

ORIGINAL

VOL I of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Clifton Newman, Circuit Court Judge

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DEC 05 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GREG K. ISAAC,

APPELLANT

APPELLATE CASE # 2013-002168

RECORD ON APPEAL

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 7) RECORD
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 10 DEFENDANT.)

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12 SEPTEMBER 30, 2013 THROUGH OCTOBER 2, 2013

13 RICHLAND, SOUTH CAROLINA

14

15 B-E-F-O-R-E:

16 HONORABLE CLIFTON NEWMAN, JUDGE; AND A JURY

17

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1 violation with --

2 MR. SCHNEE. Judge, if I may, the transcript that
3 I have, I'm reading it correctly, it says Tavares World went
4 to see Vernorris Dixon and the manager. Mr. Dixon and the
5 manager left and Tavares World was left at the dealership
6 alone. I don't understand how that is not possible to see a
7 connection between that act and then the subsequent armed
8 robbery of a potential customer.

9 THE COURT: Well, you want to ask them that
10 question. If they testify, you have a right to do so.
11 Mr World pled guilty to armed robbery stemming from that and
12 are you aware of that. The motion -- is denied

13 MR. SCHNEE: Judge, if I may for the record, I
14 don't understand how I'm supposed to impeach Vernorris Dixon
15 with any of that information. It's not his guilty plea.
16 And he, in fact, the one that's more than likely going to be
17 testifying

18 THE COURT: Well, you stated what you wanted for
19 the record.

20 MR. SCHNEE. Thank you

21 My next motion is to reveal the deal that was
22 given to Tavares World and if there is a deal to Vernorris
23 Dixon and, specifically, the basis for the deal to Tavares
24 World

25 THE COURT: All right.

1 Ms. Campbell?

2 MS. CAMPBELL: Your Honor, he's aware of the
3 extent of the deal that's outlined in the plea, which he has
4 a transcript of, so he is aware of the entire realm of those
5 deals. I'll be glad to get his lawyer up here to -- I don't
6 understand under what theory he thinks he gets the basis of
7 the deal. Maybe I just don't understand what he's asking
8 for. But as far as the parameters of what Mr. World pled to
9 and what his deal was, that's outlined clearly in the plea
10 agreement.

11 THE COURT: As to Mr. Dixon?

12 MS CAMPBELL: As to Mr. Dickson, Your Honor, we
13 have had no negotiations with him, however, I am going to
14 get his lawyer up here, I told Mr. Schnee I would, to put it
15 on record after lunch with the Court's permission just
16 briefly that there have been no deals to make sure that
17 that's all clear.

18 THE COURT. All right.

19 MS CAMPBELL He's also aware of what his pending
20 charges are.

21 MR. SCHNEE: Judge, with regard to Mr. World, I
22 was informed prior to Your Honor issuing a -- right
23 afterwards that there was a question with one of the lead
24 investigators in this case who questioned Tavares World.
25 Apparently, the testimony was that he had never gone back to

1 .the jail to visit Mr. World. That turned out to be a false
2 statement. My belief is that the basis for the deal that
3 was offered to Mr. World was to not expose an experienced
4 Richland County Sheriff's Department investigator committed
5 perjury. If that's the case, I need to have that on the
6 record.

7 THE COURT: You need to have what you just stated
8 on the record?

9 MR. SCHNEE: I need to have confirmation of that
10 on the record if that is, in fact, the reason why the
11 solicitor's office made that deal

12 THE COURT: All right.

13 Ms. Campbell?

14 MS. CAMPBELL: Your Honor, the reason for the
15 deal, as in every case, you look at the evidence, you
16 examine the evidence, you basically talk to the family, they
17 have input. There are a number of factors, which I don't
18 think under the work product theory I have to go into. For
19 me to have to explain to the defense attorney my reasoning
20 for making an offer is absolutely ludicrous.

21 MR. SCHNEE: Judge, I'm not asking for every
22 single time a solicitor makes an offer. I'm not asking for
23 what generally goes into making an offer. I understand all
24 that I'm asking for a specific instance, whether the
25 potential perjury of the lead investigator involved in this

1 case was part of the basis for offering a deal. If so, that
2 is something that I would, obviously, be looking to use
3 during this trial.

4 MS. CAMPBELL While we're on that subject, Your
5 Honor, under what theory does he think, unless Tavares will
6 testify that he gets into any deal Tavares World received as
7 far as his plea agreement and what he pled to? And we would
8 make a motion at this time, Your Honor, in response to make
9 sure that he doesn't mention any deals or what the
10 sentencing was as far as Tavares World is concerned in front
11 of this and until or if he testifies, which we do not
12 anticipate.

13 MR SCHNEE: Well, Judge, I, certainly, get to
14 question law enforcement officers if that same law
15 enforcement officer testifies if, in fact, he has committed
16 perjury.

17 In terms of Tavares World pleading guilty, that is
18 a matter of public record and I, certainly, do plan on
19 informing the jury that he has already pled guilty. I don't
20 see how that could possibly be found as improper form of
21 argument The lead investigator is, certainly, going to be
22 aware of that.

23 THE COURT: I'm not making any advisory ruling as
24 to any arguments or as to any examination of witnesses.

25 What else?

1 MR. SCHNEE: Judge, the only motion that we would
2 have to take up before actually picking the jury would be a
3 motion to prevent shackling for any client. It's the same
4 motion I filed last time. Your Honor has another copy of
5 that in writing.

6 THE COURT: What was my ruling the last time?

7 MR. SCHNEE: What we decided the last time was
8 that we would turn the desk around to make sure my client's
9 feet could not be seen.

10 THE COURT: All right. Is that what you want to
11 do this time?

12 MR. SCHNEE: I'm, certainly, happy to do that.
13 Obviously, my client will be testifying and we need to
14 address what will happen when he goes up to testify.

15 THE COURT: Well, that's down the road. We can
16 address that when that issue comes -- that's nothing new.
17 People in jail testify all the time and Richland County
18 deals with that in such a way that the jury is not exposed
19 to him being in jail.

20 MR. SCHNEE: I understand that, Your Honor. I was
21 just putting that on the record. Everything else can taken
22 up after we pick the jury if that's what Your Honor desires.

23 THE COURT: All right. We ready for the jury?

24 MS. CAMPBELL: (Ms. Campbell nodded head.)

25 THE COURT: All right.

1 MR. SCHNEE: Just have a minute to move the
2 tables.

3 THE COURT: All right.
4 (Pause.)

5 BAILIFF. The jury's all present, Your Honor.

6 THE COURT: All right Thank you.

7 Good morning, ladies and gentlemen. I am Clifton
8 Newman That's my law clerk, Simone Martin. And we're
9 presiding in this courtroom. You've been sent here for jury
10 selection. I look forward to working with you. The State
11 will call the next case.

12 MS. CAMPBELL: May it please the Court?

13 THE COURT Yes.

14 MS. CAMPBELL: The State calls the State vs. Greg
15 Isaac, 2012-GS-40-2435, 2437, 2438, charged with the
16 offenses of murder, burglary in first-degree and attempted
17 armed robbery.

18 THE COURT: If you will pass the indictment or
19 indictments to me.

20 THE CLERK: This is your last juror, Your Honor.
21 Is that all right, Your Honor?

22 THE COURT: (The witness nodded head.)

23 All right, ladies and gentlemen, the State has
24 called for trial the case of State v Greg Kentrell Isaac.
25 This case comes into court as a result of indictments

1 returned by the Grand Jury of Richland County charging
2 Mr. Isaac with the offense of murder, burglary in the
3 first-degree and attempted armed robbery. He has pled not
4 guilty to each of these three charges. He is presumed to be
5 not guilty of these charges. He cannot be found guilty
6 unless the State presents evidence which convinces a jury of
7 his guilt beyond a reasonable doubt. And that is the
8 purpose of the trial.

9 Mr. Isaac, if will stand and face the jury, along
10 with counsel.

11 And, Counsel, if you will introduce yourself.

12 MR. SCHNEE: Good afternoon, my name is Mark
13 Schnee This is Greg Isaac

14 THE COURT: All right Thank you. The State is
15 represented through the office of the Fifth Judicial
16 Circuit, Solicitor Dan Johnson through deputy solicitors.
17 The solicitors will introduce themselves as well.

18 MS. CAMPBELL. Thank you, Your Honor.

19 My name is Luck Campbell and I'm assistant
20 solicitor in the Fifth Judicial Circuit.

21 MS WALKER: I'm Meghan Walker I'm also an
22 assistant solicitor here in the Fifth Judicial Circuit.

23 STEADMAN: My name is John Steadman. I'm also an
24 assistant solicitor.

25 THE COURT: All right. Ladies and gentlemen, the

1 indictment in this case alleges that Mr Isaac murder
2 Antonio Corbitt in Richland County on or about October 27th,
3 2005.

4 In what area of Richland County, Solicitor?

5 MS. CAMPBELL: On Fernandino.

6 THE COURT In the Fernandino Road area of
7 Richland County. Any member of the jury panel knows
8 anything about this case or you heard anything about this
9 case or if you think you have heard anything about this
10 case? If so, please stand.

11 (There was no response.)

12 THE COURT: And, ladies and gentlemen, the --
13 through the juror qualification process, you were
14 administered an oath and that oath that you took earlier
15 this morning is that you would give complete and truthful
16 responses to all questions that you are asked during the
17 qualification process. And that same oath pertains to the
18 jury selection process. And that is if any questions that
19 are asked applies to you or if you think that they apply to
20 you, it is your sworn obligation as a juror to stand and to
21 disclose any information in which the Court ask you a
22 question that applies to you. Certainly, it's -- perhaps, a
23 natural tendency to not want to stand and be the person
24 standing and answering questions or giving information, but
25 you're on jury duty and your oath as jurors require that you

1 disclose any information that might apply to any question
2 that you are asked during this process. And I have a number
3 of questions to ask.

4 The first of which is, has any member of the jury
5 panel any or any of your immediate family members or close
6 friends ever been the victim of a violent crime? Violent
7 crime particularly includes the crimes of rape, murder,
8 robbery, burglary. If you or any member of your immediate
9 family or any close personal have ever been the victim of a
10 violent crime, please stand

11 (Jurors stand.)

12 THE COURT: And tell us your jury number first and
13 tell us how this question might apply to you.

14 Yes, ma'am.

15 PROSPECTIVE JUROR: I'm Juror No. 38 and the
16 Defendant's my cousin.

17 THE COURT: Pardon me?

18 PROSPECTIVE JUROR: He's my cousin (indicating).

19 THE COURT: The Defendant is your cousin.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: And how close a cousin is he?

22 PROSPECTIVE JUROR: His great grandmother and my
23 grandmother are first cousins.

24 THE COURT: His great grandmother and your
25 grandmother are first cousins?

1 PROSPECTIVE JUROR. Yes.

2 THE COURT: And would that affect your ability to
3 be a fair and impartial juror?

4 PROSPECTIVE JUROR: No, it wouldn't.

5 THE COURT: All right. Juror No. 38, thank you
6 for standing. And Juror No. 38, let ask you this one
7 question, are you -- have you -- do you know anything about
8 the facts of this case or have you heard anything about the
9 facts of this case?

10 PROSPECTIVE JUROR No, I haven't.

11 THE COURT: All right Thank you.
12 Yes, sir.

13 PROSPECTIVE JUROR: Juror No 304. I've been in
14 bank robberies, multiple bank robberies

15 THE COURT: All right Would that fact affect
16 your ability to be fair and impartial in this case?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Thank you.
19 And behind you, yes, ma'am.

20 PROSPECTIVE JUROR 158.

21 THE COURT: Yes, ma'am.

22 PROSPECTIVE JUROR: Several of my clients have
23 been raped or abused.

24 THE COURT: And would that fact affect your
25 ability to be fair and impartial if you were selected in

1 this case?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Juror No 158 not be considered.

4 Yes, sir?

5 PROSPECTIVE JUROR. Yes, sir. Juror No. 303. I

6 had a family friend that was shot and killed, probably about

7 ten or 15 years ago, but that would not affect my ability.

8 THE COURT: All right. Thank you, sir.

9 Yes, sir.

10 PROSPECTIVE JUROR: Juror No. 78, sir. I had a

11 cousin that was killed some years ago when I was a child --

12 THE COURT: All right. And would that fact affect

13 your ability to be a fair and impartial juror in this case.

14 PROSPECTIVE JUROR: No, sir

15 THE COURT: All right. Thank you, sir.

16 Yes, ma'am.

17 PROSPECTIVE JUROR: Juror 306.

18 THE COURT: Yes, ma'am.

19 PROSPECTIVE JUROR. My cousin was killed because

20 he was robbed.

21 THE COURT: Would that fact affect your ability to

22 be fair and impartial in this case?

23 PROSPECTIVE JUROR: Yes, it would.

24 THE COURT: All right. Jury 306 --

25 PROSPECTIVE JUROR: (The witness nodded head.)

1 THE COURT: -- will not be considered for
2 selection in this case.

3 Yes, sir.

4 PROSPECTIVE JUROR: Juror 240. I was a victim of
5 an armed robbery. I was shot. And yes, this would -- this
6 case wouldn't be my ability to be impartial.

7 THE COURT: All right. Juror 240 will not be
8 considered for selection in this case. Thank you, sir.

9 Yes, sir.

10 PROSPECTIVE JUROR: I had a close friend who was
11 raped and murdered when I was in college and would not
12 affect my ability to be fair.

13 THE COURT: All right. And your juror number once
14 again?

15 PROSPECTIVE JUROR 237. I'm sorry.

16 THE COURT: 237. All right Thank you, sir.

17 Has any member of the jury panel or any of your
18 immediately family members or close friends ever been
19 accused of committing a violent crime? If so, please stand?
20 Any of you or any immediate family member or close friends
21 ever been accused of committing a violent crime? If so,
22 please stand.

23 PROSPECTIVE JUROR. Juror No. 313. I have a close
24 friend's son was arrested and currently serving time for
25 murder.

1 THE COURT: All right. Would that fact affect
2 your ability to be fair and impartial in this case?

3 PROSPECTIVE JUROR: Not at all

4 THE COURT: All right. Thank you, ma'am.

5 Yes, sir.

6 PROSPECTIVE JUROR: I had a cousin -- Juror No.
7 78, Your Honor. I had a cousin that was accused of murder
8 in New York City, first cousin, sir.

9 THE COURT: Would that fact affect your ability to
10 be fair and impartial in this case?

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: Thank you, sir.

13 Yes, sir.

14 PROSPECTIVE JUROR: Actually, this is the first
15 question.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR: I apologize for that.

18 THE COURT: Yes, sir.

19 PROSPECTIVE JUROR: I had a brother that was shot
20 and killed, murdered.

21 THE COURT: And your juror number is?

22 PROSPECTIVE JUROR: Nine.

23 THE COURT: Would that fact affect your ability to
24 be fair and impartial?

25 PROSPECTIVE JUROR: No.

1 THE COURT: All right. Thank you, sir.

2 Any of you or any of your immediate family members
3 ever been employed or currently employed with any law
4 enforcement agency in the local, state or federal level,
5 including, but not limited to Columbia Police Department,
6 Richland County Sheriff's Department, SLED, FBI, any law
7 enforcement agency? If so, please stand.

8 (Jurors stands.)

9 THE COURT: Tell us your juror number.

10 PROSPECTIVE JUROR: 183, I work for the City of
11 Cayce Police Department.

12 THE COURT: All right Thank you.

13 PROSPECTIVE JUROR: Number 104. My -- works for
14 the department of public safety.

15 THE COURT: Thank you.

16 I've already struck you.

17 Yes, sir.

18 PROSPECTIVE JUROR: I was a volunteer with the
19 sheriff's office in --

20 THE COURT: Juror No. 9. All right. Thank you.

21 Yes, sir.

22 PROSPECTIVE JUROR: My wife is employed at the
23 Hopkins Magistrate, sir.

24 THE COURT: Juror 78, right?

25 PROSPECTIVE JUROR: Yes, sir.

1 spokesperson for the jury. That person will have the
2 responsibility of presiding over the jury deliberations.
3 And that person will have the responsibility of signing the
4 verdict form representing the unanimous verdict of the jury
5 once the jury reaches a unanimous

6 I look forward to working with you all on this
7 case. I will do all that I can to make it go as smoothly as
8 possible, for you not to get too worn out sitting over there
9 in those chairs for long periods of time, so we'll take a
10 stretch every now and then and we'll take breaks. If you
11 unduly tired or worn out for any particular reason, you
12 bring it to my attention and I promise you I will address
13 those concerns by taking a break if we need to. We want to
14 do all we can to keep you as comfortable as possible
15 considering the circumstances.

16 So with that being said, we're going to turn now
17 to the State for opening statements.

18 MR. STEADMAN: May it please the Court?

19 THE COURT: Yes, sir

20 MR. STEADMAN: No child should ever see what
21 eight-year-old^{R W} witnessed on October 27th,
22 2005. Make no mistake about it, he is scared by what he saw
23 that night. From approximately 20 feet away,^{R W}
24 watched helplessly as his dad, Tony Corbitt, was
25 beat repeatedly and then shot to death in his own home by

1 the Defendant, Greg Isaac.

2 October 27th, 2005 was supposed to be a great day
3 for Tony and his son, R W . They spent most of the day
4 together. They went shopping, went to the mall. Tony
5 bought R W a pair of shoes and then they went out for
6 dinner. After dinner, they headed back to their apartment
7 off of Fernandina Road And when they got back to their
8 apartment that evening, R W eventually went upstairs to
9 his bedroom and Tony stayed downstairs talking on the phone
10 and watching TV in the living room

11 But what Tony didn't know was that at that point
12 in the evening, Greg Isaac and his friend had already agreed
13 to rob Tony. And they were just waiting in the parking lot
14 for Tony to get home that night. They believed that Tony
15 had marijuana and money in his apartment. And it was Greg
16 Isaac and Tavares World's plan to go over there and rob him.

17 They also got the help of their friend, Vernorris
18 Dixon. He was supposed to be the get-away driver that
19 night He was told to wait in the parking lot until they
20 came back. And, ladies and gentlemen, you're going to hear
21 from Vernorris Dixon, the get-away driver. He's going to
22 take this witness stand and he's going to tell you what
23 happened that night.

24 It was about 9.30 p.m. when Greg and Tavares
25 approached Tony's apartment. Soon as they got up to the

1 door, Tavares kicked the door in, they both rush inside,
2 Greg pulled out a pistol and he pointed it at Tony.
3 Tavares, meanwhile, attacked Tony, repeatedly kicking him
4 and punching him demanding his money. While all of this is
5 happening in the living, at the top of the steps sat
6 eight-year-old^{R W}, peeking around the corner as he
7 watched two complete strangers come into his home and attach
8 his father.

9 Tony, he defended himself in his own home. He
10 fought back until, eventually, Greg Isaac pointed a pistol
11 at Tony and fired several shots, one of which hit Tony in
12 the stomach. As soon as Greg fired those shots, he and
13 Tavares fled out the apartment. They hopped in their
14 awaiting vehicle and they fled the scene.

15 Tony knew he had been shot and he knew he needed
16 help quick. So he rushed out of the apartment and he went
17 to his neighbor's for help. He collapsed on the ground
18 right outside of his neighbor's front door. A few neighbors
19 rushed to his side. They called 911. And they asked Tony
20 what happened? Who shot you? And Tony, laying on the
21 sidewalk, he tried to speak, but nothing came out. And he
22 took his last breath right there on the sidewalk outside of
23 his apartment. A few of the neighbors realized that^{R W}
24 was still inside the apartment. They went inside and they
25 grabbed^{R W} and they tried to shield him as much as

1 possible from had just happened.

2 Officers soon arrived on scene and a murder
3 investigation began. Witnesses told the officers they heard
4 a loud bang. They heard fighting, shouting and then
5 gunshots. Crime scene investigators showed up and they
6 inspected the inside of the apartment for any evidence that
7 may be useful to solve the crime. And what they found was a
8 fingerprint on a lamp that was knocked over in the living
9 room during the struggle.

10 Now, early on, investigators found no matches to
11 this fingerprint. Investigators questioned hundreds of
12 people about the incident, friends, family, acquaintances,
13 but nobody could provide any information that would lead to
14 a viable suspect. Investigators, after questioning every
15 lead they could find, had nowhere else to go. The case went
16 cold and it was eventually assigned to the cold case squad
17 at the sheriff's department.

18 Eventually, the case was passed down from
19 investigator to investigator, each working that case. Year
20 after year went by and the case remained unsolved. But,
21 thankfully, the Richland County Sheriff's Department never
22 gave up on that case. And Tony's, certainly, never gave up
23 hope. And seven years after the murder in March of 2012,
24 investigators got a break in that case. The fingerprint
25 that was found on that lamp inside the apartment on the

1 living room floor was matched positively to the Defendant
2 (indicating) Greg Isaac. He was brought in for questioning
3 in the sheriff's department and he was advised of his
4 rights. And then he went on to make a full written
5 confession that he was, in fact, the one who murdered Tony
6 Corbitt. Finally, seven years after this murder, the family
7 had their answer. Greg Isaac is responsible for the murder
8 of Tony Corbitt.

9 Greg Isaac is charged with murder, attempted armed
10 robbery and burglary in the first-degree. Murder in South
11 Carolina is the killing of another person with malice
12 aforethought. And in this case, going over to somebody
13 else's house armed with a pistol with the intent to rob
14 them, it doesn't get any more malicious than that. That's
15 clear malice aforethought. Attempted armed robbery is
16 attempting to take another person's property by force while
17 armed with a deadly weapon. So when Greg Isaac pointed that
18 pistol in Tony's face and they demanded his money, he
19 committed a crime of attempted armed robbery. Burglary in
20 the first degree is defined as breaking into another
21 person's home, either at night or while armed with a deadly
22 weapon or causing injury to somebody during a burglary. In
23 this case, we have all three because he was armed with a
24 deadly weapon, it was at nighttime and they caused Tony's
25 death.

1 And, ladies and gentlemen, as you know, this is a
2 criminal case and the State has the burden of proof in this
3 case. We have to prove our case beyond a reasonable doubt.
4 Proof beyond a reasonable doubt is proof that leaves you
5 firmly convinced that the Defendant is guilty. It does not
6 require us to overcome every and all possible doubt. And it
7 does not require us to prove this case to an absolute
8 certainty. But in this case with these facts, we welcome
9 our burden. And at the end of the case, once you've heard
10 from all of the witnesses and you've had a chance to view
11 all of the evidence, we're going to come back before you and
12 we're going to ask you to do what the evidence compels and
13 what justice demands and that's to find Greg Isaac
14 (indicating) guilty of attempted armed robbery, murder and
15 burglary in the first-degree. Thank you.

16 THE COURT: From the Defense?

17 MR. SCHNEE: May it please the Court?

18 Good afternoon. This case that you're going to
19 hear over the next couple of days, the Solicitor describes
20 it as a very horrible and violent act. And it really is.
21 And the Solicitor kept talking about they went in there,
22 they did this, they did that. That's not really what
23 happened

24 See, what happened is there were really three
25 people involved. First, this was a drug dealer. Second is

1 an 18-year-old scared, threatened and victimized kid. And
2 third, he's an older more violent man who rapes children --

3 MR STEADMAN: Objection, Your Honor.

4 MR. SCHNEE: -- and shoots at people.

5 THE COURT: The objection is overruled.

6 MR SCHNEE: Who rapes children, shoots at people
7 and robs them. That's what he does. He's done it for
8 years. And he's pled guilty to doing all that. That man's
9 name is Tavares World.

10 And on the night we're talking about here, Tavares
11 World, who, admittedly, is an acquaintance of Greg Isaac,
12 went to Greg and said, you need to come with me. We're
13 going to go over to this man's house, this drug dealer. He
14 owes me some money or something or he shorted me on a bag or
15 kind of -- Greg got in the car with Tavares World and
16 Vernorris Dixon, didn't really think much of it. He hangs
17 out with him, it's not a big deal. Finally, gets to that
18 apartment. And Tavares starts talking about wanting to
19 break into the place, and trying to rob the man. Greg Isaac
20 says no, I don't want to do that, don't want to do that.
21 Tavares World pulls out a gun, points it to his head and
22 says you are coming to this apartment or you die. That's
23 what that older, violent, child raping, shooting, robbing
24 man said to an 18-year-old kid. So he went to that
25 apartment.

1 Greg did not kick in that door. Greg did not try
2 to fight with Tony Corbitt. He tried to stop the fight. He
3 wanted to leave. And then at the very last minute, Tony
4 Corbitt, the drug dealer, reaches behind his back and is
5 going for a gun. Well, he's -- well, Greg is standing
6 there. And he didn't think this through. He didn't act
7 with malice. He, unfortunately, made a bad decision.

8 Now, the State wants to talk to you about
9 fingerprints. Well, what they're forgetting to tell you is
10 that there was also a bullet recovered in the apartment
11 across the street. Well, that bullet doesn't match the one
12 that's in Tony Corbitt. So who shot that round? They don't
13 want to talk about all the lack of fingerprints from any one
14 else in that apartment. They don't mention the fact in
15 their opening statement that Tony is a drug dealer. They
16 don't mention that the initial responding officers go there
17 and say there's an overwhelming smell of marijuana, find
18 trash bags full of nothing but a couple of drops of powder,
19 just tiny little flakes. Someone or multiple people went
20 into that apartment before the police arrived. They took
21 the marijuana out. And if there was a gun there, they
22 probably took that as well. We don't know because those
23 people aren't going to come and testify.

24 Now, the State, they spent all this time pointing
25 at Greg, pointing at Greg, pointing at Greg, saying it's

THOMAS HODGES DIRECT BY MR. STEADMAN

1 horrible that an eight-year-old goes through this whole
2 ordeal. And it is horrible But they're pointing at him
3 like he's somehow guilty. Point over there (indicating) in
4 your minds. That's what you need to do as jurors What
5 have they done as prosecutors, as police officers? What are
6 they going to present? They're going to present to you cop
7 after cop after investigator after crime scene investigator.
8 They're going to rattle off a whole list of -- you heard
9 that list. All of those potential witnesses. There must be
10 50 or 60 police officers that they could call to testify
11 And not one of them saw any of this. The only person that's
12 going to testify that saw anything that actually happened is
13 Greg (indicating). He's going to get up on that stand and
14 he's going to tell you what happened (indicating). He's
15 going to tell you how he was threatened. He's going to tell
16 you how scared he was All I am asking you and all Greg is
17 asking you is to keep an open mind, listen to all the
18 evidence. Don't prejudge him because he admits to shooting
19 the man. That doesn't make him guilty of murder. Thank
20 you.

21 MS. CAMPBELL. State calls Thomas Hodges.

22 THEREUPON,

23 THOMAS HODGES,

24 after having been duly sworn, testified as follows:

25 THE CLERK Have a seat in the witness box, state

THOMAS HODGES DIRECT BY MR. STEADMAN

1 your full name for the record and spell your last.

2 THE WITNESS: Thomas Hodges,H-O-D-G-E-S

3 DIRECT EXAMINATION

4 BY MR. STEADMAN:

5 Q What is your current occupation?

6 A I'm a criminal investigator for the Lexington County
7 Sheriff's Department

8 Q How long you been in that position?

9 A I've been at Lexington County Sheriff's Department
10 since October of 2008.

11 Q And what are your duties as an investigator with the
12 Lexington County Sheriff's Department?

13 A I'm a --

14 Q Have you also worked for the Richland County Sheriff's
15 Department?

16 A I have.

17 Q And when did you work for the Richland County Sheriff's
18 Department?

19 A May 2004 to October 2008.

20 Q And what was your position during that time with the
21 Richland County Sheriff's Department?

22 A I was a sheriff's deputy working road parole in
23 the region four area of Richland County.

24 Q And were you assigned a specific area of parole?

25 A I worked region four, which was the Broad River, St.

THOMAS HODGES DIRECT BY MR. STEADMAN

1 Andrews Road area all the way up to northwest Richland
2 County.

3 Q Does that encompass the incident location of Fernandina
4 Road?

5 A Yes, it does.

6 Q And were you working on October 27, 2005?

7 A Yes.

8 Q What point did you become involved in this case?

9 A I received a call for service at the incident location
10 in reference to shots fired.

11 Q And do you have a partner that works with you or is it
12 just you?

13 A I was a sole parole work on shift. I was by myself

14 Q And what was the nature of that call?

15 A It was a shots fired call and it was -- during the
16 course of me responding there, it was later changed
17 from dispatch that they heard somebody outside
18 screaming.

19 THE COURT: Officer, can you get closer to the
20 microphone?

21 THE WITNESS: I apologize.

22 THE COURT: That works.

23 BY MR. STEADMAN.

24 Q Investigator, I'm going to show you what's been marked
25 as State's 73 Do you recognize that?

THOMAS HODGES DIRECT BY MR. STEADMAN

1 A It appears to be an overhead view of the -- location
2 and the -- location.

3 Q Is that a fair and accurate depiction of what it was on
4 October 27, 2005?

5 A Yes, it appears to be.

6 MR. STEADMAN: Your Honor, at this time, the State
7 would move to introduce State's Exhibit No 73 into
8 evidence.

9 MR. SCHNEE: No objection

10 THE COURT: Without objection.

11 (State's Exhibit No. 73 was admitted
12 into evidence.)

13 BY MR. STEADMAN:

14 Q If you don't mind pointing out kind of the route you
15 took.

16 A This is going to be -- here This is I-26. This is
17 Fernandina Road. I believe the area in question is
18 somewhere around here (indicating), that would put me
19 coming in the second entrance, which you -- I don't
20 believe you can see over here, but it is close the --
21 Road, which is off of this map (indicating).

22 Q And did you confirm that this location was encompassed
23 in Richland County?

24 A The location, yes, is in Richland County.

25 Q Okay. Thank you You may be seated.

THOMAS HODGES DIRECT BY MR. STEADMAN

- 1 A (Witness complies.)
- 2 Q Do you know how long it took to get on scene from the
- 3 time you received the call?
- 4 A I believe I received it at 9:27 p.m. and I arrived on
- 5 scene at 9:32 p.m. so six minutes.
- 6 Q Do you have a copy of the report in front of you?
- 7 A I do not
- 8 Q All right. Let me get you that. When you arrived on
- 9 scene, what was the first thing you observed?
- 10 A I observed a black male lying on the ground in front of
- 11 Building 113.
- 12 Q What was your next step of the investigation once you
- 13 realized that somebody was down there on the ground?
- 14 A I believe I noted my findings. I also noticed a door
- 15 that was opened that appeared to have been forced open.
- 16 Q How did you know the door had been forced open?
- 17 A I saw what appeared to be shards of wood from the door
- 18 frame itself on the ground.
- 19 Q And there was several witnesses on scene at that point?
- 20 A There were people outside, yes.
- 21 Q And did you speak with those witnesses?
- 22 A I eventually spoke with them, yes.
- 23 Q Okay. What did you learn from those witnesses?
- 24 A I believe there were two gunshots heard in the area and
- 25 I people heard screaming beforehand and 911 was called.

THOMAS HODGES DIRECT BY MR. STEADMAN

1 Q And did you get there before EMS or paramedics arrival
2 on scene?

3 A I don't recall seeing them there. It's standard
4 practice the sheriff's department --

5 Q All right. Sir, I'm going to hand up a copy of the
6 report that you did.

7 A Thank you.

8 Q Just take a look at that. So throughout the course of
9 your investigation, once you arrived on scene, what
10 were the steps that you took within your duties as a
11 patrol officer?

12 A I did my best to secure the scene.

13 Q And are you -- how do you mean you secured the scene?

14 A Basically, like set it up where nobody -- keep people
15 clear on it so somebody can come in.

16 Q Okay And are you responsible for a crime log or do
17 you start that or how does that --

18 A I did not start the crime scene log, but there was one
19 started.

20 Q Okay. Once you started the crime log, what happened
21 next?

22 A Investigators in the crime scene unit responded.

23 Q So after investigators arrive, is your duty fulfilled
24 at that point?

25 A --

THOMAS HODGES CROSS BY MR. SCHNEE

1 Q How do you handle it once investigators get there?

2 A Turn the scene over to them and do what I'm instructed
3 at that point.

4 Q And the crime scene investigators arrived on the scene
5 pretty shortly after --

6 A I know they arrived after, I don't remember the time
7 frame, but they did arrive after, yes

8 Q Thank you. All right, sir, thank you. No further
9 questions.

10 A Thank you

11 CROSS-EXAMINATION

12 BY MR. SCHNEE:

13 Q You were the first one on scene?

14 A Yes, sir.

15 Q You know what time you arrived?

16 A 9.33 p m.

17 Q Okay. What time you were called out there?

18 A Shows dispatch time was 9 27.

19 Q And does it show incident time range -- when did the --

20 A Listed between 9.20 and 9.33.

21 Q So the start time is 9 20?

22 A That's the estimate, yes.

23 Q Okay. The end time is when you show up?

24 A That's correct

25 Q So 13 minutes?

THOMAS HODGES CROSS BY MR. SCHNEE

1 A According to this, yes.

2 Q Did you, actually, go into the apartment?

3 A I do not recall going in there. If I would have gone
4 in, I believe I would listed it in the report. I know
5 two of the officers that arrived shortly after I did,
6 they did go inside.

7 Q Okay. When you got there, you saw the outside of the
8 apartment?

9 A I saw the outside, yes.

10 Q Okay. The door was kicked in?

11 A It appeared to be forced in somewhat

12 Q Okay. And you smelled a very strong odor of marijuana?

13 A I did smell an odor of marijuana

14 Q Do you know if any was found inside the apartment?

15 A I'm not aware if any was or not.

16 Q Okay Now, was R W there when you got
17 there?

18 A That is the --

19 Q Decedent's son.

20 A -- decedent's son? I don't recall him being inside. I
21 remember seeing him outside of the apartment.

22 Q So he had already left when you got there?

23 A From what I remember, yes.

24 Q And he was with other adults at that point since he's
25 only eight years old?

THOMAS HODGES CROSS BY MR. SCHNEE

- 1 A He was with others, yes.
- 2 Q Okay. So you -- let me stop right there. You said you
- 3 secured the crime scene?
- 4 A That's correct.
- 5 Q Okay. And I believe your word were to prevent people
- 6 from going in?
- 7 A That's correct.
- 8 Q Okay. So for the 13 or so minutes before you got
- 9 there, anyone could have gone in or come out?
- 10 A That's correct
- 11 Q All right. So you don't know what happened before you
- 12 got there?
- 13 A I was not there, no, sir
- 14 Q Any of the witnesses you talk to see anyone leaving the
- 15 area at a high rate, running away?
- 16 A May I have a moment?
- 17 Q Sure.
- 18 A The only thing I know to tell you in my report is that
- 19 one of the witnesses reported seeing a black colored
- 20 vehicle with dark tinted windows, but they had no idea
- 21 whether it was involved or not.
- 22 Q Okay. Thanks. No further questions.
- 23 A Thank you.
- 24 THE COURT: Anything further?
- 25 MR. STEADMAN: No, Your Honor.

RAY LIVINGSTON DIRECT BY MS. WALKER

1 THE COURT: All right. Thank you, sir.

2 THE WITNESS: Thank you.

3 THE COURT: Next witness.

4 MS WALKER: State calls Investigator Ray
5 Livingston.

6 THEREUPON,

7 RAY LIVINGSTON,
8 after having been duly sworn, testified as follows:

9 THE CLERK: Have a seat in the witness box, spell
10 your last name, please.

11 THE WITNESS: All right. My name is Ray
12 Livingston, L-I-V-I-N-G-S-T-O-N.

13 DIRECT EXAMINATION

14 BY MS. WALKER:

15 Q Good afternoon, sir.

16 A Good afternoon.

17 Q Sir, can you tell this jury where you're employed?

18 A Richland County Sheriff's Department.

19 Q And how long have you been with the sheriff's
20 department?

21 A Since '95.

22 Q And in what capacity do you work with the sheriff's
23 department?

24 A Now, I'm a senior patrol officer out of region seven,
25 which is northeast section of Richland County.

RAY LIVINGSTON DIRECT BY MS. WALKER

- 1 Q What does a senior patrol officer do?
- 2 A Uniform patrol, patrol the streets and the
3 neighborhoods.
- 4 Q And I want to take your attention back to October of
5 2005, were you employed with the sheriff's department
6 then?
- 7 A I was.
- 8 Q And in what capacity were you working with the
9 sheriff's department?
- 10 A Crime scene investigator
- 11 Q Can you explain to the jury what a crime scene
12 investigator does?
- 13 A Crime scene investigators go out and process crime
14 scenes, photograph, preserve and collect evidence.
- 15 Q What is the purpose of doing those things?
- 16 A For trial, in case you have to go to trial and to -- if
17 we have to go back and redo a case or redo a scene,
18 we'll have the evidence to do it with
- 19 Q Preservation of evidence?
- 20 A Yes.
- 21 Q On October 27th of 2005, did you have the opportunity
22 to respond to a crime scene that night?
- 23 A I did.
- 24 Q And that was the scene of a murder?
- 25 A That was the scene of a murder at Fernandino Road.

RAY LIVINGSTON DIRECT BY MS. WALKER

1 Q And that's here in Richland County?

2 A Yes, ma'am.

3 Q Can you please tell the jury what you did upon
4 responding to the crime scene?

5 A Once I got on the scene, as always, I always meet with
6 the officers And the officers -- the first responding
7 officers, they tell me what they found when they
8 arrived. And then we go around and point out different
9 objects to them. I go through the crime scene and
10 look, also Then if I need to, I call additional
11 people in.

12 Q What is the purpose of that initial conversation you
13 have with the responding officers?

14 A To see what they found when they arrived on scene.

15 Q Okay. Is that important to you?

16 A Yes, ma'am.

17 Q And why is that important?

18 A It tells me where I need to start my investigation at

19 Q And when you arrived on scene that night, what, if
20 anything, did you learn?

21 A I learned that the individual was at home and,
22 apparently, the house was broken into, the apartment
23 was broken

24 Q When you say the individual, are you talking about the
25 victim in this case?

RAY LIVINGSTON DIRECT BY MS. WALKER

1 A Yes, ma'am.

2 Q I'm sorry. Continue.

3 A The victim was at home. Evidently, there was a
4 disruption of some type, fight or something in the
5 apartment that lead to the outside and the victim had
6 been shot.

7 Q In your initial observation of the crime scene, was
8 that consistent with what you were being told happened?

9 A Yes, ma'am.

10 Q After your initial walk-through, what was your -- what
11 did you do then?

12 A Well, my initial walk-through was the victim was still
13 there. I was looking at the victim, going outside the
14 apartment and inside of the apartment. The next thing
15 I did was started to collect my camera to photograph
16 and photograph the scene as is we found it --
17 photograph it inside and outside.

18 Q You said the initial thing you did was photograph the
19 victim in this case?

20 A The victim and the outside and inside of the apartment,
21 yes, ma'am.

22 Q And sir, I want to show you what's been marked as
23 State's Exhibits 7 through 11.

24 MS. WALKER Your Honor, may I approach the
25 witness?

RAY LIVINGSTON DIRECT BY MS. WALKER

1 THE COURT: Yes.

2 BY MS. WALKER:

3 Q And ask you if you recognize these?

4 A Yes, ma'am.

5 Q And how do you recognize these?

6 A As to my initials and that the victim's photograph of
7 the victim there.

8 Q Okay. Do these fairly and accurately represent what
9 you saw that night?

10 A Yes, ma'am.

11 MR. SCHNEE. Judge, there's a matter of law that
12 we need to take up?

13 THE COURT: All right. Ladies and gentlemen, I
14 ask you go to the jury room for a break. Please do not
15 discuss the case.

16 (Whereupon, the jury left the courtroom
17 at 3:44 p.m.)

18 THE COURT: All right. Yes, sir.

19 MR SCHNEE: May it please the Court, Your Honor.

20 At this point, I am going to renew my objection to these
21 photograph based on the pretrial memorandum I filed with
22 Your Honor. I also note for the record that last time you
23 already excluded photograph number seven. Photograph number
24 seven is an extreme close-up of Mr. Corbitt's left eye
25 Photograph numbers eight and nine appear to be most of his

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1 body and/or his entire body pretty much the same angle lying
2 on the ground. Number ten is a close-up of the full view
3 and the side. And number 11 is a close-up of the bottom of
4 his chin I would argue, first and foremost, number seven
5 is not relevant to anything that the State is trying to
6 show. It is highly prejudicial. Numbers eight and nine,
7 while not by themselves all that horrible, both of them
8 combined would give -- meet the level of prejudicial as they
9 would be cumulative. Number 10 shows what appears to be --
10 substantial amount of blood And I have no objection to 11.

11 MS. WALKER: Do you won't see the pictures, Your
12 Honor?

13 THE COURT: I want to hear your response to his
14 argument and, of course, I want to see the pictures.

15 MS WALKER: Your Honor, may I approach, Your
16 Honor?

17 THE COURT: Mr. Schnee, what are your -- in the
18 transcript from the previous hearing.

19 MR. SCHNEE: The previous hearing, in the list of
20 exhibits of at the very beginning, it listed number seven, I
21 think for ID purposes, and it list others, all of them were
22 on page 33. The others were introduced on page -- actually,
23 entered into evidence on page 35.

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

25 MS. WALKER: Your Honor, page 33, I think you said

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1 that Exhibit 7 could be revisited at a later time. It was
2 marked for identification purposes. You did, Your Honor, at
3 the previous trial admit Exhibits 8 through 11. As Your
4 Honor is well aware, the Court for the first time at last
5 trial the Defendant raised a self-defense defense in this
6 case. At that point, Your Honor, I think the argument that
7 was made last time, the argument that the State stands by is
8 that it's important then for the jury to be able to see the
9 victim in this case, how he presented that day. The
10 Defendant makes claims that he was reaching for a gun, that
11 he didn't know what was going on, that they were in the
12 middle of a tussle, which shows Your Honor -- the pictures
13 I'll hand up whenever Your Honor request them, a shirtless
14 individual with a -- with tight sweatpants on, which would
15 have made the existence of nonexistence of a gun at that
16 time evident. And that's the argument we made last time in
17 terms of getting in the picture of the Defendant's body.

18 And in conjunction with that, Your Honor, this --
19 the victim is attacked in his own home and these pictures go
20 to corroborate the imminence that there was a struggle at
21 the place and the victim was violently attacked and beaten.
22 And these are the scarrings and marks of that attack are
23 preserved in the photographs of the victim.

24 We just ask that Your Honor stand by his previous
25 ruling in this matter.

RAY LIVINGSTON DIRECT BY MS. WALKER

1 THE COURT: Yes, sir.

2 MR. SCHNEE: Very briefly, Your Honor. There's
3 absolutely no testimony that Mr. Corbitt at the time that he
4 was in that fight with Mr. World and was subsequently shot
5 was not wearing a shirt, nor is there any testimony
6 presented by any competent witness thus far that those pants
7 were even capable of holding a gun in the waistband.
8 They're sweat pants. In terms of a shirt, there's nothing
9 to say There was no shirt there In fact, the hands in
10 the photograph are bagged and already been processed by law
11 enforcement.

12 THE COURT All right. Let me see them.

13 MS. WALKER: Thank you, Your Honor.

14 (pause.)

15 THE COURT: Ms. Walker, referring back to the --
16 claim of self-defense or lack of claim, whatever his claim
17 was in opening, how did it relate to -- if it did to
18 self-defense struggle and the admissibility of these
19 pictures?

20 MS. WALKER: Your Honor, the State's position is
21 that the claim is self-defense --

22 THE COURT: I'm referring to his opening
23 statement.

24 MS. WALKER: I think he said in opening statement
25 that he saw the Defendant -- or Greg Isaac is going to

RAY LIVINGSTON DIRECT BY MS. WALKER

1 testify that he saw the victim going behind his back and
2 reaching for something. I think the pictures, Your Honor,
3 show that if he was, in fact, going -- if he's involved in a
4 tussle, which is what Mr. Schnee said in his opening
5 statement, that he is going behind himself reaching for
6 something, the presence -- there is no gun found and that
7 would be evident to someone who is observing him and
8 watching him as he in his home moving around That's why,
9 Your Honor, the shirtless picture. There is nothing to
10 conceal a gun in this case.

11 THE COURT: I understand that part of it.
12 Regarding the injuries in number seven -- which I excluded
13 the last time, what about the close-up of the face?

14 MS. WALKER Your Honor, I think that the
15 testimony, Your Honor, will be, of course, at this trial
16 that he was attacked. I think Mr. Schnee concedes that in
17 his opening statement, that the victim in this case was
18 attacked in his own home. And that corroborates that in
19 terms of showing the beating that he was taking. Can I see
20 the picture, Your Honor? In terms of the cut that's over
21 the -- the cut that's over his eye, Your Honor.

22 THE COURT: Yeah.

23 MS. WALKER: And the bluing around the eye would
24 corroborate the fact that this man was attacked in his own
25 home.

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1 THE COURT: Mr. Schnee?

2 MR. SCHNEE: Judge, the existence or nonexistence
3 of a fight is not the issue of the photographs. The issue I
4 have with the photographs is that they are showing highly
5 prejudicial -- they are in a highly prejudicial way
6 depicting that. There's no dispute there was a fight. The
7 content of the photos themselves that are a problem for my
8 client's Constitutional rights, which is what I described in
9 my four or so page motion as to why they should be excluded

10 THE COURT: Well, I understand your motion, but
11 then you make an opening statement in which you're in
12 effect -- the question is whether you're seeking the jury to
13 create a scene or picture a particular scene of your client
14 going in there under duress and acting as he did in wanting
15 the jury to view a scene in the way that you created it in
16 your argument.

17 Are you asking that -- so the question is whether
18 or not you're asking the jury to speculate as to what the
19 scene was versus what the photographic evidence show at the
20 scene actually is. Hence, the -- whether despite whatever
21 possible prejudicial effect the photograph may have, the
22 probative -- comparing that with probative value of the
23 State seeking to prevail upon the jury that the facts are as
24 the State argues versus the facts that you're arguing. So
25 they become critical to assess the credibility of the

RAY LIVINGSTON DIRECT BY MS. WALKER

1 evidence.

2 MR. SCHNEE: Well, Judge, the photographs
3 themselves do not necessarily paint the picture. The
4 officer clearly testified that --

5 THE COURT: Well, you said to the jury that none
6 of the officers were there, so, obviously, none of the
7 jurors -- and you weren't there and I wasn't there, so the
8 whole nature of the trial is seeking to explain what
9 occurred in retrospect now some eight years later.

10 MR. SCHNEE: Yes, Your Honor, it is to explain
11 what happened, but in a fair -- fair matter to my client
12 within the rules of evidence, which I do not believe all of
13 these photos would qualify. They are more than just
14 slightly prejudicial. The fact that Mr. Corbitt has been
15 lying there, he has had his hands bagged, he's been
16 processed by -- I don't know if EMS took his shirt off.
17 There's no testimony in that regard at this point. And
18 those pictures without further testimony are improper.

19 THE COURT: All right.

20 How about that aspect regarding whether EMS or
21 whether there's evidence that anyone -- that they did or did
22 to take his shirt or evidence by his son that he didn't have
23 shirt on?

24 MS. WALKER Your Honor, there is no evidence that
25 EMS took the shirt off I think Investigator Livingston

RAY LIVINGSTON DIRECT BY MS. WALKER

1 will be able to testify to that, how the Defendant was when
2 he found him because he got there before EMS was there. I
3 can, certainly, lay that foundation that that's how he
4 presented at that time.

5 THE COURT: All right. I'll give you that
6 opportunity
7 BY MS. WALKER.

8 Q When you arrived on the scene, was EMS there?

9 A They had already left?

10 Q They had already left at that point in time?

11 A Yes.

12 Q And had you gotten any information that his body was in
13 any way disturbed or clothing was removed as --

14 MR. SCHNEE. Objection, hearsay.

15 MS. WALKER: Your Honor, I can -- may I respond?

16 THE COURT: You want me to rule on the objection
17 or you just want to respond?

18 MS. WALKER: Can I respond to the objection?

19 THE COURT Oh, yes.

20 MS. WALKER: The investigator can talk about what
21 he learned over the course of his investigation that goes
22 into him proceeding with --

23 THE COURT: I'm aware of that

24 MS. WALKER: Okay.

25 THE COURT: So the objection is overruled.

RAY LIVINGSTON DIRECT BY MS. WALKER

1 BY MS. WALKER:

2 Q Did you have any information --

3 A That the victim had a shirt on?

4 Q That EMS had removed the shirt from the victim?

5 A No, ma'am

6 Q That anyone had removed anything from the victim?

7 A No, ma'am

8 Q And did you photograph the scene as you found it?

9 A I photographed the scene as I found it.

10 Q The pictures that I showed you earlier, State's 7

11 through 11, those fairly and accurately depict what you

12 saw that day?

13 A Yes, ma'am.

14 THE COURT: The ruling of the Court is the same as

15 it was the last time, these photographs No 8, 9, 10, 11 are

16 in, 7 is for identification purpose

17 MS. WALKER: Thank you, Your Honor.

18 (State's Exhibit Nos 8, 9, 10, 11 are

19 admitted into evidence.)

20 THE COURT: All right. Anything else before the

21 jury comes back?

22 MS. WALKER: Nothing from the State.

23 THE COURT Let's take a two-minute stretch, then

24 we'll bring them in.

25 (Whereupon, a short recess was held.)

RAY LIVINGSTON DIRECT BY MS. WALKER

1 THE COURT: Okay Let's bring in the jury.

2 THE BAILIFF: Bring in the jury, Your Honor?

3 THE COURT: Yes, bring them on.

4 (Whereupon, the jury returned to the
5 courtroom at 4:03 p.m.)

6 THE BAILIFF: The jury is present, Your Honor.

7 THE COURT: All right. You may proceed.

8 MS. WALKER: Thank you Your Honor.

9 BY MS. WALKER:

10 Q I think we were discussing State's Exhibits 8 through
11 11. Can you tell me what this is?

12 A That's the victim on the outside of his apartment.

13 Q Okay. And this was taken by you that night?

14 A Yes, ma'am.

15 Q Okay. And the bags that are on his hand, can you
16 explain what that is for the jury?

17 A That's to bag the hands. We know there was a
18 struggle -- anything under his fingernails or any other
19 evidence on his hands there.

20 Q And where is his body in relation to the apartment?

21 A Just outside the door

22 Q And this photo as well?

23 A Yes, ma'am.

24 Q And State's Exhibit 11, what's that depict?

25 A That depicts a wound to the victim's chin.

RAY LIVINGSTON DIRECT BY MS. WALKER

1 Q And was that important to you?

2 A Yes, ma'am.

3 Q Why that was?

4 A Well, we know that there was a struggle, so that he had
5 been in a fight there or something

6 Q And State's Exhibit 10?

7 A That is the bullet wound.

8 Q As you continue photographing the crime scene that
9 night, I want to show you State's Exhibits 12 through
10 15 and ask if you recognize those?

11 A Yes, ma'am.

12 Q And do these fairly and accurate depict what you saw
13 that night?

14 A Yes, ma'am.

15 MS. WALKER: Your Honor, at this time, the State
16 seeks to admit State's Exhibit 12 through 15?

17 MR. SCHNEE: No objection.

18 THE COURT: They're admitted without objection.

19 (State's Exhibit Nos. 12 through 15 were
20 admitted into evidence)

21 BY MS. WALKER:

22 Q State's Exhibit 12 and 13, why did you photograph this?

23 A That's a picture of the damage to the door showing that
24 force had been used on the door.

25 Q And can you explain to the jury how you knew that force

RAY LIVINGSTON DIRECT BY MS. WALKER

1 was used on the door?

2 A Well, this photograph here (indicating), the side
3 paneling had been forced away from the wall. On the
4 other one, the threshold had been damaged and split
5 open.

6 Q This was the victim's apartment?

7 A Yes, ma'am.

8 Q And 14 and 15 as well?

9 A Yes, ma'am. 14 shows show the strike in the deadbolt.

10 Q Can you explain what a striker in a deadbolt?

11 A Strike is when you lock a deadbolt, it goes into the
12 main frame. And you can tell it was still out there
13 And that shows the damage to the door (indicating)
14 where it was --

15 Q And as you continue to go inside of the apartment, what
16 room did you gather evidence or -- I'm sorry,
17 photograph first?

18 A The first room I photographed was the living room area.

19 Q Okay. And why was that?

20 A That's where -- the room was in disarray. You could
21 tell that something happened there. The lamp shade was
22 knocked over. The couch had blood on it and the
23 stairwell case had blood on it, also.

24 Q You say this room was in disarray. The other rooms in
25 the apartment, were they in disarray as well?

RAY LIVINGSTON DIRECT BY MS. WALKER

1 A No, ma'am

2 Q So this was out of the ordinary?

3 A Yes, ma'am

4 Q Let me show you 16 through 26 and ask you if you
5 recognize these photos?

6 A Yes, ma'am

7 Q And do they as well fairly and accurately represent
8 what you saw?

9 A Yes, ma'am.

10 MS. WALKER: Your Honor, at this point -- at this
11 point, Your Honor, the State seeks to introduce Exhibit 16
12 through 26 into evidence?

13 MR. SCHNEE: No objection.

14 THE COURT: Admitted without objection
15 (State's Exhibit Nos. 16 through 26 were
16 admitted into evidence.)

17 BY MS. WALKER:

18 Q What room is this?

19 A That's the living room area.

20 Q Is this how you found it?

21 A Yes, ma'am.

22 Q And can you describe for the jury why you say a
23 struggle took place in this room?

24 A Well, how the room was found.

25 Q (The witness nodded head.)

RAY LIVINGSTON DIRECT BY MS. WALKER

- 1 A The couch had pillows taken off of it. The lamp shade
2 was on the floor. Again, we found blood on the back of
3 the couch as also around the curtains and on the
4 stairwell there.
- 5 Q And in Exhibit 17, what is this right here
6 (indicating)?
- 7 A Oh, the lamp.
- 8 Q Okay. And did the lamp become important in this case?
- 9 A Yes, ma'am.
- 10 Q And this is how you found it that night?
- 11 A Yes, ma'am.
- 12 Q And State's Exhibit No. 20, is this a different angle
13 of the living room?
- 14 A Yes, ma'am.
- 15 Q And State's Exhibit 26, what's this?
- 16 A That's where we found the money on the floor and --
- 17 Q And Exhibit No. 22, can you describe what this is?
- 18 A That is the side of the couch closest to the door where
19 we found the blood on the back of the couch and side of
20 the couch.
- 21 Q This is where -- my finger is pointing to the blood?
- 22 A Yes, ma'am. And on the curtain.
- 23 Q Okay. So my three fingers on State's 22 are where the
24 blood is?
- 25 A Yes, ma'am.

RAY LIVINGSTON DIRECT BY MS. WALKER

1 Q Continuing, sir, with the photographs of the apartment
2 there, I show you State's 27 through 35 and ask you if
3 you recognize these?

4 A Yes, ma'am.

5 Q And do these fairly and actually depict what you saw
6 that night?

7 A Yes, ma'am.

8 MR. SCHNEE: Judge, I have an objection to three
9 of them. I prefer to have a matter of law on the record.

10 THE COURT: All right. Ladies and gentlemen,
11 we'll have you go to the jury room once again. Please leave
12 all of the exhibits in the courtroom and we'll have you come
13 back as soon as possible.

14 (Whereupon, the jury left the courtroom
15 at 4.15 p.m.)

16 THE COURT: Yes, sir.

17 MR. SCHNEE: Judge, at this time, I object to
18 State Exhibit Nos. 28, 30, 31. The others I have no problem
19 with. All three of these are showing a large pool of blood
20 on the floor of the apartment, both directly inside and
21 outside. There's no useful purpose for these photographs.
22 They're far away photos. The close-ups that are, actually,
23 being attempted to introduce are close-ups of shell casings,
24 part of the door frame and a cell phone that apparently had
25 fallen down or was broken. There's nothing in these

RAY LIVINGSTON DIRECT BY MS. WALKER

1 photographs of any useful value for the jury All they can
2 do is insight prejudice and I would ask that they be
3 excluded.

4 THE COURT: All right.

5 MR. SCHNEE. If I may approach?

6 THE COURT: All right. The State's position?

7 MS. WALKER: Your Honor, in the struggle that
8 takes place, he's charged, Your Honor, with both burglary
9 and murder. The blood, Your Honor, starts in the foyer of
10 the apartment. Your Honor, I think it's crucial to the
11 State's case to be able to show the victim was inside of his
12 own home, the door was kicked in, he was shot inside of his
13 home In terms of any self-defense or duress, whatever
14 their argument is at this time, in order to show that the
15 victim was inside of his own home, I think we can show, Your
16 Honor, where the blood starts. I don't even think their
17 gruesome, Your Honor. There is no body in the picture.
18 They show blood and shell casing.

19 THE COURT: Mr Schnee?

20 MR. SCHNEE: Judge, there's no dispute that there
21 was a fight inside of the apartment. The only question is
22 is there a lawful defense to it The -- those bloody photos
23 do not do anything to aid the jury in determining facts nor
24 does it aid in any way the prosecution in terms of
25 describing that there was blood inside of the apartment.

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1 They've already shown blood inside of the apartment on the
2 couch and on the curtain. That's not in dispute. This
3 witness can, certainly, testify as to what he found and
4 where, but to show the actual photos of blood puddles, that
5 is my objection.

6 THE COURT: All right. I find that the probative
7 value outweighs any prejudicial effect, that the State is
8 entitled to present the evidence to convince the jury
9 regarding the evidence. And at this point, everything is in
10 dispute in this case. So the photographs are admitted over
11 objection. 28, 30 and 31. And the others are in without
12 objection.

13 (State's Exhibit Nos. 27 through 35 are
14 admitted into evidence.)

15 THE COURT: All right, you can bring them back.
16 (Whereupon, the jury returned to the
17 courtroom at 4:19 p.m.)

18 THE BAILIFF: Your Honor, the jury's present and
19 seated.

20 THE COURT: All right Very well.
21 You may proceed.

22 BY MS. WALKER.

23 Q Again, going back to State's Exhibits 27 through 35,
24 can you tell me what's shown in this picture?

25 A That's the shell casing behind the door.

RAY LIVINGSTON DIRECT BY MS. WALKER

- 1 Q Okay. And is preserved by a marker in this picture?
- 2 A It is.
- 3 Q What marker is that?
- 4 A Let me see that. Marker number three.
- 5 Q So 27 would be a close-up of the marker in Exhibit 28?
- 6 A Yes, ma'am.
- 7 Q Why was this shell casing important?
- 8 A Ma'am?
- 9 Q The photograph of the shell casing, why did you do
- 10 that?
- 11 A Showing that's where we located the shell casing there
- 12 behind the door inside of the apartment.
- 13 Q And Exhibit 29 and 30?
- 14 A Yes, ma'am.
- 15 Q Okay. Is that --
- 16 A Same.
- 17 Q Shell casing as well?
- 18 A Yes, ma'am.
- 19 Q Can you tell me what's depicted in Exhibit 31 and 32?
- 20 A That is a cell phone on 31. I think it's a battery,
- 21 also, I'm not sure. This is the striker that goes to
- 22 the door.
- 23 Q Is that part of the lock?
- 24 A Part of the lock.
- 25 Q So the lock was kicked off of the door?

RAY LIVINGSTON DIRECT BY MS. WALKER

1 A Yes, ma'am

2 Q And that cell phone was preserved in Exhibit 33 as
3 well?

4 A Yes, ma'am

5 Q And State's Exhibit 34 and 35?

6 A Shell casing on the outside.

7 Q Where was the shell casing found?

8 A Right outside on the porch there.

9 Q Porch area. So how many shell casings were found on
10 the scene?

11 A Two.

12 Q Now, sir, I would like to show you State's Exhibit 36,
13 37 and 64 through 66. Do you recognize these?

14 A Yes, ma'am.

15 Q Do these fairly and accurately depict what you saw that
16 night?

17 A Yes, ma'am.

18 MS WALKER: Your Honor, at this point, the State
19 seeks to introduce State's 65, 66, 64, 36, and 37 into
20 evidence?

21 MR. SCHNEE: No objection.

22 THE COURT: Admitted without objection.

23 (State's Exhibit Nos. 36, 37, 64, 65, 66
24 were admitted into evidence.)

25

RAY LIVINGSTON DIRECT BY MS. WALKER

1 BY MS. WALKER:

2 Q Exhibits 36 and 37, can you tell me what this shows?

3 A It shows a menu or newspaper there and it had blood
4 strike on it

5 Q And where was the menu found?

6 A On the coffee table.

7 Q In the living room?

8 A Yes, ma'am.

9 Q And 64?

10 A That's the turned over lampshade right at the
11 staircase.

12 Q And that's depicted in 65 and 66 as well?

13 A Yes, ma'am.

14 Q Okay. Sir, I want to show you Exhibits 38 through 42
15 and ask if you recognize those?

16 A Yes, ma'am.

17 Q And do these fairly and accurately depict what you saw
18 that night?

19 A Yes, ma'am.

20 MS. WALKER: Your Honor, at this point, the State
21 would seek to admit State's Exhibits 41, 42, 40, 39 and 38.

22 MR. SCHNEE: No objection.

23 THE COURT: Admitted without objection.

24 (State's Exhibit Nos. 38 through 42 were
25 admitted into evidence.)

RAY LIVINGSTON DIRECT BY MS. WALKER

1 BY MS. WALKER

2 Q Forty-two, State's Exhibit 42?

3 A Yes, ma'am -- by the couch.

4 Q Okay. And what was significant there?

5 A Showing the blood on that -- I think it's a letter of
6 some type.

7 Q And 39, 40 and 41?

8 A It shows the blood on the stairwell at the bottom of
9 the staircase.

10 Q And Exhibit No. 38, what does that show?

11 A It shows pointing up from the bottom of the stairs
12 looking up at the top of the stairs where the child
13 would have been standing

14 Q Would you tell the jury why this angle was important?

15 A To show that where he was standing, he could really see
16 from the top of the stairs and look down.

17 Q When you say he, who are you referring to?

18 A The victim's son.

19 Q Was he present at the time?

20 A When I took the photograph, no, ma'am.

21 MR. SCHNEE: Objection, Your Honor.

22 THE COURT: Objection sustained.

23 BY MS. WALKER:

24 Q And did you continue to photograph other rooms in the
25 house?

RAY LIVINGSTON DIRECT BY MS. WALKER

1 A Yes, ma'am.

2 Q Why was that done?

3 A To show that the house wasn't in disarray. I think the
4 kitchen area, back of the house and living room and
5 upstairs in the bedrooms there.

6 Q I want to show you Exhibits 43 through 55 and ask if
7 you recognize those?

8 A Yes, ma'am.

9 Q And do these fairly and accurately depict what you saw
10 there that night?

11 A Yes, ma'am.

12 MS. WALKER: Beg the Court's indulgence, Your
13 Honor. Your Honor, at this point, the State seeks to
14 introduce Exhibits 43 through 55.

15 MR SCHNEE: No objection.

16 THE COURT Admitted without objection.

17 (State's Exhibit Nos. 43 through 55 were
18 admitted into evidence.)

19 BY MS. WALKER:

20 Q These are the other areas of the house that you
21 photographed?

22 A Yes, ma'am

23 Q Forty-five, 46?

24 A That was in the kitchen area, just a mark on the floor,
25 both of the kitchen areas there.

RAY LIVINGSTON DIRECT BY MS. WALKER

- 1 Q As well as 47?
- 2 A Yes, ma'am.
- 3 Q And where is the kitchen in relation to the living
- 4 room?
- 5 A Right to the rear of the living room.
- 6 Q And Exhibits 43 and 44?
- 7 A That shows the upstairs bathroom and yes, that's the
- 8 closet there (indicating).
- 9 Q Forty-eight and 49?
- 10 A That would be the son's bedroom, both of them there.
- 11 Q And 50, 51, 54 and 55?
- 12 A I think those were all of the victim's bedroom.
- 13 Q And were both of those bedrooms upstairs?
- 14 A Yes, ma'am
- 15 Q Okay. And finally, 52?
- 16 A That was the hallway upstairs.
- 17 Q Okay. After photographing the residence, did you
- 18 continue to collect evidence?
- 19 A Yes, ma'am.
- 20 Q I think you already testified to those shell casings
- 21 that were photographed?
- 22 A Yes, ma'am.
- 23 Q I want to show you State's Exhibits 57 and 62. Can you
- 24 tell me what these are?
- 25 A Yes, these appear to be the envelopes that I put the

RAY LIVINGSTON DIRECT BY MS. WALKER

1 shell casings in.

2 MS. WALKER: Your Honor, at this point, the State
3 seeks to introduce Exhibits 57 and 62 into evidence.

4 MR. SCHNEE: No objection.

5 THE COURT: Admitted without objection.

6 (State's Exhibit Nos. 57 and 62 were
7 admitted into evidence.)

8 BY MS WALKER:

9 Q These were collected by you that night?

10 A Yes, ma'am.

11 Q Did you also take a number of swabs that night?

12 A Yes, ma'am.

13 Q Can you explain to the jury why you take swabs?

14 A Well, take jobs with blood and other areas of the house
15 there -- and you send it to the lab for analysis.

16 Q And Exhibits 59 and 71, do you recognize those?

17 A Yes, ma'am, this is a blood swab from the corner table
18 and this is from the newspaper.

19 MS. WALKER: Your Honor, at this point, the State
20 seeks to introduce Exhibits 59 and 71 into evidence.

21 MR. SCHNEE: No objection.

22 THE COURT: Admitted without objection

23 (State's Exhibit Nos. 59 and 71 were
24 admitted into evidence)
25

RAY LIVINGSTON DIRECT BY MS. WALKER

1 BY MS. WALKER.

2 Q Can you tell the jury how you take swabs?

3 A Swabs are -- sterile water or you can use dry swabs,
4 just barely touch the blood there and collect it. We
5 have a cardboard box that we take it and put it in
6 there and seal it up and no one is get into it until it
7 gets to the lab.

8 Q And Exhibit 56?

9 A This is the cell phone that was found in the
10 entranceway.

11 MS. WALKER: Your Honor, the State seeks to
12 introduce Exhibit 56 into evidence?

13 MR. SCHNEE: No objection.

14 THE COURT. Admitted without objection.

15 (State's Exhibit No. 56 was admitted
16 into evidence)

17 BY MS. WALKER:

18 Q And finally, did you do a GSR kit that night?

19 A A GSR was taken; yes, ma'am.

20 Q Explain to the jury what a GSR kit is how you do the
21 testing, please.

22 A It's a gunshot residue kit. You get a kit and it has
23 swabs and it -- swab the hands, put them inside a
24 sealed container and send them to the lab to be
25 analyzed It will tell if the victim or any one else

RAY LIVINGSTON CROSS BY MR. SCHNEE

1 fired a weapon anywhere.

2 Q And the Exhibit 9 that's being introduced into
3 evidence, his hands are bagged here, was that before or
4 after the test was done?

5 A I done it before I bagged his hands.

6 Q You did the GSR before you bagged his hands?

7 A Yes, ma'am.

8 Q Okay. And let me show you State's Exhibit 63? Do you
9 recognize this?

10 A Yes, ma'am.

11 Q Okay

12 MS. WALKER: Your Honor, at this point, the State
13 seeks to introduce Exhibit 63 into evidence.

14 MR SCHNEE: No objection

15 THE COURT: Admitted without objection.

16 (State's Exhibit No. 63 was admitted
17 into evidence.)

18 BY MS. WALKER:

19 Q What is this, Exhibit 63?

20 A Should be gun primer. If you want, I can open it up
21 and take a look at it for you.

22 Q There you go.

23 A Okay. It's a gunshot residue kit and gun primer is
24 what it looks like -- sent that to SLED.

25 Q After photographing and collecting this evidence that

RAY LIVINGSTON CROSS BY MR. SCHNEE

1 night, what did you do?

2 A After we collected evidence, you know, we went around
3 and just relooked to see if there was anything that we
4 missed or anything that --

5 Q And after doing that, what did you do next? After
6 making sure that you had collected all the evidence,
7 what did you do?

8 A After that, we sealed the apartment. The victim had
9 already been taken away, so we sealed the apartment.

10 Q And was that the extent of your involvement in this
11 investigation?

12 A For that night, yes, ma'am.

13 Q Did you do something later on after that night?

14 A No, ma'am, I don't believe so. Outside of just
15 collecting the evidence, that was it.

16 Q Okay. Thank you, sir. No further questions.

17 THE COURT: Cross examination?

18 MR SCHNEE: May it please the Court?

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. SCHNEE:

22 Q Do you know what time you arrived on the scene?

23 A I know it was somewhere just after nine It doesn't
24 depict here exactly what time.

25 Q Would the crime scene log assist you in that?

RAY LIVINGSTON CROSS BY MR. SCHNEE

1 A It will.

2 MR. SCHNEE: May I approach, Your Honor?

3 THE COURT: Yes, sir.

4 BY MR. SCHNEE:

5 Q Do you recognize this?

6 A It's 2159.

7 Q That's 9.59 p.m.

8 A Right.

9 Q Does it say on there when EMS left?

10 A 2145.

11 Q So about 15 minutes before you got there, they were
12 gone?

13 A Uh-huh.

14 Q Okay. You didn't talk to anyone with EMS, did you?

15 A No, I didn't.

16 Q So you don't know what they did in terms of processing
17 Mr. Corbitt?

18 A Oh, no, sir.

19 Q You have no idea if they took his shirt off?

20 A No, sir, I don't.

21 Q You don't know what they did with any of his clothing
22 or anything else?

23 A If they took anything off -- normally, EMS don't talk
24 anything with them.

25 Q But there were other officers on the scene before you

RAY LIVINGSTON CROSS BY MR. SCHNEE

- 1 got there?
- 2 A Yes, sir.
- 3 Q While EMS was there?
- 4 A Yes, sir.
- 5 Q Did you talk to those officers about what EMS did?
- 6 A No, sir, I didn't.
- 7 Q So your job was just go to the apartment, go inside,
- 8 take photos and collect evidence?
- 9 A Talk with them, find out what happened and to
- 10 photograph and process the scene and the victim
- 11 Q Okay And you said that you took the GSR kit, gunshot
- 12 residue?
- 13 A Yes, sir.
- 14 Q How do you do that exactly?
- 15 A You have dabbers and you have swabs there. You put
- 16 acid on there, dab, swab, tighten them up and you put
- 17 them in a sealed kit and you send them up to SLED.
- 18 Q This is the kit over here, Exhibit 63?
- 19 A Yes, ma'am -- yes, sir, excuse me.
- 20 Q Okay. And it's kind of hard to see since it's in a
- 21 sealed bag, what exactly is in here?
- 22 A That's the swabs, the dabs
- 23 Q Okay. When you say swabs, you're talking about
- 24 something --
- 25 A Yes, sir.

RAY LIVINGSTON CROSS BY MR. SCHNEE

- 1 Q And you go over the back of the hand, the front of the
2 hand?
- 3 A Yes, sir, each hand.
- 4 Q Do you do the fingers?
- 5 A No, sir, I didn't.
- 6 Q Okay. So if there's any DNA under the fingernails, you
7 wouldn't have disturbed that?
- 8 A I wouldn't have disturbed that. That's one of the
9 reasons I bag the hands
- 10 Q Okay. And you did that after you took the gunshot
11 residue test?
- 12 A Yes, sir, I did
- 13 Q I would like to show a couple of photos and ask you a
14 question if I could. I show you Exhibits 24, 25, 26.
15 Those are photograph you took that night?
- 16 A Yes, sir.
- 17 Q Okay. Twenty-four and 26, does it show that there's
18 money sitting there on the floor?
- 19 A Twenty-four has money on the floor, 26 has the wallet
20 with money in it, yes, sir
- 21 Q What about 25?
- 22 A That's the one with the money and wallet there.
- 23 Q Okay 25 is the wallet, what about 26?
- 24 A Twenty-six has money on the floor along with 24 with
25 money on the floor.

RAY LIVINGSTON REDIRECT BY MS. WALKER

1 Q Okay. Now, the wallet, that's sitting there on the
2 coffee table?

3 A Yes, sir.

4 Q And that's right near the entrance to the apartment?

5 A Yes, sir.

6 Q And the wallet is just sitting there laid opened?

7 A It was opened

8 Q Okay That's how you saw it?

9 A That's how I saw it, yes, sir.

10 Q There's a large stack of money in there?

11 A Yes, sir.

12 Q Credit cards?

13 A Yes, sir.

14 Q Driver's license?

15 A Yes, sir.

16 Q None of that's been taken?

17 A None

18 Q No further questions

19 THE COURT: Anything further?

20 REDIRECT EXAMINATION

21 BY MS. WALKER:

22 Q When you were there that night --

23 A No, ma'am.

24 MS. WALKER: Thank you No further questions.

25 THE COURT: Anything further?

DIANE BODIE DIRECT BY MR. STEADMAN

1 MR. SCHNEE. No, Your Honor.

2 THE COURT: All right. Thank you, sir. You may
3 step down.

4 Call your next witness.

5 THEREUPON,

6 DIANE BODIE,

7 after having been duly sworn, testified as follows:

8 THE CLERK: Have a seat in the witness box and
9 state your full name for the record.

10 THE WITNESS: My name is Diane Watts Bodie,
11 B-O-D-I-E.

12 DIRECT EXAMINATION

13 BY MR. STEADMAN:

14 Q Ma'am, where are you currently employed?

15 A Richland County Sheriff's Office.

16 Q And what is your position with the Richland County
17 Sheriff's Office?

18 A I'm a latent print analyst AFIS operator.

19 Q And what are your duties as a latent print operator?

20 A I operate the automated fingerprint identification
21 system at the sheriff's department.

22 Q So as part of your duties as the latent print analyst
23 and AFIS operator, you operate a system called AFIS?

24 A Yes, sir.

25 Q AFIS is the database that contains known fingerprint

DIANE BODIE DIRECT BY MR. STEADMAN

1 cards; correct?

2 A Yes, sir.

3 Q And as part of your duties, do you take unknown prints
4 and run them through AFIS for comparison?

5 A Yes, sir. I take unknown prints, prints from a crime
6 scene and run them against the known database.

7 Q On March 30th, 2012, did you receive a print that was
8 lifted from the crime scene in this case?

9 A I received a photograph of the print from this crime
10 scene.

11 Q And after you received that photograph, please tell the
12 jury what steps you take next?

13 A I entered the photograph to search against the known
14 database using the automated system where I encode
15 characteristics unique to the print in hopes to find a
16 print unique to those characteristics as well.

17 Q Okay. And in this the case, once you encoded it and
18 after you uploaded it into the AFIS system, what
19 occurred?

20 A We, typically, encode the characteristics and send it
21 out for a search and it will bring back a candidate
22 list. And I go through the candidate list in hope to
23 find a print and possibly hope --

24 Q You mentioned that you forward that on to another print
25 analyst; is that correct?

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 A Yes, when I send the print off for a search, it comes
2 back with what we call a verification packet where I
3 will go through the candidates, the system, the
4 possible matches. I could get hundred candidates back
5 and there not be matches or I could encode it and get
6 it back and it be a match after comparing
7 characteristics. But we don't rely just on looking at
8 the computer screen. So I forward that information to
9 another latent print analyst to do the actual -- she
10 would compare the photograph to the known print on the
11 file.

12 Q And who is that latent print analyst?

13 A Trisha Odom.

14 Q So she's actually responsible for the comparison and
15 matching of the print?

16 A She did the comparison and matched the print, yes.

17 Q Okay. And after uploading the print from the crime
18 scene into AFIS and then turning over the results to
19 latent print analysts, did you have any other
20 involvement in this case?

21 A Yes, we also do verification of any identifications we
22 made and I did the verification of the match

23 Q So is that basically you following up behind her work
24 to make sure it was done correctly?

25 A Right. We always have two people agree on the

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 identification.

2 Q Thank you. No fer questions.

3 THE COURT: By the Defense?

4 MR. SCHNEE. No questions, Your Honor.

5 THE COURT: All right. Thank you

6 Your next witness.

7 MS. CAMPBELL: May it please the Court. May the
8 last two witnesses be excused?

9 THE COURT. All witnesses are excused once they
10 step down.

11 MS. CAMPBELL: The State calls Trisha Odom.

12 THEREUPON,

13 TRISHA ODOM,

14 after having been duly sworn, testified as follows.

15 THE CLERK: Have a seat in the witness box, state
16 your name for the record and spell your last name, please.

17 THE WITNESS: My name is Trisha Collins Odom The
18 spelling of my last name is O-D-O-M

19 DIRECT EXAMINATION

20 BY MS CAMPBELL:

21 Q And Investigator Odom, where are you employed?

22 A At the Richland County Sheriff's Département.

23 Q What do you currently do there now?

24 A I am the senior latent print analyst.

25 Q And as the senior latent print analyst, what do your

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 duties include?

2 A My prior responsibility is for the comparison of latent
3 prints, latent prints we recover from a crime scene to
4 a known print to try to determine whether or not the
5 suspect made the prints.

6 Q Are you familiar with crime scene investigation?

7 A Yes, ma'am.

8 Q Do you have certain training in that area as well?

9 A I do.

10 Q And what type of training do you have in that area?

11 A Including with my latent print training, we have a
12 fairly detailed in-service training program once you
13 get promoted to the laboratory In addition to my on
14 the job training, I've also gone through courses
15 including law enforcement photography, the chemical
16 development and enhancement of latent, advanced palm
17 print identification, advanced -- excuse me, basic
18 fingerprint training -- the recovery of fingerprint
19 evidence from human skin, crime scene reconstruction
20 and complex latent print identification to name just a
21 few.

22 Q Have you ever been qualified before in court as an
23 expert in either crime scene investigation or latent
24 print comparison?

25 A I have.

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 Q And approximately how many times have you been
2 qualified in those areas?

3 A Twenty-six in latent fingerprints and twice in crime
4 scene.

5 MS. CAMPBELL: Your Honor, at this time, we'd
6 offer her as an expert crime scene investigator as well as
7 latent print comparison.

8 THE COURT: What says the Defense?

9 MR. SCHNEE: No objection.

10 THE COURT: All right. Ladies and gentlemen, this
11 witness is qualified as an expert witness in the field of
12 latent fingerprint identification. An expert witness can
13 offer opinions in area where lay witnesses cannot. She is
14 qualified as an expert based on her education, training and
15 experience.

16 MS. CAMPBELL. Thank you, Your Honor.

17 BY MS. CAMPBELL:

18 Q I want to turn your attention back to October of 2005.
19 Did you have an opportunity to respond to the crime
20 scene in question?

21 A I did.

22 Q And what was your capacity on that evening when you
23 went out there?

24 A I served as an assistant to Investigator Livingston. I
25 was technically the supervisor on call for that night.

TRISHA ODOM DIRECT BY MS. CAMPBELL

- 1 Q When you go to a crime scene such as a murder crime
2 scene, typically, what kind of evidence are y'all
3 looking for? Tell the jury how you go through the
4 scene and what type of evidence you collect?
- 5 A When you first get to the crime scene, what you want to
6 do is speak to either first responding officers or,
7 perhaps, the investigators that might already be there
8 or possibly some other witnesses that might have been
9 there because you want to determine what happened The
10 first thing you're going to look for are -- what you do
11 look for is you look for forced entry, if it were like
12 a burglary or if there -- like in this case, there was
13 forced entry into the front door. You also want to
14 look for things like blood or other body fluids,
15 projectiles, weapons, anything that seems out of place,
16 anything that looks like it could have been touched
17 because that's where you're going to find your evidence
18 on the items that have been touched. In this case,
19 there was a lamp that was turned over and the door was
20 forced open. And those are the things that we sort of
21 focused on at that point in addition to the blood stain
22 evidence that we saw. And, of course, the victim, if
23 there's any evidence that might be on the victim. We
24 want to photograph -- we want to preserve the evidence,
25 collect it and turn it in for analysis.

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 Q That evening when you got to the scene, can you tell
2 the jury who your observations were generally?

3 A Sure. May I refer to my report?

4 Q Sure

5 A When I arrived on the scene at apartment D, I
6 observed a black male laying on the sidewalk outside
7 the door. The front door was standing open and blood
8 was pooled on the floor.

9 Q And where was the blood pooled on the floor?

10 A In front of D.

11 Q And where was the body that you observed?

12 A Outside the residence.

13 Q Okay. Continue.

14 A I apologize, the blood was pooled below the stairs
15 inside the residence. Inside the living room, lamp was
16 on the ground, couch cushions was askew and the coffee
17 table appeared to have been moved. A wallet lay on the
18 corner of the coffee table and cash was on the floor.
19 The rest of the lower level was basically neat and
20 appeared not to have been disturbed. In the kitchen,
21 on the floor were two brownish stains. Upstairs in the
22 front bedroom, it appeared to belong to children or a
23 child or it was basically neat.

24 Q You mentioned you noticed that a lamp was -- I want to
25 go back and show you State's Exhibit No. 16. Is this a

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 photograph that was taken that night?

2 A Yes, ma'am.

3 Q And -- oh, let me back up just a little bit. That
4 night, also, Investigator Livingston was there as well
5 as you?

6 A Yes, ma'am.

7 Q It is unusual for more than one crime scene
8 investigator to go to a murder scene?

9 A No, we almost always have at least two people working a
10 crime scene like that.

11 Q And that night, your role was what?

12 A I was there technically as the supervisor on call, but
13 I was there to assist him with any processing or
14 photographing that he needed help with.

15 Q In fact, did you take some photographs in this case?

16 A I did.

17 Q And in addition to that, did you also collect some
18 swabs as well as some fingerprint evidence?

19 A Yes, ma'am.

20 Q Looking at State's No. 16, you mentioned that the area
21 where you noticed what appeared to be a struggle, is
22 this the area you're talking about?

23 A Yes, ma'am

24 Q What was it in that area that proved to be significant
25 that caught your attention when you first got to the

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 scene that night?

2 A The lamp was laying on the ground.

3 Q And what condition was the lamp in itself?

4 A It was intact, but it had been knocked over. It wasn't
5 standing up on its base, it was on its side

6 Q And that's how it appeared when you got there that
7 night?

8 A Yes, ma'am.

9 Q Once you assisted -- prior to collecting any evidence,
10 what do you normally do?

11 A Photograph.

12 Q Okay. And that was done in this case?

13 A Yes, ma'am.

14 Q Once the photographing is done to memorialize the scene
15 as it is when y'all get there, what did you do next?

16 A At that point, you want to process any items that might
17 have been touched or moved for possible fingerprints
18 and also swab for potential DNA.

19 Q When you say swab for potential DNA, were there any
20 body fluids there at the scene that caught your
21 attention that were significant?

22 A Blood

23 Q And is that something that you would want to collect
24 and memorialize?

25 A Yes.

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 Q And did you do that that night?

2 A I did.

3 Q And were there different areas -- we'll go back through
4 that, that you actually swabbed for any possible DNA
5 evidence?

6 A Yes, ma'am.

7 Q Was it also apparent -- or what was apparent as far as
8 the victim's condition when you were there?

9 A He had already been pronounced dead

10 Q Tell this jury -- you mentioned that you processed the
11 scene for fingerprints How did you go about
12 processing this scene and what areas were you focused
13 on that night?

14 A In particular, I was focusing on the front door because
15 it had been forced opened. And like I said earlier,
16 you want to focus on the areas that you know have been
17 touched because that's where most of your evidence is
18 going to be found. To process something for
19 fingerprints, you take a fingerprint brush, put
20 fingerprint powder on it and you can either move the
21 brush in a rotating motion or I use a brush that I use
22 to just lightly brush the powder on

23 Now, the moisture in the fingerprint is what the
24 fingerprint powder adheres to and as soon as you start
25 to see a fingerprint, you want to try to develop it

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 more without completely wiping it off Once you do
2 that, you want to secure it to fingerprint tape, put in
3 on a fingerprint backer and then fill out where it came
4 from so that later on when the comparisons are done,
5 you will be able to put it back where it had been.

6 Q And in certain fingerprints, are you always able to
7 collect the actual fingerprint itself without
8 destroying it?

9 A No, ma'am.

10 Q Why is that?

11 A Well, it depends on what the surface is. You might
12 have a surface that has a bad texture that you can
13 actually see the fingerprint that's been left behind,
14 but to lift it, you might get nothing but the texture
15 of the item. Another possibility is you might have a
16 fingerprint that is left in dust If you try to
17 process that or lift it, you're probably going to brush
18 it away.

19 Q If I walk up to something and touch it, such as this,
20 am I necessarily going to leave a print?

21 A Not necessarily.

22 Q And what are the factors that inhibit or help to leave
23 a fingerprint?

24 A Well, some -- will tell you that you will always get a
25 fingerprint as long as you have a perfect finger with

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 the perfect substance on it on the perfect surface. So
2 if all those things, you have completely flat and
3 nonporous surface, like glass, for example, is a great
4 surface, that's one surface you can get a fingerprint
5 off of -- I liken fingerprints to something like an ink
6 stain that you might get out of a -- store. And as
7 long as that -- because ink's the same way -- same
8 exact impression. But if you don't have the same
9 amount of ink on it, you're not going to get the same
10 impression, it's going to be -- and in the world of
11 fingerprints, the ink is typically -- the oil, et
12 cetera on your finger or, perhaps, other contaminants
13 like blood or dirt or oil or cooking grease or
14 something along those lines. But if you have just the
15 right amount of moisture on the finger, on the right
16 surface and the finger itself is in good shape and
17 ridges are nice and round, you will get a fingerprint,
18 but that's not what always happens.

19 Q Are you familiar with the term smudge?

20 A Yes, ma'am.

21 Q What does that mean?

22 A A smudge is a fingerprint that one of two things has
23 typically happened. Either there is an excessive
24 amount of pressure during the deposition of the
25 fingerprint or there is movement, which it essentially

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 makes unreadable fingerprints.

2 Q And in order to make an identification from a
3 fingerprint, does it have to be a certain amount of
4 what's called ridge detail?

5 A Ridge detail has to be present. You can look at your
6 finger and notice that our fingers and the lower digits
7 and the palmar side of your hand have some lines on
8 them. They're called friction ridges. And they are
9 what help you grip items. Those ridges and how they
10 are on your finger are what identify you. And they
11 identify every other person. We have to have that
12 ridge detail present in order to do any type of
13 comparison -- make an identification.

14 Q Okay. And a high traffic area such as a door in a
15 business or something like that, can it sometimes be
16 complicated if the place is touched over and over by
17 different persons?

18 A Sure, because instead of the ridges and furrows that go
19 in between that will show the fingerprint itself, you
20 end up filling in that space. Just like if you hit
21 that ink stamp over and over again, those blank spaces
22 tend to get filled in.

23 Q You've heard the term latent print versus patent print?

24 A Yes.

25 Q What's the difference between those two?

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 A For crime scene purposes, we use the term latent print
2 All latent means is unseen, but we use it to cover all
3 types of fingerprints that we can potentially find at a
4 crime scene. The latent prints are the one that are
5 unseen, that you have to do something to develop out.
6 Patent prints are ones that you can actually see with
7 the naked eye without any kind of enhancement. Then
8 you also have a third type that's called a plastic
9 print, which is a 3-D impression like you might get in
10 Silly Putty.

11 Q When we're talking about patent prints or known prints,
12 typically, in your course of business, are you making
13 comparisons to say prints that are rolled or gathered
14 in some manner?

15 A Right, the known prints themselves are going to be
16 taken in a controlled situation where we know who the
17 donor is.

18 Q Can you tell how long a fingerprint has been -- if
19 there is a fingerprint there, if one is left, can you
20 tell how long it's been there?

21 A No, ma'am

22 Q In this area where you -- as far as that goes?

23 A No.

24 Q Starting with the first area that you processed in this
25 house as far as collecting fingerprints, what area did

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 you process first?

2 A I did the front door and the door jam.

3 Q And that would be the front door to the apartment?

4 A Yes, ma'am.

5 Q And were you able to lift any fingerprints from those
6 areas?

7 A I was.

8 Q Tell the jury, basically, what you were able to find?

9 A I was able to get five partial fingerprint impressions
10 and a shoe wear impression.

11 Q I'm going to show you what's been marked as State's
12 Exhibit No. 76, do you recognize this?

13 A Yes, ma'am.

14 Q And what is that?

15 A These are the fingerprints that I collected from the
16 crime scene.

17 Q Which area did these come from?

18 A They came from the door, the door and the door area.

19 MS CAMPBELL: Your Honor, at this time, we would
20 offer State's Exhibit 76 into evidence.

21 MR. SCHNEE: No objection.

22 THE COURT: Admitted without objection.

23 MS. CAMPBELL: Thank you, Your Honor.

24 (State's Exhibit No. 76 was admitted
25 into evidence.)

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q Tell the jury exactly how these were collected and --

3 A Like I said, to process an item for fingerprints, you
4 put a little bit of powder on a brush, dust the area
5 that you think might have been touched and see if the
6 fingerprints develop out. One the fingerprints are
7 developed out, you secure them on a fingerprint backer
8 and draw a diagram, put all the information on the back
9 of the card so that you know where it came from.

10 In this case, what I lifted the fingerprints from
11 were the -- the front door and the door jam,
12 specifically, the area on -- the front of the door was
13 glass, the top half was glass and the bottom half
14 was -- I don't know if it was metal or if it was wood,
15 but it was a solid surface that was not glass. And
16 part of the fingerprint came from the actual glass and
17 part of it came from the area under --

18 Q And how many fingerprints lifts were you, actually,
19 able to make from the door, the front door?

20 A There were five -- there were five latent prints.

21 Q And --

22 A Five latent prints and one shoe wear impression, so a
23 total of six images

24 Q And I show you this, this is from the inside, State's
25 Exhibit No. 28, is that the door you were referring to?

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 A Yes, ma'am.

2 Q And you would have been processing the inside or the
3 outside of that door?

4 A The exterior.

5 Q And how many prints were you able to get from the glass
6 area?

7 A I'm sorry I would have to refer to my report for
8 that.

9 Q Sure.

10 A Two were from the actual glass, the third from the
11 glass was the shoe wear impression. And then there
12 were three more that came from the area below the glass
13 on the door.

14 Q Okay And you say shoe wear impression, what were you
15 able to lift on that as far as that was concerned?

16 A It was a partial shoe wear impression that had been
17 left on the door.

18 Q And in order to make a comparison of the shoe wear
19 impression, do you have to be provided a known standard
20 of some sort?

21 A Yes, ma'am.

22 Q In order to make a positive?

23 A Or any kind of comparison, that's right

24 Q How many years was it before this crime was, actually,
25 solved?

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 A The crime happened in 2005 and we solved it in 2012.

2 Q Once you had collected these cards --

3 Can you open that up so I can show them?

4 When you're doing your collection, when you're
5 transferring it onto a card like you did with these
6 prints, do you -- can you alter it in any way to make
7 it look like someone else's?

8 A No, all the powder's done is that it's made visible the
9 impression that was left by the moisture on the
10 fingerprint. And all the tape is doing is lifting it
11 up so that you can put it on a contrasting backer.

12 Q In this case, it's on the exterior of the door?

13 A Yes, ma'am.

14 Q And in this case, you also mentioned there was ridge
15 detail all the way on one side of your hand; is that
16 correct?

17 A That's right

18 Q But in this case, were the prints you collected
19 fingerprints, palm prints or part or both or what?

20 A They were all partial fingertips.

21 Q Partial fingertips?

22 A Yes, ma'am.

23 Q Except for the shoe wear impression, obviously. And
24 just so the jury can see, like this one is marked L-6,
25 and you just put numbers on them randomly as you

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 collect them?

2 A Not, typically, as I collect them, but once I get them
3 back to a controlled environment like my office, I will
4 label them so that we can -- once we do write a report,
5 we can reference them and whoever is reading the report
6 understand what we're referencing

7 Q And then on the back of these cards, I see where
8 it's -- after you've collected the print, where it's
9 shown the general area where you collected it from the
10 door?

11 A That's correct, that's for orientation.

12 Q And those are the prints that you, actually, were able
13 to get from the front door?

14 A Yes, ma'am.

15 Q And again, can you tell how long they've been there?

16 A No, ma'am.

17 Q Are everyone's fingerprints unique to them?

18 A Yes, ma'am.

19 Q Once you collect the fingerprints and the shoe
20 impression from the front door -- and by the way, were
21 you were able to tell exactly how entry was made into
22 this house?

23 A It was forced open, that's all I could tell.

24 Q Did you collect any other fingerprints from the
25 interior or photograph any other fingerprints of the

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 interior?

2 A Yes, I did.

3 Q And, specifically, what did you find?

4 A On the lamp that was knocked over, there was a
5 fingerprint on the base of the lamp.

6 Q And I'll show you what's been marked as State's Exhibit
7 No. 79, do you recognize that?

8 A Yes, ma'am

9 Q What's that a photograph of, ma'am?

10 A The lamp.

11 Q And you mentioned that you were able to get a
12 fingerprint -- or photograph a fingerprint. I show you
13 State's Exhibit No. 80, what does that show?

14 A That's the fingerprint that I photographed.

15 Q Why did you not collect this fingerprint as you did the
16 others on the front door?

17 A Well, like I said, it was a dust fingerprint and there
18 was a really good chance that were I to try to lift it
19 that it would destroy the fingerprint and I wouldn't be
20 able to do any kind of comparison. It wouldn't be
21 worth anything anymore.

22 MS. CAMPBELL: Your Honor, at this time, I would
23 offer State's Exhibits 79 and 80 into evidence.

24 MR. SCHNEE: No objection.

25 THE COURT. Admitted without objection

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 (State's Exhibit Nos. 79 and 80 were
2 admitted into evidence.)

3 BY MS. CAMPBELL:

4 Q State's Exhibit No. 79, that shows the lamp there on
5 the floor?

6 A Yes, ma'am.

7 Q And then you mentioned this was on the base, so that
8 would have been this curvy part?

9 A Right, right. You can actually see the color of the
10 lamp in the photograph

11 Q Did you take any special precautions in order to
12 preserve this fingerprint when you photographed it to
13 make sure it was usable later?

14 A Well, I photographed it, that was the best way to
15 preserve it.

16 Q And once it's photographed, that goes into the file?

17 A Yes

18 Q That evening or as that investigation continued, at
19 first, were there any known suspects?

20 A No, ma'am.

21 Q Were there any requests made of you specifically at
22 first to compare to any or all of those photographs?

23 A No, ma'am.

24 Q Even if a case goes cold as in this case, over the
25 years, is it possible for investigators to develop

TRISHA ODOM DIRECT BY MS. CAMPBELL

- 1 suspects and ask you to make comparisons?
- 2 A Yes.
- 3 Q Is there also a system in your office known as AFIS?
- 4 A Yes.
- 5 Q And has AFIS been in your office for a while?
- 6 A Yes, since long before I got there.
- 7 Q Okay Have improvements been made to it recently?
- 8 A Yes.
- 9 Q In the last few years?
- 10 A Yes, ma'am.
- 11 Q That evening, did you also go to another apartment
- 12 within the complex to collect certain evidence?
- 13 A I did.
- 14 Q And what was that, ma'am?
- 15 A I went to apartment D, which was -- which was across
- 16 the parking lot in a diagonal manner. I went there to
- 17 project -- to collect a projectile
- 18 Q Okay. When you say you collected a projectile, what
- 19 are you collecting for people who don't do guns that
- 20 much?
- 21 A A projectile is the part this comes out of the gun when
- 22 you shoot it.
- 23 Q What I call the bullet?
- 24 A What you call the bullet.
- 25 Q And you're familiar with the shell casing versus what I

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 call the bullet or projectile?

2 A Yes, ma'am.

3 Q And, typically, where does the shell casing end up in a
4 semi-automatic?

5 A Somewhere around where the weapon was fired.

6 Q And the apartment that you went to, was it located in
7 the same apartment complex where this murder occurred?

8 A Yes, ma'am, just across the parking lot.

9 Q Across the parking lot?

10 A Yes, ma'am

11 Q So if you went out the front door, it would have been
12 across from that?

13 A Yes, ma'am, but diagonal.

14 Q Okay. That evening, while there at the scene, too, did
15 you also -- you also mentioned earlier y'all all
16 collect DNA evidence on the swabs?

17 A Yes, ma'am.

18 Q Did you collect a number of swabs from the interior of
19 the house as well as the door?

20 A Yes, ma'am, at 113.

21 Q I'm going to show you what's been marked as State's
22 Exhibit No. 58. Does that include the projectile you
23 collected at that time as well as packed separately
24 within that package of the swabs?

25 A Yes, ma'am.

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 MS. CAMPBELL: Your Honor, at this time, we would
2 offer State's Exhibit No. 58 into evidence. I believe
3 without objection.

4 MR. SCHNEE: No objection.

5 THE COURT: Admitted without objection.

6 (State's Exhibit No 58 was admitted
7 into evidence.)

8 BY MS. CAMPBELL:

9 Q On this, in addition to the projectile you collected,
10 does it also indicate the areas where you collected DNA
11 swabs?

12 A Yes, ma'am.

13 Q And what were those areas.

14 A It would be stains on the wood part of the door, swabs
15 of the glass door, the lower right pane, the swabs of
16 the door, the middle row left pain, swabs of stains in
17 the kitchen on the floor, the swabs of the stain on the
18 exterior glass, swabs of the glass, door glass, middle
19 pane, lower row and swabs an exterior front door knob

20 Q And in that, you refer to stains consistently, what
21 type of stains are you talking about?

22 A Bloodstains.

23 Q What appears to be blood?

24 A Yes.

25 Q And at that point, do you know how many people -- would

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 you have any way to know how many people were actually
2 bleeding there at the scene?

3 A No, ma'am.

4 Q I want to turn your attention to 2007, was there a
5 request made of you as the investigation progressed to
6 compare the prints you collected, including the lamp at
7 the front door, to a certain person?

8 A Yes.

9 Q And what request was made of you, ma'am?

10 A I was to compare the latent print -- it was L1 through
11 L6 were compared to Retha Jenkins.

12 Q Retha Jenkins?

13 A Yes, ma'am

14 Q At that point, were you able to obtain a known standard
15 or card for Ms. Retha Jenkins with her fingerprints on
16 it?

17 A Yes, ma'am.

18 Q And when you did that comparison, what were your
19 results?

20 A I was not able to match the fingerprints on that door
21 to any of Ms. Jenkins' fingerprints.

22 Q And when you go through doing your match when you have
23 what's known as a fingerprint card -- and I'll get to
24 that in a minute, do you do -- you look at each
25 fingerprint?

TRISHA ODOM DIRECT BY MS. CAMPBELL

- 1 A Yes, ma'am.
- 2 Q Because each one is unique to each one as well as to
3 the person?
- 4 A That's correct.
- 5 Q So were you able to match any of those fingerprints to
6 Ms. Retha Jenkins?
- 7 A No, ma'am.
- 8 Q And is it unusual as the investigation continues,
9 especially over the years, for you get more than one
10 request to compare?
- 11 A No, it's very normal.
- 12 Q I want to turn your attention to June the 8th of 2010.
13 I believe you submitted a report after there was
14 another request made; is that correct?
- 15 A Yes, ma'am
- 16 Q And, again, were you asked to compare certain
17 fingerprints to another individual?
- 18 A I was.
- 19 Q And who was that?
- 20 A I believe the pronunciation of the name is -- Jarret.
- 21 Q And did you do any comparison to try to include or
22 exclude Mr. Jarret as contributing to the fingerprints
23 on the door?
- 24 A Yes
- 25 Q What were your results?

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 A I was not able to match any of the fingerprints to him.

2 Q And of the fingerprints that you found on the front
3 door, I believe there were six of them or five of them?

4 A Five.

5 Q That's right. Were they all usable fingerprints?

6 A They were all suitable for comparison purposes,
7 although I don't know that all of them could be
8 positively identified

9 Q Could you explain that?

10 A Sure. There are cases when you might be able to look
11 at a fingerprint and you see that it will be a --
12 fingerprints come in three basic patters, whirl
13 patterns, loop patterns and arch patterns. And if you
14 can tell that the subject has all whirls and you can't
15 tell anything except the pattern of your fingerprint is
16 say an arch, if your suspect is all whirls, you know
17 that person couldn't possibly have made that print.
18 You can't positively say someone has made it, but you
19 might be able to eliminate them or you might not be
20 able to say that because if that same person has the
21 same pattern, but you can't tell anything else other
22 than the pattern, then it would be inconclusive because
23 you can't say one way or the other.

24 Q But in this case when you compared it to Mr. Jarret,
25 you weren't able to match it?

TRISHA ODOM DIRECT BY MS. CAMPBELL

- 1 A I was able to exclude all of the prints that he -- that
2 he -- I was able to exclude that he made any of the
3 prints.
- 4 Q So he was absolutely excluded as making --
- 5 A Right, except for L-5. I do have that listed as no
6 value on this report
- 7 Q And what does no value mean?
- 8 A That means nothing can be done with it.
- 9 Q Okay. And again, why would it be that?
- 10 A The quality of the print isn't there. There isn't
11 enough ridge detail.
- 12 Q I'm going to turn your attention to 2012. Did you
13 become aware that there had been a request performed by
14 Ms. Bodie in your office?
- 15 A Yes
- 16 Q How did you become aware of that?
- 17 A I don't recall if I knew that she had run it or if I
18 knew she was going to run it, but I had become aware
19 that she had run the print. And after that, she got a
20 hit back on it.
- 21 Q Okay. And once a hit is done -- explain to the jury
22 what that means and what y'all do?
- 23 A What a hit is -- and let me specify, what she ran was a
24 photograph of the print from the lamp And what she
25 did was she went through the candidate list. She found

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 what she believed to be a source that could have made
2 that print. She gave the known print card of that
3 individual to me and I compared that to a photograph of
4 the same print that she ran through the AFIS system.
5 When you get back a positive, a possible positive, we
6 call that a hit and that's what we do the comparison
7 on

8 Q And why is it that y'all make an independent
9 verification of that hit?

10 A We want to make sure that what the information that the
11 computer gives up is correct. It is an investigative
12 tool. It doesn't do a one to one comparison. It
13 doesn't look at the individual ridges on the
14 fingerprint. It creates a -- it works off a
15 mathematical equation based on latent fingerprints.
16 It's plotted. The minutia points are plotted. And we
17 want to make sure -- even after we have someone look at
18 it on the screen, we want to make sure that what
19 they're seeing, they're seeing correctly.

20 Q At that point, did you an actual one-on-one comparison
21 to some known fingerprints from the Defendant?

22 A I did.

23 Q And when the hit came back, who did the hit give you
24 information about?

25 A Greg Kelvin Isaac.

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 Q And what was his date of birth?

2 A

3 Q January 17th?

4 A Yes.

5 Q ?

6 A That's correct.

7 Q Were you able to make any determinations independently
8 involving him?

9 A Yes. The fingerprint that was on the lamp was made by
10 Mr. Isaac's left middle finger.

11 Q I'm going to show you what's been marked for
12 identification purposes only State's Exhibit 75? Do
13 you recognize that?

14 A Yes, ma'am.

15 Q And then I'll show you what's been marked State's
16 Exhibit 81. Is that a copy of the --

17 A Yes, ma'am.

18 Q And is that the fingerprint card that you used to
19 verify the hit from AFIS?

20 A Yes.

21 MS. CAMPBELL: Your Honor, at this time, we would
22 offer -- we would not offer 75, that would be ID only. We
23 would offer State's Exhibit 81 into evidence.

24 (State's Exhibit No. 75 was marked for
25 identification only.)

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 MR SCHNEE: Can we approach for a second, Your
2 Honor?

3 THE COURT: Yes, ma'am.

4 Ladies and gentlemen, let's stand for a moment,
5 everybody.

6 (Whereupon, a bench conference was held
7 off the record, in the presence of the
8 jury, but out of the hearing of the
9 jury.)

10 THE COURT: Okay. Any objection?

11 MR. SCHNEE: No objection.

12 THE COURT: Admitted without objection.

13 (State's Exhibit No. 81 was admitted
14 into evidence.)

15 BY MS. CAMPBELL:

16 Q And again for the record is just a copy of the card you
17 actually used?

18 A Yes, ma'am.

19 Q When did you, actually, issue a report with those
20 findings?

21 A The report was written on March the 30th, 2012.

22 Q And once you issued that report, was it verified by
23 anyone else in your office?

24 A Yes, Ms. Bodie did.

25 Q Okay. And she did an independent verification as well?

TRISHA ODOM DIRECT BY MS. CAMPBELL

- 1 A Yes, ma'am.
- 2 Q Is your laboratory accredited?
- 3 A It is.
- 4 Q And who accredits your laboratory?
- 5 A The American Society of Crime Lab Directors.
- 6 Q As part of your accreditation, are there certain
- 7 protocols and procedures in place?
- 8 A Right, we have to have a protocol we follow
- 9 Q Was that done in this case?
- 10 A Yes
- 11 Q And so you met all those standards?
- 12 A Yes.
- 13 Q And once you, actually, make a comparison and make a
- 14 positive, is your work available for review by any one?
- 15 A Yes, ma'am.
- 16 Q I want to turn your attention to April 11th after you
- 17 issued your report Did Chief Wilson make contact with
- 18 you again?
- 19 A He did.
- 20 Q What was the purpose of that?
- 21 A To -- to bring Mr. Isaac in to roll an additional set
- 22 of fingerprints, I guess, to double extra check that we
- 23 were correct that it was this gentleman who had made
- 24 the fingerprint.
- 25 Q Again, what date was that?

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 A I wrote the report on April the 11th, 2012.

2 Q And at that point, tell the jury what you did when
3 Mr. Isaac was brought to you?

4 A I, actually, rolled a set of known fingerprints on our
5 live scanning system Live scan is inkless -- it's
6 essentially a photograph of the fingerprint detail and
7 a way of rolling the fingerprints that doesn't involve
8 ink. So I did live scan prints of Mr. Isaac and then
9 did a comparison of that card with the latent print
10 that we had gotten off of the lamp.

11 Q During the course of time, I show you State Exhibit 82,
12 is that also a set of known prints from the Defendant?

13 A Yes, it is

14 Q And State's Exhibit 83, is that a copy of the --
15 State's Exhibit 82.

16 A Yes, it is.

17 MS. CAMPBELL. Your Honor, at this time, we would
18 offer State's Exhibit 83 into evidence and 82 for ID only.

19 MR SCHNEE: No objection.

20 THE COURT. Admitted without objection.

21 (State's Exhibit No. 83 was admitted
22 into evidence.)

23 (State's Exhibit No. 82 was marked for
24 identification.)

25

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q And then you also had a set from the live scan that you
3 actually did yourself?

4 A That's correct.

5 Q And comparing the fingerprint that you found from the
6 lamp that was in dust, were you able to verify the
7 results?

8 A Yes.

9 Q And whose fingerprint is the one on the lamp?

10 A Greg Isaac's.

11 Q And did you ever compare it to any one else at that
12 point?

13 A We compared it to one other person and that was
14 Mr. Isaac's brother.

15 Q And what was the purpose of that?

16 A To make sure that it was not his brother.

17 Q Who request that you did that?

18 A I belief that Chief Wilson did.

19 Q Was that around the same time period in April?

20 A Yes, it was on the same report as a matter of fact.

21 Q Once you are able to match a fingerprint to an
22 individual, can it match anyone else?

23 A No.

24 Q When you did the comparison to his brother, is there
25 any way his brother was a possible contributor to that

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 fingerprint?

2 A No.

3 Q I want to show you what's been marked as State's
4 Exhibit 78. Do you recognize this?

5 A I do.

6 Q This is something you actually prepared?

7 A Yes.

8 Q What does this show?

9 A On the left-hand side, it is a blown-up photograph of
10 the fingerprint from the lamp. And on the right-hand
11 side, it's Mr Isaac's left middle finger.

12 Q On State's 83 or 81, these were rolled at different
13 times, but do they show the same fingerprints? Sorry

14 A That's okay

15 Q Without being up close at this very moment, they all
16 have the same patterns. And the blow-up here of the
17 know print is taken from one of your scans?

18 A Yes.

19 Q One of your rollings?

20 A Yes.

21 Q And that's one that was definitely associated with Mr.
22 Greg Isaac?

23 A Yes.

24 MS. CAMPBELL: Your Honor, at this time, may the
25 witness step down?

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 THE COURT: Yes.

2 BY MS. CAMPBELL:

3 Q You can come over on this side so the court reporter
4 can hear you. I notice there are some little blue dots
5 on there. Who put those on here?

6 A I did.

7 Q What was the purpose of the dots on the two different
8 --

9 A For this purpose, it was so that the jury could look at
10 the fingerprints and see what we call -- minutia. A
11 minutia is just one of the small points. For
12 fingerprint purposes, the most difficult minutia points
13 that we see are going to be right here (indicating).
14 See this ridge (indicating) that runs along here and
15 then it splits? We call that a bifurcation. And then
16 we have other ridges that flow and then stop. Stop,
17 that would be an ending ridge or ridge ending. We also
18 have something called a dot, which is right there
19 (indicating). Those are the typical minutia points
20 that we use to effect an identification.

21 Q And in this, I notice there are a number of
22 corresponding dots on each of these two pictures.

23 A Uh-huh.

24 Q And are those indicating areas -- what do those
25 indicate?

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 A You see the dots are in the proximate area on both of
2 the fingerprints. These are showing that this minutia
3 point and that minutia point are the same. When we
4 start looking at fingerprints, we try to go to
5 something to begin with that sort of catches our eye.
6 A really good place to start is the very center of the
7 fingerprint called core, that be right here. If you
8 have that, that's really a good place to start because
9 you can look on both fingerprints and say, okay, what
10 do I have here? I have a bifurcation and then a ridge
11 that flows down a little bit from that bifurcation and
12 there's another bifurcation.

13 You've got that same feature right there. And
14 then from that, you go -- you have a ridge that's
15 immediately above that that doesn't have a bifurcation
16 or it doesn't end, so it's just uneventful. So one
17 ridge above that, you have another bifurcation. So you
18 look over here and you see do I have the same thing
19 So here's that same ridge that uneventful, and then
20 another bifurcation. Immediately up from that
21 bifurcation that we just looked at, you could have
22 another bifurcation and it's pretty much on top of the
23 other one. And you see that one right there. And then
24 over to your left, you have one, two, three, four
25 ridges and then a -- or four ridges over is a

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 bifurcation Then you have the same four ridges, but
2 you have a bifurcation. And then from that bottom
3 ridge bifurcation, if you follow that up, you see
4 there's another bifurcation and then you see that one
5 right there, too. And one I don't even have marked is
6 just a little bit down, you see it's right here
7 (indicating). It comes off of the top of the prong of
8 the bifurcation that we have marked here (indicating),
9 same thing right there (indicating). And what we're
10 looking for is anything that doesn't agree.

11 So I go through all of these minutia points that I
12 find, go a little bit further up here (indicating). If
13 you go from over here, follow it around and then one,
14 two, four, four, you've got another bifurcation right
15 here. You've got the same thing one, two, three, four
16 five. There's that bifurcation right there and it's
17 got that kind of strange little dip in it right there.

18 So up from that, you have one, two, three, four,
19 call that an ending ridge, then you do the same thing,
20 one, two, three, four, and there's an ending ridge.
21 And then you go one, two, three, there's a little short
22 ridge right there, that little teeny, tiny little ridge
23 right there. I don't even have that marked, but you
24 can see that right there, one, two, three and there's
25 that little ridge And then an additional one, two

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 ridges up, you've got that bifurcation. Bifurcation
2 that's one, two up there, you've got that bifurcation.
3 And then just up from that, you have that little
4 bifurcation there, you have that little bifurcation
5 there and that's there. And then one ridge up and then
6 this bifurcation. And then one ridge up and that
7 bifurcation.

8 And the more you look at it, you start seeing not
9 just the fact of the minutia point through there and
10 not just the fact that it's the same kind of minutia,
11 but that the ridges flow in the same manner. You see
12 the way these ridges kind of flow up in a sharp manner
13 and then they flow back down in a sharp manner. You've
14 got that same exact flow right there. And that's what
15 helps identify the fingerprint

16 Q Okay. In this case, I notice you have a number of dots
17 and you've already pointed out two or three places you
18 didn't even mark; is that correct?

19 A Right. I mean, the ones I put on there are for display
20 purposes only.

21 Q And is there any certain number of these minutia
22 details that have to match for you to make a call?

23 A No

24 Q But in this case, is there any doubt about this match?

25 A No.

TRISHA ODOM DIRECT BY MS. CAMPBELL

1 Q In fact, the quality of this print is?

2 A It's a remarkably good print to be in dust.

3 Q And in your review of this, there is no question as to
4 whose fingerprint was on that?

5 A No, there's no doubt.

6 Q And that would be Greg Isaac?

7 A Yes, ma'am.

8 MS CAMPBELL: Your Honor, may the witness step
9 back up?

10 BY MS CAMPBELL

11 Q In addition to Mr Isaac, were you provided two other
12 codefendant's names in this case?

13 A I was.

14 Q What were those name?

15 A Tavares World and Vernorris Dixon.

16 Q Did you make any attempt to compare their prints?

17 A I did.

18 Q What was that?

19 A The other five prints that were not identified.

20 Q As well as I believe Mr. Isaac was compared to those,
21 too?

22 A Yes, ma'am.

23 Q Did either Greg Isaac, Tavares World or Vernorris Dixon
24 match any of the fingerprints --

25 A No.

TRISHA ODOM DIRECT BY MS. CAMPBELL

- 1 Q In fact, were they eliminated as being possible
2 contributors?
- 3 A I called the L4 inconclusive due to the quality of the
4 known prints.
- 5 Q Okay. But you weren't able to identify any of them to
6 those prints?
- 7 A No, ma'am.
- 8 Q Thank you. And again, do you know whether or not
9 anyone who made entry that day, actually, touched the
10 door with their fingerprints?
- 11 A I have no idea.
- 12 Q At a later date, did you also ask -- Cooper?
- 13 A Yes.
- 14 Q And what were the results when you did the comparison
15 of the fingerprints from the front door?
- 16 A Mr. Cooper didn't make any of them
- 17 Q He was eliminated?
- 18 A Yes, ma'am.
- 19 Q And, finally, whose fingerprint was on the lamp?
- 20 A Greg Isaac's
- 21 Q Could it be anyone else's?
- 22 A No.
- 23 Q And when you say no one else, even identical twins, do
24 they have different fingerprints?
- 25 A Yes, identical twins have different fingerprints.

TRISHA ODOM CROSS BY MR. SCHNEE

1 Q Thank you.

2 MS. CAMPBELL: I have no further questions.

3 THE COURT: The Defense?

4 MR. SCHNEE. May it please the Court.

5 CROSS-EXAMINATION

6 BY MR. SCHNEE:

7 Q Good afternoon.

8 A Good afternoon.

9 Q Actually, almost evening at this point. When you got
10 to the apartment, you took a lot of photographs of it?

11 A I didn't take a lot of photographs. I took some. I
12 believe I took 43 in the victim's apartment

13 Q Okay. And that's just to show not only fingerprints,
14 but, also, the general appearance of the apartment?

15 A That's right.

16 Q Okay And in your own words, I believe you said there
17 was obviously a fight in the apartment?

18 A No, I don't think I said that there was a fight I
19 said that there was a lamp on the ground and cushions
20 were skew and the coffee table appeared to have moved.

21 Q Okay.

22 A I don't believe I ever characterized it as having been
23 a fight.

24 Q Would you describe it as a struggle there?

25 A I could see that something had occurred that moved

TRISHA ODOM CROSS BY MR. SCHNEE

- 1 things around.
- 2 Q Okay And you also took a lot of pictures of the front
- 3 door?
- 4 A Yes.
- 5 Q Okay Because it was forced open?
- 6 A I took the pictures of the front door for the
- 7 impressions that were on there specifically.
- 8 Q Okay. But you looked at the door?
- 9 A Yes.
- 10 Q Okay. And you were taking impressions, including a
- 11 shoe impression on the door?
- 12 A Right, there was a shoe impression on the door.
- 13 Q Which would be very consistent with someone kicking the
- 14 door open?
- 15 A I know the door was forced open, that's all I can say.
- 16 Q Okay, so it was forced open?
- 17 A Yes.
- 18 Q Okay. And you took a shoe impression off the door?
- 19 A Yes.
- 20 Q And a number of fingerprints?
- 21 A Yes
- 22 Q Okay. And you just mentioned L4?
- 23 A Uh-huh, yes
- 24 Q That was off the door?
- 25 A Yes.

TRISHA ODOM CROSS BY MR. SCHNEE

1 Q Okay. You said it was inconclusive, I believe, to
2 Tavares World and Vernorris Dixon?

3 A Yes, ma'am.

4 Q Okay. And that's because the known prints were too
5 poor?

6 A Right, the quality of the known prints, that's right.

7 Q Did you ever request a better copy of the known prints
8 from them?

9 A I had -- every copy that I had was not complete. I
10 couldn't do enough with it. And that's to say that I
11 couldn't hundred percent eliminate it, but I couldn't
12 because I wanted to make sure I was correct. And there
13 were areas of the fingerprint card that were not
14 represented, like the tip of it specifically.

15 Q Okay. Well, did you ever ask for a new copy, a new
16 fingerprint card be done?

17 A Not in addition to what I had, no.

18 Q Okay. Well, you are aware that both of those people
19 were arrested in connection with this case?

20 A Yes.

21 Q Okay. And, in fact, you personally rolled Mr. Isaac's
22 prints again?

23 A I did.

24 Q Including digitally?

25 A Right.

TRISHA ODOM CROSS BY MR. SCHNEE

1 Q Okay. You didn't do that for Mr. Dixon or Mr. World?

2 A No.

3 Q Was that your decision or someone else's?

4 A There was no real decision being made I didn't
5 request it and I didn't have anybody request me to roll
6 them.

7 Q Okay. Now, the other people that you were asked to
8 examine and compare prints to, Retha Jenkins and --
9 Jarret?

10 A Yes, sir.

11 Q Okay. Typically, when you're looking at prints and an
12 investigator comes to you and says look at these prints
13 and compare it to X latent prints. That would mean
14 there's a suspect in the case; would it not?

15 A I think that would be a typical assumption.

16 Q Okay. Well is that what you would assume it to be?

17 A Yes.

18 Q Okay. Especially -- that means someone believes that
19 they were there in the apartment?

20 A The -- yeah, yes

21 Q Okay. And because they're asking you to do it would
22 somehow involved in the case?

23 A I would say that would be correct.

24 Q Okay. Now, you collected that shoe print?

25 A Yes.

TRISHA ODOM CROSS BY MR. SCHNEE

- 1 Q You photographed it?
- 2 A Yes.
- 3 Q Do you photograph it with a scale?
- 4 A I don't recall.
- 5 Q Do you have that in your notes?
- 6 A Whether I photographed with a scale?
- 7 Q Correct.
- 8 A I don't have it in my notes, no.
- 9 Q Because a scale could be used to determine the possible
- 10 size of the shoe itself and therefore, potentially, the
- 11 foot and possibly the size of the person?
- 12 A Right
- 13 Q Okay. But you're not sure you did that?
- 14 A I have not seen the picture of -- if you have a
- 15 picture, I'll be glad to look at it.
- 16 Q Well, I was just curious if you did
- 17 A I don't recall and I don't have it in my notes
- 18 Q Okay. You also saw money on the floor and a wallet on
- 19 the table?
- 20 A Yes.
- 21 Q Okay. And you were there for several hours?
- 22 A I was there for a few hours, yes, from about 10:40 to
- 23 about 1:40.
- 24 Q Okay. When you -- just very briefly, when you're
- 25 talking about comparing and putting prints into AFIS to

TRISHA ODOM CROSS BY MR. SCHNEE

1 all the known databases, for example, your prints and
2 the officer's prints, they're going to be in there to
3 eliminate, aren't they?

4 A Yes.

5 Q Okay. To make sure that -- because if an officer
6 touched the door, then all of a sudden, they're not
7 chasing and trying to figure out oh, wait, it was this
8 person that responded?

9 A I don't know that that's why, but law enforcement
10 prints are in AFIS, yes.

11 Q Okay. So the other prints are still unknown as far as
12 you know?

13 A Yes.

14 Q Did you compare them against Mr. Corbitt?

15 A No. Not that I have documented, no

16 Q You didn't make a comparison to the person that lived
17 in the apartment?

18 A Not that I recall, no.

19 Q Did you compare them to his son, who also lived in the
20 apartment.

21 A No.

22 Q Okay. I have no further questions.

23 THE COURT. Anything further?

24 MS CAMPBELL: Just a couple questions

25 REDIRECT EXAMINATION

TRISHA ODOM REDIRECT BY MS. CAMPBELL

1 BY MS CAMPBELL.

2 Q I show you State's Exhibit No. 67 and 68?

3 A Yes, ma'am.

4 Q The projectile that you mentioned, State's No. 68, is
5 that photographed there?

6 A Yes.

7 Q And is that how it appeared at the apartment, you said
8 diagonally across from --

9 A Yes

10 Q And that's how it appeared that night?

11 A Yes.

12 MS. CAMPBELL Your Honor, at this time, I would
13 offer 67 and 68 into evidence.

14 MR. SCHNEE No objection.

15 THE COURT: Admitted.

16 (State's Exhibit Nos. 67 and 68 were
17 admitted into evidence.)

18 MS. CAMPBELL Your Honor, we have a matter of
19 law -- or, I mean, may I approach?

20 THE COURT: All right.

21 (Whereupon, a bench conference was held
22 off the record, in the presence of the
23 jury, but out of the hearing of the
24 jury.)

25 MS. CAMPBELL I don't have anything further, Your

TRISHA ODOM REDIRECT BY MS. CAMPBELL

1 Honor

2 THE COURT: Anything further, Mr. Schnee?

3 MR. SCHNEE: No, Your Honor.

4 THE COURT: All right Thank you. You may step
5 down.

6 Ladies and gentlemen, we're through for the day.

7 Thank you very much We need you back at 9:30 tomorrow
8 morning. Have a good evening. Please do not discuss the
9 case.

10 (Whereupon, the jury left the courtroom
11 at 5:46 p.m.)

12 THE COURT: All right. Ms Campbell, regarding
13 the last side bar and your line of questions you wanted to
14 get into.

15 MS. CAMPBELL: Your Honor, the only thing I wanted
16 to put on the record is, basically, on his cross-examination
17 of Investigator Odom, he went into the fact of whether or
18 not law enforcement's fingerprints are in the database. You
19 know, we wanted to make sure we didn't go into the fact that
20 the vast majority of who's in the database are people who
21 have prior arrests. That's how a database is typically made
22 up, so we didn't go into that. He then asked -- law
23 enforcement's fingerprints are in the database. So the
24 inference there is that's all that's in the database. All
25 I'm concerned about and we took it up before, Your Honor,

TRISHA ODOM REDIRECT BY MS. CAMPBELL

1 and I've got a copy of the transcript is the fact that once
2 he did that then he opens it up and we get to get into the
3 fact that people who have been arrested before are in the
4 database. That's typically -- it's not just law
5 enforcement. It's not just normal -- the database is
6 comprised of people who -- his inference to this jury is the
7 database is comprised of people who are in law enforcement.
8 Greg Isaac is not in law enforcement.

9 THE COURT: And what's Isaac's record, if any?

10 MS. CAMPBELL: As far as his prior record, Your
11 Honor, as to what's impeachable, it's going to come out,
12 assuming he takes the stand. He does have a prior burglary
13 conviction as well as malicious injury to real property. I
14 am getting his juvenile record to make sure there is nothing
15 else -- I think as far as what's impeachable, he has other
16 convictions. That would be the extent of what we would get
17 into

18 THE COURT: Yes, sir.

19 MR. SCHNEE. Judge, the question I asked the
20 witness was if she -- in using that system if she eliminated
21 any officers that were there and her fingerprints from the
22 scene in terms of that specific examination. I didn't ask
23 her anything about the content of the database or the extent
24 of how many different types of ways of getting it in. I
25 simply asked if she eliminated law enforcement prints. And

TRISHA ODOM REDIRECT BY MS. CAMPBELL

1 I followed up with you didn't get photo prints of Tavares
2 World, you didn't get -- prints of Vernorris Dixon. I asked
3 her about other people she was requested to compare it to
4 and there were still unknown prints. I simply got out the
5 facts

6 The only thing I was eliciting was that her prints
7 and all law enforcement involved on the scene were
8 eliminated by definition. That has nothing to do with
9 whether anyone is in system or in the database and whether
10 my client is in simply because he's not in law enforcement.
11 That's not a logical connection There's no insinuation
12 that it's only law enforcement in the database.

13 THE COURT All right.

14 MS. CAMPBELL: The follow-up question when he
15 asked her initially was oh, so law enforcement is in the
16 database? And I will rely on the record.

17 THE COURT: All right. Well, I would think the
18 whole thing is going to come full circle. Mr. Schnee says
19 that Mr. Isaac's is going to testify Of course, I don't
20 know if he will or he won't, but -- so then he -- of course,
21 you still have to deal with what's impeachable and what's
22 not. But I think that the connection will be made, at least
23 at some point, it's likely to be made should he testify --
24 I'm not suggesting -- you know, trying to discourage him or
25 encourage him, but that whole thing will come full circle

TRISHA ODOM REDIRECT BY MS. CAMPBELL

1 I would have to review the transcript because it -- I missed
2 those fine points that you all were -- to give me the bases
3 to allow the State to get into his character at this point
4 in the trial So that can be reserved and take up this
5 argument later on if it's worth taking up later on.

6 MS CAMPBELL: Thank you, Your Honor.

7 THE COURT: All right. You can refer me to
8 whatever pages of the transcript. I can review the
9 transcript along with a very fine court reporter --

10 Anything else before we recess?

11 MR SCHNEE: No, sir.

12 THE COURT: All right. 9:30 in the morning
13 (The proceedings were concluded for
14 September 30, 2013)

15 (The following proceedings were held on
16 October 1, 2013)

17 THE COURT: Good morning.

18 You ready for the jury?

19 MS. CAMPBELL: Yes, sir.

20 THE COURT: You can bring the jury in.

21 BAILIFF: Yes, Your Honor.

22 (Whereupon, the jury returned to the
23 courtroom at 9:30 a.m.)

24 BAILIFF. Your Honor, the jury is present.

25 THE COURT: All right.

SHEILA PONDS DIRECT BY MS. WALKER

1 Good morning. Welcome back, ladies and gentlemen,
2 to day number two. We will proceed.

3 Call your next witness.

4 MS. WALKER: Thank you, Your Honor. The State
5 calls Sheila Ponds

6 THEREUPON

7 SHEILA PONDS,
8 after having been duly sworn, testified as follows:

9 THE CLERK: Thank you. Have a seat in the witness
10 stand, please. State your name for the record.

11 THE WITNESS: Sheila Ponds.

12 DIRECT EXAMINATION

13 BY MS. WALKER:

14 Q Good morning.

15 A Good morning

16 Q Ma'am, where do you live?

17 A In West Columbia

18 Q Have you been in the Columbia area -- how long have you
19 lived in the Columbia area?

20 A I've lived in the Columbia area since '85.

21 Q And what is it that you do for a living?

22 A I work with the Department of Juvenile Justice.

23 Q And back in 2005, where did you live?

24 A In Willow Creek Apartments.

25 Q I'm sorry, can -- I'm having a little trouble hearing

SHEILA PONDS DIRECT BY MS. WALKER

1 you, will you speak up little bit? .

2 A Okay.

3 Q Where did you live then?

4 A In 2000 --

5 Q Five?

6 A In Willow Creek Apartments.

7 Q And where is that located?

8 A On Fernandino Road

9 THE COURT: If you pull the mike down just a
10 little bit, then maybe you will speak up.

11 BY MS WALKER:

12 Q And back in October of 2005, were you living there in
13 that month?

14 A I was.

15 Q Were you -- ma'am, did you know the victim in the case?

16 A I did not

17 Q Had you seen him before?

18 A I would see him in passing

19 Q Okay. In what context would you see him?

20 A Just in passing as neighbors, coming and going from his
21 apartment

22 Q In terms -- how were y'all -- how close were y'all's
23 apartments?

24 A We lived in townhouses. There were my apartment and
25 another apartment and his was on the right side of

SHEILA PONDS DIRECT BY MS. WALKER

- 1 mine, so it was just a little distance. It was two on
2 either side, then his was just a little further down.
- 3 Q And on the night of October 27th, 2005, can you -- do
4 you remember that night?
- 5 A I do
- 6 Q Can you tell me -- actually, let me back up, who were
7 you living with in your townhouse?
- 8 A Me and my daughter.
- 9 Q And how old was she at that time?
- 10 A She was 17 at the time.
- 11 Q And can you tell me what the two of you were doing that
12 night?
- 13 A We had just arrived home from dance practice and we
14 were preparing for -- I think we had already gone to
15 bed that night.
- 16 Q After you went to bed, what happened?
- 17 A I heard banging noise or felt sound like something had
18 dropped. I went into her room to find out what had
19 happened. And when I went to her room to ask her what
20 had happened, she pointed to the apartment adjacent to
21 ours. That's when I heard the tussling and fighting
22 and commotion that was going on.
- 23 Q And how long did this tussling and commotion last, do
24 you recall?
- 25 A How long?

SHEILA PONDS DIRECT BY MS. WALKER

1 Q Yes.

2 A I can't recount how long it was going on, but it
3 sounded like a couple of guys were fighting, so at that
4 time, I called what I thought may have been security on
5 staff at the apartment complex. And as I was calling
6 security, when I didn't reach, that's when I heard the
7 gunshots and I called 911.

8 Q Do you remember how many gunshots you heard?

9 A Two.

10 Q After you heard the gunshot, what did you do?

11 A That's when I called 911

12 Q And then after that?

13 A After that, at that time, I was trying to calm my
14 daughter down because she was screaming We were on
15 the front -- her bedroom was on the front side of the
16 apartment and I was trying to calm her down. I was
17 taking her to my bedroom, which is on the backside. At
18 that time, I was -- but prior to that, I was trying to
19 look out to see if I saw something. I couldn't because
20 of the covering of the roof

21 Q Because of the what?

22 A The covering of the roof.

23 Q Okay.

24 A And I couldn't see anything

25 Q Did you remain in your apartment after that?

SHEILA PONDS DIRECT BY MS. WALKER

- 1 A Until the -- right before the police came, yes, I did.
- 2 Q And what made you leave your apartment?
- 3 A After the police came, they came and talked to me --
- 4 well, I'm trying to remember. No, I'm sorry, right
- 5 before the police came, I went downstairs because I
- 6 heard him asking for help
- 7 Q When you saw him, who are you referring to?
- 8 A The victim. I heard him asking for help.
- 9 Q You remember exactly what he was saying?
- 10 A He was knocking on the other neighbor's door that was
- 11 closer to him. He said help, help, someone please
- 12 help. And after that, I think he may have collapsed
- 13 and the neighbors from across the street came over to
- 14 see if they could offer assistance.
- 15 Q Do you remember those neighbors' names?
- 16 A No, I don't recall who they were.
- 17 Q Did you -- and said you went outside and what?
- 18 A I did. I didn't go to him, but I did -- I opened my
- 19 door
- 20 Q Could you see him?
- 21 A I could.
- 22 Q What did he look like at that point in time when you
- 23 saw him?
- 24 A He at that point was lying on the ground. I couldn't
- 25 tell if he was -- they were looking at him to see if

SHEILA PONDS DIRECT BY MS. WALKER

1 they could offer assistance because I want to say that
2 one of the neighbors, it was a male neighbor and a
3 female neighbor, but one of the neighbors don't touch
4 him. The female neighbor, seem like she said I have to
5 because -- sounded like she said she was a nurse or
6 something -- I have to see if he's okay. And at that
7 point, that's when I think the male neighbor saw the
8 son and he said to me, hey, do you know who the fellow
9 is. And if I remember correctly, he said, that's my
10 dad. And I think they kind of had him to come out of
11 the apartment and by that time, the police was showing
12 up.

13 Q When you saw the victim lying on the floor, do you
14 remember what he was wearing?

15 A If I can remember correctly, he had on some pants. I
16 don't remember him having on a shirt because I can
17 remember blood was coming out on the concrete.

18 Q And you said you observed the police arrived at that
19 point?

20 A I did. EMS -- I remember EMS showed up first.

21 Q Did you speak with the police officers that night?

22 A I did

23 Q You said you saw the neighbors help the son out of the
24 apartment. Did you see any one else go into the
25 apartment that night other than --

SHEILA PONDS CROSS BY MR. SCHNEE

1 A Go into the apartment?

2 Q Yes.

3 A None other than the police, no The neighbors did not
4 go into the apartment. They had the son to come out

5 MS. WALKER: Beg the Court's indulgence. No
6 further questions.

7 THE COURT: Yes, sir.

8 MR. SCHNEE: May it please the Court.

9 CROSS-EXAMINATION

10 BY MR. SCHNEE:

11 Q Morning.

12 A Good morning.

13 Q That night when you heard the fighting going on inside
14 the apartment, what was your main concern?

15 A My main concern?

16 Q Yes, what were you paying attention to most?

17 A Just that someone maybe possibly getting hurt, what was
18 going on, just the possibility of someone maybe getting
19 hurt over there.

20 Q Okay And your first reaction to hearing, at least,
21 the start of this was to run up the stairs to see your
22 daughter?

23 A I was -- we were already upstairs.

24 Q So you just ran into her room?

25 A I was running into her -- going into her room to make

SHEILA PONDS CROSS BY MR. SCHNEE

- 1 sure that something didn't happen in her room.
- 2 Q Okay. And that's when you hear the fighting in the
- 3 townhouse --
- 4 A I didn't hear it in my room. I thought something had
- 5 happened in her room and that's when I heard the
- 6 fighting and --
- 7 Q Okay. And you stated you at some point took her to
- 8 your bedroom?
- 9 A After I heard the gunshots, yes
- 10 Q Okay. And you said you -- you heard what you thought
- 11 were two male voices?
- 12 A I hear two men voices, yes.
- 13 Q Did you hear specific words?
- 14 A I did not hear any words
- 15 Q And after the shots, you said you looked outside, but
- 16 you couldn't see anything because of the roof?
- 17 A Correct.
- 18 Q Okay. How long was it before you walked out of your
- 19 apartment?
- 20 A I can't quote a specific time, but after I got her
- 21 settled and after the gunshots and after I heard him
- 22 ask for help is when I went downstairs. I did not open
- 23 the door immediately, but after I heard the neighbors
- 24 come across the street is when I opened my door
- 25 Q Okay. So couple minutes, maybe?

TAJ COOPER DIRECT BY MR. STEADMAN

1 A Probably about five.

2 Q About five?

3 A About five minutes, maybe.

4 Q Okay And, obviously, at that point, you couldn't see
5 if anyone else was going into his apartment or out or
6 anything else?

7 A No.

8 Q And you, obviously, didn't see what was going on inside
9 the apartment during the night or the shooting?

10 A No.

11 Q I have no further questions. Thank you

12 A Thank you.

13 THE COURT: Anything further?

14 MS. WALKER: Nothing further, Your Honor.

15 THE COURT All right. Thank you. You may step
16 down.

17 You may call your next witness.

18 MR. STEADMAN: The State calls Taj Cooper

19 THEREUPON,

20 TAJ COOPER,

21 after having been duly sworn, testified as follows:

22 THE CLERK: Thank you. Have a seat in witness
23 stand, please. State your name for the record.

24 THE WITNESS: Taj Cooper.

25 DIRECT EXAMINATION

TAJ COOPER DIRECT BY MR. STEADMAN

- 1 BY MR. STEADMAN:
- 2 Q Good morning, Mr. Cooper?
- 3 A Good morning.
- 4 Q Where are you from?
- 5 A Originally from Columbia, South Carolina
- 6 Q And where do you live now?
- 7 A Rock Hill, South Carolina.
- 8 Q And how long have you lived in Rock Hill, South
- 9 Carolina?
- 10 A Approximately eight to ten years.
- 11 Q Before that, you lived in Columbia?
- 12 A Briefly in Charlotte, but before that in Columbia, yes,
- 13 sir.
- 14 Q How long have you lived in Columbia?
- 15 A The first 19 years of my life.
- 16 Q What part of Columbia did you grow up?
- 17 A I grew up in the -- King Park area and graduated from
- 18 Richland Northeast.
- 19 Q So the northeast side of Columbia?
- 20 A Is where I graduated, yes, sir.
- 21 Q And did you know the victim in this case, Mr. Tony
- 22 Corbitt?
- 23 A Yes, sir, very well.
- 24 Q Did you grow up with him?
- 25 A I first met him when I was around 15 or so, but we

TAJ COOPER DIRECT BY MR. STEADMAN

1 became friends when we were about 17, our senior year
2 of high school.

3 Q So you established a relationship with him when you
4 were in high school?

5 A Yes, sir.

6 Q And that was at Richland Northeast High School?

7 A Yes, sir.

8 Q Can you describe your relationship with Mr. Corbitt?

9 A I mean, best friend I ever had. We became close from
10 day one and never had any problems. We just -- he was
11 my best friend ever

12 Q And y'all maintained that close friend relationship
13 after high school?

14 A Yes, sir, we did

15 Q And even after you moved to Rock Hill, you maintained
16 that relationship?

17 A Yes, sir.

18 Q Did you visit him often in Columbia?

19 A Yes, sir.

20 Q And did he -- he stayed in Columbia while you went to
21 Rock Hill?

22 A Yes, sir

23 Q And how often would you say you talked to him on the
24 phone?

25 A Almost daily, sometimes twice a day, but I would say

TAJ COOPER DIRECT BY MR. STEADMAN

1 daily.

2 Q Had you ever visited his apartment on Fernandino Road?

3 A Yes, sir. He had only been there about four months
4 before this incident, so I only went maybe once or
5 twice before

6 Q And do you remember where Tony worked at the time?

7 A Yes, sir, Babies-R-Us.

8 Q He worked at Babies-R-Us?

9 A Yes, sir.

10 Q Do you know how long he had that job?

11 A I want to say about eight to ten years, maybe eight or
12 ten. At least, eight.

13 Q And he was working at Babies-R-Us on October 27th,
14 2005?

15 A Yes, sir.

16 Q And do you remember the day of the murder?

17 A Yes, sir.

18 Q What were you doing that day?

19 A I was actually at work in Charlotte. I was working like
20 a second shift job, so I spoke to him approximately
21 seven or so that day on my last break. He was at the
22 mall. Told me to give him a call back and that's what
23 I did. I called him back when I got off around nine or
24 so that evening.

25 Q Did you call him or did he call you?

TAJ COOPER DIRECT BY MR. STEADMAN

- 1 A I believe I called him both times. I know I called him
2 the second time I believe I called both times.
- 3 Q So the first time you spoke with him, that was when he
4 was at the mall?
- 5 A Yes, sir
- 6 Q Do you know who he was at the mall with?
- 7 A I'm not exactly sure, no, sir.
- 8 Q And approximately what time was that?
- 9 A Between seven and eight that evening.
- 10 Q And then you made a second phone call, approximately
11 what time was that?
- 12 A It was after 9:00, but between 9:00 and 9.30, I'd say,
13 but closer to 9:30 that evening.
- 14 Q Why don't you tell me how that phone call went?
- 15 A Just spoke briefly, general conversation. We were
16 laughing, talking Like I said, when I spoke to him
17 earlier, he was in the mall. I actually had -- my
18 youngest son just turned eight the other day,
19 September 29th, which is his God son, and he made the
20 comment that I got to get up there and see my new God
21 boy or whatever. We were laughing about that. And
22 like I said, we were just having general conversation
23 and then the call dropped. I attempted to call him
24 back, it went straight to his voice mail, so I just
25 assumed that his phone needed charging And that was

TAJ COOPER CROSS BY MR. SCHNEE

1 the last I heard from him

2 Q So when you called back, there was no ring tone, it
3 just went straight to voice mail?

4 A Straight to voice mail, yes, sir.

5 Q And what did you do after you got his voice mail?

6 A Like I said, I just assumed he just -- his phone needed
7 charging. I went about my business, normal life, just
8 chilling pretty much until I received a phone call
9 about one or so that morning from a mutual friend, who
10 was actually from Columbia as well, but lives up in
11 Charlotte, told me that Tony had been shot And I'm
12 like no, I just talked to him, you know, kind of
13 brushed it off. And he like no, he just got shot. So
14 I made a few phone calls and found out that was the
15 truth.

16 Q Who told you about his murder?

17 A Our friend Dedrick Alexander.

18 Q Once you confirmed he was, in fact, murdered, what did
19 you do next?

20 A I was kind of in a state of shock, like I couldn't even
21 cry. I was just -- I was just crazy, like I don't
22 know. I guess I didn't want to accept it. And by
23 then, it was -- by the time I finished talking to
24 people on the phone, it was probably two or three in
25 the morning I was going to attempt to come to

TAJ COOPER CROSS BY MR. SCHNEE

1 Columbia that night, but my father was like no, try to
2 get some rest and just come in the morning, so I came
3 as soon as I could that next morning to give support to
4 the family.

5 Q So you didn't make the trip that night, but you made it

6 --

7 A The very next morning.

8 Q What time in the morning?

9 A I guess I came down about 9:00 or 10:00 the next
10 morning And I don't know, I probably made it over to
11 the family around 11:00 that morning, somewhere like
12 that. I'm not exactly sure.

13 Q Thank you, sir No further questions

14 CROSS-EXAMINATION

15 BY MR SCHNEE:

16 Q Mr. Cooper, 9:30 at night, you said you were on the
17 phone. You said you could hear laughing or something
18 like that?

19 A No, we were laughing. We were just having a general
20 conversation.

21 Q Then the phone went dead?

22 A Yes, sir.

23 Q You didn't think anything unusual about that?

24 A Not at all.

25 Q Okay. The next morning when you came to Columbia, did

TAJ COOPER CROSS BY MR. SCHNEE

1 you talk to the police or any time after that?

2 A After that, yes. I don't think that next day.

3 Q Okay. They were talking to you about trying to figure
4 out who possibly did this?

5 A Yes, sir

6 Q Trying to figure out possibly why they would have done
7 it?

8 A Yes, sir.

9 Q And I know he's your friend and I'm not trying to talk
10 badly about a dead man, but he was a drug dealer;
11 wasn't he?

12 A Yes, sir.

13 Q And that's one of the reasons they were asking trying
14 to find suspects?

15 A Yes, sir.

16 Q Okay I have no further questions.

17 THE COURT: Anything further?

18 MR. STEADMAN: No, Your Honor.

19 THE COURT: You may step down.

20 Next witness.

21 MS WALKER: Your Honor, the State calls^R W

22

23 MR SCHNEE Judge, there's a brief matter of law
24 we need to take up.

25 THE COURT: All right. Ladies and gentlemen,

TAJ COOPER CROSS BY MR. SCHNEE

1 we'll have you step to the jury room for a moment. Please
2 do not discuss the case.

3 (Whereupon, the jury left the courtroom
4 at 9 52 a.m)

5 THE COURT: Yes, sir

6 MR. SCHNEE: Thank you, Your Honor. May it please
7 the Court

8 At this time, I would once again renew my motion
9 related to Rule 5 pursuant to -- inquire of the solicitor's
10 office or any of their investigators who talked to
11 Mr. R W . At the time of this incident, he was
12 approximately, I believe, seven or eight years old. He has
13 given numerous statements to law enforcement -- and over the
14 years been reinterviewed multiple times and given
15 significant very different stories about what happened such
16 that even the lead investigators in this case determined
17 that he was too young and too traumatized to fully remember
18 exactly what happened that night. I would just simple ask
19 if there is some new or additional version they wish to
20 inform me about they talked to him about in terms of events
21 he is going to testify about and if -- even the fact he's
22 capable of testifying. And based on his very young age and
23 the fact of everything that happened that night, I would ask
24 specifically for a hearing to determine if he has competent
25 memory.

TAJ COOPER CROSS BY MR. SCHNEE

1 THE COURT: How many motions have you just made?

2 MR. SCHNEE: I suppose that would be two sets of
3 motions. One to find out if the solicitor investigator have
4 information. Second to have a hearing to determine if he
5 has memory of those events.

6 THE COURT: All right What says the State?

7 MS. WALKER: Your Honor, the information that our
8 office has from this young man is the same that we've turned
9 over to Mr Schnee in this case. In terms of a hearing, I
10 mean, he's 16 years old I guess I don't see the purpose
11 for a hearing. A 16-year-old, there's no reason for us to
12 believe that he's not competent to testify

13 MR. SCHNEE: Judge, I'm not questioning --

14 THE COURT: I didn't request any argument.

15 MR. SCHNEE: Sir?

16 THE COURT: I didn't request any argument from
17 you.

18 MR. SCHNEE: I apologize

19 THE COURT: The Defense is entitled to a hearing
20 on the competency of the witness to testify. He may be call
21 as a witness to determine his competency to independently
22 recollect the facts which he is seeking to testify.

23 MS. WALKER: Thank you, sir.

24 THEREUPON,

25 R W

R W

DIRECT BY MS. WALKER

1 after having been duly sworn, testified as follows:

2 THE CLERK: Thank you. Have a seat in the witness
3 stand, please. State your name for the record.

4 THE WITNESS: R W

5 DIRECT EXAMINATION

6 BY MS WALKER:

7 Q How old are you?

8 A Sixteen

9 Q And what grade are you in?

10 A Tenth.

11 Q Did you understand that when you just got sworn, you
12 were sworn to tell the truth?

13 A Yes, ma'am.

14 Q Do you understand what that means?

15 A Yes, ma'am.

16 Q Do you understand that -- do you remember what happened
17 on the night that your father was murdered?

18 A Yes

19 Q And you have an independent recollection of that?

20 (There was no response.)

21 Q You can recall that on your own?

22 A Yes.

23 Q And it's been a long time since your father was
24 murdered?

25 A Yes.

R W

CROSS BY MR. SCHNEE

1 Q But you can take the stand and tell the truth about
2 what happened that night?

3 A Yes.

4 MS. WALKER: No further questions.

5 CROSS-EXAMINATION

6 BY MR. SCHNEE:

7 Q R W , how old were you when all this
8 happened?

9 A I was seven.

10 Q Seven years old?

11 A (The witness nodded head.)

12 Q Okay Do you remember going to a place called the
13 Assessment Resource Center?

14 A No.

15 Q Do you remember doing a video with a woman on camera?

16 A No.

17 Q Okay. Do you remember talking with anyone from law
18 enforcement?

19 A Yes.

20 Q Do you remember how many different times you talked to
21 them?

22 A No.

23 Q Do you remember a specific thing you told them?

24 A Yes.

25 Q Okay. Do you remember describing seeing the car that

R W

CROSS BY MR. SCHNEE

1 was leaving the scene that you believe was involved?

2 A Yes.

3 Q Okay. What was the description of the car you gave?

4 A I -- it was all black, that's what I seen.

5 Q Okay. Did you give any other details?

6 A No.

7 Q Not at any time?

8 A No.

9 MR. SCHNEE: Beg the Court's indulgence.

10 BY MR SCHNEE:

11 Q Do you remember how many people came into your
12 apartments that night?

13 A Yes

14 Q Okay. How many?

15 A Two.

16 Q There were two people?

17 A (The witness nodded head.)

18 Q Can you describe them?

19 A One had dreadlocks. I remember one had long haircut.

20 Q Okay. How -- about how big was your father?

21 A About like six feet even --

22 Q Did you describe one of them as being bigger?

23 A The mens?

24 Q (Counsel nodded head.)

25 A Yes.

R W

CROSS BY MR. SCHNEE

- 1 Q You said you saw a second one?
- 2 A Yes.
- 3 Q Okay. Did you tell law enforcement that ever?
- 4 A No.
- 5 Q Okay. So you never told law enforcement you saw a
- 6 second person?
- 7 A No.
- 8 Q But you remember it now?
- 9 A Yes.
- 10 Q Okay. Did you remember it back then?
- 11 A No.
- 12 Q Okay.
- 13 A I just remember that one person
- 14 Q When did remember it.
- 15 (There was no response.)
- 16 Q When did you remember there was a second person?
- 17 A Excuse me?
- 18 Q You didn't tell law enforcement there was a second
- 19 person in the --
- 20 A Yes, but I seen the two people, though, that's what I'm
- 21 saying.
- 22 Q When did you say that, I guess I'm asking you?
- 23 A No, because you asking now, I'm telling you now. You
- 24 asking me so I'm telling you I seen the second person.
- 25 Q Okay. Well, did anyone else ever ask you that?

R W

CROSS BY MR. SCHNEE

1 A No.

2 Q They never asked how many people were in there?

3 A Yes, they did, but I don't remember telling them that.

4 Q Okay. Well, why wouldn't tell them?

5 A Because I didn't remember back then.

6 Q Okay.

7 A But now I remember now because my memory coming back to
8 me.

9 Q Okay. When did it come back to you?

10 A I --

11 Q I mean, was it last week, last month, two years ago?

12 A No idea

13 Q Okay.

14 MR. SCHNEE. Judge, I have on further questions of
15 this witness

16 I would ask that Your Honor review in camera a
17 copy of the video recording of his interview at the
18 Assessment Resource Center dated November 9th, 2005, which
19 is only about two weeks afterwards. This is the freshest
20 memory he had and I would ask Your Honor to review this in
21 camera. And that would be to --

22 THE COURT: For what purpose?

23 MR. SCHNEE: To determine if his memory is --
24 various interviews or anything else -- it's a long video and
25 goes through pretty much his version of events back when he

R W .

CROSS BY MR. SCHNEE

1 could remember when he was seven years old.

2 THE COURT: So you want me to review an interview
3 that took place five, six, years ago?

4 MR. SCHNEE: Yes, Your Honor.

5 THE COURT: To determine whether he's competent to
6 testify today?

7 MR. SCHNEE: To determine whether his testimony is
8 a result of his own memories or anyone else's influence.

9 THE COURT: And what authority are you relying on?

10 MR. SCHNEE: Due process for my client, Your
11 Honor.

12 THE COURT: Well, a person is entitled to due
13 process, but when you're in court arguing the principle of
14 law, I would assume you to have some case for your
15 proposition.

16 MR. SCHNEE: Judge, there are no cases in South
17 Carolina that deal directly on point that I found for this
18 type of situation. Usually, the only case involves
19 significantly younger children at the time they're
20 testifying. But in term of number of different interviews
21 that were given in a number of different states, I think,
22 Your Honor can make the determination very quickly if his
23 memories, in fact, have been adjusted in some way, whether
24 intentionally or not. I'm not accusing anyone of doing
25 anything improper, I'm just suggesting that the memories are

R W

CROSS BY MR. SCHNEE

1 not necessarily his own.

2 THE COURT: All right What says the State?

3 MS. WALKER: Your Honor, he's testified that he
4 can recall the events independently and that he has an
5 independent memory of the night that his father was
6 murdered. He was present during the murder. I think a
7 possible prior inconsistent statement don't make someone
8 incompetent to testify

9 THE COURT: -- review of statement that occurred
10 six or seven years ago to determine whether the witness is
11 competent to testify today. In determining whether the
12 witness competent to testify is whether he is mature enough
13 to understand the questions, the nature of the answers, to
14 perceive the facts accurately through his own senses, to
15 recall them correctly and to relate a true version of the
16 facts perceived and further to know the difference between
17 right and wrong and obligation to testify truthfully as well
18 as the fear of punishment for not telling the truth. The
19 Court should base the ruling on the issue of competency
20 based on the trial judge's personal observation of the
21 witness's demeanor and the responses to the inquiry of the
22 questions posed during the hearing to determine his
23 competency. Based on my observation of the witness, the
24 witness's demeanor, his responses to the questions, I
25 determine that he is competent to testify and any -- and

R W

CROSS BY MR. SCHNEE

1 that for the Court to review prior statements or interviews
2 given six or seven years ago would, certainly, serve no
3 purpose in assisting the Court to make that determination
4 and I decline to do so. I find the witness is competent to
5 testify

6 All right. It's now 10 after 10 --

7 MS. WALKER: I'm sorry, Your Honor, I didn't mean
8 to interrupt. There are other witness that we can put up
9 before we put this witness up that may be a little bit
10 longer. We can put those witnesses up in a shorter period
11 of time. We can take them out of order and instead of
12 calling Mr R W , we can call one of our -- two of our
13 other witnesses and then possibly take Mr. R W after
14 the break.

15 THE COURT: All right
16 Any objection to him being taken out of order?

17 MR SCHNEE: No, sir.

18 THE COURT: All right. You can step down, then,
19 sir.

20 Mr Schnee.

21 MR. SCHNEE: Judge, I would just like to have --

22 THE COURT: Out of an abundance of caution, I will
23 review -- and since this -- particularly since this witness
24 is not being called, I will review the tape as part of --
25 during whatever delay that we have here in the court.

JOHN GIST DIRECT BY MR. STEADMAN

1 MR SCHNEE: Yes, Your Honor.

2 THE COURT I will review it and see if it affects
3 my ruling in any way.

4 All right. Let's bring them in.

5 (Whereupon, the jury returned to the
6 courtroom at 10:09 a m.)

7 BAILIFF: Your Honor, the jury is present and
8 seated.

9 THE COURT: Very good.

10 You may call your next witness.

11 MR STEADMAN: John Gist.

12 THEREUPON;

13 JOHN GIST,
14 after having been duly sworn, testified as follows:

15 THE CLERK Have a seat in the witness stand,
16 please. State your name for the record.

17 THE WITNESS: John Gist.

18 DIRECT EXAMINATION

19 BY MR STEADMAN

20 Q Good morning, Mr. Gist. Where do you currently live?

21 A Lancaster, South Carolina.

22 Q How long have you lived in Lancaster, South Carolina?

23 A About four years.

24 Q And where did you live before then?

25 A Columbia, South Carolina.

JOHN GIST DIRECT BY MR. STEADMAN

- 1 Q And about what time frame did you live in Columbia,
2 South Carolina?
- 3 A About '99 to '07.
- 4 Q And where did you live in Columbia during that time
5 frame?
- 6 A Willow Creek Apartments.
- 7 Q You lived at Willow Creek Apartments that whole time
8 frame?
- 9 A I also lived in --
- 10 Q When did you move to Willow Creek Apartments?
- 11 A 2003.
- 12 Q Is that off Fernandino Road?
- 13 A Yes.
- 14 Q Who did you live with in Willow Creek Apartments?
- 15 A My wife and daughter
- 16 Q Your wife and daughter?
- 17 A Yes.
- 18 Q Do you remember the night of October 27th, 2005?
- 19 A Yes.
- 20 Q Why don't you tell me a little bit about what y'all
21 were doing that night?
- 22 A We were watching T V that night and we heard a gunshot.
23 And I went to the window to see what was going on and I
24 seen a guy outside of his apartment complex -- get
25 help He was just bending over

JOHN GIST DIRECT BY MR. STEADMAN

1 Q And you said you heard a gunshot?

2 A Yes, a gunshot.

3 Q You just heard one gunshot?

4 A That's all I remember, yes, sir.

5 Q Do you have a copy of your statement with you?

6 A No, sir.

7 MR. STEADMAN: Your Honor, may I approach the
8 witness?

9 THE COURT: Yes.

10 BY STEADMAN:

11 Q Here's a copy of your statement So after you heard
12 the gunshot, what did you do next?

13 A I went outside of the apartment towards the guy to see
14 what was going on. And I asked him -- I noticed when I
15 got up on him that he had been shot, so I asked him who
16 shot him. And he couldn't say anything. And I asked
17 him several times, then he collapsed.

18 Q Did you call 911?

19 A Yes.

20 Q Okay. And who else is there around you, around Tony?

21 A My wife. She, actually, came out behind me when we
22 went to see Tony.

23 Q I want to back up just a little bit. When you heard
24 the gunshot and looked out the window, what did you
25 observe him doing?

JOHN GIST DIRECT BY MR. STEADMAN

- 1 A I observed him going from door to door trying to get
2 somebody to come out and help him.
- 3 Q And when you finally got up to Tony, what did you
4 observe about his appearance?
- 5 A When I got to him, he was -- he was bleeding and he was
6 just breathing very, very heavy And like may a minute
7 or so, he just collapsed.
- 8 Q Was he in front of -- right outside of his apartment?
- 9 A He was like in between his apartment and the apartment
10 to his left
- 11 Q Do you remember who lived in the apartment to the left?
- 12 A It was a guy and his family. I really don't know him.
- 13 Q You said you saw blood. Where did you see the blood?
- 14 A The blood was coming from Tony
- 15 Q Okay.
- 16 A And it was like a trail from him to the apartment next
17 to Tony.
- 18 Q There was a trail from Tony to where?
- 19 A To the apartment that was to the left of him.
- 20 Q And did you see any blood anywhere else?
- 21 A I didn't.
- 22 Q Once you got to him, you said you spoke to him?
- 23 A Right.
- 24 Q What did you say?
- 25 A I asked him who shot him And I asked him several

JOHN GIST DIRECT BY MR. STEADMAN

1 times and he couldn't say anything. He just collapsed.

2 Q Was he trying to say something?

3 A He was trying to say something, but then he just died.

4 Q How do you know he was dead?

5 A He was breathless. And my wife tried to get his pulse
6 and he didn't have any pulse. She, actually, tried to
7 revive him, but there was no response.

8 Q She tried to revive him?

9 A Right. She tried to do CPR on him and she had no
10 response from him.

11 Q And after you realized that he -- Tony was dead, what
12 happened next?

13 A After I realized he was dead, I heard something in the
14 house. And I told my wife, I said, there's somebody
15 still in the house. So I stuck my head in the door and
16 on the top step, his son was standing on the top step.
17 And he was just shivering. So I told him to come down
18 the steps and I took him to our apartment. And I told
19 him that his dad was sick and that we needed to take
20 him to the hospital, we was going to take him to the
21 hospital to get him some help. And my wife took him in
22 the house and started talking to him trying to calm him
23 down and I went back to the scene. And then when I got
24 back to the scene, the police and ambulance was there.
25 Q So when you-- did you know that Tony had a son?

JOHN GIST DIRECT BY MR. STEADMAN

1 A I didn't.

2 Q And when did you realize that he was inside the
3 apartment?

4 A He was standing on top of the -- I heard a noise in the
5 apartment. And I was like there's somebody still in
6 there, so I stuck my head in the doorway and I seen him
7 standing on the top of the steps (indicating). Then
8 that's when I told him to come down and we took him to
9 our apartment.

10 Q Did ^R W say anything?

11 A He didn't say nothing.

12 Q And you mentioned that your wife took him and watched
13 over him at your apartment?

14 A Correct

15 Q Did police, paramedics show up shortly thereafter?

16 A They did.

17 Q What happened when they showed up?

18 A When they showed up, they took over and I went back to
19 my apartment And probably five minutes later, the
20 officer came, a detective came and talked to me and my
21 wife about what happened, what we saw.

22 Q Do you remember who spoke to you?

23 A I don't.

24 Q And you gave a written statement or just a verbal
25 statement?

JOHN GIST DIRECT BY MR. STEADMAN

- 1 A A verbal statement.
- 2 Q And how well did you know Tony?
- 3 A I didn't know him. I just seen him in the neighborhood
- 4 passing. I ain't know him.
- 5 Q If you can, describe where your apartment is located
- 6 from his apartment?
- 7 A If my apartment was here (indicating), his apartment
- 8 was probably at the pew, it was right across the
- 9 disroot.
- 10 Q Which pew?
- 11 A Where the guy in the gray shirt.
- 12 Q The one with the yellow tie?
- 13 A Yes.
- 14 Q So it's pretty much directly across?
- 15 A Right across, yes, sir
- 16 Q Were there any cars in the parking lot that night?
- 17 A There was only a few out there that night
- 18 Q But you had a pretty clear line of sight outside your
- 19 living room window?
- 20 A Actually, it was my kitchen window, yes, sir.
- 21 Q Excuse me, kitchen window. Did somebody eventually
- 22 come and pick up^R W ?
- 23 A Yes, a family member did come and pick him up.
- 24 Q And how soon after y'all took him over to your
- 25 apartment?

JOHN GIST CROSS BY MR. SCHNEE

1 A He probably was in our apartment for maybe, 20, 25
2 minutes, maybe, from the time that I saw him and
3 somebody came and picked him up, yes.

4 Q Let me reiterate something. When you went to Tony and
5 he collapsed on the sidewalk and, eventually, you
6 realize he was dead, how long was it before paramedics
7 or police arrived on the scene?

8 A It was, maybe, five, ten minutes, maybe. I really
9 can't remember

10 Q And you stayed there until they showed up?

11 A I stayed there the whole time, yes, sir.

12 Q Thank you. No further questions

13 CROSS-EXAMINATION

14 BY MR. SCHNEE:

15 Q Morning?

16 A Morning.

17 Q Do you still have a copy of the statement that you gave
18 to the police in front of you?

19 A Yes, sir.

20 Q Okay. Just read me the very first sentence of your
21 answer?

22 A You talked about the first question?

23 Q Yeah, just your first answer.

24 A I was sitting on the couch looking at TV and I heard
25 two shots. I got up and went to the window and I saw a

JOHN GIST CROSS BY MR. SCHNEE

- 1 male at the door next to -- knocking on the door and he
2 was yelling for help.
- 3 Q Okay. In your statement, you said you heard two shots
4 back then?
- 5 A Yes, sir.
- 6 Q Okay. But you think you only heard one now?
- 7 A I can't really recall. It was like seven years ago,
8 but yes.
- 9 Q Oh, I understand, but it's hard to remember something
10 that long ago?
- 11 A Yes, sir.
- 12 Q Okay. So you remember the bigger events, it's kind of
13 hard to remember some of the maybe smaller details.
- 14 A I can pretty much remember pretty much everything that
15 happened that night, yes, sir.
- 16 Q Okay. You said you heard a noise in Mr. Corbitt's
17 apartment and saw^R W at the top of the
18 stairs?
- 19 A Yes, sir.
- 20 Q And you described him as shaking?
- 21 A Yes, sir.
- 22 Q Okay. You said he was in shock?
- 23 A Yes, sir.
- 24 Q And you and your wife took him to your apartment?
- 25 A Yes, sir.

JOHN GIST REDIRECT BY MR. STEADMAN

1 Q You had to calm him down?

2 A Yes, sir.

3 Q And he didn't say anything to either of you?

4 A He didn't say anything.

5 Q All right Did you see anything or hear anything
6 before the shots?

7 A I didn't. I was sitting on the couch watching TV.

8 Q Okay. Thank you. I have no further questions.

9 MR STEADMAN: Just briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR STEADMAN:

12 Q Once you took ^R W over to your apartment and you
13 went back there, did you see anybody go into Tony's
14 apartment?

15 A I didn't.

16 Q Thank you.

17 THE COURT: Anything further?

18 MR. SCHNEE: No, Your Honor.

19 THE COURT: Thank you, sir. You may step down.
20 Next witness?

21 MR. STEADMAN: Trina Gist.

22 THE COURT: Trina Gist.

23 THEREUPON,

24 TRINA GIST,

25 after having been duly sworn, testified as follows.

TRINA GIST DIRECT BY MR. STEADMAN

1 THE CLERK. Thank you. Have a seat in the witness
2 stand, please. State your name for the record.

3 THE WITNESS: Trina Gist.

4 BY MR. STEADMAN:

5 Q Good morning, Ms. Gist.

6 A Good morning.

7 Q Where do you live?

8 A Lancaster, South Carolina.

9 Q Do you live there with your husband?

10 A I do and my daughter and son.

11 Q And have you lived there the same time he's lived
12 there?

13 A Yes.

14 Q And did -- how long had you lived in Columbia?

15 A I livid Columbia -- I lived there -- moved there in
16 '98, want to college there.

17 Q Did you go to Benedict as well?

18 A I did.

19 Q And you and your husband moved to Willow Creek
20 Apartments at the same time?

21 A No, I moved before he did with my roommate from
22 college. I stayed in 300E first.

23 Q So you were in 300E first?

24 A Uh-huh.

25 Q Then where did you move?

TRINA GIST DIRECT. BY MR. STEADMAN

1 A From E, we moved to IT&J, that's when me and my
2 husband moved in together.

3 Q You said IT&J?

4 A It was I' , I'm sorry. I'm combining all of the
5 apartments we stayed it It was apartment I' . We
6 stayed in E and then my husband and I moved in I' .
7 And then from I' , we moved to J.

8 Q Okay Did you live there on October 27th, 2005?

9 A Yes.

10 Q Do you remember the night of the murder?

11 A I do.

12 Q Tell me a little bit about what you were doing that
13 night?

14 A I was laying on the couch watching TV and all of a
15 sudden, we heard the gunshots. Then I got up and I was
16 like John, did you hear that? He said yes. And he ran
17 to the window and I ran behind him. And that's when we
18 were looking out the window and John said, oh, God,
19 there's a guy out there. We had seen him going from
20 door to door trying to get help. And he said, I'm
21 going out there. So he turned around and ran past me.
22 I picked up my baby, she was two at the time, and I ran
23 upstairs, took her to the girl upstairs and I came back
24 down and ran out behind him.

25 By the time I got over there, the guy, Tony, he

TRINA GIST DIRECT BY MR. STEADMAN

1 was laying on the ground. And I got down on the ground
2 with him and this time he was still living. I was
3 talking to him. I was rubbing his arm, holding his
4 hand and I was telling him, you know, breath slow.
5 We've called 911 Hold on. They're coming. I was
6 just talking to him trying to keep him clam. And our
7 neighbor at the time, she was out there, too, with us
8 trying to help me, you know, keep him calm. When he
9 started like breathing his last breath, she and I
10 turned him over because at this time, he was kind of on
11 his side. So we turned him over and started giving him
12 CPR, but he wouldn't -- he was dead then.

13 Q And who that was neighbor?

14 A I don't recall her name.

15 Q I want to back up just little bit. You said your
16 husband John, he was -- was he the first one over to
17 Tony?

18 A Yes. I mean, I was directly behind him, but he was
19 there before I was because I had to run upstairs and
20 take the baby upstairs And I turned right back around
21 because my neighbor from upstairs, she was coming down
22 because she heard the same thing. She was on her way
23 down and as I was on my way out, I asked her can you
24 take the baby. She grabbed the baby and I went out the
25 door.

TRINA GIST DIRECT BY MR. STEADMAN

1 Q And once you got up to Tony, was he already laying on
2 the sidewalk?

3 A Yes. He collapsed by that time, but he was still
4 alive.

5 Q What did you observe about his appearance?

6 A He looked like he had been in a scuffle. He did have
7 the gunshot wound. I could tell he had been shot. He
8 had some scratches on his face like something had
9 happened to him and he was bleeding

10 Q And do you remember what he was wearing?

11 A I don't remember what kind of pants he had on. He may
12 have had on some basketball-type shorts, but he didn't
13 have a shirt on at all.

14 Q Was he laying in front of his apartment or somebody
15 else's apartment?

16 A It was his -- more or less his apartment, more or
17 less -- it was like in front of his front door like
18 right -- not directly, it was more or less in front of
19 his front door. Because once he -- he went to the left
20 to try -- first, he went to the right to try to get
21 help and no one came, then he went to the left, nobody
22 came. And then he was easing back toward his
23 apartment.

24 Q And you said you made -- you and your neighbor made
25 attempts to revive him?

TRINA GIST DIRECT BY MR. STEADMAN

1 A Yes.

2 Q Can you describe that a little more?

3 A Like I said, he was kind of laying on his side. He was
4 completely on his side, but he was to the side a little
5 bit. So we turned his body over and she took his head
6 and she held it back and she gave him breaths, and I
7 tried the chest compressions. And then we both were
8 kind of like oh, God, this is not working. And he kind
9 of did a gurgle and -- he was really gone. I was like
10 oh, my God, he is gone. There's nothing else we can
11 do. She was like well, we need to stop because she was
12 in nursing school at the time. She said we need to
13 stop. I said well, take his pulse. And she took his
14 pulse and she was like, no, he's gone.

15 Q Once you realized he was gone, how soon after that did
16 paramedics or police arrive on the scene?

17 A They got there pretty quick. I want to say it was,
18 maybe, five to ten minutes for them to get there, for
19 every one that arrived to get there. I can't remember
20 exactly how long it took. I know it wasn't -- it
21 didn't take them long at all to get there.

22 Q And when did notice somebody else was still inside
23 Tony's apartment?

24 A I was, actually, still down on the ground with him
25 because I was still holding his hand because I was just

TRINA GIST DIRECT BY MR. STEADMAN

1 in so much shock. And that's when my husband, he
2 turned to me and he was like, did you hear that? And I
3 was like, yeah. And that's when he stuck his head in
4 and I turned around and he said, it's a little boy in
5 here. And he was standing at the top of the stairs.
6 And at this point, I'm still on the ground and I looked
7 up. And my husband told him to come on down and that's
8 when he came on down. So it was after his father had
9 passed that we noticed he was in the apartment.

10 Q Once you told R W to come downstairs,
11 what did you do with R W ?

12 A Once my husband got him out from around the body --
13 because I wanted to stay down there. I didn't want him
14 to, actually, know what was going on. So I stayed down
15 there a few minutes. And when my husband got him out
16 to the road a little bit, that's when I got up off my
17 knees and started to walk toward the apartment with my
18 husband because there were other people that stayed out
19 there at that time. So we just walked him over across
20 the street to our apartment.

21 Q And I know your husband said that he went -- as soon as
22 he walked y'all across the street, he went back where
23 Tony was --

24 A Right.

25 Q -- laying?

TRINA GIST DIRECT BY MR. STEADMAN

- 1 A Uh-huh.
- 2 Q And you stayed with ^R W at your apartment?
- 3 A Yes.
- 4 Q Do you remember who came and picked him up?
- 5 A I do not recall. I think maybe his uncle. And I think
- 6 at some point in time I did meet his grandmother, but I
- 7 can't remember exactly which one of those was, in fact,
- 8 when they came that night to pick him up. But I do
- 9 remember his uncle being there and I seen later -- I
- 10 think it was later I seen his grandmother and talked to
- 11 her. We just briefly talked
- 12 Q Do you remember how much time had passed before they
- 13 showed up?
- 14 A I don't. I don't.
- 15 Q Did the police eventually speak with you?
- 16 A They did.
- 17 Q Did you give a statement?
- 18 A Yes. I did a verbal statement as well outside of my
- 19 apartment on the stairs. We have a breezeway, but we
- 20 did it on the outside.
- 21 Q And what was your relationship with Tony, did you know
- 22 him?
- 23 A I didn't know him at all. I didn't. I seen him in
- 24 passing, but I didn't actually know him.
- 25 Q Thank you.

TRINA GIST CROSS BY MR. SCHNEE

1 A You're welcome.

2 THE COURT: Mr. Schnee.

3 MR SCHNEE: May it please the Court?

4 CROSS-EXAMINATION

5 BY MR. SCHNEE:

6 Q You said just a couple minutes ago that Mr. Corbitt
7 went to the left and then went to the right?

8 A He went to the right. We were looking out the window
9 and I could see him moving to the right. And it was a
10 little brick wall in between his apartment. So he
11 didn't quite make it to this lady's door. There was a
12 lady that stayed there. So he went to the left, he was
13 holding himself, he went to left and no one came. So
14 he started back towards his apartment and by that time,
15 w were turning around I don't know what he was doing
16 in between that time because, you know, we were turning
17 around trying to get outside. So I don't know what
18 happened in between that time frame.

19 Q Okay. So you were looking out the window after you
20 heard the gunshots?

21 A Yes.

22 Q Okay.

23 A We ran to the window.

24 Q Okay. Did you see anyone else out there?

25 A I did not.

TRINA GIST CROSS BY MR. SCHNEE

- 1 Q Okay
- 2 A Nobody.
- 3 Q Did see anyone else in the apartment or anything other
- 4 than the son?
- 5 A No.
- 6 Q Okay And before the gunshots, you were just laying on
- 7 the couch and you weren't paying attention to anything?
- 8 A No, we were just watching TV, just relaxing on a normal
- 9 day, just sitting there watching television
- 10 Q Okay Thank you. No further questions.
- 11 THE COURT: Anything further?
- 12 MR. STEADMAN: No, Your Honor.
- 13 THE COURT Thank you. You may step down.
- 14 All right. Will the parties approach?
- 15 (Whereupon, a bench conference was held
- 16 off the record, in the presence of the
- 17 jury, but out of the hearing of the
- 18 jury.)
- 19 THE COURT: Ladies and gentlemen, we're going to
- 20 take a break in the trial now until noon, until 12 noon.
- 21 You all are not required to stay in the jury room. You can
- 22 take a stroll down Main Street if you want to. We need you
- 23 back by about five minutes to noon. But just coordinate
- 24 with your bailiff you're coming and going because we would
- 25 like to not have too much chaos. If anyone is going to

JAY RUSSELL DIRECT BY MR. STEADMAN

1 leave, leave and plan to come back around the same time.
2 Please remember not to mill around outside where any parties
3 might be. Please do not discuss the case or allow any one
4 to discuss it in your presence And we need you back at 12
5 noon, five minutes before noon. We'll take a break.

6 (Whereupon, the jury left the courtroom
7 at 10 34 a.m.)

8 THE COURT: All right. Anything else then?

9 MS. WALKER: Nothing from the State, Your Honor.

10 MR. SCHNEE: No, Your Honor.

11 THE COURT: All right. Then we'll meet back about
12 that time.

13 (Whereupon, a short recess was held.)

14 THE COURT. Is the State ready to proceed?

15 MR. STEADMAN: Yes, Your Honor.

16 MS. CAMPBELL: Ms. Walker, apparently, is still
17 missing, but we can go on without her

18 THE COURT: All right. And I've had the
19 opportunity to view the video interview of the young man.
20 What's his name?

21 MR. SCHNEE: R W

22 THE COURT: R W . And viewing the interview
23 reconfirms my ruling. It seems that he had an amazing
24 ability to recall events. It was, obviously, a traumatic
25 situation for him. There may be some inconsistencies

JAY RUSSELL DIRECT BY MR. STEADMAN

1 regarding the number of persons involved You know, that
2 could be explained by his vantage point or failure to
3 remember or whatever trauma alone. None of that impacts his
4 ability to testify as a witness. I find that he is
5 competent to testify.

6 Let's bring in the jury

7 BAILIFF: Yes, Your Honor.

8 (Whereupon, the jury returned to the
9 courtroom at 12:02 p.m)

10 BAILIFF Your Honor, the jury's present and
11 seated.

12 THE COURT: Very well.

13 You may call your next witness.

14 MR. STEADMAN: The State calls Investigator Jay
15 Russell.

16 THEREUPON,

17 JAY RUSSELL,

18 after having been duly sworn, testified as follows.

19 THE CLERK: Thank you. Have a seat in the witness
20 stand, please. State your name for the record.

21 THE WITNESS: My name is Jerry Allen Russell.

22 DIRECT EXAMINATION

23 BY MR. STEADMAN:

24 Q Good afternoon, Investigator Russell. Where are you
25 currently employed?

JAY RUSSELL DIRECT BY MR. STEADMAN

- 1 A With the Forest Acres Police Department.
- 2 Q How long have you been employed with the Forest Acres
- 3 Police Department?
- 4 A Since 2006.
- 5 Q And what capacity are you employed with the Forest
- 6 Acres Police Department?
- 7 A Criminal investigator and crime scene analyst.
- 8 Q And explain your duties with respect to --
- 9 A -- criminal case load as well as going and teaching
- 10 crime scene to new people that we bring in. And that
- 11 involves doing fingerprinting, DNA, swabbing for DNA,
- 12 going to autopsies, just about anything forensically
- 13 That's kind of my expertise there as well as working
- 14 the criminal cases
- 15 Q Before 2006, were you employed with Richland County
- 16 Sheriff's Department?
- 17 A Yes, sir
- 18 Q And how long were you employed with the Richland County
- 19 Sheriff's Department?
- 20 A Probably about six or seven years.
- 21 Q And what capacity were you employed with the Richland
- 22 County Sheriff's Department?
- 23 A Before I came to Forest Acres, I was a crime scene
- 24 analyst. I worked in the crime scene unit. I
- 25 responded to crime scenes and also worked in the lab

JAY RUSSELL DIRECT BY MR. STEADMAN

1 with evidence, processing evidence, packaging it, doing
2 examination and whatnot.

3 Q So a crime scene analyst, did that require you to
4 respond to crime scenes?

5 A Yes, sir.

6 Q And you were working in that capacity on the night of
7 the murder October 27th, 2005?

8 A Yes, sir, I was.

9 Q And at what point did you become involved in the case?

10 A I, actually, didn't become involved until the morning
11 after this incident took place. I was contacted -- I
12 believe I was contacted by voice mail from Investigator
13 Livingston giving me a run down of what had taken place
14 during the night. And they had an autopsy scheduled
15 for that morning. I was the daytime person, that's
16 what my duty would be, to attend the autopsy.

17 Q So you were given a run down by Investigator
18 Livingston?

19 A I believe it was. It could have been someone already
20 on say shift that day.

21 Q And what was the run down you were given?

22 A Just what had taken place. There had been an incident
23 during the night And that an individual had been shot
24 and killed. And that kind of gives me a game plan for
25 the autopsy, what I have to do there at the autopsy.

JAY RUSSELL DIRECT BY MR. STEADMAN

- 1 Q So when you're given that sort of run down, how does
2 that help you in your investigation at the autopsy?
- 3 A I'll know what to look for. Like I said, there was a
4 gunshot wound. Based on the situation, there could
5 have been some type of struggle -- like fingernail
6 scrapings, debris on clothing, trace and fiber that
7 might be on the clothing would be preserved to send to
8 another area in the forensic division for them to do
9 some examination there.
- 10 Q And where was the autopsy held?
- 11 A It was at Palmetto Richland, there at the hospital in
12 the morgue.
- 13 Q Who all is present for the autopsy?
- 14 A I know myself, Dr. Clay Nichols and I think the
15 assistant to the pathologist -- I know they were there
16 that day.
- 17 Q All right. Can you describe the observations that you
18 made during the autopsy?
- 19 A Yes, sir. When I arrive there, usually, after an
20 incident takes place where somebody is deceased, they
21 put them in a bag and they're put into the morgue.
22 It's sealed and locked with a snap-tie-type thing.
23 When they pull it off, I take photos of the bag as it
24 is. And then once they open the bag, I observed a
25 black male. He had tattoos on the right arm, chest,

JAY RUSSELL DIRECT BY MR. STEADMAN

1 right shoulder blades and left arm. He had a
2 laceration over his left eyebrow, swollen left eye. He
3 had what appeared to be fingernail marks on the neck
4 area, under here (indicating) and abrasions to the left
5 elbow. He had an entrance wound, which -- autopsy. He
6 does the handling, so to speak, on the decreased And
7 as they do that, I take photos of -- tattoos,
8 obviously, the bullet hole. And they also do an x-ray
9 to identify the projectile inside, still left inside
10 the body. I take photos of that x-ray. And, of
11 course, later on, I take custody of the projectile to
12 be examined by the firearms division.

13 Q In this case, did you take custody of the projectile?

14 A Yes, sir.

15 Q Do you recognize that?

16 A Yes, sir.

17 Q Is that the projectile you collected that night?

18 A Yes, sir, it is.

19 Q Once you collected it, did you properly seal it and
20 package it and submit it to evidence yourself?

21 A That's correct.

22 MR. STEADMAN: Your Honor, at this time, the State
23 would move to introduce State's Exhibit 61 into evidence.

24 MR. SCHNEE: No objection

25 THE COURT Admitted without objection.

JAY RUSSELL DIRECT BY MR. STEADMAN

1 (State's Exhibit No. 61 was admitted
2 into evidence.)

3 BY MR. STEADMAN:

4 Q After you collected the projectile, what was the next
5 step in your investigation?

6 A Aside from collecting that, the normal routine at
7 autopsy at that time, we collected or rolled ink
8 fingernail impression, head hair, pubic hair,
9 fingernail scrapings. And like I said before, along
10 with the clothing, that would be package to preserve
11 any kind of fibers or trace.

12 Q What's the purpose of doing all of that?

13 A The rolled ink impressions are to verify that is the
14 individual, even though we're pretty sure that that's
15 the individual we've identified already. The head
16 hair, pubic hair are for DNA or anything that might be
17 used -- evidence custodian of the sheriff's department.

18 Q And fingernail scrapings, what would be the purpose of
19 that?

20 A These are a routine thing to do. If you were in a
21 struggle with someone, you know, you do get skin, small
22 skin fibers or scratched. A lot of times that -- it's
23 microscopic, but it would be under your fingernails, so
24 we would scrape them and preserve that for the analyst
25 to do further.

JAY RUSSELL DIRECT BY MR. STEADMAN

1 Q Let me show you what's been mark as State's Exhibit 72,
2 do you recognize that?

3 A Yes, sir.

4 Q What is that?

5 A This is the fingernail scrapings I collected.

6 Q Did you submit these into evidence yourself?

7 A Yes, sir.

8 MR. STEADMAN: Your Honor, at this time, the State
9 would move to introduce State's Exhibit 72 into evidence.

10 MR. SCHNEE: No objection.

11 THE COURT: Admitted.

12 (State's Exhibit No. 72 was admitted
13 into evidence.)

14 BY MR STEADMAN:

15 Q So after you collected these fingernail scraping, does
16 the lab process those at some point?

17 A Yes, sir. Like I said, they're placed in evidence.

18 They're stored there for any other division -- several
19 different divisions got DNA. You have firearms
20 examination. Also, have drug analysis part of the lab.
21 It's kind of all inclusive of the forensic department
22 there. They would, in turn, go and check it out or do
23 a chain of custody from evidence and take it back to
24 there laboratory and do whatever analysis they were,
25 whatever their expertise was, DNA, trace or fiber.

JAY RUSSELL DIRECT BY MR. STEADMAN

1 Q You also mentioned that there were -- the injuries on
2 the victim was a swollen left eye, the laceration or
3 abrasion to the left elbow and the fingernail marks on
4 the victim's neck?

5 A Yes, sir.

6 Q What would you -- what was normal protocol with respect
7 to those injuries?

8 A More then likely, they were sustained during the
9 incident that took place the evening before I would
10 photograph each of the injuries with and without a
11 scale in case there was something someone needed to go
12 back latera and look at The fingernail marks on the
13 neck, obviously, would have taken photos of those and
14 held onto them for trial or whatever might be.

15 Q And everything you collected at the autopsy, clothing,
16 fingernail scrapings, was that all submitted into
17 evidence by you?

18 A Yes, sir

19 Q Thank you, sir. No further questions.

20 A Thank you

21 CROSS-EXAMINATION

22 BY MR. SCHNEE:

23 Q Good afternoon

24 A Good afternoon.

25 Q You mentioned that you were trained in crime scene

JAY RUSSELL DIRECT BY MR. STEADMAN

1 investigations?

2 A Yes, sir.

3 Q Back in 2005, you were also trained in crime scene
4 investigations?

5 A Yes, sir.

6 Q How long had you been doing it back then?

7 A Three or four years. I think I went into crime scene
8 in 2001

9 Q Okay. And you're trained to collect fingerprints?

10 A A whole lot of evidence, not just fingerprints. Touch
11 DNA, anything that could be examined later.

12 Q Okay. So you're trained to receive touch DNA, to take
13 it?

14 A Right.

15 Q Okay. What about other kinds of DNA? You talked about
16 scraping under Mr Corbitt's fingernails.

17 A That's correct.

18 Q Now, you mentioned that there were fingernail scrapings
19 or scratches on Mr. Corbitt's neck?

20 A Right, appeared to be fingernails.

21 Q You said you photographed those?

22 A Yes, sir.

23 Q Because you thought they were involved in the incident?

24 A Right.

25 Q And you wanted to be prepared to testify about that at

CHRIS CUMMINGS DIRECT BY MR. STEADMAN

1 trial?

2 A Right.

3 Q And you wanted other investigators to be able to use
4 that and go along with the case?

5 A Yes, sir.

6 Q Did you take DNA swabs from there?

7 A No, sir.

8 Q Why not?

9 A DNA swabs of those weren't protocol at that time for
10 us. Most of the DNA would have been under the
11 fingernails if he ever scratched the individual.

12 Q Well, if Mr Corbitt was in a fight, which is probably
13 what the investigators told you, would it be reasonable
14 that he scratched his own neck?

15 A That's possible.

16 Q Would it be -- would you agree it's more likely that
17 someone else scratched his neck?

18 A That's correct.

19 Q But it wasn't your protocol to take DNA, though?

20 A No, sir.

21 Q But you, certainly, could have?

22 A I could have, but it wasn't protocol, so I -- we follow
23 the standard operating procedure at autopsies -- like I
24 said, with experience and knowledge, most DNA would
25 have been under the fingernails or whatever had scraped

CHRIS CUMMINGS DIRECT BY MR. STEADMAN

1 him.

2 Q Okay.

3 A Under your fingernails, to my knowledge, aren't going
4 to leave a lot of stuff --

5 Q Well, if somebody else's hand is around another
6 person's neck, it could leave DNA?

7 A Yeah, that's possible

8 Q At the time back in 2005, it wasn't your protocol to
9 collect that?

10 A That's correct

11 Q All right. No further questions

12 THE COURT: Anything further?

13 MR. STEADMAN: No, Your Honor.

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

15 MR. STEADMAN: The State calls Chris Cummings.

16 THEREUPON,

17 CHRIS CUMMINGS,

18 after having been duly sworn, testified as follows:

19 THE CLERK. Thank you Have a seat in the witness
20 stand, please. State your name for the record.

21 THE WITNESS: Chris Cummings.

22 DIRECT EXAMINATION

23 BY MR. STEADMAN:

24 Q Good afternoon, Mr Cummings.

25 A Good afternoon

CHRIS CUMMINGS DIRECT BY MR. STEADMAN

- 1 Q Where do you currently live?
- 2 A Lexington.
- 3 Q And how long have you lived there?
- 4 A About eight years.
- 5 Q And before that, where did you live?
- 6 A Willow Creek Apartments.
- 7 Q Off Fernandino Road?
- 8 A Yes.
- 9 Q How long did you live at Willow Creek Apartments?
- 10 A From 2000 -- excuse me, 2001 to the end of 2005.
- 11 Q Could you speak up just a little bit?
- 12 A From 2001 to end of 2005.
- 13 Q Who did you live at Willow Creek Apartments with?
- 14 A My wife
- 15 Q And you were living there on the night of the murder?
- 16 A Yes.
- 17 Q Do you remember the night of the murder?
- 18 A Vividly, yes.
- 19 Q What were you doing that night?
- 20 A Sitting down watching TV.
- 21 Q With your wife?
- 22 A She was in the bedroom. She was laying down.
- 23 Q And what do you remember about that night?
- 24 A Just a regular night, sitting down watching TV. And I
- 25 heard a pop, bang. And my window broke, that's what

CHRIS CUMMINGS DIRECT BY MR. STEADMAN

1 really caught my attention

2 Q When you say pop, bang, you mean gunshot?

3 A Gunshot, fire cracker, something was close to the
4 window, then I heard a loud bang and then the window
5 break

6 Q Did you hear those two sounds very close together?

7 A Yes.

8 Q And did you do next after you heard?

9 A I was sitting in the recliner. I jumped up and,
10 actually, walked in the kitchen and looked out the
11 window thinking it was my kitchen window. And it
12 wasn't. Once I looked out the window, I saw someone
13 like across the street and I saw a guy staggering and
14 he fell down.

15 Q And when you're looking out your kitchen window, where
16 was the guy that was staggering?

17 A Probably up to 45-degree angle to my right across the
18 parking lot or drive at the bottom of the apartments.

19 Q The parking lot?

20 A Parking lot.

21 Q So if you're -- if you're looking out the kitchen
22 window of your apartment, where was he located?

23 A Across the street to my right.

24 Q To the right?

25 A Yes.

CHRIS CUMMINGS DIRECT BY MR. STEADMAN

1 Q And after you looked out and saw Tony stumbling, did
2 you eventually see him collapse on the ground?

3 A I saw him fall and then I called 911 -- well, I called
4 my wife and I said I think somebody is hurt, somebody
5 got shot.

6 Q So you did call 911?

7 A Yes.

8 Q What did you do after you called 911?

9 A I stayed at the window and made sure -- just looking to
10 see if, you know, the police were coming

11 Q And what did you see out the window?

12 A Just the guy laying there.

13 Q And at some point, did you find out about your broken
14 window?

15 A Yes, once I went outside, I had a neighbor that I was
16 close to -- not close to, but, you know, we frequently
17 talked because we worked together prior, a couple years
18 ago. And I made sure she was okay, so when I saw her,
19 I started talking to her. And while we out there
20 standing on the sidewalk, I looked up to my apartment
21 and I saw that the window was broke in the bedroom.

22 Q And that's after you came outside, that's when you saw
23 your window --

24 A Yes.

25 Q -- broken?

CHRIS CUMMINGS DIRECT BY MR. STEADMAN

1 A Yes, sir.

2 Q I'm going to show you what's been marked as State's
3 Exhibits 70 and 69. Can you take a look at those?

4 A (The witness complied.)

5 Q What do those pictures depict?

6 A My old apartment and the broken bedroom window.

7 Q Are those a fair and accurate depiction of what the
8 scene looked like that day?

9 A Yes.

10 Q The day after?

11 A Yes.

12 MR. STEADMAN: Your Honor, at this time, the State
13 would seek to introduce State's Exhibits 69 and 70 into
14 evidence.

15 MR. SCHNEE. No objection.

16 THE COURT. They're admitted.

17 (State's Exhibit Nos. 69 and 70 were
18 admitted into evidence.)

19 BY MR. STEADMAN:

20 Q So once you noticed that your window had been broken,
21 what did you do after that?

22 A Well, I called one of the officers over and told
23 them -- well, I went upstairs and opened the curtain,
24 you know I called my wife and told her that make
25 sure -- because it's an open window. And once I pulled

CHRIS CUMMINGS DIRECT BY MR. STEADMAN

1 the curtain back, I saw a bullet sitting in the window
2 seal.

3 Q Could you see any -- what else did you observe? Did
4 you observe a broken glass?

5 A Broken glass and bullet just sitting on the window
6 seal.

7 Q Did you observe any type of impact point or anything
8 like that?

9 A It hit the corner, the left side of the window. If I'm
10 facing, looking down, it's the left corner of the
11 window pane So it must of just fell right there.

12 Q And did an investigator go over and inspect the window?

13 A Yes, I called him over and told him what I found.

14 Q And they collected the projectile?

15 A Yes.

16 Q Once you showed the investigator and they came and
17 looked at it, what did you do next?

18 A That was it. Waited for them to take pictures and
19 gather the projectile and left. That was it

20 Q Now, did you know Tony Corbitt?

21 A No.

22 Q Did you know him in passing?

23 A No.

24 Q Okay. Thank you. No further questions.

25 MR. SCHNEE: May it please the Court.

CHRIS CUMMINGS CROSS BY MR. SCHNEE

1 CROSS-EXAMINATION

2 BY MR. SCHNEE:

3 Q When you looked out your window and saw Mr. Corbitt,
4 did you see anyone else around there?

5 A No, sir.

6 Q How long do you think it took you from the time you
7 heard the pop, bang until you looked out the window?

8 A It was probably about less than 30 seconds. It's not a
9 big apartment.

10 Q Okay. And did the sound appear that it was coming from
11 your apartment or from outside or --

12 A Outside

13 Q Okay. And you didn't know which window was broken or
14 if there was window broken?

15 A I know there was a window broken, but I wasn't sure
16 which one

17 Q And there was no one else around that you could see?

18 A No.

19 Q And you think at the most 30 seconds passed?

20 A Yes.

21 Q Thank you.

22 MR. SCHNEE: Nothing further, Your Honor.

23 THE COURT: Thank you, sir. You may step down.

24 Next witness.

25 MR. STEADMAN: State calls Jirch Fladger.

JIRCH FLADGER DIRECT BY MR. STEADMAN

1 THEREUPON,

2 JIRCH FLADGER,

3 after having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Have a seat in the witness
5 stand, please. State your name for the record.

6 THE WITNESS: Jirch Fladger.

7 DIRECT EXAMINATION

8 BY MR. STEADMAN:

9 Q Good afternoon; Mr. Fladger. Where do you live?

10 A Irmo, South Carolina.

11 Q How long have you lived there?

12 A Approximately seven years.

13 Q And where did you live before that?

14 A Fernandino Road.

15 Q In the Willow Creek Apartment complex?

16 A Correct.

17 Q And what time frame did you live there?

18 A From August of '05 to January of '07, I believe or --
19 no, the end of '06.

20 Q So you were living there on the night of the murder?

21 A Yes, sir.

22 Q Who was living there with you?

23 A My sister and my nephew.

24 Q Do you remember the night of the murder?

25 A Vividly, yes.

JIRCH FLADGER DIRECT BY MR. STEADMAN

- 1 Q What were you doing that night?
- 2 A I was watching TV. I believe a game was on that night.
- 3 Q And where is your apartment in relation to Tony's
- 4 apartment?
- 5 A I think he was D, I was C, so we were right
- 6 beside each other, connected.
- 7 Q So you're facing your front door, where --
- 8 A Immediately to the left. Doors are right beside each
- 9 other.
- 10 Q Okay. And when did -- what did you notice that night
- 11 of the murder?
- 12 A I heard some commotion, like something was banging
- 13 against the wall, but I just thought it was the kids
- 14 playing. I wasn't sure what was going on. But after
- 15 the commotion, then I heard gunshots going off I'm
- 16 not sure how many. I know it was more than one
- 17 Q And before that you heard commotion?
- 18 A Yes.
- 19 Q Describe the commotion
- 20 A Just sounded like something was banging against the
- 21 wall. I mean, I didn't know what it was. I just
- 22 thought maybe the kids were playing or something.
- 23 Q You thought it might have been a kid. Did you know
- 24 Tony had a kid?
- 25 A Yes, his son went to school with my nephew.

JIRCH FLADGER DIRECT BY MR. STEADMAN

1 Q So they went to school together?

2 A Yes

3 Q And what was your relationship with Tony?

4 A I was new to the area, so I didn't really know him. I
5 just saw him in passing. We just spoke, that was it.

6 Q After you heard the gunshots, what did you do next?

7 A I called 911 -- well, at first, initially, I went to
8 get my nephew because the commotion woke him up. He
9 was upstairs asleep. The commotion woke him up. So as
10 he was coming down the stairs, that's when the gunshots
11 went off. So I grabbed him and we went to the rear of
12 the apartment and then I called 911.

13 Q Do you remember what time it was that you called 911?

14 A I don't. I know it was dark, so it had to be around
15 ninish.

16 Q After you called 911, what did do you next?

17 A I just stayed to the rear of the apartment because I
18 was waiting on the arrival of my sister. She was,
19 actually, gone at the time. So I told her to come to
20 the back of the apartment because the front door was,
21 actually, crime scene at the time.

22 Q So at any point did you go out the front door?

23 A Never, no.

24 Q Did you speak with investigators that evening?

25 A I did.

JIRCH FLADGER DIRECT BY MR. STEADMAN

1 Q How quickly did they show up and make contact with you?

2 A By the time they came by, my sister and her friend had
3 arrived, so it was about maybe an hour and a half after
4 I called 911 to two hours, something like that.

5 Q You said the front part of your apartment, the front
6 door was part of the crime scene, so you were
7 instructed to stay in the back?

8 A Well, I knew it was, so I wasn't sure what was going
9 on. I didn't know if the perpetrator was still out
10 there, so I knew to stay in the rear.

11 Q So you stayed at the rear of your apartment?

12 A Yes.

13 Q Okay. And investigators eventually did come speak with
14 you?

15 A Correct.

16 Q Do you remember, did you give them a written statement
17 or verbal statement?

18 A I know I gave them a verbal. I'm not sure if I wrote
19 anything down or not. I'm not sure.

20 Q Did they speak with any of your family members as well?

21 A Just me because I was the only adult present at the
22 time of the incident.

23 Q Thank you.

24 A Thank you.

25

CROSS-EXAMINATION

JIRCH FLADGER CROSS BY MR. SCHNEE

1 BY MR. SCHNEE:

2 Q When you talked to the police investigators when they
3 arrived, do you remember what you told them?

4 A What I just told the Court just now. I heard a
5 commotion. I heard gunshots and called 911

6 Q Did you ever look outside?

7 A No, not until after EMS was on the scene and -- on the
8 scene.

9 Q Okay. You use the word commotion now, but back then do
10 you remember what word you used Did you by any chance
11 say fighting?

12 A No, because I didn't know what was going on.
13 Initially, I thought it was kids playing or banging
14 something against the wall, so no, I never knew it was
15 a fight going on until after the fact.

16 MR. SCHNEE: May I approach the witness?

17 THE COURT: Yes.

18 BY MR. SCHNEE:

19 Q Do you recognize this document?

20 A That's my signature, yes.

21 Q Okay. And is this the statement that you signed that
22 the police took from you? I know that's not your
23 handwriting.

24 A Yes.

25 Q Okay. And in that statement, you described the

JIRCH FLADGER CROSS BY MR. SCHNEE

- 1 commotion as a fight?
- 2 A I didn't see that part. Can I look at it again?
- 3 Q Oh, sure. Take your time.
- 4 A I can barely read the writing, but I don't see anything
- 5 about fighting in there. Can you show me where it says
- 6 fight?
- 7 Q Sure. I believe it says tussle?
- 8 A Okay. That's the commotion, tussling.
- 9 Q Okay.
- 10 A Kids and tussle.
- 11 Q Okay. How many shots did you tell the police you
- 12 heard? It's the second sentence.
- 13 A I don't see it. I can barely see the handwriting
- 14 Q Right there (indicating)
- 15 A Okay. Okay It says two or three shots
- 16 Q Okay.
- 17 A So that's more than one.
- 18 Q Right. But you said two or three?
- 19 A Yes.
- 20 Q I just wanted to make sure because I know it's been a
- 21 long time. I just wanted to make sure --
- 22 A Yes.
- 23 Q -- we have everything the way you told the police?
- 24 A Okay.
- 25 Q You agree your memory was better back then than it is

JIRCH FLADGER CROSS BY MR. SCHNEE

1 today?

2 A I mean, yes, it would have been, but that was two or
3 three. I mean, it could have been more.

4 Q Okay.

5 A But I heard two or three It could have been more.

6 Q All right. Thank you.

7 THE COURT: Any redirect?

8 MR. STEADMAN: No, Your Honor.

9 THE COURT: You may step down.

10 THE WITNESS: Thank you, sir.

11 THE COURT: And, ladies and gentlemen, we need to
12 brick again until about 1:45. So we'll break until that
13 time Please do not discuss the case and we'll see you at
14 that time, 1:45.

15 (Whereupon, the jury left the courtroom
16 at 12 31 p.m)

17 THE COURT: And we'll recess until then.

18 (Whereupon, a short recess was held.)

19 THE COURT: Anything before the jury comes in?

20 MS. CAMPBELL: No, sir.

21 THE COURT: All right Let's have them come in,
22 please.

23 BAILIFF: Be glad to.

24 (Whereupon, the jury returned to the
25 courtroom at 1:46 p.m.)

GRAY AMICK DIRECT BY MS. CAMPBELL

1 BAILIFF: Jurors all pr-esent, Your Honor.

2 THE COURT: All right. Welcome back.

3 Next witness

4 MS. CAMPBELL: The State calls Gray Amick.

5 THEREUPON,

6 GRAY AMICK,

7 after having been duly sworn, testified as follows:

8 THE CLERK: Thank you. Please have a seat in the
9 witness stand and state your name for the record.

10 THE WITNESS: My name is Gray Amick.

11 DIRECT EXAMINATION

12 BY MS CAMPBELL:

13 Q Mr. Amick, where are you employed?

14 A Richland County Sheriff's Department.

15 Q What do you do there, sir?

16 A I'm the technical leader of the DNA laboratory.

17 Q And as the technical leader of the DNA laboratory, what
18 do your duties include?

19 A It's basically supervise the DNA laboratory as well as
20 active analyst in the DNA lab.

21 Q So you do some of the testing, actually, yourself?

22 A Yes.

23 Q Are there a number of other analysts also in your
24 department?

25 A There's two other analysts

GRAY AMICK DIRECT BY MS. CAMPBELL

1 Q Can you tell this jury a little bit about your
2 education and training in the field of DNA analysis?

3 A Yeah. I have a biology degree, a BS degree in 1989 and
4 a Ph.D. in biochemistry from 1993 from USC. From
5 there, I was hired by the State lab, the State Law
6 Enforcement Division, commonly known as SLED, where I
7 worked for 11 years and was trained by court qualified
8 experts in forensic DNA and forensic serology. In
9 2004, I was hired by Sheriff Lott to start up the
10 Richland County DNA laboratory and I've been there ever
11 since.

12 Q Is your laboratory accredited in any way?

13 A Yes, it's accredited internationally by a group by
14 called ASCLD/LAB.

15 Q Y'all adhere to the standards they propose as far as
16 your DNA laboratory?

17 A We do.

18 Q There are certain protocols or checks in the place to
19 ensure the quality of your analysis?

20 A That's correct.

21 Q And prior to submitting any report, is there any type
22 of review that goes on?

23 A Yes. All of the laboratories in our agency is ascribed
24 to hundred percent peer review and administrative
25 review. So there is a peer review of the results as

GRAY AMICK DIRECT BY MS. CAMPBELL

1 well as administration.

2 Q When you say peer review, what do you mean, sir?

3 A That means another analyst in my laboratory looked at
4 my results and --

5 Q You also mentioned that you had specific training in
6 the field of serology and DNA, can you tell -- describe
7 to the jury what those fields?

8 A Forensic serology is basically identification of body
9 fluids, so is it blood, is it semen, is it saliva. And
10 then forensic DNA analysis is whose body fluid is it or
11 whose cells were left on the certain stain or certain
12 area.

13 Q And have you been qualified before in areas of forensic
14 serology or forensic DNA analysis?

15 A Yes, I have.

16 Q Approximately how many times have you been qualified?

17 A Over 75 times.

18 Q Over 75 times?

19 A (The witness nodded head.)

20 MS. CAMPBELL: Your Honor, at this time, we offer
21 him as an expert in forensic serology and forensic DNA.

22 MR SCHNEE: I stipulate.

23 THE COURT: All right. Ladies and gentlemen, this
24 witness is an expert in the fields so stated.

25

GRAY AMICK DIRECT BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q And tell the jury how you receive evidence in a case.

3 A Typically, we get swabs and other types of evidence,
4 clothing, items -- other items from either the crime
5 scene team that's gone out and worked the criminal
6 scene or from deputies who have collected swabs at the
7 scene. Those come in through our evidence log in
8 department and then I or a technician will retrieve
9 them from the evidence log in.

10 Q And in this case as in every case, do you also check to
11 make sure the chain of evidence is complete and that
12 the items don't appear to have been tampered with or
13 altered?

14 A I do

15 Q And you did that in this case?

16 A Yes, I did.

17 Q And to do a DNA analysis, specifically, is there a
18 known sample that is pretty much necessary for you to
19 do any kind of comparison?

20 A To do a comparison, yes. You can do -- or try to
21 develop any profile just by itself, but yeah, you
22 either need to enter that data into the database or
23 compare it to suspect or victims in the case.

24 Q In this case, were there any known samples that were
25 initially submitted in this case?

GRAY AMICK DIRECT BY MS. CAMPBELL

1 A Yes, it looks like there was blood from Antonio

2 Corbitt.

3 Q Okay. And is blood a known standard for DNA that can
4 be used by you?

5 A Yes.

6 Q And is there another manner in which you can also --
7 from a person in order to use it for comparison in DNA
8 analysis?

9 A Yes, it's what we call buccal swab, which is a swab of
10 the mouth.

11 Q And how is a swab of the mouth obtained?

12 A Basically, you take a Q-tip and stick it the mouth and
13 --

14 Q You mentioned you got blood from the victim in this
15 case, Antonio Corbitt?

16 A That's correct

17 Q And that would have been gotten at autopsy?

18 A I believe so

19 Q And in addition to that standard, did you also have an
20 additional standard to compare the results to?

21 A I did. Buccal swab, item 18, from R W

22 Q R W ?

23 A Yes

24 Q And did you know that was the victim's son?

25 MR. SCHNEE: Objection, leading, Your Honor.

GRAY AMICK DIRECT BY MS. CAMPBELL

1 She's been doing this the entire witness so far

2 THE COURT: Your objection is overruled

3 Did you know that he was the victim's son.

4 THE WITNESS: I did not.

5 BY MS. CAMPBELL:

6 Q Once you got the known standard -- what other standards
7 were submitted for your analysis, what types?

8 A What other standards?

9 Q I'm sorry, I misspoke. What other evidence was
10 submitted for your review?

11 A Looking at my reports, several swabs from the crime
12 scene, from table, stair rail, newspaper, kitchen
13 floor, door glass, doorknobs, banisters and then
14 fingernail scrapings, which I assume from the victim,
15 sheets and socks, looks like some clothing and some
16 swabs from the pants, a cell phone and another cell
17 phone, stuff like that.

18 Q Okay And once you receive those items, did you first
19 perform some tests serological?

20 A Yes. The way we would approach a case like this is
21 basically process the evidence, look at it and see if
22 there's any visual stain. And if there is, test that
23 to see what it is. And this case, we tested for
24 presence of blood on several of these items.

25 Q Once that test is done, did you then do further testing

GRAY AMICK DIRECT BY MS. CAMPBELL

1 to see if there was any DNA that could be analyzed from
2 the sample?

3 A Yes, that's what we do We take those items and make
4 cuttings and attempt to get a DNA profile from them.

5 Q You also issued a report in this case?

6 A I did.

7 Q And I want to show a chart. Have you had an
8 opportunity to review this chart to make sure that it's
9 accurate?

10 A I --

11 Q This is a blow-up of the chart, actually.

12 A Yes, it looks familiar.

13 Q And does this accurately reflect your finding in this
14 case?

15 A I believe so.

16 Q Some of all of your findings

17 MS. CAMPBELL: Your Honor, at this time, we'd
18 offer State's Exhibits 164 and 165 into evidence.

19 MR. SCHNEE: No objection

20 THE COURT: Admitted without objection.

21 (State's Exhibit Nos. 164 and 165 were
22 admitted into evidence.)

23 MS. CAMPBELL: Your Honor, may the witness step
24 down?

25 THE COURT. Yes.

GRAY AMICK DIRECT BY MS. CAMPBELL

1 MS. CAMPBELL: You can step down, sir.

2 BY MS. CAMPBELL:

3 Q First, explain to the jury how DNA is done.

4 A Well, basically, we take those cutting and those
5 cuttings from swabs, we extract the DNA -- DNA, then we
6 run a series of experiments and, basically, the
7 instrument will develop a DNA profile or not. It's
8 based on quantity of DNA, how much is there with the
9 swab or the cutting and the quality of it, if it's
10 degraded or not. So sometimes you may get a profile,
11 sometime you may not get profile. And then we take
12 those --

13 Q And at a crime scene, such as a murder crime scene,
14 typically, are body fluids a way that DNA may be left
15 at the scene?

16 A I -- yes, a murder crime scene, pretty much, we'll look
17 for blood from the victim, blood from the suspect and
18 then, depending on the scenario, perhaps, other types
19 of evidence as well.

20 Q And in the past few years, has there been a filed
21 developed with touch DNA?

22 A Yes. Touch DNA has become a big field, especially to
23 property crimes. So if somebody breaks into a business
24 and touches a cash register or point of entry and they
25 can, perhaps, leave their DNA there and we can get the

GRAY AMICK DIRECT BY MS. CAMPBELL

1 DNA profile from that In some scenarios of this type
2 of crime, we may -- for touch DNA as well.

3 Q If I walk up -- and I touch this, am I necessarily
4 going to leave DNA there?

5 A No, not necessarily.

6 Q And what are the factors involved there?

7 A It's similar to a fingerprint. It kind of depends on
8 environment, temperature, the person, if they're
9 sweating or not, if they shed cells or not. So it
10 depends on the person, the surface and the environment.

11 Q If you test and item serologically and find the
12 presence of blood, is your chances of getting a result
13 somewhat greater?

14 A Yes If we see blood on an item, we will usually be
15 surprised if we don't get the DNA profile.

16 Q But that's not necessarily true with touch DNA?

17 A That's correct. We do not know if they will leave one
18 or not until we do it

19 Q When you're looking at DNA, the DNA profile you look
20 at, is a person's DNA profile unique?

21 A It is unique, unless you have an identical twin.

22 Q An identical twin?

23 A Identical

24 Q Not fraternal?

25 A Correct. In an identical twin, this test will not be

GRAY AMICK DIRECT BY MS. CAMPBELL

1 able to tell you or your brother apart, other than

2 that, you --

3 Q When evidence is submitted to you such as be it touch

4 DNA swab -- is that how you would collect touch DNA?

5 A Yes.

6 Q And with blood, would you process --

7 A Yes.

8 Q Can you tell how long that DNA has been there or when

9 it was deposited?

10 A No, you cannot.

11 Q Can you date it in any way?

12 A Nope.

13 Q If you will come over on this side and go through the

14 items that were submitted to you in this case. And

15 when were these items initially submitted, what year?

16 Do you remember?

17 A It would have been shortly after October 2005.

18 Q And can you go through, basically, what was submitted

19 to you and what you did and your results?

20 A Sure I do it based on this chart. The blood from

21 Antonio Corbitt, as I mentioned before, that's the

22 standard from him. There's a swab from a table, item

23 one -- these are items over here --

24 Q Let me just ask you, do you go out and, actually,

25 collect this evidence yourself?

GRAY AMICK DIRECT BY MS. CAMPBELL

1 A No, I do not

2 Q It would have been collected by whom?

3 A Either crime scene or -- in this case, major crime
4 scene analyst or investigators.

5 Q Okay. Go ahead. I'm sorry.

6 A Okay. So swab one from the table -- just kind of read
7 this left to right. I got no blood on it. There was,
8 obviously, no DNA extracted, therefore, it was kind of
9 no results at that point. Item two, swab from the
10 stairwell. There was blood -- I'm sorry. There was
11 blood and there was DNA that matched the victim.

12 Q The victim?

13 A Yes

14 Q And what's the victim's name?

15 A Antonio Corbitt.

16 Q Okay So maybe that helps you guys. Item two is the
17 same result. A lot of this evidence matched the
18 victim. So blood at the crime scene -- I don't know
19 what the manner of the crime was, but the victim bled
20 and the blood -- a lot of this blood on these items
21 matched the victim. So that's what these first three,
22 one, two, three items are saying. Basically, it's off
23 the table, stairwell and they all match the victim in
24 this case --

25 A Black wallet, swab from that, I got no DNA from that.

GRAY AMICK DIRECT BY MS. CAMPBELL

1 So I swabbed that, got no DNA or it wasn't any there.

2 Item 9.2, I did get some DNA, but it was too weak to

3 get a --

4 Q How does that happen?

5 A Just not enough DNA there. 9.3, another swab from the

6 door. It matched the victim in this case. 9.4, swab

7 from stereo glass, also, matched the victim. 9.5, swab

8 from glass lower right pane. I got no DNA on this, so.

9 Q Okay. Let me ask you this. These numbers that you

10 mentioned, the first three were one, two, three and

11 four and then it goes to 9.2, 9.3?

12 A Right.

13 Q What are those subpoints? Why are those there?

14 A Those are going to be -- item nine -- when you see a

15 sub item like that, it's the swab from a parent item.

16 The parent item looks like it's probably the door.

17 Q Okay.

18 A So swab -- take the door item and swab different areas

19 of the door.

20 Item 9.6, another swab from that door. I did not

21 get a DNA profile from that. Another similar swab, I

22 got no DNA from that swab. From the doorknob itself,

23 no DNA. And swab from another part of the exterior

24 jam, no DNA. And another swab, no DNA.

25 Q Okay. Move over to the next item number, which is?

GRAY AMICK DIRECT BY MS. CAMPBELL

1 A Twelve point two. So 12.2 is the swab from a leg of
2 the coffee table. There was some DNA extracted and it
3 was a mixture in this case.

4 Q Let ask you this, on that swab, do you test for the
5 presence of blood?

6 A No So what we would do is look at the item, say, for
7 instance, if you see -- you would be able to see blood
8 if there was blood on here or a stain of some type that
9 you could for blood test. If we didn't test for it,
10 that means visually we didn't see any, so we just
11 swabbed what was submitted in that case, which I think,
12 looking at the description of that, was fingerprint
13 powder, so crime scene people would have come on, throw
14 some -- not get any detail and then swab that area and
15 submit that to us to try to get a DNA profile. I mean,
16 this -- this sample, that's what was done.

17 Q And I believe you said there was a mixture?

18 A Mixture, correct.

19 Q Is that unusual to get a mixture?

20 A No, we get mixtures all the time

21 Q Okay. Moving on, what else did you note?

22 A Thirteen point one matched the victim It was a
23 swab -- well, it was blood on the baseball cap. So
24 14.33, I have no DNA. That's the banister. Another
25 part of the banister, I got some DNA, but it was too

GRAY AMICK DIRECT BY MS. CAMPBELL

- 1 weak again These two 16.1 and 16.2 are the victim's
2 fingernail scrapings and they matched the victim.
- 3 Q Is that unusual?
- 4 A No, not at all
- 5 Q Why is that?
- 6 A Well, you're scraping that individual, you would expect
7 to get their DNA profile.
- 8 Q And in your experience, where is the scraping taking
9 from?
- 10 A Underneath the fingernails.
- 11 Q And in this case, it matched who?
- 12 A Matched the victim.
- 13 Q Okay.
- 14 A Eighteen is the standard from this^R W person.
15 20 -- 20.1, 20.2 were cuttings from socks. They both
16 matched the victim And 22 paper from a drying --
17 there was nothing from that
- 18 Q Moving to the rest of the --
- 19 A Item 23 is a pair of black sweat pants. There were
20 four cuttings from that and they all matched the victim
21 and they were all blood. 24.1, was a swab of a cell
22 phone. I got no profile from that. 24.2, a swab from
23 the key pad of the cell phone, I got no profile from
24 that And 34 was a swab of a shell casing from a gun
25 or from ammunition and I got no profile from that.

GRAY AMICK DIRECT BY MS. CAMPBELL

1 Q Is that the extent of your testing in this case?

2 A Yes, I believe so.

3 Q So, basically, all the blood evidence you got in this
4 case matched who?

5 A Matched the victim, Antonio Corbitt.

6 Q Once you're able to get a match, is there any reason to
7 submit any further samples to be compared to it?

8 A For that particular piece of evidence?

9 Q For that evidence?

10 A No. If it's -- if we state that it matches so and so,
11 for instance, the victim, then it's not going to match
12 anybody else unless there is an identical twin. But
13 no, there's no reason to submit any other standards to
14 see if they match.

15 Q And again, these samples were submitted to you
16 properly?

17 A Yes

18 Q And, finally, all the blood evidence in this case
19 matched whom?

20 A The victim.

21 Q Thank you, sir. I don't have anything further.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR SCHNEE:

25 Q Were you doing touch DNA back in 2005 and 2006?

TED POWELL DIRECT BY MS. WALKER

1 A Yes.

2 Q Okay. Did anyone ever ask you to test swatches from
3 someone's neck, is that on your list anywhere?

4 A In this case?

5 Q Yes.

6 A No, that's not on my list

7 Q Okay. No further questions.

8 THE COURT: Anything further?

9 MS. CAMPBELL: Nothing.

10 THE COURT: Thank you, sir.

11 And your next witness.

12 MS. WALKER. The State calls Ted Powell.

13 THEREUPON;

14 TED POWELL,

15 after having been duly sworn, testified as follows:

16 THE CLERK: Have a seat in the witness stand.

17 State your name for the record

18 THE WITNESS: My name is Joseph D. Powell,

19 P-O-W-E-L-L.

20 DIRECT EXAMINATION

21 BY MS. WALKER:

22 Q Good afternoon.

23 A Good afternoon

24 Q Where do you work?

25 A I'm currently working with the Sumter County Sheriff's

TED POWELL DIRECT BY MS. WALKER

1 Office in forensics laboratory doing drug analysis
2 and -- analysis.

3 Q How long you been at, you said Sumter County?

4 A Yes, ma'am.

5 Q How long have you been at Sumter?

6 A A little over two years?

7 Q And where were you before then?

8 A Before that, I was over at the South Carolina Law
9 Enforcement Division, commonly call it SLED, where I
10 was supervisor of the trace evidence section.

11 Q How long did you work at SLED?

12 A Twenty-seven years.

13 Q And you say supervisor of trace evidence, can you
14 explain to pus what trace evidence is?

15 A Trace evidence is the analysis of various types of
16 material, such as paint, fiber, explosives. We at one
17 time performed hair analysis, gunshot residence, bullet
18 hole determination, various types of analysis which
19 means trace suggesting to a small amount and it takes
20 someone to be able to examine it with specialized
21 equipment

22 Q Can you tell us what sort of specialized training or
23 education you had in trace analysis?

24 A Yes. I received my ACS certified degree in chemistry
25 from the University of Southern Mississippi. After

TED POWELL DIRECT BY MS. WALKER

1 receiving my degree in chemistry, I came to South
2 Carolina. And after a short period of time, I became
3 employed at SLED with extensive in-house training
4 program in their both drug analysis as well as trace
5 analysis. After completing my training, I was assigned
6 various counties throughout the state and throughout
7 the years, I've been involved with developing the
8 method still being used at SLED in the area of trace
9 analysis. I've also attended numerous schools around
10 the country in the areas of trace evidence and have
11 taught classes in the area of trace.

12 Q And have you been qualified as an expert for that area?

13 A Yes, I have.

14 Q How many times?

15 A I've been qualified approximately 300 times in the area
16 of trace evidence.

17 MS WALKER: Your Honor, at this point, we would
18 offer this witness as an expert in trace evidence.

19 MR. SCHNEE: No objection.

20 THE COURT: He is so qualified.

21 BY MS. WALKER:

22 Q One of areas you mentioned was GSR?

23 A Yes, ma'am.

24 Q Can you explain to us what GSR is?

25 A Gunshot residue is the analysis of samples collected

TED POWELL DIRECT BY MS. WALKER

1 from either an object or a person to see if they've
2 been around a weapon or have discharged a weapon. When
3 you fire a weapon, there is a debris of material which
4 is admitted from that weapon, could be coming from the
5 end of the barrel, could be coming from the cylinder,
6 could be coming from various different areas. We have
7 a test to be able to analyze a person's, normally,
8 their hands because that's the object that closest to
9 the weapon to see if gunshot residue is present or
10 absent on the hands.

11 Q And how is that test conducted on the hands?

12 A Well, there's two parts to the test. The first part is
13 to go in and to collect what is called particle lifts.
14 Particle lifts is a flattened piece of aluminum with a
15 sticky adhesive, pretty much like Scotch tape. And
16 it's, actually, applied to the surface of the skin as
17 I'm demonstrating. You, basically, touch the skin
18 picking up any particles that may be on the surface of
19 the skin. After the area of the hand, which in this
20 case, I'm doing the left back, which was collected, you
21 would then follow up with cotton swabs, which has been
22 wetted with a weak acid solution to mop up any -- down
23 in the pores or too small for the life to pick up. You
24 follow the procedure for the palm and back and left --
25 palm and back of both hands.

TED POWELL DIRECT BY MS. WALKER

1 Q And when the testing is conducted, is there -- is time
2 relevant in terms of when the test is, actually, done
3 on an individual?

4 A Yes. If you handle or discharge a weapon, once the
5 material is deposited on your hands, any activity would
6 tend to brush or remove this material. Your heart
7 beat -- will tend to absorb it. So there's a window of
8 opportunity to collect this. Our window is within six
9 hours. The test is still relevant. After six, it is
10 not relevant at all.

11 Now, there is one exception. Once someone's heart
12 stops, they die, the material is no longer being
13 absorbed or knocked off and it will be retained on the
14 skin until someone physically removes it or the skin no
15 longer retains integrity to hold the material.

16 Q So on a living person, it's six hours and on a dead
17 person, it indefinite?

18 A Correct, from the point that their heart stops.

19 Q I want to turn your attention to this case. Did you
20 receive certain items to be tested?

21 A Yes, I did.

22 Q What items were those?

23 A I received a gunshot residue kit labeled Antonio
24 Corbitt.

25 Q State's Exhibit 63?

TED POWELL DIRECT BY MS. WALKER

- 1 A What this is, State's Exhibit 63, is going to be an
2 envelope, which contains my initials. And within the
3 envelop, it is a heat-sealed pouch, which contains the
4 kit, which bears the name of the victim. This was the
5 kit that I analysis. Contained within here is a
6 particle list. The particle list that were collected
7 were not analyzed because of -- the swabs were analyzed
8 first and there was no need to go forward with the
9 lifts.
- 10 Q Can you explain why once you did the swabs, you didn't
11 have to do the lifts?
- 12 A Cotton swabs are much more sensitive. They will pick
13 up material when the lifts will not. So in this case,
14 once I discovered my results, there was no need to go
15 any further with the lifts
- 16 Q Can you tell us what your results were?
- 17 A My results in this case were that all four areas of the
18 hand, right palm, right back, left palm and left back
19 had no gunshot residue on them.
- 20 Q Those were the victim's hands in this case?
- 21 A That is correct.
- 22 Q When you received that item for testing, was it
23 properly packaged?
- 24 A Yes, ma'am, it was properly packaged and sealed. Any
25 evidence that I receive, if it is not properly

TED POWELL CROSS BY MR. SCHNEE

1 packaged, we stop the analysis until we're able to get
2 everything sort out as to what's going on or not do an
3 analysis.

4 MS. WALKER. Beg the Court's indulgence, Your
5 Honor.

6 BY MS. WALKER:

7 Q The absence of gunshot residue in this case, was that
8 consistent with having fired a gun or not having fired
9 a gun?

10 A That is consistent with not having fired a weapon or if
11 someone had fired a weapon, the material was removed
12 before the samples were taken. Now, the closer
13 someone -- the sample taken from the point of shooting
14 a weapon, the more important it is because that means
15 you have less time to remove the material Or in the
16 case of someone who is a victim who's died, it's very
17 indicative of the fact they did not fire a weapon
18 because, normally, they pass very quickly after being
19 shot, so there's very little chance for material to be
20 lost at all.

21 Q Thank you, sir. I have no questions.

22 CROSS-EXAMINATION

23 BY MR. SCHNEE:

24 Q Just because fires a single gunshot doesn't necessarily
25 mean gunshot residue will be present on their hands,

TED POWELL CROSS BY MR. SCHNEE

1 does it?

2 A Well, it will be present on the hands, but will we get
3 to in time to collect it will be the issue. All
4 weapons produce gunshot residue, however, certain
5 instances can remove it, things can happen before we,
6 actually, get a chance to collect it, so thus, the test
7 will come up negative, but that doesn't mean someone
8 never had gunshot residue, it just means it's gone by
9 the time you take the sample.

10 Q Well, firing a bullet, obviously, creates gunshot
11 residue, but that doesn't mean it gets deposited
12 necessarily on very single surface in the vicinity;
13 does it?

14 A Anything close to the weapon will be depositive.

15 Q Okay Things can also wash that off, can't it?

16 A That is correct.

17 Q Such as blood?

18 A Now, blood would dissolve the material unless there's
19 flowing blood off of it, it would retain it on the
20 hands. The swabs in this case were, actually,
21 collected. Now, if someone's blood is flowing and it
22 continues to wash off, then yes, it can remove the
23 material completely

24 Q Well, if there's blood on someone's hand and they fire
25 a gun and then the blood is taken off, that would

TED POWELL CROSS BY MR. SCHNEE

1 remove the gunshot residue as well, wouldn't it?

2 A If the blood was taken off, yes.

3 Q Okay. Do your swabs contain blood on them?

4 A They were bloody, I believe, yes. One moment. Yes,
5 there was blood indicated in my notes found on the
6 swabs.

7 Q Okay. Well, let me ask you this, if someone were to
8 fire a gun and then bled out on top of it and the blood
9 was picked up, would that necessarily pick up gunshot
10 residue?

11 A Yes, if the blood was retained on the hands, it will
12 pick up gunshot residue.

13 Q Assuming you get enough blood?

14 A Well, it doesn't matter because the swabs are going to
15 take -- pick up anything that's on the hands because it
16 being -- it will pick it all up.

17 Q Would that not depend on how well the person is doing
18 the swab?

19 A Well, that's true. If someone only collects a portion,
20 a sample, it will not pick that up.

21 Q Okay. So based on the bloody hand, you may or may not
22 find gunshot residue even if you fired a gun? It all
23 depends on how it was collected?

24 A If someone does not collect it properly, it would,
25 obviously, cause the test to tend to go negative,

TED POWELL REDIRECT BY MS. WALKER

1 however, someone administer the test properly, it would
2 pick it up if it was there on the hands.

3 Q You didn't witness this test; did you?

4 A No, sir, I did not

5 Q So you have no idea exactly how the test was done?

6 **A** **No, sir, I have no idea about how the test was**
7 **administered.**

8 Q And you have no idea how much blood was on the hands?

9 A No, sir, other than the blood on the swabs.

10 Q You don't know if blood was wiped off before the swabs
11 were taken?

12 A No, sir.

13 Q No further questions.

14 REDIRECT EXAMINATION

15 BY MS. WALKER:

16 Q The swabs that you tested, were they submitted
17 properly?

18 A Yes, there was no indication -- all the evidence was
19 sealed, everything was labeled. It was all correct.

20 Q Do you have any knowledge of there being improper
21 testing in this case?

22 A No, ma'am.

23 MR. SCHNEE. Objection Hearsay.

24 MS. WALKER: Your Honor, he's a --

25 THE COURT: Let me hear the question.

TED POWELL RECROSS BY MR. SCHNEE

1 BY MS WALKER:

2 Q Do you have any indication that the swabs or the test
3 was done improperly in this case?

4 MR. SCHNEE Also, object to hearsay on that.

5 THE COURT: Overrule the objection.

6 THE WITNESS: I have no knowledge whatsoever of
7 anything improper as far as the performance of this case.

8 BY MS. WALKER:

9 Q Thank you, sir. I have no further questions.

10 RECROSS-EXAMINATION

11 BY MR SCHNEE:

12 Q Other than it being properly sealed and packaged, do
13 you have any evidence or any information that the tests
14 were done properly.

15 A I have no information either way.

16 Q Okay. Thank you.

17 THE COURT: Thank you, sir. You may step down.

18 Call your next witness.

19 MS. WALKER: The State calls David Collins.

20 THEREUPON,

21 DAVID COLLINS,

22 after having been duly sworn, testified as follows:

23 THE CLERK Thank you Have a seat in the witness
24 stand, please.

25 DIRECT EXAMINATION

DAVID COLLINS DIRECT BY MS. CAMPBELL

- 1 BY MS. CAMPBELL.
- 2 Q Will you state your name for the record?
- 3 A David Collins, C-O-L-L-I-N-S.
- 4 Q Investigator Collins, where are you employed?
- 5 A I'm currently employed by Richland County Sheriff's
- 6 Office.
- 7 Q What do you do there, sir?
- 8 A I'm the head of the -- firearms and tool marks section
- 9 in the forensics laboratory.
- 10 Q So technically, you're in the firearms and tool -- I
- 11 can't say all that. What is it?
- 12 A Firearms and tool mark section.
- 13 Q What do your duties include?
- 14 A My duties include supervision of the firearms, tool
- 15 mark section and its examiners and other analysts. And
- 16 also, the -- procedures and protocols. In addition to
- 17 that, I perform case work as an examiner.
- 18 Q And did you become involved in this case?
- 19 A I did.
- 20 Q Can you tell the jury a little bit about firearms
- 21 examination, what you do to them?
- 22 A Firearm examination is the examination of
- 23 firearm-related evidence that is submitted to the
- 24 laboratory -- examine fired projectiles, fired bullets
- 25 and fired cartridge cases to determine if they had been

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 fired by a firearm that may be submitted to us. The
2 way we can do this is when a firearm is manufactured,
3 the various processes leave behind microscopic defects
4 on the surface of the firearm. One of areas of
5 interest to us is the inside of the barrel where spiral
6 and grooves likely are formed in the barrel. These
7 grooves cause the bullet to spin and twist as it leaves
8 the barrel -- this process leaves behind, as I said,
9 small defects that will literally transfer or scratch
10 off the surface of any bullet that's fired from the
11 barrel. The pattern of those marks can be used in
12 cases to identify those particular bullets back to a
13 specific firearm in much the same way a fingerprint can
14 be identified back to a person. Cartridge cases are
15 similarly marked by defects left on the firearm -- when
16 the cartridge is fired, the firing pin --

17 In many cases, we do not receive the firearm in a
18 case. In a case such as that -- compared with each
19 other to determine how many firearms may or may not
20 have been used. We also will examine the rifling
21 characteristics -- surface of a fired bullet to try and
22 determine what type of firearm or sometimes what brand
23 of firearm had fired that particular item.

24 In addition to these examinations, we can perform
25 a variety of other firearm-related examinations, to

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 include -- ejection pattern analysis -- any type of
2 specialized examination of firearms or marks left by
3 tools or tool marks is done in our section.

4 Q Can you tell this jury a little bit about your
5 education and your training in this field?

6 A I received a Bachelor's Degree in 1984. I became
7 employed at the State Law Enforcement Division,
8 commonly known as SLED, in 1990 began an on the job
9 training program in firearms and tool marks
10 examination. This training last for two to three years
11 and following completion of that program, I was
12 certified as firearms and tool marks examiner.

13 After achieving that certification, I began
14 working cases on my own and have also continued to
15 receive education and training in my field of expertise
16 from schools I attended across the country and here in
17 South Carolina I have also been qualified and
18 testified as an expert in this field in the State of
19 South Carolina in excess of 200 times. I also have
20 been qualified and testified in this field in the
21 states of North Carolina and Georgia --

22 MS. CAMPBELL. Your Honor, at this time, we would
23 offer him as an expert in firearms examination for the
24 purposes of this trial.

25 THE COURT: He is so qualified.

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q Investigator Collins, I want to talk to you first about
3 the items that were actually submitted. Did you ever
4 receive an actual firearm in this case?

5 A No, ma'am, we did not.

6 Q And, again, is that unusual?

7 A No, it's not unusual.

8 Q Why is that?

9 A It's typical that a firearm -- when law enforcement
10 arrives on a scene, the people involved may have
11 already fled the scene and taken the firearm with them.
12 Subsequently, the firearm may change hands and may be
13 disposed of and therefore not come into possession of
14 law enforcement.

15 Q I want to show you items that were submitted. Items
16 57, 62, 58 and 61. First, ask you to look at those.

17 A These items bear marking -- packages bears markings
18 that -- these are the items that I examined in this
19 case.

20 Q And a total of how many items were submitted to you for
21 examination?

22 A I was given a total of four items, two fired
23 projectiles and two fired cartridge cases.

24 Q And you're taking about fired projectiles versus fired
25 cartridge cases Can you explain to the jury what

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 those components are, how they start originally and how
2 they become separate?

3 A Originally, one unit of unfired ammunition is referred
4 to as a cartridge. Consistent in a cartridge case is
5 the primer that is used to ignite the powder. There is
6 also powder inside the cartridge, which is the fuel for
7 the cartridge, and then the bullet or projectile that
8 is seated in the cartridge case. This is received as
9 one unit of ammunition. When that is fired, the powder
10 is consumed or burned, the bullet is separated from the
11 cartridge casing, it enters the barrel of the firearm.
12 The cartridge case is there and remains in the firearm,
13 if it's a revolver or some other similar type of
14 handgun or in the case of a semi-automatic firearm, the
15 cartridge case would be ejected from the gun --

16 Q And explain the difference to this jury between a
17 revolver and a semi-automatic handgun.

18 A A semi-automatic handgun is a firearm that once loaded
19 will fire one shot each time the trigger is pulled. It
20 will mechanically itself and eject the spent cartridge
21 case if it's fired. It will then load the next
22 cartridge into the chamber and be ready to fire again.
23 This process can be repeated if the firearm is
24 functioning properly until the magazine is empty and
25 the gun is empty. A revolver is a firearm that has a

DAVID COLLINS DIRECT BY MS. CAMPBELL

- 1 revolving cylinder that is opened by the user or by
2 someone else prior to being handed to the user and is
3 loaded by placing a cartridge in each individual
4 cylinder in a chamber -- excuse me, in the cylinder and
5 the cylinder is closed. At that point in time, the
6 firearm can be fired. The capacity of firing is
7 limited to the number of chambers in the cylinder. And
8 cartridge cases, once the gun is fired will remain in
9 the cylinder until they are removed.
- 10 Q You're talking about -- when you see the -- is that
11 cylinder you're talking about?
- 12 A Yes.
- 13 Q And when that shot is fired, where does the cartridge
14 casing go?
- 15 A Again, it will stay in the cylinder of the firearm
16 until someone removes it or unloads it.
- 17 Q But with more modern handguns, a semi-automatic, how is
18 it loaded?
- 19 A The typical process for loading a semi-automatic
20 firearm would be take the magazine, which is always
21 usually separate from the firearm. You would then load
22 the magazine individually with cartridges until it was
23 full. You would then insert the magazine into the
24 firearm -- but let me also back up and say you do not
25 have to load it until it's full. You can load just one

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 into the magazine if you wanted to or you could load it
2 until it reached maximum capacity if you so desired.
3 Insert the magazine into the firearm until it pops in
4 place. Then you would draw the slide to the rear,
5 release it and let the chamber, first round into the
6 top round of the magazine and leave it ready to be
7 fired. At that point in time, the gun
8 is technically -- could be fired or ready to be fired.

9 Q Typically, where in the gun is the magazine actually
10 loaded?

11 A Usually, it's loaded into the grip of the firearm or
12 what we call the butt of the firearm, inserted until it
13 locks in place. Other handgun designs, it may be
14 located somewhere else

15 Q And you also made a motion like this when you were
16 describing the mechanism of the actual firing of the
17 semi-automatic handgun. Is that what we would see
18 on -- movies?

19 A Yes, the process -- the typical process or correct for
20 loading is to have the firearm in your gripping hand,
21 then you grasp the slide, draw it to the rear and
22 release it. And when you release it, it's under spring
23 tension and will go forward and pick up the first
24 cartridge you loaded into the chamber.

25 Q You mentioned that the cartridge case for the

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 semi-automatic firearm eject from the actual gun
2 itself?

3 A Yes.

4 Q And, typically, how does that -- what part of the gun
5 does it eject from?

6 A There is a port in the slide of the firearm that is
7 designed for the cartridge case to exit from. In other
8 words, when the slide moves to the rear -- when the gun
9 is fired, the slide actually has a claw on it that we
10 call the extractor that pulls the cartridge case from
11 the chamber to the gun, it will then hit what we call
12 an ejector, which forces it to be kicked out of the
13 gun. The ejector typically kicks the cartridge case to
14 the right in most modern handgun designs

15 Q To the right out of the gun?

16 A To the right, yes.

17 Q And does it, typically, do it forward, backward or just
18 depends?

19 A Most that I have tested have sort of ejected to the
20 right, slightly to the rear.

21 Q And again, in this case, was a handgun ever produced or
22 found for you to do any examination?

23 A No.

24 Q Taking the two cartridge casings first, if you could
25 open that so I could show the jury. Again, was all

DAVID COLLINS DIRECT BY MS. CAMPBELL

- 1 this evidence submitted properly?
- 2 A Yes, it was.
- 3 Q Thank you.
- 4 A I received it initially in a sealed condition.
- 5 Q The item I just handed you, the first one, State's
- 6 Exhibit No. 57?
- 7 A Yes.
- 8 Q What's the labeling as far as where the shell casing
- 9 was found?
- 10 A State's Exhibit 57 bears the label indicating -- shell
- 11 casing from inside.
- 12 Q From inside?
- 13 A Yes.
- 14 Q And does this appear to be how it was received?
- 15 A Yes
- 16 Q And the second item as far the casing is item number
- 17 62?
- 18 A State's Exhibit No. 62 is labeled as outside.
- 19 Q Outside. For the record, did you go to the crime scene
- 20 itself?
- 21 A I did not.
- 22 Q And when you did your examinations on 57 and 62, what
- 23 were your findings?
- 24 A The first thing that I do when I receive items of this
- 25 nature in the laboratory is I take notes as to the

DAVID COLLINS DIRECT BY MS. CAMPBELL

- 1 condition, describe its condition as it was received.
- 2 I describe the caliber of it, which is indicated by
- 3 markings on the head stamp of the cartridge case And
- 4 then I move forward into a microscopic comparison A
- 5 microscopic comparison involves visually comparing both
- 6 of these items under what we call a comparison
- 7 microscopic to examine markings left by the firearm on
- 8 them at the same magnification side by side. What you
- 9 will have is a split view -- side by side at the same
- 10 magnification and look for areas if they are present
- 11 where markings left by the firearm on it match. In
- 12 this case -- determined there was sufficient -- both of
- 13 these cartridge cases were fired from one gun.
- 14 Q They were both fired by one gun?
- 15 A Yes
- 16 Q And you were able to do that, again, based on your
- 17 microscopic --
- 18 A Yes, microscopic comparison of these items -- fired
- 19 from one firearm.
- 20 Q Were you able to make any further determinations as to
- 21 what type of gun was used and the type of ammunition?
- 22 A Well, examination of the cartridge cases was sufficient
- 23 for me to determine the caliber. The firearm was a 380
- 24 auto type of firearm. And also to determine that the
- 25 brand of ammunition that was used was -- based on

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 these --

2 Q Basing your analysis of those two items, you were able
3 to determine that they were both, again, fired --

4 A Fired from one gun.

5 Q And what was the caliber?

6 A It's 380, 380 --

7 Q When you're talking about calibers of guns, what does
8 that mean? Could you explain that to the jury?

9 A Each firearm is designed to fit one specific caliber of
10 ammunition. Ammunition, typically, is not
11 interchangeable. There are a few exceptions --
12 designed to be fired in a firearm that has a chamber, a
13 portion of the barrel that is cut to hold that exact
14 size and shape of ammunition -- this particular case.
15 It -- from the -- from the name 380 auto, we can get
16 that the cartridge fired a bullet approximately point
17 357 inches in diameter, which is what is referred to in
18 the industry as a 38 caliber. It is also designed for
19 use in a semi-auto caliber firearms.

20 Q So this would be a semi-automatic firearm?

21 A That is what that ammunition is designed to be fired.

22 Q And as far as different types, we've heard of nine
23 millimeter, 22, 40, what do those indicate to you?

24 A Well, first of all, you mentioned nine millimeter, nine
25 millimeter have the nine millimeter diameter bullet.

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 Coincidentally, the 380 auto has the same -- diameter
2 as the nine millimeter. The bullet diameter is the
3 same, however, they typically use different bullet
4 weights, which is where you differentiate when you get
5 to the bullets as to what caliber they --

6 The 380 auto ammunition is not designed to be
7 fired in a nine millimeter firearm. Sometimes, it is,
8 but we would have a visual indication on the cartridge
9 case that it had been.

10 Q Okay. And in this case, you said one gun, a
11 semi-automatic 380 and you also mentioned a brand name?

12 A Yes, it's Winchester brand name.

13 Q And based on your analysis of those two, items 62 and
14 57, you were able to make that determination?

15 A Yes.

16 Q Did you also receive two other items in this case?

17 A I did.

18 Q I'll show you what's been marked as State's Exhibits 61
19 and 58

20 A State's Exhibit 61 is a fired jacketed projectile that
21 I did examine in this case.

22 Q This is 61?

23 A Yes. State's Exhibit No. 58 is another fired jacketed
24 projectile that I examined in this case

25 Q And, again, on that, does it indicate where that was

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 collected from?

2 A State's Exhibit 58 indicates it was a projectile from
3 Apartment -D.

4 Q State's Exhibit 61?

5 A State's Exhibit 61 is projectile from autopsy.

6 Q Okay. Once you examined these two items, can you tell
7 the jury what, if any, conclusions you were able to
8 come up with?

9 A Again, the first thing we do when we receive this type
10 of evidence is we take notes as to its condition as it
11 was received. I have able to determine by weighing
12 these items and examining the diameters and other
13 physical characteristics that they are consistent with
14 380 auto caliber projectiles -- most consistent with
15 380 auto projectiles. And they're also -- based on
16 their rather unique construction and components,
17 they're consistent with being manufactured by
18 Winchester and -- most firearm projectiles at the time
19 are copper jacketed. These have very brass --
20 brass-like material jacketing. That in conjunction
21 with other design features --

22 Q On your examination of the two projectiles, you were
23 able to say Winchester?

24 A Yes, most -- brand ammunition.

25 Q What caliber?

DAVID COLLINS DIRECT BY MS. CAMPBELL

- 1 A 380 auto.
- 2 Q And, again, that would be like the semi-auto?
- 3 A Yes.
- 4 Q And what else?
- 5 A It was consistent, again, with brass enclosed base ..
- 6 or -- type of ammunition.
- 7 Q What further examinations were you able to do on those
- 8 two projectiles?
- 9 A I performed the same type of microscopic comparisons as
- 10 I did with the cartridge cases -- and I was able to
- 11 determine that they had the same general --
- 12 characteristics, that the number of rifling grooves in
- 13 the barrel -- had the same number of lands and grooves
- 14 with the same direction of twist with the same
- 15 dimensions. I was unable to determine if they had been
- 16 fired -- same gun due to a lack of individual
- 17 markings -- sufficient for me to be able to ID -- of a
- 18 positive ID of them to each other. However, I was able
- 19 to determine that the class characteristics were very
- 20 similar. The class characteristics were slightly
- 21 unusual in that most brands of firearms use a
- 22 right-hand twist -- that twist to the right. These had
- 23 a left-hand twist. So I was able to take that
- 24 information and take some measurements taken from the
- 25 lands and grooves from each of these projectiles, enter

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 that into a database that is provided by the FBI. That
2 database chooses for us a list of possible brands of
3 firearms that could fired the projectile. I did
4 generate that list and it included that type of
5 firearm.

6 Q And included in that list were what type of firearms?

7 A The list of firearms that were included in the report
8 were Acutech, Colt, Davis Industries, Smith & Wesson,
9 AMT -- for a total of seven brands. This is not
10 designed to be all inclusive There could be brands of
11 firearms out there that have not been entered into the
12 database. That is what this database produced.

13 Q As far as an examination of these two items that we
14 just talked about, you found they were what kind of
15 brand?

16 A They are most consistent with Winchester brand and 380
17 auto.

18 Q Which would be semi-automatic?

19 A Yes

20 Q You also mentioned --

21 A Yes, the design by Winchester is called brass enclosed
22 base They actually shortened that to the acronym BEB
23 type ammunition, which is found in the -- line of
24 ammunition products.

25 Q And on further examination you found what to be

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 consistent between the two?

2 A The number of lands and grooves, the direction of twist
3 and the dimensions of the land and grooves, which are
4 all --

5 Q So while -- and is it unusual for you not to be able to
6 make any further determination just based on the lack
7 of characteristics?

8 A Often we get firearm projectiles in the laboratory that
9 we can't match to each other or to a firearm due to the
10 couple of primary reasons. One of them being that
11 they're damaged when they strike whatever surface they
12 are fired into or against. And, also, the firearm
13 itself, the barrel, may have been polished during the
14 manufacturing process -- defects that need to be
15 present to mark the bullet. In this case, it was a
16 combination those two factors. So it's not uncommon
17 for us not to be able to match bullets to a gun or to
18 each other. Cartridge cases, typically, we have a
19 higher success rate with is damaged during the firing
20 process.

21 Q Based on your examination of these four items, what do
22 you have to say about the four -- put them back
23 together?

24 A Looking at them in total, I would say both of the 380
25 cartridge cases had been fired by one gun. I was

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 unable to determine if both of the bullets were fired
2 by one gun and I would not be able to say if both of
3 those bullets were fired in the same gun that fired the
4 cartridge cases unless I had the firearm present for
5 test firing comparison purposes. However, the bullets
6 the bullets themselves are of the same -- or appear to
7 be the same brand, the same type, the same caliber as
8 the fired --

9 Q So, in fact, if I were to ask you could the same --
10 would all of your findings be consistent with these
11 having been one bullet at one point?

12 A It could have been.

13 Q And there's nothing to rule that out?

14 A There was absolutely nothing to exclude that
15 possibility.

16 Q And, again, what was the twist you were talking about
17 that you found on each of these projectiles?

18 A It had a left-hand twist, meaning they twist to the
19 right or they twist to the left, which means the bullet
20 as it leaves the barrel is going turn to the left,
21 whereas the majority of firearm manufacturers, using
22 the 380 auto firearms, have a right twist.

23 Q When a gun is fired, such as a semi-automatic, when a
24 shell casing comes out, you mentioned earlier the
25 general direction. Can you tell exactly how far it

DAVID COLLINS DIRECT BY MS. CAMPBELL

1 will come if you don't have the firearm?

2 A Not if I test the firearm separately.

3 Q When you find a number of shell casing in an area, it
4 may be in the general area of the firearm?

5 A It could be -- precisely place a shooter as they can
6 make them easily disturbed by activity on the scene
7 before they are collected, especially on a hard
8 surface, such as tile -- sidewalk or roadway. First
9 responders, EMS, law enforcement arriving at the scene
10 may inadvertently move them or kick them during the
11 process. So it's very difficult to use them
12 precisely --

13 Q In this case, you've got one projectile from autopsy
14 and one from the building next door. Are you able to
15 say what distance the gun was --

16 A Not at this point.

17 Q Not at that point?

18 A Actually, that is just the factor not having --

19 Q But you are comfortable and come to all of the
20 conclusions you've explained to the jury here today?

21 A I am comfortable with those conclusions, yes.

22 MS. CAMPBELL: Beg the Court's indulgence.

23 BY MS. CAMPBELL:

24 Q And in your examination of those items, is there
25 anything indicative of more than one gun being used?

DAVID COLLINS CROSS BY MR. SCHNEE

1 A I have no scientific reason to believe that more than
2 one firearm was used.

3 Q Thank you, sir I have nothing further.

4 THE COURT: Mr. Schnee.

5 MR. SCHNEE: May it please the Court.

6 CROSS-EXAMINATION

7 BY MR. SCHNEE:

8 Q Good afternoon.

9 A Good afternoon

10 Q Let's start where we just left off. You were
11 discussing patterns on the projectiles themselves. You
12 said glass characteristics, right, just being left?

13 A Yes.

14 Q Okay Now, you said that most manufacturers have
15 right-hand twists?

16 A Yes.

17 Q Okay. And you listed a number of manufacturers in your
18 report that use left-hand twist for 380 autos?

19 A That list in my report, I not only take left-hand twist
20 in consideration, but other factors, to include width
21 of the actual rifling impressions and the number of
22 impressions in conjunction with the left-hand twist.

23 Q The fact that there's six lands and grooves as opposed
24 to four, five or seven?

25 A Correct.

DAVID COLLINS CROSS BY MR. SCHNEE

- 1 Q Okay. Among that list, you listed Colt?
- 2 A Yes.
- 3 Q Would you agree that is one of the larger manufacturing
- 4 companies in this country and the world?
- 5 A It is a very poplar and very prominent manufacturer.
- 6 Q You also listed Smith & Wesson?
- 7 A Yes.
- 8 Q Also, a very popular and -- manufacturer in this
- 9 country and entire world?
- 10 A Yes.
- 11 Q Now, you talked about the information you gathered from
- 12 these projectiles. And you identified a 380 auto made
- 13 by Winchester --
- 14 A The cartridge case -- tell that directly by the
- 15 markings on the --
- 16 Q And because it says 380 auto on the bottom?
- 17 A And it says Winchester.
- 18 Q And it says Winchester?
- 19 A Yes
- 20 Q Now, that simply means Winchester manufactured that
- 21 piece of brass, the cartridge casing?
- 22 A That is correct.
- 23 Q There are, as you know, lots of companies that reload
- 24 ammunition?
- 25 A There are some, yes.

DAVID COLLINS CROSS BY MR. SCHNEE

- 1 Q And they often use brass from popular manufacturers?
- 2 A They will -- yes, sir, they will use whatever brass
- 3 they can get.
- 4 Q Winchester would be one of those popular manufacturers?
- 5 A Yes, sir
- 6 Q In fact, one of the biggest three in the nation?
- 7 A I would say yes.
- 8 Q Okay. Now, these particular bullets, actually,
- 9 projectiles, do you have any scientific evidence that
- 10 says they came out of those directly?
- 11 A No.
- 12 Q And you didn't go to the crime scene?
- 13 A I did not
- 14 Q Okay. And there's absolutely nothing, according to
- 15 your analysis, that can identify that there's one or
- 16 two guns used for those two projectiles?
- 17 A I can -- I cannot determine where there was one or two
- 18 guns from the --
- 19 Q What you can confirm, though, that according to this,
- 20 the most likely candidates would be Colt, Smith &
- 21 Wesson are --
- 22 A The most likely, those that are present in the database
- 23 range report, yes. That list of seven was what was
- 24 produced.
- 25 Q And included in that list of seven are two of most of

DAVID COLLINS CROSS BY MR. SCHNEE

1 popular -- manufacturers of firearms?

2 A True.

3 Q No further questions

4 THE COURT: Anything further?

5 MS. CAMPBELL: No, sir.

6 THE COURT: All right. Thank you, sir You may
7 step down.

8 MS. CAMPBELL Your Honor, may I put the evidence
9 back together?

10 THE COURT This would probably be a good time for
11 a little break, ladies and gentlemen, so if you all will go
12 to the jury room for a few minutes.

13 (Whereupon, the jury left the courtroom
14 at 2:49 PM)

15 THE COURT: All right. We'll take about 10
16 minutes.

17 (Whereupon, a short recess was held)

18 THE COURT: All right. Are you ready for the
19 jury?

20 MS. CAMPBELL: Yes, sir. Oh, Your Honor, for the
21 record, if I could just put some things --

22 THE COURT: Yes.

23 MS. CAMPBELL: -- about the next witness -- since
24 he was down in a holding cell, we brought him up so we
25 wouldn't have to take a break. We have gone over the rap

DAVID COLLINS CROSS BY MR. SCHNEE

1 sheet with defense counsel. We agree that the only
2 impeachable thing on his rap sheet is 2008, PWID marijuana?

3 THE COURT: All right.

4 MS. CAMPBELL: And as far as any -- his attorney
5 is here, Mr. Geise. There have been no deals, no offers --

6 THE COURT: All right.

7 Mr. Giese, how are you doing?

8 MR. GIESE: Good, Judge, it's good to see you
9 again.

10 THE COURT: Yes, sir, good to see you

11 MR. GIESE: That's true. There's been no offers
12 at this point, no deals. He's just going to tell the truth

13 THE COURT: All right.

14 Anything, Mr. Schnee?

15 MR. SCHNEE: No, Your Honor.

16 THE COURT: All right. Well, let's bring in the
17 jury.

18 BAILIFF: Yes, Your Honor.

19 (Whereupon, the jury returned to the
20 courtroom at 3:11 PM)

21 THE COURT: All right, Mr. Garcia, Juror No. 84.
22 I name you the foreperson of the jury. If you will take the
23 foreperson's seat.

24 JUROR: All right.

25 THE COURT: All right. As the foreperson, you

NORRIS DICKSON DIRECT BY MS. CAMPBELL

1 will serve as the spokesperson for the jury. You will have
2 the responsibility of presiding over the jury deliberations
3 and complete the verdict form at the end of the case. Fair
4 enough?

5 JUROR: Fair enough.

6 THE COURT: Yes, sir

7 You may call your next witness.

8 MS. CAMPBELL: May it please the Court The State
9 calls Vernorris Dixon.

10 THE COURT Step up to be sworn.

11 BAILIFF: This way. Stand here, please, and face
12 the clerk and raise your right hand.

13 THEREUPON,

14 NORRIS DICKSON,
15 after having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Have a seat in witness
17 stand, please. State your name for the record.

18 THE WITNESS: Vernorris Dixon.

19 DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q Mr. Dixon, where are you from?

22 A I'm originally from, Miami, Florida.

23 Q How long have you lived in the Columbia area?

24 A Ten years now.

25 Q Do you know a man named Greg Isaac?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A Yes, ma'am.
- 2 Q How do you know Greg Isaac?
- 3 A I met him through some friends.
- 4 Q And you remember those friends' name?
- 5 A World --
- 6 Q Travares?
- 7 A Yes, ma'am.
- 8 Q And how did you know Travares World?
- 9 A His mother used to date my uncle.
- 10 Q His mother used to date your uncle?
- 11 A Yes, ma'am, down in Florida.
- 12 Q Down in Florida?
- 13 A Yes, ma'am
- 14 Q At some point, did Mr. World also move here to South
- 15 Carolina?
- 16 A Yes, ma'am
- 17 Q And did y'all become friends once y'all got up here?
- 18 A Yes, ma'am
- 19 Q And where did you used to live in Columbia?
- 20 A I stayed off of Clemson Road.
- 21 Q Who did you live with there?
- 22 A My sister.
- 23 Q And back in 2005, were you living here in Columbia?
- 24 A Yes, ma'am.
- 25 Q In October of 2005, who were you living with?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A She was my girlfriend at the time, Tanisha Kennedy.
- 2 Q And where were y'all living, do you remember?
- 3 A We stated on Timber Line Lane.
- 4 Q What part of town is that in?
- 5 A That's right there by the O'Claire area.
- 6 Q The O'Claire area?
- 7 A Yes, ma'am.
- 8 Q At that point, were you hanging out with Travares World
- 9 some?
- 10 A Yes, ma'am.
- 11 Q And as a part of that, would you also see Greg Isaac?
- 12 A Yes, ma'am.
- 13 Q And was Greg Isaac older or younger than you?
- 14 A Younger.
- 15 Q And what type of things would you and Travares and Greg
- 16 do?
- 17 A We just hang out. We sell marijuana together.
- 18 Q And that's pretty much what you did for a living back
- 19 then?
- 20 A At the time, yes, ma'am.
- 21 Q I want to turn your attention to that evening of
- 22 October -- in October of 2005 when y'all went to the
- 23 apartment complex?
- 24 A Yes, ma'am.
- 25 Q Who did you get a call from that day?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A That evening
- 2 Q That evening, I'm sorry?
- 3 A Travares World.
- 4 Q And as a result of that call, what, if anything did do
- 5 you?
- 6 A He asked me to come pick him up and to take him to meet
- 7 Corbit.
- 8 Q To meet Corbit?
- 9 A Yes, ma'am.
- 10 Q And then did you know who Corbit was that he wanted to
- 11 go meet?
- 12 A Yes, ma'am, I knew who he was.
- 13 Q And who was Corbit?
- 14 A He was a guy that we bought marijuana from.
- 15 Q You bought marijuana from him before?
- 16 A Yes, ma'am.
- 17 Q And on that day, what was Travares World's demeanor
- 18 like about Mr. Corbit?
- 19 A At the time, he was upset with Mr. Corbit because he
- 20 had a bought like of pound of reefer from him,
- 21 marijuana from him and it was short like an ounce.
- 22 Q So he wasn't happy about that?
- 23 A No. He said he had done spoke with him, he was
- 24 supposed to meet him at his house to get it
- 25 straightened out.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 Q And why did he need your help that evening?
- 2 A He needed a ride.
- 3 Q Did you have a ride?
- 4 A Yes, ma'am. I had my girlfriend's car.
- 5 Q What kind of car was that?
- 6 A A gold Nissan Altima.
- 7 Q Did you, ultimately, go and pick up Travares?
- 8 A Yes, ma'am.
- 9 Q And where did you pick him up from?
- 10 A From Beth Bishop Apartments.
- 11 Q Who lived in the Beth Bishop Apartments?
- 12 A At the time, his girl and his mom.
- 13 Q When you got there to pick up Travares, was anybody
- 14 else with him?
- 15 A Yes, ma'am.
- 16 Q Who was with him?
- 17 A Greg Isaac.
- 18 Q And was that the first time you had seen them together
- 19 or had you seen them together before?
- 20 A I seen them together before.
- 21 Q Was it unusual for them to be together?
- 22 A No, ma'am.
- 23 Q And what was the relationship between Greg Isaac and
- 24 Travares World, did you know what their relationship
- 25 was?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

1 A Well, they had some problems at the beginning, but they
2 became friends afterwards.

3 Q Did they have any relation in common, do you know?

4 A No, ma'am.

5 Q Okay At the time on October the 27th when you went
6 and picked him up, were you aware of what the
7 relationship was like?

8 A Well, they became good friends.

9 Q And was Mr. Isaac in the same business with you and
10 Mr. World?

11 A No, ma'am.

12 Q But would he hang out with y'all still?

13 A Yes, yes, he would hang out with us still.

14 Q And whose choice was that for him to hang out with
15 y'all?

16 A Mr. Isaac's choice.

17 Q Once you got over there, about what time of night was
18 it, do you remember?

19 A It might have been about nine, five minutes after nine,
20 something like that.

21 Q Who all did you pick up?

22 A I picked up World and Isaac.

23 Q Where did everybody sit in the car?

24 A Isaac got in the back seat and World got in the front
25 passenger side.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 Q Okay. And at that point, did you know where you were
2 going?
- 3 A Yes, ma'am, he asked me to take him to Corbit. He had
4 done spoke with Corbit that afternoon and he said he
5 got off at nine and he was to meet him at his
6 apartment.
- 7 Q Where did y'all go?
- 8 A We went on Fernandino Road to the apartment
- 9 Q Once you got there, what happened?
- 10 A I -- World got out of the car and went and knocked on
11 the door, but Corbit wasn't home yet, so we waited out
12 front for him to get there We waited maybe 15
13 minutes, then I decided that we was going to leave
14 And when we was leaving, we passed by Mr. Corbit
15 coming in.
- 16 Q Okay. Were you actually leaving in the apartment
17 complex parking lot?
- 18 A Yes, ma'am -- well, the front -- he stayed all the way
19 to the back.
- 20 Q Uh-huh.
- 21 A And we passed him, like passed him coming out of the
22 curb of his apartment.
- 23 Q So where did you go then once you saw him drive in?
- 24 A Once World seen him, he said that was him right there,
25 but instead of turning back around, we just made a

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 right behind his apartment where he could come up
2 between the apartments over the creek. He could walk
3 over the creek and come up between the apartment
4 buildings.
- 5 Q So you actually parked in a different parking lot from
6 whether you were originally?
- 7 A Yes, ma'am, on the back side of the apartment.
- 8 Q Okay. I got it.
- 9 A Yes, ma'am.
- 10 Q Once you went into the back side of the apartment, what
11 happened?
- 12 A Mr. World got out of the car, he asked Isaac to come
13 with him.
- 14 Q And do you remember what he said to him?
- 15 A He just told him to come on.
- 16 Q And at that point, had you seen any guns?
- 17 A No, ma'am, not at that point.
- 18 Q What did Isaac say when World told him to come on?
- 19 A He just got out of the car.
- 20 Q Was there any other words exchanged that you knew of?
- 21 A No, ma'am.
- 22 Q And what did do you once they got out of the car?
- 23 A I was in -- I was sitting in the car on the phone
- 24 Q You didn't go in with them?
- 25 A No, ma'am

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 Q Was there any talk on the way over there of what was
2 going to happen when he came in contact with
3 Mr Corbit?
- 4 A No, he said he was just going to meet him and he had
5 already talked with him that evening, that he was going
6 to meet him to get the rest of what he owed him.
- 7 Q He was going to get the rest of what he owed him?
- 8 A Yes, ma'am
- 9 Q Once they got out the car, could you tell what
10 direction they went in?
- 11 A They went between the building, over the creek, that
12 will bring you around the front of Mr. Corbit's
13 apartment.
- 14 Q And you stayed in the car?
- 15 A Yes, ma'am.
- 16 Q And while you were in the car prior to them getting
17 back, did you notice anything?
- 18 A No, ma'am, they just -- they came back running.
- 19 Q And when they were running, who the first runner?
- 20 A Mr. World got to the car first
- 21 Q And where was Mr. Isaac?
- 22 A He was maybe about two, three steps behind him.
- 23 Q And what happened when they came up to the car, tell
24 the jury?
- 25 A They -- well, Mr. World got in the car and we began to

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 leave and they began to argue about it. Mr. World
2 asked him why did you shoot him. And that's when Isaac
3 give him the gun back between the seats, he gave World
4 the gun back.
- 5 Q Where was World sitting?
- 6 A He got back in the front passenger seat.
- 7 Q Where was Isaac?
- 8 A Isaac was the back seat.
- 9 Q And who was saying what you just said?
- 10 A World was asking him why did you shoot him.
- 11 Q What did Isaac say when he was asked why did you shoot
12 him?
- 13 A He had to shoot him because he was going to shoot him
- 14 Q That's what he said?
- 15 A Yes, ma'am
- 16 Q What else happened after they got in the car?
- 17 A They began to argue back and forth.
- 18 Q About what?
- 19 A About why did you shoot him and then World went to
20 asking -- telling him that, you know, it's your fault.
21 You need to take your charge and this and that. They
22 was going back and forth. And Isaac was saying you
23 shouldn't have never went in the house. This wouldn't
24 have never happened. You should have came when I was
25 telling you to come on. And they was going back and

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 forth. And it just got quiet. I drove them back to
2 Beth Bishop Apartments and dropped them off and I went
3 home.
- 4 Q When did you find out that Mr. Corbit died?
- 5 A Later that night, I seen it on the news. And also,
6 their brother-in-law -- his brother-in-law, Robert
7 R W , had called me.
- 8 Q Did Mr. World tell Mr. Isaac not to talk?
- 9 A Yes, ma'am.
- 10 Q Where was gun when you last saw it?
- 11 A I ain't see it no more after that Isaac passed it to
12 World. I ain't seen it no more after that
- 13 Q Did you ever see World with this nine millimeter?
- 14 A No, I never seen World with a gun.
- 15 Q Once they got back in the car and you drove off, where
16 did you drive them to?
- 17 A Back to Bethel Bishop Apartments where I picked him up
18 from.
- 19 Q And what happened when you got back to Bethel Bishop
20 Apartments?
- 21 A Them two got out and I left
- 22 Q Did you ever see them together again?
- 23 A Couple of days later, that's when they told me the
24 story about what happened when they got out of the car.
- 25 Q What told you the story?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A Well, World and Isaac was there with him.
- 2 Q And do you remember what -- and was World the one that
- 3 was mainly talking?
- 4 A Yes, ma'am.
- 5 Q And at that point, what was Mr Isaac's relationship
- 6 with Mr. World?
- 7 A They was still cool.
- 8 Q Did you ever go to the police and tell them what you
- 9 knew?
- 10 A No, I didn't.
- 11 Q And as the years passed, 2006, 2007, 2008, did you ever
- 12 go to the police?
- 13 A No, ma'am.
- 14 Q Did Mr. World and Mr. Isaac continue to see each other?
- 15 A They did
- 16 Q And did they continue to kind of be in business with
- 17 each other somewhat?
- 18 A It was more like a friendship more than a business.
- 19 Q Friendship more than a business?
- 20 A Yes, ma'am
- 21 Q But he continued to hang with him after this happened?
- 22 A Yes, ma'am.
- 23 Q And you continued to see him after this happened?
- 24 A Yes, I seen him.
- 25 Q Finally, last year, did the police make contact with

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 you?
- 2 A Yes, ma'am.
- 3 Q And did they take you -- did you end up at headquarters
- 4 with them?
- 5 A Yes, ma'am.
- 6 Q And did they ask you about what happened?
- 7 A Yes, ma'am.
- 8 Q And at that point, were you aware that Mr World and
- 9 Mr. Isaac had already been arrested?
- 10 A Yes, ma'am.
- 11 Q On these charges?
- 12 A Yes, ma'am.
- 13 Q Which we'll get to in a minute?
- 14 A (Witness nodded.)
- 15 Q Did you choose to talk to them initially?
- 16 A No, not at first I wanted to speak with my lawyer.
- 17 Q Later, did your lawyer make arrangements for you to
- 18 talk to the investigators?
- 19 A Yes, ma'am
- 20 Q And these investigators right here?
- 21 A Yes, ma'am, Chief Wilson, yes, ma'am
- 22 Q At that point, did they advise you of your rights?
- 23 A Yes, ma'am.
- 24 Q Again?
- 25 A Yes, ma'am.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

1 Q And what, if anything, did you tell them, generally,
2 what you told them?

3 A I told them the story of what happened.

4 Q Like you have here today?

5 A Yes, ma'am.

6 Q That night when this happened, did you, actually, hear
7 the gunshots?

8 A No, I didn't.

9 Q Back when the police got in touch with you back in
10 April of 2012, did they arrest you?

11 A Yes, ma'am, they did

12 Q What all are you currently charged with?

13 A Murder, arm robbery, conspiracy and first-degree
14 burglary.

15 Q Do you know what penalties those carry?

16 A Yes, ma'am.

17 Q What does murder carry?

18 A Murder carries life in prison.

19 Q Thirty to life?

20 A Thirty to life, yes, ma'am

21 Q So you can get as little as 30 and as much as life?

22 A Yes, ma'am.

23 Q And what does burglary carry, burglary first?

24 A Carries a life sentence.

25 Q And what's the minimum on that, do you know?

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 A I think 15.
- 2 Q Uh-huh.
- 3 A Yes, ma'am.
- 4 Q And then the armed robbery, it's, actually, attempted
- 5 armed robbery?
- 6 A Yes, ma'am.
- 7 Q What does that carry?
- 8 A Twenty.
- 9 Q And then, finally, a conspiracy charge?
- 10 A Five years
- 11 Q And is your lawyer present here in the courtroom today?
- 12 A He is.
- 13 Q And have y'all been promised anything in exchange for
- 14 your testimony?
- 15 A No, ma'am.
- 16 Q Have you made any deals with our office?
- 17 A No, ma'am.
- 18 Q Any deals with me?
- 19 A No, ma'am.
- 20 Q Have you and I ever spoken before?
- 21 A Never spoken.
- 22 Q You hope for a deal down the road; don't you?
- 23 A Yes.
- 24 Q You hope for a judge to consider leniency?
- 25 A Yes, ma'am

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 Q If you testify truthfully?
- 2 A For the testimony, yes, ma'am.
- 3 Q And back in 2008, you were, actually, convicted for
- 4 PWID marijuana?
- 5 A Yes, ma'am.
- 6 Q And that's what you did for a living?
- 7 A Yes, ma'am.
- 8 Q Did you ever force Greg Isaac to be a part of y'all's
- 9 group?
- 10 A No, ma'am.
- 11 Q Did Travares ever force him to be a part of your group?
- 12 A No, ma'am.
- 13 Q Did he choose to be a part of y'all?
- 14 A Yes.
- 15 Q And the person that had the gun when they came back to
- 16 the car, who was that?
- 17 A Greg Isaac.
- 18 Q And who did he hand the gun to?
- 19 A He handed it over to Travares World.
- 20 Q Who was yelling in the car why did you shoot him?
- 21 A Travares World.
- 22 Q Greg Isaac, do you see him here in court?
- 23 A Yes, ma'am.
- 24 Q Could you point him out to the jury?
- 25 A Gentleman right there.

NORRIS DICKSON DIRECT BY MS. CAMPBELL

- 1 Q Seated at the table?
- 2 A Yes, ma'am.
- 3 Q And what color shirt does he have on?
- 4 A It's a yellow shirt.
- 5 Q Yellow?
- 6 A Uh-huh.
- 7 Q Several days later at Bethel Bishop when they back
8 together, Travares and Isaac and they were talking
9 about what happened?
- 10 A Yes, ma'am.
- 11 Q Do you remember specifically what Isaac said he did
12 that night?
- 13 A He said he shot Mr. Corbit because he thought he was
14 reaching for a gun.
- 15 Q Did he say what he did once he shot him?
- 16 A He said he just run out the apartment.
- 17 Q Ran out of the apartment?
- 18 A Yes, ma'am.
- 19 Q Again, has anybody promised you anything for your
20 testimony?
- 21 A No, ma'am.
- 22 Q Thank you.
- 23 THE COURT: Mr. Schnee?
- 24 MR. SCHNEE: May it please the Court
- 25 THE COURT: Yes, sir

NORRIS DICKSON CROSS BY MR. SCHNEE

1 CROSS-EXAMINATION

2 BY MR. SCHNEE

3 Q Mr. Dixon?

4 A Yes, sir.

5 Q You just said a minute ago that you hoped judge takes
6 everything into consideration and gives you a leniency?

7 A Yes, ma'am -- yes, sir, I'm sorry

8 Q Based on your testimony here?

9 A Yes, sir.

10 Q Based on your murder charge alone, as you said, that
11 carries 30 years to life?

12 A Yes, sir

13 Q Thirty is a mandatory minimum?

14 A Yes, sir.

15 Q You have to serve day for day 30 years minimum?

16 A I understand, yes, sir.

17 Q How old are you right now?

18 A I'm 38.

19 Q You were arrested a little over a year ago?

20 A Yes, sir.

21 Q Okay So that would put at age 67 when you get out at
22 the absolute earliest?

23 A Yes, sir.

24 Q Are you aware the life expectancy in the department of
25 corrections for a black male is 62 years old?

NORRIS DICKSON CROSS BY MR. SCHNEE

1 MS. CAMPBELL: Objection, Your Honor.

2 A Yes, sir.

3 THE COURT: Objection overruled.

4 BY MR. SCHNEE:

5 Q So in order for you to get leniency on that charge at
6 all, the solicitor would have to make you a deal and
7 reduce the charge?

8 A We didn't talk about no deal

9 Q You want a deal, though?

10 A If the judge grant me the leniency

11 Q Okay. Well, do you want a deal similar to what
12 Travares World got?

13 A I know don't what deal he got.

14 MS. CAMPBELL: Objection, Your Honor, we have a
15 matter of law.

16 MR. SCHNEE: It's a matter of public record,
17 Judge.

18 THE COURT: She said she had a matter of law, that
19 was her comment.

20 MR. SCHNEE: Oh, I'm sorry, I didn't hear that.

21 THE COURT: And so I'll have the jury step out.

22 MS. CAMPBELL: Thank you. Please do not discuss
23 the case.

24 (Whereupon, the jury left the courtroom
25 at 3:33 PM)

NORRIS DICKSON CROSS BY MR. SCHNEE

1 THE COURT: Yes, ma'am.

2 MS. CAMPBELL: Your Honor, we would object to any
3 mention of what the co-defendant got Plea negotiations on
4 a co-defendant are not admissible, certainly, not as
5 impeachment on this witness in this case. I don't know
6 under what theory he thinks he gets to get into that in
7 front of the jury as far as any negotiations or pleas. With
8 co-defendants, certainly, it would not be admissible, Your
9 Honor, and I can get the case law to support that.

10 THE COURT: All right.

11 Mr. Schnee.

12 MR. SCHNEE: Judge, I simply asked if he would
13 like a deal similar to the co-defendant. It could have been
14 already received I'm not asking him about the plea deal I
15 was asking if he wanted a similar deal, which would be a
16 reduction in charge.

17 THE COURT: Reduction in charge?

18 MR. SCHNEE: The State reduced the murder charge
19 to voluntary manslaughter.

20 THE COURT: All right.

21 MS. CAMPBELL: I don't understand under what
22 theory Mr. Schnee thinks he's allowed to cross-examine on
23 this issue any witness. What a co-defendant or other person
24 got is not admissible in front of this jury, just like what
25 this Defendant is going to get is not admissible in front of

NORRIS DICKSON CROSS BY MR. SCHNEE

1 this jury.

2 THE COURT: All right

3 MS. CAMPBELL: And if he has a premise of law that

4 I'm not aware of in which he can cross-examine this witness

5 on that theory, Your Honor, I'm just not aware of it. And

6 I'm happy to run back to the office and do research on this.

7 THE COURT: All right. Well, let me have those

8 charges.

9 Mr. Schnee.

10 MR. SCHNEE: Judge, I'm simply following up on

11 what the solicitor asked --

12 THE COURT: I know what you're doing, but we have

13 now moved from what you're doing to what law supports it

14 MR. SCHNEE. The law of fully cross-examining this

15 witness.

16 THE COURT Well, if that's all you have, then I

17 don't need to hear anything further. And the objection is

18 sustained. If you have some other authority beyond the law

19 of following up on cross-examination, I would like to hear

20 it and see it.

21 MR. SCHNEE: What is the actual argument in terms

22 of the legal issue or legal problem with me asking what type

23 of deal this witness would like? That's where, I guess, I'm

24 confused, Your Honor.

25 THE COURT: I can't clear up any confusion that

NORRIS DICKSON CROSS BY MR. SCHNEE

1 you might have.

2 MS. CAMPBELL: Thank you, Your Honor.

3 MR. SCHNEE I'm asking Your Honor what your
4 ruling is based on.

5 THE COURT: I sustained the objection that you
6 have no authority for the proposition that you can
7 cross-examine this witness based on the sentence of a
8 co-defendant, that's the State's objection.

9 MR SCHNEE: Okay That's fine.

10 THE COURT: And that objection is sustained since
11 you have on authority to support your position other than
12 the law of cross-examination, I think, is what you've just
13 said.

14 MR SCHNEE: It's a basic rule of evidence, Your
15 Honor, yes, and basic Sixth amendment to fully confront my
16 client's accusers

17 THE COURT: Okay. The objection is sustained
18 Anything further?

19 MS. CAMPBELL: No, sir

20 THE COURT All right. Bring the jury in.

21 (Whereupon, the jury returned to the
22 courtroom at 3:37 PM)

23 BAILIFF: The jury's present and seated, Your
24 Honor.

25 THE COURT. The objection is sustained.

NORRIS DICKSON CROSS BY MR. SCHNEE

1 You may proceed.

2 BY MR. SCHNEE:

3 Q Your attorney is sitting here in the courtroom, isn't
4 he?

5 A Yes, sir.

6 Q His name is Barney Giese?

7 A Yes, sir.

8 Q Okay. Have you talked to him about what type of deals
9 you may or may not be interested in getting?

10 A No, sir.

11 Q You haven't talked to him about testifying and getting
12 any deal at all?

13 A I talked to that I wanted to testify and tell the
14 truth.

15 Q Okay.

16 A Yes, sir.

17 Q Are you aware that Mr. Giese used to be Ms. Campbell's
18 boss?

19 A No, sir.

20 Q You're not aware of that?

21 A No, sir.

22 Q You're not aware that he was, actually, the solicitor
23 in this circuit back in 2005?

24 A I knew he was the solicitor

25 Q Okay. Since 2005, you've been in touch with Mr. World;

NORRIS DICKSON CROSS BY MR. SCHNEE

1 haven't you?

2 A Yes, sir.

3 Q You've seen him in August of 2009?

4 A August of 2009, I'm not sure.

5 Q Were you at a United Car Sales August 17th of 2009?

6 A Yes, sir.

7 Q Mr. World came to visit you?

8 A He didn't come visit me Me and him wasn't speaking at
9 the time.

10 Q You weren't speaking at the time?

11 A No, sir.

12 Q You didn't see him at all then?

13 A I seen him, but he didn't come to see me. He come to
14 see Mr. Paul McConey who worked there.

15 Q Okay. You and Mr. Paul McConey left there; didn't you?

16 A Yes, we went to the bank.

17 Q Okay. Mr World stayed there?

18 A Yes, sir.

19 Q Okay Do you know what happened after that?

20 MS. CAMPBELL: Objection, Your Honor, relevance.

21 THE COURT The answer is yes or no.

22 BY MR. SCHNEE.

23 Q Do you know what happened after that with Mr. World?

24 A Yes, I heard about it, yes, sir.

25 Q Did the police ever question you about that?

NORRIS DICKSON CROSS BY MR. SCHNEE

1 THE COURT: The objection is sustained.

2 MS. CAMPBELL: Thank you.

3 BY MR SCHNEE:

4 Q Now, you called Travares World, he has a nickname,
5 doesn't he?

6 A Yes, sir

7 Q It's Murder; isn't it?

8 A Yes, sir

9 Q And that's the nickname that you've used for quite a
10 while for him?

11 A Yes, sir.

12 Q Okay. And back in 2005, he called you; didn't he?

13 A He did

14 Q Okay. He called you and said that he had a problem
15 with Mr. Corbit?

16 A Well, he said he short him and he was going to
17 straighten him out.

18 Q Okay. And you said man that has the nickname of
19 Murder, he was upset?

20 A No, he wasn't upset at the time.

21 Q When he called you, he wasn't upset?

22 A No.

23 Q You didn't testify a few minutes ago that he was upset?

24 A He wasn't upset when he called me.

25 Q When he called you?

NORRIS DICKSON CROSS BY MR. SCHNEE

1 A Yes, sir.

2 Q Okay. You didn't say that a few minutes ago?

3 A No.

4 Q He called and asked you to pick him up?

5 A Yes, sir

6 Q Okay. You had to wait until you could get a car to go
7 pick him up?

8 A Yes, I had to wait.

9 Q When you got there, Murder and Greg were standing
10 together?

11 A They were out on the street together, yes, sir.

12 Q Okay You have no idea what was said between them
13 before that, do you?

14 A No.

15 Q Okay. And when Murder got in the car with you, he told
16 Greg to come on?

17 A No, that's when we got to the apartment and Corbit came
18 home, he told him to come on Both of them just got in
19 the car, I didn't hear him say come on then.

20 Q Okay. Do you remember giving a statement to the police
21 in August of last year?

22 A Yes, sir.

23 MR. SCHNEE. May I approach the witness?

24 THE COURT: Yes.

25

NORRIS DICKSON CROSS BY MR. SCHNEE

1 BY MR. SCHNEE.

2 Q Is this the statement you gave to them?

3 A Yes, sir, that's it

4 Q Okay. If I could, I'll read this out loud You said
5 your wife had the car, so you could not go when he
6 first called?

7 A When he first called, yes.

8 Q And he being Travares?

9 A Travares.

10 Q Fifteen, 20 minutes later, she got home and you went
11 over at Bethel Bishop?

12 A Yes, sir.

13 Q So this is at Bethel Bishop Apartments?

14 A Yes, sir.

15 Q Where you're picking them up?

16 A When picking them up, yes, sir.

17 Q Okay. Says when I got to the apartments, World told
18 Isaac to come on and they got in the car?

19 A Yes, sir.

20 Q So he had to tell Greg to get in the car?

21 A Yes, sir.

22 Q Okay. I know it's been a while, I just want to make
23 sure everything is right?

24 A Okay.

25 Q I believe what you said is that World went over there

NORRIS DICKSON CROSS BY MR. SCHNEE

1 to straighten the situation out or straighten --

2 A Well, Corbit was supposed to straighten what was short
3 on what he bought earlier that day.

4 Q Okay. Now, at a certain point, you went there, World
5 got out of the car to look and see if Corbit was in his
6 apartment, right?

7 A He went and knocked on the door.

8 Q And he wasn't there?

9 A And he was not home.

10 Q Okay. And you decided to wait for the few minutes?

11 A Yes

12 Q And at a certain point, you wanted to leave?

13 A Yes, sir.

14 Q About 15 minutes or so?

15 A Yes, sir

16 Q When you went to leave, you ended up passing Corbit
17 coming back in?

18 A Yes, sir.

19 Q Who told you to turn the car round?

20 A World told me to turn in the next parking lot.

21 Q Okay. And instead of going back right back to the
22 apartments, you parked a little bit further away?

23 A No, in the next parking lot, you can come straight
24 through the -- walk across the street and you will be
25 right there at Mr. Corbit's apartment.

NORRIS DICKSON CROSS BY MR. SCHNEE

- 1 Q Okay. So you parked on the back side of the apartments
2 instead of the front side?
- 3 A Yes, sir.
- 4 Q And he's the one that told you to do that?
- 5 A Yes, sir.
- 6 Q And then he got out of the car again?
- 7 A Yes, sir.
- 8 Q And at that point Greg got out?
- 9 A Yes, sir.
- 10 Q After that, you didn't know anything that happened
11 until they came back to the car?
- 12 A Until they came back, yes, sir
- 13 Q Now, when they got back into the car, World looked at
14 Greg and said give me the gun back, right?
- 15 A Yes.
- 16 Q So World took the gun back from Isaac?
- 17 A Yes, he got it back from him.
- 18 Q So if had to get it back, how did Greg get it to begin
19 with?
- 20 A I don't know That was my first time seeing the gun
21 when he gave it back to him
- 22 Q Okay. That was first time you had seen a gun?
- 23 A Yes, sir.
- 24 Q Because you don't know what happened in terms of
25 conversation before you showed up?

NORRIS DICKSON CROSS BY MR. SCHNEE

- 1 A Right.
- 2 Q As you were driving away, World started to threaten
- 3 Greg; didn't he?
- 4 A Well, he was telling him he needed to take his own
- 5 charge.
- 6 Q Did threaten him in any way?
- 7 A Yes, he did
- 8 Q What did he say?
- 9 A He said I know your mom -- and stuff like that.
- 10 Q So he threaten his family?
- 11 A Yes.
- 12 Q To keep quiet?
- 13 A Yes.
- 14 Q Because World didn't want to go to prison?
- 15 A Right
- 16 Q You have any idea what happened to the since then?
- 17 A No, sir, I don't know what happened to the gun.
- 18 Q Okay. And several days later, I believe this has
- 19 already been covered, but what exactly did Greg say
- 20 about what was happening in that argument --
- 21 A He was saying that when World and Corbit began
- 22 fighting, he was try to pull them off and when he
- 23 finally did get them up, he was telling Mr. World to
- 24 come on, let's go, just leave it alone. And Mr. World
- 25 continued And that's when Mr. Corbit had went to go

NORRIS DICKSON REDIRECT BY MS. CAMPBELL

1 get his gun or whatever. And when he came back -- he
2 said he walked toward the kitchen and when he came
3 back, that's when Mr. Isaac said he fired two shots and
4 they ran out the door.

5 Q So Greg was trying to stop the fight between World and
6 Corbit?

7 A Yes.

8 Q And World wouldn't stop?

9 A Yes.

10 Q Okay. Thank you. I have no further questions.

11 REDIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q I was going to ask you about what was said about what
14 happened there several days later at Bethel Bishop
15 when you saw Mr. Isaac with Mr. World again?

16 A Yes, ma'am, they was combulating their story and tell
17 me about --

18 Q What had happened?

19 A What had happened.

20 Q And you remember giving a statement?

21 A Yes, ma'am.

22 Q And --

23 MR. SCHNEE: Judge, there's a matter of law.

24 THE COURT: Sir?

25 MR. SCHNEE: There's a matter of law we need to

1 take up.

2 THE COURT: You have an objection?

3 MR SCHNEE: Yes, Your Honor.

4 THE COURT: All right.

5 All right. Ladies and gentlemen, we'll have you
6 sent out once again. Please do not discuss the case.

7 (Whereupon, the jury left the courtroom
8 at 3.47 p.m.)

9 MR SCHNEE Judge, my objection would be to
10 anything that Mr. World may or may not have as that would be
11 considered hearsay by a nontestifying co-defendant. The
12 question I specifically asked is what did Greg say about
13 what happened as to why he shot him?

14 THE COURT: All right.

15 Ms. Campbell?

16 MS. CAMPBELL I believe this would be under a
17 conspiracy, it was -- conspiracy. They were formulating
18 their story as to what happened that night. They were
19 relating it to the third conspirator. In addition to that,
20 Your Honor, I did not go into that specifically for that
21 reason on direct. However, on cross-examination, he went
22 into more detail about what was said, what wasn't said
23 several days later specifically as to what was said about
24 what happened that night. Therefore, he has opened the door
25 to me going back into that. However, under conspiracy,

1 they're charged with conspiracy. There was a conspiracy.
2 They're discussing the facts of what they were saying
3 happened that night in furtherance of conspiracy.

4 MR. SCHNEE: --

5 THE COURT: Who's charged with conspiracy?

6 MS. CAMPBELL: All three of them.

7 THE COURT: But he's not on trial for conspiracy?

8 MS. CAMPBELL: No, Your Honor, we did not go
9 forward on the conspiracy, however, I think that even if the
10 conspirator is not charged, you can still -- he's charged
11 with conspiracy, we can still go forward on that theory.

12 THE COURT: Yes, sir.

13 MR. SCHNEE: Judge, I understand about
14 co-conspirators. These are two separate people talking. I
15 understand that he could -- that the current witness can
16 discuss what my client said. I'm not objecting to that.
17 I'm objecting to what Travares World may or may not have
18 said as he's a nontestifying witness

19 THE COURT: I understand your objection.

20 MR. SCHNEE: The fact that my client is charged
21 with conspiracy and not trial has no relevance to the issue
22 of the rules of evidence. I object to anything Mr. World
23 specifically said. If she wants to go into more detail on
24 what my client said, that's fine.

25 THE COURT: Her objection is that you opened the

1 door through your cross-examination of the witness and
2 asking about conversations between Mr. World and Mr. Isaac.

3 MR. SCHNEE: Well, Judge, Ms. Campbell asked those
4 very same questions in her direct examination about what my
5 client said I was simply following up and wanted to end my
6 cross with those issues.

7 THE COURT: And?

8 MR. SCHNEE: I didn't open the door any further
9 than what Ms. Campbell had already walked the line with. I
10 certainly did not ask anything about Mr. World, that doesn't
11 open the door

12 THE COURT: All right
13 Ms. Campbell?

14 MS. CAMPBELL: Your Honor, I believe he did go
15 further in his actual line of questioning towards the end.
16 In addition to that, Your Honor, I do believe under a
17 conspiracy theory, this is the -- of a conspiracy, therefore
18 any admission by co-conspirators would be admissible
19 regardless of whether the co-conspirator testifies.

20 THE COURT: What is it that you're trying to
21 question this witness about --

22 MS. CAMPBELL: The several days afterwards, there
23 was a statement and he has intentionally misled the jury
24 that this was the extent of what was discussed as far as
25 what it is. The additional information that was discussed,

1 and I can clarify to him which one actually said what, was
2 he was told when the two of them were there that World
3 demanded his money from T-Love. They argued and then
4 fought. T-Love was getting the best of World, so Isaac
5 picks up something and hit T-Love

6 THE COURT: And that's the statement you're
7 seeking to introduce?

8 MS CAMPBELL: Yes, sir.

9 THE COURT. And who's statement -- that's this
10 Defendant's statement?

11 MS. CAMPBELL: This is what he heard from the two
12 co-defendants when he met up with them several days after
13 the murder with Mr. Isaac and Mr. World. I can ask him
14 specifically which one said what if he remembers. They were
15 both talking that day.

16 THE COURT: All right.

17 And your objection is what?

18 MR. SCHNEE: My objection would be to any content
19 that Mr. World said, any of his statements.

20 THE COURT: Now, we've listened to this witness
21 testify about half an hour or so about statements by
22 Mr. World and by Mr. Isaac and now you're objecting to
23 statements by Mr. World?

24 MR. SCHNEE: Judge, I'm objecting to any statement
25 by Mr. World that happened days after this incident Not

1 the actual events of what happened in the car, which,
2 clearly, there are -- hearsay, but days later, there would
3 not be.

4 THE COURT: All right.

5 Ms. Campbell?

6 MS. CAMPBELL: Your Honor, our position would be
7 that he's inferred that that's all that was said about what
8 happened. We then have the right to clear it up and to say
9 what the entire content of the conversation was, his client
10 was present and participating. I can clear up who said what
11 when, but --

12 THE COURT: Mr. Schnee asked this witness about
13 the statements days later?

14 MS. CAMPBELL: Yes

15 THE COURT As to what was Mr. Isaac said days
16 later?

17 MS. CAMPBELL: I think he asked as to what was
18 said, but I can refer back to the record.

19 THE COURT: All right. We'll take a moment and
20 I'll refer back to the record before ruling on this issue.
21 We'll that the short recess.

22 (Whereupon, a short recess was held.)

23 THE COURT. All right.

24 Ms. Campbell

25 MS. CAMPBELL: Your Honor, we just played back the

1 part where it talks about what Greg said. And all I'm
2 trying to do is go back and go into more details as to what
3 his statement that Greg said at the time. And I can hand up
4 the statement and show you the part --

5 THE COURT: Anything further?

6 MR. SCHNEE: Judge, there's some specific sentence
7 about what my client said. I'm, certainly, not objecting to
8 that. I'm objecting to what Mr World said.

9 THE COURT: All right. The objection is
10 overruled.

11 MS CAMPBELL. Thank you.

12 THE COURT: We're ready for the jury.

13 (Whereupon, the jury returned to the
14 courtroom at 4:00 p.m.)

15 BAILIFF: The jury is present and seated, Your
16 Honor.

17 THE COURT: All right Thank you.

18 The objection is overruled. You may proceed.

19 BY MS. CAMPBELL:

20 Q Mr. Dick son?

21 A Ma'am.

22 Q Did you give a statement where you talked about the
23 conversation at Bethel Bishop several days after the
24 murder?

25 A Yes, ma'am

- 1 Q And just referring to the highlighted part, does that
2 refresh your memory as to what was actually said?
- 3 A Yes, ma'am.
- 4 Q And what -- how did they say that they got into the
5 apartment that night?
- 6 A World kicked the door in.
- 7 Q Then what happened?
- 8 A Then him and Mr Corbit were in the argument, then they
9 started fighting.
- 10 Q Then who was winning the fight?
- 11 A Mr Corbit was getting the best of World.
- 12 Q Okay. So what did Mr. Isaac do when Mr Corbit was
13 getting the best of Mr. World?
- 14 A He was trying to get him off and I believe he picked up
15 like a lamp or something and tried to hit him with it.
- 16 Q Hit who?
- 17 A Hit Mr. Corbit with it.
- 18 Q Who was trying to hit Mr Corbit with it to help out
19 his friend, Mr. World?
- 20 A Mr. Isaac
- 21 Q Then what did he say happened?
- 22 A Excuse me?
- 23 Q Then what did Mr. Isaac say happened?
- 24 A Then when he finally got World up, he was trying to get
25 him to leave

1 Q And what point does he shoot Mr. Corbit?

2 A After he said Mr. Corbit was coming towards him, like
3 he was going in the small of his back and pull a
4 weapon. He said he fired two times and they ran out
5 the door.

6 Q And where did they say this took place?

7 A This took place on the inside of the apartment.

8 Q Thank you, sir.

9 A Yes, ma'am.

10 MS. CAMPBELL: I don't have anything further, Your
11 Honor.

12 THE COURT. Anything further?

13 MR SCHNEE: No, Your Honor.

14 THE COURT: All right. You may step down.
15 You may call your next witness.

16 MS. WALKER: The State calls R W

17 THE COURT. All right. Come forward, please.

18 THEREUPON,

19 R W ,

20 after having been duly sworn, testified as follows:

21 THE CLERK: Thank you. Have a seat in the witness
22 stand, please. State your name for the record.

23 THE WITNESS: R W

24 DIRECT EXAMINATION

25

R W

DIRECT BY MS. WALKER

1 BY MS. WALKER.

2 Q R W , how old are you?

3 A Sixteen

4 Q Where did you live?

5 A In Charlotte, North Carolina.

6 Q How long have you lived in Charlotte?

7 A Like since the day it happened, the incident.

8 Q When your father was murdered?

9 A Yes, I moved there with my mom because I was staying
10 with --

11 Q Where do you live in Charleston?

12 A My mom

13 Q Before that, you lived in Columbia?

14 A Yes, ma'am.

15 Q Who did you live in -- who did you live with when you
16 were in Columbia?

17 A My dad.

18 Q What was your father's name?

19 A Excuse me?

20 Q What was your father's name?

21 A Tony Corbit.

22 Q And I want to talk to you about the day your father was
23 murdered?

24 A (The witness nodded head.)

25 Q How old were you then?

R W

DIRECT BY MS. WALKER

- 1 A I was seven.
- 2 Q You were young?
- 3 A Yes, ma'am.
- 4 Q Do you remember that night?
- 5 A Yes, I do.
- 6 Q Have you ever forgotten that?
- 7 A No
- 8 Q Were you at your father's house when he was murdered?
- 9 A Yes, ma'am.
- 10 Q Had you and father been together that day?
- 11 A Yes, ma'am.
- 12 Q Tell us what y'all did that day.
- 13 A Well, we went to the mall, Dillards, shopping, then we
- 14 came home. We both went upstairs. He went to his
- 15 room, I went to my room. Then he changed, went
- 16 downstairs to watch TV.
- 17 Q And you said you were in your room?
- 18 A Yes, ma'am
- 19 Q And your father was downstairs?
- 20 A Yes, ma'am.
- 21 Q What happened while your father was downstairs?
- 22 A That's when Travares World had kicked in the door and
- 23 then they started fighting.
- 24 Q And you were in your room, but did you leave your room
- 25 at some point?

RAYQUAN WASHINGTON DIRECT BY MS. WALKER

- 1 A Yes, ma'am.
- 2 Q Where did go when you left your room, Rayquan?
- 3 A On the stairs.
- 4 Q From where you were standing on the stairs, what could
- 5 you see?
- 6 A I see Travares World and my dad fighting
- 7 Q How many people did you see in your apartment at that
- 8 point?
- 9 A Two.
- 10 Q Including your father?
- 11 A No, including somebody else that was in there.
- 12 Q Okay So total, how many people were downstairs?
- 13 A Three.
- 14 Q So Travares World, your father and someone else?
- 15 A Yes, ma'am
- 16 Q Did you know why -- had you seen Travares World before?
- 17 A No, ma'am.
- 18 Q Did you know why he was fighting your father?
- 19 A Well, I think I heard Travares World asking where's my
- 20 money.
- 21 Q He said where's my money?
- 22 A Yes.
- 23 Q Did your father say anything back?
- 24 A Yeah, he said it was in the car.
- 25 Q When you say they were fighting, can you kind of

R W

DIRECT BY MS. WALKER

1 describe how they were fighting?

2 A Like this. As soon as Travares World kicked in door,
3 they started fighting.

4 Q And then he asked your father for his money and your
5 father said it was in the car?

6 A Yes, ma'am.

7 Q What was the other person that you saw in the apartment
8 doing at that point?

9 A He was standing while they was fighting.

10 Q Did you see -- did you see a gun that night?

11 A I didn't see it on him I couldn't see a gun.

12 Q Were you hiding at the point?

13 A Yes, ma'am.

14 Q Were you afraid?

15 A Yes, ma'am.

16 Q What happened after your father and Travares World
17 stopped fighting?

18 A That's when -- that's when I heard two gunshots.

19 Q Did you see who fired that gun?

20 A No. I -- after I seen the gunshot, that's when I see
21 Travares World run out the odor.

22 Q Did you see your father again after you heard those two
23 gunshot?

24 A Yeah, that's when he kept calling for help?

25 Q He was calling for help?

R W

DIRECT BY MS. WALKER

- 1 A Yes, ma'am
- 2 Q Who was he calling to?
- 3 A He was saying help, help, help.
- 4 Q What did you do?
- 5 A I was just standing by the stairs.
- 6 Q You were still afraid?
- 7 A Yes, ma'am.
- 8 Q What did your father do after he called for help?
- 9 A He just -- well, that's when I came downstairs and I
- 10 saw a man outside from next door and he told me to come
- 11 downstairs and that's when I saw my father on the
- 12 ground
- 13 Q That's when they told you your father was sick?
- 14 A Yes, ma'am.
- 15 Q Did you leave the apartment at that point?
- 16 A Yes, ma'am.
- 17 Q Who did you leave with?
- 18 A The man from across the street.
- 19 Q Later that night, did some family members come and get
- 20 you?
- 21 A Yes, ma'am.
- 22 Q And you found out that your father had passed away?
- 23 A Yes, ma'am.
- 24 Q After that night, did you talk to police officers about
- 25 this?

R W

DIRECT BY MS. WALKER

- 1 A No, not after that night.
- 2 Q You've never talked to police officers about it?
- 3 A I have.
- 4 Q You have?
- 5 A Yes.
- 6 Q Okay. And did you try to tell them what you
- 7 remembered?
- 8 A Yes, ma'am.
- 9 Q And, initially -- how old were you again?
- 10 A I was seven.
- 11 Q Did you initially remember two people being in the
- 12 apartment with your father?
- 13 A Yes, ma'am.
- 14 Q Did you tell police officers that?
- 15 A No, ma'am -- I told them I seen Travares World.
- 16 Q You didn't know his name at that point?
- 17 A No, ma'am.
- 18 Q But you do now?
- 19 A Yes, ma'am.
- 20 Q You said after that, you move to Charlotte with your
- 21 mother?
- 22 A Yes, ma'am.
- 23 Q Did you -- did you see a car that night when your
- 24 father was murdered?
- 25 A Yes, ma'am, that's -- when the man kicked in the door,

R W

CROSS BY MR. SCHNEE

1 I had looked outside and I see the car lights still on.

2 Q But you didn't know if that car had anything to do with

3 --

4 A Yes, ma'am.

5 Q With the people inside your apartment?

6 A Yes, ma'am.

7 Q Do you know if the men that were downstairs in your
8 apartment could see you from where you were standing?

9 A No, they couldn't see me.

10 Q And your father -- weren't able to go upstairs?

11 A Yes, ma'am.

12 Q Where you were?

13 A Yes, ma'am

14 Q And what did the man --

15 A --

16 Q R W , I don't have any further questions for you
17 right now. Mr. Schnee is going to ask you some
18 questions, okay?

19 A (The witness nodded head.)

20 CROSS-EXAMINATION

21 BY MR SCHNEE.

22 Q R W , how do you know the name Travares World?

23 A That's one of the people that came into my apartment.

24 Q Who told you that was one of the people that came into
25 your apartment?

R W

CROSS BY MR. SCHNEE

- 1 A That's when I saw -- I knew the name because I came
2 here.
- 3 Q Okay. Well -- so no one told that you that was the
4 person that kicked in the door?
- 5 A No, sir.
- 6 Q Okay. Because were here a few mouths ago?
- 7 A Yes, sir.
- 8 Q Okay And you remember that there were two people in
9 the apartment with your father?
- 10 A Yes, sir
- 11 Q I believe you just said you remembered that the whole
12 time?
- 13 A Yes, sir.
- 14 Q Okay. You've talked to the police a few times; didn't
15 you?
- 16 A Yes, sir.
- 17 Q Did they tell you that you needed to tell the truth?
- 18 A Yes, sir.
- 19 Q Every single time you had to tell the truth?
- 20 A Yes, sir
- 21 Q But you didn't tell them you saw two people back then?
- 22 A No, sir.
- 23 Q And you're saying today that you didn't see the shots
24 fired?
- 25 A No, I said I did.

R W

CROSS BY MR. SCHNEE

- 1 Q Oh, you did?
- 2 A Yes
- 3 Q Okay. Well, who do you say -- who did you see shoot
- 4 your father?
- 5 A I don't know who it was.
- 6 Q You don't remember who it was?
- 7 A Yes.
- 8 Q Do you remember back then?
- 9 A No.
- 10 Q Okay.
- 11 MR SCHNEE. Judge, at this time, I would ask the
- 12 video interview of this gentleman be played for the jury.
- 13 THE COURT: It's your witness.
- 14 MR. SCHNEE. Well, I'd like to present that as
- 15 evidence --
- 16 THE COURT: It's cross-examination, go ahead.
- 17 MR. SCHNEE: Well, I don't have access to the TV.
- 18 THE COURT: Well, what do you want me to do?
- 19 MR. SCHNEE. Can we put the video in it and play
- 20 it on the TV for the jury
- 21 THE COURT: Yes, sir, go ahead. It's your
- 22 witness, proceed
- 23 MR. SCHNEE: I don't where the DVD player is,
- 24 Judge.
- 25 THE COURT I have no idea.

R W

CROSS BY MR. SCHNEE

1 MR. SCHNEE: Judge, I'm asking this Court to play
2 the DVD interview of this witness to the jury.

3 THE COURT: That's your responsibility. You're
4 cross-examining the witness. Proceed.

5 MR. SCHNEE: Well, Judge, then I ask for a brief
6 recess to go buy a DVD player to connect to that TV.

7 THE COURT: Well, we're not going to recess to buy
8 a DVD player. We'll take a recess if you need more time to
9 set whatever up you're trying to set up. So we'll have the
10 jury go to the jury room for a short break.

11 (Whereupon, the jury left the courtroom
12 at 4:16 p.m.)

13 THE COURT: It's not the Court's responsibility to
14 present evidence for the Defense. You're examining the
15 witness. If you have evidence, you proceed with the
16 evidence.

17 MR. SCHNEE: Judge, I do not have the equipment to
18 present a large TV screen and DVD player for this jury.

19 THE COURT: I have none either.

20 MR. SCHNEE: Judge, there's a TV screen right
21 above you that's connected to a DVD player.

22 THE COURT: Well, proceed with it

23 MR. SCHNEE: Well, I do not know where that
24 equipment is. I'm pretty sure it's behind your bench.

25 THE COURT: What's behind my bench?

R W

CROSS BY MR. SCHNEE

1 MR SCHNEE: I presume the DVD player that
2 connects to that TV.

3 THE COURT: I don't know anything about that. I
4 see a TV up there. If you have DVD player or some capacity
5 to play something, then do it. This is your case. This is
6 your defense. This is your witness

7 MR. SCHNEE: I will see if I can find a DVD
8 player, Your Honor.

9 THE COURT: I'll need you back in no more than
10 five minutes.

11 (Whereupon, a short recess was held)

12 THE COURT: We'll be in recess for five minutes.

13 (Whereupon, a short recess was held.)

14 THE COURT: We're ready, Mr. Schnee?

15 MR. SCHNEE: My laptop is loading right now.

16 THE COURT Any objection by the State to --

17 MS. CAMPBELL: We just object -- if he planning on
18 playing for the jury, I think he would either have to move
19 to admit it or, actually, under 613(b) extrinsic evidence of
20 prior inconsistent statements, that's what he's alleging, I
21 believe he has to go under the rules and, basically, ask the
22 witness about it first. Then only if he denies it, then it
23 becomes admissible. I don't know which plan he's going to
24 make as far as doing this

25 MR. SCHNEE: Judge, the first time the State tried

R W

CROSS BY MR. SCHNEE

1 to call this witness, I asked specifically about this
2 interview and the witness denied ever being part of it. So
3 this would be, clearly, impeachment by prior inconsistent
4 statement. I'm happy to start playing the video and ask him
5 if that's him on the tape of if that's his voice I don't
6 think the State is clearly going -- I'm more than happy to
7 introduce this into evidence if they're not going to object
8 to it.

9 MS. CAMPBELL: I just think before he can start
10 playing random pieces of evidence for the jury, they either
11 have to be admitted into evidence or he has to have some --
12 613(b) before he can then play evidence of it.

13 THE COURT: All right. I take it -- offering the
14 exhibit into evidence, the question is whether or not the
15 State objects to it being admitted

16 MS. CAMPBELL: We have no objection, Your Honor,
17 as long as he offers it into evidence.

18 THE COURT: All right. Defense No. 1

19 MR. SCHNEE: Just one second to get this fully
20 loaded.

21 THE COURT: It will take him more than a second to
22 get them.

23 MR. SCHNEE: I have to test the sound

24 BAILIFF: Your Honor, did you ask me to wait?

25 THE COURT: You can bring the jury in.

R W

CROSS BY MR. SCHNEE

1 BAILIFF. Yes, sir.

2 THE COURT: --

3 MR. SCHNEE: My intention is to play the entire
4 DVD, Judge.

5 THE COURT: Are you through with this witness?

6 MR. SCHNEE: I will be asking questions later. He
7 can step down during this if that's easier.

8 (Whereupon, the jury returned to the
9 courtroom at 4:32 p.m.)

10 BAILIFF: Your Honor, the jury is present and
11 seated.

12 THE COURT: You may proceed.

13 MR. SCHNEE. Judge, at this time, I move Defense
14 No 1 into evidence and ask to publish it

15 THE COURT: It's in without objection.

16 MR SCHNEE Thank you, Your Honor.

17 (Defendant's Exhibit No. 1 admitted into
18 evidence.)

19 MR SCHNEE: Judge, I need just a minute. The
20 volume seems to be a little bit low.

21 (WHEREUPON, the video was played for the
22 jury)

23 BY MR. SCHNEE:

24 Q R W , that was a 40-minute or so interview Do you
25 remember that now?

R W

CROSS BY MR. SCHNEE

- 1 A Yes, I do.
- 2 Q Okay. You said throughout that entire interview there
- 3 was only person that came in?
- 4 A Yes, I did. I heard it.
- 5 Q But now you're testifying that you saw two?
- 6 A Yes.
- 7 Q Why did you lie all these years?
- 8 A I didn't lie.
- 9 Q Well, which version is the truth?
- 10 A I memory came back to me
- 11 Q Your memory came back to you?
- 12 A Yes, sir.
- 13 Q So you just didn't remember it?
- 14 A Yes, sir.
- 15 Q When I asked you that about 45 minutes ago, you said
- 16 you remembered it the whole time, you just didn't want
- 17 to tell anybody. You said you remembered it the whole
- 18 time there were always two people there?
- 19 A Yes, but when I was -- I didn't remember there was two
- 20 people, but now I do.
- 21 Q Well, when did you remember that?
- 22 A I don't --
- 23 Q When did you remember that?
- 24 A I don't when I remembered it, but I remember my memory
- 25 came back to me, that's all I know.

R W

CROSS BY MR. SCHNEE

- 1 Q What else do you remember that you didn't remember back
2 then?
- 3 A Nothing.
- 4 Q So the only difference is now you just remember there
5 were two people?
- 6 A No, I know what happened.
- 7 Q You -- I'm sorry, what was that?
- 8 A I said I know what happened.
- 9 Q Oh, what happened?
- 10 A I just told you what happened.
- 11 Q Okay. You talked to law enforcement a number of times
12 after this interview; didn't you?
- 13 A Yes, sir.
- 14 Q You talked to your mother about this a lot?
- 15 A Yes, sir
- 16 Q Did you talk to any other family members or friends?
- 17 A No, sir.
- 18 Q So just your mother and law enforcement?
- 19 A Yes, sir
- 20 Q When was the last time you talked to anyone about this?
- 21 A I don't remember.
- 22 Q Was it in the last week or two?
- 23 A Don't remember. I just don't remember
- 24 Q Okay. Well, was it in the past year that you talked to
25 any one about this?

BRIAN GODFREY DIRECT BY MS. WALKER

- 1 A Yeah, possibly the past year.
- 2 Q At that time, did you tell anyone that you remembered
- 3 there were two people?
- 4 A Yes, sir.
- 5 Q Who did you tell?
- 6 A I don't know his name (indicating).
- 7 Q Who is it?
- 8 A (indicating).
- 9 Q Is it one of the gentleman sitting it the first row
- 10 here?
- 11 A No, right there (indicating).
- 12 Q That man right there (indicating)?
- 13 A Yes.
- 14 Q Okay.
- 15 MR. SCHNEE. Judger, I have no further questions
- 16 at this time.
- 17 THE COURT: Any redirect?
- 18 MS. WALKER: No, Your Honor.
- 19 THE COURT: Thank you. You my step down.
- 20 Call your next witness.
- 21 MS. WALKER: The State calls Investigator Brian
- 22 Godfrey.
- 23 THEREUPON,
- 24 BRIAN GODFREY,
- 25 after having been duly sworn, testified as follows:

BRIAN GODFREY DIRECT BY MS. WALKER

1 THE CLERK: Have a seat in the witness stand,
2 please. State your name for the record.

3 THE WITNESS: Brian Thomas Godfrey, G-O-D-F-R-E-Y.

4 DIRECT EXAMINATION

5 BY MS. WALKER:

6 Q Sir, where do you work?

7 A Richland County Sheriff's Department.

8 Q And how long have you been with the sheriff's
9 department?

10 A In my 16th year.

11 Q And in what capacity do you work for the sheriff's?

12 A Currently, I'm a sergeant in the criminal investigative
13 unit.

14 Q Is there a particular unit you're assigned to?

15 A I'm assigned to two units specifically involved in this
16 case I'm assigned as a supervisor over the cold case
17 unit.

18 Q Can you tell me what a cold case is?

19 A Generally, they're violent unsolved crimes that have
20 gone cold, no leads The original investigators worked
21 them to point where there's really nothing else to
22 work -- and so after a certain period of time, no
23 dedicated period of time, just until they've been
24 worked to a certain extent and they're assigned to our
25 unit where, generally -- I'm the only one that's not

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- 1 retired. Generally, it's retired investigators that
2 sit back there and read these cases and try to identify
3 new ways to investigate them. Sometimes -- and develop
4 leads after a period of time, knew technology becomes
5 available, we'll expose the evidence to that
6 technology. That's essentially -- and not just murder,
7 it could be aggravated robberies, sexual assaults.
- 8 Q And so just because a case doesn't have a lead for a
9 while doesn't mean y'all have given up?
- 10 A No, ma'am
- 11 Q And in this case, y'all didn't?
- 12 A No, ma'am.
- 13 Q How did you become involved in the investigation of the
14 murder of Antonio Corbit?
- 15 A I was involved several times over different periods of
16 time -- back in 2009. I reviewed the case -- we
17 checked to see if there were in forensic leads we could
18 get positive results from -- the specific lead as it
19 pertains to why we're here today, I was part of an
20 interview that was conducted on April 11th, 2012.
- 21 Q But before then, in 2010 and 2009; y'all were following
22 leads?
- 23 A As they came in, just like any other. I've got
24 approximately, just guesstimating, maybe 60 or 70
25 murders since 1960, and as leads come in, we will

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- 1 followup on those leads, each individual one as they
2 come in
- 3 Q And in 2009 and 2010, did those leads go anywhere?
- 4 A No, ma'am.
- 5 Q April the 11th, 2012, can you tell us about the
6 interview you were involved in then?
- 7 A Yes, ma'am I made contact with -- or, actually, Chief
8 Wilson made contact with me. I knew they were going to
9 interview Greg Isaac that day. I wasn't privy to the
10 beginning interview. He did inform me that they had
11 taken a statement from Mr. Isaac in reference to this
12 homicide. And on that particular date, Mr. Isaac had
13 not been in the apartment or denied -- that he had
14 never been to that apartment And that was kind of --
15 he had taken a written statement -- advised him of his
16 rights both orally and written form, so I ask if could
17 go in and interview him --
- 18 Q By that point, you knew that his fingerprint was at the
19 murder scene?
- 20 A Yes, ma'am.
- 21 Q And did you make contact with the Defendant that day?
- 22 A I did.
- 23 Q Will you tell us what happened then?
- 24 A During the course of the interview, at one point, Isaac
25 acknowledged that he was present at the time of the

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1 homicide.

2 Q Had he initially denied being present?

3 A Yes, ma'am.

4 Q Okay. So initially he denies being present?

5 A That's true

6 Q And then -- fingerprint?

7 A He had already -- before me about the fingerprint. I

8 just advised him that it was impossible for his

9 fingerprint to be there if he wasn't there.

10 Q Okay. I'm sorry Continue, Investigator.

11 A Once that occurred, he said he was present. He asked
12 to make two phone calls. He was allowed to make those
13 two phone calls from a recorded line.

14 Q Where was he when he made those phone calls?

15 A In the same office, Chief Wilson's office.

16 Q I want to show you what's been marked as State's
17 Exhibit 168 and ask if you recognize that?

18 A I do -- this is Chief Wilson's phone.

19 MS. WALKER Your Honor, at this point, the State
20 seeks to admit into evidence Exhibit 168.

21 MR. SCHNEE: No objection

22 THE COURT: So admitted.

23 (State's Exhibit No. 168 was admitted
24 into evidence.)

25

BRIAN GODFREY DIRECT BY MS. WALKER

1 BY MS. WALKER:

2 Q This is the phone call Greg Isaac made -- this is the
3 phone that Greg Isaac used to make his phone call?

4 A That's correct.

5 Q And what does it say right here?

6 A All calls are recorded.

7 THE COURT: It is admitted without objection.

8 MS WALKER: I --

9 BY MS. WALKER:

10 Q Were you present during the phone call that he made?

11 A Yes, ma'am.

12 Q Do you know who he called?

13 A His mother and -- hold on, please.

14 Q Were you present for the interview that was just played
15 of the victim's son in this case?

16 A I was not.

17 Q Were you present just now?

18 A Oh, yes, yes, I'm sorry

19 Q And that the victim's son said that the person came in
20 and said he was a Blood.

21 A That's correct

22 Q What gang is Mr Isaac in?

23 MR SCHNEE Objection, Your Honor, matter of law.

24 THE COURT: What is the objection?

25 MR. SCHNEE It's a matter of law, Judge.

BRIAN GODFREY DIRECT BY MS. WALKER

1 THE COURT: All right. Ladies and gentlemen, you
2 have to go to the jury room again. Please do not discuss
3 the case.

4 (Whereupon, the jury left the courtroom
5 at 5:23 p.m.)

6 THE COURT: Yes, sir.

7 MR SCHNEE: First of all, Judge, I would object
8 to any line of questioning as to whether my client is or is
9 not in any association or gang. Second of all, that's a
10 blanket statement. Second, I object to a Brady Rule 5
11 violation. There is absolutely no documentation that
12 they've provided that he is even alleged to be in a gang.
13 And third, the only information in that video is that
14 Travares said he was in a gang, therefore, it is completely
15 improper and highly prejudicial line of questioning and has
16 no relevance to this case.

17 THE COURT: All right
18 Yes, ma'am?

19 MS. WALKER: Your Honor, on the direct of R. W
20 , I didn't ask him about that statement because at
21 that point in time, it was improper. Once Mr. Schnee
22 decided to, I guess, impeach the 16-year-old with the
23 statements he made when he was seven, at which point, he
24 does talk about someone kicking in the door and saying, I'm
25 a Blood, I think at that point in time, Your Honor, the

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1 State has a right because the door has been opened to go
2 into the Defendant's gang affiliation.

3 THE COURT The Defendant's what?

4 MS WALKER. Gang affiliation.

5 THE COURT: To prove what?

6 MS. WALKER: To corroborate the identification.

7 The victim's son never said it was Travares World. He said
8 there were people that kicked in the door. One of them
9 said, I'm a Blood. At that point in time, Your Honor, I
10 think the State has a right since the door was opened by
11 Mr. Schnee who first introduced any sort of gang activity in
12 this case to then talk about this Defendant's gang
13 affiliation

14 THE COURT: All right.

15 Mr. Schnee?

16 MR SCHNEE: Judge, the only allegation at the
17 time of that video that there is one person who is larger
18 than Mr Corbit, which, clearly, is not my client. There
19 are --

20 THE COURT: Who is clearly not your client?

21 MR SCHNEE: Travares World is not my client.

22 Therefore, the statement by him to Mr. Corbit, according to

23 R W that he is a Blood in no way opens the

24 door to question this witness about my client about whether

25 he is or not. There's no relevance to that testimony. And

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1 additionally, I would also ask them to actually provide me
2 with some proof that he is in some sort of gang They have
3 never provided anything like that because there is no such
4 proof.

5 THE COURT: Well, that's what -- well, you
6 elicited testimony from the previous witness that the person
7 who broke into the house said that he was the Blood. And
8 that's testimony that's in the record Now, your argument
9 is that the witness was talking about Mr. World. The
10 witness did not identify any of the defendants. The witness
11 spoke of the person who came in and killed his father. Then
12 he said he remembers that there were two people.

13 Anything else?

14 MR. SCHNEE: Judge, I would argue that there is
15 simply no basis to even claim that my client is in a gang
16 And if there is, again, I would ask for any kind of proof
17 that the government may have. And I would also object under
18 403 that it non-probative and not -- to any fact to ask this
19 witness if my client allegedly is in a gang.

20 THE COURT: Yes.

21 MS. WALKER: In terms of that, Your Honor,
22 speaking with Ms. Campbell, she said she showed -- either
23 showed or gave a copy of these documents to Mr. Schnee this
24 morning, which have numerous arrest reports from this
25 Defendant. One, in which he was arrested for possession of

BRIAN GODFREY DIRECT BY MS. WALKER

1 a stolen pistol, documentation from the Columbia Police
2 Department as he is a gang member of the -- I'm sorry, the
3 gang --

4 THE COURT: All right. I'm going to sustain the
5 objection I don't believe that the probative value of this
6 outweighs the prejudicial effect and it's -- fact at issue.
7 It may corroborate the identification, it may not. I'm not
8 going to allow the testimony I think it takes the case in
9 an unneeded direction.

10 MS. WALKER: Yes, sir

11 THE COURT: All right

12 MR. SCHNEE: Judge, I would just ask for a
13 curative instruction the question is improper and should be
14 disregarded.

15 THE COURT: The question was a proper question.
16 The evidence probably should be admitted based on testimony
17 that you solicited.

18 Bring in the jury.

19 (Whereupon, the jury enters the
20 courtroom.)

21 BAILIFF: The jury is present and seated, Your
22 Honor.

23 THE COURT: All right. The objection is
24 sustained The jury is to disregard the previous question
25 You may proceed.

BRIAN GODFREY DIRECT BY MS. WALKER

1 BY MS WALKER:

2 Q You said you were present for a phone call that was
3 made by the Defendant to his mother?

4 A Yes, ma'am.

5 Q Have you had a chance to review State's Exhibit 169?

6 A I have.

7 MS. WALKER: Your Honor, at this point, the State
8 seeks to admit Exhibit 169, the recorded phone calls.

9 MR. SCHNEE: Judge, I would just object to
10 relevance of the content of the phone call.

11 THE COURT: All right. What's the relevance of
12 the phone call?

13 MS. WALKER: Your Honor, the defense attorney in
14 his opening statement spoke about all of the duress and the
15 threats that his client was under. This phone call the
16 Defendant makes to his mother, he talks about how he messed
17 up, the things that he did. And at no point in time when
18 he's talking to his mother after initially being confronted
19 with the murder that he committed years earlier does he ever
20 say anything about anyone threatening him or doing anything
21 against his will

22 THE COURT: All right.

23 MR. SCHNEE: Judge, it's a phone call where my
24 client is clearly upset and informing his mother that he's
25 not coming home that day because the police are charging him

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1 with a murder from 2005. I don't see how in anyway that is
2 relevant. We're not disputing that my client was arrested
3 for it that day.

4 THE COURT All right. I haven't heard it, so I
5 don't know what it says so I don't have a basis to rule on
6 it.

7 MS. WALKER: Can I hand Your Honor up a transcript
8 of the phone call?

9 THE COURT: All right.

10 MR SCHNEE: Judge, I've never seen a transcript
11 of a call.

12 MS. WALKER. Here you go, Mr. Schnee.

13 THE COURT The objection is overruled. You may
14 proceed

15 MS. WALKER: May I publish the call?

16 THE COURT: Yes.

17 MS. WALKER: Your Honor, may I hand the jury a
18 copy of the transcript?

19 MR SCHNEE: Judge, I would object to that. That
20 is not a certified transcript and I do not believe it is 100
21 percent accurate.

22 THE COURT: All right. Let's hear it first.

23 (Whereupon, the phone call was played
24 for the jury)

25 MS. WALKER. May I have the --

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- 1 THE COURT: I think the objection to the
2 transcript is sustained.
- 3 BY MS. WALKER:
- 4 Q Were you able to hear that, Investigator?
- 5 A Yes, ma'am.
- 6 Q He said -- excuse my language, but he said I fucked up?
- 7 A That's correct.
- 8 Q Did he mention anything about Travares threatening him?
- 9 A No, ma'am.
- 10 Q Travares pointing a gun to his head?
- 11 A No, ma'am.
- 12 Q Travares telling him you come with he or I'll kill you?
- 13 A No, ma'am.
- 14 Q The entire time you were with Greg Isaac, did he
15 mention anything like that?
- 16 A No, ma'am.
- 17 Q Not to you?
- 18 A No, ma'am
- 19 Q Not to his mother?
- 20 A No, ma'am.
- 21 Q And as you talked to Mr. Isaac about the murder that he
22 committed, did he give you information about his
23 co-defendants?
- 24 A He did. He identified then.
- 25 Q And who did he identify them to be?

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- 1 A Tavares World and Vernorris Dixon.
- 2 Q And Mr. Dixon, we heard from earlier?
- 3 A That's correct.
- 4 Q After he gave you that initial information, did he give
- 5 you a verbal confession?
- 6 A That's correct. We sat down and ate Rush's and he
- 7 talked about what occurred.
- 8 Q You provided him with food?
- 9 A Yes, ma'am.
- 10 Q What did Greg Isaac tell you occurred?
- 11 A He stated they went to the victim's, Mr. Corbitt's
- 12 residence in an effort to get money that was owed to
- 13 Tavares World by the victim over some marijuana. He
- 14 stated that he did not know the victim prior to the
- 15 incident. He stated he did believe World -- then he
- 16 stated -- victim's apartment complex in Dixon's wife
- 17 vehicle. He stated that she was not his wife at the
- 18 time. But the vehicle he described was a
- 19 champagne-colored Nissan Altima.
- 20 He stated when they arrived at the apartment
- 21 complex, the victim's vehicle was not there, so they
- 22 pulled to another parking lot in the complex. While
- 23 sitting there, he stated World pulled two handguns out
- 24 from under the seat and handed him one. He stated the
- 25 weapon he had was a 380. He stated they saw the victim

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1 arrive home from where they were sitting in the parking
2 lot. He stated that once the victim went inside, he
3 and World went to the door of the victim. He stated
4 that Dixon stayed in the car during the incident -- the
5 residence. He stated they knocked on the door. He
6 stated he remembered the door when he was taken by the
7 residence -- there was a time the investigators drove
8 him by earlier before I became involved and he was,
9 actually, shown where the apartment was to see if he
10 remembered ever being there because his fingerprint --

11 THE COURT: When you turn your head away from the
12 mike, I can't hear you too well.

13 THE WITNESS: I apologize.

14 The investigators prior to my involvement in the
15 interview took Mr. Isaac to the apartment to see if he
16 remembered ever being there because his fingerprint was
17 found there. He denied remembering ever being there. So he
18 stated that he -- when he was brought by there earlier that
19 he didn't remember. That's what I'm referring in that. He
20 stated that he remembered the door when he was taken by the
21 residence earlier in the day even though he previously lied
22 and stated that he had not ever been to the victim's
23 residence. He stated that the door came open. He stated
24 that Tavares was one that kicked the door open and a verbal
25 altercation ensued between the victim, Mr. Corbitt, and Mr.

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1 World. He state that had World and Mr. Corbitt began having
2 a physical altercation resulting with the victim being on
3 top of Mr. World, so at this point the victim was on top of
4 Mr. World during the physical altercation.

5 He stated he have trying to deescalate the
6 situation and calm both the victim and World down. He
7 stated at one point during the struggle, the lamp fell over
8 and he tried to stop it from hitting the ground and
9 breaking. He stated that is when his print must have gotten
10 on the lamp He stated that the struck and knocked the
11 victim off of World He referred to World as the -- he
12 stated that when the victim got back up, he thought the
13 victim may have been armed and panicked. He stated that the
14 victim made a motion that he thought was consistent with
15 reaching for something. He stated he pulled the gun
16 provided to him by World from his waist band and shot the
17 victim, Mr. Corbitt. He stated his intention of going to
18 the residence was not to kill the victim. He stated he
19 realized that the victim did not have a weapon once he shot
20 him. He stated he and World then fled the residence to the
21 awaiting car driven by Mr. Dixon.

22 Q The when you were having this conversation with the
23 Defendant, was he free -- this was just a free
24 conversation or were you asking questions and he was
25 answering or was he just kind of telling you what

BRIAN GODFREY CROSS BY MR. SCHNEE

1 happened?

2 A He was telling me what happened and I was writing it
3 down.

4 Q And he was free to put in any information that he
5 wanted.

6 A I was eating Rush's, too.

7 Q Did you tell him that was any information that you
8 didn't want to have?

9 A No.

10 Q Did you tell him that it was necessary for him to give
11 you all the information at that point?

12 A That's correct.

13 Q And there was no mention of any threats?

14 A No, he never mentioned any threat prior to the incident
15 by Mr. World

16 Q After interviewing the Defendant about that murder,
17 what did you do?

18 A I left and Chief Wilson and Investigator Crank took a
19 written statement from Mr. Isaac.

20 Q Did you have any other involvement with this
21 investigation after that?

22 A I believe I did. I may have seen Mr. Isaac one more
23 time after the interview was over and after he had
24 given his written statement. But it may have --

25 Q Did you have any interaction with the co-defendants in

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1 this case?

2 A I did have a brief stint with Vernorris, but he had
3 asked for a lawyer, so that was a short conversation.
4 I'm not privy to any of the other interviews of the
5 other defendants

6 Q And how many years passed between the night of the
7 murder and when you guys made an arrest in this case?

8 A The murder happened in 2005 and the arrest in 2012, so
9 give or take seven years

10 Q The man, who on the phone call stated I fucked up, is
11 that man in the courtroom?

12 A He is.

13 Q Can you point him out to the jury?

14 A Mr Isaac in the yellow shirt.

15 Q No further questions.

16 THE COURT: Mr. Schnee?

17 CROSS-EXAMINATION

18 BY MR. SCHNEE:

19 Q You're reading from your incident report?

20 A Yes, sir.

21 Q Investigative report?

22 A My investigative report, yes, sir.

23 Q Okay. Let's talk a little bit about what else is in
24 your report. You said Greg immediately picked out and
25 identified World and Dixon's photo line-ups?

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 A That's correct.
- 2 Q He was trying to help you?
- 3 A He did.
- 4 Q Okay. He was telling you everything about what those
5 two were doing that night?
- 6 A --
- 7 Q And he said the gun was provided by Travares, right?
- 8 A That's what he said, yes, sir.
- 9 Q Did he tell you anything else by Travares?
- 10 A He knew him by the name Murder.
- 11 Q Correct. Anything else?
- 12 A Mr. World had used Dixon's name in prior arrest. Said
13 he had known him since 2005. He stated he was
14 currently being housed at the Alvin S. Glenn Detention
15 Center.
- 16 Q And all that was true?
- 17 A I did go back and check and corroborated that he had
18 used Dixon's name in the past. I couldn't corroborate
19 that he had known him since 2005, he told me that. And
20 he was certainly being housed at the Alvin S. Glenn
21 Detention Center. I corroborated that as well.
- 22 Q Okay. Also, described World as very short tempered?
- 23 A One moment, please. Isaac described World as very
24 short tempered with his -- I interpreted that from his
25 words. When he used the words no head, that's how he

BRIAN GODFREY CROSS BY MR. SCHNEE

1 described him. I interpreted it, yes, as short
2 tempered.

3 Q Did he say anything else after that? Did he tell you
4 -- did he try to talk about other incidents he may have
5 been involved in, that World was involved in?

6 A That's correct.

7 Q Okay. Do you try to corroborate any of those?

8 A That particular incident, I don't believe that I did.

9 I didn't have a whole lot of involvement in this case
10 past that interview. Other investigators were working
11 on those particular issues

12 Q Okay.

13 A I tried to corroborate the co-defendant stuff.

14 Q All right Now, he said that Travares World gave him
15 the gun; right?

16 A Yes, sir.

17 Q He said Travares kicked in the door?

18 A Yes, sir.

19 Q Travares got in the right with Mr. Corbitt?

20 A That's correct.

21 Q Okay. Now, this phone call the solicitor wanted
22 everyone to hear.

23 A Yes, sir.

24 Q This phone call between Greg and his mother?

25 A That's correct.

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 Q It was very clear that Greg is very upset?
- 2 A He sounded upset to me.
- 3 Q He was pretty much saying good-bye to his mother?
- 4 A No.
- 5 Q You don't think so?
- 6 A No.
- 7 Q That's not what it sounded like?
- 8 A That he was saying good-bye?
- 9 Q As in I'm being locked up, I won't see you for a long
10 time?
- 11 A She could have said I'm going to come down there and
12 see you, so I don't think he was saying good-bye.
- 13 Q When he said the phrase, I fucked up, he was talking
14 about what happened in 2005; right?
- 15 A I believe he was talking about he fucked up because he
16 had murdered somebody.
- 17 Q Okay Well, because he had shot someone?
- 18 A Because he had murdered somebody.
- 19 Q So you think that means that he acknowledged the legal
20 definition of murder?
- 21 A He said murder --
- 22 Q Which is what you said you were charging him with;
23 right?
- 24 A Yeah. So he did use the legal term murder.
- 25 Q Well, that's what you told him you were charging him

BRIAN GODFREY CROSS BY MR. SCHNEE

1 with, the legal term murder?

2 A I never told him I was charging him with anything. Me
3 and him didn't have that conversation. I was in there
4 to talk about the fact that he was lying about his
5 fingerprint being in the residence

6 Q And then you said the residence where someone was
7 murdered?

8 A I don't know that I used the term murder.

9 Q Well, did --

10 A But he was murdered, I agree with you on that.

11 Q I don't, but --

12 MS. WALKER: Objection

13 Q -- did anyone else use that term?

14 THE COURT: All right. The objection is sustained
15 as to being argumentative with the witness, stating opinions
16 rather than posing questions. Proceed with questions not
17 statements.

18 BY MR SCHNEE:

19 Q Greg gave you information about Venorris Dixon as well;
20 didn't he?

21 A Yes, sir.

22 Q He gave you nicknames?

23 A He gave me the nickname of Luke.

24 Q He said he worked for United Car Sales?

25 A He stated he worked for United Car Sales at one point

BRIAN GODFREY CROSS BY MR. SCHNEE

1 and I corroborated that

2 Q And that's because Vernorris also went there; right?

3 A No, I corroborated that because said in the Alvin S.

4 Glenn Detention Center where I pulled a document that

5 said that once he was employed at United Car Sales,

6 that's how

7 Q So you're not aware that Venorris went there and

8 committed an armed robbery?

9 A I don't know anything about that.

10 Q Okay.

11 A It states in my report I corroborated --

12 Q I was just asking if you had any knowledge.

13 MS. WALKER: Objection, Your Honor, I ask the

14 witness be allowed to finish his statement.

15 THE COURT: All right. When there's a question

16 posed, wait for the witness to answer before asking another

17 question.

18 THE WITNESS. The way that I corroborated that he

19 worked for United Car Sales -- that we use to identify

20 people and there was information that said he worked for

21 United Car Sales, that's how I know he worked there.

22 BY MR. SCHNEE:

23 Q Okay. Well, my question was do you have knowledge that

24 Venorris Dixon, while working there, Travares World

25 came and committed an armed robbery?

BRIAN GODFREY CROSS BY MR. SCHNEE

1 A I have heard people talking about that here today. I
2 do not know anything about that. I didn't do the
3 investigation on that whatsoever.

4 Q Okay. That's all I was asking if you had knowledge.
5 Now, my client also said in your interview that he
6 thought that Mr. Corbit was reaching for a weapon?

7 A He said that when the victim got back up, he thought
8 the victim may have been armed and panicked. He stated
9 the victim made a motion that he thought was consistent
10 with reaching for something

11 Q Okay. So he thought -- Greg thought Mr. Corbit was
12 reaching for a gun, that's what he told you?

13 A He said reaching for something, which you would assume
14 he was maybe reaching -- he could have been reaching
15 for anything. It was his house. He could have been
16 reaching for a --

17 Q TV remote?

18 A TV remote, anything, yeah.

19 Q Oh, okay. Reaching behind his back for a TV remote, is
20 that your answer?

21 A I don't know

22 Q Okay. In Greg's written statement, that's what he
23 says, isn't it?

24 A I didn't take that written statement.

25 Q Okay. Just what you put down in your own notes?

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 A That's correct.
- 2 Q Did Greg Isaac sign this?
- 3 A No
- 4 Q So this is just your version of what you wrote down?
- 5 A No, this is his version.
- 6 Q This is --
- 7 A My version of what he wrote -- or what he said, yes.
- 8 Q This report is your words?
- 9 A That's correct. No, it's his words, I just wrote what
- 10 he said.
- 11 Q Did he type this?
- 12 A No, I typed it.
- 13 Q Okay. So you're the one that typed these words?
- 14 A That's correct.
- 15 Q Do you have any handwritten notes that you took during
- 16 this?
- 17 A No, sir.
- 18 Q What happened to those?
- 19 A After I converted it to typing, I destroyed them.
- 20 Q So you destroyed your handwritten notes?
- 21 A Do it every time.
- 22 Q Okay. So if there are any minor inconsistencies, we
- 23 wouldn't know that, would we?
- 24 A There are no minor inconsistencies.
- 25 Q How do we know?

BRIAN GODFREY CROSS BY MR. SCHNEE

- 1 A Because I typed it up as soon as I finished it.
- 2 Q Just we just have to trust you?
- 3 A That would be correct.
- 4 Q Oh, okay. He also said that Travares World pulled out
- 5 two handguns from under the seat?
- 6 A Yes, sir.
- 7 Q So that you did write down?
- 8 A Let's see. He stated that World pulled two handguns
- 9 out from underneath the seat.
- 10 Q He also said he tried to deescalate the situation?
- 11 A That's what he says he tried to do, that's correct.
- 12 Q Greg Isaac used the word deescalate?
- 13 A No, that's my words
- 14 Q I thought these were all his words?
- 15 A Those are his words.
- 16 Q Deescalate is his word?
- 17 A That's my version and interpretation of what he said,
- 18 yeah.
- 19 Q So the words that you're speaking and reading from your
- 20 report are your interpretation of what he says?
- 21 A Yeah, just like when he said no head, I said very short
- 22 temper That's my interpretation of what he said, yes.
- 23 Q So there's your interpretations in here?
- 24 A That's correct
- 25 Q Okay.

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 MR. SCHNEE: I don't have anything else for this
2 witness.

3 THE COURT. Anything further?

4 MS. WALKER I don't have anymore questions, Your
5 Honor.

6 THE COURT. All right. Thank you, sir. You may
7 step down.

8 All right. Ladies and gentlemen, this is the time
9 that we'll stop for today. Thank you very much And we
10 will proceed tomorrow morning at 9 30 Have a good evening.
11 Please do not discuss the case.

12 (Whereupon, the jury left the courtroom
13 at 5:53 p.m)

14 THE COURT: Anything before we leave from the
15 State?

16 MS. WALKER. Nothing from the State, Your Honor.

17 THE COURT: All right. 9:30 tomorrow morning.

18 (The following proceedings were
19 concluded for October 1, 2013.)

20 (The following proceedings were held on
21 October 2, 2013)

22 THE COURT: All right. Bring the jury in.

23 (Whereupon, the jury returned to the
24 courtroom at 9:33 a.m)

25 BAILIFF: Your Honor, the jury's present and

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 seated.

2 THE COURT: Thank you.

3 Mr. Foreman, how is the jury doing?

4 PROSPECTIVE JUROR: Fine.

5 THE COURT: Good, that's what we like to hear.

6 Day number three.

7 State's case, next witness.

8 MS. CAMPBELL: May it please the Court. State
9 would call Dr. Clay Nichols.

10 THEREUPON,

11 CLAY NICHOLS, M.D.,

12 after having been duly sworn, testified as follows

13 THE CLERK: Thank you. Have a seat in the witness
14 stand, please. State your name for the record.

15 THE WITNESS: Clay L Nichols, N-I-C-H-O-L-S.

16 DIRECT EXAMINATION

17 BY MS CAMPBELL:

18 Q Dr. Nichols, where are you currently employed?

19 A I'm the deputy chief medical examiner for the State of
20 North Carolina.

21 Q And back in 2005, where were you working?

22 A I was working here in Columbia I was the chief
23 medical examiner of Richland County and pathologist
24 for --

25 Q Can you tell this jury a little bit about your

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 education and your training in the field of
2 specifically forensic pathology?

3 A I received my Bachelor of Science degree from the
4 University of Oklahoma in 1981 After that I entered
5 med school in Oklahoma, completed that in 1985.
6 Following graduation, I entered residency program in
7 Charleston at MUSC in both anatomic and forensic
8 pathology, completed that in 2000. After that --
9 excuse me, 1990 After that, I was on the faculty for
10 10 years. After that, in 2000, I moved here to
11 Columbia where -- chief medical examiner Richland
12 County. Following that, I entered a one-month period
13 of retirement and my wife said I couldn't retire --
14 North Carolina. I'm Board certified by both the
15 anatomic and forensic pathology Boards.

16 Q And have you been qualified before in the field of
17 forensic pathology?

18 A Numerous times.

19 MS. CAMPBELL: Your Honor, at this time, we would
20 offer him as an expert in the field of forensic pathology.

21 MR. SCHNEE: I'll stipulate to that.

22 THE COURT: He is so qualified

23 MS. CAMPBELL: Thank you.

24 BY MS. CAMPBELL:

25 Q Doctor, what is forensic pathology?

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 A Forensic pathology is a branch of pathology that deals
2 with people who have suspicious or unnatural deaths.
3 When a pathologist goes in the forensic program --
4 autopsy and that's basically the hospital autopsy where
5 the cause of death is to make -- forensic pathology
6 deals with people who meet unnatural deaths --

7 Q I want to turn your attention to this case. Did you
8 perform an autopsy on Antonio Corbitt?

9 A Yes, I did.

10 Q And when did you, actually, perform that autopsy?

11 A October 28th, 2005, at 9:30 a.m.

12 Q Where did that autopsy take place?

13 A At Richland Hospital.

14 Q Tell the jury in this case as you started the autopsy
15 what, generally, you observed?

16 A Essentially, I observed a dead black male. There was
17 minimal clothing involved and there was also a gunshot
18 wound to the upper abdomen as a result of the gunshot
19 wound that was located 22 inches from the top of the
20 head -- I noticed there was no soot or powder stippling
21 around it and this indicates a distant gunshot wound.
22 The wound itself measured 0.3 by 0.25 inches in
23 diameter. There was a semi-circular -- border
24 present -- position. The bullet was found near the
25 abdomen, which is the belly, traveling roughly 45 to

CLAY NICHOLS DIRECT BY MS. CAMPBELL

- 1 the left, 45 degrees downward and 10 degrees backwards.
- 2 Along the course, the bullet lacerated several -- small
- 3 intestine, the left iliac artery and comes to rest near
- 4 the left femur. The recovered projectile appears to be
- 5 a brass covered bullet -- base with number 250, which
- 6 is the autopsy number for that particular year and
- 7 initial CN, which are my initials, on the base of the
- 8 bullet. In addition to the lacerations, there was a
- 9 large amount of blood in both the belly and --
- 10 peritoneal area, multiple small abrasions were
- 11 identified to the face, including some scratches.
- 12 There was a contusion, laceration to the --
- 13 Q Let me back up for a minute. You first observed --
- 14 gunshot wound to the abdomen area?
- 15 A Yes, ma'am.
- 16 Q And approximately where in the abdomen was the gunshot
- 17 wound?
- 18 A May I stand up?
- 19 Q Yes, sir.
- 20 A Approximately here.
- 21 Q And you also mentioned as part of your observations
- 22 externally, a number of scratches on this person?
- 23 A Yes.
- 24 Q And where were those scratches located?
- 25 A Essentially on the face. Specifically, there were

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 small, curved and linear scratches identified on the
2 face and the neck. These are consistent with
3 fingernail marks -- 0.2 inch, a 0.7 inch similar
4 scratches on the face of the anterior neck, which is
5 approximately here, a 0.5 inch curve scratch beneath
6 the right jaw, three to four -- placed along the right
7 lower side of the neck measuring from 0.2 to 0.5
8 inches. In addition, there was approximate 0.6 inch
9 abrasion on the chin.

10 Q All right. And the scratches, you said they were
11 circular in nature?

12 A Curved.

13 Q And you said those were consistent with what?

14 A Fingernail marks.

15 Q Would that be consistent with someone having been held
16 around the neck?

17 A Grabbed or held, yes.

18 Q And describing these scratches, there's also one on the
19 chin, I believe?

20 A Yes.

21 Q Were those a contributing cause to his death?

22 A No.

23 Q If you had to describe them, how would you characterize
24 those?

25 A Evidence of a minor struggle before the person died.

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 Q You also mentioned, I believe, there was one contusion
2 on the elbow?

3 A Yes.

4 Q And when I say the word contusion, what am I saying?

5 A Bruising.

6 Q Do you always look for what's known as defensive
7 wounds?

8 A Yes.

9 Q And what are defensive wounds, sir?

10 A Defensive wounds are wounds to the hands and arms,
11 typically, the forearms, where the person is trying to
12 ward off an attacker. This is especially important,
13 such as in stabbings where oftentimes you will see
14 cutting or actual stabbings to the hands or forearms as
15 a result of the person trying to defend themselves.

16 Q Did you note any defensive wounds on the hands and the
17 arms?

18 A There were none.

19 Q And, in fact, was there any evidence of any kind of
20 stabbing in this case?

21 A No.

22 Q I want to go back to the cause of death. Once you make
23 your external examination and note those injuries --
24 also, was there someone there, actually, photographing
25 this?

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 A A representative from the sheriff's office, yes.

2 Q And those aren't necessarily admissible, but those were
3 photographed to memorialize it?

4 A Yes.

5 Q Once you made your external observations, did you then
6 open him up and do an internal examination?

7 A Right. That would be the internal description and
8 that's essentially when the session starts. All major
9 organs are removed, examined. Small pieces of tissue
10 are removed from each major organ system and submitted
11 for microscopic examination

12 Q And that's pretty much standard procedure in an
13 autopsy?

14 A Yes.

15 Q In this case, in your internal examination, the path of
16 the bullet took, can you describe that for the jury?

17 A Can I stand up again? The bullet entered approximately
18 here and traveled in this direction (indicating),
19 approximately 45 degrees downward, 45 degrees to the
20 left and slightly backwards.

21 Q And its traveling inside the body, what, if any, damage
22 did it do that ultimately caused his death?

23 A The main damage was laceration of the left iliac
24 artery, which is a major artery that pretty much
25 supplies blood to the left side of your leg

CLAY NICHOLS DIRECT BY MS. CAMPBELL

- 1 Q When you say laceration to the iliac artery?
- 2 A Right
- 3 Q If that artery is lacerated, what is the result as far
- 4 as bleeding?
- 5 A Oh, massive bleeding as a result of that. It is a main
- 6 artery.
- 7 Q Would that bleeding have been immediate?
- 8 A Absolutely.
- 9 Q As far as connection with his other injuries, the minor
- 10 scratches and other ones you saw, what would have been
- 11 the major contributor to any bleeding there at the
- 12 scene?
- 13 A None.
- 14 Q It would have come from the gunshot wound?
- 15 A Yes.
- 16 Q You mentioned in your description of what you observed,
- 17 that there was no soot or stippling, I believe, around
- 18 the gunshot itself?
- 19 A Yes.
- 20 Q And is that significant in your findings?
- 21 A Yes, it is.
- 22 Q Can you explain that to the jury?
- 23 A When an autopsy is performed, the gunshot wound
- 24 involved, the forensic pathologist tries to estimate
- 25 the distance that the muzzle of the gun was away from

CLAY NICHOLS DIRECT BY MS. CAMPBELL

- 1 the victim when the trigger was pulled. We have four
2 basic distances. One is a hard contact gunshot wound
3 where the muzzle is tight against the skin when the
4 trigger was pulled. Once is a loose contact gunshot
5 where the muzzle is just pushed up against the skin.
6 In that particular case, soot, powder, whatever is
7 deposited around the wound track. Back up a couple
8 inches, the trigger is pulled, the bullet comes out,
9 soot -- and unburned gunpowder is present gets
10 deposited in the skin in a salt and pepper like
11 pattern. You see little black dots -- around the
12 wound. Back up, depending on the gun and ammunition
13 used, from 12 inches to a maximum of 24 inches, the
14 trigger is pulled, you still get the stippling. But
15 then you go past the 24 inches, pull the trigger, the
16 only thing that strikes the skin is the bullet
- 17 Q In this case, I believe, you characterized this gunshot
18 wound as distant?
- 19 A That's correct
- 20 Q What does that mean to you, sir?
- 21 A It was approximately 12 to 24 inches away when the
22 trigger was pulled and could be a lot further,
23 depending on the gun and type of ammunition and
24 situation in which the gun was fired.
- 25 Q So the tip of the gun would have been at least 12 to 24

CLAY NICHOLS DIRECT BY MS. CAMPBELL

- 1 inches away from the victim -- from where it struck the
2 victim?
- 3 A Yes.
- 4 Q And it could be further you mentioned?
- 5 A Yes.
- 6 Q And can you say it could have been yards further, feet
7 further, anything of the nature?
- 8 A It would be up to the maximum range for that weapon.
- 9 Q So the distance that you determined in this case goes
10 from anywhere 12 to 24 inches to the maximum?
- 11 A That's correct.
- 12 Q In this case, did you recover a projectile or a bullet?
- 13 A Yes, I did.
- 14 Q Where was that recovered, sir?
- 15 A It was recovered from near the left femur, which is the
16 large leg bone on the left side of your body.
- 17 Q And once you recovered that, did you make any
18 notations?
- 19 A Yes, I did. I put the number 250 and the initials CN
20 on the base of the bullet.
- 21 Q And number 250 means what?
- 22 A That's the autopsy number for that particular year,
23 2005
- 24 Q And the letters CN are what?
- 25 A My initials.

CLAY NICHOLS DIRECT BY MS. CAMPBELL

1 Q Once that bullet was recovered, was it turned over to
2 law enforcement?

3 A Yes, I was

4 Q As well as any clothing in this case?

5 A Yes.

6 Q Let me show you what's been marked Exhibit 171. Does
7 this indicate the clothing that was recovered?

8 A Yes. 2.

9 MS. CAMPBELL: Your Honor, at this time, I would
10 move 171 into evidence.

11 MR. SCHNEE: Judge, I don't see the relevance of
12 it, but I have no objection to them introducing it.

13 THE COURT That's admitted without objection.

14 MS CAMPBELL: Thank you, sir.

15 (State's Exhibit No. 171 was admitted
16 into evidence.)

17 BY MS. CAMPBELL:

18 Q In this case, the victim came in with the hands bagged?

19 A Yes

20 Q Is that unusual?

21 A No.

22 Q And --

23 A That's correct.

24 Q Finally, you talked about the pré-mortem, before death
25 abrasions. Did you also post mortem abrasion to the

CLAY NICHOLS DIRECT BY MS. CAMPBELL

- 1 knee area?
- 2 A Yes.
- 3 Q And what does that mean, sir?
- 4 A It means that he didn't have blood pressure at the time
- 5 when the abrasion occurred
- 6 Q And would that be consistent with someone collapsing
- 7 after being shot?
- 8 A Collapsing after they were shot to the point that no
- 9 blood was going to that knee any more.
- 10 Q And the other minor injuries you noted to the head and
- 11 the face, there would have been before he died?
- 12 A Yes.
- 13 Q As part of the autopsy, is a toxicology test done?
- 14 A Yes.
- 15 Q In this case, what were the results of the toxicology
- 16 tests?
- 17 A I do not have that report at this time.
- 18 Q I apologize. Do you do an initial report?
- 19 A Yes.
- 20 Q Then is it updated later?
- 21 A When toxicology comes back, yes.
- 22 Q Is that a copy of your report?
- 23 A Yes, it is. No -- ethanol was identified, which means
- 24 there was no alcohol, however -- THC, which is the
- 25 metabolite of marijuana was identified.

CLAY NICHOLS CROSS BY MR. SCHNEE

1 Q Metabolite of marijuana?

2 A Yes.

3 Q And from that finding, can you say exactly when he may
4 have smoked marijuana --

5 A No.

6 Q -- before his death? Did his marijuana smoking
7 contribute in any way to his death?

8 A No.

9 Q Now, Doctor, the cause of death in this case was what?

10 A -- hemorrhage -- penetrating gunshot wound to the right
11 abdomen, essentially --

12 Q And what was it that the shot went through that caused
13 his death so quickly?

14 A The left iliac artery.

15 Q Once that artery was severed, would he have died
16 quickly?

17 A Yes.

18 MS. CAMPBELL. Beg the Court's indulgence.

19 Thank you, sir.

20 CROSS-EXAMINATION

21 BY MR. SCHNEE:

22 Q You said there was evidence of what you described as
23 fingernail scrapings on the neck?

24 A Yes.

25 Q Other bruising on the face?

CLAY NICHOLS CROSS BY MR. SCHNEE

- 1 A Yes.
- 2 Q You described that as consistent with a struggle or a
3 fight?
- 4 A Yes.
- 5 Q Okay. Is there anything within your autopsy that would
6 say who the fight was with?
- 7 A No.
- 8 Q Or what the fight was over?
- 9 A No.
- 10 Q Okay. In terms of the gunshot wound, you said it was
11 between 12 inches and could be a mile way, whatever the
12 longest range of the bullet is?
- 13 A That's correct.
- 14 Q Okay. Do that indicate who or why shot him?
- 15 A No
- 16 Q No further questions.
- 17 THE COURT: Anything further?
- 18 MS. CAMPBELL: No, sir.
- 19 THE COURT: All right. Thank you, sir.
- 20 THE WITNESS: My pleasure, Your Honor.
- 21 MS. CAMPBELL: Beg the Court's indulgence.
- 22 The State calls Chief Wilson.
- 23 THEREUPON,
- 24 DAVID WILSON,
- 25 after having been duly sworn, testified as follows:

1 THE CLERK: Thank you. Have a seat in the witness
2 stand, please. State your name for the record.

3 THE WITNESS: David Wilson, W-I-L-S-O-N

4 DIRECT EXAMINATION

5 BY MS. CAMPBELL.

6 Q Chief Wilson, where are you employed?

7 A With the Richland County Sheriff's Department.

8 Q What do you do there, sir?

9 A Deputy chief of the criminal investigative division.

10 Q How long have you been in law enforcement?

11 A Thirty-years.

12 Q As chief of the criminal investigative division, what
13 are your duties?

14 A I directly supervise about 150 employees, all the
15 investigators in the sheriff's department, the
16 laboratory, people that you heard from yesterday and
17 previous day, the narcotics unit --

18 Q And your supervisor is the sheriff?

19 A That's correct

20 Q And who's the sheriff?

21 A Leon Lott.

22 Q On occasion, is it unusual for your to become involved
23 in the investigation of a case?

24 A It does happen from time to time, but I'm mainly
25 administrator now.

1 Q I want to direct your attention back to 2011, 2012 time
2 period. Did you become involved in this cold case?

3 A I did.

4 Q When I say a cold case, explain to the jury what a cold
5 case is?

6 A A cold case are cases that have gone on for a period of
7 time and we have exhausted all available leads and
8 investigative techniques that we aware of. So we
9 switch these cases, and they're usually homicide cases,
10 robbery cases, sexual assaults to the cold case unit to
11 be reviewed to have a second set or third set of eyes
12 to look at these cases and see if they pick up
13 something that the original investigator missed.

14 Q And over the years, has technology become a little more
15 defined I guess is good word for it?

16 A Absolutely. Technology improves our ability everyday.

17 Q In the course of this investigation, did you personally
18 have a chance to review --

19 A Yes.

20 Q And at some point in February of 2012, did y'all go
21 back and reinterview the son of the victim in this
22 case?

23 A Yes, we did

24 Q What was the purpose in that?

25 A There were a number of reasons we wanted to do that.

1 We reviewed the video when he was interviewed when he
2 was seven or eight years old. In many instances, it's
3 been my experience over the years and it's well
4 documented in scientific research that witnesses recall
5 things as it gets farther and farther from the time of
6 the event. Probably the best example of that is sexual
7 assault. You've got children that are victimized --

8 MR. SCHNEE: Judge, I object to the foundation of
9 this type of testimony.

10 THE COURT: Ms. Campbell?

11 MS CAMPBELL: Your Honor, he was just explaining
12 why they went to interview the victim's child in this case
13 He was eight years old at the time he witnessed the murder.

14 THE COURT: All right. Basis for the objection.

15 MR SCHNEE: Judge, the witness seems to be going
16 into child psychology and memory issues and I object to this
17 witness's foundation to testify about that.

18 THE COURT: All right. Ask a specific question.

19 BY MS. CAMPBELL:

20 Q Is it unusual for you to go back and reinterview a
21 child witness?

22 A No, not at all.

23 Q And just, basically, what is the reason for that
24 simply?

25 A Things come back to witnesses over a period of time.

1 When you're traumatized as in this incident where you
2 see your father killed --

3 MR. SCHNEE: Judge, I object again on the same
4 basis.

5 THE COURT: All right. I sustain the objection.

6 BY MS. CAMPBELL:

7 Q This is not unusual for you to do?

8 A No, not at all.

9 Q You can't say what he said to you, but did y'all go
10 back and reinterview him?

11 A We did.

12 Q Then that next month, in March of 2012, did you request
13 -- or was there a request made for a certain
14 fingerprint to be looked at again?

15 A We work together as a team. A meet with our laboratory
16 people on a regular basis when we're working a case
17 like this. So all the fingerprints, all the evidence
18 was relooked at during that time period.

19 Q Did you become aware of a fingerprint that had been
20 lifted from a lamp?

21 A I did.

22 Q And on March the 30th, what did you receive notice of?

23 A I received notice of a fingerprint match.

24 Q And who did it match to?

25 A To Greg Isaac.

- 1 Q At that point, had Greg Isaac's name ever come up as
2 far as you know in the investigation?
- 3 A No, it had not
- 4 Q Based on the fingerprint match -- well, let me back up
5 Is that significant as far as your investigation?
- 6 A Certainly is.
- 7 Q With that information, did you make attempts -- you
8 can't anything, but did you make attempts to make
9 contact with Greg Isaac?
- 10 A Yes.
- 11 Q And, specifically, was he brought to headquarters on
12 April the 11th, 2012?
- 13 A He was
- 14 Q And did you make contact with him at that time?
- 15 A I did.
- 16 Q And approximately what time of day was it that he was
17 brought to the sheriff's department?
- 18 A It was early morning yours. I think I received
19 notification probably about 7:30, 8:00 and I went to
20 the sheriff's department that morning
- 21 Q Once you made contact with Mr. Isaac, where were y'all
22 in the sheriff's department?
- 23 A We were in my office sitting at the conference table.
- 24 Q Who all was present when you first made contact with
25 him?

1 A There was an Officer Brett and myself and Greg Isaac.

2 Q Prior to questioning him in any way, what did do you?

3 A I took out one of our advice of rights forms,
4 constitutional rights and I read that form to him, to
5 include his waiver of rights.

6 Q And as far the rights that were read to him that
7 morning, was that normally what you would do when
8 somebody is a suspect in a case?

9 A That is correct

10 Q What did those rights include?

11 A I don't think I have a copy of them in here. Yeah, I
12 do. In our advice of rights form, there's a place for
13 the name, place for the officer involved at the time.
14 I did not actually fill out -- I was giving him the
15 verbal advice of rights. I did not fill out anything
16 on the initial advice of rights. But it starts -- the
17 top part of the form says your right and it starts off
18 before we ask you any questions, you must understand
19 your rights. You have the right to remain silent.
20 Anything you say could be used against you in court --
21 I'm sorry, can be used against you. You have the right
22 to talk to a lawyer for advice before we ask you any
23 questions, to have a lawyer with you during
24 questioning. If you cannot afford a lawyer, one will
25 be appointed for you before any questioning if you

1 wish. If you decide to answer questions now without a
2 lawyer present, you still have the right to stop
3 answering at any time. You also have the right to stop
4 answering any time until you talk to a lawyer. The
5 bottom part is the waiver of rights. I have read the
6 statement of my rights and understand what my rights
7 are. I'm willing to talk and answer questions,
8 understand and know what I'm doing. No promise have
9 been made to me, no pressure or coercion has been used
10 against me. I usually go into the definition of
11 coercion.

12 Q And those rights were explained to him that morning
13 prior to you talking to him?

14 A Yes, ma'am, they were

15 Q And did Mr. Isaac indicate whether or not he understood
16 his rights?

17 A He did, he did understand his rights and he offered
18 that he was willing to talk to me.

19 Q So he was willing to talk to you?

20 A That's right.

21 Q Tell the jury, basically, once he had been advised of
22 his rights and indicated he wanted to talk to you what
23 you did?

24 A We talked about the homicide, about the murder of
25 Antonio Corbitt. I laid out some brief facts about

1 location -- killed and then questioned him about his
2 involvement. He denied any involvement. He denied
3 knowing anything and he denied having ever been there
4 to the apartment.

5 Q So he denied knowing the victim?

6 A He did.

7 Q And what did he indicate about having been in the
8 apartment where the fingerprint was found?

9 A Stated he had never been there

10 Q At some point during the interview did you mention to
11 him about the fingerprint?

12 A Yes.

13 Q And once you brought up the fingerprint that was found
14 on the lamp inside the apartment, what did he then say
15 to you?

16 A He then gave us a story that he had a twin brother and
17 it must have been his brother that we were looking for.
18 At that point, I had Investigator Crane, who had joined
19 me in the interview, leave the interview and go
20 research if Greg had a twin brother. We found out that
21 he did have a twin brother, much to our surprise. At
22 that point, I wanted to make sure I had the right
23 person, so I took him back to our laboratory, had him
24 refingerprinted and had the fingerprint rechecked,
25 which it did come back, in fact, to Greg Isaac.

- 1 Q And his twin brother, was he still alive at the point
2 of interviewing him?
- 3 A No, he had died in a car wreck in 2005 prior to the
4 murder taking place.
- 5 Q And how many months prior to the murder taking place
6 did his twin brother die?
- 7 A Without looking at the report, it was either May or
8 June, and this happened in October
- 9 Q And again, that was after you told him that his
10 fingerprint was inside?
- 11 A That is correct
- 12 Q At that point, after he gave the story about how his
13 twin brother had done it, did he then reiterate
14 whether -- anything about what he knew about the victim
15 or this incident?
- 16 A He continued to deny knowing the victim, having ever
17 been to his place of residence.
- 18 Q In that same vein, did he ever -- did he deny doing
19 anything to the victim?
- 20 A Yes.
- 21 Q That morning, did you then take further steps to ensure
22 his rights were observed?
- 23 A Well, at that point, I wanted to take a written
24 statement, so I readvised him of his rights using the
25 original advice of rights form.

1 (State's Exhibit No. 1 was marked for
2 identification.)

3 BY MS CAMPBELL:

4 Q I'm going to show you what has been marked as State's
5 Exhibit No. 1 in this case. Do you recognize this?

6 A Yes, ma'am, this is the advice of rights form I filled
7 out that morning.

8 Q And on that advice of rights form, what does it
9 indicate?

10 A It has the Defendant's name at the top, the place,
11 which was Richland County Sheriff's Department, my name
12 and Investigator Crane's name, the date, 04/11/12, and
13 9:50 in the morning.

14 Q What time, I'm sorry?

15 A 9:50 a.m.

16 Q A.m?

17 A It doesn't have a.m on here, but I normally put
18 military time on here. So if it was at night, it would
19 be 2150

20 Q At the top of that form, it's got his name?

21 A It does.

22 Q And the place it took place?

23 A Pardon me?

24 Q The place it took place?

25 A Yes.

1 Q What officers were present?

2 A That's correct.

3 Q And who was present that morning when you advised him
4 of his rights?

5 A In this particular incident, it was myself and
6 Investigator Crane.

7 Q And is Investigator Crane here in the courtroom?

8 A He is.

9 Q Where is he seated?

10 A He's the gentleman in the white pants and kind of gray
11 jacket (indicated)

12 Q Right here?

13 A Yes, ma'am.

14 MS. CAMPBELL: Your Honor, at this time, we would
15 offer State's Exhibit No. 1 into evidence?

16 THE COURT. Any objection?

17 MR. SCHNEE: I just want to see it. No objection.

18 THE COURT It's admitted

19 (State's Exhibit No. 1 was admitted into
20 evidence.)

21 BY MS. CAMPBELL:

22 Q Can you go through this exactly how you explained his
23 rights to him that morning for the second time?

24 A Yes, ma'am. Once again, I read this form to him. A
25 lot of people that we deal with on a day-to-day basis

1 struggle with reading and writing. Before we ask you
2 any questions, you must understand your rights. You
3 have the right to remain silent. Anything you say can
4 be used against you in court. You have the right to
5 talk to a lawyer for advice before we ask you any
6 questions and have a lawyer with you during any
7 questioning. If you cannot afford a lawyer, one will
8 be appointed for you before any questioning if you
9 wish. If you decide to answer questions now without a
10 lawyer present, you still have the right to stop
11 answering at any time. You also have the right to stop
12 answering any time until you talk to a lawyer.

13 The bottom part, the waiver of rights. I have
14 read the statement of my rights. I understand what my
15 rights are. I'm willing to talk and answer questions.
16 I understand and know what I'm doing. No promises have
17 been made and no pressure or coercion have been used
18 against me. Once again, I always go through the
19 definition of coercion. People sometimes don't
20 understand that. I usually use the analogy of we're
21 not holding a gun on you -- I also noted down here that
22 he has a ninth grade education, so he can read and
23 write.

24 Q And that was information he provided to you?

25 A That is correct.

- 1 Q Once you advised him of his rights, he acknowledged
2 that he understood his rights?
- 3 A He did.
- 4 Q And at that point, did he sign off indicating he
5 understood his rights?
- 6 A He signed both that he understood his rights and he was
7 willing to talk to us and signed his waiver of rights.
- 8 Q What was that specific waiver of rights again that he
9 signed indicating he was willing to talk?
- 10 A I have read the statement of my rights and
11 understand -- I understand and know what my rights are
12 and am willing to talk and answer questions. I
13 understand and know what I'm doing. No promises have
14 been made to me. No pressure or coercion has been used
15 against me. And each one of these boxes also checked
16 them off.
- 17 Q Whose signature is this in two different places?
- 18 A The Defendant (indicating).
- 19 Q Then witnessed by whom?
- 20 A Myself and Investigator Crane.
- 21 Q Once he had been advised of his rights, did you then
22 proceed to take a written statement from the Defendant?
- 23 A Yes, ma'am.
- 24 Q And explain to the jury how that started?
- 25 A Basically, we have statement forms that we use --

1 statement forms. And I was, actually, taking the
2 statement on my desktop computer so that it can be
3 read. My handwriting is probably not the best in the
4 world. So I started the statement about five minutes
5 after advisement of rights.

6 Q Okay. And as you started the statement, explain to the
7 jury what happened?

8 A As we're talking to Mr. Isaac, he became unsure of the
9 apartment complex we were talking about -- he became
10 unsure of whether or not he had ever been there. So
11 myself and Investigator Crane asked him if he would
12 ride to the apartment complex with us. So we,
13 actually, left the sheriff's department, went across
14 town -- and went into the apartment complex.

15 Q That apartment complex is here in Richland County?

16 A Yes, it is.

17 Q Once you got to the apartment complex, what area did
18 you go to?

19 A We went directly into the second entrance where the
20 victim lived, where Antonio Corbitt lived. Up to that
21 point, we had been having a conversation back and forth
22 about whatever, everyday stuff. When we pulled up in
23 front of the apartment -- he kind of shut down. I
24 asked him if he recognized the apartment and he said he
25 definitely had never been there before. You know, I

1 was are you are sure. He continued to deny ever being
2 there.

3 Q Once you showed him the apartment area, he continued to
4 deny ever being in that apartment, where did you go?

5 A After we finished at the apartment, we went back to my
6 office and did the statement.

7 Q At that point, did you finish taking a statement?

8 A Yes, ma'am.

9 Q State's Exhibit No 2, do you recognize that?

10 A This is the original statement that we took from Greg
11 Isaac.

12 Q That's after you had taken him to the apartment complex
13 it was finished?

14 A That's correct.

15 Q Once you finished that statement, would he have had an
16 opportunity to review it?

17 A He would have and, also, read it to him, to include
18 advice of rights that was contained in the statement.

19 Q So at that point --

20 A That would be correct.

21 MS. CAMPBELL: Your Honor, at this time, I would
22 offer State's Exhibit No. 2 into evidence.

23 THE COURT: Any objection?

24 MR. SCHNEE: No objection.

25 PROSPECTIVE JUROR: Admitted without objection

1 (State's Exhibit No. 2 was admitted into
2 evidence.)

3 BY MS. CAMPBELL:

4 Q State's No. 2, beginning with the advice of rights
5 again, what was explained to him --

6 A -- on Parkwood Drive, Hopkins, South Carolina
7 29202, made out Columbia, South Carolina, the 11th day
8 of April, 2012 at 9:55, which is the time we started
9 the statement in the presence of David Wilson and Bev
10 Crane of the Richland County Sheriff's Department. I,
11 Greg Cantrell Isaac, understand that I have the right
12 to remain silent. Anything I say can be used against
13 me in court. I have the right to talk to a lawyer for
14 advice before you ask me any questions and to have a
15 lawyer with me during any questions. If I cannot
16 afford a lawyer, one will be appointed for me before
17 any questions if I wish. If I decide to answer
18 questions now without a lawyer present, I still have
19 the right to stop answering at any time. I also have
20 the right to stop answering at any time until I talk to
21 a lawyer. He made the following statement. This is in
22 question and answer format with myself and Bev Crane
23 asking the questions and Greg Kentrell Isaac giving the
24 answers.

25 The first question, do you know the man in the

1 picture that I showed you --

2 No.

3 Next question, have you ever been inside the
4 apartment for any reason?

5 Not that I know of. I don't think so.

6 Question, now that we've shown you the apartment
7 complex, do you remember going into the apartment to
8 see that man?

9 No, sir

10 Question, did you shoot Antonio Corbitt in October
11 of 2005.

12 Answer, no.

13 Were you present in the apartment when he was
14 shot?

15 Answer, no

16 Is there anything else you would like to add to
17 this statement?

18 Answer, no.

19 The bottom part of the statement form says I have
20 read this statement. I have made the foregoing
21 statement freely and voluntarily without fear, threat,
22 promise of reward or hope of reward of any kind The
23 next section certified that I have read or had read to
24 me the foregoing section consisting of one page and a
25 true copy has been given to me on the 11th of April,

1 2012. It's got two places for Greg Isaac to sign. Bev
2 Crane signed as a witness and I signed as a notary
3 public.

4 Q And once he made that statement, was he given an
5 opportunity to review it?

6 A Yes.

7 Q And did he make any changes?

8 A No.

9 Q And did he sign off indicating that was his statement?

10 A He did.

11 Q About what time did he sign off on this statement?

12 A It would have been around 12:00, 12:30, something like
13 that

14 Q At that point, once he had signed that statement, what
15 happened?

16 A At that point, I was out making copies and I talked to
17 Investigator Godfrey. Investigator Godfrey stepped
18 back into the office with me to talk to Greg for a
19 little bit and explained the impact it would have on
20 his girlfriend and his mother. Up to that point, we
21 had not mentioned the seven-year-old son being
22 upstairs. I did explain that Mr. Isaac. Mr. Isaac
23 became emotional. And I asked him to call his mother
24 and admitted that he had been there at the apartment
25 where the person had been shot that night?

- 1 Q Specifically, were you there when he made the phone
2 call to his mother?
- 3 A I was.
- 4 Q As well as to his girlfriend?
- 5 A That's correct.
- 6 Q And during that time, I believe you indicated he said
7 what to his mother?
- 8 A There was some things in there that I couldn't
9 understand. He told his mother he had done something a
10 long time ago and then something in between that I
11 couldn't catch He said murder dog.
- 12 Q Murder dog?
- 13 A Murder dog.
- 14 Q That's what he told his mother?
- 15 A That's correct.
- 16 Q About what he had done?
- 17 A That's what -- yes, ma'am.
- 18 Q And the phone call that was played yesterday, that was
19 recorded?
- 20 A That was.
- 21 Q At that point, after having talked to his mother and
22 his girlfriend, did he give you verbally first a more
23 detailed account of what had happened?
- 24 A Yes. By that time, it was lunch time, so I had some
25 lunch brought in for him and the three of us We sat

1 around the conference table eating lunch talking about
2 the case.

3 Q What did he indicate to you?

4 A He indicated to us that he and World and Dixon had gone
5 over to that apartment.

6 Q And had you ever heard those names before in the course
7 of this investigation?

8 A I had no idea who they were

9 Q Okay. Continue.

10 A None of those names had come up during the course of
11 our investigation, in any of our investigations in this
12 case. We continued to talk about the case over lunch
13 and he gave us certain facts that we weren't aware of,
14 the co-defendants, who all was involved Up to that
15 point, we weren't aware that there had been two people
16 actually going into the apartment. We only had the
17 description of one person. So a lot of this was new
18 information. At one point, he corrected me on the
19 layout of the apartment. Years ago, I lived in that
20 same apartment complex in a similar townhouse, but the
21 stairs were on the other side. He corrected me and,
22 actually, drew a diagram of the apartment.

23 Q So he corrected you?

24 A That's correct.

25 Q And you were the one that lived there before?

- 1 A I had lived in the same apartment complex about 20
2 years earlier.
- 3 Q And what details did he give you verbally first?
- 4 A Basically, he told us the story about going over there
5 to get the money -- drug transaction prior to that,
6 that Mr. World felt like he had been shorted either on
7 money or drugs and that they were going over there to
8 get it back.
- 9 Q Once he explained that to you, did you then take a
10 written statement from him?
- 11 A Yes.
- 12 Q Let me back up, while you were talking to him, did he
13 indicate whether or not he knew that the victim had a
14 gun?
- 15 A He did say that he did not have a gun.
- 16 Q That the victim did not have a gun?
- 17 A Right.
- 18 Q I want to show you State's Exhibit No. 3. Do you
19 recognize that?
- 20 A Yes, ma'am, this is the original statement, the second
21 statement I took from the Defendant, Greg Isaac.
- 22 Q And that statement was taken at what time did it start?
- 23 A This statement was started a 1:30 p m.
- 24 Q And that would have been after you had lunch?
- 25 A After we had lunch

1 Q And after he told you his verbal account?

2 A That's correct.

3 Q And the words -- or the account on this are who's
4 words?

5 A This Defendant's words.

6 Q The questions were posed by whom?

7 A Myself and Bev Crane.

8 MS. CAMPBELL: Your Honor, at this time, I would
9 offer State's Exhibit 3 into evidence.

10 MR. SCHNEE: No objection.

11 THE COURT: Admitted without objection.

12 (State's Exhibit No. 3 was admitted into
13 evidence.)

14 MS. CAMPBELL: Permission to publish?

15 THE COURT: You may.

16 MS CAMPBELL: Thank you.

17 BY MS. CAMPBELL:

18 Q You can read it to them..

19 A Okay. Once again -- it has his name, his address,
20 Hopkins, South Carolina, made at Columbia, South
21 Carolina, the 11th day of April, 2012 at 1:30 p.m.
22 hours in the presence of David Wilson and Bev Crane of
23 the Richland County Sheriff's Department.

24 I, Greg Cantrell Isaac, understand I have the
25 right to remain silent. Anything I say can be used

1 against me in court. I have the right to talk to a
2 lawyer for advice before you ask me any questions and
3 to have a lawyer with me during any questioning. If I
4 cannot afford a lawyer, one will be appointed for me
5 before questioning if I wish. If I decide to answer
6 questions now, without a lawyer present, I still have
7 the right to stop answering at any time. I also have
8 the right to stop answering at any time until I talk to
9 a lawyer.

10 He made the following statement: Question, tell
11 me what happened the night Antonio Corbitt was killed:

12 That night, we went -- wasn't home. Mr. Travares
13 World, in parentheses, street name Murder, and
14 Vernorris Dixon, parentheses, street name Mook, and I,
15 we rode around the parking lot for a few minutes. They
16 knew his car. When we rode to the next parking lot,
17 they saw his car. We got out of the Nissan Altima that
18 we were in and walked back to the man's apartment.
19 Travares and I went up to the door. Dixon stayed in
20 the car. Travares started beating on the door.
21 Travares started to kick the door, but it came open
22 He went inside and I stayed in the doorway. Travares
23 was saying where is the money. Where is the money?
24 The man had said something, but I couldn't understand
25 what he said. I did hear him he say Nigger, fuck you.

1 Fuck you. And that's in parentheses The man started
2 Travares. They were fighting by the door. I was
3 yelling, telling them to chill out. They were fighting
4 all over the furniture At some point, they fell into
5 me and I fell into the end table that the lamp was on.
6 I tried to catch the lamp before it fell and busted,
7 but it fell anyway They were on the floor and the man
8 was on top of Travares and he was beating him I hit
9 the man in the back and tried to pull him off Travares.
10 They got up and I was trying to pull Travares out the
11 door. As I was trying to pull Travares out the door, I
12 saw the man back up and Travares backed up. The man
13 reached behind him to his waist. I thought he was
14 going for a gun. When I saw that, I pulled a gun that
15 I had in my waistband and shot the man. I think I shot
16 twice We went back to the car. Dixon was waiting and
17 we left.

18 Then we started questioning and answering --
19 again. Myself and Investigator Crane asked him the
20 questions. The Defendant answered the questions

21 What was the man wearing that night?

22 I don't remember I don't even remember what I
23 had on that night.

24 Did Travares have dreadlocks when that happened?

25 Answer, no.

1 Do you remember how he had his hair cut?
2 He had a low haircut --
3 What color was the car you were in that night?
4 Champagne color.
5 Whose car was it?
6 Dixon's car, I believe it was in his wife's name.
7 He always drove it.
8 Do you know her name?
9 Tenesha.
10 Where did you get the gun you carried that night?
11 Travares had given it to me before we went to the
12 man's apartment, when we were in the car headed to the
13 man's apartment.
14 Do you know what type of gun it was that you shot
15 the man with?
16 It was a 380 caliber. It was black.
17 Why were you three going to the man's apartment?
18 Travares wanted to confront the man over a drug
19 deal going bad, saying the man was playing him on the
20 money
21 What happened to the gun when you left the
22 apartment?
23 Travares made me give it back to him. I don't
24 know what he did with it after that?
25 Did you see -- ever see the gun again?

1 Answer, no, sir.

2 How do you know it was a 380?

3 Answer, Travares told me it was He always had it
4 on him. He pulled the same gun on me before this. It
5 have a month or two before this incident happened. We
6 got into an argument and he pulled the gun on me.

7 Question, what did the three of you talk about
8 before the shooting?

9 Travares was just real mad because the guy had
10 ripped him off Travares had a 9-mm on him, also.

11 What did you talk about after the shooting?

12 We argued in the car after we left I asked him
13 why he didn't come out when I tried to get him to
14 leave. I got quiet. He kept asking me if I was all
15 right. He threatened to kill me or someone close to me
16 if I ever talked about the shooting.

17 Did you ever tell anyone about the shooting?

18 No one. I was afraid of Travares.

19 Do you know if Travares or Dixon ever told anyone?

20 No, I don't know

21 What is the relationship between Dixon and Earl
22 Cooper?

23 Brother-in-law, Cooper is married to Dixon's
24 sister.

25 Was anyone wearing a bandanna over their face the

1 night of the shooting?

2 Answer, no.

3 Did anyone know the man's son was upstairs that
4 night?

5 No, sir.

6 Did anyone have a grill in their mouth that night?

7 When we're talking about a grill, we're talking about a
8 gold tooth or some kind of add on to a tooth.

9 Travares did. His are permanent and are on the
10 top. Dixon's are on the bottom teeth.

11 Did you or Travares talk about the shooting in
12 front of or with Dixon in the car after the shooting?

13 Yes He knew I shot the man

14 Is there anything else you would like to -- you
15 want to add to this statement?

16 I want to tell his mother and son that I'm very
17 sorry. I felt threatened and acted that night. I hope
18 they can feel it in their heart to forgive me.

19 Once again, signed on all three of these pages,
20 twice on each page. I notarized it and Investigator
21 Crane signed as a witness on each page.

22 Q And that was the final version of what he told you?

23 A That is correct

24 Q Who did he indicate went in the apartment?

25 A World.

1 Q And?

2 A And him.

3 Q And who did he indicate was armed when they went in the
4 apartment that night?

5 A Both of them.

6 Q And who did Mr. Isaac himself tell you shot the victim?

7 A He said he shot the victim, Mr. Corbitt.

8 Q And in his statement, where does he indicate he was
9 when he shot the victim?

10 A He was inside the apartment.

11 Q Once he signed off on the statement, at the end of it,
12 he indicated he wished to apologize to the victim's
13 mother and the victim's son; is that correct?

14 A That is correct.

15 Q Was he allowed to write something out himself?

16 A He was.

17 Q I show you State's Exhibit No. 170 and ask if you
18 recognize this?

19 A I do.

20 Q What does that say?

21 A This is a letter in his own handwriting to the victim's
22 mother and to the son.

23 MS. CAMPBELL: Your Honor, at this time, we would
24 offer State's Exhibit 170 into evidence.

25 MR. SCHNEE: No objection

1 THE COURT: Admitted without objection.

2 MS. CAMPBELL. Thank you one.

3 (State's Exhibit No. 170 was admitted

4 into evidence.)

5 BY MS. CAMPBELL:

6 Q When did he actually write this letter?

7 A This was after the statement was taken.

8 Q Can you read to the jury what Mr. Isaac wrote to the
9 family?

10 A To R W -- I would really like to
11 apologize for what happened to your son. And if it is
12 in your heart to forgive me, please forgive me. If you
13 don't, I understand because what I did I know I was
14 wrong. It wasn't my intention to shoot your son, but I
15 felt for my life. But besides all of that, I am
16 really, really sorry from the bottom of my heart. And
17 it was signed Greg.

18 Q And those were his words?

19 A His words. He, actually, wrote that out in his own
20 handwriting

21 Q At any time during the time period he was in your
22 presence, did anyone threaten him?

23 A No.

24 Q Did anyone promise him --

25 A No.

1 Q Did anyone force him?

2 A No.

3 Q At any time, did he invoke his right to remain silent?

4 A No, he did not.

5 Q Did he ever ask for an attorney?

6 A No, ma'am.

7 Q And in your opinion, was he talking to you freely and
8 voluntarily?

9 A He was.

10 Q And that was his version he wanted to relate to you --

11 MR. SCHNEE: Objection, leading.

12 MS. CAMPBELL: I'm sorry, Your Honor.

13 THE COURT: (The judge nodded head.)

14 BY MS CAMPBELL:

15 Q What was it he was trying to relate to you?

16 A His version of events.

17 Q Is it unusual as in this case for that version to
18 change --

19 MR. SCHNEE: Objection.

20 THE COURT: Restate the question, please.

21 BY MS. CAMPBELL:

22 Q Is it unusual, as in this case, for his version to
23 change --

24 THE COURT: All right.

25 MR SCHNEE: I'm not sure what is attempted -- the

1 insinuation sounds like it's somewhat improper, though.

2 THE COURT: Objection is overruled.

3 MS. CAMPBELL: Thank you.

4 BY MS. CAMPBELL

5 Q You may continue.

6 A No, this is not uncommon for versions of events to
7 change several times.

8 Q Was Mr. Isaac arrested in this case?

9 A Yes, he was.

10 Q He was charged with murder and attempted armed robbery?

11 A Yes.

12 Q At any point during the time period you talked to him
13 that day, did he give you any additional information
14 about Travares World forcing him to do anything?

15 A No, he did not. The only thing he talked about was the
16 confrontation two or three months prior to that time.

17 Q Did he indicate what the relationship was at the time
18 this occurred?

19 A --

20 Q At any point, did he ever tell you that Travares World
21 forced him to participate in this home invasion?

22 A No.

23 Q And that was everything pretty much memorialized in his
24 last version, which is State's Exhibit 3?

25 A That is correct.

1 Q I want to turn your attention to April the 16th, did
2 Mr. Isaac make an attempt to contact you again?

3 A We did talk to him again.

4 Q Who initiated that contact?

5 A We got some type of message, and I don't recall what it
6 was, whether it was a call from him or a girlfriend
7 saying he needed to talk to us or whatever.
8 Investigator Crane brought him to my office.

9 Q And at that point, was he able to give you any
10 additional information about his version of the events?

11 A No, he wanted to talk about charges, not the incident.

12 Q At that point, did he indicate anything about Travares
13 forcing him to do it?

14 A No, he did not.

15 Q That same month, did you also -- was Mr Dixon also
16 arrested on these charges?

17 A That's correct.

18 Q And at that point, did he give a statement in April of
19 2012?

20 A No.

21 Q Later in August of 2012, did you make contact with him
22 again?

23 A Yes

24 Q And was his lawyer present?

25 A Yes, he was.

1 Q At that point, what, if any, information did he give
2 you?

3 A He gave a written statement of his version of the
4 events.

5 Q As part of your investigation, did you also request
6 that the recorded phone calls be collected?

7 A I did.

8 Q In your review of this case, did you have an
9 opportunity to see the photographs of the crime scene?

10 A I did

11 Q Was there anything significant to you about the blood
12 that was seen inside the apartment?

13 MR. SCHNEE: Objection to the foundation of that,
14 Judge.

15 MS. CAMPBELL: I can follow up with one question.

16 BY MS. CAMPBELL:

17 Q In your experience as an investigator for the last 35
18 years or so, is there anything significant about the
19 blood that you observed in that crime scene on the
20 interior?

21 MR. SCHNEE: Same objection, Your Honor.

22 THE COURT: Objection is overruled.

23 MS. CAMPBELL: Thank you.

24 THE WITNESS: Several significant things. One
25 that the struggle actually moved because there were blood

1 spots in various places in the living in that residence.

2 Also, the large pool of blood by the door would indicate to
3 me that after he was shot, the victim was still inside the
4 apartment.

5 BY MS. CAMPBELL.

6 Q In addition to that, I'm going to show you a diagram,
7 State's Exhibit No. 73. Do you recognize that?

8 A Yes.

9 Q What does that show, sir?

10 A That's the Willow Creek Apartment complex.

11 Q Approximately where is the apartment complex where the
12 victim lived, the apartment?

13 A I believe it's going be this one marked with the A
14 right here, the townhouse right here (indicating).

15 Q During the course of the investigation, did you also
16 become aware of a projectile that was recovered from a
17 neighbor's apartment?

18 A I did.

19 Q And where was that apartment located?

20 A Diagonally across over her (indicating).

21 Q So it would have been across -- what's the area between
22 the two apartments?

23 A Approximately 50, 60 feet, just the parking lot

24 Q Parking lot?

25 A These apartments were garden-style apartments, not

1 townhouses.

2 Q Okay.

3 A So up and down. There just on one level. And into a
4 window there.

5 Q So on this diagram, approximately where the A is is
6 where the victim's apartment was?

7 A Yes, ma'am.

8 Q So the shots traveled across in this direction?

9 A That's correct

10 Q And ended up in this apartment?

11 A Yes.

12 Q The person who gave the statement admitting to --
13 shooting the victim, do you see that person in the
14 courtroom?

15 A Yes, ma'am

16 Q Where is he located?

17 A -- at the defense table

18 MS. CAMPBELL: Your Honor, may the record reflect,
19 he identified the Defendant?

20 THE COURT: It is.

21 MS. CAMPBELL: Thank you, sir.

22 THE COURT: Ladies and gentlemen, let's stand for
23 a moment.

24 (Everyone stands).

25 COURT: All right.

1 Cross-examination.

2 MR. SCHNEE: May it please the Court.

3 CROSS-EXAMINATION

4 BY MR. SCHNEE:

5 Q Morning?

6 A Morning

7 Q You said in February of 2012, you and Investigator

8 Crane reinterviewed^{R W} ?

9 A That's correct.

10 Q Okay. You were trying to if the story had changed at
11 all, if he remembered any differently?

12 A That's correct.

13 Q At that time, did he ever tell you that there were two
14 people in that apartment?

15 A No.

16 Q When you made -- when you said Greg was brought to the
17 sheriff's department, the first statement he gave you
18 was a denial; right?

19 A That is correct.

20 Q For -- and this is in -- April 11, 2012 that you're
21 doing this interview?

22 A Yes

23 Q And you're asking him about something that occurred in
24 October of 2005?

25 A That is correct.

- 1 Q You said he became unsure of which apartment you were
2 actually talking about?
- 3 A That is correct.
- 4 Q Then you finally drove him there?
- 5 A That is correct.
- 6 Q This is many, many years later?
- 7 A Seven
- 8 Q You interviewed a lot of people in your time as a
9 police officer; right?
- 10 A I have.
- 11 Q I believe you testified it was very common for people
12 to remember things differently, correct?
- 13 A Remember things different or remember things --
- 14 Q Over time?
- 15 A Over time.
- 16 Q Okay.
- 17 A It's very common for people who have been victimized to
18 remember --
- 19 Q Not asking about victims, I'm just asking about people
20 to remember things?
- 21 A Yeah
- 22 Q Would you also agree that it's very common for people
23 accused of violent crimes to at first deny things?
- 24 A Very common.
- 25 Q And you said that that statement started at nine

- 1 something in the morning? You still have it in front
2 of you?
- 3 A I'm looking. Statement started at 9:50.
- 4 Q 9:50. You said when you were done, it was pretty much
5 lunchtime?
- 6 A That's correct.
- 7 Q Now, the second statement, the one where he says he
8 there was and he was involved in what was going on,
9 that started at 1:30 p.m?
- 10 A That's correct.
- 11 Q So from the time that statement ended until the time
12 that he decided to tell you what was going on was an
13 hour?
- 14 A I don't know
- 15 Q Hour and a half?
- 16 A Hour, hour and a half, just depends on -- we were
17 eating
- 18 Q Okay. When you met with Mr. Dixon a couple of days
19 later, who testified yesterday, he waited more than
20 three months to give you a statement?
- 21 A That's correct.
- 22 Q And he wouldn't even give you a statement until his
23 lawyer was present?
- 24 A That's correct.
- 25 Q Now, during your investigation, you learned that Mr.

- 1 Corbitt was a drug dealer; right?
- 2 A I'm sorry?
- 3 Q Mr. Corbitt, he was a drug dealer?
- 4 A Yes.
- 5 Q And that was a very large focus of your investigation
- 6 for several years for your department?
- 7 A A large focus? No, the focus was on who murdered him.
- 8 Q Well, your focus was trying to figure out if it was
- 9 involving a drug deal?
- 10 A Certainly related, yes.
- 11 Q And that's for the first several years of what
- 12 investigators for the sheriff's department did, to try
- 13 to figure out who was involved?
- 14 A Yes and no They looked at that. They also looked at
- 15 other cases that happened in the same geographic area.
- 16 Hundreds of case were looked at over the years, various
- 17 violent crimes, to try to draw a comparison. A lot of
- 18 times in cases like this, we get leads and generate
- 19 leads as offenders keep offending. A lot of times you
- 20 see patterns and similarities. So a lot of things were
- 21 looked at, not just the fact that he was a drug dealer.
- 22 Q I simply asked you were you looking at the fact that he
- 23 was a drug dealer as part of your investigation?
- 24 A When you ask it that way, the answer would be yes.
- 25 Q Now, you said a number of minutes ago when you were

- 1 advising Greg of his rights, you typically do this, you
2 define the term coercion?
- 3 A Yes.
- 4 Q And one of the descriptions you use is someone having a
5 gun to his head?
- 6 A That is one that I typically use.
- 7 Q Okay. I want to talk to you about the statement that
8 Greg gave you, the second one, some of the details that
9 he did provide you with. He gave you the name Travares
10 World?
- 11 A He did.
- 12 Q And Travares's nickname of Murder?
- 13 A That is correct.
- 14 Q Now, you didn't know Travares's name at that point
15 involved in this case, right?
- 16 A I had never heard of Travares World.
- 17 Q Never heard it before?
- 18 A No.
- 19 Q Okay. Also, mentioned Vernorris Dixon?
- 20 A He did.
- 21 Q Said that it was Dixon that drove?
- 22 A He did.
- 23 Q Okay. Said it was Travares that was beating on the
24 door?
- 25 A That is correct.

- 1 Q Travares was the one that kicked the door?
- 2 A Yes
- 3 Q Okay. He said Travares went inside?
- 4 A Yes
- 5 Q And then Travares started going and getting in a fight?
- 6 A Right.
- 7 Q Demanding money?
- 8 A Correct.
- 9 Q Okay. Mr Corbitt and Travares started fighting and
- 10 they were fighting next to the door is what he's
- 11 telling you?
- 12 A They were fighting all over the apartment At some
- 13 point, they were fighting by the door. I was telling
- 14 them to chill out. They were fighting all over the
- 15 furniture At some point --
- 16 Q Well, I'm asking you about the beginning of this --
- 17 MS. CAMPBELL: Objection, Your Honor.
- 18 THE COURT: Don't interrupt the witness.
- 19 You may continue answering.
- 20 THE WITNESS: At some point, they fell into me and
- 21 I fell into the end table the lamp was on. So they were all
- 22 inside the apartment in various places in the apartment.
- 23 BY MR. SCHNEE:
- 24 Q Sir, that's not what I asked, I said -- I simply said
- 25 when they started to fight, they were fitting by the

1 door, yes or no?

2 A Yes, that is part of his statement.

3 Q That's all I'm asking you about. I'm just confirming
4 what he's giving you as details.

5 A Uh-huh.

6 Q It isn't that complicated.

7 MS CAMPBELL: Objection, Your Honor

8 THE COURT: Your objection is sustained as to
9 comments by counsel.

10 BY MR. SCHNEE:

11 Q Mr. Isaac then told you that he was trying to pull
12 Tavares out of the door?

13 A In the statement, yes.

14 Q At that point, after he was trying to pull Tavares
15 away, he saw Mr. Corbitt get back up, right?

16 A I was trying to pull Tavares out the door, I saw the
17 man back up and Tavares back up.

18 Q At that point, the man, which we know was Mr. Corbitt,
19 reached behind him to his waist; correct?

20 A This is what your Defendant is saying.

21 Q Greg said quote, I thought he was going for a gun;
22 correct?

23 A That is what he said.

24 Q When you started asking him questions, you asked him
25 where he got the gun. He told Tavares gave it to him?

- 1 A Correct.
- 2 Q You asked him why he went to the apartment. The answer
3 was Tavares wanted to go there to confront the man?
- 4 A Correct.
- 5 Q Correct. When you asked what happened to the gun, he
6 told you, Greg told you Tavares made him give it back
7 to him, correct?
- 8 A Correct
- 9 Q In order to give something back, that means it must
10 have been given to him in the first place by Tavares,
11 correct?
- 12 A You can assume that.
- 13 Q He also told you Tavares had a gun on him at the time;
14 right?
- 15 A He did.
- 16 Q And afterwards, he's telling you that Tavares
17 threatened to kill him or someone close to him if he
18 ever talked?
- 19 A That is correct.
- 20 Q Now, you went and had -- you wanted to talk to Tavares
21 after this; didn't you?
- 22 A Certainly.
- 23 Q He was in jail?
- 24 A He was.
- 25 Q On other charges?

1 A Correct.

2 Q Okay. So you went to pick him up from the jail?

3 A No.

4 Q Had someone pick him up?

5 A Yes.

6 Q Okay. And he came in and he gave you a statement?

7 A Yeah He gave the other investigators a statement.

8 Q Okay. Were you present in court approximately three
9 months ago when Tavares pled guilty to these charges?

10 MS. CAMPBELL: Objection, Your Honor, may we
11 approach?

12 THE COURT: Yes. Ladies and gentlemen, I'll have
13 you go to the jury at this time. Please do not discuss the
14 case.

15 (Whereupon, the jury left the courtroom
16 at 10:48 a.m.)

17 THE COURT: Yes, ma'am.

18 MS. CAMPBELL: -- objection -- plea by the
19 co-defendant, any sentence of the co-defendant, anything of
20 that nature. We do not think it is proper -- I did hand up
21 case law that supports our position on that -- our position,
22 Your Honor, respectfully, that it is not admissible for this
23 jury. It has no relevance in this case. Specifically, he
24 will argue that he has a right to a meaningful
25 cross-examination, that does not mean, however, that the

1 trial courts conducting criminal trials lose their
2 discretion and limit the scope. And it's not appropriate
3 for cross-examination since it has nothing to do with their
4 investigation of this Defendant's guilt and -- make any deal
5 with this Defendant -- solicitor's office and to further try
6 to get any type of plea negotiations in front of this jury
7 would be inappropriate -- we hand up.

8 THE COURT: Mr. Schnee?

9 MR. SCHNEE: First of all, Your Honor, my question
10 was was he present when Tavares World pled guilty to these
11 charges.

12 THE COURT: All right. His answer is yes, he was
13 present then.

14 MR. SCHNEE: As to going into -- deals, I had no
15 intention of doing that. I simply was going to go through
16 that he pled guilty to several charges, that's all I was
17 going to do.

18 As to the Sharpen case that Ms Campbell cites,
19 that is a death penalty case where the court held that it
20 was improper to go into the co-defendant's charges in the
21 mitigation portion, that had nothing to do with the guilt
22 portion, which is pretty much what we are doing here. And
23 the other cases deal with dismissed charges. I'm not going
24 to be asking this witness about deals or the basis of any
25 deals, I'm simply just asking about what charges Mr. World

1 pled guilty to.

2 THE COURT: All right. And the State objects to
3 that and I sustain the objection. Mr. World is not the
4 testifying witness in this case. If Mr. World testifies,
5 then it would be appropriate cross-examination of Mr. World
6 It's not appropriate cross-examination of other witnesses as
7 to what the co-defendant pled guilty to. And I sustain the
8 objection and you're not to ask this witness what charges
9 Mr. World pled guilty to.

10 THE DEFENDANT: Am I allowed to ask him in front
11 of the jury was he present when Mr. World pled guilty to the
12 charges involved in this case?

13 THE COURT: Well, that was your last question.

14 MS. CAMPBELL: That --

15 THE COURT: He can answer yes or not, but
16 specifically as to what he pled guilty to, that's not
17 appropriate.

18 MR. SCHNEE: That's fine.

19 THE COURT: All right. We'll take a few minutes
20 while we have this opportunity.

21 (Whereupon, a short recess was held.)

22 THE COURT: You can bring the jury in.

23 (Whereupon, the jury returned to the
24 courtroom at 11:04 a.m.)

25 BAILIFF: The jury is present and seated, Your

CLAY NICHOLS REDIRECT BY MS. CAMPBELL

1 Honor.

2 THE COURT. Thank you.

3 You may proceed.

4 BY MR. SCHNEE:

5 Q You were present three months ago when Tavares' World
6 pled guilty to charges related to this case; is that
7 correct?

8 A Yes.

9 Q Okay. When you interviewed Tavares World back
10 April 12th, 2012, he admitted he kicked in the door?

11 A Correct.

12 Q He admitted that he fought with Corbitt?

13 A Correct.

14 Q One more time, when Greg said he fired the gun, he saw
15 the man -- he said he saw Corbitt reaching behind him
16 and he thought he was going for a gun; correct?

17 A That's what he said.

18 Q All right. No further questions.

19 REDIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q He asked you about his memory as far what he
22 remembered, when you took him back to the apartment
23 complex and then came back and he finally admitted to
24 what he had done --

25 A (The witness nodded head.)

CLAY NICHOLS REDIRECT BY MS. CAMPBELL

1 Q -- did he indicate what his reaction was when --

2 A Yes, he indicated he had a physical reaction. We,
3 actually, pulled up in front of the door where the
4 victim had been killed. He indicated he had a physical
5 reaction.

6 Q As far as the details that are in State's Exhibit No. 3
7 about what happened that day, who provided those to
8 you?

9 A He did.

10 Q And I believe you mentioned he even went so far as to
11 correct you on the outlay -- how the apartment was laid
12 out?

13 A That's correct.

14 Q And this is the diagram that you showed to show where
15 everything happened?

16 A That's correct

17 MS. CAMPBELL. Your Honor, at this time, we would
18 offer State's Exhibit 172 into evidence.

19 THE COURT: What says the Defense?

20 MR. SCHNEE. No objection.

21 THE COURT: Admitted without objection.

22 (State's Exhibit No. 172 was admitted
23 into evidence.)

24 BY MS CAMPBELL:

25 Q He also asked you about people's memory. In your

CLAY NICHOLS REDIRECT BY MS. CAMPBELL

1 experience over 35 years in law enforcement -- and you
2 mentioned this is the Defendant's version of events, is
3 it unusual for them to give a version favorable to
4 themselves --

5 MR. SCHNEE: Objection.

6 MS. CAMPBELL: He brought up the memory issue,
7 Your Honor. This is just in response in his experience.

8 THE COURT: Basis for the objection?

9 MR SCHNEE: Basis would be relevance as to what
10 generally defendants would do in terms of trying to protect
11 themselves by giving different types of statements. It's
12 not relevant to Mr Isaac specifically.

13 THE COURT. All right. What says the State?

14 MS. CAMPBELL: Your Honor, just in his experience,
15 he asked him about memory problems with witnesses In his
16 experience, there's also another reason that a defendant may
17 give a favorable version of events.

18 THE COURT. All right. Overrule the objection.

19 BY MS. CAMPBELL:

20 Q You can go ahead

21 A Oftentimes, defendant minimize their involvement in
22 crimes That is not uncommon at all.

23 Q And to that effect, also, to even blame the victim?

24 A Absolutely.

25 MS. CAMPBELL: Thank you, sir. I have on further

1 questions.

2 THE COURT: Anything further by the Defense?

3 MR. SCHNEE: No, Your Honor.

4 THE COURT: Thank you, sir. You may step down.

5 Next witness.

6 MS. WALKER: Your Honor, at this point, the State
7 rest

8 THE COURT: Ladies and gentlemen, that is the
9 State's case. We need to take up some matters outside of
10 your presence. If you will go to the jury room. Please do
11 not discuss the case

12 (Whereupon, the jury left the courtroom
13 at 11:09 a.m.)

14 THE COURT: Any matters of law at this time?

15 MR. SCHNEE: Yes, Your Honor. As a preliminary
16 matter, I would move for directed verdict of not guilty on
17 all charges. At this time, the testimony that has been
18 elicited, both direct and circumstantial evidence, I do not
19 believe there is substantial circumstantial evidence nor
20 sufficient direct evidence to prove my client guilty beyond
21 a reasonable doubt on all charges. Specifically, the
22 statements that my client has given, which is the bulk of
23 the actual evidence against my client makes it very clear
24 that he felt he was threatened, that he saw Mr. Corbitt
25 reaching for a gun, making it self-defense. The State has

1 not disproven that beyond a reasonable doubt, which is, in
2 fact, their burden. And I would move for a directed verdict
3 on all charges as a result.

4 THE COURT: What says the State?

5 MS. WALKER: Your Honor, viewing the evidence in
6 the light most favorable to the State, the charges that the
7 Defendant -- that we're going forward with murder, attempted
8 armed robbery and burglary in the first degree -- as well as
9 testimony of the testifying codefendant in this case,
10 Vernorris Dixon. These group of men gathered, Your Honor,
11 for the purpose of going to confront the victim in his home
12 about money. They armed themselves in doing so. They then
13 went in and kicked in the door, Your Honor. Under hand of
14 one, hand of all theory, once Mr. Isaac armed himself along
15 with Mr. World and decided to go in and kick in the victim's
16 door he, Your Honor, was guilt of a burglary in the
17 first-degree at that point in time. They have went in, they
18 were armed, Your Honor, during hours of darkness. He goes
19 in, and according to the testimony that was played by Mr --
20 and the testimony of the victim's son in this case, they go
21 in and point a gun at the victim in this case, demand money
22 and tell him to count to ten or they will shoot him, Your
23 Honor. We pass on the directed verdict motion on the arm
24 robbery. At that point, Your Honor, he then does exactly
25 what he said he was going to do and shoots the victim in his

1 own home. Any sort of self-defense claim, Your Honor, is
2 preposterous when you kick in someone's door when they --
3 even if you take Mr. Isaac's latest version of events, which
4 has evolved over the years, and say that the victim was
5 reaching for something, the victim in this case had every
6 right to defend himself in his own home. Self-defense is
7 preposterous in this case because the victim was in his own
8 home

9 Furthermore, Your Honor, any evidence of any gun
10 or shooting that was possibly done by the victim in this
11 case is unsubstantiated. The Defendant himself says he had
12 a 380, that he went there, that he fired two shots. There
13 are two shell casings found, there are two projectiles
14 found. Your Honor, the arm robbery, the murder and the
15 burglary in the first-degree burdens have all been met by
16 the State. Your Honor, we ask -- respectfully request that
17 you deny Defense counsel's motion for directed verdict.

18 THE COURT: The evidence taken in the light most
19 favorable to the State is that the Defendant of his own
20 volition participated in the murder, burglary and armed
21 robbery or attempted armed robbery of the victim and the
22 motion is denied.

23 MR. SCHNEE: Your Honor, at this time, I would
24 renew all of my prior motions and objections for the record.

25 THE COURT: All right I do not change my ruling

1 as to anything that I've ruled up to this point.

2 What else do you have? Anything else?

3 MR. SCHNEE: No, Your Honor. Obviously, my
4 client's intention is to take the stand and testify, but I
5 believe Your Honor is required to advise him of his rights

6 THE COURT: All right. Mr. Isaac, if you will
7 come stand right in front of me.

8 If you will swear him, please.

9 THE CLERK: Raise your right hand, please.

10 THEREUPON,

11 GREG ISAAC,

12 after having been duly sworn, testified as follows:

13 THE COURT: Mr. Isaac, we have reached a stage of
14 the trial where you may present your defense and now I'm
15 going to explain to you certain of your rights. If you do
16 not understand anything that I ask you or if you want me to
17 explain anything to you in more detail, please, let me know
18 and I'll be happy to do so, do you understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, you have the right to claim the
21 protections given to you by the Fifth Amendment to the
22 Constitution of the United States. This amendment, the
23 Fifth Amendment, in part, states that no person shall be
24 compelled in any criminal case to be a witness against
25 himself. This means that you cannot be required or

1 compelled to testify in this case. You, however, do have
2 the right to testify on your own behalf if you would like
3 to, but no one can make you testify. And this right that
4 you have to testify or not to testify is a personal right
5 and no one can waive or give up that right except you.

6 Now, if you decide to testify, you will be subject
7 to the same rules that govern other witnesses and you may be
8 examined or cross-examined on any relevant issue in this
9 case. In addition, if you have any convictions involving
10 dishonesty or false statements or if you've been convicted
11 of crimes punishable by more -- imprisonment for more than
12 one year, then I can determine that the probative value of
13 admitting this evidence outweighs its prejudicial effect to
14 you and the solicitor then will be able to introduce your
15 record to attack your credibility.

16 Now, if you decide to testify, this decision on
17 your part must be a free, voluntary and intelligent decision
18 made by you with knowledge of the protections given to you
19 by the Fifth Amendment to the Constitution and the
20 consequences of your decision to testify. If you decide not
21 to testify, I will instruct the jurors that they cannot give
22 the fact that you did not testify any consideration
23 whatsoever and that there is to be absolutely no prejudice
24 to you because you did not testify. It is left entirely up
25 to you whether or not you testify. You certainly may talk

1 to your lawyer, Mr. Schnee, any family or friends that you
2 have to talk to or any one else you would like to talk to,
3 but the final decision will be left entirely up to you. Do
4 you understand what I've explained to you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you have any questions about what
7 I've explained to you?

8 THE DEFENDANT: No, sir.

9 THE COURT: Have you talked with your lawyer about
10 whether or not you should testify?

11 THE DEFENDANT: Yes, sir

12 THE COURT: Do you wish to talk to him anymore
13 about whether or not you should testify?

14 THE DEFENDANT: Yes

15 THE COURT: Sir?

16 (Defendant consults with his lawyer)

17 MR. SCHNEE: May we have just a couple of minutes,
18 Your Honor?

19 THE COURT: All right

20 (Brief pause.)

21 THE COURT: You talked with your lawyer about
22 whether or not you should testify?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you need to talk to him anymore
25 about that?

1 MR SCHNEE: No, sir.

2 THE COURT Have you made a decision about whether
3 or not you're going to testify?

4 THE DEFENDANT: Yes, sir

5 THE COURT: And what's your decision?

6 THE DEFENDANT. I'm going to testify.

7 THE COURT: All right. Go ahead

8 And are you ready to go with your defense now,
9 Mr. Schnee?

10 MR. SCHNEE: Judger, my first witness has not
11 arrived yet. I'm told that he's on his way

12 MS. CAMPBELL: Your Honor, he informed me this
13 morning that he wanted to put up Investigator Padgett from
14 the county. At the break, I did ask them to let him know,
15 but he's only been notified since the break. And I can
16 check on the status of where he is.

17 THE COURT: All right. We'll sit right here.

18 MR. SCHNEE: Other than that, Judge --

19 MS. CAMPBELL: I apologize, Judge, I didn't know
20 ahead of time he was going to call him.

21 MR. SCHNEE: The other only issue I have, Judge,
22 is in terms of my client's shackles for when he takes the
23 stand. I asked that they be removed so he can walk to the
24 stand just like every other witness has in this trial to not
25 show that anything is different for him

1 THE COURT: All right. Do you have other
2 restraints on him, Officer?

3 BAILIFF: Just the --

4 THE COURT: In most places, they'd rather have the
5 leg -- some type of leg things so if they try to run, it
6 locks up. They have stun guns and if they try to run --

7 BAILIFF: We have them, but he's not wearing them.

8 THE COURT: Where do you have them?

9 BAILIFF: I believe they're in the holding cell.

10 THE COURT: Well, he has to have some restraints
11 of some sort. He's in jail.

12 MR. SCHNEE: I understand that, Your Honor.

13 THE COURT: All right.

14 MR. SCHNEE: I'd ask that be -- while we're
15 waiting for the next witness.

16 MS CAMPBELL: While he's doing that, Your Honor,
17 as far as impeachment.

18 THE COURT: Yes.

19 MS CAMPBELL: I talked to Mr. Schnee, it's my
20 understanding that the crimes -- he was convicted of
21 possession of intent to distribute marijuana in federal
22 court. He has no problem with that one. The second one is
23 a burglary conviction. He wishes us to refer to that as he
24 has a prior felony conviction, I believe it's 2007, which we
25 will do.

1 THE COURT. Is that right?

2 MS. CAMPBELL: As far as impeachment.

3 MR. SCHNEE: Yes, Your Honor.

4 THE COURT: All right.

5 MS. CAMPBELL: Under 609.

6 THE COURT All right. Parties agree as to that.

7 So we'll take a few moments then to get Mr. Isaac prepared
8 and see where this other witness might be.

9 (WHEREUPON, a short break was taken.)

10 THE COURT: With regards to the jury charges, are
11 there any requests to charge by the State or Defense?

12 MS. WALKER: Your Honor, I think we e-mailed your
13 law clerk request for charge as well as Mr. Schnee and gave
14 a hard him a hard copy as well. Mr. Schnee is just giving
15 us his for the first time.

16 MR. SCHNEE: May I approach, Your Honor.

17 THE COURT: Yes, sir. Are there any objections to
18 any of the State's request to charge, Mr. Schnee?

19 MR. SCHNEE: Judge, I believe there are some that
20 appear to be duplicative Other than that, I have on
21 request to the general requests that I have. The charges
22 that I'm requesting is the expanded circumstantial evidence
23 charge -- the reasonable doubt -- act language. And based
24 on my client will be testifying to self-defense along with
25 duress and coercion

1 THE COURT: Of course, duress is not a defense to
2 murder, you realize that?

3 MR. SCHNEE: Yes, Your Honor, but it is to the
4 other two defenses. Self-defense is my argument for murder.

5 THE COURT: All right.

6 (pause.)

7 On your self-defense charge, ordinarily, a
8 Defendant is not justified in shooting or pointing a deadly
9 weapon after the adversary -- is it part of the same charge,
10 or is something added to the charge? Did you take this from
11 the book?

12 MR. SCHNEE: That's straight from Anderson charge
13 It's just part of --

14 THE COURT: --

15 MR. SCHNEE: I'm not sure that sentence has any
16 application to this particular case anyway.

17 THE COURT: So you -- sentence?

18 MR. SCHNEE That sentence can certainly be
19 deleted, Yes, Your Honor.

20 THE COURT: All right. Any objection to any of
21 the Defense request to charges?

22 MS CAMPBELL: Yes, Your Honor. The
23 circumstantial evidence, I am aware of the -- case, if I can
24 just have a moment to look at it and pull it. I'm just not
25 sure of the exact full language. On reasonable doubt, Your

1 Honor, we would request your standard reasonable doubt
2 charge, which is the one the supreme court, I believe,
3 endorses --

4 THE COURT: Okay.

5 MS. CAMPBELL. On self-defense, I'm getting --
6 pulling our standard judge self-defense -- but I will
7 request an opportunity just to look at that briefly.

8 THE COURT. All right.

9 MS. CAMPBELL. Because I don't think he includes
10 there is a duty to retreat and that is one of the elements.
11 And under duress, Your Honor, of course, at this point, I'm
12 not aware of any evidence going to duress, assuming he
13 testifies. To that, Your Honor, I would just ask an
14 opportunity to look at that briefly.

15 THE COURT: All right.

16 MS. CAMPBELL: So those are the only objections.
17 (pause)

18 THE COURT: Mr. Schnee, I'm advised that they do
19 not have any other means of restraint other than ankle
20 chains.

21 MR. SCHNEE. Judge, pursuant to my pretrial motion
22 -- U.S. Supreme Court along with all the other cases, my
23 client, obviously, cannot be displayed in any type of
24 shackles or restraints that are visible to the jury without
25 some particular assertion that my client is a danger to

1 anyone or would be a risk for flight. Based on my client's
2 right to a fair and impartial trial, it is absolutely
3 necessary that he walk up to the jury box or the witness
4 stand just like every other witness has. I would ask that
5 the shackles be removed. They can, certainly, have a deputy
6 sitting by the back door. My client, certainly, is not
7 going anywhere. He wants to testify and he's been ready to
8 testify for quite sometime. I don't see any other option in
9 order to show the jury that he is not different than anyone
10 else.

11 THE COURT: All right. What says the State?

12 MS. CAMPBELL: Your Honor, of course, we leave
13 that to the discretion of Your Honor and the deputies who
14 are in charge of protecting every one in this courtroom, but
15 what we could easily do, Your Honor, and I think what keeps
16 the Defendant from being displayed in way that could
17 possibly be prejudicial to him is have him in the witness
18 box when the jury comes in. There's a side panel, Your
19 Honor, to the witness box. When his feet are under -- when
20 his feet are under the desk there, they won't be able to see
21 any shackles. But I think it's important that security
22 measures are taken with this Defendant, especially with
23 these charges he is facing and the amount of time Mr. Isaac
24 is facing

25 THE COURT: All right. I'm not willing to create

1 or accept any security risk. The Defendant will be -- have
2 the leg -- same thing on him that he currently has on, the
3 leg chains. He will be placed in the box before the jury
4 comes in.

5 MR. SCHNEE. Judge, if I may. I do anticipate my
6 client being required to get out of the jury box during his
7 testimony or demonstrating distances with people and showing
8 the jury exactly what he saw that night. I believe that
9 denies me an opportunity to fully prevent -- present a
10 defense.

11 THE COURT: All right Well, you'll work with
12 what you have. I can't create anything other than what
13 exist. They have no security. He is unlike any other
14 witness, he cannot roam freely in the courtroom.

15 MR. SCHNEE. Judge, I'd ask Your Honor if there is
16 a specific finding that you feel he is a danger to anyone in
17 this courtroom or a flight risk based on the requirement
18 of --

19 THE COURT: Yes, sir, I so find.

20 MR. SCHNEE: Well, if Your Honor will please
21 enlighten me as to what specific factors?

22 THE COURT: I've explained myself all that I need
23 to. That's the end of that story.

24 Where's the other witness we're looking for?

25 MS. CAMPBELL: Your Honor, it's my understanding

1 he was notified and that he had to run home and put on
2 clothes. He's on his way. I can double check on that.

3 THE COURT: All right.

4 MS. CAMPBELL: Your Honor, as far as the
5 circumstance charge, we withdraw the objection.

6 THE COURT: All right.

7 MS. CAMPBELL: Thank you for the opportunity to
8 look.

9 THE COURT: We'll be at ease waiting on somebody.
10 (Whereupon, a short recess was held.)

11 MS. CAMPBELL: Your Honor, I have been informed he
12 is on his way. However, the Defense does have additional
13 witnesses they could go forward with at this time, Your
14 Honor, just so we don't keep the jury waiting.

15 THE COURT: All right.

16 MS. CAMPBELL: There's Mr. Page.

17 THE COURT: All right. We'll give him a chance to
18 catch his breath.

19 MR. SCHNEE: Well, Judge, unnecessary to say
20 anything right now.

21 THE COURT: All right. Okay. I'm rethinking my
22 ruling regarding the Defendant's restraints. Considering
23 Mr. Schnee's assertion he wants to be able to demonstrate
24 some things, I do not want to limit his ability to present a
25 defense. I think there -- the courtroom next door is done,

1 y'all can muster up more deputies if you need them, whatever
2 you need to come in the courtroom. But I would have you ask
3 him questions that require that type of thing on the front
4 end, and then we can take a break and have a seat, if
5 necessary. But he need to be able to have his client move
6 around.

7 Yes?

8 MS. WALKER: Your Honor, just in terms of
9 security, I think there are three -- get more deputies in
10 here

11 THE COURT: Yes.

12 MS. WALKER: Two or, at least, one between the
13 exits.

14 THE COURT: Well, we got as much force as you need
15 (indicating). I have not been informed of any problems with
16 this Defendant. He seems to be okay as far as I'm
17 concerned.

18 MR. SCHNEE: Judge, the only issue in that regard
19 is demonstration is possibly going to be the -- mostly the
20 second half of what I'm doing just for Your Honor's
21 clarification.

22 THE COURT: All right. So just informing the
23 officers in case y'all want to -- I mean, whatever security
24 to bring up here at the time.

25 All right Ready for the jury?

1 MR. SCHNEE: Judge, I don't anticipate
2 Mr. Padgett's testimony going very long. Unless Your Honor
3 wants to take a break, I'd ask that the shackles be removed
4 at this time.

5 THE COURT: We'll take a break after Mr. Padgett's
6 testimony.

7 MR. SCHNEE: Okay.

8 THE COURT: You may bring the jury in.

9 BAILIFF: Yes, Your Honor.

10 (Whereupon, the jury returned to the
11 courtroom at 11:52 a.m.)

12 BAILIFF: Your Honor, the jury is present and
13 seated.

14 THE COURT: Ladies and gentlemen, you heard the
15 State's case. It is now the Defense's turn

16 You may proceed.

17 MR. SCHNEE: At this time, Your Honor, I call
18 Investigator Zane Padgett to the stand.

19 THEREUPON,

20 ZANE PADGETT,
21 after having been duly sworn, testified as follows:

22 THE CLERK: Thank you. Have a seat in the witness
23 stand, please. State your name for the record.

24 THE WITNESS. Zane Padgett, P-A-D-G-E-T-T.

25 DIRECT EXAMINATION

ZANE PADGETT DIRECT BY MR. SCHNEE

- 1 BY MR. SCHNEE:
- 2 Q Morning, Mr. Padgett.
- 3 A Morning.
- 4 Q Good. Where are you currently employed?
- 5 A Richland County Sheriff's Office.
- 6 Q What are your responsibilities there?
- 7 A At present, I'm in charge of all the uniforms and
- 8 equipment for the entire department.
- 9 Q Back in 2005, what were your responsibilities?
- 10 A I was the supervisor for the forensic lab.
- 11 Q What does that mean?
- 12 A What that means is I was in charge of -- I don't
- 13 remember how many people we had in the lab, it was
- 14 probably 26 total. I was in charge of the entire
- 15 forensic laboratory, responsible for processing crime
- 16 scenes, overlooking DNA, overlooking the ballistics
- 17 area of the lab and processing evidence and all that.
- 18 Q As part of your responsibilities, did you ever go to
- 19 crime scenes?
- 20 A I did, sure.
- 21 Q Did you go to the crime scene that's involved in this
- 22 case?
- 23 A I did.
- 24 Q When did you do that?
- 25 A I arrived there on the 28th of October of 2005 at 11 35

ZANE PADGETT DIRECT BY MR. SCHNEE

- 1 a.m.
- 2 Q That would be the morning after everything happened?
- 3 A The morning after everything happened.
- 4 Q Okay And you went to two different apartments; is
- 5 that correct?
- 6 A I did.
- 7 Q Okay. Specifically, the apartment on the other side of
- 8 the parking lot, what did you do when you went there?
- 9 A On the apartment, I believe it was --D, I went across
- 10 the street and there was a broken window at the
- 11 apartment over there. And I went across there and
- 12 photographed that
- 13 Q Okay. Did you also collect a projectile while you were
- 14 there?
- 15 A I did not.
- 16 Q You did not collect --
- 17 A I did not
- 18 Q Did you testify in a hearing on July 9th about these
- 19 matters?
- 20 A I did.
- 21 Q Okay. Back in July, which is only two and a half
- 22 months ago --
- 23 A Correct.
- 24 Q -- did you testify that you did, in fact, take the
- 25 projectile?

ZANE PADGETT DIRECT BY MR. SCHNEE

1 A I did.

2 Q But now you're saying you didn't?

3 A That is correct. I was confused.

4 Q You were reading from your report, weren't you?

5 A I probably was.

6 Q And when you were reading from your report in July, you
7 told the Court that you picked up the projectile?

8 A Looking at my report, the projectile is not listed on
9 my report. It was collected the night before.

10 Q How many times did you say in July that you collected
11 the projectile; do you remember?

12 A I have no idea, sir.

13 MR SCHNEE: May I approach the witness with a
14 copy of the transcript?

15 THE COURT: Yes.

16 BY MR. SCHNEE:

17 Q If you could, sir, turn to page 88?

18 A Okay.

19 Q On line number five, question from the State's attorney
20 is what did you observe and it kind of goes on for a
21 couple of sentences. Could you read your response
22 starting on line number eight?

23 A There was a broken window in the apartment, went to the
24 second story window. We went in, took a look and found
25 the projectile. The projectile is the bullet that

ZANE PADGETT CROSS BY MS. WALKER

1 comes out of the gun, that part that comes out.

2 Q Okay. So you said that you went in and found the
3 projectile.

4 A I did.

5 Q Okay. And you also said you photographed it?

6 A I did.

7 Q And you photograph and collect things because that's
8 evidence?

9 A Correct.

10 Q All right Could you turn page to -- turn to page 99?

11 A Okay

12 Q Line number six, I asked you -- collected a bullet or
13 bullet fragment?

14 A Correct.

15 Q Your answer was that you did?

16 A My answer was projectile

17 Q Okay As to what you collected?

18 A Correct.

19 Q No further questions

20 THE COURT: By the State?

21 MS WALKER: Thank you, Your Honor. Beg the
22 Court's indulgence. I'm -- I'm looking for the picture.

23 CROSS-EXAMINATION

24 BY MS WALKER:

25 Q Let's start with State's Exhibit 69. Do you recognize

ZANE PADGETT CROSS BY MS. WALKER

- 1 that?
- 2 A I do.
- 3 Q And how do you recognize that?
- 4 A I took this photograph.
- 5 Q And what does that photograph depict?
- 6 A It shows just the general apartment cross the street
- 7 from the incident location where the window was.
- 8 Q Did you take other photographs?
- 9 A I did
- 10 Q Do you recall what the photographs were of?
- 11 A They were of the broken window inside and outside the
- 12 apartment.
- 13 Q So you responded to the crime scene and took pictures
- 14 where the projectile entered into the --
- 15 A That is correct
- 16 Q And a couple of months ago, you testified and you were
- 17 mistaken in what you said?
- 18 A Yes, ma'am, because I -- there was photographs mixed in
- 19 with the photographs that were shown to me and one of
- 20 the photographs, actually, had a projectile in there
- 21 and I got confused. And when I was asked that
- 22 question, I thought I had collected it, but it is not
- 23 listed on my forensic report that I collected it and I
- 24 did not collect it.
- 25 Q Is this the broken window (indicating)?

ZANE PADGETT REDIRECT BY MR. SCHNEE

1 A That is correct.

2 Q This is State's Exhibit 70. You took this picture?

3 A I did.

4 Q And you were simply mistaken?

5 A I was simply mistaken. I was shown so many photographs

6 and, actually, one of the photographs that was mixed in

7 with the photographs that I was shown that day had a

8 projectile in it and, mistakenly, I said I did collect

9 it when, in fact, I did not. It is not listed on my

10 report, nowhere on the chain of custody for that

11 projectile. It was just a mistake that I made. It was

12 not intentional, it was not deliberate It was not

13 with malice

14 Q Thank you, sir. I think most of us make mistakes.

15 A Okay Thank you.

16 MR SCHNEE Objection to that comment by the
17 solicitor.

18 MS. CAMPBELL. Objection sustained.

19 REDIRECT EXAMINATION

20 BY MR. SCHNEE:

21 Q Do you have Exhibit No. 70 in front of you?

22 A I do not.

23 Q Do you have any photographs in front of you?

24 A No, I do not.

25 Q Okay. Sorry, State's 67 and 68, do you recognize

ZANE PADGETT REDIRECT BY MR. SCHNEE

- 1 these?
- 2 A I have seen them before, that is correct.
- 3 Q Okay. Would you please turn to the transcript on page
- 4 87?
- 5 A Okay.
- 6 Q Page 87 of the court transcript, you have that in front
- 7 of you?
- 8 A I do.
- 9 Q Okay. It says on page -- line number 11, this is again
- 10 from the State, they're showing you what's been
- 11 premarked Exhibit 67, 68, 69 and 70; right?
- 12 A Okay.
- 13 Q Your answer is yes, these are the photographs I took
- 14 that morning?
- 15 A That is correct. Again, they were mixed in with some
- 16 photographs that I did take in the morning and I got
- 17 confused, that's it.
- 18 Q You testified that you took those photographs?
- 19 A Apparently, I did.
- 20 Q Nothing further questions.
- 21 THE COURT: Anything further?
- 22 MS. WALKER: Nothing from the State.
- 23 THE COURT: All right. Thank you, sir. You may
- 24 step down
- 25 Ladies and gentlemen, you can go ahead and step to

1 the jury room for about two minutes. We'll proceed in about
2 two minutes. Please do not discuss the case.

3 (Whereupon, the jury left the courtroom
4 at 12:02 p.m.)

5 THE COURT: Ready to proceed?

6 Okay. You can bring in the jury.

7 BAILIFF: Yes, Your Honor.

8 (Whereupon, the jury returned to the
9 courtroom at 12:04 p.m.)

10 BAILIFF: The jury is present and seated, Your
11 Honor.

12 THE COURT: Thank you.

13 Call your next witness

14 MR. SCHNEE: The Defense calls Greg Isaac to the
15 stand.

16 THE COURT: All right. Mr. Isaac, please come
17 forward.

18 THEREUPON,

19 GREG ISAAC,
20 after having been duly sworn, testified as follows.

21 THE CLERK: Thank you. Have a seat in the witness
22 stand, please. State your name for the record.

23 THE WITNESS: My name is Greg Isaac.

24 DIRECT EXAMINATION:

25

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 BY MR. SCHNEE
- 2 Q Greg, how old are you right now?
- 3 A Twenty-six.
- 4 Q Back in October of 2005, how old were you?
- 5 A I was 18
- 6 Q Where are you originally from?
- 7 A Columbia, South Carolina.
- 8 Q Who do you live with?
- 9 A My mother.
- 10 Q Okay. And who -- back then, who did you live with?
- 11 A My mother
- 12 Q Do you have any brothers or sisters?
- 13 A I got four brothers -- three brothers.
- 14 Q How old are they?
- 15 A I have a twin brother, 18, little brother, 17, and my
- 16 older brother 19 at that time.
- 17 Q Okay. When did you first met Tavares World?
- 18 A Sometime in 2005.
- 19 Q Do you remember exactly when?
- 20 A Probably like right after my brother pass.
- 21 Q Sometime maybe in the summer?
- 22 A Yeah.
- 23 Q And how did you come to know him?
- 24 A Got into an altercation.
- 25 Q What happened?

GREG ISAAC DIRECT BY MR. SCHNEE

1 A Some words, some verbal.

2 MS. CAMPBELL: I'm sorry, I just can't understand
3 him.

4 BY MR. SCHNEE.

5 Q Speak a little bit more clearly

6 THE COURT: Repeat your answer plea

7 BY MR. SCHNEE.

8 Q What was the altercation about?

9 A It was words being said to each other.

10 Q You remember what it was?

11 A Like I had the -- he was calling out my name and I was
12 just calling back out his.

13 Q Did he do anything to you at that time?

14 A Not at that time.

15 Q Okay. Sometime later, did he ever get involved with
16 some of your family members?

17 A Yes.

18 Q How was he related to your family members?

19 A Well, right at that point, he was my cousin's
20 boyfriend Now, he's -- that's his wife

21 Q Okay So he's pretty much entangled in your entire
22 family at this point?

23 A Yes, sir.

24 Q Does he have a child with anyone in your family?

25 A My little cousin.

GREG ISAAC DIRECT BY MR. SCHNEE

1 Q How old was she at that time?

2 A She was 17.

3 Q At any point prior to October, did you have any other
4 problems with Tavares?

5 A Yes, sir.

6 Q Explain that to the jury

7 A Well, one night, me and a couple of my friends --
8 pulled up and he was looking, we was looking back. He
9 jumped out of the truck and -- he was directing it
10 towards me, but everybody was looking. He was telling
11 me you better stop fucking with me, you fucking nigger,
12 or I'll file your ass up and -- stuff like that. And
13 he pulled a gun in my face or whatever.

14 MS. CAMPBELL: Your Honor, I'm sorry. I just
15 cannot understand a word he's saying. If he would back off
16 the microphone.

17 BY MR. SCHNEE:

18 Q What exactly was he saying to you?

19 A He was telling me that I better stop fucking with him
20 before he file me ass up. He called me a fucking
21 nigger. He pulled a gun out -- he pulled a gun in my
22 face and he slapped me.

23 Q Okay. You remember him pointing a gun to your face?

24 A Yes, sir.

25 Q Was this -- do you remember when this was?

GREG ISAAC DIRECT BY MR. SCHNEE

1 A This was like June, Father's Day.

2 Q Father's Day. Why did you hang around with him after
3 that?

4 A He got in contact with my mother and said he wanted to
5 talk with me. We never talked after he contacted my
6 mother, so one day you know what I mean, I walked up to
7 my neighbors and he out there. I mean, he stopped me
8 and we talked I mean, he apologized or whatever and
9 that was it I mean, we kind of chilled, not on
10 everyday basis, but from time to time basis.

11 Q Okay. During that time, was he having a relationship
12 with your cousin?

13 A Yes, sir.

14 Q I'd like to turn your attention to October 2005, why
15 we're all here. What happened between you and Tavares
16 when you first met up with him that evening?

17 A Well, I met him that evening like -- I mean, he was
18 just -- we was just talking, whatever, smoking or
19 whatever, but he tell -- he was mad.

20 Q Do you know what he was mad at?

21 A He was talking about somebody, I guess the victim, you
22 know, he got played on some, you know, on weed or
23 whatever.

24 Q Okay. At a certain point, did Vernorris Dixon come and
25 pick the two of you up?

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 A Yes, sir.
- 2 Q All right. At the time that you -- that Vernorris
- 3 Dixon showed up, what did you think was going to
- 4 happen?
- 5 A I didn't really know. He said he was -- we got in the
- 6 car or whatever. We rode, we went -- I know we went to
- 7 the river, but they was talking. I never really know
- 8 what was going on until we got to the designation.
- 9 Q Okay Do you remember what they were talking about?
- 10 A Not until we got to the apartment complex.
- 11 Q Okay. What happened when you got to the apartment
- 12 complex?
- 13 A When we got to the apartment complex, he asked me -- he
- 14 was like, the man owe me some money. I know he owed
- 15 him some money because he was talking about it. He
- 16 asked me to come on with him. I tell him I don't have
- 17 nothing to do with it. He told me to stop acting like
- 18 a bitch and come with him.
- 19 Q Did he do anything else?
- 20 A He pulled a gun out on me. He pulled a gun out on me
- 21 and said come on, stop acting like a bitch -- you need
- 22 a gun. I'm like man. So man, stop acting like a
- 23 bitch. I grabbed the gun. He pulled out another gun
- 24 on me, a nine millimeter. He was like come on. So we
- 25 got out the car and we go to the house.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 Q Okay Just so I'm understanding, he pulled one gun on
2 you at first?
- 3 A Yes, sir.
- 4 Q All right. And what did he do with that gun?
- 5 A Pointed it at me.
- 6 Q Where?
- 7 A In my face.
- 8 Q What did he say to you -- that he would do, if
9 anything, if you didn't go with him?
- 10 A Basically, he was threatening me. He pointed the gun at
11 me, like come with me, stop acting like a bitch In my
12 mind, he will kill me.
- 13 Q Okay. And after that, he told you to take the gun?
- 14 A Yes, sir.
- 15 Q All right. And you -- I think you just said he pulled
16 out another gun?
- 17 A Yes, sir.
- 18 Q At that point, did you get out of the car?
- 19 A Yes, sir.
- 20 Q Did you want to?
- 21 A No, sir.
- 22 Q Did you feel you had any choice?
- 23 A I ain't had the choice.
- 24 Q What did you do when you got out the car?
- 25 A We got out the car, we go to Mr. Corbitt's apartment.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 He wasn't there. We leave, go -- when we leaving, he
2 looking around and looking on the back porch, no one's
3 there. He looked all in the windows, then we left and
4 went back to the car.
- 5 Q Okay Did you still have the gun with you at that
6 point?
- 7 A Yes, sir.
- 8 Q Did Tavares still have the other gun with him?
- 9 A Yes, sir.
- 10 Q When you got back to the car, what happened?
- 11 A Then we was just chilling in the car, we was smoking.
12 They was talking.
- 13 Q They being Tavares --
- 14 A Tavares and Dixon
- 15 Q Okay. At a certain point, did you end up getting out
16 the car again?
- 17 A We was about to leave and next thing you know, they
18 said -- one of them said there's the car. And I didn't
19 ever know what the car looked like, but somebody said
20 there's the car. Well, we got out the car. He was
21 like come on. I'm like man. He was like stop acting
22 like a bitch and come on. We got out the car again to
23 go to the house.
- 24 Q Let me stop you there, did you feel that you were still
25 being threatened at that time?

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 A Every time -- he kept saying the same thing.
- 2 Q Okay. Did you want to get out the car a second time?
- 3 A No, sir.
- 4 Q Why not?
- 5 A Because it basically didn't have nothing to do with me.
- 6 Q What did you think would happen if you didn't get out
- 7 the car?
- 8 A He would have killed me or he would did something wrong
- 9 to me.
- 10 Q Okay. When you got out the car, where did you end up
- 11 going?
- 12 A Back to Mr. Corbitt's house
- 13 Q All right Well, when you first got there, to Corbit's
- 14 house the second time, what happened?
- 15 A We goes to the door. Mr. World is beating on the door
- 16 He beats on the door. He ain't -- nobody answer, but
- 17 you could see the light on, so he kicks on the door
- 18 He didn't answer, so he kicked the door opened. He
- 19 kicked the door and kicked the door and the door swung
- 20 open. Mr. Corbitt right there at the door He said
- 21 where my money at, where my money at.
- 22 Q Let me stop you there if I could. Step down I would
- 23 like to show the jury exactly what we're talking about?
- 24 A (Defendant complies).
- 25 Q Just remember to keep your voice up so the court

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 reporter can hear everything and the jury If the door
2 is right over here?
- 3 A Uh-huh.
- 4 Q And Tavares is -- he's, obviously, kicked the door,
5 where are you standing?
- 6 A I'm right behind him.
- 7 Q Speak up a little bit more.
- 8 A I'm right behind him.
- 9 Q All right. When the door comes opened, right here is
10 the door?
- 11 A Uh-huh.
- 12 Q Where is Mr. Corbitt? Where should I be standing?
- 13 A Right in front of the door.
- 14 Q Right in front of the door?
- 15 A Uh-huh.
- 16 Q Okay. What happens at that point?
- 17 A Mr. World steps right in the doorway.
- 18 Q You need to speak up.
- 19 A Mr. World steps right in the doorway.
- 20 Q Okay.
- 21 A He stepped in the doorway, where my money at, where my
22 money at Man, I think he said something about it was
23 in the car or, you know, like man, fuck you, fuck you.
24 They kept fuck you, fuck you.
- 25 Q Okay. So Tavares is standing inside the apartment.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 A Uh-huh.
- 2 Q Okay. Where is Mr. Corbitt standing?
- 3 A Right in front of him.
- 4 Q So pretty much where I am?
- 5 A Yes, sir
- 6 Q Okay Do they start fighting right over here?
- 7 A Yeah.
- 8 Q Do they ever move anywhere else?
- 9 A Not from my understanding.
- 10 Q Okay. And you're standing?
- 11 A I'm still outside.
- 12 Q Okay. Is there any point that you end up walking into
- 13 the apartment?
- 14 A The only time I enter the house is when I tried to pull
- 15 Mr. World off
- 16 Q Okay
- 17 A Of him
- 18 Q Okay. Now, we'll go through this in a little bit more
- 19 detail in a minute. I just want to get to this, at a
- 20 certain point, do you see Mr. Corbitt doing anything
- 21 that you feel in danger of?
- 22 A Yes, sir.
- 23 Q What does he do?
- 24 A He reached for a gun. From my understanding, he was
- 25 reaching for a gun.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 Q Where should I be standing if I'm Mr. Corbitt reaching
2 for a gun?
- 3 A In the doorway.
- 4 Q So I should be over here?
- 5 A Uh-huh.
- 6 Q So he's right inside the doorway?
- 7 A Uh-huh.
- 8 Q Okay. Where are at this point?
- 9 A On the outside of the house
- 10 Q How far away?
- 11 A Like 10 feet away
- 12 Q So like --
- 13 A That's the doorway, I'm like this far away
14 (indicating), like 10 feet away.
- 15 Q Okay.
- 16 A -- from me.
- 17 Q Okay. Where is Tavares at this point?
- 18 A He like -- Mr. Corbitt ran to me, like Tavares ran out
19 the house, but Mr. Corbitt right behind him. And
20 Tavares run past me and kind of pushed my shoulder, but
21 before I can -- everything was happening so fast,
22 before I could react, my reaction time was so fast, he
23 was already at the door like (indicating) like he was
24 reaching for a gun.
- 25 Q Okay.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 A And my reaction was just --
- 2 Q Okay. Take your seat again.
- 3 A (Defendant complies.)
- 4 Q I want to go through this in a little bit more detail,
- 5 if I could While Tavares and Mr. Corbitt are
- 6 fighting, what are doing? Exactly what's going -- what
- 7 are you doing?
- 8 A Basically, I'm just standing there because I was --
- 9 first, I was shocked, shocked because I mean, I ain't
- 10 know it was going to happen that way Once they start
- 11 fighting, I was shocked. I'm like then -- I just
- 12 jumped back into my -- Tavares, come on, come on, come
- 13 on. I got two, 200-pound plus people. I mean, back at
- 14 this time -- I'm like 155 now, but at that time, I was
- 15 probably like 120, 130 or something like that I'm
- 16 pulling. They pull me back They pushed me back
- 17 (indicating), that's probably when I touched the
- 18 lamp -- right beside the door.
- 19 Q Okay. So --
- 20 A Pushed me back into it.
- 21 Q -- you're trying to grab Tavares, is this my
- 22 understanding, to pull him out?
- 23 A Yes, sir.
- 24 Q Okay. Does he come out when you try to get him out?
- 25 A No, sir.

GREG ISAAC DIRECT BY MR. SCHNEE

1 Q What does he do?

2 A They still fighting.

3 Q Okay. At any point -- at the time that they fall on
4 you or grab you or pull you in, what exactly happens
5 then?

6 A Well, when I backed into the thing, when I backed into
7 the end table or whatever and I stepped back toward the
8 doorway, I'm telling him come on, come on, come on,
9 come on, so I'm stepping back outside the door, but
10 they still tussling. So when I'm backing up, I see
11 Tavares running out the doorway and Mr. Corbitt right
12 behind him. Tavares went straight past him, but he
13 pushes my shoulder.

14 Q Pushes you which way?

15 A Like towards the door. Like I just take a step up, but
16 he just pushed my shoulder and I see Mr. Corbitt in the
17 doorway reaching for a gun, that's my understanding he
18 was reaching for gun.

19 Q When you saw what you thought was Mr. Corbitt reaching
20 for a gun or appeared to be reaching for a gun, was
21 Tavares looking at him?

22 A No, he ran past me. He was running past me like he --
23 when he run past me, it's like he was reaching for a
24 gun or something Because when he ran past me and
25 pushed my shoulder, then I just see him reaching like

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 and then my reactions was --
- 2 Q So you fired twice?
- 3 A Yes, sir
- 4 Q Do you even know if you hit him at the time?
- 5 A No, sir.
- 6 Q What did once you fired those two shots?
- 7 A I ran.
- 8 Q Where did you run?
- 9 A Back to the car.
- 10 Q Why did you get back in the car with Tavares?
- 11 A I ain't had no choice. At the time, I really didn't
- 12 know where -- what area -- I didn't really know where
- 13 there apartment was, you know, complex I was in.
- 14 Q Okay. When you got back to the car, what did Tavares
- 15 say to you?
- 16 A He got the gun back from me and he told me don't say
- 17 shit or he know where my mother stay at, he know where
- 18 I stay at and he know where my family stay at.
- 19 Q Okay. And when he says he knows where your mother
- 20 stays at, your family stays at or you stay at, what do
- 21 you consider that to be?
- 22 A He do something to my family.
- 23 Q What do you think he would do?
- 24 A Kill one of them.
- 25 Q Okay. When you talked to the police, you told the

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 police what his nickname was?
- 2 A Yes, sir.
- 3 Q What is it?
- 4 A Murder.
- 5 Q You always know him to have that nickname?
- 6 A Yes, sir.
- 7 Q First time you met him?
- 8 A First time I met him
- 9 Q Who told you that was his nickname?
- 10 A He did
- 11 Q Number of years went by, why didn't you ever call the
- 12 police?
- 13 A I was scared for family's life
- 14 Q Eventually, the police pick you up, take you to the
- 15 station. You tell them what happened; right?
- 16 A Yes, sir.
- 17 Q Did you tell the police officers that Tavares
- 18 threatened you?
- 19 A Yes, sir.
- 20 Q Did you tell them he gave you the gun?
- 21 A Yes, sir.
- 22 Q Did you tell them he took the gun back?
- 23 A Yes, sir
- 24 Q You've obvious seen your written statement?
- 25 A Yes, sir.

GREG ISAAC DIRECT BY MR. SCHNEE

- 1 Q Did you physically type that yourself?
- 2 A No, sir.
- 3 Q Did you read that after you were done?
- 4 A Not exactly after we was done
- 5 Q Okay. Did they ask you if you wanted to add anything
- 6 to it?
- 7 A Yes, sir.
- 8 Q Did you at that point tell them you wanted to add that
- 9 you were threatened to do it
- 10 A I been telling that when we first started.
- 11 Q But did you tell them to add that to your statement at
- 12 any point?
- 13 A No, sir
- 14 Q When you were at that apartment, did you have any
- 15 intention of going inside of it?
- 16 A No, sir.
- 17 Q Did you have any intention to rob him?
- 18 A No, sir.
- 19 Q Did you have any intention to shoot Mr. Corbitt?
- 20 A Not at all
- 21 Q Did you feel that you had any choice in your mind being
- 22 in that apartment?
- 23 A No, sir.
- 24 Q Why not?
- 25 A I didn't even know him.

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q Why don't you think you had a choice being there?

2 A Because I got another person threatening my life and
3 intimidating me, person that's way bigger than me.

4 Q And that person's nickname was?

5 A Murder.

6 Q No further questions.

7 THE COURT. Cross-examination?

8 MS. CAMPBELL: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MS. CAMPBELL:

11 Q So what you testified to today is what you told the
12 police officers?

13 A Yes, ma'am.

14 Q Exact same story?

15 A Yes, ma'am.

16 Q Can you read?

17 A Yes, ma'am.

18 Q Can you write?

19 A Yes, ma'am.

20 Q Did you understand back in April of last year what they
21 were taking about?

22 A Yes, ma'am.

23 Q And you told them over and over back in April of last
24 year that Tavares World threatened you just like you
25 told this jury here today?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Yes, ma'am.
- 2 Q And that's your testimony?
- 3 A Yes, ma'am
- 4 Q And do you see your written statement?
- 5 A Yes, ma'am.
- 6 Q It's two or three pages; is it not?
- 7 A Yes, ma'am
- 8 Q And your signature is on each one of those pages?
- 9 A Yes, ma'am
- 10 Q And did you review it before you signed it? This is
- 11 important, isn't it?
- 12 A It's important.
- 13 Q So just to be sure your memory back when you talked to
- 14 police is your same as your memory here today; right?
- 15 A Yes, ma'am.
- 16 Q And so your testimony is is that you told the police
- 17 everything you've told this jury here today?
- 18 A Yes, ma'am.
- 19 Q And you had an opportunity to review your statement?
- 20 A I didn't review it there.
- 21 Q Now you're saying did review it?
- 22 A Not there.
- 23 Q Not there? Well, since then, say you didn't review it
- 24 there, you just signed it, right?
- 25 (There was no response.)

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q You signed a piece of paper where you admitted to
2 murdering somebody, but you didn't review it prior to
3 signing it?

4 MR. SCHNEE: Objection to the legal conclusion.

5 THE COURT: Okay Objection overruled.

6 BY MS. CAMPBELL:

7 Q Is that what you're telling this jury?

8 A I signed it.

9 Q But you didn't review it, is that what you're telling
10 this jury?

11 A I didn't review it there.

12 Q Okay. When did you review it?

13 A When I was in county going over it.

14 Q When you were where?

15 A When I was in Alvin S. Glenn.

16 Q And how many days or weeks afterwards did you review
17 what you signed indicating you had murdered somebody?

18 A Probably like a week later.

19 Q About a week later?

20 A Yes, ma'am.

21 Q Well, in fact, five days after you signed this piece of
22 paper which you didn't review where you admitted to
23 murdering somebody, didn't you, actually, get in
24 contact with the police?

25 A I didn't contact police.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q You don't remember them coming back and talking to you
2 again?
- 3 A Yeah, they came and got me.
- 4 Q Okay. Do you remember getting somebody to get in
5 contact with them because you wanted to talk to
6 somebody about your charges, you didn't like your
7 charges?
- 8 A Somebody got in contact with them, but nobody that I
9 know got in contact with them.
- 10 Q Well, at that point, had you had an opportunity, it was
11 a week later, to review your statement?
- 12 A Yes, ma'am
- 13 Q So did you tell them then, oh my God, you left out the
14 most important part where Tavares World forced me to do
15 this?
- 16 A I already told them that.
- 17 Q Well, you knew it wasn't in the statement. Didn't you
18 think it was important?
- 19 A They knew it. I tell them that.
- 20 Q At that point, you reviewed the statement and it wasn't
21 in there, so did you contact the police to tell them
22 you left out the important part of my statement?
- 23 A I ain't tell them that in the statement, but I told
24 them that personally.
- 25 Q Did you remember testifying in another hearing in July

GREG ISAAC CROSS BY MS. CAMPBELL

1 of this year?

2 A Yes, ma'am.

3 Q Where your own lawyer went over what you knew about
4 your statement and your lawyer asked you if you typed
5 up the statement and you told him no, you didn't?

6 A Yes, ma'am.

7 Q Then he said did you explain to law enforcement what
8 you just talked about in court today and you said yes,
9 sir. And then they asked did they write down
10 everything since thing you said and your answer was
11 yes, sir.

12 A Yeah.

13 Q So you admit they wrote down everything you told them
14 back in April of last year?

15 A They was just typing on the computer.

16 Q And they typed what you told them?

17 A I didn't see them -- I seen them typing, but I don't
18 know exactly what he was typing.

19 Q Well, later, you said -- about a week later, you
20 reviewed your statement, right?

21 A Right.

22 Q So at that point, did you call up the police and go,
23 listen, you left out important parts, real important
24 parts of my statement?

25 A How can I call the police in the county jail?

GREG ISAAC CROSS BY MS. CAMPBELL

1 Q Same way you did when they came and picked you up. You
2 get your girlfriend to call them, your mother to call
3 mother to call them, anybody?

4 A I didn't get nobody to call them.

5 Q Well, did you eventually get in contact with your
6 lawyer and tell him to contact the police?

7 A My lawyer didn't come see me at that point in time.

8 Q Well, when he did come to see you, did you tell him?

9 A I told him what happened.

10 Q Did you tell him the police had written it down wrong
11 and that you needed to clear that up?

12 A We went over it.

13 Q Okay. And the first time you ever told this version of
14 events or parts of it -- we'll go back -- there, was in
15 July of 2013, right?

16 A Can you say your question again?

17 Q Answer the question, is that first time you ever told
18 anybody other than your lawyer according to your
19 testimony --

20 MR. SCHNEE: Judge, I'm going to object based on
21 attorney/client privilege in terms of my advice to him about
22 statements to other people.

23 THE COURT: Objection is overruled.

24 MS CAMPBELL: Thank you.

25 THE WITNESS: I told the police?

GREG ISAAC CROSS BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q You told the police, that's your testimony here today?

3 A Whatever I told that day, I told the police same thing.

4 Q But that's not what you testified to at the hearing in

5 July of this year. You told them that they wrote down

6 every single thing you said and you said, yes, sir.

7 That was your lawyer's question?

8 A That's what -- to write down

9 Q But your testimony here today is yet different again.

10 In your statement, do you remember when they wrote down

11 everything you said just like you acknowledged on a

12 prior -- and by the way, at this point today, you had

13 an opportunity to review all the discovery in the case?

14 A Yes, ma'am.

15 Q So you know what the evidence is against you?

16 A Yes, ma'am.

17 Q And you had an opportunity to review all of that?

18 A Yes, ma'am.

19 Q And you've been in court repeatedly listening to what

20 witnesses have to say?

21 A Yes, ma'am.

22 Q And what the evidence is against you?

23 A Yes, ma'am.

24 Q Then for the first time that you ever say to any one in

25 open court or any one in law enforcement is in July of

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 this year at a prior hearing?
- 2 A Yes, ma'am.
- 3 Q After reviewing all of the evidence?
- 4 A Yes, ma'am.
- 5 Q Let me talk about your statement -- let me ask you
- 6 this, too, what grade you go through?
- 7 A I didn't finish school.
- 8 Q I'm sorry?
- 9 A I didn't finish school.
- 10 Q What grade did you go through?
- 11 A Like the ninth
- 12 Q And where did you go to school?
- 13 A -- Johnson
- 14 Q Johnson?
- 15 A Yes, ma'am.
- 16 Q And when you quit school, did you get a job?
- 17 A Yeah, I worked.
- 18 Q And when this was all going on, when this happened, did
- 19 you have a job?
- 20 A No, ma'am.
- 21 Q And who were you living with?
- 22 A My mother.
- 23 Q Who was supporting you?
- 24 A I just had got -- I just quit my job.
- 25 Q You just quit your job?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Yes, ma'am.
- 2 Q What job was that?
- 3 A I was working at McDonald's on Forest Drive.
- 4 Q McDonald's on Forest Drive So at the time when this
- 5 happened, when y'all went over there not to do a
- 6 robbery, you were employed?
- 7 A Yes, ma'am.
- 8 Q Did you know what Tavares did for a living?
- 9 A No, ma'am.
- 10 Q You didn't know what Tavares did for a living?
- 11 A No, ma'am.
- 12 Q Did you know he sold drugs?
- 13 A No, ma'am.
- 14 Q Did you know what Vernorris did for a living?
- 15 A No, ma'am
- 16 Q And, in fact, did you know Vernorris well?
- 17 A No, ma'am.
- 18 Q But in your statement, you knew Vernorris well enough
- 19 to know what kind of car he always drove --
- 20 A Because he come around.
- 21 Q -- right?
- 22 A Because he came around.
- 23 MS. CAMPBELL: Beg the Court's indulgence.
- 24 Q And you knew him well enough to know that it was his
- 25 wife's car?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A It --
- 2 MS. CAMPBELL: Beg the Court's indulgence while I
- 3 find the statements that are marked.
- 4 BY MS. CAMPBELL:
- 5 Q Let me back up for another thing You mentioned that
- 6 you had an earlier altercation -- how long had you
- 7 known Tavares when this happened?
- 8 A I just met him in 2005.
- 9 Q 2005?
- 10 A Yes, ma'am.
- 11 Q And then you had a first altercation with him when you
- 12 testified about you had words?
- 13 A Yes, ma'am
- 14 Q What did you say it was?
- 15 (There was no response.)
- 16 Q What kind of words?
- 17 A Just an argument.
- 18 Q An argument? What was the argument over? Was that the
- 19 first time you met him?
- 20 A Yes, ma'am.
- 21 Q First time you met him, you had an argument with him?
- 22 A Yes, ma'am
- 23 Q And you said y'all had words back and forth?
- 24 A Yes, ma'am.
- 25 Q What were the words about?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Just verbal.
- 2 Q And when you say it was just verbal, what does that
- 3 mean?
- 4 A Started out eye contact and I mean, I got -- I had -- I
- 5 was in an emotional state, I just lost my brother.
- 6 Q I'm going to get back to that. Your twin brother?
- 7 A Yes, ma'am.
- 8 Q He was killed in a car accident?
- 9 A Yes, ma'am
- 10 Q When was that, in May of 2005?
- 11 A June.
- 12 Q June, I'm sorry. And about that time -- had you met
- 13 Tavares before or after that happened?
- 14 A After.
- 15 Q And you having an emotional time, so you were
- 16 exchanging glances? How did that work?
- 17 A He was just looking at me like he had a problem with me
- 18 or something.
- 19 Q What did you look at him like?
- 20 A The same way
- 21 Q So at that point, it escalated into a verbal argument?
- 22 A He started saying stuff to me.
- 23 Q What did he say?
- 24 A Asked me what the fuck I was looking at.
- 25 Q What were you looking at?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Him.
- 2 Q Why were you looking at him?
- 3 A Because he was looking at me.
- 4 Q Where did this take place?
- 5 A In Bethel Bishop.
- 6 Q And who lived in Bethel Bishop.
- 7 A My aunt.
- 8 Q Your aunt?
- 9 A My --
- 10 Q Where did your mother live?
- 11 A On Connor Street
- 12 Q That's not in Bethel Bishop
- 13 A On -- Beltline.
- 14 Q All right. It's in the Beltline area, but it's not in
- 15 Bethel Bishop.
- 16 A No, ma'am.
- 17 Q But you were in Bethel Bishop?
- 18 A Yes, ma'am
- 19 Q And that's where you met Tavares?
- 20 A Yes, ma'am.
- 21 Q And then Tavares actually had a child with your cousin?
- 22 A Actually, he had two children with my cousin.
- 23 Q Okay And that's now his wife?
- 24 A Yes, ma'am
- 25 Q Is she here in the courtroom?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A No, ma'am.
- 2 Q Once y'all had that initial confrontation, did it come
3 to blows?
- 4 A No, ma'am
- 5 Q Okay. And after that, did y'all make up?
- 6 A I can't -- we was just on the chill -- on a chill type
7 basis, not really like friend basis, that was kind of
8 down the line.
- 9 Q Down the line. Because y'all did become friends, just
10 so the jury understands everything?
- 11 A That's what you want to say.
- 12 Q No, I'm talking about what you have said on prior
13 occasions?
- 14 A Sure.
- 15 Q And, in fact, when you testified on July the eighth of
16 this year at a prior hearing, you said that -- your
17 lawyer asked you how long you'd known Tavares World; is
18 that correct?
- 19 A Yes, ma'am.
- 20 Q And then you said that you consider him a friend, you
21 said sort of. And you admit he was a friend of yours?
- 22 A (Defendant looks off.)
- 23 Q No, don't look at him. He was a friend of yours is all
24 I'm asking?
- 25 A Sort of

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q You chose to hang out with Murder and you knew him as
2 Murder, right?
- 3 A Yes, ma'am
- 4 Q And that's who you chose to hang with at Bethel Bishop
5 apartments where you didn't live?
- 6 A That's where I'm from.
- 7 Q It's where you're from, not where you lived at the
8 time. So then you just testified there was another
9 altercation with Murder, your friend, where he jumped
10 out of a Mercedes something or other?
- 11 A A truck.
- 12 Q It's what you testified to, right?
- 13 A Yes, ma'am.
- 14 Q Your testimony here today?
- 15 A (The witness nodded head.)
- 16 Q Then he came over to you and he said some cuss words to
17 you; right?
- 18 A Yes, ma'am.
- 19 Q What did he say?
- 20 A Told me to stop fucking with him, he going to fire me
21 up.
- 22 Q At that point, he pulls out a gun, right?
- 23 A Yes, ma'am.
- 24 Q And he points it in your face, right?
- 25 A Yes, ma'am.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q And how close did he get to you with the gun?
- 2 A All the way in my face.
- 3 Q All the way in your face. And then what did he say?
- 4 A He smacked me.
- 5 Q He smacked you with the gun or with his fist?
- 6 A With his hand.
- 7 Q With his hand. Is it funny?
- 8 A I ain't laughing You see me smiling?
- 9 Q But at the point, what happens?
- 10 A Everybody was trying to jump in front of me and he
- 11 leave.
- 12 Q So other people were there?
- 13 A Yeah.
- 14 Q Who was there?
- 15 A My little cousin was there.
- 16 Q Your cousin here in the courtroom?
- 17 A No, sir -- no, ma'am.
- 18 Q Where is your cousin?
- 19 A She probably at work.
- 20 Q Who else was there?
- 21 A Couple of my friends.
- 22 Q Are they here in the courtroom?
- 23 A No, ma'am.
- 24 Q And at that point, he walks off?
- 25 A Yes, ma'am

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q And how long after your initial fight with Tavares
2 Murder did the second fight with your friend happen; do
3 you remember?
- 4 A What second fight?
- 5 Q The one where he slapped you and put a gun in your
6 face?
- 7 A That was only time he ever did that.
- 8 Q That was the only time he ever did it. The first time
9 was just an argument?
- 10 A Yes.
- 11 Q Okay. How long apart were those two?
- 12 A Like about a week or two.
- 13 Q Okay. So at this point, he's a bad dude?
- 14 A --
- 15 Q He's pulled a gun on you, right?
- 16 (There was no response.)
- 17 Q Is that your testimony?
- 18 A Yes
- 19 Q Where you scared?
- 20 A Anybody would be scared if he got a gun in their face.
- 21 Q Okay. So you were scared of Murder who put a gun in
22 your face, right?
- 23 A Right.
- 24 Q So at that point, you don't want anything more to do
25 with him?

GREG ISAAC CROSS BY MS. CAMPBELL

1 A Right

2 Q But that's not what happened. He was your friend,
3 right, just like you testified to?

4 A Sort of

5 Q And, in fact, when you testified before as you did here
6 today, y'all were hanging out together on October 27th
7 at the Bethel Bishop where you didn't live? You were
8 hanging with Tavares that evening?

9 A We just got together.

10 Q But you went to where he lives and you chose to hang
11 out with him and chill; is that your testimony?

12 A That's my aunt house. I'm always there.

13 Q Let me show you your testimony again from when you
14 testified in July for the first time to these set of
15 facts. You said --

16 MR. SCHNEE. Judge, if could get a page number to
17 what she's referring to

18 MS. CAMPBELL: No problem, Your Honor.

19 Page seven, the beginning of his testimony.

20 BY MS. CAMPBELL:

21 Q Where were you and Tavares at the beginning of the
22 night?

23 In Bethel Bishop Apartments.

24 Do you remember that?

25 A Right.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q And you testified, okay, what were you doing there?
2 Just chilling.
3 What does just chilling mean?
4 A Chilling.
5 Q Okay. You chose to be with Murder who had gotten into
6 a verbal altercation with you before, who had put a gun
7 in your face and slapped you in front of your friends
8 that aren't here and you were choosing to hang out with
9 him on October 27th some four months later because he
10 was your friend, right?
11 A Right.
12 Q And then at that point, you said Vernorris Dixon drove
13 up, right?
14 A Right
15 Q When Vernorris Dixon drove up, you got into the car?
16 A Yes, we got in the car.
17 Q Why did you get in the car?
18 A I got the car on my own will.
19 Q Of your own will. You voluntarily got into the car
20 with Vernorris Dixon and Murder; is that correct?
21 A Right.
22 Q Did he tell you to get in the car or why did you get in
23 the car?
24 A We was just chilling. I ain't know we was going there.
25 Q You were just chilling with your friend that night,

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 murder?
- 2 A If that's what you want to call it.
- 3 Q And then you've testified kind of inconsistently about
- 4 whether or not you knew about the money he was owed?
- 5 A What you said?
- 6 Q You said he was mad?
- 7 A Yeah, he was mad.
- 8 Q And what was he mad about it?
- 9 A Somebody short him some money.
- 10 Q Okay. What happens when Tavares gets mad?
- 11 A He mad
- 12 Q Okay. You weren't scared of him at that point?
- 13 A No
- 14 Q Because you had gotten over the fact that he had stuck
- 15 a gun in your face and slapped you in front of your
- 16 friends. Did you know he had the gun -- the guns,
- 17 according to your testimony?
- 18 A Yes, I know he had the guns.
- 19 Q Okay. Did he always have the guns?
- 20 A Always, everyday.
- 21 Q But you weren't scared of him?
- 22 A He at the time ain't harming me.
- 23 Q That's okay. So you chose to get in the car with
- 24 Tavares World, Murder, who had slapped you and put a
- 25 gun in your face on a prior occasion to go to do what?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A We was just -- at that point, I just know we was
2 riding.
- 3 Q Okay. I believe you said y'all were riding around and
4 smoking?
- 5 A Yes, ma'am.
- 6 Q What were you smoking?
- 7 A Marijuana
- 8 Q And at that point, you thought you were just going for
9 a joy ride to ride around?
- 10 A Basically.
- 11 Q At what point, now in your testimony today, did you
12 become aware that he was mad at this guy that had
13 shorted him according to him?
- 14 A He was mad before we got in the car.
- 15 Q Okay, that's what I need to know. So he mad before he
16 got in the car So did you know the reason he called
17 up Vernorris and got him to come over and pick him up?
- 18 A No, I didn't.
- 19 Q At what point did you become aware that they were going
20 over there to rob the victim?
- 21 A Once we got over there.
- 22 Q Okay. Once you got over there. Did you have a gun?
- 23 A When he gave it to me.
- 24 Q Not before that?
- 25 A Not before that.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q Okay. And so now you're testimony here today is that
2 you got the gun, right?
- 3 A Yes, ma'am
- 4 Q And tell me how that happened
- 5 A You said tell you how it happened?
- 6 Q Uh-huh
- 7 A Well, when we got to the destination or whatever -- he
8 tells me come with him. I'm was -- I found out what we
9 was there for. He tell me to come with him --
- 10 Q How --
- 11 A I --
- 12 Q I'm sorry, go ahead.
- 13 A I tell him I don't have nothing to do with that He
14 told me to stop acting like a bitch and come on, then
15 he pulled a gun out I'm like, man, then he say man,
16 stop acting like a bitch and come on. He gave me the
17 gun. You get the gun. I took the gun. Then he pulled
18 another gun and like man, come on, so we got out the
19 car and we go to the apartment. Nobody's home, then we
20 go back to the car.
- 21 Q Okay, let's stop for a little bit. So, basically, he
22 pulled a gun on you and told you you had to go with
23 him?
- 24 A Yes, ma'am.
- 25 Q And at that point, you became scared for your life?

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1 A Yes, ma'am.

2 Q You didn't feel like you had any other alternative, is
3 that what your testimony is here today?

4 A Yes, ma'am.

5 Q And, again, the first time you've ever said anything to
6 this effect was in July of this year after reviewing
7 all the discovery?

8 A Yes, ma'am.

9 Q And once he pulled the gun out and you were scared,
10 then he handed you the gun?

11 A And then he pulled out another one.

12 Q Then he pulled out another one Do you remember
13 testifying in July of this year?

14 A Yes, ma'am.

15 Q In your testimony in July of this year, you were
16 supposed to tell the Court what all happened?

17 A Yes, ma'am.

18 Q And you never mentioned in that entire testimony when
19 he gave you the gun?

20 A He gave me the gun in the car.

21 Q That's not in your testimony, you want to review it?

22 (There was no response.)

23 Q Do you want to?

24 A He gave me the gun in the car.

25 Q I'm asking about your testimony when you testified

GREG ISAAC CROSS BY MS. CAMPBELL

1 about the same matter three months ago. Did you
2 testify that he gave you the gun in the car?

3 A Yes, I did.

4 Q Okay. You want to review it in here and show me
5 because I can't find it where you testified to that?
6 Or anywhere in there where you testified when you got
7 the gun?

8 (Pause.)

9 A I don't see it in here, but I know I said it, though.

10 Q You know you said it.

11 A I know I said it.

12 Q Now it's not just the police, it's the court reporter.

13 A It must be.

14 Q She intentionally left that part out of your
15 transcript?

16 A Must be.

17 Q At that point, your testimony here today is you went
18 first time, came back, chilled. Did you ever think
19 about using the gun he gave you -- did you know it was
20 loaded?

21 A His gun always loaded.

22 Q Did you know how to use the gun?

23 A Pull the trigger, that's my understanding.

24 Q That's my understanding?

25 A That's all I know.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q Well, you knew enough to know how to pull the trigger?
- 2 A What you mean by that?
- 3 Q I said did you know enough to know how to pull the
- 4 trigger to use the gun?
- 5 A Just pull it.
- 6 Q Then you mentioned that y'all saw or somebody saw the
- 7 car that they thought he was in?
- 8 A Yeah.
- 9 Q Okay And that point, y'all go back?
- 10 A Yeah, we went back.
- 11 Q Okay. And you still got the gun?
- 12 A Yes, ma'am.
- 13 Q That's loaded because the gun is always loaded, right?
- 14 Don't do you any good if it's not loaded; right?
- 15 A (The witness nodded head)
- 16 Q You got to answer out loud?
- 17 A Oh, yes, ma'am.
- 18 Q And at the point, you go back over there to the same
- 19 apartment?
- 20 A Yes, ma'am
- 21 Q And then Tavares kicks in the door?
- 22 A Yes, ma'am He beats on the door first, then he kicks
- 23 the door.
- 24 Q Then he walks in the door and he starts screaming
- 25 where's the money?

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- 1 A He did say where's the money, he said where's my money.
- 2 Q Where is my money. And at that point, a fight ensues?
- 3 A Yes, ma'am.
- 4 Q And were you inside or outside at that point?
- 5 A I was outside.
- 6 Q And the fight, did it get kind of violent?
- 7 A What you mean by get violent, they were throwing blows.
- 8 Q Were they standing up?
- 9 A They was standing up at first.
- 10 Q Then at some point, did the end up on the ground?
- 11 A They ended up -- I can't really on the ground, but they
- 12 were on top of each other. They was fighting.
- 13 Q And what area of the apartment were they fighting in?
- 14 A Right in front of the door.
- 15 Q And at this point, you're still scared for your life?
- 16 A Yes, ma'am.
- 17 Q And you know Tavares is in there fighting with this
- 18 guy?
- 19 A Yes, ma'am.
- 20 Q What point do you see Tavares pull his gun?
- 21 A He ain't pull the gun.
- 22 Q He didn't pull a gun even though he had one on him?
- 23 A Yes, ma'am.
- 24 Q So there's a fist fight going on, Tavares is armed, but
- 25 he doesn't pull his gun; right?

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- 1 A Yes, ma'am.
- 2 Q And then the fight keeps going on. Does it last for a
3 little while?
- 4 A Not no while.
- 5 Q And you're still scared for your life?
- 6 A Basically.
- 7 Q That's your testimony?
- 8 A Yes.
- 9 Q So at that point while Tavares is in this fight, he's
10 down, he's in this fight with somebody else and you're
11 where in the apartment or you're outside the apartment?
- 12 A Yes, ma'am
- 13 Q You're outside?
- 14 A Yes, ma'am.
- 15 Q So at that point, it was your opportunity to leave?
- 16 A Where I'm going to go to?
- 17 Q To the police You're threatened, feel for your life,
18 worried for your family. This man named Murder, who is
19 your friend, is going to kill you all, according to
20 your testimony?
- 21 A Okay. Yeah
- 22 Q You can't go to the police?
- 23 A If I go to the police and he gets away, he's still
24 going to kill my family.
- 25 Q And we'll get back to when you go to the police. At

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- 1 that point, according to your testimony, you're in
2 there, you're outside the apartment and then you go in
3 and you're trying to pull Tavares out?
- 4 A Yes, ma'am.
- 5 Q Do you remember talking to the police about how that
6 happened?
- 7 A Yes, ma'am.
- 8 Q And you mentioned in your testimony today that while
9 you're inside the house next to the table that they
10 push into you and that's when the lamp got knocked
11 over? That would explain your fingerprint?
- 12 A Yeah, the lamp right behind me.
- 13 Q Behind you?
- 14 A Yes, ma'am.
- 15 Q And then you reached to grab it to keep it from going
16 to the floor?
- 17 A Not kind of reaching, but like pushed me and I went
18 into the table right there.
- 19 Q And at that point, your testimony here today is all you
20 did was you were trying to pull Tavares out?
- 21 A Basically.
- 22 Q So was Tavares winning or losing?
- 23 A Man, to my understanding, nobody was winning. It was
24 just blow for blow.
- 25 Q And you didn't participate in the fight anyway?

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- 1 A No.
- 2 Q You were trying to, I think your words were diffuse it?
- 3 A Yes, ma'am.
- 4 Q And those are your words?
- 5 A Yes, ma'am.
- 6 Q So you're just trying to be the peace maker and get
- 7 Tavares out of there?
- 8 A Yes, ma'am.
- 9 Q At any point did you think it was a good idea for you
- 10 to get out of there?
- 11 A I'm trying to get -- yeah, I'm going to leave
- 12 Q Okay. And at some point, you go over there and you hit
- 13 the victim because he's winning the fight?
- 14 A I ain't hit nobody
- 15 Q Okay Do you remember giving a statement to the police
- 16 that you admitted earlier was the truth, or what you
- 17 told them at the time anyway?
- 18 A I seen that in the statement, but I ain't said that
- 19 Q Do you remember telling them they were fighting all
- 20 over the furniture?
- 21 A No.
- 22 Q Do you remember saying at some point they fell into me?
- 23 A Yes. That's the push, that when they bumped into me?
- 24 Q And I fell into the end table that the lamp was on.
- 25 A Yeah, that's the table right behind me.

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- 1 Q And I tried to catch the lamp before it fell and it
2 busted, it fell anyway.
- 3 A It ain't busted. You see in the pictures it ain't
4 busted
- 5 Q And you've seen all the pictures in this case?
- 6 A Yeah.
- 7 Q That's important They were on the floor and the
8 man -- the man would be the victim, right?
- 9 A Yes.
- 10 Q Was on top of Tavares and was beating him. That's not
11 your testimony her today?
- 12 A Yes. I said like on the floor.
- 13 Q What floor were they on?
- 14 A -- laying on the floor, that's what you trying to make
15 it.
- 16 Q No, sir, I'm using your words. You tell me. I don't
17 want to put words in your mouth. You tell me what you
18 meant by that?
- 19 A -- on the floor.
- 20 Q When you said they were on the floor and the man was on
21 top of Tavares and was beating him, what did you mean?
- 22 A That he was getting off of him, like getting the best
23 of him.
- 24 Q Okay. That's what you said then, but that's not your
25 testimony here today?

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- 1 A That's what I'm saying today.
- 2 Q Well, I'm confused. Are you saying that's what
3 happened then, what you said in the now is your version
4 again?
- 5 A No, I ain't saying that.
- 6 Q Okay Sorry Then you said I hit the man in the back
7 and tried to pull him off Tavares?
- 8 A I ain't said that.
- 9 Q You didn't say that?
- 10 A (The witness shakes head.)
- 11 Q So when you reviewed this statement at whatever point
12 when you signed it or later, you didn't correct that?
- 13 A No.
- 14 Q And that's not what you told the police, they just put
15 that in there?
- 16 A Basically
- 17 Q Okay. And you didn't change your testimony just
18 because you don't want to be in anyway a participant in
19 the beating as well as the shooting? That could hurt
20 your self-defense?
- 21 A I shot, but I didn't beat that man because I didn't
22 have nothing to do with it. He ain't owe me no money.
- 23 Q And at that point, you end up back outside?
- 24 A Yes, ma'am.
- 25 Q And then you mention that Tavares and the victim -- say

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- 1 this is the doorway, and you're Tavares and the victim,
2 that they're coming towards the door?
- 3 A Yes, ma'am.
- 4 Q And you're outside on the front area, right, in the
5 front?
- 6 A Yes, ma'am
- 7 Q And your estimate is you're 10 feet or so away from the
8 door, right?
- 9 A Yes, ma'am.
- 10 Q And if they're coming out the door like you're facing
11 me, where would you -- if I were you, where would I be,
12 over here?
- 13 A Yes, ma'am -- yeah.
- 14 Q About over here (indicating), about 10 feet?
- 15 A Kind of a little bit more over to the side, yeah.
- 16 Q Is this about right?
- 17 A About right.
- 18 Q And at that point, they're getting ready to come out
19 the door?
- 20 A Yeah.
- 21 Q And you see Tavares is in front?
- 22 A He's running toward me.
- 23 Q Towards you. And then Tavares, actually, runs into
24 you?
- 25 A Uh-huh.

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- 1 Q And then you shoot, you think twice, right? You shoot
2 at him twice, right, the victim?
- 3 A Yes, ma'am.
- 4 Q Where is he when you shoot him?
- 5 A In the doorway.
- 6 Q In the doorway, so he's still inside the house?
- 7 A Right. Not in the doorway, he was like just standing
8 between the door and the outside.
- 9 Q Okay. Were you pointing the gun at him when you shot?
- 10 A I just reached and pulled.
- 11 Q Reached and pulled, but you aren't shooting at like
12 people down the street. You didn't want to hurt
13 anybody else?
- 14 A I didn't shoot down the street.
- 15 Q So you're shooting at him, no question about that?
- 16 A Yeah, I shot that way.
- 17 Q And your testimony is you're outside when you're
18 shooting at him, he's in the doorway?
- 19 A Yes, ma'am
- 20 Q And did you see him get hit by the bullets?
- 21 A No, ma'am.
- 22 Q There's no way you were shooting randomly around the
23 neighborhood?
- 24 A No, ma'am.
- 25 Q So you were shooting right at him?

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- 1 A Yes, sir.
- 2 Q From about 10 fete away?
- 3 A Yes, ma'am.
- 4 Q And this is after Tavares is in front of him, Tavares
- 5 is coming -- and you think you see him reach --
- 6 A Yes, ma'am.
- 7 Q Do you remember what he was wearing?
- 8 A No, ma'am.
- 9 Q Do you remember that he had no shirt on?
- 10 A No, ma'am.
- 11 Q Do you remember seeing him -- his back?
- 12 A Tavares was in front of me, so, basically, ain't really
- 13 see him.
- 14 Q Well, in your earlier statement, you would have been
- 15 able to hip him because you went over and hit him while
- 16 he was on top of Tavares beating him?
- 17 A No, I didn't hit anybody
- 18 Q That's your testimony today. Do you remember how many
- 19 times you shot?
- 20 A Twice.
- 21 Q Okay Do you remember testifying on July 8th of this
- 22 year saying you shot three times?
- 23 A Basically, two or three times. I said that -- when the
- 24 police had me.
- 25 Q Do you remember specifically they asked you do you

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1 remember how many times you shot and you said like
2 three times?

3 A Yes, ma'am. It been so long ago.

4 Q And as far as that goes, I mean, you didn't have any
5 trouble remembering this event. You shot and killed a
6 man, right?

7 A It wasn't my intention to kill him.

8 Q I understand, but it was traumatic on you You're the
9 victim It was traumatic, wasn't it? Did it upset
10 you?

11 A Yes.

12 Q You shot and killed somebody?

13 A Yes, because I ain't.

14 Q You remember it while under duress?

15 A Ma'am, I'm in a situation I don't have nothing to do
16 with. I got a person already trying to harm me and I
17 see another person reaching for a gun My intention
18 was not to kill this man because I don't even know this
19 man. My life in danger on both behalves.

20 Q Then you go back to the car, right?

21 A Yes, ma'am.

22 Q And at that point when you're running, Tavares has
23 already run off ahead of you, right?

24 A Yes, ma'am.

25 Q You can't leave because Tavares, your testimony is now

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 that Tavares was going to kill you or your family?
- 2 A That was before -- that same then and same right now.
- 3 Q Same thing now?
- 4 A Yes, ma'am, going to do something to my family.
- 5 Something I said back then, same thing I'm saying right
- 6 now
- 7 Q The thing the police didn't write down?
- 8 A Ma'am?
- 9 Q I'll move on. Once you got there, where did y'all go?
- 10 A When we left there?
- 11 Q (The solicitor nodded head)
- 12 A We went back to Bethel Bishop.
- 13 Q You gave the gun back to him?
- 14 A I gave the gun back in the car.
- 15 Q And you never saw the gun again?
- 16 A No, ma'am.
- 17 Q And when you got back to Bethel Bishop, what did you
- 18 do?
- 19 A We went in the house.
- 20 Q Who's house did you go in?
- 21 A Into my aunt's house.
- 22 Q And did you tell your aunt what had happened?
- 23 A No, ma'am.
- 24 Q Why not?
- 25 A My aunt wasn't there.

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 Q Did you tell any one that night what happened?
- 2 A No, ma'am
- 3 Q Okay. Do you remember several days later hanging out
4 with Murder again?
- 5 A Yes, ma'am.
- 6 Q And Vernorris coming over and y'all talking about what
7 had happened?
- 8 A Yes, we talked about it.
- 9 Q Do you remember as the years passed 2005, 2006, 2007,
10 2008, 2009, you got older?
- 11 A 2007, 2008, 2009, 2010, I was in prison.
- 12 Q Okay. On unrelated matters not having to do with
13 Tavares World?
- 14 A Ain't got nothing to do with him.
- 15 Q What about while you were in prison, did you ever tell
16 your mom about what had happened?
- 17 A No, ma'am
- 18 Q Why not? She would be there for you?
- 19 A I understand that.
- 20 Q While you were in prison, did you think about talking
21 to the police about what had happened?
- 22 A No, ma'am.
- 23 Q Why not?
- 24 A Just -- I -- I don't talk to nobody. I didn't want to
25 talk to nobody about, you know what I mean, because it

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- 1 still mess with me to this day, I mean, because it
2 wasn't my intention to kill that man because I didn't
3 know him. I have bad dreams about it
- 4 Q Did you get help while you were prison with your
5 dreams?
- 6 A No, ma'am I take -- twin brother.
- 7 Q Okay. At some point when you got back out of prison,
8 did you think it was important to go to the police
9 and -- you feel so guilty about this, I mean, he had a
10 son?
- 11 A Yes, ma'am, he got a son.
- 12 Q He had a mother?
- 13 A Yes, ma'am.
- 14 Q People that cared about him?
- 15 A Yes, ma'am.
- 16 Q Did you think it was important to clear it all up and
17 let them know what Tavares made you do?
- 18 A That's what I told the police what happened when they
19 got me.
- 20 Q When they got you in 2012?
- 21 A Yes, ma'am.
- 22 Q And to be sure, you never went to the police with this
23 information?
- 24 A No, ma'am.
- 25 Q You would agree with me in your statement, the only you

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- 1 said was that Tavares kicked the door in?
- 2 A And he fought the man.
- 3 Q And he fought the man. And you hit him?
- 4 A I ain't hit nobody.
- 5 Q And then you shot him while y'all were trying to leave.
- 6 Would you agree that's what's in your statement?
- 7 A When I seen him reaching for a gun, that's when I shot.
- 8 Q So there's nothing in your statement about Tavares
- 9 threatening your life before any of this happened?
- 10 A They ain't put it in there. That's what I said back
- 11 then and that's what I'm saying to this day.
- 12 Q Well, that's not exactly what you said back then, is
- 13 it, because when you first came in contact after the
- 14 police picked you up, you lied about what happened?
- 15 A Yes, I did
- 16 Q Why did you lie?
- 17 A Because at first when he showed me the picture, I
- 18 didn't know the man.
- 19 Q Okay. That's understandable.
- 20 A I didn't know him.
- 21 Q What about when they told you about the fingerprint on
- 22 the lamp inside of the apartment?
- 23 A I didn't know what they were talking about at the tie.
- 24 Q Did they tell you about a man being shot in his
- 25 apartment?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A Yeah.
- 2 Q And did they tell you about there being a scuffle in
- 3 the apartment and your fingerprint being on a lamp?
- 4 A Yes, they told me about the fingerprint.
- 5 Q And that didn't jog your memory about this murder?
- 6 A No.
- 7 Q This traumatic event for you, the victim?
- 8 A No.
- 9 Q So you just honestly didn't remember it at first?
- 10 A I didn't.
- 11 Q Is that what you're saying?
- 12 A I didn't remember it at the time.
- 13 Q So at that point, they ask you to drive down to see the
- 14 apartment complex.
- 15 A They took me to the apartment.
- 16 Q And you've had dreams about this, nightmares, it's
- 17 affected you, you're on medication according to your
- 18 testimony?
- 19 A Yes, I am.
- 20 Q Okay. So at that point when you went back to the where
- 21 this traumatic event happened, did it come back to you?
- 22 A Yes, it did.
- 23 Q But you still lied to the police?
- 24 A It really start -- yeah, I lied, but it didn't really
- 25 start dawning on me until we started talking about the

GREG ISAAC CROSS BY MS. CAMPBELL

1 mother and son

2 Q Okay --

3 A That's when my emotions --

4 Q I'm sorry, I didn't mean to interrupt.

5 A That's where my emotions came in at.

6 Q Your emotions came in. Do you remember signing this
7 piece of paper, State's Exhibit 2?

8 A Yes, I remember that.

9 Q Okay. In this, you deny knowing anything about it.

10 That was after you had been to the apartment, which
11 brought it all back?

12 A No, he did that before we went to the apartment.

13 Q So they lied about that, too?

14 A We did that before we went to the apartment.

15 Q At any point did you think it was important to clear
16 this up and go to the police?

17 A No, ma'am

18 Q Okay Not because of the child involved?

19 A I didn't know a child was involved in it.

20 Q Okay. But, typically, people have relatives?

21 A Yes, ma'am.

22 Q And you didn't think it was important to tell the
23 police about Tavares about what he had done and what he
24 had forced you to do?

25 A How am I going to tell the police? If they can't catch

GREG ISAAC CROSS BY MS. CAMPBELL

1 him and he found out that I did it --

2 Q Well, let's talk about when they did catch him because
3 he was in jail in 2009?

4 A I was in jail in 2009.

5 Q Well, he was jail in 2011. At that point, would it
6 have been safe to come forward?

7 A I just came home in 2010, I was messing with somebody
8 in 2011.

9 Q Or in 2012 when he got locked up prior to all this?

10 A I got locked up couple days after him.

11 Q And you knew that because you continued to be friends
12 with him

13 A We wasn't chilling together then We was never
14 together when I came home I was with my kids and my
15 baby -- my child's mother.

16 Q When you talked to the police that day, were you still
17 scared of Tavares, your friend that you were still
18 scared of when you talked to them?

19 A When we talked about the situation?

20 Q In April?

21 A Yeah, when we talked about the situation.

22 Q You were still scared of him?

23 A Yes

24 Q Murder?

25 A Yeah, because if he found out I tell about it, I mean,

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 no telling what he will do.
- 2 Q Okay. And you told?
- 3 A Yeah, I did.
- 4 Q In fact, at that point, you blamed the victim for the
- 5 reason you had to shoot him, right?
- 6 A I can't really say I blamed him, but, you know what I
- 7 mean, I seen him touching for a gun. What else I
- 8 supposed to do, run and let him shoot?
- 9 Q You told the police you knew he didn't have a gun?
- 10 A I ain't told the police nothing. I said I seen him
- 11 touching for a gun.
- 12 Q What you thought was a gun --
- 13 A Yeah.
- 14 Q --
- 15 A Yes -- and see if he had one.
- 16 Q Do you remember talking to Brian Godfrey and those and
- 17 telling them that you knew he didn't have a gun?
- 18 A I ain't know he had nothing.
- 19 Q So you deny that. But you told on him even though you
- 20 were scared for your family and everything at the
- 21 point?
- 22 A The reason I told was because the mother and the son
- 23 Q And, in fact, you wrote a letter to apologize to them.
- 24 A Yes, I did
- 25 Q And in the letter, do you remember what you said?

GREG ISAAC CROSS BY MS. CAMPBELL

- 1 A No, not the whole thing.
- 2 Q Do you remember asking them to forgive you for what you
3 did?
- 4 A Yes, ma'am.
- 5 Q And telling them if they couldn't forward you, you
6 would understand?
- 7 A Yes, ma'am
- 8 Q Because what I did, I know I was wrong?
- 9 A Yes, ma'am
- 10 Q You didn't explain in the letter to them -- is that
11 your handwriting by the way?
- 12 A Yes, ma'am.
- 13 Q That you had no other choice but to do it?
- 14 A Yes.
- 15 Q In fact, the only person you say you were scared of was
16 her son?
- 17 A I said I'm scared of her son?
- 18 Q You said it wasn't my intention to shoot your son, but
19 I felt for my life?
- 20 A That don't mean I was scared of her son
- 21 Q According to your testimony, you thought he was going
22 to shoot you?
- 23 A Yes, ma'am.
- 24 Q But you don't mention anywhere in your apology letter
25 in your own handwriting I didn't have a choice, Tavares

GREG ISAAC CROSS BY MS. CAMPBELL

1 made me do it, anything. That didn't come up until
2 July of this year?

3 (There was no response).

4 Q Do you remember your testimony from July of this year
5 when Mr. Schnee asked you some questions. On page 13,
6 he was talking to you, y'all were outside the apartment
7 and he was talking about going in Do you remember why
8 you said wouldn't go in?

9 A I didn't have nothing to do with it.

10 Q No, that's not what you said?

11 A What I said?

12 Q I was asking do you remember why you said it?

13 A Why I said it?

14 Q I don't do no burglaries or whatever I don't break in
15 nobody's house?

16 A Yeah, I said that.

17 Q And that's not true?

18 MR. SCHNEE: Judge there's a matter of law.

19 THE COURT: Counsel, approach.

20 Ladies and gentlemen, let's stand for moment.

21 (Whereupon, a bench conference was held
22 off the record, in the presence of the
23 jury, but out of the hearing of the
24 jury)

25 THE COURT: All right.

GREG ISAAC REDIRECT BY MR. SCHNEE

1 BY MS. CAMPBELL.

2 Q After he threatened you that night and you felt for your
3 life, why did you continue to hang out with Murder?

4 A Because if I didn't, I thought he have -- my family or
5 something.

6 Q And after you told on him, did anything happen to you
7 or your family?

8 A I was locked up.

9 Q But he was locked up before that?

10 A I was locked up before that.

11 Q Thank you, sir.

12 THE COURT: Any redirect?

13 MR. SCHNEE: Yes, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. SCHNEE:

16 Q Greg, this is the second page of a statement you gave
17 to the police in April of 2012. I want to show you
18 this. Does it say where you got the gun that night?

19 A Yes.

20 Q Where does it say that you told police a year and half
21 ago you got that gun?

22 A Before we went to the apartment.

23 Q Who gave it to you?

24 A Tavares.

25 Q That was in the car?

GREG ISAAC REDIRECT BY MR. SCHNEE

- 1 A Yes, sir.
- 2 Q That's what you told the police?
- 3 A Yes, sir.
- 4 Q Okay. Now, this hearing that happened back in July, it
- 5 was nowhere near as long as your testimony today in
- 6 front of the jury; was it?
- 7 A Say it again.
- 8 Q It was nowhere near as long as the testimony here, was
- 9 it?
- 10 A No, sir.
- 11 Q Can you tell me if anyone ever asked exactly when you
- 12 got the gun in the testimony? If you just want to look
- 13 through it?
- 14 A I don't see.
- 15 Q No one asked you where you got the gun?
- 16 A No, sir.
- 17 Q After October of 2005 and to this day, what is
- 18 Tavares's relationship with your family?
- 19 A Cousin's husband.
- 20 Q And has how many kids with your cousin?
- 21 A Two.
- 22 Q Is there any way you can avoid being around him?
- 23 A No, sir.
- 24 Q Did you feel when you went to that apartment that you
- 25 had any choice whatsoever?

1 A No, sir.

2 Q If you didn't go with Tavares, what would have
3 happened?

4 A He would have hurt me, killed me or something.

5 Q No further question.

6 THE COURT. Anything further?

7 MS. CAMPBELL. No, sir.

8 THE COURT: All right. Sir, you may step down
9 Okay Next witness.

10 MR. SCHNEE: Judge, at this time, the Defense
11 rest

12 THE COURT: All right. Ladies and gentlemen,
13 you've heard the Defense case.

14 Any reply by the State?

15 MS. CAMPBELL: No, sir.

16 THE COURT: All right. Ladies and gentlemen,
17 you've now heard all of the testimony in this case. What
18 remains will be closing arguments, the jury charge and then
19 it will be time for deliberation. We're going to break for
20 one hour -- well, let's one hour and 10 minutes -- no, we'll
21 say one hour, which will be 20 after two. So please go to
22 the jury room Please do not discuss the case.

23 (Whereupon, the jury left the courtroom
24 at 1:17 p.m.)

25 THE COURT: Any matters at this time?

1 MR SCHNEE: Judge, just for the record, I would
2 renew all prior motions and objections. Additionally, Your
3 Honor, I would say that my client's clearly established a
4 case of duress and self-defense for all the charges. The
5 State has the burden of -- in terms of duress, I only have
6 to prove by preponderance of the evidence -- contrary
7 evidence other than my client's testimony. In terms of self
8 defense and the murder charge itself, the State has the
9 burden of disproving beyond a reasonable doubt and I don't
10 believe they have met that burden. I, once again, ask for a
11 directed verdict

12 THE COURT: All right. These are matters for the
13 jury to decide. I respectfully deny your motion.

14 Anything else?

15 MS CAMPBELL: Your Honor, as far as duress, I'm
16 going to hand up some case law.

17 THE COURT: What's the story about duress?

18 MS. CAMPBELL: Basically, there should be an
19 instruction I believe, Your Honor, on the duress does not
20 apply to murder.

21 THE COURT: All right. Does the State acknowledge
22 that that's a proper charge.

23 MS. CAMPBELL: In addition to that, Your Honor, I
24 believe in the State vs -- the Court -- duress by
25 preponderance of the evidence.

1 THE COURT: Burden of proof as to duress is on the
2 Defense, is that what you said?

3 MS CAMPBELL: Yes, Your Honor.

4 THE COURT: All right

5 MR SCHNEE: Judge, I agree with that, that is the
6 law.

7 THE COURT: That's the Lee County -- case?

8 MS. CAMPBELL: Yes, looks like it.

9 THE COURT: All right.

10 MS CAMPBELL: And as far as self-defense, Your
11 Honor, we would ask that you use your regular self-defense
12 charge. Your Honor, I believe we would also hand up -- on
13 the duress issue.

14 THE COURT: With regard to self-defense, is there
15 anything new or different with respect to this self-defense
16 charge as opposed to any other self-defense charge except
17 the -- let's see The self-defense charge -- he's arguing
18 self-defense as it relates to the murder charge and duress
19 as it relates to other charges.

20 MS. CAMPBELL: Yes, Your Honor, and then we have
21 to fashion somewhere that that's the only -- yes, he's
22 alleging self-defense as far as the murder charge. And then
23 the proper -- and the only thing we would ask is the
24 self-defense charge that you charge the jury includes the
25 language about --

1 THE COURT: Anything else?

2 MR. SCHNEE: Judge, I think that Ralph King
3 Anderson's charge that I copied and pasted is the
4 appropriate charge on self-defense. I'm not sure what Your
5 Honor --

6 THE COURT: Well, Ralph King Anderson is retired
7 and he has had his run. He's written a book,
8 well-respected. We don't copy and paste him as being the
9 who we must charge.

10 MR. SCHNEE: Well, I'm not sure what she's saying
11 is actually missing from his charge.

12 MS CAMPBELL: And reasonable doubt, Your Honor,
13 we have on problem with his as long as your --

14 THE COURT: All right. All right. Anything else
15 then?

16 (There was no response.)

17 MR. SCHNEE: No, Your Honor.

18 THE COURT: All right. We'll argument at 2:30
19 Not 2:30 -- 2:20

20 (Whereupon, a short recess was held.)

21 THE COURT: Yes

22 MS. CAMPBELL. May it please the Court, Your
23 Honor. Over the break, I did review the Defendant's
24 testimony at this time, he did testify they were smoking
25 marijuana in the park prior to the actual crime occurring

1 And based on that, Your Honor, we submit a request from the
2 voluntarily intoxication charge. I did show that to the
3 Defense and I do not believe they have a problem.

4 THE COURT. Is that correct?

5 MR. SCHNEE. That's correct, Your Honor.

6 THE COURT: All right.

7 Mr. Schnee.

8 MR. SCHNEE: There is one other matter, Your
9 Honor.

10 THE COURT: Okay

11 MR. SCHNEE I know the foreperson and everyone
12 has taken a substantial number of notes. From what I've
13 seen, at least, some of them haven't I would just ask Your
14 Honor to give your charge on note taking and not relying on
15 notes.

16 THE COURT: All right. I'll do that.

17 All right. Let's bring in the jury.

18 BAILIFF: Yes, Your Honor

19 (Whereupon, the jury returned to the
20 courtroom at 2.32 p.m)

21 BAILIFF: Your Honor, the jury is seated.

22 THE COURT. All right. Welcome back. Now, ladies
23 and gentlemen, you have now heard all of the testimony. You
24 have received all of the evidence. It's now time for
25 closing arguments. Please remember that the arguments of

1 counsel, those arguments are not evidence. You've heard the
2 evidence from the witness stand and the evidence -- the
3 evidence is also contained in the exhibits that are made a
4 part of the record. Certainly, what is stated in closing
5 arguments is important and I ask that you give them your
6 undivided attention at this time.

7 Ms. Campbell.

8 MS CAMPBELL: May it please the Court.

9 The first thing I would like to do on behalf of
10 the State of South Carolina and the citizens of Richland
11 County and the family of Antonio Corbitt is to thank you for
12 your service in this case. I know on Monday morning when
13 you walked into this courthouse, you didn't know maybe you
14 might be on a wreck case or, perhaps, a fraudulent check or
15 something of that. Whenever one is asked to perform the
16 highest duty one can serve other than military, you don't
17 know what to expect. But over the last few days, you've
18 been very attentive and paid attention and we really
19 appreciate your help in this case. On behalf of the family
20 and on behalf of the State, the sheriff's department, we
21 thank you.

22 Now, I'm going to have the opportunity to address
23 you the first time, to address each of you. After I
24 speak -- and I'm going to talk to you about the law in the
25 case that the Judge is going to charge you. After I talk to

1 you, Mr. Schnee is going to get up here and have an
2 opportunity to address certain issues he feels are in the
3 case. And after that, you're going to hear from Ms. Walker,
4 who is going to talk to you about the closing argument
5 because the burden of proof is on the State of South
6 Carolina as it should be to prove this Defendant guilty
7 beyond a reasonable doubt. As I talk about the law, if I
8 say anything different from what the Judge (indicating) will
9 ultimately charge you what the law is you're to apply to the
10 facts as you find them, if I say anything different from
11 him, take the law as he gives it to you. It's not
12 intentional on my part. Just remember to listen to him
13 carefully because he is the ultimate judge of the law

14 The roles in this courtroom are defined for a
15 purpose. The State's role is to bring before you all
16 relevant, admissible evidence as far as what happened back
17 just on September the 27th of 2005. The Defense's role is
18 obvious, it's to defend his client to the best of his
19 ability. The Judge's role is to determine what is
20 admissible and what you're allowed to hear and consider as
21 far as what happened back on that day. But by far, the most
22 important role in this courtroom is yours. Each of you
23 individually And then once you get back to that jury room
24 after you hear the closing arguments and after the Judge
25 addresses you as to what the law is that you should apply,

1 your role is by far the hardest because you alone must
2 determine from the facts and circumstances what happened
3 back that day and whether the Defendant is guilty of or if he
4 is not guilty of any crime on that day. That is your role.

5 Now, the Judge has told you, and this is
6 important, what is the evidence that you can consider as
7 you've heard everything you can consider. Evidence is the
8 testimony, the sworn testimony from the witnesses in the
9 case. The evidence is the exhibits that will go back with
10 you. Once you are charged on the law, once each of you go
11 back there, the exhibits will go back for you consider.
12 That is what is evidence that you can consider in this case.
13 What is not evidence, as the Judge has already told you,
14 it's not a question by the lawyer, it's not our arguments,
15 it's not allegations that were not substantiated through the
16 actual testimony in this trial, even though someone may have
17 said thing in opening.

18 Evidence is not just innuendo, conjecture,
19 speculation, or just plain wishful thinking on behalf of the
20 Defendant. Again, your role as jurors is to judge the
21 credibility -- and I'll get back to this, the credibility of
22 each witness that came before you. Do they have a bias or
23 prejudice? Was their testimony supported by the other
24 evidence or not supported? Were they consistent in the
25 statements they gave before or did their story change and

1 change and change as necessitated by the law that's going to
2 be applied.

3 Now, I want to apologize if during this we have
4 done anything (indicating) to offend you in any way.
5 Sometimes, in our -- to get evidence out before you, a
6 question can be sloppy, sometimes something may be not
7 admissible at first and then later becomes admissible. I
8 know y'all have been sent back to that jury room over and
9 over and I apologize. It was not intentional on our part.
10 So please don't told that against the State of South
11 Carolina

12 Now, a criminal case issue, a Defendant has, as he
13 should, an absolute right to confront each and every witness
14 against him. He has the absolute right to confront each and
15 every witness. During the course of this trial, you have
16 heard people refer to prior statements from witnesses.
17 You've heard other things. Normally, those are not
18 admissible. The except -- any admission by the Defendant
19 about these charges that is the exception normally. In this
20 case, there's another exception. If the Defense allows --
21 video of a child, then it can become admissible if he so
22 chooses. But, basically, in order for the Defendant to
23 confront each and every witness, there's live testimony.

24 You heard from the pathologist in this case. We
25 didn't just give his report. You heard from the police

1 officers in this case to see what was done And the reason
2 for that is clear, is because the constitution guarantees
3 him the right to cross-examine each and every witness, but
4 you haven't seen any depositions, any video depositions, no
5 statements are admissible and that's the reason for that.
6 Also, the State is going to -- we only bring before you
7 relevant evidence as far as what happened that day. So we
8 have been able to bring before you witnesses that actually
9 had something to contribute as to the issues in this case.
10 And I submit the issues in this case were narrowed down in
11 opening statement by the Defense because there is no nobody
12 denying that we have -- saying that we have the wrong guy.
13 There is no one alleging that he didn't shoot and kill
14 Antonio Corbitt.

15 The only issue here is whether or not under the
16 law, even if you believe the Defendant's testimony, his
17 final testimony here today, did he have a right to shoot and
18 kill Antonio Corbitt, who was in his own home, minding his
19 own business that night, does a home invader have the right
20 to shoot and kill in self-defense? And I submit, ladies and
21 gentlemen, once you hear what the Judge instructs you on the
22 law in this case, no one has the right to break into someone
23 else's house and then try to claim self-defense to get off.
24 That is ludicrous.

25 The burden of proof is on the State of South

1 Carolina to prove this Defendant beyond a reasonable doubt.
2 That's the highest level of proof in any courtroom in this
3 nation, as it should be. Proof beyond a reasonable doubt.
4 And I submit, ladies and gentlemen, in this case with this
5 testimony and with these stories (indicating), that is a
6 burden the State welcomes.

7 Now, what the proof beyond a reasonable doubt?
8 The Courts have defined it. Perhaps, the easiest
9 definition, what is a reasonable doubt? A reasonable doubt
10 is the type of doubt that makes a reasonable person -- and
11 you'll here it from the Judge's charge. He will talk about
12 people using reasonable definitions because it's not
13 someone -- anybody can say anything, it doesn't make it
14 true. The type of doubt that makes a reasonable person
15 hesitate to act. But our Courts have gone further than that
16 in defining a reasonable doubt. In cases, they have defined
17 it as this, and listen carefully to the Judge, proof behind
18 a reasonable doubt is proof that leaves you firmly convinced
19 of the Defendant's guilt. And let me repeat that Proof
20 beyond a reasonable doubt is proof that leaves you firmly
21 convinced of the Defendant's guilt. There are very few
22 things in this world that we know with absolute certainty.
23 And in criminal cases such as this, the law does not require
24 proof that overcomes every possible doubt. If based on your
25 consideration of the evidence, you're firmly convinced that

1 the Defendant is guilty of the crime charged, you must find
2 him guilty. If on the other hand, you think there is a real
3 probability that he is not guilty, give him the benefit of
4 the doubt and find him not guilty. Again, the law
5 recognizes any one can doubt anything. We don't have to
6 overcome that. Although I submit in this case with these
7 facts and this testimony, we have. All we to have do is
8 leave you firmly convinced of the Defendant's guilt.

9 Now, there are going to be three different
10 indictments -- there are three different charges even though
11 this is only one defense -- person commit more than one
12 crime. In this case, he is charged with murder and there
13 are no lesser included on these facts. Listen carefully to
14 the Judge: In this case, he is charged with attempted armed
15 robbery and there are no lesser included. Listen carefully
16 to the Judge. And in this case, he's charged with burglary
17 in the first-degree.

18 And very simply, ladies and gentlemen, I want to
19 talk to you about the elements of those. And listen again
20 to the Judge as he instructs you on the law. Murder to be
21 the most heinous crime that can be committed. That is
22 probably definition. Very simply, in our laws it's defined
23 as this, it is the killing of any person with malice
24 aforethought, either express or inferred. I want to talk to
25 you a little bit about what those terms mean. It's the

1 killing. Now, listen carefully to the Judge because with
2 murder in this state, we don't have murder in the
3 first-degree, second-degree, we have murder. You will
4 listen carefully to the Judge. He will -- In this case,
5 there's another inference that can be done through the
6 commission of a felony that murder occurs, but I'll get to
7 that in a minute. Murder is simply the killing of any
8 person with malice aforethought, either expressed or
9 inferred. And expressed or inferred are different manners
10 in which malice may be found by you, the jury. What is
11 expressed malice? The Judge will instruct you something
12 similar to this Expressed malice is say I walk up to
13 another person and I look at him and I pull out a gun and I
14 say, I am going to kill you. The intent is clear. The
15 words express that malice. Lying in wait, such as on this
16 day when they waited for him. That's expressed malice. But
17 the law recognizes in most cases that malice must be
18 inferred. You must look at the circumstances surrounding
19 the act and what is done. In this case, there was a felony
20 murder inference because while this murder occurred, they
21 were in the commission of a home invasion, which are the
22 burglary first and attempted armed robbery charges. But may
23 be inferred or expressed. It doesn't need but one kind --
24 simply how you, the jury, can find the presence of malice.

25 The Courts have defined malice -- when talking

1 about malice, I like to think of the word malicious because
2 that's the word I use. What is malicious? Malice is the
3 basis of that word. Was it a malicious act? I submit,
4 ladies and gentlemen, in this case, this case wreaks of
5 malice. Malice is a wicked condition of the heart. It's a
6 wicked purpose. It's -- malice conveys means hatred, ill
7 will, hostility towards another. Listen carefully because
8 over and over in this trial, it's come up that he didn't
9 even know the person that he killed. You don't have to know
10 someone to be guilty of murder. If you kill someone with
11 malice, you are guilty of murder where you know them or not.
12 In the legal sense, it is not a necessity -- I can't talk
13 today, sorry, to import ill will towards the individual
14 injured, but signifies, rather, a general malignant
15 recklessness of the lives and safety of others or a
16 condition of the mind which shows a heart regardless of
17 social duty and fatally bent on mischief. And I submit,
18 ladies and gentlemen, when three men, all three were drug
19 dealers, get together and go over and rob somebody and kick
20 in his door and attack him and then count to 10 or I'll
21 shoot you and they shoot him, it doesn't get any more
22 malicious. A malignant recklessness of the lives and safety
23 of others or a condition of the mind which shows a heart
24 regardless of -- and fatally bent on mischief. To find this
25 Defendant not guilty of murder, you must find that he was a

1 victim that night in every sense of the word.

2 There is another way of proving malice just from
3 the circumstances and the other crimes that were committed.
4 Additionally, the law says if one intentional kills another,
5 there's no doubt he's testified, at least, that
6 consistently, whether he shot two or three times, whatever,
7 that he intentionally shot. If one intentionally kills
8 another during the commission of a felony, the inference of
9 malice may arise if facts are proven beyond a reasonable
10 doubt sufficient to raise an inference to your satisfaction.
11 I tell you this inference would simply be an evidentiary
12 fact and taken into consideration by you along with all of
13 the other evidence in this case. I charge you that burglary
14 and armed robbery in this case, attempted armed robbery are
15 felonies. The very fact that this murder occurred during
16 the commission of a burglary in the first-degree or
17 attempted robbery or home invasion -- then that alone is
18 enough to raise the inference of malice.

19 Now, it says malice aforethought. I talked to you
20 about premeditation and it's not a necessary element, all we
21 have to prove is whether malice is expressed or inferred and
22 malice must be aforethought. It must exist in the mind of
23 the accused just before and at the time the commission of
24 the act. It is not required that malice exist for any
25 particular amount of time, but there must be some

1 combination of the previous evil intent and the act
2 producing the fatal result.

3 Now, ladies and gentlemen, I ask you, I beg you to
4 look at the circumstances because what is so important is
5 the crime scene itself, where the bullets went all
6 disapprove his final version of what happened (indicating).
7 And in order to acquit him, you must believe that final
8 version of what happened.

9 Burglary in the first-degree -- on a separate
10 note, each of these must be unanimous, all 12 of you must
11 agree whether it be for guilty or for not guilty and all of
12 you must make the determination on each indictment
13 separately. Okay. That's how it works. A person's guilty
14 of burglary in the first degree if a person enters a
15 dwelling -- there's no dispute this is his dwelling, where
16 he lived, without consent -- kicking in the door in and of
17 itself, I would submit, is without consent -- and with the
18 intent to commit a crime in the dwelling. And either
19 when -- entry or while in the dwelling or in immediate
20 flight, he or another participant in the crime, so at any
21 point during this, is armed with a deadly weapon or
22 explosive. That alone is an aggravated circumstance that
23 makes this burglary in the first-degree. The Defendant by
24 his own admission says he was armed, no dispute. And I'll
25 get back to the hand of one hand of all theory in a minute.

1 Or -- we don't have to put all of these aggravating
2 circumstances, just any one of them, although this case
3 because of the heinous nature of it has got more than one
4 causes physical injury to a person who is a nonparticipant
5 in a crime. When you kill somebody in their own home,
6 that's causing physical injury to that person or uses or
7 threatens to use of a deadly dangerous instrument. Any one
8 of those is enough. And I submit we have them all when we
9 don't have to.

10 The final indictment that's going to be before you
11 on the verdict form, at least, is attempted armed robbery.
12 A person who attempted armed robbery while armed with a
13 pistol, dirk, sling shot, metal knuckles, razor -- or while
14 alleged -- in this case, there's no question, he was armed.
15 You don't have to display the weapon. The person doesn't
16 even have to see the weapon to be guilty of armed robbery or
17 attempted armed robbery. But in this case, he alleges
18 either by action or words, he was armed by using a
19 representative of a deadly weapon or any objects -- guilty
20 of attempted armed robbery. In this case -- sufficient for
21 it to be armed robbery, it's not even that he's using a
22 representation -- the very fact they go over there and he
23 doesn't get not guilty just because they didn't complete it
24 because he shot him and they panicked and ran and left the
25 money on the table, that doesn't give him an excuse not to

1 be guilty of attempted armed robbery

2 The defense in this case has raised self-defense

3 Whenever it is raised, the Judge will instruct you on it.

4 And there are four elements, three or four elements,
5 depending on how the Judge charges you. And self-defense is
6 a valid defense if the person is acting in self-defense.

7 But very simply, ladies and gentlemen, the burden
8 is on the State to disprove the act of self-defense. And I
9 submit, ladies and gentlemen, in each one of these different
10 areas, and we only have to disprove one for it not to apply,
11 he fails over and over that the Defendant was without fault
12 in bringing on the difficulty. When two people -- and I'll
13 get back to hand of one hand of all -- decide to go to a
14 residence and kick in the door and beat up the victim and
15 then shoot him, it does not matter which one participated in
16 which act.

17 There's been a big deal made about how Tavares is
18 the one that kicked in the door. He doesn't get a free ride
19 because he's not the one that kicked in the door, that
20 doesn't excuse him from murder. The Defendant wasn't
21 without fault in bringing on the difficulty. I submit,
22 ladies and gentlemen, it wasn't until July the eighth of
23 this year that he came up with any story in which he tried
24 to absolve himself because he realized he's guilty of
25 everything from the statement he gave to the police. He's

1 not afforded self-defense because he's not lawfully in that
2 person's home. He's in there with the purpose of committing
3 a crime. Their theory is for you to find him not guilty is
4 that a person can go and break into another person's home,
5 while they're there, a fight ensued and then they can act in
6 self-defense. The person who has the right to shoot is the
7 homeowner. It does not extend to the perpetrator. It is
8 ludicrous. And the law is very clear on that.

9 Number one, was he without fault in bringing on
10 the difficulty? Of course, he was at fault. There is no
11 question he was at fault. Read the statement he gave the
12 police. He went there for the purpose. He went with his
13 friend. And regardless of what he said, Murder is his
14 friend who he hangs out with all the time. The Defendant
15 actually believed he was in imminent danger of losing his
16 life or sustaining. It's really funny in this case because
17 if you look as the statements develop, number one, I wasn't
18 there. Whoops, you got a fingerprint. Number two, okay it
19 was my twin brother, my dead twin brother. I'll blame him.
20 Whoops, didn't work. Three, blame the victim. I thought he
21 was going for a gun, had to shoot him, hate it. It's really
22 messed me up. Then number four, that's not going to work.
23 No jury's going to buy that, so let me make up something new
24 after you read the discovery, after you figure out what the
25 evidence is.

1 Credibility. If -- even if it was based on his
2 actually belief, even if he wasn't at fault, even if he had
3 a right to be there, even if that a reasonable and prudent
4 man with ordinary -- courage would have entertained the
5 same -- it's ludicrous. The testimony is the two were in a
6 fight. He was shirtless. As much as he thought about
7 whether or not this victim didn't have a shirt on, he didn't
8 have a shirt on. There was no hidden gun. He has on
9 sweatpants. Where was he reaching for a gun? During the
10 middle of the fight, there was no gun. There was no reach
11 by the victim. Was the victim cooperative when he was being
12 robbed? You judge. You determine.

13 If the defense is based on being in actual and
14 imminent danger, which I submit doesn't apply, that the
15 circumstances were such as would warrant a man of ordinary
16 prudence, firmness and courage to strike the fatal blow in
17 order to save himself from serious bodily harm or losing his
18 own life. And remember what his testimony was, the guy's
19 coming out the door, Tavares is in front of him, according
20 to him, the victim is right behind him. As they're coming
21 out the door, according to this man, he's able to see
22 through Tavares, because, remember, he's 10 feet away
23 Tavares has to go all the way, then hit him before he draws
24 his gun. And he admits the victim is still in the house.
25 And you saw the pictures. Does his version -- is it even

1 physically possible? And how was he able to pull a gun that
2 quickly? Impossible

3 And, finally, the one that absolutely gets him is
4 called the duty to retreat. He had no other probable means
5 of avoiding this, even based on his own version. You get
6 past the fact he's committing -- you get past all those
7 other factors, he has a duty to retreat because the law, no
8 matter what law it is doesn't say that you can just randomly
9 go and shoot people and kill them because you think he might
10 have a gun because that creates chaos in a chaotic society.
11 He has a duty -- no other probable means of avoiding the
12 danger. He's 10 feet away. He's on the front porch. And
13 it was his testimony that he tried to run, that he tried to
14 flee? No, he just reacted. And, luckily, he's a pretty
15 good shot for him, according to his testimony -- no other --
16 duty to retreat, absolutely, it's self-defense. Did the
17 homeowner have a duty to retreat? No, he's in his own home.
18 Did the home invader have a duty to retreat? Yes. If he
19 fails -- and listen to the Judge, on any one of these
20 elements, then he's not entitled to self-defense verdict of
21 not guilty. I submit, ladies and gentlemen, it is ludicrous
22 under these facts with these circumstances for him to get up
23 here and argue that he acted self-defense and that Antonio
24 Corbitt deserved to die.

25 He's also going to raise the defense of duress as

1 you've heard from his testimony that's just come up in July
2 and then today in front of you. He said he had to do it,
3 that he was threatened by Tavares World. And all I ask you to
4 do is look at his statement, that was protected, he blames
5 the victim. But as he sits there and thinks about it as the
6 year passes, that's not going get him off, so he's got to
7 come up -- that's why his story had to change. He's got to
8 come up with a new theory. And the new theory is that
9 Tavares, his friend Murder, who he chooses to go to where
10 Tavares lives and chooses to hang out with him has
11 threatened him and his family

12 Duress or coercion. To establish duress, which
13 will excuse a criminal act, a degree of coercion must be
14 present -- such a nature as to induce a well-rounded -- of
15 death or seriously bodily harm if the act is not done.
16 Coercion is no defense if there is any reasonable way other
17 than committing a crime to escape the threat of harm. The
18 fear of injury must be reasonable. I submit, was there any
19 reasonable way? He was armed. He had a loaded pistol. He
20 knew it was loaded. If he's going to shoot somebody, why
21 doesn't he shoot the person who he's deathly afraid of?
22 Does it even make sense? So he's raised the duress.

23 But, unfortunately, again for him, the Judge will
24 instruct you, even if you raise the defense of duress to the
25 burglary and to the attempted arm robbery, and I submit

1 that's what he's trying to get around here, it doesn't apply
2 to the murder because coercion or duress is not and is never
3 a defense of murder. No matter how much a person's life is
4 threatened, even when it's real, no matter how much they don't
5 think they have any other choice, that doesn't give them
6 license to murder. The law recognizes that. Listen
7 carefully to the Judge. This doesn't apply even in any case
8 to the homicide He's merely raising this to try to get out
9 of the burglary first-degree and attempted armed robbery and
10 to win on these charges.

11 Now, you also heard today in testimony that just
12 prior to this event they were smoking marijuana. The law
13 also recognizes that voluntary intoxication, either alcohol
14 or drugs, does not excuse a person, does not relieve them of
15 criminal responsibility in this state or in this nation.
16 Voluntary intoxication is never an excuse -- a person who
17 voluntarily renders himself intoxicated is no less
18 responsible for his acts while in such condition. If a
19 person voluntarily drinks intoxicating liquors or takes
20 drugs and become intoxicated and while in that condition
21 commits an act which would be a crime if it were committed
22 by a sober person, the fact of drunkenness or intoxication
23 would never relieve the intoxication person from the
24 responsibility. So that doesn't give him an out to go out
25 and commit murder.