet. 42,
18 43, 44 just marked.

19 THE COURT: 42, 43, 44 admitted without
20 objection. You may proceed.

21 (Cell phones marked State's 42, 43, 44
22 into evidence.)

23 Q Do you know Kelvin Green? Did you know
24 Kelvin Green?

25 A No, sir.

Sergeant Bean-direct by Meadors

1 Q Do you Thomas Geddie?

2 A No, sir.

3 Q Did you know the victim in this case?

4 A No, sir.

5 MR. MEADORS: I think that's all I have at
6 this time.

7 THE COURT: Any cross examination?

8 MR. MURPHY: Thank you, Your Honor.

9 Cross Examination by Mr. Murphy:

10 Q From the referring to No. 9 here in the
11 diagram here you helped create.

12 A Yes, sir.

13 Q You tried to be as close to scale as
14 possible; correct?

15 A It is not to scale.

16 Q But were there any along between the road
17 and the wood line; okay, were you able to discern
18 whether or not there were any tire tracks? I mean
19 I notice there is a red arrow from here to here,
20 were any tire tracks along this area here?

21 A No, it was---

22 Q Were there any impressions or anything?

23 A ---a lot of grass just growing in the
24 field. That's what the pictures depict. There
25 were impressions where the cars had driven, not

Sergeant Bean-cross by Murphy

1 tracks, impressions.

2 Q Okay. There was clearly an impression
3 where the vehicle had been there; correct?

4 A Yes, sir.

5 Q All right.

6 A In that area.

7 Q And based on information you developed
8 over time, that's where you get these red lines
9 going from here to the cars?

10 A Correct.

11 Q About how many, if you recall, from where
12 you got the beer bottle and the fired rifle,
13 cartridges, about how many feet would it be from
14 the impressions of the vehicle to where you found
15 those items? Do you recall?

16 A No, sir. I don't know exactly how many
17 feet. No more than 8, 10 feet maybe.

18 Q Okay. No more than 10.

19 A Probably less.

20 Q Probably less?

21 A Probably.

22 Q And then where you found Mr. Green's
23 phone, would that be on the same side as the
24 impressions, the same side or further down?

25 A They were impressions more than one set in

Sergeant Bean-cross by Murphy

1 that area.

2 Q Okay.

3 A So it was near other impressions; yes,
4 sir.

5 Q Okay. So it's further away from the
6 impressions that---

7 A Yes, sir.

8 Q ---you concluded were based on the vehicle
9 that the victim was driving.

10 A Correct.

11 Q Okay. Did you find any shoe imprints in
12 that area?

13 A No, sir.

14 Q I am going to show State's Exhibit No. 28.
15 Do you remember, refer your focus to the upper
16 left hand corner. Do you know what that is?

17 A That's a beer bottle.

18 Q Okay. Is that a Budweiser beer bottle?

19 A It was; yes, sir.

20 Q And this is Kelvin Green's vehicle?

21 A Correct.

22 Q And this is a picture you have taken at
23 where?

24 A Sheriff's office.

25 Q Sheriff's office. So it was up there

Sergeant Bean-cross by Murphy

1 when you arrived and started taking pictures;
2 correct?

3 A Yes.

4 Q Right. You took a closer picture than
5 this actually of the beer bottle.

6 A I believe I did.

7 Q Okay. Did you put that beer bottle into
8 evidence?

9 A Yes, sir.

10 Q Did you lift any prints from that bottle?

11 A No, sir.

12 Q And it was sitting on top of Kelvin
13 Greens's vehicle.

14 A Yes, sir.

15 Q I mean when you came about it, that's
16 where it was?

17 A Yes.

18 Q Are you sure that, now I ask this
19 question. Were there any shoe impressions at all
20 that you recall?

21 A There were not any impressions; no, sir..
22 It was muddy. You saw the mud hole. There were
23 shoe skids if you will, all in the area out there.
24 But the officers had been there prior.

25 Q I am just going to -- if you would mark

Sergeant Bean-cross by Murphy

1 this please.

2 (Shoe impression report marked Defendant's
3 No. 1 for id.)

4 Q I just want to show you Defendant's
5 Exhibit 1, and see if this refreshes your
6 recollection. Look at the bottom of the page. I
7 have checked it there.

8 MR. MEADORS: Your Honor, that's without
9 objection.

10 THE COURT: Defense Exhibit No. 1 is
11 admitted without objection.

12 A Right.

13 Q By Mr. Murphy) Your Honor, I am offering it
14 for admission. I am just offering it to refresh his
15 recollection.

16 MR. MEADORS: I apologize.

17 MR. MURPHY: But thank you.

18 Q So there was a shoe impression there;
19 correct?

20 A There were several all around. Stuck in
21 the mud.

22 Q Nothing that you were able---

23 A Nothing that we could try to ID; no.

24 Q You determined that it is a very light
25 shoe impression.

Sergeant Bean-cross by Murphy

1 A Yes.

2 Q I mean you collected a bunch of stuff.
3 Some of the stuff ended up being relevant. You
4 also collected, you know, unspent shells in the
5 bed of the truck and things that you would
6 determine were relevant; correct.

7 A Correct.

8 Q Winchester rifle, cartridges that were in
9 the bed of the truck?

10 A Yes, sir.

11 Q By Mr. Murphy) If I could have a moment.

12 Your Honor.

13 THE COURT: Certainly.

14 MR. MURPHY: Thank you very much. I have
15 nothing further.

16 THE COURT: Any redirect?

17 MR. MEADORS: Just a couple.

18 REDIRECT EXAMINATION by Mr. Meadors:

19 Q Specifically to what he asked you about
20 the partial shoe impression; correct? You pretty
21 much take pictures of whatever you think is
22 potentially relevant or may not be.

23 A Correct.

24 Q And showing you back, it was marked as
25 Defense 1 for ID. Was that a partial shoe

Sergeant Bean-redirect by Meadors

1 impression; right?

2 A Right.

3 Q Actually that's that photo Placard No. 8.

4 A No. 3, yes.

5 Q So that's, you couldn't even tell what it
6 was on the photo, but that's the partial shoe
7 impression?

8 A Correct.

9 Q But you couldn't tell -- no one is there
10 to tell?

11 A There was not anything.

12 Q But that's the No. 8 placard on there was
13 that; correct?

14 A Correct; yes, sir.

15 Q Now when you got to the scene, what's been
16 testified to was Mr. Green's truck. That wasn't
17 at the scene when you got there.

18 A No, sir.

19 Q You took this picture where?

20 A The sheriff's impound yard.

21 Q And you took, is this beer bottle in
22 State's 38, this beer bottle here? That I am
23 going to mark right now, and I apologize.

24 THE COURT: Any objection?

25 MR. MURPHY: No.

Sergeant Bean-redirect by Meadors

1 THE COURT: This is State's?

2 THE REPORTER: 45.

3 THE COURT: 45.

4 (Beer bottle marked State's No. 45 into
5 evidence.)

6 A Yes, sir.

7 Q You collected that?

8 A Yes, sir.

9 Q From the back of this truck.

10 A Correct.

11 Q Did you do anything with it?

12 A No, sir.

13 Q And when was that photo taken?

14 A I don't have a date. I don't have that
15 date.

16 Q And Mr. Murphy asked you about some shell
17 casings that you got from the truck. Were they
18 consistent or inconsistent with the ones you found
19 on the scene?

20 A They were inconsistent.

21 (Shell casings marked State's Nos. 46 and
22 47 for id.)

23 Q 46 and 47, were these the ones collected
24 from the Toyota truck?

25 A Yes, sir.

Sergeant Bean-redirect by Meadors

1 MR. MEADORS: Your Honor, I believe
2 without objection.

3 MR. MURPHY: Without objection.

4 (Shell casings marked State's Exhibit Nos.
5 46 and 47 into evidence.)

6 Q Based on your training and experience and
7 just your eyes, do those appear to be weathered?

8 A Very; yes, sir.

9 Q Were State's 46 and 47 inconsistent with
10 what you found on the scene?

11 A Yes, sir. They were inconsistent.

12 MR. MEADORS: Thank you. That's all.

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

14 MR. MEADORS: May we approach?

15 (Whereupon, attorneys approach and confer
16 with judge.)

17 THE COURT: Ladies and gentlemen, I am
18 going to send you to your jury room for a few
19 minutes. Please do not discuss anything about the
20 case. We will be out for about 15 minutes. So
21 those of you who need to smoke.

22 MR. MEADORS: Your Honor, in my office
23 Investigator Mims says I think the only prior
24 record, just if we could settle that now.

25 THE COURT: Okay.

Sergeant Bean-redirect by Meadors

1 MR. MEADORS: Would be a possession of
2 cocaine from 2007. That's his only prior record.

3 THE COURT: Okay.

4 MR. MURPHY: Yes, sir.

5 THE COURT: You agree with that?

6 MR. MURPHY: Yes, sir.

7 THE COURT: Very well.

8 (Whereupon, the court takes a recess.)

9 THE COURT: You may bring the jury.

10 (Whereupon, the following takes place
11 within the presence of the jury.)

12 THE COURT: Ladies and gentlemen, we have
13 had a scheduling issue come up so that's all the
14 evidence you are going to hear today. We are
15 going to adjourn for the rest of the day. I
16 instruct you to be back here at 10 o'clock
17 tomorrow morning. And do not discuss the case
18 with anyone when you go home for afternoon. If
19 anyone asks you about it, tell them you are not
20 allowed to talk about anything concerning this
21 case. Have a nice evening.

22 You may want to bring a jacket or
23 something because sometimes it gets chilly in
24 here. Ladies and gentlemen, have a nice evening.
25 We will see you tomorrow morning at ten clock.

Sergeant Bean-redirect by Meadors

1 (Whereupon, the trial commences at 10:00
2 a.m. on Wednesday June 6th 2012.)

3 THE COURT: You may bring the jury.

4 (Whereupon, the following takes place within the
5 presence of the jury.)

6 THE COURT: Is the state ready to proceed?

7 MR. MEADORS: Yes, sir.

8 THE COURT: Is the defense ready to
9 proceed.

10 MR. MURPHY: Yes, sir.

11 THE COURT: You may proceed with your next
12 witness.

13 MR. MEADORS: If It pleases, Your Honor.

14 THE COURT: Yes, sir.

15 MR. MEADORS: The State of South Carolina
16 would now call Marie Hodge.

17 Marie Hodge, after being duly sworn,
18 testified as follows:

19 THE CLERK: Please state your full name
20 and spell your last name for the record.

21 A Marie A. Hodge. H-O-D-G-E.

22 Direct Examination by Mr. Meadors:

23 Q Good morning.

24 A Good morning.

25 Q Would you please give this jury, tell them

Sergeant Bean-redirect by Meadors

1 about you; specifically, where you are from, where
2 you were raised, your background, your education,
3 your training; and in particular, your training in
4 the field of expertise I have asked you to testify
5 here today about.

6 A Yes. I was born and raised in Sumter. I
7 have lived here most all of my life except for a
8 short stint in Washington, D.C., where I worked
9 with the FBI identification division. That's
10 where I got my initial training for
11 identification. I worked up there for several
12 years. Came back to South Carolina and started
13 with the Sumter Police Department in 1973. So you
14 can see I have been there for quite some time.

15 I have received numerous schools; have
16 worked with fingerprints this entire time off and
17 on. I have received training through the State
18 Law Enforcement Division, from the International
19 Association Identification. And there are
20 schools I have been to.

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

23 A At Sumter Police Department 38 years.

24 Q And your primary duty is what?

25 A Right now I am the Avis Operator. And

Marie Hodge-direct by Meadors

1 Avis is Automated Fingerprint Identification
2 System.

3 Q Tell the folks a little bit about
4 fingerprints. What's the difference between a
5 known and an unknown print? Or a latent print or
6 an ink print?

7 A A latent print is a print that you left
8 behind with your finger tip that you cannot see.
9 It takes processing. You have to dust it like
10 powder or we have use some sort of processing
11 solution to be able to see that fingerprint. A
12 known print of an ink or rolled print that is
13 taken from someone. Like if you are taking the
14 prints and you know that it's a controlled
15 environment.

16 Q And in your job, what do you call that
17 when you compare a latent print to a known print?

18 A The comparison is, first you analyze the
19 latent print in other words, to make sure that is
20 some sufficient quality to even make the
21 identification. Once you've analyzed that for the
22 quality of the printer to print, then you
23 hopefully get a computer with one of those known
24 prints. And you have to actually compare them
25 side by side to make sure that they are exactly

Marie Hodge-direct by Meadors

1 the same. Fingerprints are unique; in that, they
2 are individual. Meaning there are no two alike,
3 and they never change.

4 Q They never change.

5 A They never change.

6 Q And there are different types of surfaces
7 that are more receptive to fingerprints than
8 others?

9 A Well of course to a good latent print.
10 Of course a smooth shiny surface would be the
11 surface to get a good latent fingerprint from.
12 And there are other surfaces. You can get
13 fingerprints from a feather.

14 Q And your education in specifically
15 fingerprint identification is what?

16 A Well my education specifically in
17 fingerprint identification would take me back to
18 the FBI. When you went to work for FBI,
19 identification division you have to go to school
20 for 3 months. That's 8 hours a day, 5 days a
21 week, to study fingerprint identification before
22 you can go back to floor and then do searches.
23 That was the initial education and training.

24 And like I say, once I came to work for
25 the Sumter Police Department my first duties were

Marie Hodge-direct by Meadors

1 in charge of the fingerprint identification
2 jackets. In other words, we get fingerprints in
3 from the jail. And I would have to go and see if
4 that person had a prior record by comparing those
5 fingerprints with prints on file. And comparing
6 that jacket that was, like I say, from 73 until
7 about maybe 76, when I went to the investigative
8 services division; where I was the investigative
9 services secretary and also did identification
10 work comparing latent prints to known suspects.
11 We didn't have computers back then. And he would
12 say you had to have a basic suspect to compare to.
13 And we worked -- I worked fingerprints the entire
14 time.

15 Q How many comparisons do you think you have
16 attempted over your career?

17 A Just since 2005, when we started the Avis
18 system I'm up to over 2,000 cases. And each case
19 probably averages at least two to three
20 fingerprints. So that's going to be in the
21 thousands there just since 2005.

22 Q Have you ever been offered and accepted in
23 the courts of record in this state as an expert in
24 the field of fingerprint identification?

25 A Yes, I have.

Marie Hodge-direct by Meadors

1 Q Numerous times?

2 A Yes.

3 Q By Mr. Meadors) Your Honor, at this time, we
4 would offer Marie Hodge as an expert in the field of
5 fingerprint identification?

6 MR. MURPHY: No objection.

7 THE COURT: Okay. Ladies and gentlemen,
8 normally a person can only testify to what they
9 have seen, heard, tasted, felt. But there is an
10 exception to that rule when somebody has education
11 and experience, then they are considered to be an
12 expert witness. And when they are considered an
13 expert witness, they can give an opinion. And
14 they can tell you how they came up with that
15 opinion. Whether you as jurors decide to accept
16 her opinion, it's totally up to you all as the
17 jurors, because you all are the finders of fact.
18 And you all can decide whether you want to accept
19 it or not. And if you don't believe that she has
20 given a sufficient basis for that, you don't have
21 to accept her opinion. And you should give it no
22 greater weight simply because she is an expert.
23 You should take it along with all the other
24 evidence that is presented in this trial, and give
25 it such weight that you believe it should have.

Marie Hodge-direct by Meadors

1 You may proceed.

2 MR. MEADORS: Thank you, Your Honor. May
3 it please the court.

4 Q There has been testimony from Sergeant
5 Bean that he lifted a print from a beer bottle at
6 the scene of this incident. A latent print from
7 a Budweiser beer bottle. Specifically Item No.
8 41.

9 A Yes.

10 Q Did you have an occasion to examine that
11 latent print and attempt to make a comparison?

12 A I had yes, an occasion to examine that
13 latent print in the AVIS system. If you don't
14 mind, I'll get my report out. Let me put my
15 glasses on.

16 Q Yes, ma'am.

17 A Actually it was September 27th of 2010. I
18 examined this when the AVIS system notified me
19 that there was a possible match in the system.
20 When I bought that up on my screen, I identified
21 that particular latent fingerprint that was in
22 there with the possible match that the AVIS system
23 had said that it could be. And determined that it
24 was in fact an identification. At that time the
25 AVIS system only tells me a number. It doesn't

Marie Hodge-direct by Meadors

1 give me a name.

2 Q So at that time you had no idea who the
3 person was?

4 A No, sir. I just had a number. If I can,
5 this would be a sample of, you know, what would be
6 the computer generated fingerprint identification
7 looks like. And, you know, you can see it only
8 brings me back numbers across the bottom. So I
9 have to actually put that number up to tell, to
10 the fingerprint log sheet. It did come back with
11 identification to finger No. 5, which is the right
12 little finger. And at this time, all I had was a
13 number. After I said, once I looked that number
14 up, the number identified Thomas Lee Geddie as the
15 subject.

16 Q So what do you do then?

17 A Generate the report. After I looked up
18 the numbers, generate the report. Any other
19 finding or authority for the investigative
20 division is sent to them. But I had
21 identification, and send the report to them.

22 Q And can you show this jury the process you
23 went through, and tell them how in your expert
24 opinion you're saying the lift from the Budweiser
25 bottle is Mr. Geddie's.

Marie Hodge-direct by Meadors

1 A Yes, if you will, I've prepared a chart.

2 MR. MEADORS: Mark this, please.

3 THE COURT: Admitted without objection.

4 (Chart marked State's Exhibit No. 50 into
5 evidence.)

6 Q Tell us first, and I may ask you to step
7 down. Tell us State's No. 50, what is that,
8 please, ma'am.

9 A This is a chart of the fingerprint
10 comparison that I did. And what I have done, is
11 chart the points so that they are clear to
12 everyone, and may be presented side by side so
13 that you can see different points of
14 identification. We talk about points of
15 identification.

16 Your fingerprints are made up of ridges,
17 which a ridge is, and every ridge has -- not every
18 ridge, but most ridges have some identification
19 points. You might have one ridge that's coming up
20 and splits and makes two ridges. And at that
21 little point where it splits, it's called
22 bifurcation. So that would be a point of
23 identification.

24 Another type of point would be a ridge
25 that goes along and it stops abruptly. That would

Marie Hodge-direct by Meadors

1 be an ending ridge. And that's another point of
2 identification. You could have shortages in
3 between ridges, different things like that. So
4 the space between the ridges is what we call a
5 furrow. If you will imagine a farmer plowing a
6 field, he's got that plow and it's going through.
7 And it makes a furrow. Plant a seed in. And on
8 the side of each furrow, there is a ridge. So
9 that's basically what your fingerprint looks like.
10 Okay, without the ridges and the furrow in
11 between.

12 So we mark each point of identification.
13 However we also have to make sure that all of the
14 ridges that don't have any points are the same.
15 So you have got a bifurcation here on this ridge,
16 and you count two ridges that don't have any
17 identification points. And then you have got an
18 ending ridge. And those things also have to
19 match.

20 Q And so you were looking from the latent
21 print to the known print. And I'm saying, to see
22 if you can come in here and give an expert opinion
23 that that latent print is in fact Thomas Geddie's?

24 A Correct.

25 MR. MEADORS: And, Your Honor, I'm sorry.

Marie Hodge-direct by Meadors

1 Can I approach the witness?

2 THE COURT: Certainly.

3 Q And just staying there for sound purposes,
4 Marie, on State's 50, you have got, it looks like
5 11 boxes with the lines going back.

6 A Correct. I have 11 points that I plotted.
7 But there are also further identification points
8 on there that I didn't plot. You know that the
9 jury sees. If they want to take it back in the
10 room, there are some differences of some things on
11 each print that I didn't mark. It's the ones, I
12 have 11 marked.

13 Q So there are more than that.

14 A Yes.

15 Q And why did you decide just to do 11?

16 A We normally do some that are charted. It
17 just makes it easier for the folks that are
18 looking at it to see.

19 Q So the 11 charted from the latent print
20 are the same as the known print of Thomas Geddie.

21 A Correct.

22 Q And there are more than that.

23 A Yes. And even the intervening ridges, I'm
24 sorry, even the intervening ridges that don't have
25 any points are the same.

Marie Hodge-direct by Meadors

1 Q Explain that.

2 A Just as I said a few minutes ago, they
3 have to be in the same position. In other words,
4 if you had that one bifurcation, and we had two
5 ridges on the left hand side that didn't have any
6 bifurcation, then I've got to avoid bifurcation.
7 Those two ridges would have to be the same on the
8 known print.

9 Q And when you're looking at this in your
10 office, do you get involved in the investigation?
11 Do you know who the deceased is, the victim, who
12 the parties are? Any, I mean have you got a dog
13 in this fight?

14 A No, sir.

15 Q So you're looking at a latent and a known
16 and trying to see if you can make a comparison or
17 not; correct?

18 A Correct.

19 Q And how many fingerprints are alike?

20 A There are no two fingerprints alike, even
21 on your own hand.

22 Q After examining the latent print and
23 comparing it the known print of Thomas Geddie, do
24 you have an opinion in the field of fingerprint
25 identification as an expert, who left the

Marie Hodge-direct by Meadors

1 fingerprint on State's 41, which was a beer
2 bottle from the field off Isadore Nathaniel Road?

3 A Yes, Thomas Lee Geddie. And this was
4 specifically finger No. 5. Which is the right
5 little finger.

6 Q Do you mind touching me, and showing the
7 jury which finger you are talking about?

8 A On his right hand.

9 Q Yes. The right little finger.

10 A The fingers are normally for purposes of a
11 fingerprint cards. You start with the right hand.
12 Numbers, 1, 2, 3, 4, 5. The left hand is number,
13 6, 7, 8, 9, 10.

14 MR. MEADORS: Thank you, Ms. Hodge.

15 THE COURT: Mr. Murphy.

16 Cross Examination by Mr. Murphy:

17 Q Good morning.

18 A Good morning.

19 Q Now it's true theoretically when you put
20 a fingerprint or something, they don't degrade
21 over time.

22 A No, sir. Unless somebody physically
23 disturbs that fingerprint and then wipes it off,
24 then it can be there for an indefinite period of
25 time.

Marie Hodge-cross by Murphy

1 Q So I guess somewhere there could be a
2 fingerprint of Julius Cesar.

3 A Could be.

4 Q You don't know. You can't tell by looking
5 at a fingerprint on a beer bottle on a latent
6 print or whatever when that individual touched it.

7 A No, we can't date fingerprints. Like I
8 say, it could have been there for a long period of
9 time or a short period of time. You can't date
10 them.

11 MR. MURPHY: I appreciate it. Thank you.

12 THE COURT: Any redirect?

13 MR. MEADORS: No, sir.

14 THE COURT: Any objection to this witness
15 being excused for the balance of the trial?

16 MR. MURPHY: No, Your Honor.

17 MR. MEADORS: Kelvin Green.

18 KELVIN GREEN, after being duly sworn,
19 testified as follows:

20 THE CLERK: State your full name and spell
21 your last name for the record.

22 A Kelvin Green. G-R-E-E-N.

23 Direct Examination by Mr. Meadors:

24 Q Good morning, Mr. Green.

25 A Good morning.

Marie Hodge-cross by Murphy

1 Q Mr. Green, I am going to ask you some
2 background questions about yourself. And then
3 some questions about this incident. I do every
4 witness this way, Mr. Green. Where are you from?

5 A Sumter.

6 Q Born and raised here?

7 A Yes, sir.

8 Q Can you tell these folks where you went to
9 school? Where did you go to elementary school?

10 A I went elementary school, I went to
11 Willow Drive.

12 Q Willow Drive?

13 A Yes, sir.

14 Q Where did you go to middle school?

15 A I went to Bates and Alice Drive.

16 Q Where did you go to high school?

17 A Sumter high.

18 Q How far did you go in Sumter High,
19 Mr. Green?

20 A 9th grade.

21 Q After that 9th grade, what did you do?

22 A Went to job corps.

23 Q Job corps?

24 A Yes, sir.

25 Q What were you doing in the job corps?

Kelvin Green-direct by Meadors

1 A Building apartment manager.

2 Q Do you remember where?

3 A Yeah, Bamberg.

4 Q Do you like doing that?

5 A Yes, sir.

6 Q What did you do after that?

7 A I went to work for Lowe's.

8 Q All right.

9 A Then I went to work for after, I went to
10 the drug and alcohol center in Columbia.

11 Q Rehab. place?

12 A Yes, sir.

13 Q Is that Morris Village?

14 A Yes, sir.

15 Q Why did you go there?

16 A I had a problem with drugs and alcohol.

17 Q You had a little conviction in 2006, of
18 possession of cocaine?

19 A Yes, sir.

20 Q While you were in rehab. or after you were
21 in rehab., what did you do work wise, if anything?

22 A I worked at Lizard's Thicket.

23 Q Lizard's Thicket?

24 A Yes, sir.

25 Q Which one?

Kelvin Green-direct by Meadors

- 1 A On Elmwood.
- 2 Q What were you doing there?
- 3 A Dishwasher.
- 4 Q And after that, did you do work paving or
5 asphaltting?
- 6 A Yes, sir.
- 7 Q Where was that?
- 8 A Campbell's Paving Company.
- 9 Q Campbell's Paving?
- 10 A Yes, sir.
- 11 Q Where is that located?
- 12 A It used to be on Cromer Drive, but It
13 moved out. It used to be off of 15.
- 14 Q And who was the fellow who owned that?
- 15 A Ron Campbell, but he's deceased.
- 16 Q Ronald Campbell.
- 17 A Yes, sir.
- 18 Q And did you ever work for Lowe's?
- 19 A Yes, sir.
- 20 Q Tell them about that.
- 21 A I used to do standard seam roofing.
- 22 Q Do what kind of roofing?
- 23 A Standard seam.
- 24 Q And where would you be doing that?
- 25 A In Memphis, Tennessee.

Kelvin Green-direct by Meadors

1 Q And for how long did you do that?

2 A I did that for about five years.

3 Q So you're in Tennessee doing roofing for
4 Lowe's?

5 A Yes, sir.

6 Q And why did you come back here?

7 A My mamma got sick.

8 Q Do you remember when that was?

9 A The last I recall it was 2005.

10 Q So you came back to be with your mama.

11 A Yes, sir. Which she is deceased.

12 Q And she ended up dying?

13 A Yes, sir.

14 Q You got to be with her before she died.

15 A Yes, sir.

16 Q And when you came back here after working
17 at Lowe's and your mama died, what happened then?

18 A I started getting into drugs.

19 Q And is that when you had that drug
20 conviction after your mamma died?

21 A Yes, sir.

22 Q 2006?

23 A Yes, sir.

24 Q Were you also doing any other type of odd
25 job for work, Mr. Green?

Kelvin Green-direct by Meadors

1 A Yeah, cutting grass.

2 Q Were you working for anybody just in
3 particular, or any one certain person or?

4 A No, I used to drive for a blind guy.

5 Q You drove for a blind guy.

6 A Named Ernest.

7 Q Do you know his last name?

8 A Pollard.

9 Q I'm sorry, sir.

10 A Pollard. P-O-L-L-A-R-D.

11 Q So you drove for him.

12 A Yes, sir.

13 Q Did yard work.

14 A Yes, sir.

15 Q Other than that, what kind of income were
16 you getting, Mr. Green?

17 A I used to get a check every month.

18 Q Okay, what was that for?

19 A My disability.

20 Q Okay, what is that?

21 A Schizophrenic.

22 Q So you are getting a check every month.

23 A Yes, sir.

24 Q And back in 2006, 2007, after your mama
25 died, you were driving Mr. Ernest around and

Kelvin Green-direct by Meadors

1 doing some yard work.

2 A Yes, sir.

3 Q Now going up close to the time when this
4 thing happened back in September of 2010, what
5 were you doing then work wise?

6 A Cutting grass, that's about it.

7 Q Where were you living then?

8 A On [REDACTED].

9 Q Do you remember the address?

10 A Yeah, [REDACTED].

11 Q Who were you staying with?

12 A My uncle.

13 Q Sir?

14 A My uncle.

15 Q Your uncle? Is that where your mama was
16 too before she passed?

17 A Yes, sir.

18 Q So when you came back from Memphis, you
19 just stayed at Floride.

20 A Yes, sir.

21 Q Now I am going to asking you about
22 September of 2010. Do you understand?

23 A Yes, sir.

24 Q Now you know the victim in this case;
25 right? Xavier Titus?

Kelvin Green-direct by Meadors

1 A Yes, sir.

2 Q And do you remember when you first met
3 him?

4 A Yeah, about two years ago. Not two years
5 then.

6 Q Two years ago from September 2010. So
7 September 2008?

8 A Yes, sir, something like that.

9 Q What was your relationship with him?

10 A He was my drug dealer.

11 Q So he provided drugs for you.

12 A Yes, sir.

13 Q You are paying him.

14 A Yes, sir.

15 Q And that was from 2008 until his death?

16 A Yes, sir.

17 Q Have you ever had any difficulties with
18 him?

19 A No, sir.

20 Q Now when did you meet Thomas Lee Geddie?

21 A About, about right, it was about -- I
22 didn't know him for about three weeks.

23 Q Where did you meet him?

24 A At a friend of mine's home, a friend of
25 mine's house.

Kelvin Green-direct by Meadors

1 Q Do you remember who that was?

2 A Yes, Conrad Dinkins.

3 Q Conrad Dinkins, a friend of yours.

4 A Yes, sir.

5 Q You met Thomas Lee Geddie at his house.

6 A Yes, sir.

7 Q Where does Mr. Dinkins live?

8 A Out there in Wedgefield.

9 Q And where does Thomas Lee Geddie live?

10 A Out in Wedgefield.

11 Q Do you remember what road he lives on?

12 A I think Orange Hill.

13 Q Orange Hill?

14 A Yes, sir.

15 Q That's not all that far from where this
16 happened; is it?

17 A No, sir.

18 Q When you meet Mr. Geddie you all started
19 hanging out together?

20 A Yes, sir.

21 Q During that time period prior to this,
22 would you see him every day?

23 A Yes, sir.

24 Q What were you all doing?

25 A Getting high.

Kelvin Green-direct by Meadors

1 Q Are you still staying at Floride?

2 A Yes, sir.

3 Q Would you go to Mr. Geddie's house during
4 this three-week period---

5 A Yes, sir.

6 Q ---before this incident?

7 A Yes, sir.

8 Q Ride around with him?

9 A Yes, sir. He would ride with me.

10 Q He would ride around with you.

11 A Yes, sir.

12 Q What kind of car did you have?

13 A A pickup truck.

14 Q September 19th of 2010, do you remember
15 that to be a Saturday?

16 A Yes, sir.

17 Q Did you have a chance to see Mr. Geddie
18 that day?

19 A Yes, sir.

20 Q Can you tell the Ladies and gentlemen of
21 this jury where you saw Thomas Geddie?

22 A At a function.

23 Q Which function?

24 A At Conrad's sister's house.

25 Q Where was that?

Kelvin Green-direct by Meadors

1 A Off Emil Road.

2 Q A function there with Conrad's sister.

3 And that's where you see Mr. Geddie that day?

4 A Yes, sir.

5 Q All right.

6 A We were drinking and getting high.

7 Q What were you drinking?

8 A Budweiser.

9 Q How are you getting high, what else?

10 A On crack cocaine.

11 Q Budweiser and crack?

12 A Yes, sir.

13 Q And had you driven over there?

14 A Yes, sir.

15 Q To this, Conrad Dinkins' sister over on

16 Emil?

17 A Yes, sir.

18 Q Did I ask you her name?

19 A No.

20 Q Do you remember her name?

21 A Yes, her name is Low.

22 Q I'm sorry?

23 A Low. L-O-W.

24 Q Low.

25 A She's got another name. I don't know her

Kelvin Green-direct by Meadors

1 real name.

2 Q You know her as Low.

3 A Yes, sir.

4 Q So you're at this house on Emil Road, and
5 your testimony is, Budweiser and crack cocaine.

6 A Yes, sir.

7 Q Where is -- what if anything did you and
8 Mr. Geddie do after that, or decide to do after
9 Emil Road?

10 A Well it was getting into the nighttime and
11 then we were wanting more drugs. We had some
12 money. Then next thing I know, he asked me did I
13 know anybody I can call. I said yeah, I do.

14 Q Wait a minute. You said he had some money
15 and asked if anybody I know to call and you said
16 yeah, I do. The he you were talking about is who?

17 A Thomas Geddie. We all had money together.

18 Q But the he you are talking about is Thomas
19 Geddie?

20 A Yes, sir.

21 Q And you said yeah, I do know who I can
22 call.

23 A Yes, sir.

24 Q Go ahead. I didn't mean to interrupt you.

25 A Yeah, you did.

Kelvin Green-direct by Meadors

1 Q Did you call somebody?

2 A Yes.

3 Q Who did you call?

4 A North Main.

5 Q Okay. Now tell the Ladies and gentlemen
6 of the jury who is North Main.

7 A Xavier Titus.

8 Q Xavier Titus?

9 A Yes, sir.

10 Q Is that the person you call him North
11 Main?

12 A Yeah, I called him North Main. I didn't
13 know his real time.

14 Q Okay. You didn't know his real name until
15 after he was dead.

16 A Yes, sir.

17 Q Is that right?

18 A Yes, sir.

19 Q So you knew him as North Main; correct?

20 A Yes, sir.

21 Q And is that the same person you said had
22 been providing you with drugs?

23 A Yes.

24 Q And did you call him?

25 A Yes, sir.

Kelvin Green-direct by Meadors

1 Q You had his phone number?

2 A Yes, sir.

3 Q And did you have the opportunity to speak
4 with him?

5 A Yes, sir.

6 Q And as a result of that, what if anything
7 was arranged?

8 A I told him to meet me. I told him I had a
9 sale for him.

10 Q You had a sale for him?

11 A Yes, sir.

12 Q Meet you where?

13 A At Spann's. I told him I am going to come
14 all the way from my house, but my driver was
15 jittery. Jittery. I mean, if we are going to get
16 high, he didn't want to drive that far.

17 Q I think I followed most of that. You said
18 you told him, the person you were with didn't want
19 to go all the way to his house?

20 A All the way to my house.

21 Q Your house. I apologize. On Floride.

22 A Yes, sir.

23 Q And why was that?

24 A Because he was too jittery. Jittery.

25 MR. MEADORS: I beg the Court's

Kelvin Green-direct by Meadors

1 indulgence. I'm sorry.

2 Q Jittery.

3 A Yes, sir.

4 Q Did he say that's fine or basically he
5 understood?

6 A Yes, sir.

7 Q Why did you pick out Spann's?

8 A Both of them picked it out.

9 Q You and Mr. Geddie.

10 A Yes, sir.

11 Q Now was the plan to buy drugs from him or
12 do something else?

13 A The plan was to buy drugs, and then the
14 next thing you know it came up to something.

15 Q The next thing it came up to something
16 else. What did it come up to?

17 A We were going to rob him.

18 Q You were going to rob him.

19 A Yes, sir.

20 Q Why?

21 A I guess to get high.

22 Q So what was plan then after you all
23 decided to go rob him?

24 A Yes, sir.

25 Q Did you want him dead?

Kelvin Green-direct by Meadors

- 1 A No, sir.
- 2 Q Did you want to kill North Main?
- 3 A No.
- 4 Q Was that part of your plan?
- 5 A No, sir.
- 6 Q So what did you do?
- 7 A I waited on him to come.
- 8 Q Waited on who?
- 9 A Titus.
- 10 Q Prior to that, Mr. Green, who was driving?
- 11 A Me.
- 12 Q What car?
- 13 A A truck.
- 14 Q What type of truck?
- 15 A Toyota pickup. King cab.
- 16 Q Your car?
- 17 A Yes, sir.
- 18 Q When you left, did you leave Emil Road to
- 19 go meet North Main?
- 20 A Yes, we both left there.
- 21 Q You and who?
- 22 A Me and Thomas.
- 23 Q Thomas. Is that what you called him,
- 24 Thomas?
- 25 A I know I called him Spank.

Kelvin Green-direct by Meadors

1 Q You called him what?

2 A Spank.

3 Q Spank. Is that his nickname?

4 A Yes, sir.

5 Q So you called him Spank.

6 A Yes, sir.

7 Q So you and Spank, Thomas Lee Geddie, leave
8 in your truck.

9 A Yes, sir.

10 Q And at some point it turns from a purpose
11 to a robbery.

12 A Yes, sir.

13 Q Tell these folks how was it going to go
14 down.

15 A It was going down as a robbery. I didn't
16 know anything about a shooting.

17 Q I understand that. But specifically you
18 had arranged to meet at Spann's; correct?

19 A Yes, sir.

20 Q Did Thomas Lee Geddie, a/k/a Spank, go
21 with you to Spann's?

22 A No, I drop him off at a spot.

23 Q Okay. You dropped him off at a spot. Now
24 what spot was that?

25 A Well that was a dirt road.

Kelvin Green-direct by Meadors

1 Q What's the name of that dirt road?

2 A I don't know.

3 Q Had you been on that dirt road before?

4 A No. That'd be the first time I did.

5 Q Had he been on that dirt road before?

6 A Huh?

7 Q Had he been on that dirt road before that
8 you know of?

9 A Yeah, where I dropped him off at.

10 Q Okay. Can you tell this jury where you
11 dropped him off?

12 A I dropped him off on a dirt road.

13 Q Why did you drop him off on a dirt road?

14 A Because that was where he wanted to be
15 dropped off at.

16 Q He wanted you to drop him off there.

17 A Yes, sir.

18 Q Why?

19 A I guess to wait until I come back.

20 Q Okay. And were you supposed to, what if
21 anything were you going to do with North Main or
22 Titus? Were you going to try to make a purchase
23 there at Spann's or somewhere else?

24 A On the dirt road. They were supposed to
25 follow us back to the dirt road.

Kelvin Green-direct by Meadors

1 Q They were supposed to follow you back to
2 the dirt road.

3 A Yes.

4 Q Where was this supposed to take place on
5 the dirt road, where you dropped him off? Mr.
6 Geddie?

7 A Yes, sir.

8 Q And was that the plan?

9 A Yes, sir.

10 Q And the plan was to do what with North
11 Main?

12 A Was to come and purchase drugs. And the
13 next thing I know the shooting happened.

14 Q I understand that. Was the plan to kill
15 him or rob him?

16 A The plan was to rob him.

17 Q You dropped Mr. Geddie off; Spann, on the
18 dirt road; correct?

19 A Yes, sir.

20 Q What did you to do after that? Where do
21 you go if anywhere? You dropped him off, where do
22 you go?

23 A I went back to Spann's store.

24 Q And as you are heading back to Spann's, do
25 you see anybody in the parking lot?

Kelvin Green-direct by Meadors

1 A No, not yet. I had waited there for a
2 minute or two.

3 Q What happens when you get there?

4 A What happened when I get there? They
5 follow us back to the road. Driving back to the
6 road. And then I got out of my truck, and the
7 next thing I know, Geddie, was in bushes. And
8 then, you know, he got out of the bushes and
9 started firing.

10 Q And shot what?

11 A Started shooting.

12 Q So when you are at Spann's, they follow
13 you back to the dirt road.

14 A Yes, sir.

15 Q How did you tell them to follow you?

16 A I told them to follow behind me.

17 Q And they did.

18 A Yes, sir.

19 Q And you go down the dirt road.

20 A Yes, sir.

21 Q When you go down the dirt road, you come
22 to a stop.

23 A Yes, sir. I told him to turn around and
24 cut the lights off.

25 Q You told him to turn around and cut the

Kelvin Green-direct by Meadors

1 lights off.

2 A Yes, sir.

3 Q Neither one of them have a gun; did they?

4 A I don't know.

5 Q Did you have a gun?

6 A No, sir.

7 Q You're down on this dirt road and you told
8 them to turn around?

9 A Yes, sir.

10 Q Where was your truck?

11 A Turned around and pointing out.

12 Q So you are down on this dirt road. Is it
13 late at night?

14 A Yes, sir.

15 Q After you parked your car, what did you
16 do?

17 A I got out.

18 Q Okay. And then after that, what did you
19 do?

20 A Well I got out, and went to their truck.

21 Q And when you go to their truck, what if
22 anything do you do? Did you talk to them?

23 A Yes, sir. I told them to hold on for a
24 minute, I was going to get the person. The next
25 thing I know.

Kelvin Green-direct by Meadors

1 Q Was the light on inside their car?

2 A Yeah, the inside light was on.

3 Q What did you ask them to do about that
4 light if anything?

5 A I told them to turn it off.

6 Q Why? Why did you want them to turn the
7 light off?

8 A I guess I didn't want them to see nobody.

9 Q And at that point your plan, and based on
10 your conspiracy plan, was to do what with
11 Mr. Xavier Titus?

12 A Supposed to rob him.

13 Q Did the light turn off?

14 A Yes, sir.

15 Q What happened after that?

16 A The shooting started.

17 Q And where was Mr. Geddie? Who did the
18 shooting?

19 A Mr. Geddie.

20 Q Did you have a gun when you were talking
21 to North Main, Zavie Titus?

22 A No.

23 Q After the light went out, what did you do?

24 A I jumped and run in my truck. That's when
25 I lost my phone.

Kelvin Green-direct by Meadors

1 MR. MEADORS: I beg the court's
2 indulgence.

3 THE COURT: Yes, sir.

4 Q When you dropped Mr. Geddie Spank off at
5 the dirt road, did he have anything with him? Did
6 you leave anything with him?

7 A Huh? Say that again.

8 Q Did he have anything with him to drink?

9 A Yes, I left him a beer bottle.

10 Q Of what?

11 A Budweiser.

12 Q What else?

13 A I left a cigar.

14 Q Did you leave a beer bottle and cigar?

15 A Yes, sir.

16 Q Look at me, did you?

17 A Yes, sir.

18 Q And do you recognize this right here?

19 Please, sir, No. 10. And I'm sorry, can I
20 approach, Judge?

21 THE COURT: You may.

22 A That's a mud hole.

23 Q Do you remember seeing that mud hole on
24 the dirt road?

25 A Yes, sir.

Kelvin Green-direct by Meadors

1 Q And was that near where you parked?

2 A A little further up.

3 Q A little further up?

4 A Yes, sir.

5 Q A little further up. Is that where you

6 turned in?

7 A Yes, sir.

8 Q Is that where the folks behind you came

9 in?

10 A Yes, sir.

11 Q Is that where Mr. Geddie was?

12 A Yes, sir. Near the bushes there.

13 Q No. 18, does that appear to be the bushes

14 area?

15 A Yes, I think so. It's at nighttime. You

16 know, it's hard to tell, because it's got a

17 trailer behind it. Trailer behind it.

18 Q But you say it was beyond the mud puddle

19 to the right a little bit. Or beyond the mud

20 puddle.

21 A Correct.

22 Q Is that what you said?

23 A Yes, sir.

24 Q What kind of gun did Mr. Geddie have?

25 A AK-47 assault rifle.

Kelvin Green-direct by Meadors

1 Q Say that again.

2 A AK-47 assault rifle.

3 Q Do you know where the gun came from?

4 A I got my idea as to where it came from.

5 Q Was it yours?

6 A No, sir.

7 Q Where did it come from?

8 A It came from his friend.

9 Q A friend of Mr. Geddie?

10 A Yes, sir.

11 Q Had you seen it before that day,

12 September 19th?

13 A Yes, sir.

14 Q Where had you seen it?

15 A At a function.

16 Q At a what?

17 A At a function.

18 Q Do you remember when that was?

19 A About a couple of nights before that.

20 Q Were you armed with a, did you have a gun

21 on you on September 19th?

22 A No, sir.

23 Q You didn't?

24 A No, sir.

25 Q How many times did Mr. Geddie fire this

Kelvin Green-direct by Meadors

1 AK-47?

2 A Five times.

3 Q Do you remember those sounds?

4 A Yes, sir.

5 Q What did you do when you heard them?

6 A It shocked me. My chest started beating
7 hard.

8 Q What did you do with your body? Where did
9 you go?

10 A I ran to my tuck.

11 Q Did Mr. Geddie go with you?

12 A Yes, sir.

13 Q What about Titus, North Main? Did you all
14 go back and check on him?

15 A No, they took off.

16 Q Well after that, did you all ever go back
17 and try to look at -- for any money or drugs?

18 A No, sir.

19 Q They took off, and then what did you all
20 do?

21 A We went the other way.

22 Q And that other way takes you where?

23 A Back out to -- back to Emil Road.

24 Q Now you said earlier, had you been on
25 that? Had you been there before?

Kelvin Green-direct by Meadors

1 A That's how I remember how it went back to
2 Emil Road. No, I never been on that road before;
3 no.

4 Q They went one way; right?

5 A Yes, sir.

6 Q You all go the opposite way.

7 A Yes, sir.

8 Q Where did you go after you left?

9 A Went to his house.

10 Q Who is his house?

11 A Thomas' house. Spank's house.

12 Q And you said earlier, what road is that?

13 A Off Emil Road. Off Orange Hill.

14 Q Orange Hill?

15 A Yes, sir.

16 Q You've been to that residence before?

17 A Yes, sir.

18 Q Orange Hill is the residence of Thomas Lee
19 Geddie a/k/a Spank.

20 A Yes, sir.

21 Q And that's where you went after this
22 shooting.

23 A Yes, sir.

24 Q What happened to the gun?

25 A The last time I know, he put it under his

Kelvin Green-direct by Meadors

1 couch.

2 Q Did you see him put it under his couch?

3 A Yes, sir.

4 Q Did you shoot North Main?

5 A No, sir.

6 Q Now you are under oath right here today.

7 Is it your testimony that you were going to rob
8 him?

9 A Yes, sir.

10 Q And you were going to rob him, Mr. Geddie
11 had the firearm; right?

12 A Yes, sir.

13 Q So you were going to rob him. That would
14 be armed robbery; right?

15 A Yes, sir.

16 Q Take from the person or presence of
17 another by means of force or intimidation, the
18 goods or money of that person while armed with a
19 deadly weapon; correct?

20 A Yes, sir.

21 Q And even though you didn't have the arm --
22 you knew that that was going to happen for armed
23 robbery; right?

24 A Yes, sir.

25 Q So you are guilty of that; aren't you?

Kelvin Green-direct by Meadors

1 A Yes, sir.

2 Q Even though you didn't have the gun, you
3 are guilty of armed robbery too; aren't you?

4 A Yes, sir.

5 Q Because that's what you were going to do;
6 wasn't it?

7 A Yes, sir.

8 Q You were going to rob him.

9 A Yes, sir.

10 Q You are guilty of that?

11 A Yes, sir. I am fully guilty of that. But
12 calling that man out there, I didn't want that man
13 to get killed. I swear up and down, I didn't want
14 the man to get killed. But I hope the family will
15 forgive me. But I can't bring him back or nothing
16 like that. I plead in court for that. I'm sorry
17 for interrupting.

18 Q After you go to Mr. Geddie's house that
19 night, what do you do the next day?

20 A I left and went home.

21 Q Back to Floride?

22 A Yes, sir.

23 Q And eventually you're developed as a
24 suspect in this case; right?

25 A Yes, sir.

Kelvin Green-direct by Meadors

1 Q And law enforcement comes and talks to
2 you. And Mr. Burnish this fellow right here, do
3 you remember him?

4 A Yes, sir. He interviewed me.

5 Q Sir?

6 A He interviewed me.

7 Q He did. Interviewed you and you gave a
8 couple of statements; correct?

9 A Yes, sir.

10 Q One on the 19th, and on the 20th; right?

11 A Yes, sir.

12 Q One statement on the 19th, you don't gave
13 out the name of Spank on the 19th; do you?

14 A No, sir.

15 Q On the 20th, you tell them the name of
16 Spank; don't you?

17 A Yes, sir.

18 Q What didn't you tell that name on the
19 first day of the 19th?

20 A Well he told if I had say anything, I
21 would get dealt with the same way he dealt with.

22 Q Say that one more time.

23 A I would get the same treatment the other
24 fellow got.

25 Q That's why you didn't give him up on the

Kelvin Green-direct by Meadors

1 19th?

2 A Yes, sir.

3 Q And you told them on the 20th was Spank.

4 A Yes, sir..

5 Q Did you tell them what type of gun he had
6 used?

7 A Yes, sir.

8 Q Do you remember this man, Robert Burnish,
9 showing you some pictures?

10 A Yes, sir.

11 Q And not to go, do you also remember they
12 read you your rights; right?

13 A Yes, sir.

14 Q Miranda Rights. And you signed that you
15 understood them; correct?

16 A Yes, sir.

17 Q And they didn't threaten or coerce you in
18 any way; did they?

19 A Huh?

20 Q I need to slow down. I apologize. They
21 didn't threaten you or coerce you in any way to
22 give a statement; did they?

23 A No, sir.

24 Q And were you under the influence of any
25 alcohol or drugs or anything when you gave that

Kelvin Green-direct by Meadors

1 statement?

2 A No, sir.

3 Q You understood what you were doing. And
4 you signed that you did that; right?

5 A Yes, sir.

6 Q Just for ID purposes 53 and 51 just for
7 identification purposes. Are these the rights
8 they read you on the 19th?

9 A Yes, sir.

10 Q Is that your signature down there?

11 A Yes, sir.

12 Q And on the 20th?

13 A Yes, sir.

14 Q It says 19th on 51 and 20th on 53.

15 A Yes, sir.

16 Q And you agreed to waive those rights and
17 talk; right?

18 A Yes, sir.

19 Q And you did; right?

20 A Yes, sir. I said I didn't have nothing to
21 hide.

22 Q And getting back and on did -- and he was
23 working too still on the case; wasn't he? Talking
24 to you.

25 A Yes, sir.

Kelvin Green-direct by Meadors

1 Q Trying to find out what happened.

2 A Yes, sir.

3 Q And showing you what's state's, did he
4 show you two lineups? And, Your Honor, this is 48
5 and 49 without objection.

6 (Photo lineups marked State's Exhibit Nos.
7 48 and 49 without objection.)

8 Q Did he show you two lineups?

9 A Yes.

10 Q And one lineup 49, did he show you just
11 trying to find who the other person was? Did he
12 show you 49?

13 A Yes, sir.

14 Q And did you pick out anybody? You didn't
15 recognize anybody. Now on State's 48, did you
16 pick out somebody in here?

17 A Yeah, No. 5.

18 Q Okay. And when he showed you this lineup,
19 Mr. Green, did he try to threaten you or coerce
20 you or tell you who to pick out?

21 A No, sir.

22 Q You picked out No. 5; correct?

23 A Yes, sir.

24 Q Tell the Ladies and gentlemen of this jury
25 why you picked out No. 5?

Kelvin Green-direct by Meadors

1 Q Is this young man over here in the grand
2 jury box, Mr. Charles Brooks, your attorney?

3 A Yes, sir.

4 Q He's been with you before. He's here with
5 you in court today; right?

6 A Yes, sir.

7 Q And as a result of Mr. Brooks talking to
8 you and myself and law enforcement, you are
9 agreeing to plead guilty to armed robbery;
10 correct?

11 A Yes, sir.

12 Q And you've actually confessed to it here
13 in open court on the record.

14 A Yes, sir.

15 Q And if you cooperate and tell the truth,
16 you understand you are going to get a 10-year
17 sentence; correct?

18 A Yes, sir.

19 Q Now want you to look at the Ladies and
20 gentlemen of this jury, Mr. Green, look back. And
21 look at me, please. Did you intend to kill North
22 Main?

23 A No, sir.

24 Q Did you want him dead?

25 A No, sir.

Kelvin Green-direct by Meadors

1 Q Did you have the gun?

2 A No, sir.

3 Q What was your plan?

4 A To rob him.

5 Q Is the person in the room that you dropped
6 off on that little dirt road---

7 MR. MURPHY: Your Honor, asked and
8 answered.

9 MR. MEADORS: Your Honor, I haven't
10 pointed him out I don't think. That's all I am
11 going to get into.

12 THE COURT: Proceed.

13 Q I don't think I have done that. Is the
14 person in this room that you dropped off on the
15 dirt road, the person that you brought back Titus
16 to and Cedric Hilton, and the person that fired
17 the gun; the person that you gave the beer bottle
18 to, is that person in this courtroom?

19 A Yes, sir.

20 Q Please point him out for the Ladies and
21 gentlemen of this jury.

22 A Right there.

23 Q Mr Thomas Lee Geddie.

24 A Yes, sir.

25 Q A/K/A Spank?

Kelvin Green-direct by Meadors

1 A Yes, sir.

2 MR. MEADORS: Your Honor, we would like
3 the record to reflect he is pointing out the
4 defendant sitting next to Mr. Murphy.

5 THE COURT: The record will so reflect.

6 MR. MEADORS: I beg the court's
7 indulgence. Thank you, sir.

8 THE COURT: Mr. Murphy.

9 MR. MURPHY: Thank you, Your Honor.

10 Cross Examination by Mr. Murphy:

11 Q Mr. Green, you indicated that you knew my
12 client for about 3 months; is that correct?

13 A No, about three weeks.

14 Q About three weeks?

15 A Yes, sir.

16 Q And but you have been over to his trailer;
17 right?

18 A Yes, sir.

19 Q And you were drinking beer with him.

20 A Yes.

21 Q Correct? Drinking Budweisers that night;
22 correct?

23 A Yes, sir.

24 Q Now you were the individual that was
25 driving; correct?

Kelvin Green-cross by Murphy

1 A Yes, sir.

2 Q And you went out to Spann's market;

3 correct?

4 A Yes, sir.

5 Q And at one point you left and came back

6 because Mr. Xavier wasn't there; correct?

7 A Yes, sir.

8 Q And then you came back. And then you

9 enticed them down the dirt road; correct?

10 A Say that again.

11 Q You motioned them to come down the dirt

12 road.

13 A Yes, sir.

14 Q Now when you were interviewed, you

15 remember being interviewed after you were

16 arrested; correct?

17 A Yes, sir.

18 Q And you were now told that Mr. Xavier had

19 died; correct?

20 A Yes, sir.

21 Q And that you were a suspect for murder;

22 correct?

23 A Yes, sir.

24 Q And that maybe you and someone else might

25 be involved. They told you that; correct.

Kelvin Green-cross by Murphy

1 A Yes, sir.

2 Q They wanted to know what you knew;
3 correct?

4 A Yes, sir.

5 Q And you know murder carries a serious
6 consequence; right?

7 A Yes, sir.

8 Q I mean, you could spend the rest of your
9 life in prison; right?

10 A Yes, sir.

11 Q And you had the opportunity to talk with
12 the officers; correct?

13 A Yes, sir.

14 Q They told you it might be in your interest
15 to cooperate.

16 A Yes, sir.

17 Q They gave you your rights there; correct?

18 A Yes, sir.

19 Q And you said you had nothing to hide?

20 A Yes, sir.

21 Q But you did not say anything about Spank
22 being at the scene; did you?

23 A No. No, but when I say something about
24 it, I was going to get dealt with the same way
25 they dealt with him.

Kelvin Green-cross by Murphy

1 Q So the answer to my question is, you did
2 not say anything about my client being there; did
3 you?

4 A No, not right off.

5 Q Not until 24 hours later; correct?

6 A Yeah, well I know---

7 Q The next day.

8 A Huh?

9 Q The next day.

10 A Yes, sir.

11 Q You described the fact, you not only, I
12 mean it wasn't a question of you not remembering
13 his name. You said I don't know his name. That's
14 what you told the police officers----

15 A Yes.

16 Q Correct? And this is facing, knowing that
17 you are suspected of murder.

18 A Yes, sir.

19 Q Now you just got done saying the reason
20 you didn't say anything is you knew you were going
21 to be treated the same way; correct?

22 A Yes.

23 Q And if you give up another name, you know
24 you are not going to be treated the same way;
25 correct?

Kelvin Green-cross by Murphy

1 A Yeah, he's the one that did it.

2 Q Right. So you're trying to get off.

3 You're going to give a name up so because you

4 know---

5 A He's the one that shot that fellow.

6 Q You know that if you blame someone else,
7 you're off the hook; correct?

8 A No, I don't want to blame somebody. He's
9 the one that did it.

10 Q You told those gentlemen you would be
11 right back; correct?

12 A Yes.

13 Q You told them to turn off their lights;
14 correct?

15 A Yes.

16 Q You said, hold on there a minute; correct?

17 A Yes.

18 Q And then you went and you got a gun and
19 you shot him; correct?

20 A No, sir.

21 Q And you've been hanging out since this
22 event over at the Sumter/Lee detention center;
23 correct?

24 A Yes, sir.

25 Q And you've had some conversations about

Kelvin Green-cross by Murphy

1 your case with some of the folks over there;
2 haven't you?

3 A No.

4 Q No. You haven't said anything to anybody?

5 A No, it got out.

6 Q You didn't tell Carlton Bracey---

7 MR. MEADORS: Objection to hearsay, Your
8 Honor.

9 THE COURT: Sustained.

10 MR. MURPHY: Your Honor, these are his
11 statements; his consistent statements.

12 A No, I don't know, I ain't---

13 THE COURT: Hold on. Don't say anything.
14 Let's have a side bar.

15 (Whereupon, the attorneys confer with
16 judge.)

17 THE COURT: Objection sustained.

18 Q Do you recall making any statements while
19 you were getting your hair cut over there at
20 Sumter/Lee?

21 A No.

22 Q You never said anything about this case?

23 A No.

24 Q You're hoping to get 10 years; correct?

25 A Yes, sir.

Kelvin Green-cross by Murphy

1 Q How old are you?

2 A Forty.

3 Q So when you called in that first day, you
4 knew you were facing life; right?

5 A Yes, sir.

6 Q And if you point the finger at somebody
7 else, you are going to get 10 years; correct?

8 A Yes, sir.

9 Q So and that was your plan when you said
10 some other guy shot those poor two guys in that
11 car. That was the plan, push the blame to
12 somebody else; correct?

13 A No, that wasn't my plan.

14 Q Were you high that night?

15 A Yes, sir.

16 Q You don't act the same way when you're
17 high than you do when you are sober; correct?

18 A I don't know.

19 Q You don't know how you act when you are
20 high?

21 A Not really.

22 Q Do you get more violent when you are?

23 A No, I am not even no violent person.

24 Q Now today you say you left a beer bottle
25 and a cigar out there with Mr. Geddie.

Kelvin Green-cross by Murphy

1 A Yes, sir.

2 Q And you had the opportunity to write two
3 statements to police officers. And you don't have
4 anything in your statements about that at all; do
5 you?

6 A No, sir. They find the beer bottle out
7 there.

8 Q I'm sorry?

9 A I said they find a beer bottle out there
10 with a fingerprint on it.

11 Q Okay. But you didn't offer that
12 information to police officers when---

13 A I didn't know he was going to throw the
14 bottle away. I didn't know he left the bottle
15 right there at the scene.

16 Q So your answer to my question is, you
17 didn't say anything; correct?

18 A No.

19 Q You said it today?

20 A Yeah.

21 Q And they asked you, tell everything that
22 went on; right?

23 A Yes.

24 Q Now you say you have seen this AK-47 rifle
25 before; right?

Kelvin Green-cross by Murphy

1 A Yes.

2 Q At a function.

3 A Yes.

4 Q Lots of people at.

5 A Yes, sir.

6 Q How many people were at this function that

7 saw this AK-47?

8 A More than a handful.

9 Q More than 10?

10 A Yes.

11 Q Okay. So at least ten people saw

12 Mr. Geddie with an AK-47 on a prior occasion.

13 A Yes.

14 Q Okay.

15 A He went in his houses and get it. I took

16 him to his house to get the gun before.

17 Q You went and got the AK 47?

18 A No, I took him at this house to get it.

19 Q Okay. And he's showing over ten people

20 this AK 47.

21 A Yeah. And he's shooting it.

22 Q Oh, with ten people he's shooting an AK

23 47?

24 A Yeah.

25 Q Okay. Isn't it true, Mr. Green, that you

Kelvin Green-cross by Murphy

1 would do just about anything to avoid a life
2 sentence?

3 A No. I won't send no innocent man to jail
4 for nothing.

5 Q Oh, you wouldn't?

6 A No.

7 Q You wouldn't push the blame to an innocent
8 person to get ten years instead of life?

9 A No, I wouldn't do that.

10 THE COURT: Any redirect?

11 MR. MEADORS: No, sir. Thank you.

12 THE COURT: You may step down..

13 MR. MEADORS: Can we take a short break,
14 Your Honor?

15 THE COURT: Ladies and gentlemen, this is
16 a perfect time for a short break. If you want a
17 cup of coffee or you need to smoke. Please do not
18 discuss anything about the case while you are back
19 there. Thank you. The court will be in recess
20 until 25 after.

21 (Whereupon, the court takes a short
22 recess.)

23 THE COURT: You may bring the jury.

24 (Whereupon, the following takes place
25 within the presence of the jury.)

Kelvin Green-cross by Murphy

1 THE COURT: The state may call its next
2 witness.

3 MR. MEADORS: Agent Kenneth Whitler.

4 AGENT KENNETH H. WHITLER, after being duly
5 sworn, testified as follows:

6 THE CLERK: State your full name and spell
7 you last name for the record.

8 A My name is Kenneth H. Whitler. The last
9 name is spelled W-H-I-T-L-E-R.

10 Direct Examination by Mr. Meadors:

11 Q Good afternoon. I called you special
12 agent. You are actually a forensic scientist at
13 sled?

14 A Well we have got a variety of names.

15 Q Let me ask you, I do this with every
16 witness, agent. Would you tell the jury about
17 Kenneth Whitler? Where you were born, where you
18 were raised, your background, your education. And
19 in particular, your education and training in the
20 field of expertise I've ask you to testify to
21 today.

22 A Well I'm originally from South Carolina.
23 I work with the South Carolina Law Enforcement in
24 the firearms department. Basically I am the
25 firearm's tool marks examiner. And my main, I

Kenneth Whitler-direct by Meadors

1 have a graduate and undergraduate degrees from
2 USC. And the South Carolina college degree that
3 you get in firearm's identification and qualified
4 examiners. When I was employed in the FBI as
5 qualified examiners, you read about firearms. You
6 shoot literally thousands of bullets and cartridge
7 cases and do comparisons. Nothing you do
8 yourself, but some of the examiners would give. I
9 also worked on real cases with the examiners. The
10 policy in the FBI is when all the examiners, you
11 worked with every examiner in the department. You
12 complete the three tests and then you are
13 certified. After I went through that training
14 period and passed the test, I was certified in
15 1991. In 1997, I retired from the FBI and came to
16 sled. And I do basically the same job with
17 firearms.

18 Q And thank you for that. Is it fair to say
19 you attempt to determine whether shell casings or
20 spent shell casings are similar to each other and
21 whether or not they could have been fired from the
22 same firearm or not?

23 A That's correct.

24 Q And would you also deal with projectiles
25 potentially?

Kenneth Whitler-direct by Meadors

1 A Yes, sir.

2 Q By Mr. Meadors) Your Honor, at this time, we
3 would offer Special Agent Whitler as an expert in
4 the field of firearm's identification.

5 THE COURT: Mr. Murphy, you want to voir
6 dire him?

7 MR. MURPHY: No, Your Honor. No
8 objection.

9 THE COURT: Okay. Ladies and gentlemen,
10 just like the previous witness who was an expert,
11 it is you all who determine what weight you want
12 to put on his testimony. And you don't have to
13 give it any more weight simply because he is an
14 expert. Thank you.

15 Q Agent Whitler, did you receive certain
16 items of potential evidentiary value from the
17 Sumter County law enforcement -- from the Sumter
18 County Sheriff's Office in this case?

19 A Yes, I did.

20 MR. MEADORS: And, Your Honor, I am
21 handing up to Agent Whitler State's Exhibit Nos.
22 55, 56, 57 and 58. I believe without objection.

23 THE COURT: Is that correct?

24 MR. MURPHY: Yes, sir.

25 THE COURT: All of these are admitted

Kenneth Whitler-direct by Meadors

1 without objection.

2 (Bullets marked State's Exhibit Nos. 55-58
3 into evidence.)

4 Q And are these some of the items that you
5 looked at? And if you want to take your time to
6 see if you see your initials.

7 A These are all the items I looked at. They
8 are sealed and they still have my initials on it.

9 Q And you do that so you can come like we
10 are doing right here right now, and say these are
11 the items I looked at---

12 A Yes, sir.

13 Q ---in making my examination.

14 A Yes, sir.

15 Q I am going to kind of let you roll. Can
16 you tell the jury what items you did; what if any
17 examination you did, and what your conclusions
18 were?

19 A Well basically there were a number of
20 items submitted. Most of which were a lot of
21 bullet fragments. When the bullet hits and breaks
22 up, there are several components in a bullet. It
23 has a lead core and a metal jacket on it. It has
24 riffling characteristics which when a bullet goes
25 down the barrel, both the bullet is in full

Kenneth Whitler-direct by Meadors

1 contact with the firearm. So most pieces -- if
2 that bullet breaks up and it's a piece of the
3 jacket that didn't come in contact with that can
4 happen. You can have piece of the jacket that has
5 some riffling characteristics which breaks up and
6 is just lead fragments.

7 Basically what I received was an
8 assortment of lead fragments. And when I did the
9 comparison while some of them had marks on them,
10 there were not enough marks in sufficient
11 agreement that I was able to say that the jackets
12 were fired by the same firearm. As far as the
13 lead and metal fragments, they didn't bear any
14 marks so they were unsuitable for any sort of
15 identification.

16 Also four cartridge cases submitted. 7.62
17 by 39 caliber. And one of the marks for
18 comparison purposes we call that an unsuitable.
19 The other three had enough marks that at least you
20 could compare them. But again there wasn't enough
21 in the cartridge cases in the three bullet jackets
22 of the firearm that produce the same breach face
23 markings on the same weapon. All the examines
24 basically while the bullet jackets could have come
25 from the same gun, they also could have come from

Kenneth Whitler-direct by Meadors

1. several firearms. The fragments could have been
2. fired by one firearm or there could have been
3. several.. It is not usual with a firearm, unlike
4. what you see on television, every time you are in
5. agreement to be able to say those cartridge cases
6. were fired by the same gun or by several guns.

7. Q And that's really all you can say; isn't
8. it?

9. A Yes, sir.

10. Q About the fragments; correct?

11. A As far as the comparisons; yes, sir.

12. Q What can you tell us about what type of
13. weapon, I guess, fired? I guess the question
14. would be.

15. A The riffling characteristics on the bullet
16. that remained were consistent with the type of
17. riffling that is used in cartridge fired bullets
18. in cartridge cases made by other manufacturers and
19. also have the same general riffling. But it is
20. also predominantly used in the AK, SKS---

21. Q Fragments consistent, could be fired by
22. the same gun, could be different guns.

23. A The bullet jacket fragments, there were I
24. think four. One just didn't have enough marks.
25. If everything on the bullet jacket matched you

Kenneth Whitler-direct by Meadors

1 still wouldn't put a name. They weren't agreeing
2 enough to be able to say that.

3 Q And then the casings are consistent with
4 what is used in some firearm's chambers with an
5 AK-47 with a 762 by 39 caliber cartridge. This
6 coming from an AK-47.

7 A Or any other rifle that uses that chamber.

8 Q But AK-47 would be one that does use that
9 chamber.

10 A Yes.

11 Q And some of these fragments came from the
12 body of our victim in this case; is that correct?

13 A I think so.

14 Q And on the back it has the victim's name
15 on it?

16 A Yes, it has.

17 Q And on the back there it says Xavier
18 Titus; correct?

19 A Yes.

20 Q The bullet fragments, is that uncommon for
21 them to split when it hits the bottom? That
22 doesn't surprise you these fragments were in this
23 condition.

24 A No, sir.

25 MR. MEADORS: That's all, thank you.

Kenneth Whitler-direct by Meadors

1 THE COURT: Mr. Murphy.

2 Cross Examination by Mr. Murphy:

3 Q You didn't have a weapon to test at all;
4 did you?

5 A No, sir.

6 Q So all those comparisons are based on
7 comparing them to each other.

8 A That's correct.

9 Q And again, they could have been fired from
10 the same gun, maybe not; correct?

11 A Yes. If you have a test firearm you can
12 go back and all you have are cartridge cases, you
13 have to deal with what you have to deal with.

14 MR. MURPHY: I appreciate it. Thank you.

15 THE COURT: Any redirect?

16 MR. MEADORS: Just one thing.

17 Redirect Examination by Mr. Meadors:

18 Q And you don't always have a weapon to
19 compare it to; do you?

20 A No.

21 Q That's the real world.

22 A Yes, sir.

23 MR. MEADORS: Thank you.

24 THE COURT: Any objection to him being
25 excused?

Kenneth Whitler-cross by Murphy

1 MR. MEADORS: No, sir.

2 MR. MURPHY: No, Your Honor.

3 THE COURT: Ladies and gentlemen, you get
4 a long lunch break today with the instructions to
5 be back here at 2 o'clock. And please do not
6 discuss this case with anyone. Have a nice lunch,
7 and we will see you ladies and gentlemen just a
8 little before 2:00 o'clock.

9 (Whereupon, the court breaks for lunch at
10 12:30 a.m.)

11 THE COURT: Are there any issues we need
12 to talk about?

13 MR. MEADORS: No, Your Honor.

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Kenneth Whitler-cross by Murphy

1 MR. MEADORS: Your Honor, we would call
2 Dr. Ross.

3 THE COURT: Dr. Ross, come around, please
4 and be sworn.

5 DR. JANICE ROSS, after being duly sworn,
6 testified as follows:

7 THE CLERK: Please state your full name
8 and spell your last name for the record.

9 A Janice Edwards Ross. R-O-S-S.

10 DIRECT EXAMINATION by Mr. Meadors:

11 Q Good afternoon, Dr. Ross.

12 A Good afternoon.

13 Q Dr. Ross, will you tell this jury about
14 yourself, where you are from, where you were
15 raised, your background? And in particular, your
16 training in the field of expertise that we will be
17 asking you testify about today, please, ma'am.

18 A Yes, sir. I'm a forensic pathologist.
19 And first of all, I grew up in Columbia, South
20 Carolina. I got a degree from University of South
21 Carolina. And I received my MD from upstate
22 medical center in Syracuse, New York. Where I
23 also did training in pathology. Pathology is the
24 study of disease to learn how to identify injuries
25 and tumors and different disorders of tissue and

Dr. Janice Ross-direct by Meadors

1 blood. We also learn to do an autopsy. And I'm
2 also a forensic pathologist, which is to use the
3 medical knowledge that we have for legal matters;
4 such as, homicides, suicide, rapes, accidents.

5 I am board certified in three areas of
6 pathology. We work with Newberry Pathology
7 Associates in Newberry, South Carolina.

8 Q And how long have you been with Newberry
9 and Pathology and Associates?

10 A 12 years.

11 Q So you actually have an office there in
12 Newberry.

13 A Yes.

14 Q But where do you perform the autopsies?

15 A At the hospital. Newberry County Memorial
16 Hospital morgue.

17 Q Have you been offered as an expert in
18 courts of record -- records, courts of record of
19 this State, in the field of forensic pathology
20 before?

21 A Yes.

22 Q How many times, Doctor?

23 A Over 70.

24 MR. MEADORS: Your Honor, at this time we
25 would -- and how many autopsies have you

Dr. Janice Ross-direct by Meadors

1 performed?

2 A Over 6,000.

3 Q 6,000?

4 MR. MEADORS: Your Honor, at this time, we
5 would offer Dr. Janice E. Ross as an expert in the
6 field of forensic pathology.

7 THE COURT: Mr. Murphy, do you want to
8 voir dire her?

9 MR. MURPHY: No, Your Honor. No
10 objection.

11 THE COURT: Ladies and gentlemen, as I
12 said, most witnesses can only testify as to what
13 they saw or smelled or tasted or heard or felt.
14 However when you enter a level of education or
15 expertise then we consider them to be expert
16 witnesses and they can render an opinion about
17 that particular matter. She has now been
18 qualified as a forensic pathologist. And can give
19 opinions concerning that in this case.

20 Whether or not you want to accept it is up
21 to you as the fact finders of this case. Thank
22 you.

23 MR. MEADORS: Thank you, Your Honor. May
24 it please the court.

25 DIRECT EXAMINATION by Mr. Meadors:

Dr. Janice Ross-direct by Meadors

1 Q May it Please the Court. In an ideal
2 world would you like to see the body right after
3 the crime?

4 A Yes, sir.

5 Q If possible?

6 A Yes.

7 Q Since that's not possible or practical, do
8 you like to see the bodies in close -- as close to
9 the condition it was when the injuries were
10 received?

11 A Yes, sir.

12 Q And basically does local law enforcement
13 transport the body to you?

14 A Yes.

15 Q And in this case did you have an occasion
16 to view and do an examination of the body of
17 Xavier Titus?

18 A Yes, sir.

19 Q And where was that performed, that
20 autopsy?

21 A At Newberry County Memorial Hospital's
22 morgue.

23 Q And would you tell the Ladies and
24 gentlemen of the jury what you do, and
25 specifically, what you did in this case as you

Dr. Janice Ross-direct by Meadors

1 were preparing to look at Mr. Titus' body?

2 A Yes. The body is brought to us. We look
3 at it, and take photographs of the body clothed.
4 And do inventories of the clothing. And then take
5 photographs of the body without the clothes. And
6 identify the types of injuries.

7 In this case there was multiple wounds
8 consistent with gunshot wounds. So we did x-rays
9 to look for bullets and metal fragments.

10 Q And do you -- can you tell us how tall he
11 was, and how much he weighed and that sort of
12 thing?

13 A We don't have a scale, so we estimate
14 about 145 pounds he weighed. And he measured
15 68 inches, which is 5 feet 8 inches.

16 Q And what items of clothing were on his
17 body when you received it?

18 A He had on a pair of blue jeans and
19 underneath it were red athletic type shorts. A
20 black belt on his pants. And a pair of boxer
21 style underwear. One shoe was on his right foot.
22 He had a pair of socks on.

23 Q What do you do next? You weigh the body,
24 and you visually look at it, and make notes. What
25 is the next thing you do?

Dr. Janice Ross-direct by Meadors

1 A Was, we look and saw that there were
2 multiple gunshot wounds. We did x-rays to look
3 for the evidence of bullets present in his body.

4 Q And at this point, can you go through and
5 describe the wounds you found, the gunshot wounds
6 on his body?

7 A Yes. He had -- a lot of his wounds, there
8 was a lot of shrapnel. It was a lot of irregular
9 wounds present so. It's consistent with bullets
10 going through and through. He had target. And in
11 this instance probably the car door. So there is
12 a lot of damage to the bullet before it even got
13 to the body in some cases.

14 But there was one wound that went through
15 his left arm, and then went out of the left arm
16 and reentered the chest. There were at least
17 three other wounds that went into the left side of
18 the chest, and went from left to right. One went
19 in the arm, and then back into the chest. Went
20 through his left lung and caused a lot of
21 bleeding. Some of the ones in the left chest also
22 went through the left lung causing a lot of
23 hemorrhage; the lung, then went through the
24 spleen. There was a wound that went into the
25 right lower back and came out the right front,

Dr. Janice Ross-direct by Meadors

1 and right abdomen. And there were two wounds that
2 went into the upper left thigh from the back.

3 Q And, doctor, I know you can, I don't know
4 what is the easiest to do, but can you step down
5 with Your Honor's permission.

6 THE COURT: Speak loudly. There is not a
7 microphone close to where you are going to be.

8 A Yes, sir.

9 (Whereupon, the witness steps down from
10 the witness stand.)

11 Q And, Doctor, you said that, would it be
12 consistent with being fired through an automobile?
13 The condition of the----

14 A Yes, through some intermediate area being
15 a target.

16 Q But assume that with your background and
17 experience and look at this body, assume the
18 victim was sitting in a car.

19 A Yes.

20 Q Speak up, Doctor.

21 A Yes, sir.

22 Q You described five different gunshot
23 wounds?

24 A Yes.

25 Q Can you show the jury starting with number

Dr. Janice Ross-direct by Meadors

1 one?

2 A Yes. The arm was probably up like this.
3 Went into the left arm. Came out the inside of
4 the arm, and went back into the chest. And came
5 out around the collar bone area. And that went
6 through the left lung. There were three other---

7 Q I am going to stop you just a minute.
8 You've listed that. Is there any way for you to
9 tell which order these came into Titus' body?

10 A No, sir.

11 Q Can you describe that as you -- you
12 designated that as No. 1 on your report.

13 A Yes. When we number these wounds, we're
14 basically going from top to bottom. Just to as an
15 organization. It's not -- it does not mean that's
16 the order they were received in.

17 Q And would you describe that, how would you
18 describe that, as fatal?

19 A Yes.

20 Q Could that bullet alone have killed him?

21 A Yes.

22 Q Now are you able to determine the distance
23 based on your background and training just how far
24 a person is or a weapon is from a body in given
25 situations from the gun to the body?

Dr. Janice Ross-direct by Meadors

1 A Sometimes.

2 Q You marked on your report distance.

3 A Yes.

4 Q And why do you say that?

5 A When a bullet comes out of a gun, there is
6 also soot and burning powder that comes out. And
7 but the soot only goes a short distance depending
8 on the gun and the ammunition.

9 We did not see any soot or tattooing with
10 the powder on the skin. So the gun had to be far
11 enough away that that soot and powder did not
12 reach the skin.

13 Q And how far was the distance? What's the
14 minimum that you would say describes the distance?

15 A Probably at least 2 feet.

16 Q Two feet. But if it had gone through a
17 car or something then you wouldn't expect to find
18 soot anyway.

19 A Correct.

20 Q So back to the effect of what you are
21 saying right now, how close it was.

22 A Correct.

23 Q So No. 1, you designated could have been
24 fatal.

25 A Yes.

Dr. Janice Ross-direct by Meadors

1 Q Okay. What about gunshot No. 2 as
2 designated on your report?

3 A Well let me bunch two and three together.

4 Q Okay.

5 A They are going into the left side; going
6 left to right. And again, like I say, there is a
7 lot of shrapnel. Because I think it went through
8 the metal. Plus the bullets we got out were
9 fragmented and very distorted. Those wounds, at
10 least one of them, went through the left lung
11 also. And one of them went through the spleen and
12 stomach.

13 Q And No. 2 as you have stated, could that
14 have been a fatal wound itself?

15 A Yes.

16 Q And what about No. 3?

17 A Yes.

18 Q So both either two or three could have
19 caused the death of Xavier Titus?

20 A Correct.

21 Q What about No. 4?

22 A Four went through the right back.

23 Q Could show me on there?

24 A Well...

25 Q And again, do you know exactly what

Dr. Janice Ross-direct by Meadors

1 position the body is in when it was hit? If
2 somebody has already been hit once or twice, can
3 you sit here and tell them which way the body
4 turns?

5 A No.

6 Q How it would react?

7 A Well the body, the body would not be
8 forced a distant a certain way by the bullet
9 itself unless there was some momentum that was
10 already moving towards a direction.

11 Q But you don't know exactly what position
12 his body was in when he received No. 1.

13 A Correct.

14 Q You just know where No. 1 is on his body.

15 A Yes.

16 Q Could you show where No. 4 is on the body
17 of Xavier Titus?

18 A Well it would be in the right back. Right
19 lower back.

20 Q Right lower back.

21 A Yes, sir.

22 Q And what did it do?

23 A It went pretty much straight through from
24 the back to front. Came out the right front.

25 Q What if anything did it do to the body of

Dr. Janice Ross-direct by Meadors

1 Mr. Titus?

2 A It would -- it lacerated some blood
3 vessels and passed through -- went into the
4 abdomen.

5 Q Was this bullet fatal?

6 A It could have been potentially.

7 Q And No. 5.

8 A No. 5 was, and I will have to stand up,
9 sir.

10 Q Uh-huh. (Affirmative.)

11 A In the upper left leg, the thigh. And
12 they went towards the front, and made a lot of
13 fragments. And the bullet was found around his
14 interior thigh. It would have -- that would have
15 been lacerated a lot of blood vessels in the area.

16 Q And that could have been potentially
17 fatal.

18 A Yes.

19 Q And you don't know the position of
20 Mr. Titus' body when you received that?

21 A No, I do not.

22 MR. MEADORS: Thank you.

23 (Whereupon, the witness resumes the
24 witness stand.)

25 Q As you are conducting the autopsy and

Dr. Janice Ross-direct by Meadors

1 examining the body in this case of Mr. Titus, do
2 you collect whatever is inside the bullet, bullet
3 fragments, and did you do so in this case?

4 A Yes, I did.

5 Q And I am going to show you what has been
6 entered as State's 55. Do you recognize that?

7 A These are bullets and bullet fragments
8 that we collected. At the time of the autopsy
9 they were packaged. And my initials.

10 Q And I believe and do you recognize this
11 fellow; right?

12 A Yes.

13 Q Officer Atkinson?

14 A Yes.

15 Q And did he collect those from you and take
16 them back to sled or law enforcement?

17 A Yes.

18 Q Gunshot wound No. 1 was fatal?

19 A Yes, sir.

20 Q No. 2 was fatal?

21 A Yes.

22 Q No. 3, potentially fatal?

23 A Yes.

24 Q No. 4 fatal.

25 A Yes, sir.

Dr. Janice Ross-direct by Meadors

1 Q Potentially fatal. And No. 5 potentially
2 fatal.

3 A Yes, sir.

4 Q Based on your examination of the body of
5 Zavier Titus at the morgue in Newberry, South
6 Carolina, do you have an opinion to a reasonable
7 degree of medical certainty as to the cause of---

8 A Yes.

9 Q ---death of Zavier Titus?

10 A Yes.

11 Q Would you please let the Ladies and
12 gentlemen of the jury know?

13 A It's exsanguination, which means to bleed
14 out, due to the laceration of the heart and lung,
15 due to the gunshot wound to the chest.

16 MR. MEADORS: Thank you. That's all.

17 MR. MURPHY: No questions, Your Honor.

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

19 Any objection to this witness be excused for the
20 balance of the trial.

21 MR. MURPHY: No, Your Honor.

22 MR. MEADORS: I beg the court's
23 indulgence. The state would call Robert Burnish.

24 ROBERT BURNISH, after being duly sworn,
25 testified as follows:

Dr. Janice Ross-direct by Meadors

1 THE CLERK: State your full name and spell
2 your last name for the record.

3 A Robert Burnish. Last name is spelled
4 B-U-R-N-I-S-H.

5 DIRECT EXAMINATION by Mr. Meadors

6 Q Good afternoon, Sergeant.

7 A Good afternoon.

8 Q Please tell these Ladies and gentlemen of
9 this jury about Robert Burnish. Where you are
10 from, where you were raised, training; in
11 particular, please your training in law
12 enforcement and different capacities you have
13 held.

14 A Well I have been living IN Sumter since
15 1980. Moved here with my parents at the beginning
16 of my high school years. Graduated from Sumter
17 High school in 1984. Did some, a few jobs outside
18 after finishing high school. I began working at
19 the sheriff's department in 1992. Started in the
20 patrol division; worked my way up to rank as
21 Sergeant in the patrol division.

22 In 2000, I decided I wanted a little
23 change in law enforcement so I transferred to the
24 investigation's division, where I am still at now.
25 And worked my way up to ranks, and just a few

Sergeant Burnish-direct by Meadors

1 weeks ago was promoted to lieutenant. The -- my
2 main cases have been financial crimes and violent
3 crimes.

4 Q So how many total have you been -- how
5 long have you been in law enforcement?

6 A About 20 years.

7 Q Going back to September of 2010, your
8 role with the sheriff was what then?

9 A I was a sergeant in the investigation's
10 unit.

11 Q And were you on call for the weekend of
12 September 19th 2010?

13 A Yes, I was.

14 Q And did you become the chief investigating
15 officer of this case?

16 A Yes, I was.

17 Q Do you know what time, can you actually
18 remember this incident right now?

19 A Yes, sir.

20 Q And what -- at what time on September 19th
21 or 18th or 19th, did you learn -- I guess the
22 19th, I apologize, did you learn about this?

23 A It was after midnight, but I don't think
24 it was quite one o'clock yet. And I was actually
25 on my way home from working another scene when I

Sergeant Burnish-direct by Meadors

1 was called to this respond to this scene.

2 Q And where did you go?

3 A To Isadore Nathaniel.

4 Q And what did you observe if anything
5 there?

6 A When I arrived, I was led by Captain Hobbs
7 who was the captain of the patrol division at that
8 time. And he briefed me on the situation of what
9 he discovered when he arrived at Isadore Nathaniel
10 Lane. I had to park some distance away from the
11 scene because of my car, the car that I drive
12 sits close the ground and it's a rough road. So
13 not to get stuck in the road, I parked on the side
14 road, and began to walk, and he briefed me on the
15 situation.

16 Q At that time of night, I mean, was it dark
17 out there?

18 A Yes, sir.

19 Q Did you see Xavier's body or Mr. Zav's
20 body, Mr. Titus' body?

21 A Yes, I did.

22 Q And I'll show you pictures in a minute.
23 But you saw the truck in the -- near the mud
24 puddle in the woods?

25 A Yes, sir.

Sergeant Burnish-direct by Meadors

1 Q And that night let's state -- well that
2 morning, I'm sorry, that morning of the 19th,
3 after you were briefed by Sergeant Hobbs, did
4 Investigator Bean arrive?

5 A Yes, sir.

6 Q And this is the early morning hours of
7 September 19th 2010.

8 A That's right.

9 Q And is this Sumter County?

10 A Yes, it is.

11 Q And did Investigator Bean take pictures,
12 kind of process that scene?

13 A Yes, he did.

14 Q And was part of that the cell phones that
15 came out of Mr. Titus' car?

16 A Yes, it was.

17 Q And basically were you able to verify that
18 one or more of these cell phones did belong to the
19 victim?

20 A Yes, sir.

21 Q After -- what did you do after you made
22 your observations and were briefed at Isadore
23 Nathaniel Road? What did you do next?

24 A After observations and I was briefing or
25 briefing, I was the one who had the crime scene

Sergeant Burnish-direct by Meadors

1 unit respond. I placed in that request and had
2 them respond to the scene. Process it. While
3 several other investigators I believe, knocked on
4 the door to see if there were any witnesses or
5 anybody that was nearby.

6 We -- there were some -- there were a few
7 homes in the area but there was nobody home. As a
8 matter of fact, there was actually one couple had
9 come home while we were there. And they had been
10 out that night. Assist at the crime scene. And
11 once I was comfortable that they were okay with
12 what they were doing, I responded to the law
13 enforcement center to talk with Mr. Hilton.

14 Q And that would be Cedric Hilton.

15 A Yes, sir.

16 Q And had you known him before?

17 A No.

18 Q So did you have an occasion to talk with
19 Mr. Hilton and take a statement from him?

20 A Yes, sir.

21 Q And did he give you a name based on I
22 guess, hearing conversations from the victim and
23 someone else prior to the supposed meeting?

24 A Yes, sir. A first name.

25 Q Okay. And what was that?

Sergeant Burnish-direct by Meadors

1 A Kelvin.

2 Q So at this time are we still, what time
3 are we on the -- what time of day are we on the
4 19th of September?

5 A It's probably like two in the morning.
6 Somewhere around that time.

7 Q Now you meet with him at the law
8 enforcement center; correct?

9 A That's correct.

10 Q Did you get a statement?

11 A Yes.

12 Q Did you get a description of any type of
13 vehicle?

14 A Yes, sir.

15 Q The person that they met at the scene?

16 A Yes, sir.

17 Q Okay, what was that?

18 A He described it as a brown, rust colored
19 Toyota pickup truck. Older model. A small pickup
20 truck.

21 Q And did he give you a des -- as a result
22 of having that truck and the name Kelvin, what did
23 you the law enforcement officer in this case, do?
24 Because you are trying to find out what happened;
25 right?

Sergeant Burnish-direct by Meadors

1 A Right.

2 Q That's what you all do.

3 A Right.

4 Q So you have now got a statement from
5 somebody that's in a car where somebody was
6 killed; correct?

7 A That's correct.

8 Q And they give you this name Kelvin in a
9 brown or in a rust colored truck; right? I mean,
10 that's what you have at this point?

11 A Right.

12 Q So you want to find out who Kelvin is.

13 A That's right.

14 Q And did you talk to the officers and
15 investigate that Kelvin might have a truck like
16 this?

17 A Yes. I talked to a couple of other
18 investigators. I showed my prior investigator.
19 And they advised me that that sounded like a
20 description of somebody that they were familiar
21 with by the name of Kelvin. And got his
22 information from them and sent a request to sled
23 for a photo -- a six person photo lineup of
24 Mr. Green.

25 Q So you get the lineup made from sled. And

Sergeant Burnish-direct by Meadors

1 you are going to show that to Mr. Hilton?

2 A Right.

3 THE COURT: Without objection?

4 MR. MURPHY: Without objection.

5 MR. MEADORS: Your Honor, it's State's 60.

6 THE COURT: Without objection.

7 (Six person Photo lineup marked State's 60
8 into evidence.)

9 Q So did you show a lineup to Mr. Hilton to
10 see if you recognized somebody you thought was
11 Kelvin?

12 A Yes, sir.

13 Q And who did he pick out?

14 A He picked out photo No. 5.

15 Q And that's who?

16 A That's Kelvin Green.

17 Q And did he mark on here CH?

18 A Yes, he did.

19 Q And he's got up here in this picture;
20 correct?

21 A That's correct.

22 Q So you now have this one suspect
23 identified; correct?

24 A That's right.

25 Q What do you do as law enforcement?

Sergeant Burnish-direct by Meadors

1 A After the identification of the suspect,
2 myself and a Lieutenant Mayes went down with the
3 on call magistrate that day, Judge Griffin, to
4 obtain an arrest warrant.

5 In the process of obtaining the arrest
6 warrant, we got information his truck was seen at
7 his residence on Floride Street.

8 Q Mr. Green's.

9 A Right.

10 Q And that's 7:32 in the morning when he is
11 picked out by---

12 A Right.

13 Q Mr. Hilton.

14 A That's right. At that point, once we
15 received the information that his truck was seen
16 at his residence, we get a description on the
17 residence while we were there, and I obtained a
18 search warrant.

19 Q And let me ask you about his residence, it
20 was [REDACTED]?

21 A That's correct.

22 Q Where is that?

23 A That's off of, Floride Street is off of
24 Pike Road up near Black River Electric on Pike
25 Road just before it gets to 521.

Sergeant Burnish-direct by Meadors

1 Q So it's not the same community as the
2 Wedgefield and Isadore Nathaniel.

3 A No, sir.

4 Q I mean it's not at all; is it?

5 A No, sir. That was in the opposite side of
6 the county.

7 Q So Mr. Green's residence is on the
8 opposite side of the county.

9 A That is correct.

10 Q From where this incident happened.

11 A Right.

12 Q Night becomes daybreak; correct?

13 A Yes, sir.

14 Q We are still on the 19th.

15 A Yes, sir.

16 Q Does Investigator Bean or any of his --
17 your folks, his folks, the sheriff's folks, go
18 back to Isadore Nathaniel Road?

19 A Yes.

20 Q And I think Investigator Bean has
21 testified to that.

22 A That's right.

23 Q They then broaden their search, I guess
24 you would say.

25 A Yes, sir.

Sergeant Burnish-direct by Meadors

1 Q And as a result of that, is that where the
2 beer can and the other items, cartridges casings,
3 cigar butt, bottle and fired casings were found?

4 A Right.

5 Q Five, six, seven, eight, I think are in
6 these photos that he showed?

7 A Yes, sir.

8 Q And did you go back out there too?

9 A I did.

10 Q And would you describe for the jury were
11 these five, six, seven and eight, were they kind
12 of near a brush area?

13 A Yes, they were.

14 Q I mean based on your training and
15 experience in just being there that day with your
16 eyes, it is a place where somebody could have
17 stayed out of view if they wanted to?

18 A Yes, very much.

19 Q Now was there also a cell phone found
20 there?

21 A There was.

22 Q Okay. And was it -- can you tell me where
23 that was found? I beg the court's indulgence. Do
24 you remember the mud puddle?

25 A Yes.

Sergeant Burnish-direct by Meadors

1 Q And if this is State's 10, is that the mud
2 puddle?

3 A Yes, it is.

4 Q And so the incident we're -- the place
5 we're talking about where these items were found,
6 was it beyond the mud puddle?

7 A Yes, It was.

8 Q And can you show on here where it was?

9 A It would be past this area right here.

10 Q Around here as you are turning in?

11 A Right.

12 Q And are you familiar with this diagram?

13 A Yes, I am.

14 Q No. 9, items in here, beer bottle, et
15 cetera, point the place out.

16 A The beer bottle like I said, were found in
17 this area, which is right along the brush line of
18 this wooded area. The fired rifle cartridges are
19 right not far, a short walking distance to that.
20 And Mr. Green's cell phone right over here.

21 Q And were you able to see with your own
22 eyes that cars had been down in there? You had to
23 lead the----

24 A Yes, sir.

25 Q Just like the grass is down.

Sergeant Burnish-direct by Meadors

1 A That's right.

2 Q Were you able to verify the Toyota pickup
3 truck belonged to Kelvin Green?

4 A Yes, sir.

5 Q Was in his name?

6 A Yes, sir.

7 Q So he's arrested at Floride.

8 A Yes, sir.

9 Q And are you still on the 19th?

10 A That's right.

11 Q Do you go back down to the law enforcement
12 center?

13 A Yes, sir.

14 Q And for what purpose?

15 A To interview Mr. Green.

16 Q And did you take a statement from him on
17 the 19th?

18 A Yes, we did.

19 Q And at that point, did he identify that
20 there had been somebody else there with him?

21 A He said there was somebody else there with
22 him.

23 Q Did he tell you who that was?

24 A No.

25 Q Did you interview him again on the 20th?

Sergeant Burnish-direct by Meadors

1 A Yes, we did.

2 Q And did you read him his rights?

3 A Yes, sir.

4 Q Did he appear to you both on the 19th and
5 the 20th, to understand his rights?

6 A Yes, sir.

7 Q And did he indicate to you that he
8 understood them?

9 A Yes, sir.

10 Q On the 20th, the next day, tell the jury
11 what happened.

12 A On the 20th, Mr. Green was at the
13 detention center. And I went back to talk to him
14 one more time. And I let him know this is the
15 last time I am going to come out and talk to him.
16 And I felt like he was not being truthful; that he
17 knew who the other person was that was with him.
18 And I said, I told him, this is the last time, if
19 you want to get everything right, now is the time
20 to do that. And he stated to me that he would
21 like to go ahead and do that at that time.

22 Q Had he talked to any family in the
23 meantime that you know of?

24 A He said he had talked to a family member
25 before, prior to my arrival.

Sergeant Burnish-direct by Meadors

1 Q And did you again read him his rights?

2 A Yes.

3 Q On the 20th.

4 A Yes.

5 Q And did he appear to understand them on
6 the 20th?

7 A Yes, sir.

8 Q And he agreed to talk to you?

9 A Yes, sir.

10 Q And did he sign on both the 19th and 20th,
11 said hey, sign on here this is my statement?

12 A Yes, sir.

13 Q And on the 20th, did he name the other
14 person either by proper name or nickname?

15 A He did name him by a nickname.

16 Q Out all the people in the world, all the
17 people in Sumter County, who did he say?

18 A Spank.

19 Q Spank. And he said he didn't know him by
20 his real name.

21 A That's right.

22 Q And did he indicate that, whatever it is,
23 did he indicate what Spank's role in this was?

24 A That he was the one that did the shooting.

25 Q Now did he tell you where Spank lived?

Sergeant Burnish-direct by Meadors

1 Without saying it, did he tell you?

2 A Yes, sir.

3 Q Where did he tell you he lived?

4 A In Wedgefield.

5 Q Okay. Did he tell you what road?

6 A Yes, sir.

7 Q What road?

8 A Orange Hill Church Road.

9 Q Did he tell you actually Orange Hill or a
10 dirt road off of Emil?

11 A I think he said a dirt road off of Emil.
12 So we identify it as Orange Hill.

13 Q And the only thing I ask that, can you
14 tell the Ladies and gentlemen of this jury, they
15 may know, I don't know. Where is Orange Hill
16 Church Road in relation to this incident location,
17 Isadore Nathaniel?

18 A It is a very short driving distance from
19 the incident location to Orange Hill Church Road.
20 It's not far.

21 Q It's the same area. It's the same
22 community.

23 A Very same. It's all within the immediate
24 area; yes, sir.

25 Q Did he tell you where he and Spank went

Sergeant Burnish-direct by Meadors

1 after the shooting?

2 A Yes, sir.

3 Q Did you know who Spank was?

4 A No, I did not; no.

5 Q So we are on the 20th now?

6 A Yes, sir.

7 Q The 19th has become the 20th.

8 A Yes, sir.

9 Q You have gone from Kelvin to a truck, to
10 another person with me who is Spank; correct?

11 A Right.

12 Q And an AK-47?

13 A Right.

14 Q And then what do you do to determine who
15 Spank is?

16 A Lieutenant Lands and I went back out to
17 the Wedgefield Community and started talking to
18 some people. We went to several stores and
19 knocked on some doors and talked to people.

20 Q And that's what you have to do.

21 A Right. That's right. What we call
22 beating the bushes again.

23 Q And were you able to come up with a couple
24 of lineups of potential folks?

25 A Yes, sir.

Sergeant Burnish-direct by Meadors

1 Q Because you didn't know; did you?

2 A No, we didn't know.

3 Q And did you show Mr. Kelvin Green State's

4 49?

5 A Yes. Yes, I did.

6 Q And was he able to pick out anybody in
7 that lineup that was with him September 19th 2010?

8 A No, he could not.

9 Q And did you also develop a State's 48 as a
10 lineup?

11 A Yes, sir.

12 Q And as a result of you beating the bushes
13 and doing all that, was an individual who may be
14 known as Spank in this lineup?

15 A Yes, sir.

16 Q Where did you or when did you show this
17 lineup to Mr. Green?

18 A I believe it was on the 20th or 21st. I
19 don't remember the exact date.

20 Q Okay. And when you showed him this
21 lineup, did you try to, may I approach again?

22 THE COURT: You may.

23 Q Did you try to indicate or you may not
24 have even known. Did you try to indicate who or
25 tell Mr. Green who to pick out?

Sergeant Burnish-direct by Meadors

1 A No.

2 Q Had you told him in the second statement
3 on the September 19th or 20th to say Spank?

4 A No.

5 Q Did you say, say Spank did it?

6 A No.

7 Q And when you showed him this lineup, did
8 you try to in any way influence him in who to pick
9 out?

10 A No.

11 Q And did he pick out anybody that was with
12 him on the 19th?

13 A Yes, he did.

14 Q Who did he pick out?

15 A Photo No. 5, which was known as Thomas
16 Geddie.

17 Q And did he circle that?

18 A Yes, he circled it and placed his initials
19 beside it.

20 Q KG?

21 A Yes, sir.

22 Q And he picked him out of State's No. 48 as
23 what?

24 A As the person who shot Mr. Titus.

25 Q Shot Xavier Titus.

Sergeant Burnish-direct by Meadors

1 A Yes, sir.

2 Q And with him, with Kelvin Green on the
3 morning hours of September 20th?

4 A Yes, sir.

5 Q After you had identified Spank now, what
6 did you do?

7 A After the identification of Spank, I went
8 and obtained an arrest warrant for him, Mr.
9 Geddie. And we got a description of his residence
10 and also obtained an arrest warrant for his
11 residence.

12 Q And was that [REDACTED]?

13 A Yes, sir.

14 Q And did you go attempt to look for
15 Mr. Geddie, I said [REDACTED]?

16 A Yes, I did.

17 Q Did you find that?

18 A No, we did not.

19 Q And as a part of the search warrant were
20 you also looking for an AK-47?

21 A Yes, we were.

22 Q Did you find that?

23 A No, we did not.

24 Q Have you been able to locate that at all
25 yet?

Sergeant Burnish-direct by Meadors

1 A No, we have not.

2 Q And did you end up picking up Mr. Geddie
3 or was he at Conner's Store?

4 A Yes, he was. After we did a search for a
5 couple of hours later, I received a call that
6 Mr. Geddie was at Conner's Store requesting law
7 enforcement. And he wanted to know why law
8 enforcement was looking for him.

9 Q Now when you, when anybody -- I am sorry.
10 When you went to do the search warrant, were any
11 of his family members there during the search
12 warrant?

13 A Yes, his mother was there.

14 Q Did they know you all were looking for
15 him?

16 A Yes, sir.

17 Q I mean, so the word was out.

18 A Yes, sir.

19 Q And then you picked him up at Conner's
20 Store.

21 A Yes, sir.

22 Q Now at some point in your investigation,
23 did you hear from Marie Hodge?

24 A Yes, I did.

25 Q And when was that?

Sergeant Burnish-direct by Meadors

1 A I would say it was like a day or two
2 later. After about in the next day or maybe two
3 days after the arrest of Mr. Geddie.

4 Q And she hadn't been involved in any of
5 this other investigation; correct?

6 A No, she had not.

7 Q And is that when you learned about the
8 fingerprint on the Budweiser from the field, I
9 believe State's 41?

10 A Yes, sir.

11 Q Had come back to Thomas Geddie?

12 A That's right. That's what I learned of
13 it.

14 Q How many crime scenes have you been to?

15 A Hundreds.

16 Q Based on your experience and training in
17 this case, if you can say and looking at the crime
18 scene where five, six, seven, and eight were
19 carried out, based on your training in that crime
20 scene, did it appear to you that more than one
21 person was involved in this?

22 A Yes.

23 Q And considering the statements the
24 witnesses gave and all.

25 A Yes.

Sergeant Burnish-direct by Meadors

1 MR. MEADORS: Your Honor, this is State's
2 59, which has been previously testified. And I
3 believe there is no objection. It's what we were
4 just talking about the latent. The actual latent
5 print.

6 THE COURT: Is that without objection, Mr.
7 Murphy?

8 MR. MURPHY: No objection.

9 THE COURT: 59 is admitted without
10 objection.

11 (Latent print marked State's Exhibit No.
12 59 into evidence.)

13 MR. MEADORS: I beg the court's
14 indulgence. Thank you, judge. That's all we have
15 at this time.

16 THE COURT: Mr. Murphy.

17 MR. MURPHY: Thank you, Your Honor.

18 Cross Examination by Mr. Murphy:

19 Q Investigator Burnish, you say you searched
20 where you understood the AK-47 might be in my
21 client's home.

22 A That's correct; yes, sir.

23 Q And there was no AK-47 found in the home.

24 A That's correct.

25 Q Did you search the area surrounding that?

Sergeant Burnish-cross by Murphy

1 A Yes, I did.

2 Q Okay, you couldn't find that either.

3 A No.

4 Q Did you beat the bushes asking around and
5 seeing if----

6 A Yes, we did.

7 Q In fact, isn't it true that at one point
8 you all had an AK-47 from some unrelated crime
9 tested just to make -- just on the off chance that
10 it might be involved in this case; correct?

11 A We did; yes, sir.

12 Q And so you never heard anything about my
13 client shooting an AK-47 in front of 10 people at
14 a camp out before today; did you?

15 A No.

16 Q Was there any testing done on the truck to
17 determine whether or not, you know, there was
18 gunpowder on the truck or anything like that?

19 A Finger wear, I am not aware of any.

20 Q Okay. I mean it wouldn't necessarily be
21 obvious that there would have been either; would
22 there?

23 A No.

24 Q So you never developed any information
25 aside from Mr. Green that my client had an AK-47

Sergeant Burnish-cross by Murphy

1 at some point and time.

2 A No.

3 Q Again, your conclusion is that there might
4 have been two people at the scene based on the
5 entirety of the evidence; including, the
6 statements of Mr. Green; correct?

7 A The statements and the fingerprint; yes,
8 sir.

9 Q Now you advised Mr. Green in the initial
10 interview basically the same thing, I guess, you
11 advised most people; that now is your time to say
12 what happened after reading them their rights.

13 A Yes.

14 Q And they may be interested to come clean;
15 correct?

16 A That's correct. I do that with everybody.

17 Q I believe you said that my client was
18 actually waiting; had contacted the police and was
19 waiting to be picked up; is that correct?

20 A That's correct.

21 Q So he voluntarily came in. You didn't
22 have to go searching for him too long.

23 A No, sir. We did do a search for him. But
24 later that evening they called, and we -- I went
25 and picked him up.

Sergeant Burnish-cross by Murphy

1 MR. MURPHY: Thank you. I appreciate
2 that. Thank you.

3 THE COURT: Any redirect?

4 MR. MEADORS: No, sir. Thank you.

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

6 MR. MEADORS: Your Honor, we would ask for
7 a short recess.

8 THE COURT: Ladies and gentlemen, it's a
9 perfect time to take a short recess. If they
10 would like a coca cola or something like that, if
11 you will provide that. Do not discuss anything
12 about the case while you back that. And those of
13 you who need to smoke, you may go.

14 The court will be in recess for
15 approximately 15 minutes. Let me see the
16 attorneys up here for just a second.

17 (Whereupon, the court takes a short
18 recess.)

19 THE COURT: You may bring the jury.

20 (Whereupon, the following takes place
21 within the presence of the jury.)

22 THE COURT: Mr. Meadors.

23 MR. MEADORS: If it pleases, Your Honor,
24 the State of South Carolina rests.

25 THE COURT: Ladies and gentlemen, the

1 state has rested their case. That will be all you
2 will hear for today, so I am going to release you
3 for the balance of the day with the instruction
4 that you be back here at 10 o'clock tomorrow
5 morning. And that you not discuss this case.
6 Please don't read any articles that may appear.
7 And again, do not do any research on your
8 computers. Y'all have a nice afternoon, and we
9 will see you at 10 o'clock tomorrow morning.
10 Again, thank you for your promptness each time you
11 are required to be here.

12 (Whereupon, jury is dismissed at
13 3:12 p.m.)

14 THE COURT: Does the defense have any
15 motions at this time?

16 MR. MURPHY: Yes, Your Honor. At this
17 point we would make a motion for a directed
18 verdict. Specifically, we would submit to the
19 Court that the state has failed to meet the burden
20 generally, and also in specific regard to on the
21 element of malice and also in regard to the
22 factual basis of demonstrating that the defendant
23 actually used the murder weapon. On those
24 bases, we would ask for a directed verdict.

25 THE COURT: Mr. Meadors.

1 MR. MEADORS: If it Please the Court, Your
2 Honor, I believe that any evidence in a light most
3 favorable to the state at this juncture, is the
4 standard. Judge, there is eye witness testimony
5 that Mr. Geddie shot the AK-47 numerous times.
6 Testimony that those bullets caused his death.
7 Evidence that it was a plan and set up. I do
8 think in this case malice can be shown from the
9 inference of the use of a deadly weapon since it
10 is not a self defense or any other excuse used or
11 presented as evidence. So I do think the jury can
12 infer malice from that. I don't have anything
13 else.

14 THE COURT: Mr. Murphy, I am going to
15 respectfully deny your motion. I think there is
16 enough evidence to get to the jury. Whether they
17 will convict or not, I don't know. But there is
18 certainly evidence present, and I am going to deny
19 your motion. Thank you. You want to put the
20 defendant under oath? I am going to need to ask
21 him some questions.

22 (Whereupon, the defendant is sworn.)

23 THE COURT: Mr. Geddie, I am going to ask
24 you some questions. And this is not your
25 testimony and this has nothing to do with your

1 testimony. This concerns whether or not you want
2 to testify. But I need to explain to you certain
3 of your rights. If you do not understand anything
4 that I say, please let me know. If you want me to
5 explain anything in greater detail, I will be
6 happy to do that. You understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now again, we have reached the
9 stage of the trial where you may present your
10 defense. Now you have the right to claim the
11 protections under the Constitution of the United
12 States. Under the 5th Amendment which states in
13 part, that no person shall be compelled in any
14 criminal case to be a witness against himself.
15 Now what this means is that you cannot be required
16 to testify, but you do have a right to testify on
17 your own behalf. Here, no one can make you
18 testify. This is a personal right, and no one can
19 waive it with the exception of yourself.

20 Now if you decide to testify, you will be
21 subject to the same rules that govern other
22 witnesses. And you may be examined and cross
23 examined on any relevant issue in this case. In
24 addition, if you have any convictions involving
25 dishonesty or false statements or for crimes

1 punishable by more than one year's imprisonment
2 and I determine that the probative value outweighs
3 the prejudicial effect on you, the solicitor will
4 be able to introduce your record to attack your
5 credibility. What charges would the state be able
6 to bring up if he does testify?

7 MR. MEADORS: Your Honor, I think the
8 shoplifting and a petty larceny just for the
9 dishonesty. There is disposing of property under
10 lien. I mean, I wouldn't try to do that. That's
11 all.

12 THE COURT: Okay. That's the only charges
13 they could bring against you.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: If you decide to testify, the
16 decision must be on your part must be freely and
17 voluntarily, intelligently made with the knowledge
18 of the protections given to you under the United
19 States Constitution. Now if you decide not to
20 testify, I will instruct the jurors that they
21 cannot give the fact that you did not testify any
22 weight or consideration whatsoever. And there is
23 to be absolutely no prejudice to you because you
24 did not testify. It is left entirety up to you
25 whether you want to testify. You may talk to

1 your attorney. You may talk to your family or
2 friends or anyone else. But the final decision
3 will be left entirely to you.

4 Do you understand what I have explained to
5 you?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And do you have any questions
8 about what I have explained to you?

9 THE DEFENDANT: No, sir.

10 THE COURT: I am not going to make you
11 answer that ultimate question at this point and
12 time. Tomorrow morning I will ask you before we
13 get started as to whether you want to testify.
14 So you will have overnight to make that decision.
15 Do you understand that?

16 THE DEFENDANT: Thank you, sir.

17 MR. MURPHY: Thank Your Honor.

18 THE COURT: Court is adjourned until 10
19 o'clock tomorrow morning.

20 THE COURT: Thank you, Your Honor.

21 (Whereupon at 3:17 p.m. jury is
22 dismissed.)

23 (Whereupon, the trial commences on Thursday, June
24 7th at 9:30 a.m.)

25 (Whereupon, the following takes place

1 outside the presence of the jury.)

2 THE COURT: Good morning. At the end of
3 yesterday's sessions, court session, I was asking
4 the defendant if he wanted to testify. Will the
5 defendant, please stand.

6 Mr. Geddie, have you now had an
7 opportunity to speak with your attorney concerning
8 the questions that I asked you yesterday about
9 your decision to testify or not?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: What is your decision?

12 THE DEFENDANT: I will not testify.

13 THE COURT: Very well.

14 THE COURT: We had an issue concerning the
15 charge, and we have provided you an electronic
16 copy of the charge. Mr. Murphy has requested a
17 mere presence charge. Is that correct, Mr.
18 Murphy.

19 MR. MURPHY: Yes, Your Honor.

20 THE COURT: Mr. Meadors.

21 MR. MEADORS: Briefly just a minute ago,
22 and would just pose this; that the only evidence
23 in the record, the testimony is that he was
24 present and participating. I guess is the...

25 THE COURT: Well there if you took the

1 beer bottle on it's own, you are right, the
2 testimony is that he was there. And that leads to
3 the possibility that there was a co-conspirator
4 rather than just the sole one. If he was only one
5 there, I would tend to go along with that.

6 But, Mr. Murphy, you understand that under
7 that theory if I charge mere presence, then I
8 also because there is testimony that they
9 conspired to commit an armed robbery that the hand
10 of one, hand of all, now gets attached to the mere
11 presence charge.

12 MR. MURPHY: Yes, Your Honor, I understand
13 that. I think it is a more accurate reflection of
14 allowing the jury the opportunity, the more full
15 opportunity to discern whether or not to believe
16 Mr. Green's testimony. The evidence of the hand
17 of one hand of all, the evidence that my client
18 was the shooter, all come from Mr. Green.

19 THE COURT: Yeah, you understand if they
20 believe Mr. Green---

21 MR. MURPHY: Right.

22 THE COURT: ---that your guy---

23 MR. MURPHY: There is two theories.

24 THE COURT: ---is the shooter. If they
25 don't believe Mr. Green, but they find your guy is

1 part of the armed robbery, he still gets
2 convicted.

3 MR. MURPHY: I understand. But there is
4 also the point -- I think the point is important
5 is, there is independent evidence that my client
6 was at the scene.

7 THE COURT: No question about that based
8 upon that one fingerprint.

9 MR. MURPHY: And the jury could absolutely
10 reject everything Mr. Green said, but be convinced
11 beyond a reasonable doubt that my client was
12 there. And I think it is important for them to
13 know that his presence alone is an insufficient
14 basis for conviction.

15 THE COURT: Right, but again, you get
16 hooked a second time with a possibility of the
17 hand of one.

18 MR. MURPHY: I appreciate that, Your
19 Honor.

20 MR. MEADORS: Your Honor, I almost
21 respectfully suggest that we be entitled to hand
22 of one, hand of all anyway.

23 THE COURT: Well you probably would
24 anyway. Certainly if he is mere presence, which I
25 think there is no question on. I am going to

1 charge, mere presence and hand of one, hand of
2 all.

3 MR. MEADORS: Can you read your mere
4 presence please?

5 THE COURT: I opened to hand of one, hand
6 of all. This is what the bench book says, and
7 this is what I will intend to read. Mere presence
8 at the scene is not sufficient to prove someone
9 guilty of a crime. If a defendant is present
10 where a crime is being committed or mere
11 association with a person who commits a crime does
12 not make a defendant an accomplice or an aider or
13 abettor of a person committing a crime. The
14 burden is on the state to prove every element of
15 the crime charged. If you find after reviewing
16 all the evidence that the state has only proved
17 that the defendant was only present at the scene
18 of the crime and they have not proved beyond a
19 reasonable doubt any participation of the crime,
20 then you must find the defendant not guilty. The
21 law is that the proof at the scene is not
22 sufficient to find someone guilty. And then I am
23 going to charge the hand of one is the hand of
24 all.

25 MR. MURPHY: That's agreeable.

1 THE COURT: I really think based on the
2 testimony of Mr. Green and the law, that that is
3 what we are sitting here looking at.

4 MR. MURPHY: Yes, sir.

5 THE COURT: Let's bring our jury in.

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: Good morning, Ladies and
9 gentlemen. We will continue with our case.
10 Mr. Murphy, the state has rested.

11 MR. MURPHY: Your Honor, the defense
12 rests.

13 THE COURT: Ladies and gentlemen, the
14 defense has rested. And therefore, that means
15 that all the evidence in this case has been
16 presented to you. Now is the time when the
17 attorneys will make their closing arguments. And
18 then I will charge you the law, and then it will
19 be up to you all to deliberate and render a true
20 and just verdict. Is the state ready to proceed.

21 MR. MEADORS: We are, Your Honor.

22 THE COURT: Is the defense ready?

23 MR. MURPHY: Yes, sir.

24 THE COURT: Mr. Meadors.

25 MR. MEADORS: May it Please the Court,

1 Mr. Murphy. Mr. Foreman, Ladies and Gentlemen,
2 good morning. On behalf of Solicitor Finney,
3 Sumter County Sheriff's Department, Xavier Titus'
4 mom and daddy, brother, sister, other family
5 members, I want thank all of you for
6 participating in this trial. I don't mean that
7 lightly. Thank you for paying attention.

8 This is a beautiful system largely and
9 primarily because of jurors, because that's what
10 makes the system work, week end and week out. We
11 are here day in and day out trying cases. But
12 it's jurors who come in from the community with
13 their common sense, with their life experiences
14 and decide what evidence from this stand that's
15 admitted in to evidence by His Honor is credible.
16 Because that's all you can decide this case on is
17 what came in the witness stand as evidence and
18 exhibits. That's it.

19 And so your experiences you have and you
20 brought this with you, and you will bring it back
21 in the jury room. That's what you will decide
22 this case on. And that's a beautiful system.
23 Thank you for being here. I want to talk very
24 briefly about burden. I said it in my opening,
25 it's beyond a reasonable doubt. Beyond a doubt

1 that would cause a reasonable person to hesitate
2 to act. It's not beyond all doubt. There's no
3 way in the world you can prove anything beyond all
4 doubt. And the law doesn't require that. You
5 would close the courthouse down. Quit building
6 the building if that was the burden. It's beyond
7 a reasonable doubt. Beyond a doubt that makes
8 folks hesitate to act. In some cases, Mr. Murphy
9 is a real good lawyer and a fine man. A nice man.
10 Some lawyers will try to make a case that's not a
11 reasonable doubt case a reasonable doubt case.
12 When you have direct evidence, circumstantial
13 evidence, strong we will submit, to try to say
14 well there could be a doubt here. There could be
15 a doubt here.

16 All I ask you is that when you are
17 discussing this case, take all the facts in
18 context together. And when you have looked at
19 them all together you will be convinced we submit.
20 Don't take one fact in isolation here and there.
21 Sometimes it took me a long time to realize this,
22 sometimes questions are just questions. You can
23 answer everything. Convinced beyond a reasonable
24 doubt. We submit it's here. I'll talk about it a
25 little bit more.

1 Some of the things he may mention, he may
2 not mention. I don't know, but I will briefly
3 talk about them. I don't think he will, but the
4 Budweiser bottle has his fingerprint on it. I
5 don't know what he is going to say about that,
6 whether it was before or not. Your Honor is going
7 to charge you with mere presence. But we have to
8 prove beyond that somebody was merely present.
9 Well that beer bottle puts him there. That's his
10 fingerprint. And Kelvin Green puts him there
11 shooting. And it's found after the shooting the
12 next morning. That's good, direct and
13 circumstantial evidence.

14 Ladies and gentlemen, what are some other
15 things that he may or may not say about what may
16 be a reasonable doubt and what may not be a
17 reasonable doubt. But I tell you right off the
18 bat, he didn't mention Mr. Geddie in that first
19 statement. He said somebody else was in there.
20 He didn't mention him. He said somebody else. He
21 had just seen him shoot somebody 5 times with an
22 AK-47. And he was told if you talk, something is
23 going to happen to you.

24 It's unusual he didn't mention -- or he
25 did mention it the same day and I will get to

1 that. A lot of those see through that and use
2 your common sense. Folks, the elements, and I am
3 going to talk a little bit more than I usually do
4 about this. But murder, you all can tell me now
5 what it is probably just as easy as I can tell you
6 all. What is murder? Unlawful and intentional
7 killing of another individual, young Xavier Titus.

8 Malice is a meanness, an evilness, a
9 wickedness, a spitefulness, one person shows to
10 the other. It can be express, I am going to kill
11 you. Or it can be deferred. And I am asking you
12 and the judge will charge you, you can infer
13 malice with the use of deadly a weapon, an AK-47,
14 assault rifle. You can infer malice from that.
15 It reeks with malice. You see it looks at
16 malice. Firing at an unarmed person. That's the
17 malice.

18 Malice aforethought. Again, don't get
19 hung up on aforethought. You don't have to have
20 premeditation or planning in this stage. You just
21 don't. You don't have to set out plans; we are
22 going to go kill this person on this day.
23 Aforethought can exist in the instant the trigger
24 is pulled. Just like that. It's like you pull
25 the trigger and it has got a bullet in it, and you

1 think it is going to kill somebody, malice
2 aforethought.

3 Now I tell you, the evidence in this case
4 I think he did plan to kill him. He's lying in
5 wait. Kelvin Green, it was armed robbery. I'll
6 get to that in a minute. He was ready to kill
7 him. Don't have to prove premeditation. He sure
8 was there waiting. He was there waiting, beer
9 bottle. Waiting to rob him. Waiting to kill him.
10 That's what he did, malice aforethought.

11 The judge is also going to charge you on
12 something called the hand of one is the hand of
13 all. The hand of one, hand of all, says if two
14 folks put into action a scheme or something to
15 commit a crime, one person is just as guilty as
16 the other. The hand of one is the hand of all.
17 If I go to rob a store, and I stay outside and the
18 other person goes in and shoots, I am just as
19 guilty. The law says. Now I don't have to reach
20 that in this case. But if for some reason you
21 thought he was there, and not sure who shot, they
22 are both guilty. We submit there is overwhelming
23 evidence that Geddie is the shooter.
24 Overwhelming. And I'll get to that. But that's
25 the law, the hand of one, hand of all. Either one

1 of them allows you to find that Thomas Geddie was
2 the murderer.

3 Fingerprint is there. Are you present?
4 If you are and he is shot and you think you are
5 just present? What are the odds that you are just
6 there when this man gets gunned down, and you're
7 sitting in the woods drinking a beer waiting for
8 him to come back? And you just happen to be mere
9 presence? Well if you believe that, let him go.

10 The Solicitor and I have been discussing
11 cases recently, and this hit me last night. And I
12 said I wasn't going to do it again. But there are
13 certain things in life, you can't make them up.
14 You can't make them up. And it hit me last night,
15 you can't make this case up. You can't make it
16 up. Kelvin Green sure can't make it up. The
17 facts and circumstances that happened for this
18 tragedy to happen, you can't make them up. And
19 that's why it's credible. Why his testimony is
20 credible and believable. Because that's really
21 what you decide the case on.

22 The facts and evidence, Kelvin Green. I
23 am going to get to that. I am going to get into
24 detail about it. But you saw his demeanor. He
25 can't make this up. That's the general. He's the

1 follower. He sends him to get folks. Bring him
2 back while I am waiting, and I will take care of
3 him. That's consistent with his demeanor and his
4 actions. Consistent with the beer bottle being
5 there.

6 On the evening of September 18th 2010, in
7 the early morning hours of September 19th 2010,
8 four men's lives collided. Two of them were going
9 out to party. Wanted to get a little extra money.
10 Either collecting or selling something. It really
11 doesn't matter. Cedric Hilton, Xavier Titus. And
12 they were going to get some money... Two men,
13 Thomas Geddie and Kelvin Green, according to
14 Mr. Green, were drinking Budweiser and smoking
15 crack, and they wanted to kept getting high. To
16 buy it, to steal it. Set up a buy according to
17 Mr. Green, but then take it to rob him. And their
18 worlds collided.

19 So what happens? The phone calls. And I
20 want to tell you something, this young man right
21 here, Cedric Hilton, it's amazing he's alive. He
22 shouldn't be here. He should be dead. I am glad
23 he is alive. He should be dead. Shot from an
24 assault rifle into a car. Maybe he's alive to
25 help solve this. Maybe that's what it was and why

1 he is alive. Staying alive; to help to put law
2 enforcement on the right track. Maybe you all can
3 be a peacher one day. Thank the lord for people
4 like that. So there are phone calls back and
5 forth. There is a meeting set up at Spann's.
6 That's where they are. Cedric wanted to go back.
7 Titus said well we don't have time. We will go
8 over here and try to collect some money. They are
9 at Spann's. Calls back and forth. Can't you see
10 him. Can't you see him. Where are you. The way
11 he is, where are you. Where are you. They are
12 laced together. There has been at least one
13 difference that came out.

14 And I submit it makes the case more
15 credible. Cedric says they see the truck coming
16 up from the road, up at Spann's. They waited and
17 they go back. Kelvin said well they were waiting
18 when I got there. I waited and they came back.
19 It doesn't matter. Is there any dispute that they
20 went down the road. It's stuff like that, that's
21 not a reasonable doubt. If everything is exactly
22 the same that's what you should question. The
23 bottom line is, there was an arrangement at
24 Spann's. Kelvin Green told him to come on back
25 down and they would follow. That's what I'm

1 talking about when you are searching for the
2 truth. Don't get caught in a little side, but
3 what happened. Well we already know what
4 happened. He went down Isadore Nathaniel Road.

5 I submit to you, Thomas Geddie. Kelvin
6 Green said he had already dropped Mr. Geddie.
7 Kelvin Green doesn't know where Isadore Nathaniel
8 Road is any more than I did before I went out
9 there. He's not from that area. Who's from that
10 area? Thomas Geddie. He's the one that said
11 bring them back down here. I submit to you as
12 that Toyota truck is leading down, it's like a
13 funeral procession. It's like a funeral
14 procession. And Thomas Geddie has already put
15 Xavier Titus' tombstone the date of September 19th
16 2010. He's already decided.

17 They go down this long road. And common
18 sense breaks in here when you are back there;
19 doesn't it? Common sense comes in. If this was
20 just a deal, if he was going to do something by
21 himself, wouldn't he have just stayed there? It's
22 Kelvin Green. First of all, you have got to
23 decide when there is two folks. Is there any
24 question about it? Is Kelvin Green going to take
25 these two individuals back by himself to rob him

1 basically? It doesn't make sense. He brings him
2 back down to where the prearranged place.

3 Prearranged. Thank goodness for this mud puddle.

4 Everybody agrees there is a mud puddle.

5 Right after we pass the mud puddle, we go off to
6 the right. What does he say? Cedric says --
7 Kelvin says he pulled up first. Cedric and they
8 pulled in behind. Cedric knows something. He
9 feels, he's back to a place he's never been. It's
10 dark. He says, turn the car around. Xavier does.
11 Zav does. He turns the car back around facing
12 like this. Right next to where the evidence was
13 found, the shell casings.

14 And picture this next scene. I think you
15 can, through the evidence. Picture it. He's
16 sitting there and Kelvin Green said, turn the
17 light off. Turn the light off. I turned the
18 light off. Can't you see him tell them, turn the
19 light off? In his mind, we are fixing to rob you.
20 If it wasn't a tragedy, it's a comedy. Cedric is
21 saying hell no don't turn that light off. The
22 lights off, and shots are fired. Shots are fired.
23 He says from day one it's either him or another
24 person from the woods. Right off the bat. Two
25 people out there. Kelvin's cell phone is found

1 off to the side a little bit. I think it's
2 another indication he wasn't there at the woods
3 area and kind of went off. What happens after the
4 shots, one, two, three, four, five. And that's an
5 example of circumstantial evidence again.

6 Those shots, you saw those diagrams in
7 here yesterday of Dr. Ross. She said well you
8 know it was like there are picks of metal all
9 over. They went through something, whether the
10 gun. Went through the car. They went through the
11 body of Xavier Titus. Any doubt that the gun
12 killed him; that the bullets went through the
13 door? No. You didn't see it, but you know it
14 happened. And she came and put that together.
15 He is shot five times.

16 What does Cedric do? He says he leans
17 down and hits the gas. I don't know which hand he
18 did it. And he's steering the other, and he
19 steers out. Goes around the mud puddle and goes
20 back in the other side and wrecks the car. Tells
21 his buddy to come on. Come on. But he knows he
22 can't come on. I submit to you he's dead. He's
23 already dead. He starts running through the
24 woods. Running back up towards Spann's in the
25 middle of the night. Middle of the night. He

1 takes his shirt off. He doesn't want to be a
2 target. He goes back to Spann's. Cars goes by.

3 Next what did Kelvin Green tell you? We
4 get back in the truck, and we head back to Mill
5 Road. Back towards Geddie's house. Thomas
6 Geddie's house. That's what happened. That's not
7 in dispute; as far as him getting shot. I submit
8 to you the evidence and there is no dispute, they
9 were both there. So what happens now, folks?
10 What happened? The call, and this was it, Captain
11 Hobbs, Eddie Hobbs, comes up and he goes in and he
12 sees the body. And here's something I want to go
13 over. I started not to. I mean, it's the picture
14 of the body.

15 Captain Hobbs comes up and he says, I see
16 the body of a young black male outside. Get back
17 there and look at it. He's coming outside the
18 car. He's on the ground. We don't know how he
19 got in that position. Nobody was there to see it.
20 Was it that last burst of energy that saved --
21 trying to save yourself and come and don't? But
22 he's out on the ground, down. You can't answer
23 that except for your common sense. He's down on
24 the ground laying there. Maybe he tried to find
25 his last place to go. I don't know. Some things

1 you can't answer. It don't change the fact that
2 he was shot 5 times. It doesn't change the fact
3 that Thomas Geddie was there. It doesn't change
4 the fact that Thomas Geddie was drinking a beer
5 down there waiting for them to come down.

6 Law enforcement is called. Pretty good
7 response time five or six minutes, I believe, was
8 the testimony. And what happened? The
9 investigation begins. The investigation begins.
10 So we have got Ced. Thank goodness Ced is here to
11 put law enforcement on the right track. What do
12 you know Ced. And these guys are out there
13 fighting every night. Literally every night.
14 Well I know he was talking to somebody. I think
15 it was Kelvin. I think it was Kelvin that drove
16 the truck.

17 They get together. They start losing law
18 enforcement. They start beating the bushes. Has
19 Kelvin got a truck. Well they figure out Kelvin
20 Green has got this kind of truck. Pretty good law
21 enforcement. They go and put a lineup together.
22 You will have it back there. They put a lineup
23 together of Kelvin Green and they show it. And
24 he says yeah, that's the guy we met at Spann's and
25 motions us back to the graveyard is what they do;

1 to the ambush spot, is what it turned out for
2 Xavier. That's him. That's at 7:32 in the
3 morning. He picks out Kelvin as being the driver
4 of the vehicle that took them back to Isadore
5 Nathaniel Road.

6 What happens next? Kelvin. Well he's
7 picked out of a lineup. What do they do? They go
8 see Kelvin. What does Kelvin say? The first
9 statement on 9/19, the first statement on 9/19, he
10 tells them what happened. And he said this other
11 person was with me. I don't know. Don't get hung
12 up on that, Ladies and gentlemen. He's just shot
13 five times. Said he would kill him if he told
14 anybody. Common sense is going to tell you don't
15 tell right off the bat. That's the real world.

16 And then a month later, two months later,
17 six months later, yesterday? No, ma'am; no, sir.
18 The next day. The next day. September 20th 2010,
19 they go back to see him. They say now is the
20 time. You need to tell the truth. What has
21 transpired between there. What has transpired.
22 He's talked to his family. I can talk to you,
23 tell you the truth. The next day. Not a month
24 later, not a year later. 20 months before I even
25 met him. Not offered a thing. Nothing. This is

1 important. The day after the killing, not offered
2 a thing.

3 How many people in the world, how many
4 people in Sumter County. Who does he say he is
5 with? Spank. This investigation is going. Who
6 is Spank? They don't know who Spank is. So they
7 started beating the bushes. And then do a couple
8 of lineups. And guess what, there are two
9 lineups. Somebody named Spank is in both of them.
10 They show one lineup to Kelvin. Kelvin, do you
11 recognize anybody here. Don't recognize anybody
12 in here; no, sir. Are they trying to frame
13 somebody? They are looking for this other person.

14 State's 48. Do you recognize anybody in
15 here. Yes, sir, I sure do. That's No. 5.
16 That's No. 5, Mr. Geddie. That's the man that was
17 there. That's the man that shot. Well don't get
18 hung up. I think Mr. Murphy asked him well did
19 you mention your Budweiser bottle in one of your
20 statements. Are you kidding me. They're trying
21 to find out what happened, who shot. If he had
22 mentioned it, that's for you all to know. They
23 are looking for somebody that was shot with an
24 AK-47. An AK-47 you all. When Kelvin Green was
25 up at the car, what did Cedric tell you. I didn't

1 see a gun. I didn't see an assault rifle. It's
2 sitting there. I didn't see it. Thomas Geddie,
3 that's who was with him. That's who shot.

4 What happens next. You get a warrant for
5 Thomas Geddie. You go do a search warrant,
6 looking for the house, looking for him. The word
7 is out. The next thing they know, I think his
8 mama was there. There is a call for him or
9 somebody to Conner's store. They go and pick him
10 up. Is that it? No, sir; no, ma'am. Evidence if
11 being processed. You can't make this up. Kelvin
12 Green can't make it. You can't make it up.
13 Evidence is being processed. They worked that
14 night at the scene. What did they get? They got
15 cartridge cases which Whitler, Agent Whitler, said
16 that's consistent with an AK-47. AK-47, and some
17 other guns. That's consistent with it. It could
18 have been fired from it. I wish we had the gun.

19 You shoot somebody with an AK-47, do you
20 think you are going to get rid of it? Is that
21 common sense? Are you going to hang it in your
22 living room like a trophy? Hey, I shot the young
23 man. You are going to get rid of it. You can't
24 get awarded for criminals just because you get rid
25 of weapons you murder somebody with. That's not a

1 reasonable doubt. But we find the shell casings
2 which are consistent with an AK-47, which is what
3 Kelvin said he used. That's pretty good; isn't
4 it.

5 Is that all they collected the next
6 morning just a few hours at daybreak? What else
7 did they collect? They collected a Budweiser beer
8 bottle. This is the famous Budweiser beer. We
9 know of no other brand introduced by any other
10 brewer which causes so much delight. Exclusive
11 Beechwood Agency presentation. It tastes
12 smoothness and drinkability. You will find no
13 other beer brand at any price. That's the
14 Budweiser logo.

15 And I will tell you something right now, I
16 love this Budweiser bottle. You can't make this
17 up; near the shell casings. Near. In all of
18 Sumter County, right near where the car was
19 parked. The shell casing, right where he said
20 shots were fired. Where the cars were parked.
21 You can still see the grass. Where Kelvin said
22 they were. Where Kelvin said the other man,
23 Thomas Geddie, is with this beer bottle; that he
24 was drinking while he was waiting for Titus to
25 come back so he could put him in his grave. He's

1 drinking from this beer bottle. God bless you
2 Budweiser beer bottle. On here is the fingerprint
3 of who? Thomas Geddie. Marie Hodge; Thomas
4 Geddie had this beer bottle. Thomas Geddie was
5 there. Mere presence; no, sir; no, ma'am. What
6 are the odds why that was Kelvin Green after the
7 young man was shot there? Shell casings from an
8 AK-47 and a beer bottle with his fingerprint on
9 it. That's good evidence. That puts him there.
10 Kelvin puts him there. Where did he get his
11 courage to rob and murder.

12 Mr. Murphy is a fine attorney and a good
13 man. It's not what you asked about. It is what
14 it is. You can't make it up. Or is he trying to
15 make maybe Kelvin Green planted this. He's smart
16 enough to set him up, and he's not smart to tell
17 him right off the bat hey, you might have a beer
18 bottle. You know this is credible. Kelvin Green
19 couldn't set this up. And of all the people in
20 the world your name is Thomas Geddie, and not
21 right off the bat because he is scared and he
22 freaks him out. And low and behold they find a
23 beer bottle over there.

24 Firmly convinced. Did they test the other
25 beer bottle for prints? No, I mean, that's not a

1 reasonable doubt it wasn't at the crime scene. We
2 tested and checked what was at the crime scene.
3 And what happens? Where does Thomas Geddie live?
4 Orange Hill Church Road off of Mill Road near this
5 crime scene, not where Kelvin Green lives. That's
6 his neighborhood. He's the one that set it up.
7 Kelvin Green wouldn't know where to take him.

8 Ladies and gentlemen, credibility and
9 believability is what you have in this case; in
10 all cases. You watched Kelvin Green. Yes, he was
11 there. Yes, he wanted to rob him. I submit to
12 you the evidence there is no reasonable doubt that
13 Thomas Geddie wasn't with him. But you watched
14 his demeanor. And all those experiences you have
15 in life, you listened to him, you watched him.
16 You heard him answer. I submit to you he is still
17 credible. You can be part of a crime and still be
18 credible.

19 His Honor is going to charge you, you can
20 believe all of what somebody says. Part of what
21 somebody says. I submit to you he was credible
22 when he came in here. That's the hero. Cedric
23 right there is the hero that helped solve this.
24 Not called him to be a great hero. He shouldn't
25 have been there trying to rob him. And I think

1 that's all he wanted to do. But he did come in
2 and tell the truth and tell what happened so we
3 can get justice. And credibility and
4 believability. Credibility and believability.
5 He's got one more possession of the cocaine I
6 think, in his past.

7 But he got up here and said, I didn't kill
8 that boy. You hear me ask him. I didn't kill
9 that boy. I didn't want him dead. Yeah, I was
10 going to rob him. I didn't kill that boy. I
11 didn't shoot him. You'd say anything wouldn't
12 you. No, sir, I wouldn't say something that
13 wasn't true to convict somebody. And I submit to
14 you Kelvin Green wouldn't. But, Ladies and
15 gentlemen, you evaluate that. Is that all you
16 have got? No, you have got the facts that he was
17 shot 5 times. You have got the fact of Thomas
18 Geddie's fingerprint out there to corroborate it.
19 I submit you could go along with Kelvin, but you
20 don't just have it. You also have the
21 fingerprint. You have the other evidence of the
22 shooting. You have the facts that they were
23 together.

24 Credibility and believability is all we
25 have got in any case. Ladies and gentlemen, it is

1 time for justice. It's time for justice. And
2 it's not the time for justice that Thomas Geddie
3 gave to Xavier Titus when in his execution. It's
4 not time for that. It's time for a trial. It's
5 time to call witnesses. It's time to cross
6 examine. It's time for people to testify. And
7 let me tell you something, Kelvin Green gave his
8 name on September 20th. Didn't have to do it.
9 Didn't have anything to offer other than the name
10 of Spank who came back to Thomas Geddie. That's
11 who he said was there. That's who he said did it.
12 And law enforcement, you can't make it up.

13 It's time for justice, Ladies and
14 gentlemen. And I don't mean that any other way
15 then to say it's time for justice. I was thinking
16 about this on the way over here. And all due
17 respect to his family. I don't know if he was
18 claiming money was owed. I don't know if he was
19 selling to make something when they go out, I
20 don't know. Xavier Titus should still be here.
21 He should still be here to touch his daddy and his
22 mama. And hug his brothers and sisters and
23 family. He should still be here. He should not
24 be dead. Rob him if you have to. Go ahead and
25 rob him. Take his money or whatever, but you

1 ain't got to kill him. You do not have to kill
2 him. He did not have to be dead. He should still
3 be here today.

4 And thanks to Cedric and Kelvin the
5 evidence speaks for itself. Mr. Murphy says
6 something in his opening. He said the only thing
7 that points to his client's guilt is Kelvin Green.
8 No, sir; No ma'am. He points the finger at
9 himself. And you can't make that up. And when
10 you take that credible testimony of Kelvin, the
11 testimony corroborates an AK-47. Another
12 reasonable thing. When you are back there
13 discussing, take all the facts into account --
14 into account when you are discussing the evidence.
15 Take it all into account.

16 When I was young, my father gave me a book
17 that says, Your Greatest Power. Simply your
18 greatest power is the power to choose. He taught
19 me early on, your power to choose. I made some
20 bad choices in my life. I paid the consequences.
21 But your greatest power is your power to choose.
22 Zavier chose to go out there that night. Thomas
23 Geddie, Kelvin Green, chose to go get money to
24 rob. They made their choses. Thomas Geddie,
25 Kelvin chose to bring him there that night to rob

1 him. He's going to jail.

2 Thomas Geddie chose to come out and rob.

3 No, he chose to come out with an assault rifle and
4 fire one to five times and hit Titus unarmed.

5 Shot him and killed him. He didn't even know
6 him. He's there. They are smoking. According to
7 the testimony, cracking up. Wanting to get high.
8 That's all they were thinking about. Living in
9 the moment, wanting to get the next high. And he
10 is going to kill somebody to do. It doesn't
11 matter. He made that choice. Now it is your
12 choice.

13 This isn't another night in Sumter County
14 where a young man dies. Xavier Titus is dead. On
15 behalf of Solicitor Finney and the Sumter County
16 Sheriff's Office, I respectfully, respectfully ask
17 that after you have heard the law from the judge,
18 that you go back in the jury room and apply these
19 facts to it, and return a verdict that we
20 respectfully say is the only verdict that speaks
21 the truth. It is a verdict that on the September
22 19th of 2010, Thomas Geddie gunned down Xavier
23 Titus. Kelvin told us he did it. He told us he
24 did it by his fingerprint. He lived in the area.
25 He left there. He told him what to do; to Kelvin

1 Green. He told him to arrange it. He gunned him
2 down. He is going to be found guilty of murder.

3 Thank you.

4 THE COURT: Thank you, Mr. Meadors.
5 Mr. Murphy for the defendant.

6 MR. MURPHY: Thank you, Your Honor. Good
7 morning. On behalf of my client, first I want to
8 thank you for your attention the last couple of
9 days. Obviously this is very, very important
10 case. A young man is dead. My client is accused
11 of murdering him. The burden of making a decision
12 falls upon you. And that is a heavy burden. And
13 Mr. Geddie thanks you for taking on this
14 responsibility.

15 And what I would like to do in my closing
16 is first of all, what I believe the principles, I
17 guess, Mr. Meadors can predict me a little bit. I
18 want to talk a little bit about the burden of
19 proof and the concept of reasonable doubt. And
20 then I want to talk about some facts as were
21 developed here and apply them to the principles.
22 Apply them and hopefully we will use these as a
23 prism in which to evaluate the evidence in this
24 case as you deliberate and arrive at a decision.

25 Now as I stated in my opening statement

1 that my client is innocent. And not just not
2 guilty, not something that's up for debate at this
3 point; but that he is innocent. And even now
4 after you have heard all the testimony, after you
5 have heard Mr. Meadors' eloquent closing argument,
6 you know my client, we're in the campaign season.
7 But the presumption of innocence isn't some
8 slogan. It's a fundamental right that we as
9 Americans have. They're entitled to; that my
10 client is entitled to. Everyone is entitled to.
11 It is an important right. And until you become
12 convinced in that room back there, he's entitled
13 to that presumption.

14 We ask you to consider that. Remember that.
15 You apply that now. And I asked for that in my opening
16 statement. That's all he asked for was his day in
17 court. Look at the facts and apply the law. Granted,
18 sober, reasonable. And I can appreciate a lot of cases
19 where there is a lot of emotion and there is tragedy.
20 Sometimes that's hard to do. But you've got to, and I
21 know you will. What does that mean in practice? Well
22 what it means to have a presumption of innocence; is
23 that, we could have sat over there and twiddled our
24 thumbs throughout this whole case; ask no questions,
25 presented nothing. Made no arguments. And he is still

1 entitled to that presumption. And if you are not
2 convinced beyond a reasonable doubt, if you have a
3 reasonable doubt after the state has presented all its
4 stuff here and all its maps and all its charts, if you
5 are not convinced, it is enough to acquit my client.
6 That's how important that presumption is.

7 Now, reasonable doubt is the highest burden
8 known to law. Again, the burden is on the state. We
9 have no burden at all. It's what makes our system
10 different. It's what separates us from some of these
11 other countries, with, you know, imposed justice by
12 dictators. That's what makes us American, our system of
13 justice. Mr. Meadors is correct, it's the best system
14 in the world. It's the highest burden known in the law.

15 Now your common sense, show you how high it is.
16 Your common sense and your common experience after
17 evaluating all this, you know what, you might think
18 back, and you might sit back there and you might think,
19 you know what, I think Mr. Geddie may have done this. I
20 really do. I think he may have done this. And that's
21 enough to me, proof beyond a reasonable doubt. And you
22 may go back there and after reviewing everything and
23 thinking and pondering and deliberating, you might come
24 to a conclusion based upon your common experience and
25 your common sense, you know what, he probably did it.

1 You know, there's that fingerprint, and he probably did
2 it. But it's not enough. Maybe's and probably's and
3 could have's and might have done it, isn't enough.

4 You might go back there and say, you know
5 what, I am convinced he was there. Presence, his
6 presence at the scene was enough. You have to be
7 firmly convinced, firmly convinced, beyond a
8 reasonable doubt that he is guilty of murder; that
9 he committed every element of the crime of murder
10 that the judge is going to provide to you. You
11 must give him, must give him, the benefit of every
12 doubt.

13 I am not going to repeat the definition of
14 murder. Taking a human life with malice. That is
15 what you must be firmly convinced that my client
16 did. That's what from the evidence. Okay. let's
17 look at some of the things that are unrelated to
18 Mr. Green. There is a fact, and the fact is, we
19 don't have a murder weapon. There is no murder
20 weapon. The ballistic's expert said obviously
21 there was a weapon used. And obviously Mr. Titus
22 was killed with a weapon. Law enforcement was
23 looking for the weapon based on what Mr. Green
24 said. They were beating the bushes. And not only
25 beating the bushes, I mean they were testing other

1 AK-47's that were unrelated to this case.

2 There is no evidence and no testimony tying my
3 client to an AK-47 other than Mr. Green. That's the
4 reality. Mr. Green got up there and said my client has
5 an AK-47. Not only that, he's out apparently shooting
6 AK-47's a couple of weeks before, in front of other
7 people. There is no big secret that my client had an
8 AK-47, except but you know what it was, I guess.

9 Because the same police officers who are trying to work
10 him hard, trying to find out who is responsible for this
11 crime, track him down. AK 47's had nothing to do with
12 this. They didn't hear about this episode. They
13 interviewed people. They tracked down my client. They
14 tracked down Mr. Green, based on a long first name.
15 There's no evidence from any of these other folks that
16 my client ever had an AK-47. The only person that says
17 he had an AK-47 was Mr. Green. Now that's the evidence.
18 That's the evidence.

19 We know that Mr. Green from himself alone, knew
20 the decedent. He was a supplier for the last ten years.
21 In a long relationship. We know from Mr. Hilton that
22 the only person he saw that night was Mr. Green. The
23 only person. Now that's the testimony. That's the
24 testimony. Mr. Hilton never saw my client. Mr. Hilton
25 doesn't know my client. There is no testimony my client

1 knows Mr. Hilton. There is a relationship between
2 Mr. Green and Mr. Titus. And unfortunately, Mr. Hilton
3 happened to be there. Okay, a longstanding relationship
4 with the decedent. Those are the facts.

5 We know that Mr. Green met the victims.
6 We know that Mr. Green enticed them down this
7 road. I mean those are the facts. Mr. Green was
8 there we also know, based on the testimony of the
9 Mr. Hilton, that Mr. Green is asking, he was
10 directing them. He was telling them, turn your
11 lights off. Who is standing by the driver's side
12 door? We know Mr. Hilton is standing by the --
13 who is sitting in the passenger seat. Freaking
14 out and justifiably so.

15 And Mr. Hilton said under oath, he doesn't
16 know whether Mr. Green had a gun. He doesn't
17 know. He could have had a gun. Mr. Green could
18 have been the shooter. In fact, in his first
19 statement he said Kelvin you know, or somebody
20 else. And the reason he said somebody else is
21 because he just didn't see him with a gun. And
22 you wouldn't necessarily see him with a gun.

23 I mean he's out in the dark. He's on the
24 other side. He's focused on trying to get his
25 buddy out of there. Mr. Green says he comes to

1 the door, talks to them, says I'll be right back.
2 And then shortly after that, the firing starts. I
3 submit to you that Mr. Green is the shooter.

4 I submit to you that Mr. Hilton's first
5 reaction, the first thought at the time is what
6 he said. He goes at the time I thought he was the
7 shooter. That's what he said under oath. That's
8 the correct action. That's the correct
9 conclusion. I mean it certainly is reasonable as
10 Mr. Green's story.

11 Now let's talk about Mr. Green in a little
12 more detail. What do we know about Mr. Green?
13 Well that night Mr. Green is a cracked up
14 schizophrenic driving around looking for some
15 crack cocaine by his own admission. By his own
16 admission. We know that based on Mr. Green's
17 testimony that my client approached him, according
18 to Mr. Green, my client approached him about
19 buying some more crack. We know that.

20 We know that Mr. Green enticed this poor
21 man down the road. Now we know that Mr. Green
22 says there is some conspiracy to commit a robbery.
23 But he didn't really provide many details about
24 this conversation that supposedly created this
25 conspiracy. You know he starts out and he says

1 earlier that day they are at some party; him and
2 my client, they are at a party. And my client
3 says hey have you got some money. That ain't the
4 question was do you have money. Let's go get some
5 more crack. Based on his 10-year relationship
6 with Mr. Titus, Mr. Green arranges it.

7 Now look obviously Mr. Hilton was
8 unsettled by the thought of driving down a dark
9 road to do a drug deal. And Mr. Hilton had that
10 10-year's experience, okay. Obviously it was the
11 wrong choice to make. But I'll submit to you that
12 at least the decedent thought it was a drug deal.
13 If the decedent thought it was anything unusual,
14 he knew Mr. Green. Mr. Green enticed him down
15 this road.

16 I don't know where this -- the only person
17 saying that there going to be a robbery was
18 Mr. Green himself. And maybe in Mr. Green's mind
19 that's exactly what he was going to do. Who
20 knows. Who knows. Who knows what he was
21 thinking. Who knows what a cracked up
22 schizophrenic was thinking at that moment. So
23 what do you do. Well we know that Mr. Green has a
24 motive to lie. He does. He has a motive to point
25 the finger. He does. He has found out, he's the

1 guy that the survivor sees, that Mr. Hilton sees.
2 The police know who he is. And this idea that he
3 doesn't know the neighborhood where did that come
4 from? They get the wrong name from Mr. Hilton.
5 The detectives say hey, do you know some guy named
6 Kelvin who drives a truck.

7 And the police in that area say well we
8 don't know a Kevin, but we sure know a Kelvin.
9 And they not only know who he is, they know the
10 truck he drives. And they know where he lives.
11 He's familiar with that area. We're in this idea
12 that he doesn't know where these roads are. He
13 doesn't live in that area. Where did that come
14 from. He lives there. The police knew him.

15 MR. MEADORS: Your Honor, I am going to
16 object. That's improper. That is not the
17 evidence that he lived in that area at all.

18 THE COURT: Let me see the attorneys a
19 minute.

20 (Whereupon, the attorneys approach the
21 bench and confer with judge.)

22 THE COURT: Ladies and gentlemen of the
23 jury, the jury will disregard the last statement
24 of counsel. And counsel will proceed as
25 instructed. Mr. Murphy.

1 MR. MURPHY: They knew who he was. Now
2 the impetus for this whole exchange according to
3 Mr. Green is that, my client wanted to get some
4 drugs. So what do you do when you are in trouble.
5 What do you do when you are caught. What do you
6 do. Well look, I am not going to say anything
7 about Mr. Green being some mastermind, framed, a
8 guy that was a frame under people. That obviously
9 is not the case. But it doesn't take a lot of
10 intelligence, and it doesn't take a lot of thought
11 to point the finger at somebody else.

12 You know, if you have children more than
13 one, that happens all the time. Kids will do
14 that. It wasn't me, it was him. It wasn't me, It
15 was this guy I was with. It wasn't me. The most
16 basic reaction that anybody ever has. And at
17 first, it's not me, it's this guy that I was with.
18 And I know what Mr. Meadors said about what his
19 motive was. Maybe that's what he said. You know,
20 that's not my recollection of what Mr. Green's
21 statement was. I don't know what he said when he
22 asked him twice why would you not tell the police
23 who this guy is. But his reaction I would submit
24 to you, is the natural reaction of somebody who is
25 in trouble. Point the finger at somebody else. I

1 got caught.

2 So I wasn't there to shoot him. I don't
3 what I was doing, but I -- this other guy did it.
4 This other guy. Shifts the blame to the guy that
5 you have known for three weeks. Shifts the blame
6 to the guy you've spent drinking beer with. Shift
7 the blame to the guy who asked you to set up a
8 drug transaction. Shift the blame to a guy who,
9 if he was there, that's what he was there for.
10 Shifts the blame.

11 You know, why wouldn't Mr. Green in his
12 initial statement identify my client as the
13 shooter. Why would he say it was this other guy I
14 was with. Why wouldn't he name the name. I mean,
15 they were friends. He didn't know them that well.
16 I mean they got together and did drugs allegedly
17 according to Mr. Green. Why not just name his
18 name. He didn't know him. I mean did he honestly
19 think that my client is going to track him down
20 with an AK-47 when he is sitting there talking to
21 officers. Did he honestly think that. Why
22 wouldn't you name the guy right away.

23 I would submit to you you wouldn't do it,
24 because deep down you don't want to give the name
25 of an innocent man. That's why he didn't give him

1 a name right away. But you know what, he's facing
2 life in prison. He's facing a murder charge. And
3 24 hours goes by, and he talks to his family. And
4 he thinks about it some more. And he is not
5 facing a murder charge anymore. He is not facing
6 life in prison anymore. He has got ten years.
7 Ten years for what he did.

8 You know, I could say that the state's
9 made a deal with the devil. You know Mr. Green
10 really isn't demonic. He's just kind of pathetic.
11 Pointing the finger of blame at someone else.
12 Does that give you pause? Does that cause you to
13 hesitate? To think? To wonder? If it does, and
14 I submit to you it should, that is reasonable
15 doubt. That is reasonable doubt. My client is an
16 innocent man. My client is an innocent man.
17 Mr. Green's testimony is riddled with
18 inconsistencies. Self preservation of a motive
19 isn't enough to convict my client for murder; my
20 client for being responsible for the death of that
21 poor, young man.

22 Mr. Geddie only asks of you what he is
23 entitled to have as a citizen. And that is, that
24 you go back there and look at the evidence in a
25 cold, dispassionate way, apply it to the law that

1 the judge is about to give you. And when you do
2 that, when you do your duty as American citizens,
3 we are confident that the verdict that you will
4 render, the just verdict is a verdict of not
5 guilty. Thank you.

6 THE COURT: Ladies and gentlemen of the
7 jury, all of the testimony and other evidence has
8 been presented in this case. The attorney's have
9 given you their closing arguments. Now is the
10 time in the trial where I will charge you the law
11 that is applied to this case. I remind you,
12 Ladies and Gentlemen, during this trial you and I
13 have certain duties to perform.

14 As the trial judge, it is my
15 responsibility to preside over the trial of this
16 case. And I also have the duty to rule on the
17 admissibility of the evidence offered during this
18 trial. You are to consider only the competent
19 evidence before you. If there was any testimony
20 ordered stricken from the record in this case
21 during this trial, you must disregard that
22 testimony. You are to consider only the testimony
23 which has been presented from this witness stand
24 and any exhibits which have been made a part of
25 record. And any stipulations of counsel.

1 I have the additional duty to charge you
2 the law that is applicable to this case. As the
3 presiding judge, I am the sole judge of the law in
4 this case, and it is your duty as jurors to accept
5 and apply the law as I state it to you. If you
6 already have some idea of what the law is or what
7 the law ought to be and it does not agree with
8 what I tell you the law is, you must abandon that
9 idea because, Ladies and gentlemen, you are sworn
10 to accept the law and apply the law exactly as I
11 state it to you.

12 In every case tried before a jury, the
13 jury becomes the sole and exclusive judge of the
14 facts. As the trial judge, I cannot state,
15 comment or make any other reference to any of the
16 facts in this case. Since you are the jury, you
17 are the sole judge of the facts in this case and
18 you are not to infer from what I have said during
19 the progress of the trial or in ruling on the
20 admissibility of evidence or otherwise or
21 anything that I say now during the course of these
22 instructions, that I have any opinion about the
23 facts of the case. The law does not allow me to
24 have an opinion about the facts in this case. And
25 this is a matter solely for you the jury to

1 determine. As jurors it is your duty to determine
2 the effect, the value, the weight and the truth of
3 the evidence that has been presented during this
4 trial.

5 Ladies and gentlemen, the indictment in
6 this case 2011-GS-43-1155 charges the defendant,
7 Thomas Lee Geddie, with the crime of murder. I
8 remind you the fact that the defendant was
9 arrested, charged and indicted in this case is not
10 evidence in this case. And not -- and cannot be
11 considered as evidence of guilt in this case. Nor
12 does it create any presumption or inference of
13 guilt. The indictment is simply the formal
14 written instrument that contains the charge made
15 against the defendant and is the formal document
16 by which this case is brought in to court.

17 Ladies and gentlemen, the defendant has
18 pled not guilty to the charge contained in the
19 indictment. And that plea puts the burden on the
20 state to prove the defendant guilty. A person
21 charged with committing a criminal offense in
22 South Carolina is never required to prove himself
23 innocent. I charge you that this is an important
24 rule of law that the defendant in a criminal trial
25 no matter what the seriousness of the charge may

1 be will always be presumed to be innocent of the
2 crime for which the indictment was issued unless
3 guilt has been proven by evidence satisfying you
4 of that guilt beyond a reasonable doubt.

5 The presumption of innocence does not end
6 when you begin your deliberations, but It
7 accompanies the defendant throughout the trial
8 until you reach a verdict of guilt based on
9 evidence satisfying you of that guilt beyond a
10 reasonable doubt. The presumption of innocence is
11 like a robe of righteousness which is placed about
12 the shoulders of the defendant which will remain
13 with the defendant until it has striped from the
14 defendant by evidence satisfying you of the
15 defendant's guilt beyond a reasonable doubt.

16 The presumption of innocence is not a mere
17 legal theory. It is not just a legal phrase that
18 we use. But it is a substantial right to which
19 every defendant is entitled unless you the jury
20 are satisfied from the evidence of the defendant's
21 guilt beyond a reasonable doubt. And that begs to
22 question as to what is reasonable doubt. And as
23 I've said, the state has the burden of proving
24 the defendant guilty beyond a reasonable doubt.
25 Some of you may have served as jurors in civil

1 cases where you were told it was only necessary to
2 prove a fact more likely true than not true; such
3 as, by the greater weight or the preponderance of
4 the evidence.

5 In criminal cases however the state's
6 proof must be more powerful than that. It must be
7 beyond a reasonable doubt. Prove beyond a
8 reasonable doubt is proof that leaves you firmly
9 convinced of the defendant's guilt. There are
10 very few things in this world that we know with
11 absolute certainty. And in criminal cases the
12 law does not require proof that overcomes every
13 possible doubt. If based upon your consideration
14 of the evidence you are firmly convinced that the
15 defendant is guilty of the crime charged, you must
16 find the defendant guilty.

17 If on the other hand, you think there is a
18 real possibility that the defendant is not guilty,
19 you must give the defendant the benefit of the
20 doubt and find him not guilty. Ladies and
21 gentlemen, during the trial there are generally
22 two types of evidence which are presented. There
23 is direct evidence and circumstantial evidence.
24 Direct evidence is the testimony of a person who
25 claims to have actual knowledge of a fact; such

1 as, an eye witness. It is evidence which
2 immediately establishes the main fact to be
3 proved.

4 Circumstantial evidence is proof of a
5 chain of facts and circumstances indicating the
6 existence of a fact and it is evidence which
7 immediately establishes collateral facts from
8 which the main fact may be inferred.

9 Circumstantial evidence is based on inference and
10 not on personal knowledge or observation. The law
11 makes absolutely no distinction between the weight
12 or value to be given to either direct or
13 circumstantial evidence. Nor is a greater degree
14 of certainty required of circumstantial evidence
15 than of direct evidence. Ladies and gentlemen,
16 you should weigh all the evidence in this case.
17 And after weighing all the evidence if you are not
18 convinced of the guilt of the defendant beyond a
19 reasonable doubt, you must find the defendant not
20 guilty.

21 Now, Ladies and gentlemen, I instruct you
22 and I emphasize the fact that a defendant did not
23 testify is not a factor to be considered by you in
24 any way in your deliberation and in your
25 consideration on the question of the guilt or

1 innocence of the defendant. It must not be
2 considered by you in any manner whatsoever. A
3 defendant has the constitutional right to remain
4 silent. And the assertion of this right must not
5 be considered by you in your deliberations. I
6 repeat, under your oath you are to draw no
7 conclusion whatsoever from the fact that the
8 defendant in this case did not testify. The fact
9 that the defendant did not testify should not
10 even be discussed in the jury room.

11 The burden of proof as I stated to you, is
12 on the state. The defendant is not required to
13 prove his innocence. And the burden of proof
14 remains on the state to prove guilt beyond a
15 reasonable doubt. Necessarily, Ladies and
16 gentlemen, you must determine the credibility of
17 witnesses who have testified in this case.
18 Credibility simply means believability. It
19 becomes your duty as jurors to analyze and to
20 evaluate the evidence and determine which evidence
21 convinces you of its truth.

22 In determining the believability of
23 witnesses who have testified in this case, you may
24 believe one witness over several witnesses or
25 several witnesses over one witness. You may

1 believe a part of the testimony of the witness and
2 reject parts of the testimony of that same
3 witness... You may believe the testimony of a
4 witness in its integrity or reject testimony of a
5 witness in its entirety. You may consider whether
6 the witness has exhibited to you any interest,
7 bias, prejudice or other motive in this case. You
8 may also consider the appearance and the manner of
9 the witness while on this witness stand.

10 Ladies and gentlemen rules of evidence
11 ordinarily do not permit witnesses to testify to
12 opinions or conclusions. An exception to this
13 rule exists for witnesses we call expert
14 witnesses. A witness who by education and
15 experience has become expert in some art, science
16 or profession of calling may state an opinion as
17 to relevant and material matter in which the
18 witness claims to be an expert. And may also
19 state the reasons for the opinion. You should
20 consider any expert opinion received as evidence
21 in this case like any other evidence, and give it
22 the weight you think it deserves. If you decide
23 that the opinion of an expert witness is not based
24 upon sufficient education or experience or if you
25 conclude that the reasons given in support of the

1 opinion; that the reasons are not sound or that
2 the opinion is outweighed by other evidence, you
3 may disregard the opinion entirely. An expert
4 witness' testimony is not to be given any greater
5 weight than that of other witnesses simply because
6 the witness is an expert. Further, you are not
7 required to accept the expert's opinion even
8 though it is not contradicted.

9 Ladies and gentlemen, the defendant in
10 this case is charged with murder. The state must
11 prove beyond reasonable doubt that the defendant
12 killed another person with malice aforethought.
13 Malice is hatred, ill will or hostility towards
14 another person. It is the intentional doing of a
15 wrongful act without just cause or excuse and
16 with an intent to inflict an injury or under
17 circumstances that the law will infer an evil
18 intent. Malice aforethought does not require that
19 the malice exist for any particular time before
20 the act is committed. But malice must exist in
21 the mind of the defendant just before and at the
22 time the act is committed.

23 Therefore, there must be a combination of
24 the previous evil intent and the act. Malice
25 aforethought may be express or inferred. These

1 terms express and infer do not mean different
2 kinds of malice, but merely the manner in which
3 malice may be shown to exist. That is either by
4 direct evidence or by inference from the facts and
5 circumstances which are proved. Express malice is
6 shown when a person speaks words that express
7 hatred, ill will for another or when the person
8 prepared beforehand to do the act which was later
9 accomplished; for example, lying in wait for a
10 person. Or any other act or preparation going to
11 show that the deed was within the defendant's mind
12 would be express malice.

13 Malice may be inferred from conduct
14 showing a total disregard for human life.
15 Inferred malice may also arise when the deed is
16 done with a deadly weapon. A deadly weapon is any
17 article, instrument or substance which is likely
18 to cause death or great bodily injury. Whether an
19 instrument has been used as a deadly weapon
20 depends on the facts and circumstances of each
21 case. An assault rifle is an example of an
22 instrument which may be deadly weapon. And a gun
23 may be a deadly weapon even if it is not
24 operating.

25 Mere presence at a scene is not sufficient

1 to prove someone guilty. A defendant's presence
2 where a crime is being committed or mere
3 association with a person who commits a crime does
4 not make a defendant an accomplice or an aider and
5 abettor of the person committing the crime. The
6 burden is upon the state to prove every element of
7 the crime charged. If you find after reviewing
8 all the evidence that the state has proven that
9 the defendant was only present at the scene of the
10 crime and that they have not proved beyond a
11 reasonable doubt any other participation in the
12 crime, then you must find the defendant not
13 guilty. The law is that proof of being at the
14 scene of the crime is not sufficient to find
15 somebody guilty.

16 If a crime is committed by two or more
17 persons who are acting together in committing a
18 crime, the act of one is the act of all. A
19 person who joins with another to commit an
20 unlawful act is criminally responsible for
21 everything done by the other person which happens
22 as a probable and natural consequence of the acts
23 done in carrying out the common plan and purpose.
24 For example, two people can be guilty of killing
25 another person where only one of the two have a

1 gun and there was only one bullet and only one of
2 the two fired the shot that caused the death.

3 When two or more people are together,
4 acting together, assisting each other in
5 committing the offense, the act of one is the act
6 of all. Or as is sometimes stated, the hand of
7 one is the hand of all. Prior knowledge that a
8 crime is going to be committed without more is not
9 sufficient to make a person guilty of that crime.
10 And mere knowledge that another person was going
11 to commit a crime even if the defendant is
12 present when the crime is committed is not
13 sufficient to convict the defendant as a
14 principal. Guilt as a principle is shown by
15 actual or constructive presence at the scene as a
16 result of a prior arrangement. Therefore a
17 finding of the prior arranged plan or common
18 scheme is necessary for a finding of guilt as a
19 principle. And the state must prove beyond a
20 reasonable doubt by the competent evidence the
21 theory of the hand of one is the hand of all.

22 And a principal in a crime is one who
23 either actually commits the crime or who is
24 present aiding, abetting or assisting in
25 committing the crime. And when a person does an

1 act in the presence of and with the assistance of
2 another, the act is done by both. Where both --
3 where two or more acting with a common plan or
4 intent are present at the commission of the crime,
5 it does not matter who actually commits the crime.
6 All are guilty. The hand of one is the hand of
7 all. And presence at the commission of a crime
8 means to be sufficiently near and aid and abet and
9 assist in the commission of crime. However, mere
10 presence at the scene of the crime is not
11 sufficient to convict one as a principal on the
12 theory of aiding and abetting. An intent is also
13 a necessary element. But there must have been
14 common design or intent to commit the crime and
15 the crime must have been committed pursuant
16 thereto, with the person aiding and abetting by
17 some overt act.

18 Intent means intending the result which
19 actually occurs not accidentally or involuntary.
20 An intent may be shown by acts and conduct of the
21 defendant and other circumstances from which you
22 may naturally and reasonably infer intent. And
23 the state must prove these elements beyond a
24 reasonable doubt.

25 Ladies and gentlemen, there are two

1 possible verdicts which you may find in this case
2 on the charge of murder. Indictment
3 2011-GS-43-1155 murder, not guilty or guilty.
4 Ladies and gentlemen, there is no significance
5 whatsoever in the order in which I state the
6 possible verdict, it's simply that one must be
7 presented and stated first. Ladies and gentlemen,
8 your verdict must be a unanimous one. All 12 of
9 you must agree on your verdict. And your decision
10 must not be based on sympathy, passion, prejudice,
11 emotion or any other consideration not in evidence
12 in this case.

13 Mr. Foreman, when the jury reaches a
14 verdict you will check not guilty or guilty. You
15 will then sign your name and then you knock on the
16 jury room door and inform the bailiff that you
17 have reached a verdict. At that time you will
18 then be brought into the courtroom for the
19 publication of your verdict. Now, Ladies and
20 Gentlemen, I am going to send you back there. Do
21 not begin your deliberations until I instruct you
22 to do so. There are still a few matters that we
23 need to take up in court before you begin your
24 deliberations. Thank you.

25 (Whereupon, the following takes place

1 outside the presence of the jury.)

2 THE COURT: Are there any objections to
3 the charge that has been made to the jury by the
4 state?

5 MR. MEADORS: No, sir.

6 MR. MURPHY: No, Your Honor.

7 THE COURT: Thank you. Here is the
8 verdict form. Please inform the jury they may
9 begin their deliberations. If you will bring the
10 two alternates back out.

11 (Whereupon, At 11:35 a.m. jury commences
12 deliberations.)

13 (Whereupon, alternates are excused.)

14 (Whereupon at 12:06 p.m. jury has a note.)

15 THE COURT: We have a note from the jury
16 which states, if Geddie gets off does Kelvin Green
17 get charged. And the answer to that is, that is
18 not for your consideration.

19 MR. MURPHY: Yes, sir.

20 THE COURT: And then, can you just convict
21 someone for just being present, or do you have to
22 show intent that they were planning a crime. Now
23 is when I am going to give them a copy of the
24 charge.

25 MR. MURPHY: Yes, sir, I will agree.

1 THE COURT: Because I think that's the
2 bottom line. Any objections to that?

3 MR. MEADORS: I -- Judge, I just think
4 that sending them the law back there is going to
5 give somebody if they want a reasonable doubt in
6 there just to have it. But whatever Your Honor
7 thinks.

8 (Whereupon note is marked Court's Exhibit
9 No. 1 for Id.)

10 MR. MEADORS: The second one was can he
11 merely be present or does he have to have intent.

12 THE COURT: Can you convict someone for
13 just being present, or do you have to show intent
14 that they were planning a crime. And what I have
15 got attached is a copy of the charge that was
16 given to you. And I am going to give them the
17 whole charge. Any objections to that?

18 MR. MURPHY: I have no objection to that.

19 THE COURT: Or do you want me to bring
20 them out and recharge them?

21 MR. MEADORS: Whatever you think.

22 THE COURT: I think I am just going to
23 send it back. Or do you want me to charge them on
24 mere presence and the hand of one?

25 MR. MEADORS: Whatever you want to do.

1 THE COURT: I am going to send the charge
2 back. They can read it.

3 MR. MURPHY: I have no objection to that.

4 MR. MURPHY: Did you respond about Kelvin
5 Green?

6 THE COURT: Kelvin Green getting charged,
7 that is not for your consideration. He's already
8 admitted to the armed robbery.

9 MR. MEADORS: Well he's already been
10 charged.

11 MR. MURPHY: Well I agree.

12 THE COURT: He's still charged with
13 murder.

14 MR. MURPHY: Right. And also that is not
15 for their consideration.

16 THE COURT: That's not for their
17 consideration. Kelvin Green is not on trial at
18 this point and time for murder.

19 MR. MURPHY: Right.

20 MR. MEADORS: Thank you.

21 (Whereupon, the jury has a note at
22 1:39 p.m.)

23 (Note marked Court's Exhibit No. 2 for
24 Id.)

25 THE COURT: The jury has a note that says

1 they are unable to agree. I will bring them in
2 and give them the Allen charge. Bring the jury
3 in.

4 (Whereupon, the following takes place
5 within the presence of the jury.)

6 THE COURT: Mr. Foreman, and Ladies and
7 gentlemen, I have received a note where it says
8 that you have been unable to agree on verdict in
9 this case. And you know as I instructed you
10 earlier, a verdict of the jury must be unanimous.
11 You know when a matter is in dispute, it isn't
12 always easy for even two people to agree. So when
13 12 people must agree it becomes even more
14 difficult. And in most cases absolute certainty
15 cannot be reached or is expected; however, you
16 have a duty to make every reasonable effort to
17 reach a unanimous verdict.

18 In doing this, you should consult with one
19 another, express your own views and listen to the
20 opinions of your fellow jurors. Tell each other
21 how you feel and why you feel that way. Discuss
22 the differences with open minds. And although the
23 verdict of the jury must be unanimous, every one
24 of you has a right to your own opinions. The
25 verdict you agree upon must be your verdict as a

1 result of your own convictions.

2 And you should not give up a firmly held
3 belief merely to be in the agreement with your
4 fellow jurors. However, the majority should
5 consider the minority's position and the minority
6 should consider the majority's position. You
7 should carefully consider and respect the opinions
8 of each other, and reevaluate your position for
9 reasonableness, correctness and impartiality. You
10 must lay aside all outside matters and reexamine
11 the question before you based upon the law and the
12 evidence in this case.

13 If you do not agree on a verdict in this
14 case, I must declare a mistrial. In that case it
15 does not mean that anybody wins. It just means
16 that at some future time, I or another judge will
17 retry this case with some other jury sitting where
18 you are sitting now. And the same participants
19 will come in, probably the same lawyers. And will
20 ask basically the same questions and get basically
21 the same answers and we will go through this whole
22 process again.

23 You were selected in the same manner and
24 from the same source as a future jury will be.
25 And there is absolutely no reason for me to

1 suppose that the case will ever be submitted to 12
2 more intelligent, impartial, conscious and
3 competent jurors than you. Or that more or
4 clearer evidence will be produced on one side or
5 the other. Therefore, I am going to ask you to
6 return to your deliberations with the hope that
7 you can arrive at a verdict within a reasonable
8 period of time. Thank you, Ladies and gentlemen.

9 (Whereupon, At 1:43 p.m. the jury
10 commences deliberations.)

11 (Whereupon, the following takes place
12 outside the presence of the jury.)

13 (Whereupon, at 1:56 p.m. the jury has a
14 note.)

15 THE COURT: We have a note which says, can
16 we get a copy of the transcript. Obviously it's
17 not -- it's not transcribed. Is there any way to
18 read back a particular part of the transcript.
19 And I may ask them if there is any specific
20 testimony. We can do that. Do we have that
21 available, Margaret?

22 COURT REPORTER: Yes.

23 THE COURT: So if there is something
24 specific they want to hear then we can read that
25 back to them. Bring them in here and read it

1 back.

2 MR. MEADORS: Your Honor, would you read
3 it or play it back?

4 COURT REPORTER: Play it back.

5 THE COURT: The answer is a copy of the
6 transcript is not available; however, if there is
7 specific testimony of a witness, the tape may be
8 played for you in the court.

9 MR. MEADORS: Thank you.

10 MR. MURPHY: Yes, sir.

11 THE COURT: And I am going to stay right
12 here to see what they want.

13 (Whereupon, At 2:00 o'clock p.m. jury
14 reaches verdict.)

15 THE COURT: I understand the jury has
16 reached a verdict. You may bring the jury.

17 (Whereupon, the following takes place
18 within presence of the jury.)

19 THE COURT: Mr. Foreman, has the jury
20 reached a verdict?

21 THE FOREMAN: Yes, sir.

22 THE COURT: Is it unanimous?

23 THE FOREMAN: Yes, sir.

24 THE COURT: Please hand it to the bailiff.

25 THE COURT: Mr. Bradley, if you would

1 please publish the verdict. If the defendant will
2 please stand.

3 THE CLERK: For the State of South
4 Carolina, County of Sumter, in the Court of
5 General Sessions, Docket No. 2011-GS-43-1155.
6 State of South Carolina versus Thomas Lee Geddie,
7 defendant, as to the charge of murder, we the jury
8 unanimously find the defendant Thomas Lee Geddie,
9 guilty. Signed Stephen Baxter, foreperson. Dated
10 June 7th 2012. Ladies and gentlemen, if this is
11 your verdict so say you all by raising your right
12 hand.

13 (Whereupon all jurors affirm.)

14 THE COURT: The defendant and his attorney
15 may sit down. Does either party request polling
16 of the jury?

17 MR. MURPHY: I request it.

18 THE COURT: Please poll the jury.

19 THE CLERK: Ladies and gentlemen, when I
20 call your name, please stand and answer two
21 questions, please.

22 Juror No. 139 Miranda Rivers. Is this
23 your verdict and still your verdict?

24 THE JUROR: yes.

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

1 Betty Webb, is this your verdict and still your
2 verdict?

3 THE JUROR: Yes.

4 THE CLERK: Stephen Baxter, is this your
5 verdict and still your verdict?

6 THE JUROR: Yes, sir.

7 THE CLERK: Patricia Wiley, is this your
8 verdict and still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Thank you. Deidra Pleasant,
11 is this your verdict and still your verdict?

12 THE JUROR: Yes, sir.

13 THE CLERK: Crystal June Fraser, is this
14 your verdict and still your verdict?

15 THE JUROR: Yes, sir.

16 THE CLERK: Thank you. Ellen Burcham, is
17 this your verdict and still your verdict?

18 THE JUROR: Yes, sir.

19 THE CLERK: Dawne Walters, is this your
20 verdict and still your verdict?

21 THE JUROR: Yes, sir.

22 THE CLERK: Abraham Samuels, is this your
23 verdict and still verdict?

24 THE JUROR: Yes, sir.

25 THE CLERK: Thank you. Ellen Moore, is

1 this your verdict and still your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Marie Hill, is this your
4 verdict and still your verdict?

5 THE JUROR: Yes, it is.

6 THE CLERK: David Williams, is this your
7 verdict and still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Your Honor, the jury has been
10 polled and the verdict stands.

11 THE COURT: Thank you. Ladies and
12 gentlemen, that completes your duty as jurors.
13 You have come to a verdict, and I want to tell you
14 thank you for taking the time to come to the
15 verdict whichever it would have been. But thank
16 you for taking the time to come to a unanimous
17 verdict in this case. As have you seen it is a
18 lot different than it is on TV. It is never easy
19 holding the life of a fellow citizen in your hand
20 and trying to determine what is true and not true.

21 But thank you for taking time to review
22 the evidence and reaching a verdict. Now
23 throughout this trial, I've told you that you
24 cannot discuss the case with anyone. That
25 prohibition is now lifted. You may talk to anyone

1 that you want to for as little or as long as you
2 want to. If somebody persists in talking to you
3 and you don't want to talk to them, let one of the
4 bailiffs know and I will make sure that doesn't
5 happen any longer.

6 Ladies and gentlemen, you know, what makes
7 this country great is people like you all who take
8 a week out of their lives and come here and decide
9 issues. That's why our system works, and I truly
10 believe it is the greatest system in the world
11 because of people like you who take the time and
12 do what you had to do. Because if you all hadn't
13 done it, somebody else would have done it. But
14 you stepped up and did your job.

15 Ladies and gentlemen, I remind you that
16 this counts as your jury service. So you cannot
17 serve on a jury for the next year. And you don't
18 have to serve for the next 3 years if you don't
19 want to. And if you need work excuses as you
20 leave, they have those for you.

21 Now ladies and gentlemen, you have found
22 the defendant guilty. It is now my responsibility
23 to sentence the defendant. And I am going to give
24 the parties a few minutes to get their stuff in
25 order. So I will sentence the defendant at 2:30,

1 which is 25 minutes. You all have been involved
2 in this case from the beginning. You are welcome
3 to go back in the audience if you would like and
4 see what my sentence is going to be. And I will
5 hear from the state and from the defendant.

6 Ladies and gentlemen, it has been my honor
7 to work with you this week. If I can have the
8 honor of shaking your hands as you leave.

9 THE COURT: Any post-trial motions?

10 MR. MURPHY: My motion, I would renew my
11 motions at the close of the evidence.

12 THE COURT: I think the jury has spoken.
13 It's obvious they looked at everything. And I am
14 not going to reverse them. So the conviction
15 stands. I will sentence the defendant at 2:30.

16 MR. MEADORS: We have got the paperwork
17 prepared.

18 THE COURT: Thank you. The court is in
19 recess until 2:30.

20 (Whereupon, the court takes a short
21 recess.)

22 THE COURT: We are back on the record in
23 the case of the State versus Thomas Lee Geddie.
24 Is there anything from the state for the record?

25 MR. MEADORS: Just for the -- a couple of

1 Terrell Titus, brother. Of course, Cedric Hilton,
2 a friend. Rakeem Dash, brother. Titus Sanders, a
3 brother. Wilhimena Titus Young. Kimberly Tindal,
4 sister, best friend. Maurice Witherspoon. And
5 Jody Williams, girlfriend and a good family friend
6 of this family.

7 I want to thank law enforcement. I want
8 to thank the jury publicly. I don't know what
9 else to say. We just thought it was one of the
10 better circumstantial and direct evidence cases
11 I've ever tried. And the Fingerprint corroborated
12 from the co-defendant and we want to thank them
13 for their verdict. Judge, that's all I have to
14 say from the solicitor's office. Two of family
15 members would briefly like to speak.

16 THE COURT: They may come forward. Yes,
17 ma'am.

18 MS. TITUS: My name is Salesta Titus. I
19 am Xavier's mother. And I would just like to
20 thank Your Honorable Judge Jeffrey Young. I would
21 like to thank the sheriff's department. I would
22 like to thank the investigators that did a fine
23 job. And then I would like to thank the jury.
24 They did a good job. I just want to say that
25 Xavier was my heart, you know. And he always

1 would tell me, Mom, I got your back. Now that he
2 is not here anymore, but the love that I have for
3 him still linger in my heart.

4 I also would like to speak on behalf of
5 his three children. They are without a father
6 today. But we are asking everybody to keep them
7 in prayer, because I have one with me, she is only
8 six years old. And there was a question that she
9 wanted to ask. But then I feel like I didn't want
10 to bring her up here, you know, because she's such
11 a young, at such a young age. We was very close.
12 And Xavier was the life of the family. And when
13 my family members come down for anything, they
14 don't go back until they get to Xavier because
15 they knew they would have a laugh once he comes.

16 And I thank Sumter County so much. They
17 did an excellent job. And I thank you, Judge
18 Young.

19 THE COURT: Yes, ma'am. Thank you.

20 MR. TITUS: My name is Terrell Titus, the
21 brother of Xavier. I just want to say, thank the
22 jury, the judge, the investigators, the
23 prosecutor. I think you all did a good job. And
24 I think my family very pleased with you.

25 THE COURT: Thank you.

1 MR. MEADORS: Judge, he was 23-years-old
2 when he left. Too young to die. It shouldn't
3 have happened. That's all we have. Thank you.

4 THE COURT: Mr. Thomas Lee Geddie, you
5 have been tried by a jury of your peers who have
6 reviewed the evidence and found you guilty. Would
7 you or your attorney like to present anything to
8 the court at this time?

9 MR. MURPHY: Your Honor, just very
10 briefly. You have my client's record. And
11 obviously we're disappointed in the verdict, but
12 the jury has spoken. That's all we have.

13 THE COURT: Would your client like to say
14 anything?

15 THE DEFENDANT: No, sir.

16 THE COURT: You may be seated. Please
17 stand. You know every killing that we have in
18 this town is senseless. Every one of them. I
19 have not seen one of them. And I've never gotten
20 used to doing this. And I pray that I never get
21 used to sentencing people. Because when I get
22 used to it, then I become callous. And it tears
23 me up every time I do that. But this is what a
24 judge has to do. And this is what they pay me
25 money to do this for.

1 Again every killing we have like this is
2 actually senseless. But this one is particularly
3 brutal. I find that, and I listened to the
4 testimony. Again we have situations where
5 somebody gets upset and a shooting takes place and
6 someone is killed. And this was a planned
7 execution. It was not going to fail. The victim
8 in essence was just executed by somebody he never
9 even saw. I can understand and I don't agree, but
10 when you don't like somebody you may do that. And
11 it's horrible for someone to have to do that. But
12 this was an anonymous person to you. You did not
13 even know this man. They were actually out there
14 doing you a favor. And this is what happens when
15 people get strung out on drugs. And people say
16 well they need to legalize drugs. Well no,
17 because this is what happens when people go out
18 of control that way.

19 You shot him. You may say you didn't.
20 That's fine. But the jury listened to the
21 evidence, and they found that you put 5 rounds in
22 that young man. And he couldn't have seen you,
23 because I know the guy who was with him didn't see
24 you. You came out of the dark and killed him in
25 cold blood. I have a range of 30 years to life to

1 give you.

2 I have seen nothing in the record that
3 would take me down from the life sentence. And
4 therefore, the sentence of this court is that
5 Thomas Lee Geddie under Indictment 2011 GS-43 1155
6 that you be committed to the State Department of
7 Corrections for the remainder of your life on
8 earth. God be with your soul.

9 ----End of Requested Transcript of Record-----

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of General Sessions on June 4th-7th 2012, in Sumter County, Sumter, South Carolina.

I do further certify that I am neither kin, counsel, nor interest to any party hereto.

11/20/12
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/21

WITNESSES

R. Burnish

Sumter County Sheriff

DOCKET NO. 2011-GS-43-1155

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

July

TERM

2011

THE STATE

vs.

KELVIN CHARLES GREEN

THOMAS LEE GEDDIE

ARREST WARRANT NUMBER

J296946

M442214

ACTION OF GRAND JURY

Indictment for

Murder / Murder

Foreperson of Grand Jury

Date:

VERDICT

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF SUMTER)

Murder / Murder

At a Court of General Session, convened on July 21, 2011 the Grand Jurors of
SUMTER County present upon their oath:

COUNT ONE - MURDER

That Kelvin Charles Green did in Sumter County, on or about September 19, 2010, willfully, feloniously, and intentionally kill the victim, Xavier Titus, with malice aforethought, either express or implied, by means of shooting victim multiple times, and the victim did die as a proximate result thereof on or about September 19, 2011 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO - MURDER

That Thomas Lee Geddie did in Sumter County, on or about September 19, 2010, willfully, feloniously, and intentionally kill the victim, Xavier Titus, with malice aforethought, either express or implied, by means of shooting victim multiple times, and the victim did die as a proximate result thereof on or about September 19, 2010 in Sumter County, in violation of Section 16-03-0010, S. C. 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.

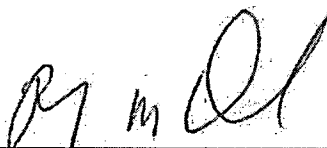
Solicitor

Ernest A. Finney III

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."

October 25th, 2013



Robert M. Dudek
Chief Appellate Defender

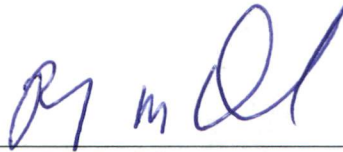
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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October 25th, 2013



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Chief Appellate Defender

South Carolina Commission on Indigent Defense
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ATTORNEY FOR APPELLANT

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SC Court of Appeals