VOLUME I of II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Robin B. Stilwell, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BOBBY LEON SMITH,

APPELLANT

APPELLATE CASE NO. 2018-000541

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)	
)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE)	2015-GS-23-02833
)	2015-GS-23-02834
)	
)	2015-GS-23-02823
)	2015-GS-23-02824
)	
STATE OF SOUTH CAROLINA,)	
)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
JAHRU HAROLD SMITH,)	**VOLUME I**
BOBBY LEON SMITH,)	
DEFENDANTS.)	
)	

March 12 and 13, 2018
Greenville, South Carolina

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, JUDGE; and a jury.

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

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W. JEFFREY WESTON, ESQ.
Assistant Solicitors

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Attorney for Defendant Jahru Harold Smith

C. TIMOTHY SULLIVAN, ESQ.
Attorney for Defendant Bobby Leon Smith

HOLLIE M. JENKINS
Circuit Court Reporter

proof. Okay.

So, ladies and gentlemen, again, this is the State of South Carolina v. Jahru Harold Smith. And it is indictment number 2015-GS-2833, an indictment for murder and possession of -- of a weapon during the commission of a violent crime.

And in this indictment, ladies and gentlemen, the State would allege that Mr. Smith did in Greenville County on or about February 3rd of 2015, unlawfully and with malice aforethought kill Shamese Logan by means of shooting her with a handgun. And that Shamese Logan died as a proximate result thereof.

The second count of the indictment would allege that Mr. Smith in Greenville County on or about February 3rd, 2015, did possess or visibly display a handgun during the commission or attempted commission of a violent crime, specifically, murder.

Ladies and gentlemen, the next indictment before the Court is the State v. Jahru Harold Smith. And that is indictment ending 2834, an indictment for armed robbery.

Ladies and gentlemen, the State of South Carolina would allege that Mr. Smith did in Greenville County on or about February 3rd, 2015, while armed with a deadly weapon or while either by action or words he was armed while using a representation of a deadly weapon, or an object

which a person present during the commission of the robbery would reasonably believe to be a deadly weapon take by means of force or intimidation goods or monies described as a South Carolina identification card, or a financial transaction card, and/or a mobile phone from the person of Shamese Logan.

Ladies and gentlemen, the next indictment that is before the Court today is the State v. Bobby Leon Smith, indictment ending 2824. It's an indictment for murder and possession of a weapon during the commission of a violent crime.

Ladies and gentlemen, therein the State alleges that the Defendant, Mr. Smith, did in Greenville County on or about February 3rd, 2015, unlawfully and with malice aforethought kill Shamese Logan by means of shooting her. And that Shamese Logan died as a proximate result thereof.

The second count is -- alleges that the Defendant did in Greenville County on or about February 3rd, 2015, possess or visibly display a handgun during the commission or attempted commission of a violent crime, specifically, murder and armed robbery.

The next indictment and the last indictment, which is before the Court, is the State v. Bobby Leon Smith, indictment ending 2823. It's an indictment for armed robbery wherein the State would allege that Mr. Bobby Leon

Smith did in Greenville on or about February 3rd, 2015, while armed with a deadly weapon did take by means of force or intimidation goods or monies described as several personal items, including an identification card, bank card, cellar phone from the person or presence of Shamese Nicole Logan.

Now, ladies and gentlemen, again, I read that for you not to represent to you that those are the facts in the case. That is -- those are the allegations from the State.

The State prepares an indictment as the charging paper, which brings the charges to court. These are the State's charging papers and/or allegations which brings us to court this afternoon. I make no representation to you with respect to the facts in this case. And I don't represent that these are the facts. I represent that they are the allegations.

JURY QUALIFICATION

THE COURT: But it's important for me to let you know what the case is about so that you can intelligently answer the next question. And that is, is there anyone among you who has any prior knowledge, any prior disposition, or any opinion regarding the parties to this case or the allegations in this case?

Yes, sir.

Any other issues we need to discuss?

MR. MORONEY: None from the State, Your Honor.

I did want to make you aware at the outset, although it's not relevant at this point, that both Defendants in this case have been served with life without parole notice, just for your information.

THE COURT: Sure. Okay. And I will under the -- under the circumstances, given that we've impanelled the jury, I will revoke the bond, respectfully.

Now, Mr. Kornfeld, with respect to Mr. Jahru Smith, I have not excluded him from the courtroom.

MR. KORNFELD: I understand.

THE COURT: He is welcome to come back any time he wants to, and to lend whatever assistance to you and his defense that he wants to. You're welcome to have a conversation with him over lunch to see if he wants to come back. That's entirely within his discretion.

When we come back, I don't know if you want me to give the jury any type of charge, or whether you just want me to ignore it. But I will defer to you in that regard. You tell me what you want me to do. Okay.

MR. KORNFELD: Okay.

THE COURT: Good enough. I'll see y'all back here at 2:00.

Yes, sir, Mr. Sullivan.

All right. So, ladies and gentlemen, you know what I know, high 20s. So after talking to the attorneys this morning, we thought that maybe we could be done with the presentation of the evidence by Wednesday. If we're done with the presentation of evidence by Wednesday, I would imagine we'd come back on Thursday and try to get to argument and charge. That's just a wild guess. Okay. Because I don't know how long these witnesses are going to take. But that's kind of what we're shooting for.

All right. Good enough.

Mr. Moroney, your argument, sir.

MR. MORONEY: May it please the Court, Your Honor.

THE COURT: Yes, sir.

OPENING STATEMENTS

MR. MORONEY: Ladies and gentlemen, this case is about Ms. Shamese Nicole Logan, the victim of a violent armed robbery and murder that occurred here in Greenville County. And it was committed by the two Defendants in this case, Mr. Bobby Smith, seated here in this chair with the black jacket on, and Jahru Smith, his brother, who's not in the courtroom at the present time.

And let me address this from the outset to get it out there in the open. Ms. Logan, the victim in this case, sold drugs. And that in no way lessens or changes the fact that she was the victim of a violent armed robbery

and murder that took place here in Greenville County and was committed by the Defendants in this case.

What we intend to prove in this case is that Bobby Smith and Jahru Smith conspired together to rob the victim of her drugs and her money by luring her over there to the residence they were at at the time, their mother's residence, under the guise of her selling them some crack cocaine. But they didn't intend on purchasing any, rather, they intended on robbing her.

So on February 3rd, 2015, at about approximately 9:40 p.m., Ms. Logan arrives at [redacted] Mayflower Avenue here in Greenville County with the understanding she was about to sell some crack cocaine. When she pulls into the gravel driveway there at [redacted] Mayflower Avenue -- and this is in a residential area, houses in close succession, houses across the street, a normal neighborhood.

As she pulls into the gravel driveway, she's met by Bobby Smith and Jahru Smith. However, when she's seated in that driver's seat of her car, Jahru Smith presents a handgun. And during the course of the armed robbery, he fires that handgun at close range five times, striking her all five times. And she dies quickly as a result of those wounds. The driver's side window is shot out of that car as well.

And it's at that point that Bobby and Jahru Smith get

to work. And they begin robbing her person and the interior of her car of drugs, money, her identification, phone, and her credit card.

And after the mission is complete, Jahru Smith drags her body out of the driver's seat onto the driveway. And Jahru, along with the help of Bobby Smith, began dragging her body up to the side of the residence where this just occurred. It's darker over there, more concealed than the foot of the driveway where all this just transpired.

And once she's been dragged over there, Jahru Smith then moves the vehicle -- the victim's vehicle right next to her over there in the darkness between [redacted] Mayflower Avenue and [redacted] Mayflower Avenue. And Jahru Smith and Bobby Smith together begin loading her lifeless body in the back right seat of that car, presumedly, to get rid of her and the car.

However, what they didn't know is the next door neighbor, when they heard five gunshots just 10 yards away from their house, called 911 when they heard those shots. However, they got scared when they called 911 and they hung up the phone.

So as far as 911 dispatch knew, all they were seeing was a 911 hang up call, which is a rather mundane and routine call for law enforcement. However, they dispatched some deputies to respond not knowing anything

of what was going on with the 911 hang up.

So deputies respond to the scene. And as they pull into the neighborhood, they pull up in front of [redacted] Mayflower Avenue where this violent robbery and murder just took place unbeknownst to them.

And as they pull up, they're not focusing on [redacted] Mayflower, they're looking at [redacted] Mayflower about to make contact with that person who dialed 911 and make sure everything is okay. And as they pull up and park, of course, Bobby Smith and Jahru Smith is there in the middle of loading Ms. Logan's body into the car thinking that that deputy is there for other reasons.

As a result of that, Jahru takes off running on foot, runs in the backyard and flees with drugs and money, ultimately, stashes the murder weapon in a shed, calls to get a ride, and gets out of there heading to Anderson County, where we don't hear from him for several days. Bobby Smith proceeds to walk inside the house, closes the door. And he's the only one in the house at the time.

So the deputy makes contact next door at [redacted] Mayflower, still knowing nothing. When he speaks to Kersandra Wright, the neighbor, she tells the deputy, I just heard some gunshots minutes ago. You might need to check that out.

He walks over to investigate and finds the crime scene and finds Ms. Logan laying on the ground with her feet partially loaded into the back right side of the car with the back right door open and the driver's door open. And she's lying there having been shot multiple times. And inside the car is, clearly, blood on the driver's seat, multiple bullet holes. And they call for additional deputies and investigators to respond.

Folks, we intend to prove all this to you and prove this case to you through the presentation of testimony through witnesses, and multiple articles of evidence, evidence that will include crime scene photos, and physical articles of evidence, crime scene photos that will depict this scene that happened in this driveway area in detail.

You will, also, see photos of the inside of [redacted] Mayflower Avenue. You may wonder why that's relevant. Well, that becomes relevant because, as the investigation begins and law enforcement searches the inside of that house, inside the freezer is Ms. Logan's cell phone in an attempt to hide it. And in the toilet are Ms. Logan's South Carolina driver's license and her credit card in an attempt to be flushed, it was unsuccessful and are floating at the bottom of the bowl.

You'll, also, see physical items of evidence from

inside that home, articles of clothing that Bobby Smith was wearing that night when this all took place. Those articles of clothing become important because they had blood spots on them that after DNA testing come back to Ms. Shamese Logan.

And, finally, with respect to inside the house and on the person of Bobby Smith, you'll see some money, the blood money. And I don't say that for dramatic effect as a prosecutor up here, those words. When the money was removed from his pocket, it, literally, had dried blood on it, which after DNA testing, belonged to the victim, Ms. Shamese Logan.

After that, Bobby Smith is charged with murder, armed robbery, and possession of a weapon during a violent crime.

Ten days later, Jahru Smith, who's not in the courtroom today, comes back into the picture when he calls a local news station, Channel 4, and on camera admits to shooting the victim, and admits to murder on the video, and says that the reason he's coming forth is because his brother is in jail, his brother didn't, actually, pull the trigger and he wants to come forward. As a result of that admission, he's charged as well with the same charges.

And five days later after that admission, he, also, directs law enforcement to another article of evidence

that we'll address down the line.

Folks, I'll address this very briefly. At the closing of the case, the Judge will charge you on the law. But you may be wondering in a situation where I just told you Jahru admitted that he, actually, fired the weapon, why would Bobby Smith be charged with the same charges? Specifically, there's a theory, the hand of one is the hand of all, that we recognize in South Carolina.

And, essentially, if you conspire, say, to rob somebody and you have the same common purpose with intent to rob that person and as a result, they end up dead, the person who didn't pull the trigger is just as guilty. It's just as if their hand was on the gun. It's very simply stated. In case that was crossing your mind, I wanted to address it.

As Prosecutors of the State, we're required to prove each element of every charge beyond a reasonable doubt. And I submit to you that at the closing of this case, after having heard all the evidence and testimony, that you'll be firmly convinced of both Bobby Smith and Jahru Smith's guilt with respect to all three charges.

And during my closing argument at the end of this trial, I'll be asking you to find both Defendants, Bobby Smith and Jahru Smith, guilty of murder, armed robbery, and possession of a weapon during a violent crime.

Thank you.

THE COURT: Mr. Kornfeld.

MR. KORNFELD: Ladies and gentlemen, my name is Alex Kornfeld. And I represent Jahru Smith. I proudly represent Jahru Smith, who, also, as Mr. Moroney stated, has been charged with murder, armed robbery, and possession of a weapon during the commission of a violent crime.

The important question in this case -- or two questions in this case are whether Shamese Nicole Logan was murdered? And if so, by whom she was murdered by? That is the most important questions that we have in this case.

On February 3rd, 2015, Shamese Nicole Logan tragically died and was found by an officer that came to the scene. At the scene of the residence, Bobby Smith was inside the home. A Kel-Tec nine-millimeter was found in the vehicle, the Chrysler 300. There was gunshot residue. There was blood, ID in the toilet, and a cell phone in the freezer.

And as Mr. Moroney already stated, Jahru Smith went on the news and stated not that he committed murder, that's not what he said. What Jahru Smith said was there's more to this story. I did this. Why in the world would someone call Tim Waller or go on the news? I guess

he just went on the news and stated this. It didn't happen.

Well, ladies and gentlemen, people say things that they didn't do all the time to try to protect other people. And that's not just something that's said in gest. That's why we have forensics. And that's why we look at everything together and make a decision at the end.

I know Judge Stilwell told everybody, wait until the end until we make a decision. But thanks to social media, I know that the court of public opinion doesn't do that, and I'm glad we're not there today. But I really request for the benefit of justice that you wait until the end to discuss the case with one another and deliberate.

It's no surprise to me that there's some of you on the jury here probably today that think, why am I here? He's been charged. He's guilty. That's not what we're here to do today. Because you're on the jury, this isn't a jury of public opinion.

Now, when you look at things, as he stated, the burden of proof is on the State. The full burden, that doesn't waiver. So if there's questions that you have at the end of this case, which you will, the burden is not on Mr. Jahru Smith.

If you think to yourself, well, I didn't quite

understand that issue so -- so -- and they didn't tell us about it, meaning the Defense, that is incorrect. The burden is on the State. And they have to prove it beyond a reasonable doubt, meaning that you need to be firmly convinced. If there's reasonable doubt, you think about it, hey, I've got real doubts that Jahru Smith, actually, committed this murder, then you come back with a verdict of not guilty.

You'll see that there's different discrepancies in the -- the evidence. And I will submit to you that the most important piece of evidence that the State will have against Jahru is that his -- his statement that he did this to protect.

When you look at the video, please, watch it. You'll get it back in your jury room. The thickness of his bottle cap glasses that are broken by the side. His age, look at his speech and his cadence.

Ladies and gentlemen, at the end of this case, you won't be firmly convinced that Jahru Smith was the one who pulled the trigger. You won't be convinced that he was the one that committed the murder. Because, ladies and gentlemen, Jahru Smith did not commit this murder.

Thank you.

THE COURT: Yes, sir.

MR. SULLIVAN: May it please the Court.

THE COURT: Yes, sir.

MR. SULLIVAN: Mr. Moroney.

Mr. Weston.

They've got me mic'd up because I have a low voice. And I'm trying to work this thing.

I'm Tim Sullivan. And I have the privilege of representing Bobby Smith in this case.

I'm not going to talk as long as the other guys. They've covered it pretty much. This is going to be a very unusual case. Because at the end, you will hear in their own voices what happened. It's not going to be a guessing match. They're going to have 20 something witnesses. They're aren't going to be but two people who will tell you what happened.

If you think about that, you'll find one of the persons guilty of murder and the other guilty probably of accessory after murder. Nobody has mentioned that. There can be a murder -- I have a friend that commits a murder. I'm not involved. He says, help me clean up. If I do that, I'm guilty of accessory after murder.

So when you hear the evidence, you'll have several verdicts that you can come back with, not guilty, guilty of various crimes. There's six. They mentioned three on Jahru Smith, and three on Bobby. But there could be a fourth one on Bobby that you'll get to consider. Because,

like I say, you will know from the very people there what happened.

Thank you.

THE COURT: All right. Mr. Moroney, you may call your first witness, sir.

MR. MORONEY: Your Honor, the witness issue, I think we'll just address that briefly, make sure the courtroom is cleared of the appropriate witnesses.

THE COURT: Yes.

MR. MORONEY: The State calls Ms. Anika Carter.

THE CLERK: Ms. Carter, if you'll, please, come forward.

Pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

ANIKA RASHON CARTER,

after first having been duly sworn, testified as follows:

THE WITNESS: Yes, ma'am.

THE CLERK: Thank you.

Please be seated.

THE CLERK: Ma'am, will you, please, state your name for the record?

THE WITNESS: Anika Rashon Carter.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Hi, Ms. Carter.

And I'm just standing back here so everyone can hear me.

But how did you know Ms. Logan?

A Well, we met each other in, like, a group home in, like, 2005. And ever since that, we been like peanut butter and jelly, so.

Q Would you consider her a very close friend?

A More a sister.

Q And when was the last time that you saw Ms. Logan?

A It might was maybe -- maybe, like, a week before then. Because my mom, she had knee surgery in Greenwood. So I had to go home and make sure she didn't be moving all around, and stuff.

Q And what did you know Ms. Logan to do for a job, or to make money?

A Well, she -- I know she -- she liked to go do rap. She did music. And on the side, she had a little money hustle, which was selling drugs.

Q Was there something in particular that she sold or --

A Well, basically, it was crack cocaine. But her and -- well, Bobby relationship was different, because he was selling her pain pills, too. So it was, like, a trade

for trade and -- or, you know.

Q So you were familiar -- you had ridden along with Ms. Logan at times when these deals were committed?

A For about seven or eight years.

Q Had you ever been over to [redacted] Mayflower Avenue before?

A A lot of times.

Q A lot of times. And what was the reason that she was going over there?

A Well, on that particular night, I have no idea. But most of the time, it was because of Bobby would call her cell phone and, you know, told him -- told her that he needed her. And she already knew what -- you know, what the deal was.

Q In the course of her work, did you ever know her to protect herself in any way, or carry anything on herself?

A Well, to me, she wasn't the type of person that got into all that, you know. So, you know, she -- she did have -- she do have -- I have seen her with a pistol.

But, like I said, I don't know -- for that night, I don't know, you know.

Q When you had been with her previously, did she ever have a pistol with her?

A Yes. But it was in the glove compartment or you really don't see it, unless you go in her glove compartment. It wasn't, oh, I carry my pistol on my hip

and show and tell. It was concealed. It was tucked away.

Q Did she ever carry it in any other place inside the car that you're aware of?

A No.

Q Did she ever carry it in the center console of the vehicle?

A Yeah. That's what I mean, like, the middle piece. That's what I call the glove compartment in the car.

Q And have you ever been with Ms. Logan during some of these transactions where you ever saw a violent streak in her?

A No, no.

Q And never any time where she had to pull this weapon?

A No.

Q Did you ever see her use the weapon?

A No.

Q Did you ever see her do anything with the weapon, other than transport it inside her car?

A No.

MR. MORONEY: Thank you.

Please answer any questions the Defense may have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Ms. Carter, Ms. Logan didn't tell you as soon as you

got in the vehicle, hey, I've got a gun on me?
A Yes, sir, she would.
Q Every time you got in the vehicle, she'd say, I've got a gun on me?
A If we was riding together, I mean, if she get pulled over, it's the hand of one the hands [sic] of all. So she would -- we like sisters. So she would tell me it was there, you know.
Q Why would -- did she not have a concealed weapons permit?
A No.
Q Do you know if she was unable to have a concealed weapons permit?
A No.
Q You wouldn't know if she didn't tell you and she had her weapon on her, would she -- would you?
A No.
MR. KORNFELD: No further questions.

CROSS-EXAMINATION

BY MR. SULLIVAN:
Q You weren't with her every time she made a drug deal, were you?
A Not every time.
Q So you don't know when she took the gun out or not, do you?

A No, sir. Because, like I said, I can't testify for that night.
Q Or any night that you weren't with her?
A Yes, sir. But he asked me was I in the -- when I'm in the car.
Q Okay. But I'm asking you, she made drug deals without you being in the car, didn't she?
A Well, sir, then she wouldn't have to tell me if I'm not in the car.
Q So you don't know if she had the gun out when you weren't with her?
A If -- if I was with her for, say, five days out of seven days and for five days, it's in there, it's kind of skeptical that for those two days that she would just have it out riding around.
Q So you're guessing. You guessed that she didn't have it out when you weren't there; right?
A Yeah. I said I can't testify about that night, sir. I don't know. I wasn't there. When I'm not there, I don't know. But I just testified from when I was there.
Q That's what I asked you. When you weren't there, you don't know?
A Nobody knows, sir.
MR. SULLIVAN: She did.
Thank you.

THE COURT: All right. Any redirect, sir?

MR. MORONEY: No, Your Honor.

THE COURT: All right. Thank you, Ms. Carter. I appreciate it, ma'am. You may step down.

And, Ms. Carter, don't discuss your testimony with anyone that has not yet testified.

THE WITNESS: Yes, sir.

THE COURT: Thank you.

You may call your next witness.

MR. MORONEY: Your Honor, the State calls Ms. Teresa Logan.

THE CLERK: Ms. Logan, please, come forward.

And if you'll, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

TERESA LANG,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And would you, please, state your name for the record?

THE WITNESS: Teresa Lang.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Ms. Lang, could you, please, state your relationship with Shamese Logan?

A We had a good relationship.

Q And, specifically, family-wise, who are you to her?

A I'm her mother.

Q And do you recall the last time you saw your daughter?

A The last time I saw my daughter was February 3rd, 2015, at approximately around, like, 6:00 or 6:30.

Q And can you describe what happened that night?

A She came to the house. And we was joking around about, you know, how she used to act when she was little.

And she was playing with our dog. And she was playing around with him. And we sat in the living room. And she said something about she had to go to some type of celebration of one of her friends that was celebrating something. And she pulled out some cash. And to me, it was, like, around like 700 or 800 bucks. And --

Q Was she counting that money there inside the house?

A Yes. She counted her money, yes, yes, sir.

Q So it would be an estimate. You didn't count along with her. But what you're --

A The way it looked, it looked like it was about, like,

700 or 800.

Q Okay. And what happened after that?

A She got a phone call. I guess it was one of her friends, like, it was -- I think it was Monique Brooks. Because that's who she supposed to be meeting up, you know, celebrating her brother's birthday. And she said, Momma, I talk to you later. I'm going to go.

Q And that was the last time that you saw your daughter?

A That's the last time I saw my daughter alive, yes.

MR. MORONEY: Thank you.

Please answer any questions the Defense may have for you.

MR. KORNFELD: No questions, Your Honor.

THE COURT: Mr. Sullivan?

MR. SULLIVAN: No questions.

THE COURT: All right. Ms. Lang, thank you for being here.

Ma'am, you may step down.

Please don't discuss your testimony with anyone who's not yet testified.

THE WITNESS: Okay.

THE COURT: Okay. Thank you.

You may call your next witness.

MR. WESTON: Your Honor, the State calls Ms. Brittany

Norton.

THE CLERK: Ms. Norton, please, come forward.

If you would, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

BRITTANY NORTON,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Would you, please, state your name for the record?

THE WITNESS: Brittany Norton.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Good afternoon, Ms. Norton.

How are you?

A I'm good.

How are you?

Q I'm fine.

Thank you.

And I want you to speak up, and speak in the microphone so that the last juror down here on this end can hear you. Okay.

A Okay.

Q All right. Where do you live, Ms. Norton?
A I live in Simpsonville, [redacted] Wood Circle.
Q And how old are you?
A I'm 26.
Q Are you working?
A I do.
Q Where do you work at?
A I work at Embassy Suites and Sky Lounge.
Q And just to kind of cut straight to it. You knew Ms. Shamese Logan; is that correct?
A Yes, sir.
Q How long had you known her?
A About two years.
Q And how would you characterize y'all's relationship?
A We were dating.
Q Okay. And about how long did y'all date?
A About a year or so, a little over a year.
Q So you knew her pretty well?
A Very well.
Q Okay. And do you know what Ms. Logan did to earn a livelihood?
A Yes, sir.
Q What did she do?
A She sold drugs.
Q Now, did you approve of that?

A No.
Q Okay. And it's okay. I mean, that's fine. I want you to be candid. The jury wants you to be candid.
Let's go straight to February 3rd, 2015. Do you remember seeing Ms. Logan that evening?
A I do.
Q When did you first see her that evening? About what time and where?
A Well, we lived together, so I saw her that morning. But due to work, she left. And we met back up at a neighborhood bar, Dre's.
Q And about what time was that that y'all met up?
A After 8:00, 8:30ish.
Q And were y'all together driving -- did y'all ride there together, or did you come in separate cars?
A We came in separate cars. She arrived before me.
Q So she was there when you got there?
A Yes.
Q And about how long were you with her that evening, just ballpark?
A I would say 45 minutes to an hour.
Q Could you tell the jury what happened around 9:30, or so?
A She received a phone call --
Q Excuse me for interrupting. I apologize.

A Okay.
Q Now, you knew she received a phone call. Were you standing right near her when the phone rang?
A I was near her.
Q All right. Now, just to be candid, did you hear what was being said on the phone call?
A I did not.
Q Okay. And how long did she talk on the phone?
A Maybe about 30 seconds, if that.
Q As soon as she hung up the phone, did she say anything to you?
A She just told me that she would want me to wait for her to come right back.
Q By that, you meant she thought -- you thought -- how long did you think she would be gone?
A Five minutes or so, if that.
Q All right. And did she leave after that?
A She left.
Q And this is about what time again?
A This was near, like, 9:30ish.
Q And did she ever come back?
A She never came back.
Q And did you find out later that night -- or morning of the next day that she had been killed?
A I did.

Q Now, just so the jury will have some idea of what we're talking about here, Dre's is located off of South Augusta Road going towards Donaldson Center; is that correct?

A Correct.

Q All right. And have you -- the allegation is that the incident occurred at [redacted] Mayflower Avenue in -- here in Greenville. Have you ever -- have you been by that location since this happened?

A I have.

Q Just to see where it was?

A Correct.

Q All right. How far is that from Dre's?

A About a minute to two minutes.

Q Okay. Less than a half mile?

A Correct.

MR. WESTON: Excuse me one second.

(Pause.)

MR. WESTON: Thank you, ma'am.

THE COURT: Cross?

MR. KORNFELD: No questions, Your Honor.

THE COURT: Sir?

MR. SULLIVAN: No questions.

THE COURT: Thank you, Ms. Norton.

I appreciate you being here. You may be excused.

Please don't discuss your testimony with any other witness.

Okay. Thank you.

MR. WESTON: Your Honor, the State would ask that this witness be allowed to be excused. I don't know whether she wants to remain or not. We would like to have her excused from her subpoena in the event she wishes to leave or not come back tomorrow.

THE COURT: Okay. I'll allow that.

You may be excused.

All right. You may call your next witness.

MR. WESTON: Your Honor, the State would call Ms. Kersandra Wright.

THE CLERK: Ms. Wright, if you'll, please, come forward.

And pause at the end of the bench.

Please your left hand on the Bible and raise your right hand.

WHEREUPON,

KERSANDRA WRIGHT,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Would you, please, state your name for the record?

THE WITNESS: Kersandra Wright.

THE CLERK: Thank you, ma'am.

DIRECT EXAMINATION

BY MR. WESTON:

Q Ms. Wright, where do you live?

A [redacted] Mayflower Avenue.

Q And is that here in Greenville?

A Yes, sir.

Q And just for the record, is that in Greenville County?

A Yes.

MR. WESTON: All right. Excuse me one second.

(Pause.)

BY MR. WESTON:

Q And that is on the southern end of Greenville County; is that correct?

A Yes.

Q All right. Down near -- going towards Donaldson Center?

A Yes.

Q Ms. Wright, I'm going to show you what is being used as a demonstrative and is not a valid piece of evidence, but it's a demonstrative aerial map of an area.

If I can get it right here. I apologize.

I'm going to turn it a little bit more that way. I want to make sure the jury can see it. But I want to make

sure you can see it as well. Do you recognize this as Donaldson Road here and Mayflower Avenue?

A Yes.

Q Now, assuming that's the case, would this be your house here, the [redacted] Mayflower?

A Yes.

Q And the incident we're here today on occurred at [redacted] Mayflower, is your understanding?

A Yes.

Q But you live right here at [redacted] Mayflower. And this is Mayflower going in front here; is that correct?

A Yes.

Q All right. Let me show you what has been premarked as State's Exhibit No. 63, and ask you, do you recognize this picture? You can take a look at it.

A (Witness complies.)

Q Do you recognize those two houses, especially the house --

A Yes.

Q -- on your left?

A Yes.

Q What is that house on your left?

A Mine.

Q All right. So that's [redacted] Mayflower Avenue?

A Uh-huh.

Q And the next is [redacted] Mayflower Avenue; is that correct?
A Yes.
Q That would be a picture, let's say, from here showing the two houses like this. That's what this is?
A Yes.
Q Is this an accurate depiction of the way your house looked on the night of April the 3rd, 2015?
A Yes.
Q February 3rd, 2015? I'm sorry.
A Yes.
MR. WESTON: Your Honor, the State would offer this as State's Exhibit No. 1 -- I mean, 63, excuse me.
THE COURT: Okay. Any objections?
MR. SULLIVAN: It's State's Exhibit No. 63, Your Honor?
MR. KORNFELD: That's correct.
No objection.
THE COURT: No objections. All right.
MR. SULLIVAN: State's Exhibit No. 63, Judge?
MR. WESTON: Yes. State's Exhibit No. 63.
THE COURT: All right. Without objection, the same is admitted into evidence.
(WHEREUPON, State's Exhibit No. 63 was admitted into evidence.)
MR. WESTON: Your Honor, permission to publish to the

jury.

THE COURT: Yes.

BY MR. WESTON:

Q So that's the front of the houses. And so let's back up a little bit. Are you employed right now, Ms. Wright?

A Yes.

Q Where do you work?

A Charity Start [phonetic].

Q And about how long have you been there?

A About 25.

Q And just so the jury can get some perspective here about you visa vie what's going on. Did you know the victim in this case, Ms. Shamese Logan?

A No.

Q Okay. As far as you know, you've never met her?

A No, sir.

Q As far as you know, she's never been to your house?

A No, sir.

Q And do you know the Defendants in this case, Bobby Smith or Jahru Smith?

A No. No, I don't.

Q You may have seen them going in and out, or something. But you don't know either one of them personally?

A No.

Q And you've never been over to their house as far as you know?

A No.

Q And as far as you can remember, have any of these people ever been to your house?

A No.

Q Okay. You just happen to live next door?

A Yes.

Q Okay. And I just wanted to go through all of that so the jury would have some idea of who you are in relationship to what happened. You don't know anything about any of this, do you?

A No.

Q Okay. Now, on the night of February 3rd, 2015, about 9:30, 9:45, what were you doing?

A I was watching TV and on the telephone.

Q Okay. And you were talking to, I think, your mom, or your kids, or something like that?

A I was talking to my mom.

Q Okay. And did you hear anybody outside?

A I heard some voices.

Q Okay. Did you recognize whether they were men or female?

A No. I couldn't tell.

Q Was it more than one?

A Yes.
Q And after you heard the voices, what happened -- what did you hear next?
A Gunshots.
Q And about how many gunshots did you hear, just ballpark?
A Four or more.
Q Were they altogether like bam, bam, bam, bam?
A They were just like one and then just started shooting.
Q Okay. And what'd you do, other than be scared, I could imagine?
A I hung up the phone and I called 911. And another call was coming in. I got down. I went to the front. I called my kids because they was out. I was telling them I heard gunshots, be careful coming into the house.
Q Okay. Your kids, now, that would be Courtney Henderson and Justin Henderson?
A Yes.
Q Okay. Where were your children at?
A Well, they was going to the mall. And they was making another stop, it was told to me.
Q Okay. Did you reach them?
A Yes.
Q When you called them?

A Yes.
Q And what did you tell them?
A To be careful because I heard gunshots and it was close. I didn't know how close. And I didn't know what was going on.
Q Okay. And after you talked to your mother and talked to your kids, did you have an occasion to look out the window?
A Yes, when my kids came in.
Q What did you see?
A I saw a car and two people. The back door was open and the front door was open. And they was leaning over in the car.
Q All right. Now, I'm going to ask you to -- I'm going to show you what has been put into evidence as State's Exhibit No. 3 [sic].
I'm sorry. Obviously, I'm older. I don't work well with technology. I'm going to show you what's already marked as State's Exhibit No. 63. And just kind of just to refresh --
MR. WESTON: Do you have a pointer?
BY MR. WESTON:
Q I'm going to use this pointer. There we go.
Now, I'm going to point with the red pointer and ask you again, is this your house?

A Yes.
Q And this is [redacted] Mayflower Avenue; is that correct?
A That's [redacted].
Q That's [redacted]. I'm sorry. And you're [redacted]?
A Yes.
Q And when you say you looked out a window, when I get to where the window was you was looking out, could you tell me to stop with the red pointer, please?
A Stop.
Q So you were looking out this window right over here on the side of the house near the front?
A Uh-huh.
Q And is this where the car was that you said you saw?
A Yes.
Q And where were the two people that were standing by the car?
A On --
Q Let me give you the pointer, in fact. Why don't I just do that. I'm sorry. If you just push that top button, the red light will come on. Just point it to wherever you need it to be.
A Right there on that side, the driver's side.
Q Both of the people were on that side?
A One was right there, and one on that side.
Q All right. And do you remember whether the doors

were open or not to the car?
A Yes.
Q Which doors were open, as you can remember?
A On the driver's side.
Q Okay. And did the people appear to be looking into the car?
A I guess that's what he was doing.
Q I'm sorry?
A Yes.
Q Okay. Now, you didn't have any conversation with them, I take it?
A No.
Q All right. And just to be clear, are you saying that the two people that were looking in the car was either Jahru Smith, or Bobby Smith, or do you know?
A I don't know.
Q Okay. You didn't recognize them?
A No.
Q Okay. And shortly after you looked at the car and saw -- and I assume your children came home shortly thereafter?
A Yes.
Q And you wanted them to hurry up and get in the house. And that was pretty much all that you saw that evening?
A Yes.

Q Now, at some point, did the police come and talk to y'all?
A Yes. They entered my house, instead of the house next door.
Q Because of why?
A I called.
Q Because of the 911 call. And you had to break it off because you got another call; is that correct?
A Right.
Q So it wasn't like you hung up from 911?
A Right.
Q Okay. And did y'all cooperate with the police, the three of you?
A Yes.
Q And did you go downtown and give a video statement to the police telling them pretty much what you've told us today?
A Yes.
Q Is that all you know about this case?
A Yes.
MR. WESTON: Answer any questions counsel may have for you.
Thank you, ma'am.
THE COURT: All right. Any cross-examination?
MR. KORNFELD: Yes, Your Honor.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Ms. Wright, when you gave your statement, isn't it true that you stated you heard multiple gunshots, as opposed to today, where you said you heard four, approximately four gunshots?

A It was -- yeah. It was more than, like, one or two. It was probably four, or more.

Q Okay. But you're not definitively saying -- I just want to make clear, you're not definitively saying that it was four, or five, or six?

A Correct.

Q Okay. And when you looked out the window, did I understand you correctly in saying that you were on that -- the -- I guess, the corner lot? You were in bed, weren't you, on the phone watching TV at that time?

A Not when I looked out the window. I was standing up by the window.

Q Okay. When you first heard the shots, isn't it true that you were in bed, though?

A Yes.

Q Okay. And is your bed --

A I was laying on the bed.

Q Okay. And watching TV and talking on the phone; is that correct?

A Uh-huh.
Q And just so the jury can see this, because I didn't quite get it. It's probably my fault. But is this your bedroom window?
A This is my bedroom right here.
Q Okay.
A This is my house, and this is the window.
Q Okay. And do you have two in your bedroom?
A It's two on the front, and there's one on the side. And the one right here is to another bedroom.
Q All right. When you looked out the window, was the Chrysler already over here where it is here?
A Right there.
Q All right. And you never saw the Chrysler in any other position; is that correct?
A No. When the police brought us out of the house, it was by the street. It was that way.
Q Okay. Ms. Wright, about how long did you hear -- I know you said you couldn't tell if it was men or women, or anything like that. But about how long did you hear them speaking outside before you heard gunshots?
A It was not long, just...
Q A few minutes? Five minutes?
A Like a few minutes.
MR. KORNFELD: No further questions, Ms. Wright.

THE COURT: And talk to the State about when it's convenient for you.

MS. CASSANDRA GORTON: Okay. Thank you.

THE COURT: Yes, ma'am.

(WHEREUPON, a break was taken.)

THE COURT: Bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 3:34 p.m.)

THE COURT: All right. Mr. Moroney, Mr. Weston, you may call your next witness, please.

MR. MORONEY: Yes, Your Honor.

The State calls Justin Henderson.

THE CLERK: Mr. Henderson, please, come forward.

If you would, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

JUSTIN HENDERSON,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

All right. Sir, please, state your name for the record.

THE WITNESS: Justin Henderson.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Hi, Mr. Henderson.

Where do you live?

A Uh --

Q Here in Greenville County?

A Yes, sir, I do.

Q And how old are you?

A 29.

Q And what is your relationship to Ms. Kersandra Wright?

A That's my mother.

Q Do you know her address?

A Yes, sir.

Q Where is that?

A [redacted] Mayflower Avenue.

Q Do you recall anything out of the ordinary that happened back on February 3rd, 2015?

A Kind of, sort of.

Q Do you remember what led up to --

A Yes, sir.

Q -- like something memorable that happened?

A Yes, sir.

Q What were you doing earlier that evening?

A I was home with my sister, Courtney. We was just

leaving to go home. We was shopping around. We was headed to the house.

Q So you had finished shopping? You and your sister went shopping?

A Yes, sir.

Q And then you were headed back to the house?

A Yes, sir.

Q And is that house at [redacted] Mayflower Avenue?

A Yes, sir.

Q And what happened, if anything, on the way back to the house?

A Nothing out of the ordinary. Just on the way home, we received a phone call. My mother called us and said, Hey, there's been a shooting outside.

And by that time, we was coming down -- I forget the name of the road. I think it's Donaldson Road to turn onto Mayflower. So as soon as we got the phone call, we was turning onto the street.

Q So when you got the call from your mother, you were very close to the house already --

A Right.

Q -- when she called?

A Right.

Q What did she have to say when she called?

A She was in a panicked voice. She was like, Y'all be

careful coming in the house. It's been -- they're shooting outside. And it sounded like it was right next door. She said, It sounded like it was right next door to the window.

Q And what happened next then after she told you that?

A We turned onto the street, basically, looking -- being alert. We pulled into the driveway trying to get in the house. I was trying to get in the house to check on my mother.

Q And did you see anything over at your neighbor's house when you pulled up into the driveway?

A Yeah. I seen -- I seen a car parked in front of the -- I mean, in front of their house.

Q Okay. I'm going to put this map up here just as a demonstrative exhibit, and show you a map of the area. Do you recognize this area that I'm showing to you?

A Yes, sir.

Q And what does this depict as you look at?

A Excuse me?

Q What does this show as you look at it?

A Oh, it's my street, my neighborhood.

Q Okay. And let me see if I can get this pointer for you. If you could, point out -- it's the top button. Point out what you saw and where you saw it as you pulled in the driveway. Can you describe that?

A I seen a car right here, kind of like between our house and this tree right here.
Q All right. And what did that car look like? Did you get a look at it?
A It was like a silver car. I know what a Chrysler 300 is.
Q Okay. Did you see anybody around it?
A No. I seen some people walking in the house.
Q You saw some people walking in the house?
A Yes, sir.
Q Can you describe what you saw?
A A male with a jersey on.
Q So you couldn't identify who it was?
A No, sir.
Q You had no idea who it was?
A Right.
Q But you said it was a male?
A Yeah.
Q And it looked like they were wearing a jersey?
A Yeah.
Q You mean like an athletic jersey of some type?
A Yeah, kind of like a football, or something like that.
Q And what happened next after you saw that?
A Well, my sister, she had got out the car, which is

my -- I parked the car in our driveway. And we just went in the house. I looked back out and the car was moved.

Q So when you looked out the window, the car was in a different location?

A Yeah. I, actually, looked out the door and the car was at the side of the house.

Q Can you use that pointer, please, to show where you saw the car?

A Yeah. From right here to the side of the house.

Q So was that vehicle then parked in between your mother's house and your neighbor's house at that point?

A Right.

Q And if I may, I think we may check the batteries in that pointer.

If you could real quick, just step down.

MR. MORONEY: If he could, Your Honor --

THE COURT: Sure.

MR. MORONEY: -- to point this out.

BY MR. MORONEY:

Q And just recount briefly what you saw with respect to that vehicle and the movement.

A Yeah, first it was here.

Q Right.

A Between the house. By the time --

THE BAILIFF: She can't hear you.

THE WITNESS: Oh. The car was here between the house and, like, this tree right here. And by the time I looked back out, it was here. It was kind of, like, in here.

BY MR. MORONEY:

Q Just to be clear, you can't identify anybody that you saw out there, other than a male party wearing a jersey?

A Right.

MR. MORONEY: Thank you.

You can have a seat.

And, please, answer any questions the Defense may have for you.

MR. KORNFELD: I don't have any questions, Your Honor.

THE COURT: Mr. Sullivan?

MR. SULLIVAN: No questions, Your Honor.

THE COURT: Okay. Good enough.

Thank you, sir.

I appreciate you being here, Mr. Henderson. You may step down.

MR. MORONEY: Your Honor, the State calls Courtney Henderson.

And, Your Honor, just a brief housekeeping. There were two previous witnesses, Anika Carter and Teresa Lang that have testified. We would ask that they be released from their subpoena so they could leave.

THE COURT: I presume there's no objection to that?

MR. KORNFELD: There's not, Your Honor.

THE COURT: They may be released.

THE CLERK: If you'll, please, come forward.

If you'll, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

COURTNEY HENDERSON,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And please state your name for the record.

THE WITNESS: Courtney Henderson.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Ms. Henderson, could you, please, state your age?

A 32.

Q And are you a resident here in Greenville County?

A [redacted] Mayflower Avenue.

Q Okay. And where do you work? What kind of work do you do?

A Manufacturing.

Q Do you recall anything out of the ordinary that

occurred back on February 3rd, 2015, anything memorable?
A Yes, sir.
Q Okay. And can you describe what you were doing that night?
A Me and my brother was out shopping at -- I got a phone call from my mother.
Q Okay.
A That she heard gunshots. She told us to come home. And we were, I'd say, about 15, 20 minutes away.
Once we pulled up in the driveway, I noticed next door at [redacted] Mayflower Avenue, there was a car, a Chrysler, parked by the tree. On the right-hand side, the back door was opened on that vehicle with two people standing there.
As we got out of the car, they kind of looked, like, froze. I got a weird feeling, kind of like you would see if someone was doing something that they had no business doing.
Q So just let me back you up real quick. So you got a phone call. Did you arrive, did you say, a short time after?
A It was a short time after that phone call.
Q And as you pulled up, you immediately first saw what now?
A There was a vehicle parked by the tree.
Q And if you may, step down.

A (Witness complied.)
Q There's a map right here. If you could, point out exactly what you saw. It may help to describe the location.
A I'm not sure. But there's a tree next door in the front yard.
Q If you could speak up just a little louder for the court reporter to hear you, please.
A Okay. Next door, there's a big tree in the front yard. At the time that I pulled up, there was a Chrysler parked at that tree with two people on the right-hand side with the back door open. As I got out --
Q Could you tell whether they were male or female?
A I couldn't really tell, like, stocky body figures.
Q Okay.
A That back door on that vehicle was open. As I got out, they kind of froze. Like I said, I got a weird feeling. We just got a call about gunshots and you've got two people outside.
Q So by their body language, did that give you pause at all? What did you think when you saw that?
A By seeing the body language -- which they kind of froze as if they were waiting for me to get out of eyesight.
Q Okay.

A That's when I proceeded into the house. My mother was telling us to come inside.

Q Did your brother come in the house with you?

A Yes, sir.

Q Then what happened?

A As I looked back out, the vehicle had been moved from where it was when we pulled up. Now, it's partially in between the two houses, still with the door open on the right-hand side at the back. The driver's door was not shut.

Q You can have a seat.

A (Witness complied.)

Q Real briefly, I'm going to show you what's State's Exhibit No. 63. And I'll ask you to take a look at this photograph. And where you describe that car being parked after you saw it moved, is that photo an accurate depiction of what you saw that night, where the location of that vehicle would have been?

A Yes, sir.

MR. MORONEY: Okay. Thank you.

Please answer any questions the Defense attorneys may have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Ms. Henderson, do you remember being interviewed

around the time of this incident --

A Yes, sir, I do.

Q -- by the police?

At that time, you failed to tell them that you saw the individuals freeze; is that correct?

A I'm not for sure. I know that I did tell them about two individuals.

Q Okay. So is that the first time you've told the officers or anybody else that you saw two individuals and it looked like they froze?

A Yes, sir.

MR. KORNFELD: I don't have any further questions.

THE COURT: Mr. Sullivan, any questions?

MR. SULLIVAN: Just one.

Can y'all hear me?

THE COURT: I can hear you.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Did you see where the people went? You saw two people after -- did you see them leave?

A No, sir, I didn't.

Q They were still there when you went back in and you quit looking?

A Yes, sir.

MR. SULLIVAN: I have nothing further.

THE COURT: Any redirect, sir?

MR. MORONEY: No, Your Honor.

THE COURT: Thank you, Ms. Henderson.

You may step down. I appreciate you being here.

THE WITNESS: Thank you.

MR. MORONEY: And we would just ask that this witness, as well as Mr. Henderson, be released from subpoena.

THE COURT: Okay. Fair enough.

MR. MORONEY: And, Your Honor, we have a brief matter to approach, if we may?

THE COURT: Sure. Come on around.

(WHEREUPON, a bench conference was held.)

THE COURT: All right. Mr. Moroney, you may call your next witness.

MR. MORONEY: The next witness is Brandon Napolitano.

THE CLERK: Sir, if you'll, please, come forward.

If you'll, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

BRANDON NAPOLITANO,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And if you'll, please, state your name for the

record.

THE WITNESS: Brandon Napolitano.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Hi, Mr. Napolitano.

Are you a resident here in Greenville County?

A I am not a resident of Greenville County, no, sir.

Q Okay. But you're here locally in the area?

A Yes, sir.

Q And how old are you?

A I'm 30.

Q What do you do for a living currently?

A I'm in residential real estate.

Q Okay. Did you do anything prior to real estate?

A Yes, sir. I worked for the Greenville County Sheriff's Office.

Q When did you work with the Greenville County Sheriff's Office?

A 2011 to 2015.

Q Okay. Were you employed with the Greenville County Sheriff's Office on February 3rd, 2015?

A Yes, sir.

Q Okay. Do you recall an incident that you responded to that occurred at [redacted] Mayflower Avenue on that date?

A Yes, sir.
Q Could you describe from when you first became involved with that address?
A Yes, sir. We, originally, received the call. When I say "we," I had a -- a trainee with me. I was training a new officer.
We received a 911 hang up call from dispatch. We were down at Perimeter Road, which is about five minutes away, more or less, from the incident location. And we responded to the call for a 911 hang up call.
Q When you respond to 911 hang up calls, is that done with lights and sirens? Can you describe the nature of that?
A Right. So without further information on the call, that's just a routine, you know, normal response call. So we wouldn't have responded with our lights and sirens for that.
Q Do you recall how you responded, specifically, when you first got on scene?
A So we had to turn left off of -- I believe it's -- I forgot the road name.
Q And if you'd like, there is a --
A Yeah. We turned left off of Donaldson onto Mayflower. And we parked -- for officer safety, we parked one house up from where we received the call. So once we

got out of our vehicle, we approached [redacted] Mayflower Avenue with the intention of going to speak to the original complainant at [redacted] Mayflower.

Q So, at that point, you had no reason to even look or be concerned with [redacted] Mayflower Avenue?

A No, sir. I didn't pay any attention to [redacted] Mayflower Avenue.

Q And what happened next?

A So we made contact with the original complainant at [redacted] Mayflower. That's when she had explained that she heard some screaming, some gun fight -- gunfire next door. And it was right about that time that my beat partner, Deputy Ahea [phonetic] arrived on scene. And I heard him get on the radio. I could tell he was a little excited in his voice, that he saw a possible deceased victim laying over at [redacted] Mayflower Avenue.

Q And when you heard that, what -- how did you respond?

A So, at that point, we immediately drew our service weapons and took up a position right on the corner of Mayflower, that front left corner. And that's when I did see the victim laying there. We later identified her as Shamese Logan.

Q And, if you could, describe with specificity what exactly you saw, the layout, and any vehicles, or anything like that.

A Yeah. So this was a gray Chrysler 300 --

Q And if you'd like to, you can step down and use that map.

A Okay. So my patrol vehicle was probably parked right around in this vicinity here, probably just past the driveway. There was a gray Chrysler 300 parked a little bit past the dirt driveway.

The victim's feet were laying in the passenger side door frame. The passenger door was open. I took up a position right next to the victim, and so does my trainee. Deputy Ahea was over on this side keeping all corners of the house surrounded as best we could.

Q Let me show you this picture here.

You can have a seat.

A (Witness complied.)

Q I think this might be a little more clear for you.

A Okay.

Q I'm showing you State's Exhibit No. 63. It's in evidence. Does this look like an accurate depiction of what you saw that night as you pulled up?

A Yes, sir.

Q And the placement of that vehicle, is that an accurate location there?

A Yes, sir.

Q And what you're looking at here, is that [redacted] Mayflower

Avenue on the right, the residence on the right?

A Yes, sir.

Q And [redacted] Mayflower Avenue is on the left?

A Yes, sir.

Q And could you, please, just kind of pick up and describe where you had responded, and where everyone was positioned?

A So the victim was laying approximately right in this area right here. The front door was opened. Myself and Deputy Flowers, who was my trainee, were right here around -- right at the head of the victim. The victim's feet, again, were laying in the door frame. The passenger door was open.

At the time that we found the victim, her pants were pulled down past her genitalia. And her head was turned to the rear of the residence. Her eyes were open. Her chest was not going up and down. She had no pulse. At that point, it was obvious to me that the victim had been deceased.

Q And did you happen to see the interior of the vehicle at all?

A Yes, sir.

Q Can you describe what you saw there?

A Yeah. I saw a good deal of blood, broken glass. It looked like it had been almost rummaged through.

MR. MORONEY: May I approach, Your Honor?

THE COURT: Yes, sir, you may.

BY MR. MORONEY:

Q Mr. Napolitano, I'm showing you what's been premarked as State's Exhibit Nos. 1, 2, 3, 45, and 46 for identification purposes. Take your time and take a look at those. Let me know if you recognize those as an accurate depiction of what you're describing that night as you arrived on scene.

A Yes, sir.

Q And those appear to be exactly what you saw when you responded, and what you just described?

A Yes, sir, exactly how I saw it.

MR. MORONEY: Your Honor, at this time, the State would move State's Exhibit Nos. 1, 2, 3, 45, and 46 into evidence.

THE COURT: Any objections?

MR. KORNFELD: No, Your Honor.

MR. SULLIVAN: No, Your Honor.

THE COURT: All right. Without objection, the same is moved into evidence.

(WHEREUPON, State's Exhibit Nos. 1, 2, 3, 45, and 46 were admitted into evidence.)

MR. MORONEY: Permission to publish to the jury, Your Honor.

THE COURT: Yes, sir.

BY MR. MORONEY:

Q Deputy Napolitano, I'm going to show you these pictures and just ask you -- I know you described it without them. If you can just once more explain what we're looking at here as what you saw.

A Yes, sir. So that is the feet of the victim. Again, her feet were in -- this would be the bottom of the car right here, the passenger side door frame. And that's where the victim's feet were laying when I found her.

Q I'm showing you now what's marked as State's Exhibit No. 2 in evidence.

A That's the driver's side of the door. The glass was shattered. And there was, also, glass and blood. You can kind of see the blood on the driver's seat there.

Q I'm now showing you State's Exhibit No. 3.

A Same thing.

Q This is State's Exhibit No. 45.

A There's the victim on the top right corner. Like I described earlier, her pants had been almost, like, pulled down past her genitalia, probably to mid-thigh.

Q And, finally, State's Exhibit No. 46.

A That's exactly how I found the crime scene.

Q Immediately after observing this, what did you do next?

A So we began to set up a perimeter. We were receiving some conflicting information out on the scene that there was either a second victim, or some sort of second suspect that had ran behind the house. At that point, we contacted dispatch for emergency backup to get more units in the area. We, also, requested that the K9 deputies respond. That would be a lights and siren response for that kind of situation.

Once more deputies got on scene, due to the urgency of the circumstance, we made a plan to make entrance into the residence. Me and a couple other deputies came up with our kind of game plan, and how we were going to get in there, and which way everybody was going to go. And it was at that time that -- I believe his name is Bobby, correct? Bobby opened the door.

Q And when he opened the door, did he say anything?

A Yeah. So as soon as Bobby opened the door, I took ahold of Bobby and started to place him in handcuffs. And he asked me, you know, What's going on? He was really agitated, really animated.

And I said, Well, you have a dead woman in your driveway.

Do you want me to say exactly what he said?

Q Yes, please.

A Excuse my language then. He said, I ain't got shit

to do with that. Chalk it up to the streets.

Q And just for clarity's sake, when you arrive on scene to a call like this, the routine 911 call --

A Yes, sir.

Q -- or a more serious call, do you radio and communicate with any dispatch? Would you just explain briefly how that works?

A Yeah. So whenever we're dispatched on a call, we acknowledge the call by saying, hey, we're on our way, we're en route. Upon my arrival, we get on the radio and say, hey, we're on the scene. We're here.

Q And does dispatch keep a record of that then?

A Yes, right. Everything is time stamped. So in that specific call -- just about everything we do is time stamped. So from the time I arrive, until the time Deputy Ahea arrived to when he radioed he saw the deceased victim.

MR. MORONEY: Thank you.

Please answer any questions the Defense attorneys may have for you.

THE WITNESS: Yes, sir.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q When you arrived on scene, Mr. Napolitano, was anyone else at [redacted] Mayflower Avenue, other than Bobby Smith?

A No, sir, not to my knowledge.
Q Were you there at the same time that the K9s were there?
A I was on scene while the K9s were there.
Q All right. And do you have any knowledge as to whether the K9s were able to find any evidence, or a lead, or anything of that nature?
A I was not with the K9s while they were conducting their area search or track. I'm not sure.
MR. KORNFELD: I don't have any other questions.
Thank you.
THE WITNESS: Thank you.

CROSS-EXAMINATION

BY MR. SULLIVAN:
Q You say you had information that somebody had fled between #2 and #4 towards the back alley?
A Yes, sir. I believe that's Augusta Road that it backs up to.
Q Where -- at that time, you interviewed two witnesses, I believe, Courtney -- the son and the daughter?
A Yes, sir.
Q Did one of them tell you they saw one man flee between the houses, and one man go in the house?
A Honestly, sir, during that time, there was a lot of commotion going on between radio traffic, and things of

that nature. I was focusing on officer safety. So I don't know who exactly told me that. I just heard it. Does that make sense?

Q Who else had interviewed them at that time? You were on the scene?

A Yes, sir.

Q One of the first ones?

A Uh-huh.

Q You talked to them. Had any other officer talked to them -- you were there in that area securing that corner?

A Yes, sir.

Q Did you see another officer talk to those people?

A No, sir.

Q So the information must have come from them for you to know that?

A Possibly, yes, sir.

Q Well, who else would have told you?

A Again, sir, I -- I was paying attention to making sure everything was okay with my trainee and the other officer. I just heard it.

Q If another officer never talked to them, you couldn't have gotten it from them?

A Well, again, sir, I wasn't focused on what other officers were doing at the time.

Q One more time.

A Yes, sir.
Q You talked to the two children, the neighbors?
A Yes, sir. I talked to them.
Q And from that conversation, you knew one individual had gone into [redacted] Mayflower Avenue; right? And you went to that door to see Bobby Smith?
A Are you talking about my initial contact with them, sir?
Q I'm talking about why you went to the door and why somebody went to the field.
A We went to the door for a 911 hang up call. Once I arrived at the 911 hang up call, I spoke with the complainant who said she heard shooting and gunfire next door.
Q After that, you were on the scene. You were on the corner. Then you said somebody went behind the house possibly, and somebody went in the house of [redacted] Mayflower, not [redacted]. This is after you talked to [redacted]?
A I understand.
Q So somebody told you that some man went into 2?
MR. KORNFELD: Your Honor, I would object at this time. I think it's asked and answered. And he's trying to elicit hearsay.
MR. SULLIVAN: There's no hearsay. I'm not asking for what anybody said.

THE COURT: I respectfully overrule the objection.

You can ask the question, Mr. Sullivan.

BY MR. SULLIVAN:

Q You talked to the witnesses. At that point, you had information that someone went between the houses and the field?

A Sir, when I took a position on the corner of the house, at that point, that's when we started receiving some conflicting information of what was going on. We weren't sitting there face-to-face speaking at that time. I was focused on the safety of my other officers and myself.

Q What other officer talked to the two --

A I don't know who else spoke with them, sir.

Q Okay. You don't know why people went in the field then?

A I -- no, sir. I'm assuming because of the incident that took place.

Q And you don't know why you went in the house to see somebody there?

A Sir, I went to the house for a 911 hang up call.

Q To #4. I'm talking about #2.

A Okay, sir. When we arrived on scene and after I spoke to the original complainant of the 911 hang up call, it was at that point that Deputy Ahea, also, with the

sheriff's office, who now works for the California Highway Patrol, he got on the radio and said he saw a deceased victim laying by the car door. It was at that point that I left [redacted] Mayflower and went over to the incident location at [redacted] Mayflower and started my investigation.

Q Somebody somewhere indicated a -- one of the suspects fled to the field?

A And it was at that point, sir, when I was over at [redacted] Mayflower that somebody said that out loud. And, again, I can't testify to who that was as I wasn't focused --

Q But you saw Bobby Smith in the house?

A Yes, sir. Bobby Smith was in the house.

MR. SULLIVAN: Okay. Thank you.

THE WITNESS: Yes, sir.

THE COURT: Any redirect, sir?

MR. MORONEY: Your Honor, very briefly.

REDIRECT EXAMINATION

BY MR. MORONEY:

Q Would you describe this as a chaotic scene when you responded to --

A Yes, very. I was dealing with three other inexperienced officers.

Q And is it common that law enforcement will canvas a neighborhood to start talking to numerous neighbors down the street after a serious incident like this?

A Yes.
Q And there's a lot going on?
A Yes.
MR. MORONEY: Thank you.
THE COURT: Any recross based on the redirect?
MR. KORNFELD: No, Your Honor.
THE COURT: Mr. Sullivan?
MR. SULLIVAN: I have nothing further of this witness, Your Honor.
THE COURT: Okay. Thank you, sir.
I appreciate you being here.
All right. You may call your next witness.
MR. MORONEY: Your Honor the State calls Ms. Tirissa Johnson.
THE CLERK: Ma'am, if you'll, please, come forward.
If you'd, please, place your left hand on the Bible and raise your right hand.
WHEREUPON,
TIRISSA JOHNSON,
after first having been duly sworn, testified as follows:
THE CLERK: Thank you.
Please be seated.
Would you, please, state your name for the record?
THE WITNESS: Tirissa Johnson.
THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Ms. Johnson, with whom are you employed?

A The Greenville County Sheriff's Office.

Q All right. And what do you do there?

A My primary job function is pulling recordings of the phone system and radio traffic.

Q All right. And would you say you're a custodian of records?

A Yes. That's correct.

Q All right. And this is not the first time you've testified in a criminal case, is it?

A No, it's not.

Q Okay. And are you familiar with the recordkeeping system of the 911 system, as well as how the sheriff's office keep their phone records?

A Yes, I am.

Q All right. Now, in terms of 911, if 911 gets a call and they hang up before the 911 operator can engage with them, what is the normal protocol?

A So that call is captured through the phone system and is transmitted to the primary answering point. And it shows up as a disconnect with the phone number. And then we make a phone call back.

Q And once you receive a call -- let's say a call comes

in to the county 911 system, and it's a 911 hang up, what happens next?

A So the next thing is that whoever -- whatever call taker was working at that position that the call came into, they would then make a phone call back to that number.

Q Okay. And assuming they didn't did get an answer, let's say, what would be the next step in the protocol?

A The next step would be to enter a call for service, that it was a 911 hang up and no answer on call back.

Q So the appropriate law enforcement agency would be notified, in this case, the sheriff's office, if it were in Greenville County?

A Right. Greenville County would be routed into the sheriff's office. And we would be that answering point.

Q And would a sheriff's deputy respond to let you know that they were taking the call?

A Yes.

Q All right. And once the sheriff's deputy arrived at the call location, would they call to let you know they had arrived on scene?

A Yes.

Q All right. And just -- I think I skipped a step. When somebody calls 911, when you get a call from a landline, if, like myself -- my landline at my house that

I still have, that I still -- that my wife and I still use. If we call 911, what shows up on your screen?

A It would show up the address and the name associated to that number.

Q So it would say Jeff Weston, [redacted] Devon Street, Greenville, South Carolina, my address, and my phone number, and my name?

A That's correct.

Q All right. Now, if I asked you, could you remember all the records associated with the night of February 3rd of 2015, all the 911 interactions? Do you remember any or all of those interactions?

A Not every specific one, no.

Q If I show you this document and ask you is this -- first of all, ask you if you recognize this document? You don't have to say what it is. I just ask you, do you recognize it?

A Yes, I do.

Q And does it refresh your recollection as to what happened -- what calls came in around 9:30, 9:45 that night?

A Yes, it does.

Q Would you tell the jury what call came in around -- excuse me, if there was a call from [redacted]?

A That's correct.

Q What time did that call come in?
A It is showing at 9:44 p.m.
Q And was that a conversation, or was it a hang up?
A It does appear that it initiated as a 911 hang up. Because it has a statement in here saying voicemail on call back.
Q So that means when somebody called back, it went to voicemail?
A That's correct.
Q Now, does it, also, show where an officer responded to that location -- the location of that landline telephone, which in this case would be [redacted] Mayflower Avenue?
A Yes, it does.
Q And who was the officer that responded?
A It was Deputy -- and I'm going to mispronounce his last name.
Q Napolitano?
A Yes, sir. That's it.
Q Okay. And what time does it say he arrived?
A It is showing at 9:49 p.m.
Q So the call came in -- the 911 call came in at what time?
A 9:44 p.m.
Q And he arrived on -- he notified dispatch that he arrived at what time?

A 9:49 p.m.
Q Approximately five minutes later?
A Yes.
MR. WESTON: Thank you, ma'am.
That's all I have.
THE COURT: Any cross?
MR. KORNFELD: No, Your Honor.
THE COURT: Mr. Sullivan?
MR. SULLIVAN: None, Your Honor.
THE COURT: All right. Thank you, ma'am.
I appreciate you being here. You may step down.
THE WITNESS: Thank you.
MR. WESTON: Your Honor, we would ask that the witness be allowed to be excused from her subpoena.
THE COURT: If there are no objections, then, certainly, you may be excused, ma'am.
Thank you for being here.
THE WITNESS: Thank you so much.
MR. WESTON: Your Honor, may we approach?
THE COURT: You may.
(WHEREUPON, a bench conference was held.)
THE COURT: Ladies and gentlemen, no secrets. We're talking about scheduling. The State has been clipping along at a very, very rapid pace today. You see all these witnesses. You've already had eight witnesses in this

Lovelace.

THE CLERK: Sir, if you'll, please, come forward.

Please place your left hand on the Bible and raise your right hand.

WHEREUPON,

MATTHEW LOVELACE,

after first having been duly sworn, testified as follows:

THE CLERK: Please be seated.

If you'll, please, state your name for the record.

THE WITNESS: Yes, ma'am. Matthew Lovelace.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Officer Lovelace, with whom are you employed?

A The Greenville County Sheriff's Office.

Q How long have you been with the sheriff's office?

A I started in August of 2006.

Q Okay. And what is your area of responsibility? What is your rank?

A Currently, I'm a masters deputy. And I'm assigned to the K9 unit. And I've been assigned to the K9 unit since 2009.

Q Basically, that means you are -- you use a dog as a tracker, or that kind of thing?

A It pretty much means that exactly.

Q I think your dog's name is Echo?
A Enzo.
Q Enzo. I'm sorry.
A He's named after Enzo Ferrari.
Q How long have you and Enzo worked together?
A He and I got partnered in October of 2009. And we've been together ever since.
Q Now, did you have an occasion to respond to [redacted] Mayflower Avenue here in Greenville on the night of February 3rd, 2015?
A Yes, sir, I did.
Q And just for the record, is that in Greenville County?
A That is in Greenville County.
Q All right. And what was the call -- that was -- what was the nature of the call that you received in terms of your reason for responding?
A An all-call came out for emergency assistance for a deputy that was on scene. There had been a shots fired call, and the situation was developing. Initially, I was on another channel.

So what I knew responding was limited information, other than an officer needed help immediately.

Q And when you arrived on scene -- I assume you've got one of those sort of SUV's that has the dog inside, or

you've got --

A That's correct.

Q -- one of those kind of deputy cars?

And let me give you this pointer. And I think you push -- I got it right today. You push the laser button.

And this has been identified as [redacted] Mayflower Avenue. And this is the incident location at [redacted] Mayflower Avenue.

A Yes, sir.

Q And this is Donaldson Road and Mayflower Avenue running in front here. Let me give you the pointer and you just push the laser button.

A Okay.

Q And just point to where you're -- in fact, if you would just step down.

A (Witness complied.)

Q Let's do it another way. And you can just stand over here. I think it will work better than just using your finger. Would you tell the jury, first, where you -- about what time did you arrive? Was it about 9:30, or 10:00 or so?

A Yes, sir. I -- my arrival time was at 10:04.

Q All right, sir. And where did you park?

A Initially, the street was very congested with other law enforcement vehicles. So my initial approach was right at the intersection of Donaldson and Mayflower.

Q And when you say it was very congested, I assume you mean there were law enforcement cars, forensics, deputies, and what have you?

A I'm not certain if forensics had arrived just yet, but there were quite a few deputies that had arrived on scene for the all-call, the emergency call.

Q So you parked near the corner of Mayflower and Donaldson Road; is that correct?

A That is correct.

Q So what did you do?

A The first thing I did was went to the front door of [redacted] Mayflower Avenue where deputies were preparing to make entry to clear the residence. I came up through the stairs and assisted with clearing the residence. And I didn't find anybody. I personally did not come into contact with anybody in the house.

Q When you say you came up the stairs, do you mean the front steps?

A The front steps, yes, sir.

Q Okay. So you only were in the house just for a few seconds, or maybe a minute or two?

A Just a brief moment.

Q Okay. So once you came back out, then what did you do -- or who did you talk to for direction as to what you needed to do next?

A There was information that a possible victim -- second victim had been taken into the backyard, and that the suspects had -- the word through the call was that people had dragged somebody into the backyard, or a person had. So we had a unit to cover on scene. There were several deputies providing cover. I instructed them to clear the backyard and look for any innocent persons as I went and got my dog.

Q And if you'll use the pointer now. So, basically, you got your dog and began a track?

A Correct. We came up with my partner to the corner of the house. I asked -- I have a dog that finds people by -- when he finds them, he bites them. So we don't look for anybody that's innocent or not presumed to be a suspect in a crime. We use conservative tactics.

So what I wanted to do was visually clear the yard. So I took the three people that were with me and I said, Hey, go into the yard ahead of me and look, you know. Use your eyes and let's see if anybody else is back here that's injured.

Q So your track was designed to try to locate the -- the trail of a suspect?

A Correct. But, initially, we wanted to make sure that nobody else was back there that was harmed.

Q I see, sir.

A So we did a visual clear of what the grassy area is you can see here. And then I commanded my partner to track.

Q Would you show the jury, generally, which -- well, let's go to the end of this first. Was your track successful in locating a suspect?

A No, we were not.

Q Okay. Now, let's go through this, generally, and give the jury the idea of where your dog tracked.

A Okay. Several K9s responded to the scene at the time. And what we did is we, basically, created the house as if it was a clock. And my partner arrived on scene. And he was to cover this half of the clock down. If 12:00 was just north to the house, my partner was to cut in this direction.

And, at the same time, I was going to cut the upper portion of the clock. So 9:00 was over here towards four, and three was over toward the side. That was my piece of the pie with my partner.

Q And how far did you track?

A We were unable to locate a track. And a track would be a -- basically, a trail as you walk or even as you're sitting here, you're dropping scent. So to a dog whose nose is 44 times greater than ours, they have an amazing ability to find things. You just have to provide the

right picture for them to follow.

Well, I didn't have a scent article to go off of, so what I had to do was tell him to find the freshest scent available. And that's what we were doing. So as we came into the backyard, we were unable to find any distinguished track where his nose goes to the ground. What he was doing was he was keeping his head up as if he was -- what we call air scenting, which means there's still a hot odor in the air. That is common when someone is in an area that's a circle or they're still there.

So what we did was we started working a heavy scent pool where the dog was air scenting underneath this tree. And it was over a fence at [redacted] Mayflower Avenue. In order to access that, we, actually, had to come to this residence here, which is at the cul-de-sac at Donaldson, and into the backyard. And there's a shed in the backyard.

We could not locate a tract, in other words, locate a trail leaving this location. Everything we had and all the odor we had was concentrated around this shed in this back yard. And we were unable to find anything else.

Q Did y'all, actually, go into the shed?

A I did not.

MR. WESTON: All right. Thank you, sir.

You may take your seat.

And answer any questions counsel may have for you.

THE WITNESS: Thank you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Officer Lovelace, you didn't notice any footprints in the backyard, did you?

A No.

Q Okay. And after the night of February 3rd, 2015, you didn't have any other involvement in this case; is that fair to say?

A I'm sorry. Could you just repeat that one?

Q Sure. After you were out there on February 3rd, 2015, you didn't have any other involvement in this case?

A No, I did not. No, sir.

Q Okay. And you didn't find anything else in the backyard or anywhere, and neither did your partner?

A No, sir. That's correct.

MR. KORNFELD: No further questions.

THE COURT: Mr. Sullivan.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Officer, did you go into [redacted] Mayflower?

A Yes, sir.

Q And it was clear?

A I apologize, sir. I don't know if I understand your

question.

Q Well, was anybody in [redacted] Mayflower when you went there?

A When I went in?

Q Uh-huh.

A I did not contact anybody when I went past the front door. The gentleman sitting to your left was at the front door with a deputy.

Q So he was in there?

A He was at -- on the front steps, yes, sir.

Q So you were not looking for him in the backyard?

A No. I was looking for anyone else in the backyard.

Q He was on the steps of [redacted] Mayflower?

A With another officer, yes, sir.

MR. SULLIVAN: Thank you.

THE WITNESS: You're welcome.

THE COURT: Any redirect, sir?

MR. WESTON: No redirect, Your Honor.

The State would ask that he be released from his subpoena.

THE COURT: Thank you, sir.

I appreciate you being here. Have a great day.

THE WITNESS: Thank you.

MR. WESTON: Your Honor, the State would call Officer David Weiner.

THE CLERK: Sir, if you'll, please, come forward.

If you would, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

DAVID WEINER,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And would you, please, state your name for the record?

THE WITNESS: David Weiner.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Officer Weiner, with whom are you employed?

A The Greenville County Sheriff's Office.

Q And how long have you been with the sheriff's office?

A 18 years.

Q Okay. And what is your rank?

A I'm a lieutenant.

Q All right. And did you have an occasion to respond to [redacted] Mayflower Avenue here in Greenville down near Donaldson Center on the night of February 3rd, 2015?

A Yes, sir.

Q Do you remember about what time you got there?

A Without looking at a CAD report, I couldn't tell you,

but maybe 11:00, midnight, something like that.

Q And when you arrived, what was the nature -- how did you end up going? What was the nature of the call that went out?

A It was a death investigation. At the time, I was a sergeant in criminal investigations. And any time they get a suspicious death investigation, the sergeant has to respond.

Q And when you arrived on scene, what did -- basically, kind of go through your actions, generally, for the jury what you did. When you first arrived, were there already other deputies that were on scene?

A Yes, sir.

Q Had the scene been taped off with crime scene tape yet?

A Yes, sir.

Q And what did you find when you arrived?

A From what I can remember --

Q Excuse me, sir. Let me hand you this laser pointer. You can just point to the map. If you just hit the laser button and point to the map, generally.

A All right.

Q You don't have to be exact, but just give the jury some idea about where things were. Where did you park? Do you remember?

A Out here on Donaldson Road.
Q All right, sir.
A And Donaldson Road is not too busy, but -- especially at that time of night, but it's a good-size road. I remember a vehicle being here with the deceased, like, half in the car, half out of the car.
Q All right.
A Like feet in the car.
Q All right. And did -- at this point, is forensics already processing the scene?
A Not processing it, but they're there.
Q They were sort of staging at that point?
A Yes, sir.
Q And so once you got there, what happened? What did you do?
A It's just my job not to investigate so much as to just make sure they have what they need. I called the fire department. They brought some big scene lights over so we could see.
And there was a decent amount of people that had shown up. So I had them erect some tarps and all so we could have some privacy for the victim. And so we could still work the scene without having to move her.
Q Did you go into the residence?
A Yes, sir.

Q And did you find anything of note, or did you observe anything of note inside the residence in the bathroom? Did you go into the bathroom?

A I did -- [redacted] Mayflower; correct? That's what we're talking about?

Q Yes, sir. I may have said [redacted] Mayflower. I'm sorry. It's [redacted] Mayflower, yes, sir.

A I did. In the bathroom, I found, like, a South Carolina -- I think it was an identification card. I can't remember if it was an ID or a driver's license that belonged to the victim in the toilet.

Q Okay. Did you, also, find a bank card, or some sort of a debit, or --

A Yes, sir. There were several cards in the toilet.

Q I'm going to show you -- and not necessarily in any particular order, but just starting sort of wide angle to short angle. I'm showing you what's been premarked as State's Exhibit No. 7, and ask you do you recognize that?

A Yes, sir.

Q What does that picture show?

A A toilet in the bathroom of [redacted] Mayflower.

Q And is that the way it looked when you saw it that evening?

A Yes, sir.

MR. WESTON: The State would offer this as State's

Exhibit No. 7.

THE COURT: Objections?

MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same is admitted.

(WHEREUPON, State's Exhibit No. 7 was admitted into evidence.)

MR. WESTON: Permission to publish, Your Honor, to the jury.

THE COURT: Yes, sir, you may.

MR. WESTON: Thank you, Your Honor.

BY MR. WESTON:

Q I'm going to show you what's been marked for identification as State's Exhibit No. 8. And ask you, do you recognize that?

A Yes, sir.

Q What is that?

A That is the victim's identification card inside that toilet.

Q All right. Is that pretty much -- is that the way it was when you saw it sticking out that way?

A Laying just like that, yes, sir.

Q Is there water in there, by the way?

A Yes, sir.

Q Is this the way it was on the night that you walked into that bathroom?

A Yes, sir.

MR. WESTON: Your Honor, the State would offer this as State's Exhibit No. 8.

MR. KORNFELD: No objection, Your Honor.

(Pause.)

MR. WESTON: I'm sorry, Your Honor. Once again, the State would offer this as State's Exhibit No. 8.

THE COURT: It is without objection so admitted.

(WHEREUPON, State's Exhibit No. 8 was admitted into evidence.)

MR. WESTON: Permission to publish, Your Honor.

THE COURT: Yes, sir, you may.

MR. WESTON: Thank you.

BY MR. WESTON:

Q I'm going to show you what's been marked as State's Exhibit Nos. 9, 10, and 11. Because they're the same type of objects. And I'm going to ask you if you would identify them for the jury, please, starting with State's Exhibit No. 9?

A Okay. State's Exhibit No. 9 --

Q Excuse me. Before you do that, let me ask you this. When you -- were you present when the items were taken from the toilet?

A In the house, yes, sir.
Q Yes, sir, that's what I mean. Out of the toilet?
A Yes, sir.
Q How many items did you see in the toilet?
A I just saw one.
Q Okay. And what was that one?
A The identification card.
Q Okay. And I'm going to show you what's been marked as State's Exhibit No. 9, and ask you if you recognize that?
A Yes, sir.
Q Is that the identification card that was in the toilet that you saw?
A Yes, sir.
Q All right. And would you read the name on that?
A Shamese Nicole Logan.
Q All right. And I don't know whether you were able to compare that with the victim that was outside. But was it later determined by your office that this was the victim that was found outside?
A Yes, sir.
MR. WESTON: Your Honor, the State would offer State's Exhibit No. 9, the driver's license -- or identification card of Ms. Shamese Logan.
MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same is admitted.

(WHEREUPON, State's Exhibit No. 9 was admitted into evidence.)

MR. WESTON: Permission to publish, Your Honor.

THE COURT: Yes, sir.

MR. WESTON: Thank you.

BY MR. WESTON:

Q Did you go anywhere else in the house? For instance -- let me direct you. Did you go into the kitchen?

A Yes, sir.

Q Did you open the refrigerator and freezer?

A Yes, sir.

Q Did you see anything in the freezer of note?

A Yes, sir --

Q Besides some frozen foods?

A Yes, sir.

Q What did you see?

A A cellar phone.

Q All right. I'm going to show you what's been marked as State's Exhibit Nos. 6 and 7. And I would ask you, starting with State's Exhibit No. 6 for identification purposes, if you recognize that?

A Yes, sir.
Q What is that a picture of?
A The refrigerator in the kitchen at [redacted] Mayflower.
Q Okay. And I'm going to ask you if you recognize -- did you open up the freezer?
A Yes, sir.
Q I'm going to ask you if you recognize what's been marked as State's Exhibit No. 5, and ask you do you recognize what that depicts?
A Yes, sir.
Q What does it depict, sir?
A The interior of the freezer, the refrigerator.
Q Were you able to determine what this black item in the middle was?
A A cellar phone.
Q All right, sir. And is this the way these items -- these -- the refrigerator itself and the freezer looked when you looked inside?
A Yes, sir.
MR. WESTON: Your Honor, the State would offer these as State's Exhibit Nos. 5 and 6. State's Exhibit No. 5 being the interior of the refrigerator/freezer. And State's Exhibit No. 6 being the refrigerator itself from the outside.
THE COURT: Objections?

MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: Without objection, the same are admitted.

(WHEREUPON, State's Exhibit Nos. 5 and 6 were admitted into evidence.)

MR. WESTON: Permission to publish to the jury, Your Honor.

THE COURT: Yes, sir.

MR. WESTON: Thank you.

BY MR. WESTON:

Q Now, did you take any of these items out?

A No, sir.

Q Whose job would that be?

A Forensics.

Q So you didn't tamper with the items?

A No, sir.

Q All right. Now, after these items were found and it was determined that they were related to -- in some way to the victim that was found outside, did you instruct any -- Investigator McCalmont to -- did you help prepare a search warrant for the entire residence?

A I just asked Investigator McCalmont to get a search warrant, yes, sir.

Q And other than that, did you have any further involvement in this case?

A No, sir.

MR. WESTON: That's all I have.

Answer any questions counsel may have for you.

THE WITNESS: Yes, sir.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Officer, Savannah Harris' ID was in the toilet. Do you remember seeing that?

A The only one that I could see was what was facing up down at the bottom of the toilet. And those other ones were, I guess, underneath there, or further in the toilet. So I could only see one.

Q And what color was the -- I guess, the top on the one you saw? Green?

A Yes, sir.

Q Okay. And that was Ms. Logan's ID; is that correct?

A Yes, sir.

MR. KORNFELD: Okay. No further questions.

Thank you.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q While you were waiting to obtain the search warrant, who stood with these things in the bathroom and in the kitchen?

A I didn't understand the who --

Q Well, did somebody -- an officer make sure that these things stayed where they were until you had the search warrant?

A Correct. Well, the house is empty at this point.

Q I understand.

A So nobody is standing inside the house with each item. It's just we know the house is vacant. There's no persons in it anymore to tamper with it.

Q But nobody, actually, observed these items in the time that it took to get the warrant and get back to them?

A Are you asking, like, was somebody standing there with each --

Q Yeah.

A No, no, no. Like I said, the house was completely empty. And we just secured the house until the search warrant was obtained. So nobody could go inside or anything.

MR. SULLIVAN: Okay. Thank you.

THE WITNESS: Yes, sir.

THE COURT: Any redirect?

MR. WESTON: Just one or two questions, Your Honor, just to clarify.

REDIRECT EXAMINATION

BY MR. WESTON:

Q And I think I'm correct on this. I want to be sure.

In terms of protocol in these types of situations, there's an initial investigation -- or an initial assessment, and sort of securing the scene, and then forensics comes. Once forensics comes and begins their processing of the scene, what do the officers do?

A Just stand out of the way.

Q They, basically, have to withdraw and get out of the way, and forensics handles the scene?

A Yes, sir.

Q So between the time you got there and looked at these items and the time forensics came in and -- and began processing the scene, y'all's job, as deputies, was just to secure the scene and make sure nobody came in and bothered anything?

A Correct.

Q And that presumes, of course, that none of the deputies are going to stick something in a toilet, or something like that; right?

A Correct, sir.

MR. WESTON: All right. Thank you, sir.

THE COURT: Any recross limited to that redirect?

(WHEREUPON, there was no response.)

THE COURT: No?

MR. KORNFELD: No, Your Honor.

MR. SULLIVAN: No.

THE COURT: Thank you.

I appreciate you being here. You may step down and be excused.

MR. WESTON: Your Honor, the State would ask that this witness be allowed to be excused from his subpoena.

THE COURT: Yes, sir.

Call your next witness, sir.

MR. MORONEY: Your Honor, the State calls Nicholas Downing.

THE CLERK: Sir, if you'll, please, come forward.

If you'll, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

NICHOLAS DOWNING,

after first having been duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Thank you.

Please be seated.

Would you, please, state your name for the record?

THE WITNESS: Nicholas Downing.

THE CLERK: Thank you, sir.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Hi, Mr. Downing.

Where's your current place of employment?

A I currently work with the Simpsonville Police Department.

Q And in what capacity do you work for the Simpsonville Police Department?

A I am a patrolman.

Q Where did you work before that?

A I was an officer with the Greenville County forensics crime scene unit from 2015 to 2017. And prior to that, I was a deputy with Greenville County from 2013 to 2015.

Q All right. Were you a deputy with the Greenville County Sheriff's Office on February 3rd, 2015?

A I was.

Q All right. Do you recall responding to a death investigation that evening?

A I do.

Q Okay. Could you explain exactly how you responded, or why you responded to that area?

A On February 3rd, 2015, while on patrol, I received over the radio a call for other units at [redacted] Mayflower Avenue in Greenville, that they had a gunshot victim in the driveway of a residence. At that time, I responded to the scene. I made contact with other deputies.

I stayed outside of the residence to maintain a perimeter, and to set up a perimeter around the crime

scene to ensure no one else got inside of it. And during my time there, I pretty much just stayed outside of the residence making sure nobody entered into the crime scene.

Q At some point during the night, did you have any interaction with Defendant Bobby Smith?

A I did. After Mr. Smith was taken out of the residence, he was placed in the back of my patrol vehicle where he stayed throughout the entire duration of the investigation.

Q All right. And at some point in the evening, were you notified by investigators that he was to be placed under arrest?

A Yes. After transporting him back to speak with investigators, I was advised by the investigators on scene that he was under arrest. They informed him of that. At that time, I brought him and transported him from the investigation room to the Greenville County Detention Center.

While I was at the Greenville County Detention Center, I was going through his pockets and his pants just to see what he had on him to search incident to arrest just to make sure he wasn't wearing anything else into the jail. I found several pieces of cash money that had what appeared to be suspected blood on them.

Q And when you saw that money and you saw that

suspected blood, did you notify somebody?

A I did. I notified Investigator Newman. At which time, I told him what I had. And then I contacted Greenville County forensics. And Sergeant Shaw with Greenville County forensics came to the detention center. I signed the money with suspected blood over to him on our property and evidence sheet.

Q And do you recall how much money you found in that pocket?

A It was $107.

Q Okay.

A It was -- I believe -- give me one second. It was five $20s, one $5, and two $1 bills.

Q Okay. And can you describe the appearance you mentioned of the blood that you saw?

A It was red in color. It was dried. And I believed it to be suspected blood.

Q Was it splatter? Did it appear --

A It was in several spots on the money. It wasn't in a pattern, several circular patterns located on the bills.

Q Officer Downing, I'm showing you what's been premarked as State's Exhibit Nos. 65 and 66, and ask you to take a look at that and see if you recognize that?

A I do recognize this as the money that was taken that night.

MR. MORONEY: Your Honor, at this time, the State would offer State's Exhibit Nos. 65 and 66 into evidence.

MR. KORNFELD: No objection, Your Honor.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same is admitted.

(WHEREUPON, State's Exhibit Nos. 65 and 66 were admitted into evidence.)

MR. MORONEY: Your Honor, permission to publish to the jury.

THE COURT: Yes, sir, you may.

BY MR. MORONEY:

Q And once Mr. Smith was booked into the jail, did that conclude your involvement in this case?

A It did.

(WHEREUPON, State's Exhibit Nos. 121, 122, and 123 were marked for identification only.)

BY MR. MORONEY:

Q Officer, I'm handing you what's been premarked as State's Exhibit No. 122 for identification purposes. Take a look at that, and let me know if you recognize that.

A Yes. This appears to be the money that I took from Mr. Smith.

Q Okay. And that's in substantially the same condition as you saw it that night when you retrieved it from his

pocket?

A Yes, it is.

MR. MORONEY: Your Honor, at this time, the State would offer State's Exhibit No. 122 into evidence.

THE COURT: Objection, sir?

MR. KORNFELD: No objection, Your Honor.

MR. SULLIVAN: I'd like to know who sealed the envelope, where it's been, and why it's being opened now? Did he seal it? Did the officer seal it?

MR. MORONEY: We'll address it with a later witness.

MR. SULLIVAN: I'd like to know that before I allow it to come in.

THE COURT: Okay.

MR. SULLIVAN: To have a chain established.

THE COURT: Okay. Well, he's identified it. And, at this point, I'll sustain the objection, provided your testimony will establish the chain of custody.

BY MR. MORONEY:

Q Officer Downing, I'm, also, handing you State's Exhibit No. 123, and ask you to take a look at that and see if you can identify it?

A I identify this as part of the money that was taken as well.

Q Okay. And it's in substantially the same condition as you saw it the last time you retrieved it from Bobby

Smith's pocket?

A Yes.

MR. MORONEY: Thank you, Officer Downing. Please answer any questions the Defense may have for you.

MR. KORNFELD: No questions, Your Honor.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q You said that was part of the money you found?

A Yes. That was presented as two different State's Exhibits.

Q Is that all the money you found?

A Yes, it is.

Q And it came out of Bobby's pocket?

A Yes.

Q Do you know where it was before it was put in Bobby's pocket?

A No.

MR. SULLIVAN: No more questions.

THE COURT: Okay. Any redirect, sir?

MR. MORONEY: No, Your Honor.

THE COURT: Thank you, Officer. I appreciate you being here. You may be excused.

THE WITNESS: Thank you.

MR. MORONEY: We'd ask to release this officer from

the subpoena, Your Honor.

THE COURT: Yes, sir.

You can call your next witness.

MR. WESTON: Your Honor, the State would call Mr. Robert Parker.

THE CLERK: Sir, if you'll, please, come forward.

Pause at the end of the bench.

Please your left hand on the Bible and raise your right hand.

WHEREUPON,

ROBERT STEVEN PARKER,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And would you, please, state your name for the record?

THE WITNESS: Robert Steven Parker.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Mr. Parker, with whom are you employed?

A The Greenville County forensics.

Q And would you tell the jury -- ladies and gentlemen of the jury what that is, and what y'all do?

A In Greenville County forensics, I am with the crime

scene unit. My responsibilities with them is to document the crime scene, and to collect and preserve any items of evidentiary value found on scene.

Q Do you work -- are you employed in conjunction with or as an auxiliary of the sheriff's department, the City of Greenville, any other municipal law enforcement agency?

A No, sir. We just assist all of those agencies. We are our own unit.

Q Y'all are an independent agency?

A Yes, sir.

Q All right. And how long have you been with the crime scene office?

A I have been with the crime scene unit for five years. I've been in law enforcement for a total of 11 years.

Q And what did you do before that, before the five years there in law enforcement?

A I was a patrol officer with Simpsonville.

Q I see, sir. All right. And I'd like to acquaint the jury a little bit about what your protocol is. And I assume y'all arrive on cases -- on criminal cases involving robberies, homicides, violent crimes, and things of that nature to investigate -- or to collect evidence in the aftermath of them; is that correct?

A Yes, sir.

Q Would that be a correct assessment?

A Yes, sir.
Q Okay. Once y'all are called to a scene, is it usually by the investigating officer, or one of the law enforcement officers on scene?
A Yes, sir. With a violent incident like this, it would be the investigator that requested us.
Q All right. So once y'all get to a scene, what is the first thing you do?
A The first thing when we get on scene, we would get a debriefing from the officers on scene of what they have seen and observed.
Q And they sort of give you an assessment of what they've seen, and what they think may have happened?
A Yes, sir, they do.
Q All right. And I'm assuming the purpose of that is so you'll know what you're looking for?
A Yes, sir. It assists us in our observations.
Q And some of it -- would you describe some of the things that y'all do, generally? For instance, would y'all take a video of the crime scene?
A Yes, sir, we would.
Q What about pictures?
A We do. When we document, we take digital photographs of the incident location.
Q Okay. Do you -- I assume -- I think you mentioned

that you collect evidence?
A Yes, sir.
Q Of things that you -- that may have evidentiary value?
A Yes, sir.
Q Prior to collecting them, do y'all mark and photograph them, and what have you?
A We do. We mark them with evidence placards. And we photograph them when we collect them.
Q And before y'all begin your -- when y'all are getting ready to begin your process, are deputies still -- like in this case, it involved a residence with a front yard and then inside of a house; is that correct?
A Yes, sir.
Q Are the deputies still milling around and moving around when y'all start your process, or are they waved off?
A No. They back off. They do perimeter security for us as we do our walk-through and do our observations of the crime scene.
Q With the exception of asking them logistical questions, are they a part of your crime scene work? Do y'all work hand in hand? Like, for instance, would the deputy help you pick up things and photograph things?
A No, sir. That is strictly us.

Q You're acting totally independent of the Greenville County Sheriff's Office?
A Yes, sir.
Q Let me ask you -- with that backdrop in mind, let me ask you, did you have an occasion to respond to [redacted] Mayflower Avenue on February 3rd of 2015, in the late night or early morning hours?
A Yes, sir.
Q And did you along with, I think, Mr. Lendway -- Officer Lendway process that scene?
A Yes, sir.
Q About how long were y'all out there, just generally?
A It was for a few hours. I recall that.
Q And I assume that you were working most of the time?
A Yes, sir.
Q Do you remember everything you did out there that night off the top of your head?
A No, sir.
Q All right. I'm going to show you a document, and ask you if you recognize this document, sir?
A Yes, sir. This is a copy of my report.
Q All right. Does -- and how many pages is your report?
A Four pages, sir.
Q And does the document I gave you contain four pages?

A Yes, sir, it does.
Q Does -- by reviewing that document, will it refresh your recollection as to what you did that night?
A Yes, sir, it should.
Q Let's start with, does the document indicate what time you arrived?
A Yes, sir. I arrived at 23:47 that evening.
Q And who did you first meet with when you got there?
A When I arrived on scene, I met with Investigator Newman, Sergeant Weiner, and Deputy Coroner Fowler that night.
Q And what were you advised concerning what the situation was, as far as what crimes may have been committed?
A They advised me that they had responded in reference to a 911 hang up call at that incident location. And upon arrival, the deputies said they had located a victim with suspected gunshot wounds.
Q And I assume, at some point, you saw that victim?
A Yes, sir.
Q And were they -- just to move this along. They were just outside the vehicle to the left of the residence -- if you're looking at it from the street, they were in a vehicle to the left of the residence?
A Yes, sir.

Q Okay. And was the place -- was the area already secured by crime scene tape?

A Yes, sir. Deputies already had placed tape up on the perimeter.

Q And what did you first notice as you were walking up towards the residence?

A When I was first walking up towards the residence, I did observe pieces of glass in the runway -- I'm sorry, in the roadway in front of the residence. And then I noticed more unknown pieces of glass in the gravel driveway leading up to the residence. And I observed some spent cartridge casings as well.

Q And how many vehicles did you see at or around the residence?

A I observed two vehicles. I observed a Jeep Cherokee that was in front of the residence, and then a Chrysler 300 that was in the gravel driveway.

Q And, just for the record, did you record the license tag of the Chrysler?

A Yes, sir, I did.

Q Would you tell the jury what that license tag was?

A The vehicle tag on the Chrysler that I did photograph, the tag was LGB 429.

Q All right. And what about the Jeep Cherokee, did you record a license tag or serial number belonging to that

Cherokee?
A The Jeep Cherokee, I recorded the VIN number.
Q And what was that VIN number, please?
A The VIN number was 1J4FT58SXNL192158.
Q All right. And when you -- was -- obviously, the Chrysler had a female's body in or around, coming out of the backseat. Was there anything unusual about the Jeep Cherokee that you saw that caught your attention, or was it just a car sitting in front of the house?
A Just a vehicle that was sitting in front of the residence. We like to document all the vehicles we see on scene.
Q All right. Now, at this point, have you gone into the house yet, or are you still looking at the exterior of the scene?
A Still on the exterior of the scene.
Q All right. And, by the way, did you arrive with Officer Lendway, or did y'all come separately?
A We arrived separately. He was the on-call supervisor that evening. And I notified him of the call we received.
Q All right. Do you know who -- do you remember which one arrived first?
A I was the first one.
Q Okay. And so, at this point, you noted the two cars in the -- one in front of the house, the Jeep, and the

Chrysler 300 to the left of the house with the body. Did you go and observe the car with the body?

A Yes, sir, I did.

Q And what were your initial observations?

A The observation -- the victim was on the -- she was by the passenger side rear door. I noticed her right foot was propped up on the interior of the passenger side rear door frame. And her left foot was propped up on the top of the passenger side rear tire.

The victim was wearing blue jean overalls that I did notice had been pulled down to her thighs. And she had on a black long sleeve shirt that had been pulled up exposing her torso.

Q All right. And did you take a video -- make a video presentation -- or video recording of the exterior of the crime scene?

A Yes, sir, I did.

Q All right. I'm going to show you what has been premarked as State's Exhibit No. 68, and ask you do you recognize this?

A Yes, sir. Yes, sir. This is the video footage.

Q And is this the video footage you took?

A Yes, sir.

Q And does it have your initials and date on it?

A Yes, sir, it does.

Q And have you reviewed it as to its accuracy and authenticity?
A Yes, sir, I did.
Q And is it an accurate depiction of the crime scene on the night that you were there?
A Yes, sir.
MR. WESTON: Your Honor, the State would offer State's Exhibit No. 68, the crime scene video.
BY MR. WESTON:
Q Just to be clear, does this crime scene video show everything, or does it leave out the part where the body is shown?
A That one does leave out the part where the victim's body is.
MR. WESTON: Your Honor, permission -- the State would offer this as State's Exhibit No. 68.
THE COURT: Objections?
MR. KORNFELD: No objection.
MR. SULLIVAN: No objection.
THE COURT: All right. Without objection, the same is admitted.
(WHEREUPON, State's Exhibit No. 68 was admitted into evidence.)
MR. WESTON: Permission to publish, Your Honor.
THE COURT: Yes, sir, you may.

BY MR. WESTON:

Q While we're waiting, how long is the video, just ballpark?

A I believe that video right there may just be over a minute long.

(WHEREUPON, State's Exhibit No. 68 was played in open court.)

BY MR. WESTON:

Q Now, is that the Jeep that you were talking about in front of the car -- in front of the house?

A Yes, sir, it is.

Q All right, sir. And is that the Chrysler 300 that we barely see in between the two houses there?

A Yes, sir. That is the Chrysler.

(WHEREUPON, State's Exhibit No. 68 continued to be played in open court.)

BY MR. WESTON:

Q Now, after you were -- and we're still outside the house at this point. After you -- in addition to taking photographs of the -- I mean, a videotape of the crime scene, did you, also, take photographs of the exterior of the crime scene?

A Yes, sir, I did.

Q I assume you took a lot of pictures?

A Yes, sir.

Q I am going to go through these photographs with you as quickly as I can without going too fast.
A Yes, sir.
Q And I'm going to ask you -- I'm going to show you what's been marked as State's Exhibits, and ask if you recognize them as pictures you took that night. I'm going to show you State's Exhibit No. 47. And tell the jury what that is.
A Yes, sir. This photograph is a picture of the gravel driveway leading up to the Chrysler. In this photo, suspected blood was observed on the gravel driveway.
Q All right. And that's -- that is State's Exhibit No. 47 --

MR. WESTON: Your Honor, just to move this along, I'm going to ask that these photos be introduced after he explains what they --

THE COURT: Sure.

MR. WESTON: After he describes what they are, I'm going to ask that each one be introduced. The Defense counsel has already seen all the photos. And they've indicated they have no objections.

THE COURT: Okay.

MR. WESTON: So I want to try to move this along as quickly as possible.

THE COURT: I'm with you.

MR. WESTON: And I would, also, like, Your Honor, permission to publish each one to the jury once they're admitted into evidence.

THE COURT: Sure. That's fine. As long as there's no objection to it, that's fine.

MR. WESTON: Thank you, Your Honor.

BY MR. WESTON:

Q So State's Exhibit No. 47 is what again?

A Yes, sir. State's Exhibit No. 47, in this photograph is a picture of the gravel driveway leading up to the Chrysler 300. And suspected blood was observed when I photographed this.

Q All right. Thank you, sir.

I'm going to show you State's Exhibit No. 48, and ask if you recognize that?

A Yes, sir. This is a photograph of the same area with the suspected blood leading up to the Chrysler. And you can barely see the victim in the background.

MR. WESTON: And, just for the record, I apologize on State's Exhibit No. 47. The State would move State's Exhibit No. 47 into the record. And the State would, also, move to have State's Exhibit No. 48 put into the record.

THE COURT: Any objection?

MR. WESTON: That's just for the court reporter, Your

Honor. My understanding is they have no objection to any of the photos.

THE COURT: Tell me then what are the -- what collectively are all the photos that you're going to go through? 47 through?

MR. WESTON: I just want to make sure we don't skip any, Your Honor. Your Honor, it is State's Exhibit Nos. 47 through 64, with the exception of State's Exhibit No. 63, which is, I think, a picture that's already been introduced into evidence.

THE COURT: All right. So it's my understanding, Defense Counsel, that you have no objections to the introduction of those pictures?

MR. KORNFELD: That's correct, Your Honor.

THE COURT: Mr. Sullivan?

MR. SULLIVAN: No objection, Your Honor.

THE COURT: Okay. We'll move them all in collectively by acclimation. If you want to ask him questions about specific pictures, you may.

MR. WESTON: Thank you, Your Honor.

And I would pass State's Exhibit No. 48 over to the jury.

(WHEREUPON, State's Exhibit Nos. 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 64 were admitted into evidence.)

BY MR. WESTON:

Q State's Exhibit No. 49?

A Yes, sir. It's going to be the same picture of the suspected blood in the driveway.

Q Is that just a closer shot?

A Yes, sir, it is.

Q And State's Exhibit No. 50?

A Yes, sir. This is going to be a photograph of a spent cartridge casing on the gravel driveway, along with some of the unknown pieces of glass I observed as well.

Q All right. State's Exhibit No. 51?

A Yes, sir. This photograph is going to be another spent cartridge casing observed on the gravel driveway.

Q For a non-gun officiant like myself, is the silver thing in the middle the spent cartridge that you're referring to?

A Yes, sir, that is.

Q And that's State's Exhibit No. 51.

And State's Exhibit No. 52?

A Yes, sir. This is another photograph of the spent cartridge casing on the gravel driveway.

Q All right. And I'm assuming when you say the "gravel driveway," that would be the driveway leading up to the house here?

A [redacted] Mayflower Avenue.

Q I apologize. Right in here?
A Yes, sir.
Q And this is, obviously, paved. This is not paved; is that correct? Between -- the driveway where the car was located was not a paved driveway, it's just gravel?
A Yes, sir. You're correct.
Q All right. I'm going to show you another picture, what's been introduced as State's Exhibit No. 53, and ask you if you recognize -- let says State's Exhibit Nos. 53 and 54, do you recognize what those pictures depict?
A Yes, sir. It is the affidavit notification of the sale of motor vehicle that was located in the Jeep Cherokee.
Q All right. So the Jeep Cherokee that was parked here?
A Yes, sir.
Q Did you inspect that car -- or that Cherokee? I mean, you took pictures of it, and looked in it, and stuff?
A Yes, sir, I did.
Q And State's Exhibit No. 54 is -- excuse me. I'm sorry. Is State's Exhibit No. 53 just a close-up picture of State's Exhibit No. 54 that shows the affidavit in greater detail?
A Yes, sir. You are correct.

Q And do they indicate that -- do the pictures indicate where these items were located?
A Yes, sir.
Q I mean, they weren't moved and staged to be taken so the pictures could be taken, this is where they were found?
A Yes, sir, I believe so.
Q All right. And would you look -- this is State's Exhibit No. 54. This is the front seat of which vehicle?
A The Jeep Cherokee.
Q Now, State's Exhibit No. 53 is a closer picture of that affidavit. Can you make out the name on that affidavit as the owner of the vehicle?
A Yes, sir.
Q Could you publish it for the jury?
A It says to -- if I'm pronouncing this correctly, Jahru Harold Smith.
Q Thank you, sir.
And this is in the Jeep Cherokee in front of the house?
A Yes, sir.
Q I'll show you State's Exhibit -- I'm going to do these kind of as a group, State's Exhibit Nos. 55, 56, 57, 58, 59, and 60. And would you just tell the jury what they describe, generally, first? And they're different

shots. Are they pretty much of the same thing? And when you reference them, please, reference the number at the bottom.

A Okay. On State's Exhibit No. 55, in this photograph, this is an evidence placard I laid down near the suspected blood as I did collect a rock that had the suspected blood on it.

Q All right. And what's the next number?

A State's Exhibit No. 56, in this photograph, I did an overall of the evidence placards I had put down on the gravel driveway.

Q And why would those evidence placards be significant like seven -- I think it's four, eight, and three. What would be -- what would they mark?

A Number three is marking one of the spent cartridge casings, as well as number four. And then number eight is marking the rock I collected with suspected blood on it.

Q All right. Thank you, sir.

A Yes, sir.

Q What's the next one?

A State's Exhibit Nos. 57 and 58 is going to be of the unknown pieces of glass I observed on the gravel driveway.

Q All right. And the next two, sir?

A State's Exhibit No. 59 is another photograph of a spent cartridge casing, along with some unknown pieces of

glass in the gravel driveway prior to marking it with a placard.

Q And I'm going to hold this up here so the jury can see. Would you point out where the casing is?

A Yes, sir. It's right there.

Q All right.

A Along with some pieces of glass.

Q So it would be right here in the center?

A Yes, sir.

Q And what's the next one?

A State's Exhibit No. 60. In this photograph, it is of the gravel driveway leading up to the Chrysler 300. And you can see the victim in the vehicle.

Q All right, sir. We're down to three more. And State's Exhibit No. 62 depicts what?

A That's going to be the back of the Jeep Cherokee.

Q In front of the home?

A Yes, sir, in front of the residence.

Q All right. And State's Exhibit No -- that's State's Exhibit No. 62. State's Exhibit No. 64 depicts what?

A State's Exhibit No. 64, this is a photograph further back near the roadway depicting the front of the residence where you can see the Jeep Cherokee and the Chrysler.

Q And, finally, State's Exhibit No. 61?

A State's Exhibit No. 61, in this photograph, you see

the Chrysler 300, along with the victim near the vehicle on the side of the residence.

Q All right, sir. I'm going to let you catch your breath for a moment there. In addition to taking photographs, and putting placards down, and collecting -- and, by the way, did you collect a lot of these items? We're going to get back to that later.

A Yes, sir. I did collect those items.

Q In addition to those responsibilities, did you and Officer Lendway take any kind of measurements?

A Yes, sir. I assisted Lieutenant Lendway in taking digital measurements of the crime scene.

Q And without getting into specifics of all the measurements and what you found, I think Officer Lendway will testify a little bit more concerning that. But what types of measurements do y'all take -- or would you have taken in this type of a case?

A That one, we would be taking measurements outside the residence of what we observed, where the vehicles -- measurements of the evidence to -- we would select two points, I believe I could say. And we use two main points for, basically, showing where the evidence are to those two points so it could be depicted on the diagram.

Q I see. And in addition to that, does one of you do a drawing, sort of a scale drawing of the location?

A Yes, sir. That's what he did was a detailed diagram of the crime scene.

Q All right. Bear with me a moment, sir.

All right. Hopefully, this will not take too long. I'm going to show you a number of -- a lot of items.

A Yes, sir.

Q And I'm going to ask you if you can identify them for the jury, please. I'm going to ask you to open each one -- and don't open the inside item and don't show it to the jury. I just -- let's start with this one, for example. And hold it down below this counter so the jury can't see it.

And if you would, just take it out, take a look at it, at the markings on it. And I would ask you if you can identify it?

A Yes, sir.

Q What is that?

A That would be a swab of suspected blood I collected off a clothing item.

Q And how is it packaged?

A The swab?

Q I mean, is it in a cylinder, or is it in a bag?

A The swab is, actually, in the sealed capsule. And we seal the top that screws on with evidence tape so as it cannot be opened.

Q And do you mark it in some form or fashion?
A Yes, sir. I would initial it with my initials.
Q And do you give it a designation, like AB-1, or AB-6, or some sort of a designation for that particular item?
A Yes, sir.
Q And what would it be? What would that one be?
A This one would be RSPD-1.
Q All right. Is there only one item in there?
A Yes, sir.
Q All right. I'm going to show you another item, and ask you if you recognize that. Once again, keep it below the vision line of the jurors because it's not come into evidence yet.
A Yes, sir.
Q What is that item?
A This would be a buccal swab recovered from Mr. Bobby Smith.
Q All right. And is that -- does that bear your initials?
A Yes, sir, it does.
Q All right. And does it have a designation?
A Yes, sir. This would be RSP-B is the designation for the swab.
Q RSP-B. All right, sir. And I'm trying to figure out the easiest way to do this. I'm going to go ahead and

sort of jump ahead. How did you come to take a buccal swab from Bobby Smith?

A Investigator Newman had requested that I go to the law enforcement center to process Mr. Smith.

Q All right. Now, would this have been early into the next morning, after 12:00?

A Yes, sir.

Q The next morning?

A This was after the crime scene.

Q And did you handle the actual taking of the buccal swab itself?

A Yes, sir, I did.

Q And just for the jury, tell the jury what a buccal swab is?

A A buccal swab is the easiest way to retrieve DNA from an individual. Just swabbing the inside of their cheek to get some skin cells.

Q And are you using something that looks like a Q-Tip?

A Yes, sir. That's what the DNA swab looks like.

Q Once you get it onto the Q-Tip, you then do what with it?

A It's sealed in the capsule.

Q And would that be what's in that capsule?

A Yes, sir.

Q And it's marked -- I think you said it's RS --

A RSP-B.
Q RSP-D. Okay.
A RSP-B.
Q RSP-B. I'm sorry. Okay. And I'm going to talk about what you do with all of these things when I get to the end, rather than go through this one at a time. All right. Let me show you -- excuse me one second.

I'm going to now show you what is marked as State's Exhibit -- and I forgot to do this before. Let me go back. I'm sorry. I have to maintain the record, Officer. I apologize.

A No problem, sir.
Q State's Exhibit No. 89, would you tell the jury again what that is, and what the designation is?
A State's Exhibit No. 89 is the buccal swab recovered from Mr. Bobby Smith as -- designated as RSP-B.
Q All right. And State's Exhibit No. 87, would you tell the jury again what that is? I'm sorry, Officer, to make you go through this. But we have to maintain the record as what exhibits are identified as what items.
A State's Exhibit No. 87 is the swab of suspected blood designated as RSPB-1.
Q Let me show you what has been marked as State's Exhibit No. 88, and ask you to hold it down below the vision line once again. And tell the jury what that is.

A State's Exhibit No. 88 is the other buccal swab that I recovered from Mr. Bobby Smith identified as RSP-A.

Q All right. And when was that taken? At the same time?

A Yes, sir. That was taken at the same time as the other buccal swab.

Q So is it just protocol to do two separate ones just in case something happens to one of them, or something?

A Yes, sir.

Q And that's State's Exhibit No. what?

A That's State's Exhibit No. 88.

Q All right, sir. I'm going to show you a lot of little things that look alike. So that way, we can kind of move through these pretty quickly. And I'm going to need you to -- you've got some scissors there?

A Yes, sir.

Q I'm going to need you to open these for me in the same protocol. Hold it below the eye level, because they have not been introduced into evidence yet.

A Yes, sir.

Q And I'm going to ask you to look at each one below the eye level and identify it for me. And tell the jury what it is, when and where it was collected, and what, if any, markings you designated to this.

This is State's Exhibit No. 82. Cut right above, so

we keep the 82.
A Okay. State's Exhibit No. 82 is going to be the unknown pieces of glass that I recovered from the roadway. And I designated this item as RSP-1.
Q And this would have been collected on the night that you went to the crime scene?
A Yes, sir.
Q And you only went there once; is that correct?
A Yes, sir.
Q And that's State's Exhibit No. 82?
A Yes, sir.
Q All right. Let me show you another one. And let me just ask you, each one of these items that I just gave you, were they, in fact, sealed when you got them just now?
A Yes, sir. They were sealed. And my initials are on all the evidence tape.
Q All right. What is State's Exhibit No. 86?
A State's Exhibit No. 86 is going to be the unknown pieces of glass I recovered from the gravel driveway designated as RSP-2.
Q All right. Let me show you State's Exhibit No. 74?
A State's Exhibit No. 74 is a cartridge casing I recovered from the gravel driveway designated as RSP-3.
Q All right. Thank you.

And State's Exhibit No. 75?

A State's Exhibit No. 75 is going to be a cartridge casing that I recovered from the gravel driveway as well. I designated it as RSP-4.

Q All right. And State's Exhibit No. 76?

A State's Exhibit No. 76 is going to be a cartridge casing I recovered from the front yard, designated as RSP-5.

Q All right. Excuse me one second, sir.

I apologize. State's Exhibit No. 77? We're almost done with these.

A State's Exhibit No. 77 is going to be another cartridge casing that was recovered from the front yard, designated as RSP-6.

Q And State's Exhibit No. 78?

A State's Exhibit No. 78 is going to be the rock with suspected blood on it recovered from the gravel driveway that I designated as RSP-8.

Q All right, sir. We've only got four more, I think. I'm sorry. Would you identify that? How is that marked as a State's Exhibit?

A This one is State's Exhibit No. 81.

Q Thank you, sir.

A State's Exhibit No. 81 is the black in color, Ralph Lauren Polo brand baseball cap that was recovered near the

victim's vehicle. It's designated as RSP-7.

Q All right. Thank you, sir.

And would you reference -- after you cut it open, would you reference the exhibit number, and what it is, and where it was recovered?

A Yes, sir. State's Exhibit No. 85 is going to be the pair of white socks with suspected blood on them recovered from Mr. Bobby Smith at the law enforcement center. This is designated as RSP-F.

Q And just to sort of refresh everybody's recollection. These designations, what does RSP-F --

A Well, RSP is my initials to identify that I was the one that collected the item. I just went alphabetical, I guess, numeric when I was collecting items at the law enforcement center, doing A, B, C, D.

Q So RSP-F would be the sixth item that you collected at that location?

A Yes, sir.

Q Okay. They're getting a little bigger here. This is State's Exhibit 83.

A State's Exhibit No. 83 is going to be the blue jeans I recovered from Mr. Bobby Smith at the law enforcement center designated as RSP-E.

Q All right. And that's State's Exhibit what? I'm sorry.

A State's Exhibit No. 83.

Q All right, sir. We're in the home stretch.

A State's Exhibit No. 84 is going to be the black T-shirt and gray color Starter brand sweater with suspected blood on it recovered from Mr. Bobby Smith at the law enforcement center. This one is designated as RSP-D.

Q And while we're at it, the items that you recovered from Bobby Smith, I think white socks, white T-shirt, and blue jeans that we've introduced here, this was done around the same time that the buccal swab was taken?

A Yes, sir.

Q And how did y'all get his stuff?

A We --

Q I mean, logistically, what happens? He's wearing white socks, blue jeans, and a black shirt?

A Yes, sir.

Q And you've now got them in this bag from him at he law enforcement?

A Yes, sir.

Q How does that -- does he go into a room and change? Do you go with him? How does that work?

A Yes, sir. I was with him in the interview room that the investigators had when I collected the clothing from Mr. Bobby Smith.

Q Okay. So you would have collected it from him as he took it off?

A Yes, sir.

Q All right. Let me show you one last item, sir. And, apparently, this has two items inside. And what is the exhibit -- well, the exhibit numbers, they've not been marked yet. So you can cut that partially open at the top there. If you need to cut it a little bit further open, that's fine.

A Only one of these is mine.

Q I'm sorry. You've got to speak a little louder.

A Oh, I was just saying only one of these is mine.

Q The one that is yours, would you tell the Court what it is?

A Yes. This is going to be a gunshot residue kit that I used on Mr. Bobby Smith at the law enforcement center. And this one is designated as RSP-C.

Q And is there any -- can we see it from the outside of that bag? Is it okay to lift it up? We can't see what's inside the bag; right?

A No.

MR. WESTON: Your Honor, this would be -- the State would have this marked as State's Exhibit No. -- next.

(WHEREUPON, State's Exhibit No. 124 was marked for identification only.)

BY MR. WESTON:

Q It's State's Exhibit No. 124?

A Yes. State's Exhibit No. 124.

Q And tell the jury again what this is.

A It is a gunshot residue kit.

Q Okay. That's a mouthful. Tell the jury what a gunshot residue kit is.

A The gunshot residue is what we use in an attempt to locate any gunshot residue that could be on the subject's hands. We send it off for testing. And then they would send it back for positive or negative results.

Q When you say -- assuming you were doing a gunshot residue kit on me, you have me hold out my hands?

A Yes, sir.

Q Show the jury what you do. Because I don't know either.

A There's little dabbers, that I call them, in the gunshot residue kit.

Q Okay.

A And I would take the dabbers and I would run them on the back of your hands --

Q Using this ink pen as the dabber, let's say.

A Yes, sir. If I had your hands, I would be dabbing your palms, getting your fingers, and doing the same thing on the back. Because they give you four dabbers, two for

each hand, doing the palm and the back of the hand.
Q And once that's done?
A It is sealed.
Q You take the dabbers and put it in and seal it?
A Yes, sir.
Q So that's what's sealed?
A Yes, sir.
Q Now, the other one, just out of curiosity, do you know who took the other one? Whose this would be?
A The other officer, I'd have to look at the initials.
Q Yeah. That would save us some time so we'd know whose...
A The other initials look like it would have been Officer Davis that used to work with us. That looks like the autopsy.
Q Okay. Now, we're just about done.
A Yes, sir.
Q Once -- so your involvement in this case consisted of two separate locations; is that correct, sir?
A Yes, sir.
Q And one was the incident location from the night of -- or the morning of -- the night of February 3rd, 2015, into the morning of February 4th; is that correct?
A Yes, sir.
Q And then on February 4th, later that morning or day,

you interacted with Bobby Smith at the law enforcement center; is that correct?

A Yes, sir.

Q And you took these items from one of those two places?

A Yes, sir.

Q Now, once you get these items, what do you do with them?

A Once I collected the items, when I do go back to the crime scene office, I will put those items in my secured evidence locker.

Q And when -- before you get there, once you collect all of these items -- and there's different types of items. So they have to be collected, obviously, in different types of ways. You wouldn't collect a shell casing in the same way you would, let's say, the T-shirt. Do you seal the packaging of each item that you collect?

A Yes, sir.

Q When you're on the scene?

A Yes, sir. On scene, yes, sir.

Q And do you initial it in some form or fashion and label it RF-1, or whatever?

A Yes, sir, I do.

Q Okay. And when you say you put it in your temporary evidence locker, tell the jury what that is and where it

is.

A Yes, sir. We have a room in our processing bay that each officer is assigned an evidence locker that we -- that only we have a key to. Once we collect our evidence from a scene, it's packaged, and sealed. Say, we want to process it on a later date, we would put it in our evidence locker, and lock it up, and secure it in the processing bay that the evidence lockers are in that are secured as well. Only the crime scene officers have a key card to get into it.

Q Okay. And let's assume that you put one or any of these items in your temporary evidence locker. And I'm, also, a forensic technician. And I go in the next day to get some -- to get this out, one of these items out. Do I have to sign off on something?

A If I was to go back into my own locker?

Q No, no, if I were to go in. You said only the forensics officers have a key card into the locker. Would I have access to your locker?

A No, sir.

Q Okay. So I could go into my storage bin, but not yours?

A Yes, sir.

Q And from the time you put it -- well, let me go to the end of this.

A Yes, sir.
Q At some point -- you may want to refer back to your report there to refresh your recollection. At some point, after you put this in your locker, obviously, they didn't stay there. What did you do with them when you took them out of your locker? What's the next step?
A Yes, sir. Once I took them out of my locker, they were packaged. And I did transport them to the property and evidence section.
Q All right. And when you take them to property and evidence, where is that?
A That is at the law enforcement center.
Q And are you responsible -- when you say you take them -- you take them yourself?
A Yes, sir.
Q Is that something that can be designated to somebody else?
A No, sir. We are responsible for our own evidence.
Q And when you take it -- so are you saying that each of those items that you referenced this morning, you took -- you put them into your storage locker, which is secured and accessible only by you. When did you take them out of the storage locker to go to P&E?
A I took them out on February the 12th, 2015.
Q And they are sealed in your storage locker in

individual containers of some sort?
A Yes, sir, how they are right now.
Q Let's assume you came there -- what day did you take it, February 14th?
A February 12th.
Q Let's assume you looked at them on February 12th, that morning, and was getting ready to take them and one of the item's packaging was broken. What happens? What's the protocol?
A If it was broken --
Q Or tampered with in any way?
A We would have to have an investigation on how it was tampered with.
Q And I'm assuming since there's nothing in your report indicating such an investigation, when you went to get these items and take them to P&E, nothing had been tampered with?
A No, sir.
Q All right. So you take them to P&E -- and we're almost done, I promise. Tell the jury what happens when you get to the P&E office.
A When I went down there to property and evidence, it was after hours, so there was no personnel there. So I had to place them in one of the temporary evidence lockers that they have there.

When you place it in there, once you lock it and secure it, it will not open. Only the property and evidence personnel have keys to access those lockers.

Q And would you have put all these into one locker? Would they all fit in one locker?

A Yes, sir. And I put them all in locker #2.

Q In addition to the items, obviously, if I work in property and evidence, I come in and see all of this stuff. Is there any paperwork that comes with this?

A There may have been some property and evidence forms that I probably could have documented with Mr. Smith. I can't recall. But, normally, these are all bar code labeled and are already entered into the property and evidence system. So when they get them, all they have to do is scan them to know the chain of custody.

Q And that's these little bar codes on each one of these things?

A Yes, sir.

Q Sort of like the grocery store?

A You could say that, yes, sir.

Q And when you put them in P&E, once again, do you make sure that they're all sealed appropriately?

A Yes, sir.

Q All right. So when you put these items in property and evidence temporary lockup and close that door, were

all of these items sealed properly and in the condition in which you found them at either the residence, the incident location, [redacted] Mayflower Avenue, or at the law enforcement center where you took the items from Bobby Smith?

A Yes, sir.

MR. WESTON: I think I'm done.

THE WITNESS: All right, sir.

MR. WESTON: Thank you, sir.

Answer any questions they may have for you.

THE COURT: How long do you think your cross-examination may be?

MR. KORNFELD: Pretty brief.

THE COURT: Pretty brief?

MR. KORNFELD: Yes.

THE COURT: Just trying to determine whether we need to take a bathroom break before or after.

THE BAILIFF: Your Honor --

THE COURT: A bathroom break before.

We'll take a break. And we'll come back in and conclude.

Y'all go ahead.

(WHEREUPON, the jury was excused from open court at approximately 11:51 a.m.)

THE COURT: All right. Officer, you can take a break, too. You just can't discuss your testimony with

Mr. Kornfeld, I defer to you as to what you want me to say, and how you want me to address that. I, certainly, will at the conclusion of the case. You just need to tell me whether you want me to do it before then. It's up to you.

MR. KORNFELD: Yeah. I'm going to wait. I'm still mulling that over.

THE COURT: Okay. Just let me know when you make a decision in that regard. Okay.

MR. KORNFELD: Okay.

THE COURT: Have you got your witness, Mr. Weston, some place?

MR. WESTON: Yes, sir.

THE COURT: While he's gathering up, you want to bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 12:05 p.m.)

THE COURT: Okay. Mr. Kornfeld, I believe it's your witness on cross-examination, sir.

MR. KORNFELD: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Officer Parker, the Chrysler, [redacted], that's the license plate number; correct?

A Yes, sir.

Q And that's a Mississippi license plate number; isn't that correct?
A I believe so. I have the abbreviation as "MS."
Q Okay. So it wasn't a South Carolina license plate?
A No, sir. It didn't appear so.
Q And did you do the GSR kit on Nicole Logan, the deceased in this case?
A No, sir. That was another officer that did that at the autopsy.
Q Do you happen to know the results from that?
A No, sir. The -- the tests are sent out to SLED, but the results do not come back to us. It would be sent back to the investigating officer.
Q All right. And there was another forensic officer on scene that collected a lot, I believe with the initials DS. I think you referred to DS earlier; isn't that correct?
A Did you say "DS"?
Q That's correct.
A That would be Sergeant Shaw, I believe.
Q And did you notice -- were you in a position to see whether or not he was able to collect a weapon in the deceased's vehicle?
A That was not on the day I was working. I believe he was conducting the search warrant on the vehicle when it

had been towed back to our processing bay. So I was not present for that.

Q Okay. And were you present for any of the fragmented casings that were found that weren't referenced by the Prosecution? Were you present for any of those?

A When would those have been collected?

Q It just states the incident date was 2/3/15 on the sheet that I have here. And it says the initials DS collected them.

A That would still be Sergeant Shaw. That was on another date from the incident I worked.

Q And you didn't notice any of these fragments on the scene, other than what you collected -- everything that you collected that day?

A Yes, sir.

Q There wasn't anything that you saw that day that wasn't collected that was of importance to you. Is that a fair assumption?

A Yes, sir. I collected all the items on the exterior, the scene I processed. But any items on the vehicle, those were on another day. Because I sealed the vehicle with evidence tape. And they were waiting to do a search warrant on the vehicle. We could not go inside of it yet.

Q Okay. So same question concerning the GSR kit for Bobby Smith. You are not in a position to testify as to

what the results of those tests are; correct?

A Correct. Because we don't get the results.

MR. KORNFELD: I understand.

No further questions.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q What would have collected -- now, Bobby Smith was in custody immediately after this incident?

A Yes, sir.

Q When would it have been prudent to bag his hands so the GSR could have been tested?

A I responded to the law enforcement center to conduct the gunshot residue kit. We try to get it done within an allotted six-hour time period.

Q But he was in custody?

A Yes, sir.

Q Right afterwards. Why couldn't that test have been done sooner?

A I believe they had already transported him when I was at the incident location. So he was not present with me.

Q Would that not have been very critical to find out who the shooter was to get a GSR kit on Bobby Smith in a quick, prudent manner?

A I guess it depends on the incident. I do understand what you're saying. But I guess because of everything

going on, the investigator tried to get it in that time period. But since I was already processing the scene, I could not leave the scene.

Q Who else could have done a GSR on Bobby, if you weren't there? Were you the only one that could have done it?

A The personnel on scene would have been the only ones that would have been able to do it, yes, sir. And we were all at the incident location.

Q So if you were out there five or six, 10 hours, you couldn't have done it at all, could you?

A No, sir. It would have been outside that time period.

Q But wouldn't that be critical?

MR. WESTON: Objection, Your Honor. Asked and answered.

THE COURT: All right. I'll overrule the objection. You can ask the question.

BY MR. SULLIVAN:

Q Wouldn't that be -- if you've got somebody that you think shot somebody, wouldn't it be very critical to your investigation to prove or disprove he was not the shooter? Wouldn't that be one of the paramount investigative inquiries?

A Yes, sir.

Q But it wasn't done in this case?
A Not as fast, no, sir.
MR. SULLIVAN: Thank you.
THE COURT: Any more questions? Is that it?
MR. SULLIVAN: None from my side, Your Honor.
THE COURT: Any redirect?
MR. WESTON: Just a couple questions on redirect.
THE COURT: All right.

REDIRECT EXAMINATION

BY MR. WESTON:
Q Officer Parker, counsel asked you about the car, and processing of the car, and the matters that Forensic Tech Dar Shaw did. Were you involved in sealing the car before it left the location?
A Yes, sir. I was the one that sealed the vehicle before it was towed.
Q What does that mean, "sealing" it?
A Placing evidence tape on the doors, trunk, hood, any compartment, basically, that could be opened on the exterior of the vehicle.
Q And were you present when it was towed, when it was taken away?
A Yes, sir. I was there to observe it being towed away.
Q And when it's towed, a private tow company, I assume,

handles that?
A Yes, sir.
Q And is there some protocol for someone in your department to follow the tow truck?
A Yes, sir.
Q In this case, do you know who that would have been?
A That was Officer Blankenship, who no longer works with us.
Q And he would have followed them where?
A She followed --
Q She, I'm sorry.
A No. She had followed the vehicle back to our processing bay at our office.
Q And she would have made sure that it was secured there?
A Yes, sir. She would have made sure it was unloaded there in our secure bay.
Q And counsel -- Mr. Sullivan asked you questions a moment ago about your investigation. Do you do an investigation at all?
A No, sir.
MR. WESTON: Thank you, sir.
THE COURT: Any redirect -- or recross, excuse me, limited to that redirect?
MR. SULLIVAN: None from Bobby Smith, Your Honor.

MR. KORNFELD: None, Your Honor.

THE COURT: All right. Thank you, Officer.

I appreciate you being here, sir. You may be excused.

THE WITNESS: Thank you.

THE COURT: Yes, sir.

MR. WESTON: Your Honor, the State would ask that he be released from his subpoena.

THE COURT: He may be.

Okay. Let's try to get in, at least, one more witness. Do you have a shorter witness to call?

MR. MORONEY: Relatively shorter than Mr. Parker.

THE COURT: Okay. Let's call him to the stand, please.

MR. MORONEY: The State calls Ronald Lendway.

THE CLERK: Sir, come forward.

Sir, if you'll, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

RONALD DAVID LENDWAY,

after first having been duly sworn, testified as follows:

THE WITNESS: Yes, I do.

THE CLERK: Thank you.

Please be seated.

Would you, please, state your name for the record?

THE WITNESS: Ronald David Lendway.

THE CLERK: Thank you, sir.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Mr. Lendway, could you tell us, please, where you work?

A The Greenville County Forensics Division.

Q And what is your role there in the forensics division?

A I'm the lieutenant over the crime scene unit.

Q Okay. And could you tell us what that entails, being a lieutenant over the crime scene unit.

A In our unit, we have 14 people. We have 11 crime scene officers. We have two sergeants, and myself. What I do is I supervise our crime scene unit, which could be anywhere from responding out to scenes, or approving reports, time sheets, just the whole operation of the crime scene unit.

Q Okay. And, generally speaking, as Officer Parker just got into it, with crime scene and forensics, what's your general role in responding to a crime scene?

A We go to a wide variety of crime scenes anywhere from, let's say, a larceny, it could be shooting, stabbings, suicides, homicides, bank robberies, or other investigations. We respond to the scene at the request of

the agency that requests it, which it could be any agency within Greenville County we'll respond out to.

And once we get on scene, we get our initial information from one of the on-scene officers or investigators. And they kind of tell us what they know so far. We'll -- depending on what type of scene, we may do a walk-through, just if there's anything of significance that they need to point out.

And then usually after that, they'll go ahead and back out of the scene. And they'll let our crime scene officers kind of take over from there. And we'll go ahead and document the scene. We may use digital photos. We may do video. We'll go ahead and just document overall.

We usually start from the outside of the scene, kind of work our way in towards the main focus of the scene. And if there's any evidence collection, we'll go ahead and do that. Or processing for fingerprints, or swabbing for any bodily fluids, we'll go ahead and do that as well.

Q And how long, personally, have you been doing this forensics crime scene work?

A I've been with the crime scene unit in Greenville for 17 years.

Q Lieutenant Lendway, do you remember responding to a crime scene on February 3rd, 2015, at [redacted] Mayflower Avenue?

A Yes, I do.

Q Could you tell me the nature of that call and how that started?

A Yes. I first was, initially, at home. I was on-call supervisor that night. I received a call shortly before midnight from Officer Parker, who's one of our officers. He called me and let me know what type of scene that he had. And I came on in. I let him know I would be responding out to the scene. And I arrived there a little while later.

Q And upon arrival, what did you learn -- or what did you begin to observe as you started working?

A When I first arrived there, I noticed that the scene was secure. There was several deputies out there. There was crime scene tape that was put up. I met with Officer Parker. He kind of gave me a rundown as far as what he knew so far, what items of evidence that he was aware of, and, also, what actions that he'd already done.

Q And what was the nature of the call and the crime that had taken place that night?

A It was a homicide.

Q Okay. And what role, specifically, did you play in forensics processing that night?

A When I first got there, Officer Parker, he advised that he had already started on some photographs and video of the scene. And he kind of pointed out where the items

of evidence that were located before I got there. And I then went ahead and assisted trying to see if there's any additional shell casings in an area of the driveway.

So myself and Officer Blankenship, we got metal detectors. And on the gravel driveway, it was -- it was fairly clear to kind of look and see if there's anything on the gravel driveway. But just off to the side, there was a grassy area where you couldn't really visibly see every nook and cranny. So we used the metal detector over in that area.

Q And, particularly, can you describe what you saw outside of the residence at [redacted] Mayflower Avenue at the scene?

A Right. There was a little bit of glass in the roadway and in the driveway. I could see what appeared to be blood in the driveway as well, along with a -- it looked -- appeared to be a drag mark several feet long in the driveway.

There was a vehicle that was parked just to the left of the residence where the victim was at. The victim was outside of the vehicle with both of her legs elevated resting on the car near the rear passenger door. The rear passenger door and the driver's door, those doors were both open on the vehicle. And the victim's legs were elevated up near towards the inside of the rear passenger

door area.

There was some shell casings in and around the vehicle, the driveway area. There was some blood in the driveway. There was, also, a ball cap that was a few feet away from the victim as well.

Q Did you notice any markings in the dirt or gravel driveway area?

A Yes, I did.

Q And what did you see there?

A Around -- I want to say around the center of the driveway, there appeared to be some blood. And starting from that point towards the vehicle, there appeared to be a drag mark from that distance. I went and measured it. And the distance was approximately 27 feet, four inches.

Q Okay. Now, after reviewing the scene, did you document in any kind of way with a drawing, or anything like that?

A Yes, I did. Myself and Officer Parker, we took scene measurements for a 2D CAD drawing of the scene. And -- where we could go in once we're back at the office, we can kind of place where the driveway was, where the victim was, where the house was located, any types -- any evidence that was collected from the scene, we can go ahead and place it in the diagram as well. And we'll go ahead and do measurements with that scene as well.

Q Could you, very basically, just describe what takes place before making that drawing? How are you able to complete the drawing, essentially?

A Yeah. We have a measuring device in all of our vehicles. And what we'll do -- we, also, have hundred foot tape measures as well. So, sometimes, we may have to use that.

And we'll go ahead and I'll let Parker know that I'll go ahead and do the diagram. And I'll kind of just write down the measurements and sketch. And once we're doing the -- when I'm doing the diagram back at the office, I may have to refer to some of the photographs as well from the scene. But, generally, I'll have that -- those measurements.

And when I'm doing the diagram, I'll just put the measurements in there. I'll put the items of evidence that Officer Parker collected out near the driveway and the vehicle, and include those as well.

Q Okay. Lieutenant Lendway, I'm going to hand you what's been marked as State's Exhibit No. 79 for identification. If you could take a look at that. And I ask if you recognize it?

A Yes. This is the -- this is the drawing I did that night.

Q Okay. With respect to your response that night to

Mayflower Avenue?

A Right. Yeah. I did the drawing. It was a few days later. It wasn't, actually, that night. But this is the same.

Q And is that drawing an accurate representation of the one that you created, the map that you created?

A Yes. Yes, it is.

MR. MORONEY: Your Honor, at this time, the State would move for State's Exhibit No. 79 to be admitted into evidence.

THE COURT: Any objections?

MR. KORNFELD: No, Your Honor.

MR. SULLIVAN: No, Your Honor.

THE COURT: All right. It's admitted without objection.

(WHEREUPON, State's Exhibit No. 79 was admitted into evidence.)

MR. MORONEY: Permission to publish to the jury, Your Honor.

THE COURT: Yes, sir.

BY MR. MORONEY:

Q Lieutenant Lendway, I'm going to put this up here. And if you could use this screen to help describe some of the scene you've already detailed, and exactly what you depict in there. If you can kind of walk us through it.

A Okay. This right here, this is the left -- the front left corner of [redacted] Mayflower Avenue where the residence was located at. This is the roadway here on Mayflower. This is going into the top of the driveway. This line right here, it's just a divider. Because right here, it starts -- this is all asphalt.

And then once you cross this line going in this direction, it turns to gravel. And the gravel went all the way up through here and, also, kind of curved around towards the front of the residence.

These items right here in these bubbles, those are Officer Parker's items of evidence here, here, here. This is glass from the roadway. This is some more broken glass in the driveway. This right here is where Officer Parker collected a rock with some blood on it. And this area right here is where that first area of suspected blood was visible in the driveway.

And these lines that are kind of going up through here, this would indicate the drag mark, what appeared to be a drag mark going up to the driveway towards the rear of the vehicle and to where the victim was located at.

This item right here is a spent shell casing. Here is another spent shell casing. And then there are two additional spent shell casings located over in this grassy area over here.

This is the driver's door. It was -- the vehicle was facing going this way. This is the driver's door that was opened when I arrived. And this is the rear passenger door that was, also, opened when I arrived.

The victim was located in this area. And both of the victim's feet, as I mentioned a few minutes ago, were elevated resting on the vehicle right here. This right here is also -- this is a ball cap that was located near the victim. This little square thing is a trash can that was right at the front left corner of the house. And then these are the measurements we took.

How we do our diagrams, we'll have a point A and point B so we can reference back to a specific item. So this right here is a telephone pole that was near the top of the driveway. So this was my point A. And then this is point B, which is the front left corner of the residence. So those are the two points that I based both of my measurements off of the items that were measured.

And then we have one of the measurements from point A will go to the victim's mid section. The other will go to the victim's head. We'll center those. And then point B is the same thing. We'll go to the victim's head and, also, to the victim's mid section to get those measurements.

Q Thank you, Lieutenant.

And after processing the exterior of [redacted] Mayflower, did you have the opportunity to process the interior of [redacted] Mayflower Avenue?

A Yes. I was requested to go inside the residence to take some photographs as well.

Q And, particularly, were you drawn to any areas of interest by investigators on scene that night inside the house?

A Yes. There was -- there was two investigators that were inside the residence when I had entered. And when I started going in, when I -- I started taking general photographs, just some overall photographs of each room while I was going through. As I was taking those photographs, I was instructed by Sergeant Weiner that he had located an ID that was in the toilet.

Q And what did you do after that, after being notified of that?

A When I went over there, I started -- I went to the area where I was. I went to the bathroom, which is just off the hallway. And I then began just doing an overall photograph, initially, of the bathroom and then kind of worked my way in to where the toilet was. I looked down into the toilet where I could see a visible ID that was down in the toilet water. And I took some additional photographs.

Q And were you the one that retrieved what was in the toilet?

A Yes, I did. I photographed it, initially. And then with each item of evidence I collected, I did put a yellow evidence placard and had a number associated with it next to that. I took an initial photograph and collected the items.

Q And do you recall exactly how many or what you pulled out of that toilet?

A Yeah. There were, actually, three ID cards in there. One -- it was one ID to the victim. It was a driver's license, South Carolina driver's license. The other one was a bank card with the victim's name on it. And the other was another driver's license to a Savannah Harris.

Q And you took photographs of all this and retrieved it?

A Yes, I did. Once I retrieved it, I put it on a clean brown paper bag and took another photograph of those items.

Q I'm going to hand you what's been premarked as State's Exhibit No. 10 for identification. Do you recognize that?

A Yes, I do.

Q Okay. And what is that?

A This is one of the ID's that was from -- located in

the toilet for Savannah Harris, a South Carolina driver's license.

Q Okay. And did you take this picture?

A Yes, I did.

Q I'm, also, handing you State's Exhibit No. 11 for identification purposes. Do you recognize that?

A Yes, I do.

Q Can you explain what that is?

A This is the TD Bank card that I, also, retrieved from the toilet with the victim's name on it.

Q And did you take that picture?

A Yes, I did.

MR. MORONEY: Your Honor, at this time, the State would move for State's Exhibit Nos. 10 and 11 to be admitted into evidence.

THE COURT: Any objections?

MR. SULLIVAN: No objection.

MR. KORNFELD: No, Your Honor.

THE COURT: All right. Without objection, the same are admitted.

(WHEREUPON, State's Exhibit Nos. 10 and 11 were admitted into evidence.)

MR. MORONEY: Your Honor, permission to publish to the jury.

THE COURT: Yes, sir, you may.

BY MR. MORONEY:

Q Lieutenant, other than the bathroom area, did you focus on any other areas of the house, or were you drawn by investigators to another area of focus?

A Yes. Once those items were collected, I went and resumed some additional photographs inside the residence. Again, Sergeant Weiner came over. He advised there had been a cell phone located in the kitchen. And the cell phone was, actually, located in the freezer of the refrigerator. It was the freezer section up on the top.

Q And when he drew your attention to that, did you collect that? Or what happened next?

A Again, I wasn't in that room, initially, when I was photographing. I was on the other side of the residence. But I did go back to the kitchen area. Before I opened the freezer, I took overall photographs of the kitchen area and then of the refrigerator/freezer. When I opened up the freezer, I could see the cell phone that was sitting up on top inside the freezer.

Q And did you -- were you the one who, ultimately, collected that?

A Yes, I was.

Q And after that was collected, what did you do with it?

A That night?

Q Yes.
A Okay. I just put it in one of our bags that we use for evidence collection, and sealed it up, and brought it back to the office.
Q Okay. And that's done in a secure fashion to ensure that it's not been tampered with?
A Yes, it is.
Q Lieutenant Lendway, I'm going to hand you what's been premarked as State's Exhibit No. 70. And there's some scissors there if you would like to open it. And if you could, just keep it low. It's not in evidence at this point. Take a look and let me know if you recognize that.
A Yes, I do.
Q And what is that?
A This is the black cell phone that I collected from the freezer.
Q Okay. And is there some way when you looked inside there that you could recognize that as being the phone you collected?
A Yeah. In addition to, actually, looking at the physical item, this is a bar code that I created once back at the office. We have a bar code system where we enter all the information, the case number, the date and time, the location where it was collected, who it was collected by.

Once we enter that in, it generates a bar code number with that specific item that we're entering. It will print out a label. And then that label is now connected to this piece of evidence.

So once I put the evidence in the bag, I put the label on the outside of the package, then seal up the package. And then I'll go ahead and initial over the evidence tape as well.

Q Thank you.

And with respect to that phone that you retrieved that night, did you do any processing of that phone?

A Yes, I did. Once I got back to the office after the scene -- I believe I was out there, I want to say, close to five hours, something like that. Once I got back to the office, I had my evidence out. I did get the cell phone and take it down to our processing room at our office.

There, I swabbed the actual cell phone for possible DNA. And I, also, did another swab for possible DNA for the cell phone case. Once I did those two swabs for possible DNA, I then processed it for fingerprints, which I was able to get a fingerprint off of that. And I sent it up to the latent division.

Q Lieutenant Lendway, I'm handing you what's been premarked as State's Exhibit No. 71 for identification

purposes. If you could open that envelope. And let me know if you recognize what is in there?

A Yes, I do.

Q And what is that?

A This is the -- this is the swab that I, actually, used to swab the face of the phone for possible DNA.

Q Okay. And after you swab it, is it stored in some kind of device, or some kind of holder?

A Yeah. This is --

Q If you would keep it down at this point.

A Yeah. It's a plastic container. And when you unscrew the cap to the container, when you pull the cap off, the swab is, actually, adhered to the inside of the cap. So that way, you never have to, actually, touch the swab. And it's far away from the actual tip of it where you would, actually, swab.

So you take it, unscrew it, you take the cap off. And you have it protruding out where you could swab the item. And then you put it back in the tube and screw it back. And, like I said, it just keeps you from, actually, touching the actual swab itself.

And then once in the container, there again, we put a bar code label across it identifying that specific item to what we collected, and then put evidence tape around the -- where the cap, actually, gets screwed on, and then

initial that on top of the tape.
Q And that's how you're able to identify that's the exact swab you took?
A Yes.
Q Okay. Lieutenant Lendway, I'm, also, going to hand you what's been premarked as State's Exhibit No. 72 for identification purposes. If you could open that and take a look at what's inside. And let me know if you recognize it.
A Yes, I do.
Q And what is that?
A These are the ID cards that I retrieved from the toilet.
Q Okay. And, again, like the other pieces of evidence, how do you know that those are the exact cards?
A This is the -- this is the package I used to put the identification in. There again, we have a bar code label on top which identifies that specific item of evidence. Once it's in there, I'll seal the edges up with the evidence tape, and then initial the outside of the tape.
Q With respect to the interior of Mayflower Avenue, did you, also, process any part of the living room, or were you drawn to that area?
A Yes, I did.
Q Can you describe what brought you there, and what you

found?

A After the photographs of the interior of the residence -- or the living room, there was some -- I noticed some clothing that was on top of a chair in the living room that was just inside the front door. Upon looking at those clothes, it was different articles of clothing. There was one item that was a pair of sweat pants that appeared to possibly have some blood on there.

Officer Parker had a test kit. We have a phenolphthalein presumptive test kit that we use. If there's any substance where we may believe it's blood or just want to confirm that's what it is, we have a test we can use.

And Officer Parker tested that and that area of suspected blood, which indicated that it was blood on that. Every item of clothing that was on that chair was collected. I collected each of them individually in their own separate bags and their own separate evidence item numbers.

Q And all of that was photographed?

A Yes, it was.

Q And were those photographs taken by you?

A Yes.

Q Lieutenant, I'm going to hand you a batch of photographs for efficiencies sake here. They've been

premarked as State's Exhibit Nos. 12 through 17. If you could take a look at those, and see if you recognize them as the photos that you took?

A Yes, they are.

Q And, generally speaking, with that batch, if you could, just describe what you saw and what these pictures depict?

A There's photographs of the articles of clothing on the one chair just inside the front door. There's evidence item markers beside the articles of clothing. There's, also, a knit cap, and jacket, and, also, some eye glasses that were collected. And there was, also, a picture in there with a swab. That's, actually, Officer Parker's arm with his swab. And that was the area he was testing for suspected blood.

MR. MORONEY: Your Honor, at this time, the State would move State's Exhibit Nos. 12 through 17 to be admitted into evidence.

MR. KORNFELD: No objection, Your Honor.

MR. SULLIVAN: No objection, Your Honor.

THE COURT: All right. Without objection, the same is moved into evidence.

(WHEREUPON, State's Exhibit Nos. 12, 13, 14, 15, 16, and 17 were admitted into evidence.)

MR. MORONEY: Permission to publish to the jury.

THE COURT: Yes, sir, you may.

BY MR. MORONEY:

Q I'm, also, going to hand you what's been premarked as State's Exhibit No. 80. If you'll open that up and take a look, and let me know if you recognize it.

A Yes, I do.

Q And what is that?

A This is a -- another swab for possible DNA that I took from the cell phone case that was located from the freezer.

Q Okay. And that's in the same condition as when you entered it into evidence?

A Yes, it is.

Q Finally, I'm going to hand you what's been premarked as State's Exhibit No. 73. I ask you to open that, take a look, just holding it down, and see if you recognize that.

A Yes, I do.

Q And what is that?

A This is a pair of sweat pants that was on top of the chair in the living room that Officer Parker tested for suspected blood.

Q Okay. And, again, do you recognize that as being the same pair of sweat pants --

A Yes, I do.

Q -- based on the markings --

A This right here, yes. It's got the same paper bag that I used, the same bar code label that I created, and, also, the red evidence tape has my initials on it.

MR. MORONEY: Thank you, Lieutenant Lendway.

Please answer any questions the Defense may have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Who in the world is Savannah Harris? Do you have any idea who that is, the lady's ID?

A I do not.

Q All right. Did you do anything -- investigation further concerning that ID after you collected it?

A That's not in the scope of my duties, no.

Q So the answer is, no, you didn't?

A That's correct.

Q All right. The other -- you said it was a driver's license of Ms. Logan. Are you not sure that that was, actually, an identification card? Do you know?

A Of?

Q Of Ms. Logan, the deceased.

A It was a South Carolina ID card.

Q Okay. So it wasn't a driver's license; correct?

A It -- I believe how I put it in my report was a South Carolina ID card.

Q Okay. Did you --
A It's a South Carolina driver's license. And I, also, included the driver's license number in my report.
Q So your testimony is that it is a driver's license?
A They're ID cards. It's a South Carolina ID card.
Q Is it an ID card or a driver's license? They're different, Officer.
A I would need to refer to the photograph that I took.
Q Okay. Concerning the -- the vehicle, the Chrysler 300, did you oversee that investigation?
A As far as what part of it?
Q Did you -- did you see anything that was in the vehicle while you were on scene, or at any other time?
A The -- the interior of the vehicle was not processed out at the scene at that time. There -- if you look in the vehicle, yes, I could see some items in the vehicle. Did we go inside and physically process it out at the scene? No, we did not.

Once we did the initial photographs and video and once the victim was removed from the scene, Officer Parker did seal up the vehicle with evidence tape. And upon talking with the investigators out at the scene, we -- what they requested is if the vehicle could be sealed and towed to our forensics bay, which we have at our office. We have a vehicle bay where we can store vehicles. And

once they obtain a search warrant, there would be somebody from our office that would process the vehicle.

Q Okay. So did you see a weapon inside of that vehicle on that day?

A Yes, I did.

Q All right. And what kind of weapon was that?

A I do not know.

Q All right.

A Because, again, we did not process it right there. The sole purpose of us was to document the scene that we had out there. The vehicle was going to be towed and processed at our office once they had a search warrant for it.

Q I understand you, Officer. The reason I asked you is because you testified about the other things that you gathered outside the car; correct?

A Yes.

Q So the reason I was asking is to make it clear you didn't, actually, go inside that vehicle; is that correct?

A That's correct.

Q But you did --

A I didn't go inside, but I did look into the vehicle.

Q And you did see a weapon inside the vehicle; correct?

A Yes.

Q Did you see anything else inside the vehicle?

A Yes.
Q And what else -- did you see a gin bottle inside the vehicle?
A I don't recall a gin bottle, specifically. There was an extensive amount of blood inside the vehicle. There appeared to be some holes in the vehicle that would be consistent with projectile holes.
Q Okay. You, also, took a latent print card as well; correct?
A Not from the scene.
Q Did you supervise anybody that -- where did you take a latent print card from?
A Back at our crime scene office.
Q Okay. And where did you take that from?
A From the cell phone from the freezer.
Q Okay. It appears that you took two different latent print cards. Did you just take one or two of the cell phone?
A I'm not sure what you're referring to.
Q Did you take one latent -- did you have one latent card or two latent cards?
A There was a latent card that was sent up to the latent division.
Q All right. So there was only one latent card. Is that your testimony?

A Yes.

MR. KORNFELD: All right. Thank you.

No further questions.

THE COURT: Mr. Sullivan.

MR. SULLIVAN: Just a couple questions.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q In your duties out there that night, was -- according to Ms. Logan, would you have been responsible for bagging her hands for possible GSR testing?

A I did not do that, no. That was -- I believe it was Officer Parker that bagged her hands.

Q So Officer Parker bagged her hands that night at the scene before she was removed?

A That's correct.

Q Do you know when the test was done?

A When the --

Q The GSR on her hands?

A It was not done that night.

Q So how many hours would have passed before it would have been done?

A On a deceased individual, the time is different than if you were doing a GSR test on somebody that's alive.

Q Why would that be?

A Because the GSR particles could absorb into the skin

All right. Ladies and gentlemen, we'll go ahead and take a lunch break. Please be back at 2:00, 2:00. And we'll resume testimony.

Thank you.

Y'all have a good lunch. Don't discuss the case.

(WHEREUPON, the jury was excused from open court at approximately 12:48 p.m.)

THE COURT: Okay. Anything further before we break for lunch?

(WHEREUPON, there was no response.)

THE COURT: Okay. Have y'all had -- have you seen Ms. Gorton, or talked to her?

MR. MORONEY: I have not.

THE COURT: Not yet?

MR. MORONEY: I can check and poke my head in the hall real quick, Your Honor.

THE COURT: Okay. When would you anticipate calling her, Mr. Weston?

MR. WESTON: Well, for purposes of the case in chief, Your Honor, it could be as late as this afternoon, or tomorrow. But in terms of our preliminary matter --

THE COURT: I just as soon do it in stride. That is right before she's called to the stand, bring her up and proffer anything that's necessary.

MR. WESTON: Yes, sir.

THE COURT: That might be the best way to do it.

MR. MORONEY: I don't see her, Your Honor.

THE COURT: That's fine. We'll do it in stride. Good enough.

Well, then I'll see you back at 2:00. Y'all have a good lunch.

(WHEREUPON, a lunch break was taken.)

THE COURT: Are you ready for the jury?

MR. WESTON: Yes, Your Honor.

Your Honor, before we bring the jury in, Ms. Gorton is here. She asked me about leaving and coming back. I told her I couldn't do that until, at least, you got on the bench and --

THE COURT: Yeah. She can leave and come back. Just whenever you need her to come, just give her a time and tell her to come up.

Bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 2:09 p.m.)

THE COURT: All right. Ladies and gentlemen, welcome back. I know that some of you asked about taking notes, and you've got some note pads. You're welcome to take notes.

I just want to caution you in one regard with regard to notes. Sometimes when you take notes and you're

interested in capturing things that are being said, you're missing other things. That is, if you're looking at your pad and you're taking notes, you might be missing body language and facial expressions. And you might be focused on what was just said, as opposed to what's being said. So I just caution you in that regard.

Also, when you get into your deliberations, a lot of times people will look at their notes and rely on their notes, as opposed to other people's recollections of what was said. Just because something is written down as a note doesn't mean that it's infallible. And it doesn't take priority or precedence over somebody else's recollection of what may have been said during the testimony and presentation of evidence.

So I just give you those -- those modest cautions. And with that, you're welcome to take notes to the extent that you need to.

So, having said that, ladies and gentlemen, we will proceed with the trial.

Mr. Moroney.

MR. MORONEY: Yes, Your Honor. The State calls Dar Shaw.

THE CLERK: Sir, please, come forward.

If you would, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

DARWIN SHAW,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And, please, state your name for the record.

THE WITNESS: Darwin Shaw, S-H-A-W.

THE CLERK: Thank you, sir.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Mr. Shaw, could you, please, state your current place of employment?

A I am currently retired.

Q And where are you retired from?

A From the Department of Public Safety Forensic Division in Greenville County.

Q And how long did you work there, and what dates?

A 19 years. December 14th of 2017 was 19 years.

Q Okay. So you just ended in 2017 your career?

A Correct.

Q In what capacity did you work?

A As a sergeant.

Q And, specifically, what was your area that you focused on?

A Well, my job as a supervisor is to supervise other

technicians, to do reports, correct their reports, or make -- if changes need to be made. Also, I was a working supervisor where I responded to crime scenes like the other technicians, and worked crime scenes, which included photographs, latent processing, collection of evidence, and then doing a report for court purposes.

Q And you've received training in that regard, and certification, and the like?

A I have.

Q Okay. Do you recall responding to a call on Mayflower Avenue on the night of February 3rd, 2015?

A No, I did not.

Q Okay. Do you recall being involved in that case and, if so, how?

A I was involved three different -- three different times. The first time was I was requested to go to the detention center to photograph some money that had been collected by -- that had been taken off the subject at the detention center.

Q Specifically, with that, could you detail how that happened and what took place?

A I was contacted by dispatch and was asked to respond to the detention center. When I got there, an investigator was there. And Officer Downing, who used to be with the sheriff's office, was there. There was money

laid out on a table. I photographed that money. And I requested Officer Downing to sign a property and evidence sheet signing the money over to me, which he did.

Q Okay. Mr. Shaw, I'm handing you what's been premarked as State's Exhibit Nos. 121 and, I believe, 122 as well. If you could take a look in there. And just keep it down as you examine it, those items in those two envelopes. And I would ask you if you recognize them?

A I do.

Q And what is this?

A There's a coin envelope that has been sealed that has my initials on the evidence tape indicating the amount of money that I had received from Officer Downing.

Q Okay. And is this -- other than being open at this present time, is it substantially in the same condition as when you would have entered it in and put it in that envelope?

A The coin envelope is, actually, put in this larger envelope that is sealed and has my initials on the back. And then there are bar codes on the front that coincide with each piece of evidence that was collected.

Q Okay. Thank you.

You had mentioned that you had processed the vehicle. Could you explain how that came about and the process for that, how you first started the process?

A I was advised that there was a search warrant that had been issued for the -- for a vehicle that had been towed to the crime scene office. And I executed the search warrant.

Q And as you executed the search warrant, could you describe what you saw on some of the things that you began detailing?

A Well, the first thing that I did was photograph the exterior of the vehicle, documented the tag number. I looked for any potential evidence on the outside of the vehicle. Once that was done and the outside was photographed, I opened each door. I photographed the interior and then looked for any possible evidence inside the vehicle.

Q And that vehicle, when it arrived to you, was it sealed?

A It was. It had evidence tape on each of the doors.

Q And do you recall what kind of vehicle that was?

A It was a 2006 Chrysler 300.

Q And from there, did you process the interior of the vehicle? What was your next step?

A Again, the first part was the photographs, looking for any potential evidence. Once I found what I believed might be evidence related to the shooting incident, I then collected pieces of evidence from inside the vehicle

related to the shooting.

Q And could you describe what evidence you recovered from inside of the vehicle?

A I collected swabs for possible blood. I collected projectiles, projectile fragments, shell casings, swabs for DNA. Those were all particular things that I collected.

Q And did anything stand out to you that was notable on the interior of the car and portion of the interior of the car with respect to this investigation?

A Well, I noticed that the driver's door, the glass was broken. So it appeared to me that something had occurred to where the glass had been broken.

And, again, I saw suspected blood on the inside of the car, especially on the driver's seat. I, also, found what looked like projectile holes in different areas of the driver's seat, the center console, and the passenger seat.

Q Did you recover a firearm from inside of that vehicle?

A I did. There was a Kel-Tec nine-millimeter that was sitting on the passenger seat.

Q Okay. And were there any projectiles and fragments that were recovered as well from the interior of the vehicle?

A There were.
Q Okay. Did you document all of this with any photographs while you were doing this?
A I did. They were photographed. And then as they were being collected, I wrote down the item number. When collecting evidence, we, typically, use our initials.

My initials are DS. So I would correspond DS and if it was item number one, then that's what it would correspond to the piece of evidence, DS-1. And then I would continue those numbers up through however many pieces of evidence were recovered.

Q You mentioned with respect to the driver's area that you saw some projectile holes in that region or area of the car. Did you do any additional processing with respect to the holes that you saw in the area of that vehicle?
A I did.
Q And what did that entail?
A I used trajectory rods. The trajectory rod is a -- some of them are, like, four-foot long, two-foot long. What I did was I used a trajectory rod and placed it in the fabric of the -- on the backseat of the -- back driver's seat where the projectile went through the seat.

I located the projectile -- I cut the back of the driver's seat, cut it open, and found a projectile in the

plastic inside of the seat. I, also, found a piece of metal on the inside of the seat that had an indention in it, which is where the projectile struck.

I then used the trajectory rod, put it through the hole in the seat, in the fabric, and extended it through so where it met right into the cupped area in the indention in the metal. And that gave me an indication as to the path that projectile took before it struck the inside of the seat.

Q And did you take photographs of that process as well?

A I did.

Q Mr. Shaw, I'm going to going to hand you what's been premarked as State's Exhibit Nos. 25 through 41 for identification purposes. And, if you could, just leaf through these, and see if you recognize these pictures.

A (Witness complied.)

Q Do you recognize those picture you just looked at?

A I do. These are all photographs that I took of the vehicle during the search of the vehicle.

Q Okay. And, generally, I know there was a lot there, but what did they depict?

A They depicted potential evidence on the inside to include a shell casing, a cartridge casing found in the vehicle, projectiles that were recovered. And the process of using the trajectory rods in the seat to help identify

the direction which those projectiles traveled inside the car.

MR. MORONEY: Your Honor, at this time, the State would move that State's Exhibit Nos. 25 through 41 be admitted into evidence.

THE COURT: Any objections?

MR. KORNFELD: No, Your Honor.

MR. SULLIVAN: No, Your Honor.

THE COURT: All right. Without objection, the same is admitted into evidence.

(WHEREUPON, State's Exhibit Nos. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41 were admitted into evidence.)

MR. MORONEY: Permission to publish to the jury, Your Honor.

THE COURT: Yes, sir, you may.

BY MR. MORONEY:

Q Mr. Shaw, I'm going to try to go through this relatively quickly since there's a lot of pictures here. But I'm going to put these up and, if you could, just describe what we're looking at.

A This was a photograph of the -- when the driver's door was open, just showing broken glass along the floor mat below the driver's seat.

Again, this is just a photograph of the driver's

seat. You can't -- may not be able to see it. But below the headrest is where I was looking as far as a projectile hole. It is, basically, just to show the interior of the vehicle, the condition of the driver's seat.

This is -- there's a shell casing, a copper jacket. And at the very bottom, this is difficult to see, but there's a lead core that was recovered on the floorboard. I believe it's on the rear passenger floorboard.

Q And for us, could you explain briefly the difference between those two terms that you just used?

A You -- when you have -- when you buy a box of ammunition, that is considered cartridges. When the end of it, the -- we call it a projectile. But when the weapon is fired, the projectile comes out. And then what you have left is the casing -- or the cartridge casing.

Sometimes, the jacket like that copper jacket, it will separate from the lead on the inside. So you'll end up having two pieces, instead of one. I think there may have been one that I collected that had not separated. But that jacket impacted something hard enough to separate so that you have the jacket itself and then the lead core separated and were collected independently.

Q I'll show you this. And I've put a pointer up there for you, which maybe can help if you need it.

A You see this is DS-17. This was the 17th piece of

evidence that was collected. This is the jacket that I was referring to, and this is the lead core. The core goes inside of this jacket. But, at some point, it's separated so that we, actually, have two pieces, instead of just one.

This is the photograph I took when opening up the front passenger door. As soon as I opened up the door -- and it's hard -- I think there's a better picture. But there was a projectile -- there's a projectile here. And that is -- it's jacketed, so it did not separate.

The whole lead core stayed confined inside of the copper jacket. But I could see the damage. There was damage to the front passenger seat. There was, also, damage to this running board, which is just inside the passenger door. And then the projectile was found -- or a projectile was found there on the quarter panel.

Again, this is DS-5. That was the piece of evidence that was collected. This is the full jacketed projectile that was found just inside when I opened up the passenger door.

This is a -- a -- an aluminum can. I found this on the front passenger floorboard. And I kept -- I saw that there was damage to the can. And later on, while I examined the inside, I saw where a projectile had gone through the plastic part of the center console, went into

the cup holder, tore a piece of the can out. And it was stuck inside of the cup holder. And then the projectile went on through and went through the bottom of the front passenger seat.

Again, this is just -- this is a projectile that was collected. I'm not sure -- I'd have to look at the number on it. Eight, I believe.

All right. DS-8, which was the eighth piece. This particular photograph I took with this projectile in it. As you can see, there's some type of an artifact. There's some damage to this projectile. In another photograph, you'll see another piece that I collected. I collected that as well. It was close enough in proximity.

I, also, tried to assemble this piece and put it back together to show that it came from this projectile. Visually, I could see it, but I couldn't do it to where I could photograph it. But I believe that that piece there came off of the projectile and it struck something and sheared a piece of the jacket off.

It's kind of blurry, but this is a shell casing that was found on the floorboard behind the passenger seat.

And this is just a better, clearer photograph of the cartridge casing. And, again, the weapon had already been fired. And that is what was ejected from the weapon.

Q And from your training and experience, can you --

does that tell you anything about the distance that it had been fired from the vehicle?

A No.

Q Okay.

A This, again, is just a photograph, DS-10. That was the item that was collected. This was just -- it's hard to see the head stamp on it. But the head stamp, I believe, was a CCI nine-millimeter Luger. And that's what was -- that's what is head stamped around the -- you've got the primer. And then the head stamp is where the manufacturer puts their name on the bottom.

This was just some T-shirts that I saw on the backseat. It had an area that looked like blood on the outside of the package.

There were, also, what looked like finger marks in -- in blood on the seat. However, I could not get any ridge detail to come up to positively say where those came from. But they -- they were in the shape of fingers. And so that's why it was documented.

This is just one trajectory rod that I had used. This is the one I put through the back of the driver's seat. And, again, I cut the back of the seat out and found a projectile inside, put the end of the trajectory rod into the cup, the indentation in the middle in the metal. And by doing so, this is well stabilized in that

vinyl. And so I got an approximate angle of descent that -- when the projectile was fired. It came in in this angle and then lodged in the back of the seat.

All right. This is just another photograph. I found, actually, four what I felt confident to say were impact areas. This is the same one you just looked at. Of course, when you're taking photographs, the camera is going to show what looks like it's a different angle. So it's kind of deceptive as far as how the angle in which it looks. This came in. Again, this is the one that went through the driver's seat.

There was a second projectile that came through. It just grazed. You can't see it because of this trajectory rod, but you can see I put a piece of tape there. It tore the fabric right on the edge of the seat. And then the projectile penetrated the passenger seat and then glanced off of the fabric and, I believe, was found on -- somewhere inside of the vehicle.

This is a trajectory rod that was put in. This is the one that went into the passenger seat, and where the projectile was found underneath the door when the door was opened up.

This is the one that was put in that went through the center console, through the cup holder, sheared off the aluminum from the can, and went on to the very bottom of

the passenger seat.

Q And does this photo accurately represent the angles as you're looking at them, and as you saw them that day?

A Yes, as much as they can be documented. Like I say, with photographs, it's hard to tell. Once those trajectory rods were put in place, they were photographed. They were not manipulated at that point.

Q Mr. Shaw, did you process the exterior of the vehicle at all, do any processing with respect to that?

A I did. I processed the exterior of the vehicle for fingerprints. And then the following day, I, also, processed the interior of the vehicle for any fingerprints.

Q Was there any swabs taken for potential DNA testing?

A There were.

Q Okay.

A I swabbed -- the outside, again, it looked like there was some areas of blood on the outside of the car. So I photographed those. I did a phenolphthalein test, which is a presumptive blood test. I confirmed it was blood.

I then took a separate swab of separate areas on the outside of the vehicle. I, also, swabbed the steering wheel, as well as the handle for the gear shifter for any possible DNA, which would be touch DNA, not necessarily blood DNA.

Q I'm going to try to do this as quickly as I can. I'm going to hand you several exhibits. The first being State's Exhibit No. 98 for identification. I'm going to ask you to open it up, take a look, and see if you can identify it.

A I do recognize it.

Q And what is that?

A This is a swab for possible DNA from the grip of DLS-1. And we have not discussed DLS-1 yet.

Q But is that a swab that you took from the interior of that vehicle?

A No. This is from a weapon that was recovered.

Q I got you. I'm handing you what's been marked as State's Exhibit No. 104 for identification purposes, and ask you to identify that.

A This is, also, a swab for possible DNA. But it is -- it's associated with the one we just took off from another firearm.

Q I'm handing you what's been premarked as State's Exhibit No. 99. See if you can recognize that.

A This is a swab of blood, suspected blood from the bumper of the vehicle.

Q Okay. And that would have been something you collected and you can recognize you entered into evidence?

A I did. I did a bar code and put -- it is labeled

DS-1. It, also, has a piece of evidence tape around it with my initials on it.

Q I'm handing you what's, also, been premarked as State's Exhibit No. 117 for identification purposes. Can you identify that?

A I can. This is a swab of suspected blood taken from the rear driver's door handle, I believe. It's cut off, but I believe that's where it was at. It, also, has been sealed with evidence tape with my initials on the tape.

Q I'll hand you what's been marked as State's Exhibit No. 103. If you can take a look at that, and see if you recognize it.

A Again, this is a swab of suspected blood labeled DS-4, which was collected from the exterior -- exterior of the door. Again, it has my initials. And it's sealed with evidence tape.

Q I'm handing you State's Exhibit No. 116 for identification. If you'll open that, and see if you recognize that.

A Again, this is a swab of suspected blood that I took from the rocker panel of the vehicle on the driver's side. It is labeled DS-3. Again, it's sealed with evidence tape with my initials on it.

Q I'm now handing you an exhibit that's been marked as State's Exhibit No. 112 for identification. If you could,

take a look at that. And you can open that, if you like. If you will identify it, if you can.

A This is a piece of lead, a lead fragment that came off of a -- one of the pieces of lead core that was collected from the front passenger floorboard. And it was collected as DS-6. Again, it was put in a coin envelope, sealed. And it has my initials on it.

Q I'm now handing you State's Exhibit No. 105. If you'll open that and see if you can recognize, or identify that.

A This is the projectile and the fragment -- the piece that sheared off the projectile. It was labeled DS-8. And the -- so it contains the jacket, as well as a fragment.

Q I'm handing you State's Exhibit No. 107. If you could, please, take a look at that, and see if you recognize it.

A This is a copper jacket fragment that was from the rear driver's side. And it was labeled as DS-14, collected as DS-14. It was placed in a coin envelope, sealed with evidence tape, and has my initials.

Q I'm handing you State's Exhibit No. 108 for identification purposes. See if you can recognize or identify that.

A This is a copper jacket from under the driver's seat.

It was labeled DS-17, and then sealed in the coin envelope by myself.

Q Also, State's Exhibit No. 109 for identification purposes. If you would take a look at that, and see if you can identify that.

A Yes. This is a lead core that was recovered from inside of the driver's seat. When I cut the back of the driver's seat open, I found it inside of a piece of plastic within the -- within the seat. It was collected as DS-19, and then placed in the coin envelope and sealed.

Q And then State's Exhibit No. 106. If you could, open that and take a look inside and see if you recognize what is in that envelope.

A This is a cartridge casing that was on the rear passenger floorboard that I photographed. It has a head stamp of CCI nine-millimeter Luger. It was collected as DS-10 and placed in the coin envelope and sealed.

Q Thank you.

Going back quickly to an item found inside the vehicle. You, eventually, found a firearm?

A I did.

Q Could you describe, particularly -- and if you need to reference a report or something, you can, certainly, do that, but the model and make of the gun?

A It was a Kel-Tec nine-millimeter. The serial number

was SQC 34. That was photographed, collected. As I collected it, I wanted to find out if there were any -- if there was any ammunition in it. I popped the magazine out, and then I pulled the slide back to see if there was one chambered. There was not one in the chamber. However, there were six live cartridges in the magazine.

Q And you say there was not one in the chamber, can you explain, basically, what that means?

A On a semiautomatic, when a weapon is fired, when it's discharged, it kicks out a casing and automatically reloads a round or cartridge into the chamber. And then, of course, when the last one is fired, the slide stays locked back on a semiautomatic.

So, in this case here, there was six live rounds and they were head stamped RP nine-millimeter, which is Remington Peters. It was just different than the one I found in the floorboard. But there were six of them in the magazine. But had the weapon been fired -- unless the magazine had been taken out and had been ejected, if it had been fired, there should have been one in the chamber.

Q And did you assign, when you processed that gun, a number and letter to that weapon?

A I did. It was collected as DS-9.

(WHEREUPON, State's Exhibit No. 125 was marked for identification only.)

BY MR. MORONEY:

Q Mr. Shaw, I'm handing you what's been premarked as State's Exhibit No. 125 for identification purposes. If you'll take a look at that and let me know if you're able to identify that.

A I do.

Q Could you, please, tell me what you see there, and how you can identify it?

A It's -- it's a Kel-Tec nine-millimeter that has the same serial number, SQC 34, as I have documented in my report. There's, also, a magazine as well as a coin envelope that should contain the six live rounds that were taken out of the magazine.

Q And this is in substantially the same condition as you saw it the night when you entered it into evidence?

A That's correct.

MR. MORONEY: Your Honor, the State would move that State's Exhibit No. 125 be admitted into evidence.

THE COURT: Objections, gentlemen?

MR. KORNFELD: No, Your Honor.

MR. SULLIVAN: No, Your Honor.

THE COURT: Without objection, the same is moved into evidence.

(WHEREUPON, State's Exhibit No. 125 was admitted into evidence.)

BY MR. MORONEY:

Q And kind of creating a separation at this point. Did you become involved at a later date in this case again?

A I did.

Q Could you detail how and when that happened?

A On the 18th of February, which was, like, two weeks after this incident happened, I was contacted by Investigator Newman. E requested I respond to an address to photograph and collect a firearm.

Q And when you responded to that address, do you recall the address that, specifically, it was?

A It was [redacted] Pecan Terrace.

Q And do you recall if that's in close proximity to [redacted] Mayflower Avenue?

A It is. I believe it's right up the alleyway within a short distance, yes.

Q And when you arrived on scene, did you locate that firearm?

A I did. It was pointed out. Actually, I was advised by Investigator Newman that this weapon had been found under a lawn mower in a shed. So as soon as I got there, I could see the butt end of the firearm sticking out from under the edge of the lawn mower.

Q And did you take pictures to detail this as you arrived on scene and found the item?

A I did. I took photographs from the front of the house showing the path I took from the residence and where the shed was located in relation to the residence. I, also, took photographs inside the shed, specifically, of the lawn mower, where it was, as well as the visibility of the butt end of the firearm.

Q Mr. Shaw, I'm going to be handing you some items that have been premarked as State's Exhibit Nos. 18 through 24. If you could take your time and look at those, and see if you can identify them.

A (Witness complied.)

Q Can you identify those pictures?

A Yes. These are photographs that I took at [redacted] Pecan Terrace where the weapon was recovered from.

Q And what do those pictures, in summary, detail?

A Just photographs from -- showing from the street, going through -- down the driveway and through a fence into the back of the property where, apparently, it looks looked like a garage, but it was some type of outbuilding, a lawn mower and firearm that was just under the edge of the lawn mower.

MR. MORONEY: Your Honor, at this time, the State would move that State's Exhibit Nos. 18 through 24 be admitted into evidence.

THE COURT: Any objections?

MR. KORNFELD: No objection, Your Honor.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same are admitted.

(WHEREUPON, State's Exhibit Nos. 18, 19, 20, 21, 22, 23, and 24 were admitted into evidence.)

MR. MORONEY: Permission to publish to the jury, Your Honor.

THE COURT: Sure.

BY MR. MORONEY:

Q Mr. Shaw, I'm going to show you this succession of photographs. If you could, just explain what we're seeing.

A Again, this was a cul-de-sac. And, basically, this photo was to show mainly the address on the mailbox. This is [redacted] Pecan Terrace. It's just kind of an overall photograph from the street showing the residence. And then I proceeded on back to this area to the backyard.

Again, this is the same vehicle that was parked in the driveway. I just took 10 or 15 steps and took additional photos in progression leading to the side of the house through the gate. And then this is the outbuilding where the firearm was located.

Just a closer photograph showing the items that were in the garage, as well as this lawn mower. It's difficult

to see, but the firearm is right under the edge of that lawn mower.

Again, this is just a closer photograph showing the lawn mower and showing you could, actually, see the butt end of the firearm sticking out from underneath the edge.

The mower was moved. And then I photographed the firearm in the position it was in as it was recovered.

Q And, Mr. Shaw, once you recovered that firearm, what did you do with it?

A I took it to -- I collected it. I collected it as DLS-1. Again, we, normally, use our initials when collecting evidence. In this case, because of the length of time that had passed, I wasn't sure what the last piece of evidence was that I had collected prior to.

So I just put my middle initial in there. So DLS is still my piece of evidence. And it was collected as number one.

Q And do you recall the make, model, or serial number of that item?

A It was, also, a Kel-Tec nine-millimeter semiautomatic. And the serial number was AHS 60.

(WHEREUPON, State's Exhibit No. 126 was marked for identification only.)

BY MR. MORONEY:

Q Mr. Shaw, I'm showing you what's been marked as

State's Exhibit No. 126. I ask you to take a look and see if you recognize it?

A It is a Kel-Tec nine-millimeter. The problem with this is it is strapped down to the box. And where the serial number is located is under the strap. There is a tag that has been assigned to it, Kel-Tec model P11, serial number AHS 60, which is the same as what I collected and what's documented in my report.

Q Okay. Is there anything else inside that box? And if you need to use scissors --

A There is a magazine and there's one live cartridge. I removed the magazine and there was nothing in the magazine. But when I pulled the slide back, one cartridge ejected, which means it had not been fired. One cartridge came out. And the head stamp on that was CCI nine-millimeter Luger.

Q And this is the item you retrieved from the shed and entered into evidence subsequently?

A Correct.

MR. MORONEY: Your Honor, at this time, the State would move that State's Exhibit No. 126 be entered into evidence.

MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same

is entered into evidence.

(WHEREUPON, State's Exhibit No. 126 was admitted into evidence.)

BY MR. MORONEY:

Q And with respect to that weapon you retrieved from the shed, could you describe the one round that was found with its location compared to the other gun where you said there was no round in the chamber?

A There was none in the chamber. This particular -- this particular weapon, the unfired cartridge was, actually, in the chamber. So as soon as I pulled the slide back, it ejected that live round out.

So there was nothing in the magazine which led me to believe that the one in the chamber was the last one in the magazine. The other ones had been fired. When the last casing was ejected, it loaded that last cartridge into the chamber.

Q So as I explained -- as I understand it, if you would have pulled that trigger, would the weapon have fired if it were operational?

A It would.

Q And, Mr. Shaw, if we could just jump back now briefly to when you processed this vehicle. I'm going to show you one of these pictures you've already described. And I'm going to ask you to focus on this driver's door window

area. Can you explain with specificity what you saw as you processed that window area?

A One of the things that I found was in this area of the window, there was still glass that was in the track, which led me to believe that the window had to be, at least, up that far in order for the glass to still be there once the weapon was fired.

What I did was I had took a tape measure. Now, as a window -- and I did not get the full measurement from top to bottom. But what I did do is -- down inside the door is a track that the glass is attached to. What I did was I took a tape measure and put it on the top of the track and measured the distance from the top of the track up to the very bottom of this window of the ledge. And it was only 12 inches.

So that being the case, this distance here is more than 12 inches, which meant that the window had to be partially up in order for that glass to still be in the frame and for the track to only be down 12 inches inside the door.

Q And with respect to these numerous items that I showed you previously that you've identified, did you enter them personally all into evidence?

A I did.

Q Okay. And could you briefly describe that secure

procedure as you entered those items in?

A Well, all the evidence that's collected gets put into my personal evidence locker, which is locked. I then package the evidence, put bar codes on each piece of evidence, and then transport it to P&E -- or to property and evidence.

MR. MORONEY: Thank you, Mr. Shaw.

Please answer any questions the Defense attorneys may have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Mr. Shaw, isn't it true that that Kel-Tec Model PF-9 is notorious for jamming?

A I am not a firearms examiner. I cannot answer that.

Q When you testified earlier on direct, didn't you say what a weapon is supposed to do, that it's supposed to automatically reload in this type of weapon, a semiautomatic weapon was supposed to reload; is that fair?

A If it's working properly, yes, it should.

Q All right. And you don't have any evidence that it was working properly or not working properly here today; is that fair to say?

A That's correct.

Q Okay. When you reviewed the scene, I notice they didn't put any other items in there in the car. Isn't it

true that there were other items in the vehicle other than the ones the State brought up?

A Can you --

Q Such as a half bottle of gin. Did you see that?

A I did.

Q Okay. Were there -- I can't remember -- were there any, I guess, tobacco products with that as well?

A I don't recall any tobacco products.

Q Okay. Did you do any tests on the bottle of gin, or anything of that nature, or did --

A I did. I processed it for fingerprints.

Q Okay.

A I did not get any results.

Q Okay. And when a -- from the casings that are collected -- or that you collected, is there a way to determine from where that jacket is where that gun that shot that casing was shot from?

A Are you specifically -- are you talking about the casing itself, or are you talking about the jacket fragments?

Q I'm talking about the jacket. There's no way to tell from where the jacket is where that gun was shot, is there?

A That's correct.

MR. KORNFELD: I don't have any further questions.

Thank you, Officer Shaw.

THE COURT: Yes, sir, Mr. Sullivan.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Can you hear me?

A Yes.

Q What I refer to is like the shell -- the shell -- not the bullet itself, but the shell, what's left after -- what's ejected. What goes out when something is ejected?

A I'm sorry. I didn't understand what you were asking.

Q You have a bullet?

A Yes, sir.

Q The projectile goes out the front?

A Correct.

Q The -- whatever you want to call it, the shell is ejected?

A Correct.

Q Can you tell on these guns which way, right or left -- is the gun -- is the projectile projected?

A There are very few firearms that will eject from the left side. They all kick out to the right.

Q The right?

A Yes, sir.

Q So if somebody were outside this car shooting in, those shell casings would be ejected to the right outside

the car?
A Unless it ricocheted off of the door post, or something. If it was in close enough proximity, it could still get inside the car.
Q Well, they'd have to have it stuck inside the car?
A Pretty close, yes.
Q If they were shooting from here, it's not going in the car?
A From a far distance, no.
Q Okay. Did you find some of these shell casings inside the car?
A I found one.
Q So that means if the gun was fired inside the car, the shell casing would have gone to the right; correct?
A It was found on the rear floorboard, which would be correct.
Q So if the person in the car shot the gun, that shell casing would have gone back in the back floorboard?
A No. If the driver had shot the weapon, it would have been on the front passenger floorboard or, possibly, up on the dash.
Q I thought it went out to the right?
A It does go out to the right.
Q Well, then you're saying it's going to go down?
A I'm saying that the projectile -- gravity is going to

take --

Q No, No. I'm not talking about the projectile. I'm talking about after the bullet leaves the gun, what's left is going to be ejected to the right?

A Correct.

Q You say you found a -- something projected to the right in the rear right floorboard?

A In the rear floorboard.

Q So that would have been fired from the gun inside the car?

A No, sir.

Q Would somebody have had to reach inside to do it?

A It would have had to have been close enough -- what I'm saying is, if I'm sitting behind the wheel --

Q Yes, sir.

A -- and if I'm looking out the driver's window -- if I'm looking out the driver's window, if I'm shooting in this direction, it's going to kick to the right. And it's either going to go up on the dash, or it's going to be on the front floorboard. That casing that I found was in the back floorboard, which means that it probably came from outside, not from inside.

Q So you're saying they were gunning the gun?

A Not -- I'm not saying that there -- I'm saying there were two guns that were found. One gun was in the vehicle

that the head stamps on that weapon matched -- did not match the one that I found on the floorboard.

Q It did not match?

A Correct.

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

THE COURT: All right. Any redirect?

MR. MORONEY: No, Your Honor.

We ask that we release Mr. Shaw from subpoena.

THE COURT: Mr. Shaw, thank you for being here.

THE WITNESS: Thank you, Your Honor.

THE COURT: I appreciate it. You may be excused.

MR. WESTON: Your Honor, the State would call Ms. Kara Bennick.

THE COURT: Okay.

THE CLERK: Ma'am, if you'll, please, come forward. If you'll, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

KARA BENNICK,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Please state your name for the record.

THE WITNESS: Kara Bennick.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Ms. Bennick, where are you employed?

A The Greenville County Forensics Unit, but, particularly, the property and evidence room.

Q Now, how long have you been in the area of property and evidence?

A 15 years.

Q What is your title?

A I'm the supervisor of the unit.

Q And how many employees do you supervise?

A There's four under me, five total.

Q And would you tell the jury what the purpose of property and evidence is, generally?

A It's a secure holding area for all incoming evidence, and any kind of property that's going to come in from the officers that are working patrol.

Q And how does -- when you say a "secure" area, how is it secure? Let's talk about that for a moment.

A Okay. We have three types of security. One is the lock and key security. We have swipe cards. And we have 24-hour camera surveillance.

Q So if I were to go in and try to get something out of property and evidence, I'd be on a camera somewhere 24

hours a day.

A You couldn't get in, but, yes, sir, you would.

Q Assuming I was able to get in?

A Yes, sir.

Q And so -- and who do y'all receive property and evidence items from? Is it every -- every law enforcement jurisdiction in Greenville County?

A Multiple law enforcement jurisdictions in Greenville County, yes, sir.

Q Does that include the Greenville County Sheriff's Office?

A It does.

Q And I'm going to hand you a stack of documents, and just ask you if you can just identify -- we're not going to put these into evidence. I just want you to identify them for me.

A These are property receipts that we generate. And these are chain of custodies we generate out of our bar code system.

Q All right. And I'm going to just use this green magic marker as an example. If I'm a law enforcement officer and I collect this green magic marker as a piece of evidence in a case -- let's say, I work for the sheriff's office. What do y'all require I do with it before I bring it to y'all? How would you receive this?

Would you receive, for instance, me just bringing you a magic marker to the window and saying --

A No. You would have to generate a property and evidence report, which is an inventory of the item, a description and inventory explaining what it is, how it is, and that it would be submitted.

Q Is there any type of packaging that's required?

A If it comes in during business hours, we'll go ahead and package for the officer. If it comes in after hours, it must be packaged and placed in a locker or drop box.

Q When you say "package," is there a coding system used?

A There is --

Q Bar code system used?

A There is a policy in place for the type of evidence that's coming in and the way it needs to be packaged.

Q Okay. And just using one of these as an example here. Does the item -- if it's packaged, does the item have to be sealed?

A Depending on what the item is.

Q The packaging?

A It depends on what type of item it is whether or not it's sealed.

Q And what types of items do not require seals?

A Just general property that is of no value or anything

like that does not require being sealed.
Q What about items that are identifiable? Like, let's say, a gun with a serial number, or something that is identifiable as one single item that cannot be duplicated, like a picture?
A They do not require seals.
Q Okay. Let me show you an item that's been marked as State's Exhibit No. 74. It's not in evidence yet. Would you describe the packaging on here?
A This is a sealed package.
Q All right. What is the item? If you turn that over, what is --
A This is the bar code. We have a bar code system that identifies all evidence.
Q Does that, also, describe the item that you were talking about?
A Yes.
Q And you were talking about earlier I'd have to describe -- the packaging would have to describe the item that I've submitted to y'all?
A Yes, sir.
Q In the drop box?
A Yes, sir.
Q And is the bar code generated by me?
A If it's a crime scene officer that's submitting it,

it is generated by him. If it is not, it's generated by us off the report the officer submits.

Q Okay. And once an item is brought into the drop box, how is it collected by your staff?

A It -- we've divvied out into schedules. And it just depends on who's collecting from the drop box that day. But that person will collect it from the drop box, and check it in, and then put it in the appropriate location.

Q All right. Is the bar code used as part -- as a part of the system?

A Yes. We will check -- we will inventory it, based on the property and evidence report. We will put it in the bar code system. And then we will move it to its own location.

Q And let's say it's a gun that's put in. And then at some point, it's taken out for testing and then brought back again after the testing. Does your bar code system reflect the initial deposit, the removal, and then the return?

A Yes.

Q Okay. And then, finally, if it's brought to court, it would reflect that probably as well?

A Yes.

MR. WESTON: Excuse me one second.

(Pause.)

THE COURT: Are y'all okay? Y'all got it figured out?

MR. WESTON: I think we've got it worked out.

THE COURT: I didn't know if the police needed to get up.

BY MR. WESTON:

Q Ms. Bennick, every item on this table here -- and if you will just agree with me -- has a bar code on it?

A Yes, sir.

Q Just for purposes of my questioning -- and I think we've got an agreement from counsel. They have been present when each one of the items have been identified by the officers?

A Yes, sir.

Q If each of these items have a bar code on it similar to this --

A Yes, sir.

Q -- would they have, at some point, been in property and evidence and then brought to court today?

A Yes, sir.

Q In the meantime, have they been monitored by your office and your security system?

A They have.

Q Okay. And so as far as up until today is concerned, if -- and just one more question. If any of them had been

tampered with in any way, the packaging, or whatever, does that require that y'all do something -- an investigation take place?

A Yes.

Q And as far as you know, if any of these items involved have been seen to have possibly been tampered with -- or has there been any investigation regarding any of these items that we're talking about today?

A No, sir.

Q So as far as you know, all these items were placed into evidence, removed, and returned appropriately?

A Yes, sir.

(Pause.)

MR. KORNFELD: I've got one question, but I'm good on that.

MR. WESTON: Answer any questions counsel might have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q What about that big rip in the bottom of that bag? Did you know about that?

A I believe we conducted a discovery the other day in our office. And I believe that we were looking at those packages. And I think it just pulled apart when we were moving them around.

Q All right. But there was no report on that, or anything else like that. So you just made the decision that it wasn't tampered with. Did it tear in your vision?
A No, sir. Upon my checking that property out, this -- yesterday morning, this stuff was intact.
Q Okay. So you don't know how it was torn?
A No, sir.
MR. KORNFELD: I don't have any other questions.
MR. WESTON: And just to clarify on that.

REDIRECT EXAMINATION

BY MR. WESTON:
Q If it had been torn yesterday morning when you saw it, would you have allowed it to come to court without something -- some investigation having been done?
A No. I would have gone ahead and sealed it back up and made a note on it that I was the one who was the sealing party.
Q And you sealed all of these, so -- I was going to bring it to you and ask you if there's a note on it. But you know there's no note on here; right?
A I don't recall without the log if I opened that stuff the other day when we were looking at it or not.
Q I'm just going to let you see.
A I'm not the one who sealed this stuff, no.
Q I see. I'm going to show you two fresh items, and

ask you if you can describe what this is -- or do you recognize this first?

A I do.

Q As an item -- what is that?

A It's identified with our bar code.

Q And if you would look through your records here, and tell me if you can identify what -- how your bar code identifies that object.

And I apologize for making you go through all of these. And the reason it's taking so long is my fault, not yours, because I didn't direct you to it. I'm sorry.

A That's okay.

Q What is it -- let's do it this way. What is this referenced as here?

A So this is a blood splatter from the coroner's office.

Q And would that be in a -- like on a specimen piece of paper, or something?

A Contained within here?

Q Yes, ma'am.

A I couldn't tell you that. It came in sealed.

Q So it has not been unsealed?

A Well, it was unsealed down here by the DNA lab.

Q Okay. If you'll hold on one second. Excuse me one moment.

Let's do it this way. Would this indicate when this came into your -- into property and evidence?

A This would not, no.

Q Okay.

A It would have been on the property and evidence report.

Q Okay. So we'll have to wait until you locate it?

A (Witness nodded.)

Q That's fine.

A We're looking for this number right here.

Q I'm sorry, ma'am.

A We're looking for this number right here to match up. And that's why it's taking so long.

MR. WESTON: And, Your Honor, I apologize, while she's looking -- Ms. Bennick did not know we were going to ask her about this item. This is my fault, not hers.

THE COURT: Okay. I'll blame you.

THE WITNESS: I'm sorry.

(Pause.)

THE WITNESS: Okay. Here we go.

BY MR. WESTON:

Q And what do your records reflect happened with this item? On what date did it come in, and what were the subsequent chain of events that happened as it relates to property and evidence?

A Okay. So it was impounded on February 23rd, 2015, at approximately 11:27 p.m.
Q And what was the name on your records as to what it is?
A It is LCM1, a blood spot, 15-417 from the coroner. And then it's Logan, Shamese Nicole.
Q And what happened next to this item?
A Melanie checked it in. Okay. And then it was placed into the home staging.
Q And has it been there ever since, or has it come back out prior to today?
A It has come back out. It went to DNA staging. And then it went to DNA processing as well. And then it came back in.
Q And who checked it out to DNA staging and processing?
A It was checked out by me.
Q And when you say "DNA staging and processing," where would it have gone to?
A It would have been removed from its home location. It would have gone to staging. It would have sat on the DNA shelf waiting to be checked out, because those words "by submitted" on it. It would then have been checked out to one of our analyst for DNA at their request.
Q And was it checked out?
A It was. It was checked out to Timothy Nafziger.

Q And was it then returned to your -- to property and evidence?
A It was.
Q And what date was it returned?
A It was returned on August 7, 2015.
Q And is there any other indication it's been checked out or moved since then?
A It has been moved since then.
Q And where was it moved?
A It was moved out to permanent storage.
Q And is that where it has remained until being brought to court today?
A Besides being brought -- it was brought in for staging for discovery on this case, and then moved to court staging from there.
Q And as far as you know, it has not been, otherwise, tampered with, other than the testing that you referred to by DNA?
A Correct.
MR. WESTON: Your Honor, the State would offer this as State's Exhibit No. 120.
THE COURT: Objections?
MR. SULLIVAN: No objection, Your Honor.
MR. KORNFELD: No, Your Honor.
THE COURT: All right. Without objection, the same

is admitted.

(WHEREUPON, State's Exhibit No. 120 was admitted into evidence.)

MR. WESTON: Thank you.

BY MR. WESTON:

Q Finally, this is a bar code. The reference on it is money, U.S. currency. It's already been identified. Let me ask you, did the -- do the bar code references -- and it has three different bar codes, that would mean it has three different packages inside?

A It would mean there's three different items inside.

Q And has this item been in P&E until being brought to court staging for discovery, and then brought to court today as far as -- to the best of your knowledge?

A It went out to DNA at some point.

Q I'm sorry. I take that back. We're going to have to look at this one, too.

MR. WESTON: And, once again, Your Honor, my apologies.

THE WITNESS: This one is a little easier to find. I checked this one out.

Here's the first one. And here's the second one.

BY MR. WESTON:

Q And just if you'll take a quick look at that to see if all the dates that it's moved are the same dates for

all three so we can save a little time.
A Yes.
Q All right. So when did these items come into property and evidence?
A They were received -- they were, actually, impounded on February 4th, 2015, by the officer.
Q All right.
A They then came into P&E on February 13th, 2015.
Q And how -- when did they move again? And I think you testified that they -- whenever one -- one of the three packages of money moved, all three of them moved together?
A Yes.
Q And when is the next time the three packages of money were moved from P&E?
A July 29th, 2015, they were checked out to DNA.
Q When were they returned?
A They were returned on August 7th, 2015.
Q And have they been in DNA since that time up until possibly staging for purposes of this trial?
A Yes.
Q And have there been -- if there were any problems with the money in terms of the -- the denominations having been changed, or the currency having been changed or been tampered with in any way, would that be reflected in your report?

A It would. It would be noted in the note section.
Q And is there any notation that any of these items have been altered, other than being checked out and returned as you've already testified?
A There is not.
MR. WESTON: Thank you, Your Honor.
The State would offer these as --
Are they marked individually?
State's Exhibit No. 121 -- I'm sorry, State's Exhibit Nos. 121 and 122. And I'm going to leave them in this larger envelope because they do contain blood. And State's Exhibit No. 123 -- I'm sorry. State's Exhibit Nos. 121, 122, and 123.
THE COURT: All right. Objections?
MR. SULLIVAN: I think they've been entered.
MR. WESTON: They were identified.
MR. SULLIVAN: No objection.
MR. KORNFELD: No objection.
THE COURT: All right. Good enough. The same is admitted into evidence.
(WHEREUPON, State's Exhibit Nos. 121, 122, and 123 were admitted into evidence.)
MR. WESTON: No further questions, Your Honor.
THE COURT: Cross-examination?
MR. KORNFELD: None, Your Honor.

MR. SULLIVAN: None, Your Honor.

THE COURT: Thank you for being here.

I appreciate it. I'm sorry Mr. Weston messed up your testimony like that.

MR. WESTON: The State would ask that Ms. Bennick be released from her subpoena.

THE COURT: Yes, sir.

I know some of us need to take a break. So let's go ahead and take a break. We'll come back in and we'll resume testimony.

(WHEREUPON, the jury was excused from open court at approximately 3:29 p.m.)

THE COURT: All right. We'll be in recess.

(WHEREUPON, a break was taken.)

THE COURT: Are we ready for the jury?

MR. WESTON: Your Honor, we're ready to do the proffer on Ms. Gorton.

THE COURT: Is she here?

MR. WESTON: She's outside. We've got the investigator that spoke to her. We were going to call him first and let him testify about the phone call, and what she told him. And then we would put her up to testify.

THE COURT: Okay. Let's do that very quickly.

THE CLERK: Sir, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

LLOYD NEWMAN,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Please state your name for the record.

THE WITNESS: Sergeant Lloyd Newman, Greenville County Sheriff's Office.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Sergeant, you were the lead investigator on the case that we're in court with today; is that correct?

A Yes, sir. That's correct.

Q And did you have an occasion on February 18th of 2015, to have a conversation with Ms. Cass Gorton, the attorney for Mr. Jahru Smith at that time?

A I did, sir.

Q Would you tell the Court what happened, and what was said?

A She contacted me in reference to her client letting her know where the gun was located, specifically, the victim's gun in this incident, and did not want a child to find it. So she wanted to meet with us at that location and be present when that gun was recovered.

Q Did she tell you that she was acting on her client's instruction to contact you?

A I did get that impression, yes, sir.

Q And, as a result of that, you met her at a location -- tell the Court where the location is -- basically, just --

A [redacted] Pecan Terrace, which is the location that Sergeant Shaw spoke of earlier. It's that house at the top middle at the cul-de-sac, the shed located --

Q Right here?

A Yes, sir.

Q Is this the shed here?

A That is the shed.

Q And the gun was found?

A Inside that shed.

Q Okay. Now, did she describe it as the murder weapon, or the victim's gun?

A She said that it was the victim's gun.

MR. WESTON: All right. Your Honor, that's all I have for this witness.

THE COURT: Do y'all have any questions you want to ask him with regard -- for purposes of this hearing?

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Officer Newman, you say you got the impression that

it was done at the direction of her client, Jahru Smith. But did she articulate that to you, specifically?

A I can't say that she did or she didn't. Again, we're talking about 2015. So to recall outside of what I've written in my supplemental -- it was kind of, sort of maybe outside of my purview. I guess that's the best way to put it. We were concerned with collecting the evidence.

Q When -- she went out to the scene; correct?

A She did.

Q And was her -- was Jahru Smith with her at that time?

A No, sir.

Q All right. And you never had any conversations with Jahru Smith concerning this weapon; correct?

A I've never spoken with Jahru.

MR. KORNFELD: No further questions.

THE COURT: Mr. Sullivan.

MR. SULLIVAN: Nothing, Your Honor.

THE COURT: All right. Great.

Thank you, Officer.

I appreciate that.

All right. You can call Ms. Gorton in.

MR. WESTON: Your Honor, before she comes in, I would like to reiterate our concern that she may go outside the previous attorney-client privilege matters. And we just

want to make sure that she confines herself to just the things that have already been said.

THE COURT: Sure, sure. Do you want to tell her that, or do you want me to tell her that?

MR. WESTON: I think you should tell her, Judge.

MR. KORNFELD: Well, Your Honor, it's my client to assert privilege. I just want to put it on the record that he's told me that he wants to assert his privilege. He's asserting his privilege. And I'd instruct Cass, I guess when she comes in here, that he doesn't want her to testify. He believes it's a violation.

THE COURT: I understand. And I know it's a very sensitive area, and we'll be sensitive about it.

MR. KORNFELD: Okay.

THE COURT: The question is, to what extent did he waive his privilege? And I won't know that until she gets on the stand and under oath says whether or not he either told her or authorized her to disclose it. If she says he didn't, well, then maybe there's -- maybe then there's nothing for her to testify to, but we'll see. We'll see.

MR. WESTON: And my concern, Your Honor, as I said, is that she does not disclose any new matters.

THE COURT: I got you. I understand you.

MR. KORNFELD: Your Honor, is there a -- I tried to get Jahru to come in earlier today.

THE COURT: Yes, sir.

MR. KORNFELD: I guess it was his lunch and he didn't. Is there a possibility -- I don't know where he is -- that maybe I could get him to come in for this and maybe he could testify concerning this? Maybe he wants to, maybe he doesn't.

THE COURT: You can, certainly, ask him. Let's go ahead and put Ms. Gorton on the stand. Okay.

MR. KORNFELD: Okay.

THE COURT: Is he there in the cell, or is he -- he's downstairs?

THE COURTROOM DEPUTY: He's downstairs. And he used some profanity about him talking to him at lunchtime.

THE COURT: Is that right?

MR. KORNFELD: Not to me.

THE COURTROOM DEPUTY: Through the officer.

THE COURT: I understand. I understand. So what you're suggesting is that they may be a little bit on the outs, at least, from Mr. Smith's perspective.

Swear Ms. Gorton in.

THE CLERK: Raise your right hand.

WHEREUPON,

CASSANDRA GORTON,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

THE COURT: All right. Mr. Gorton, just before we get started, I know that the substance of the subject matter of the questions that will be posed to you center on requests that your former client, Mr. Jahru Smith, may have made to you, and specific requests he may have made to you to disclose the whereabouts of a weapon.

We're being very careful to make sure that none of the questions that are posed to you require you to divulge any attorney-client privilege information beyond that which your client may have already waived by asking you to disclose or divulge that information.

So, inasmuch as the attorneys have been directed not to ask you those questions, I'd ask you as well, and I know you're aware of this, to resist the temptation. And I don't think it's a temptation for you at all. But don't feel compelled to go outside the attorney-client privilege, except to the extent that you feel it's been waived.

All right. Yes, sir.

MR. KORNFELD: And, Your Honor, I just wanted to put on the record while Ms. Gorton is here that my client has instructed me that he wants Ms. Gorton to assert his legal privilege, which is his, to keep his former attorney from testifying. He asserts his duty to confidentiality

pursuant to Rules 1.6 and 1.9, specifically, in this case.

THE COURT: All right. And I'm not making -- I'm trying to determine whether the privilege exists right now. This is proffered evidence. This is not for the benefit of jury, at least, not at this point.

Okay. So, Mr. Weston, you may proceed, sir.

MR. WESTON: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. WESTON:

Q Ms. Gorton, just for the record, you were representing Jahru Smith back in February of 2015; is that correct?

A Yes. I was court appointed to represent him.

Q Okay. And Investigator Newman has testified that he received a call from you on February 18th of 2015, concerning the whereabouts of a gun. And subsequently, y'all went and -- you met them there and the gun was found at a location behind the incident location.

Could you tell the Court how you came to make the phone call to him and what you -- what your client, if anything, told you or authorized you to do, and what you told Investigator Newman?

A I was authorized to not only tell law enforcement where this gun was, it was believed, at that time, that it was the victim's gun. And I was, also, instructed to be

present to make sure that the exculpatory evidence, that being the victim's gun, was preserved. It was both found and properly preserved.

Q And who authorized you to do that?

A Mr. Smith, Jahru Smith.

Q When you talked with him, was anybody else present when this authorization took place?

A Not at that time. I did have him sign something. But after we went to the scene and I saw Mr. Newman's reaction, it occurred to me that he was a little too excited about something that would be beneficial for the Defense. And this was prior to me having discovery.

So I --

Q I don't want to get into anything else beyond the first conversation that took you to the scene. We don't want to talk about any other conversations you may have had with the Defendant.

A There was somebody who witnessed a subsequent conversation confirming my instructions.

Q All right. But prior to calling Investigator Newman, were you authorized by the Defendant to waive the attorney-client privilege, and tell him what your client told you concerning where a gun was located, in this case, he said the victim's gun, but where a gun was located?

A Yes.

Q Was that specific? Was that a specific instruction?
A Yes.
Q And I say that and I'll ask you one more question. As opposed to, did he -- he didn't tell you, generally, to act in what you thought was his best interest?
A No, sir.
Q It was very specific about calling the police and telling them where the gun was?
A It was to take law enforcement to the gun.
Q And did you carry out those instructions?
A Yes.

MR. WESTON: Thank you, ma'am.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Ms. Gorton, you don't have anything in writing from Mr. Jahru Smith authorizing you to disclose this information; is that correct?
A That's incorrect. I, actually, do.
Q What -- where -- did you bring that with you here today?
A I did. I just discovered it last night when I pulled the file.
Q Okay. Do you have it with you?
A Yes.
Q Isn't it true that we've had conversations about this

before and you said you didn't have anything in writing?
A No. I said that I thought that I had, but I hadn't been able to locate it.
Q Okay.
A So I couldn't say with certainty that I had something in writing. It felt like I did and that I would have, but that I hadn't located it. And I didn't until last night.
Q Okay.
A These are copies. And I have the original here.
Q Has the Prosecution seen this?
A Huh-uh.
THE COURT: I just want to make sure, Ms. Jenkins, that that "huh-uh" was a negative response.
THE WITNESS: I'm sorry.
THE COURT: The Prosecution has not seen it.
THE WITNESS: I'm sorry. Now, I'm having trouble finding it again, but I know it's in here.
Here it is. This is the original. It's written on the back of another piece of paper. And these are copies.
BY MR. KORNFELD:
Q All right. And is it fair to say this says, "I give Cass Gorton permission to try to locate the victim's gun with assistance of law enforcement"? Is that what it states?
A Yes.

Q And is it -- there's an X here with some scribbly marks. What is this?
A It's his signature.
Q And it's dated 2/18/15; is that correct?
A Yes.
Q All right. And you found this last night; is that correct?
A I found it in my file last night. That's, actually, my writing at the top.
Q I understand. Can I have a copy of this?
A Absolutely.
THE COURT: Let's make that -- show it to the State. We'll make it a Court's Exhibit.
(WHEREUPON, Court's Exhibit No. 1 was marked for identification and admitted into evidence.)
BY MR. KORNFELD:
Q So concerning that, you then, I guess, later on had Karen Garrett -- and Karen Garrett is an investigator; correct?
A Correct. She and I returned the next day.
Q And you then asked him, again -- after the weapon was found, you sat down with Mr. Smith and had another conversation with him after the weapon was found with Ms. Garrett present this time; correct?
A Verifying his instructions, yes.

Q All right. And why did you bring Ms. Garrett to that meeting?
A Because I was concerned that this was going to happen, and/or that he was going to say that he didn't read or write well and he didn't understand what he signed. So I wanted another witness as to what exactly he authorized me to do.
Q Isn't it true that you've told me before that you thought that he may have some diminished capacity, and that he may not have understood necessarily the writing anyway?
A I don't think I used the word "diminished capacity." I had concerns about his literacy.
Q All right. And what were those concerns, specifically?
A That maybe he couldn't read or write.
Q All right. And so you didn't -- none of the reasons concerning the confidentiality of information pursuant to the rules of professional responsibility were elicited in this disclosure; is that correct?
A I didn't set out rules when I wrote that, no.
Q All right. Rule 1.6 says a lawyer shall not reveal information related to the representation of a client, unless the client gives informed consent. The disclosure is impliedly authorized in order to carry out the

representation or the disclosure is permitted in paragraph B. It's not one of the paragraph B's.

I'm assuming that you're stating that Mr. Jahru Smith gave you informed consent to do this. Is that your testimony?

A Yes. We discussed it in length verbally. We discussed options. And we reaffirmed what I told him, and what his options would have been in the presence of Karen Garrett.

Q If this were to be the deceased's weapon, you thought that the police would then dismiss this case against him? Was that your reasoning?

A No. I didn't think they'd dismiss it. But I thought, ultimately, at trial, it was something that could be used by the Defense. I had no delusions that they were going to dismiss it in light of what he had done on TV.

Q You understand that if a lawyer has formerly represented a client in a matter, he should not use that information relating to the representation to the disadvantage of that former client, except as the rules would permit or require with respect to a client? Do you understand that?

A Yes.

Q Do you not think that testifying in this trial here today will be detrimental to your former client?

A I don't know. I'm under subpoena. And it's for the Judge to make a ruling as to what I can and cannot testify to.

Q Ms. Gorton, how long have you been a lawyer?

A 25 years.

Q So in your professional opinion, with the information that you have, were you to testify today be to the disadvantage of your client, Jahru Smith, if you were to testify in front of a jury to where that weapon was?

A I don't know. No one has proffered me questions. I don't know what I'm going to be asked. I know that under the rules, part of what I've had to say -- or part of what I would say has been waived with his consent.

Q You have spoken to Assistant Solicitor Jeff Weston and Brian Moroney about your testimony that you're going to possibly give here today; correct?

A They've told me that I'm going to testify as to why I took law enforcement to the shed. We have not met. We have not discussed anything in their office.

Q And your testimony would be confined to that specific set of circumstances; correct?

A I should think so.

Q So you do know what you're going to testify to later here today, don't you?

A Well, absent the Judge ruling otherwise, I'm only

going to testify to that which has already been disclosed.
Q And you can't say here today whether or not testifying that the weapon that was found that you brought Officer Bubba Newman to is going to be detrimental to Jahru Smith's defense? You can't say that?
A I haven't watched any of this trial. I don't know what direction it's going, or what's been said.
Q Well -- okay. Let me ask you -- it another way then. The weapon that was found is the alleged murder weapon. Would it be better or worse for Jahru Smith if it wasn't found?
A I can't undo what was done.
Q Right. That's a fair statement. But would it be better or worse if that gun was not found?
A I guess it would be better if it hadn't been found.
Q Knowing that Jahru Smith wants you to assert his right to attorney-client privilege, are you going to assert that right on his behalf, or are you going to testify against him?
A I'm going to assert that right as to the material that's still covered under the attorney-client privilege and hasn't been waived.
Q And you're going to testify to what is extremely detrimental to his case. Is that your testimony?
A I have no idea.

MR. KORNFELD: No further questions.

THE COURT: Okay. Mr. Sullivan, any questions you'd like to ask her?

MR. SULLIVAN: None, Your Honor.

THE COURT: Okay. Yes, sir.

MR. WESTON: Nothing further from the State, Your Honor.

THE COURT: All right. After having heard the proffered testimony, the questioning from Mr. Kornfeld is well taken. I don't take exception to any of the legal propositions that were not necessarily expounded, but any -- that were -- that were questioned.

However, the privilege wasn't waived and won't be waived today. The privilege would have been waived at the time when the Defendant instructed Ms. Gorton to have communications with law enforcement.

Now, whether that communication inured to his benefit or not was something that remained to be seen. Based on conversations, it sounds like she had with -- with Mr. Smith, there was a hope that finding that weapon would inure to his benefit in defense of his case.

Whether, in fact, there was a violation of the rules of ethics is really a subject for another tribunal. What we're dealing with here is privilege and whether that -- whether the communication is admissible in the Court of

law, not whether she has violated an ethical duty. Those are separate and distinct issues.

In this instance, I do find that he expressly waived the lawyer-client privilege by instructing her to have conversations with law enforcement about the present -- about locating the -- what he characterized as the victim's weapon. So I'll allow her to testify as to that limited, limited amount of information inasmuch he expressly waived the attorney-client privilege in that matter.

Largely, you can look at it as sort of a confession and whether it was freely and voluntarily given. In this instance, the confession wasn't necessarily made by him directly to law enforcement. It was -- it was made to counsel and expressly requested that she convey that information to law enforcement.

And, clearly, based on the evidence that I have in front of me, it was freely and voluntarily made. And she did as instructed. I find that's credible not only through her testimony, but I find it's credible through Court's Exhibit No. 1 that has been entered into evidence for purposes of this hearing.

I will tell you that I -- I, certainly, wish that he were here to respond and, perhaps, assist in -- in the cross-examination of Ms. Gorton. But he has voluntarily

elected to excuse himself from the courtroom. And there's nothing I can do about that.

Now, I will tell you that he, certainly, has the opportunity still to come back and to testify to the jury, if he wants to. And he can respond to those allegations as well if he'd like. And we can fashion a charge for the jury to, perhaps, cure any issues that may have arisen during the trial. But that's something we'll have to discuss at the conclusion of the evidence.

Okay. So given that ruling, we can proceed.

And, Ms. Gorton, you can stand down. And when we call the jury back in, we'll call you back up to the stand and swear you in again.

MS. CASSANDRA GORTON: Judge, I need clarification.

THE COURT: Uh-huh.

MS. CASSANDRA GORTON: Part of that communication that he made to me and that I made to law enforcement was the urgency of getting to the gun because there were children that lived at the residence. And I had communicated that to Investigator Newman.

THE COURT: If that was part of what he expressly authorized you to disclose, then you can -- you can testify to that.

MS. CASSANDRA GORTON: Okay. Thank you.

THE COURT: I think, ultimately, that has nothing to

do with -- it's neither inculpatory or exculpatory.

MS. CASSANDRA GORTON: It doesn't, but that was the authorization in its entirety.

THE COURT: Okay.

MR. WESTON: We'll give her the opportunity to include that in her testimony, Judge.

THE COURT: Okay.

MR. WESTON: And just for housekeeping, Your Honor, we've got Dr. Ward, who has to be somewhere. So we're going to call him -- because we don't want to break this up --

THE COURT: Yes, sir.

MR. WESTON: -- we're going to call --

MS. CASSANDRA GORTON: I'd appreciate the break anyway.

THE COURT: Okay.

MR. WESTON: We're going to call Dr. Ward. And then we're going to call Ms. Gorton and get her out. Dr. Ward should be about 15, 20 minutes, at most. And we can call Ms. Gorton and call Investigator Newman.

THE COURT: All right. Good enough. Well, let's do it.

Will you bring the jury in, please?

(WHEREUPON, State's Exhibit No. 127 was marked for identification only.)

(WHEREUPON, the jury came into open court at approximately 4:17 p.m.)

THE COURT: Okay. You can call your next witness.

MR. MORONEY: Your Honor, the State calls Dr. Michael Ward.

THE CLERK: Sir, if you'll, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

MICHAEL EUGENE WARD, M.D.,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be sated.

And please state your name for the record.

THE WITNESS: Michael Eugene Ward.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Dr. Ward, what is your current occupation and profession?

A I'm a forensic pathologist.

Q And are you a duly licensed physician in the State of South Carolina?

A Yes, I am.

Q How long have you been licensed?

A In South Carolina, since 1990, so 28 years.

Q Were you licensed in another state before that?
A I am, also, licensed in New Mexico.
Q Okay. Will you, please, tell us the educational background you have in order to obtain that?
A Sure. I received my Bachelor's Degree from the University of Alabama. I have a Master's Degree in Forensic Science from the University of Alabama in Birmingham. I received my medical degree from the University of South Alabama, which is in Mobile.

I did a four-year anatomic pathology residency at the Medical University of South Carolina in Charleston, and a forensic fellowship in -- I'm sorry, a fellowship in forensic pathology at the University of New Mexico in Albuquerque. I'm board certified by the America Board of Pathology in both anatomic and forensic pathology.

Q And with respect to your experience over the years, what's your professional working experience?
A I've been here in Greenville since 1995. I've done well over 5,000 medical legal autopsies. I've testified in court well over a hundred times.
Q And are you a member of any professional organizations?
A I am a member of the American Medical Society, the College of American Pathologists, the American Academy of Forensic Sciences, and the National Association of Medical

Examiners.

Q And could you, please, tell the jury what forensic pathology is?

A Well, pathology is the study of disease and disease processes and how they affect man. Forensic pathology takes that one step further with interpretation of wounds, wound patterns, determination of cause and manner of death, and the presentation of that information in the courtroom.

Q And do you have any training specific to forensic science?

A Yes. I have a Master's Degree in Forensic Science.

Q And what is the American Board of Pathology?

MR. KORNFELD: We'll stipulate to this. I've talked to Mr. Sullivan. And he's qualified to testify.

THE COURT: All right.

MR. MORONEY: At this time, we would move to qualify Dr. Ward as an expert in the field of forensic pathology.

MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: All right. Ladies and gentlemen, what that's all about is the Doctor has been offered as an expert witness. Now, a party may introduce or offer a witness as an expert witness because of his or her education, experience, or expertise in a given field.

And the reason they may offer that person as an expert witness is because expert witnesses can testify as to opinion evidence that lay witnesses cannot testify to because of their specialty.

But understand that when somebody is qualified as an expert witness in any given field, it doesn't mean that their testimony has any greater weight or any preferred value. You take that testimony, that evidence just like you take any other piece of evidence that you receive in the trial of the case. And you decide what weight it has and what value it has. And you decide whether it's credible or not. Again, just like any other piece of witness -- evidence that you receive in a trial.

So with that having been said, I will accept the Doctor as an expert witness in the recited field.

BY MR. MORONEY:

Q Dr. Ward, were you serving as a forensic pathologist for Greenville County on February 4th, 2015?

A Yes, I was.

Q Did you perform an autopsy on the body of Shamese Nicole Logan?

A Yes, I did.

Q Generally speaking, how is an autopsy performed?

A An autopsy is a detailed physical examination performed on someone who has died. There is an external

examination with documentation of injuries. Then an internal examination, again, with documentation of any injuries that may be present or any natural disease that may be present. It includes a histologic examination or a microscopic examination of tissues, as well as a toxicological analysis of blood or body fluids that are removed at autopsy.

Q And is an autopsy performed the same way each time?

A Yes, it is.

Q Who else on February 4th during this autopsy was present along with you?

A Greenville County Deputy Coroner Jeff Fowler, Greenville County Sheriff's Detective Ramon Rivera, and an officer of the Greenville County Criminal Justice -- or forensics department, Adam Davis.

Q And how is the body presented to you for autopsy by the coroner's office?

A Well, the body is received in a clean body bag. Each decedent is sent to us in a clean body bag as they were recovered at the scene. And the -- before the body leaves the scene, they are identified with an identification band. And this identification band was labeled "Logan, Shamese, [redacted]/91," so her name and her birth date.

Q And could you, please, give the jury a general overview of the injuries you observed that Ms. Logan

sustained to her body?

A Ms. Logan had multiple gunshot wounds to the neck, abdomen, and one to the leg. And she had some superificial abrasions on her lower back just above the buttocks.

Q During the course of an autopsy, at some point, do you create some sort of diagram to reflect what you find?

A Yes, I do.

Q Could you describe that?

A We have what we call a body diagram. And during the initial portion of the autopsy while I'm examining the external surface of the body, I diagram any injuries that were there, making measurements to locate them on the body so that, eventually, I can translate them or dictate them into the written form.

Q Dr. Ward, I'm handing you what's been premarked as State's Exhibit No. 127 for identification purposes. If you could take a look at that. I would ask you if you recognize it?

A Yes, I do.

Q Could you, please, explain what that is?

A This is, basically, a cleaned-up copy of my body diagram. The original diagram was made at autopsy. This one was prepared for trial purposes today. It's labeled with the decedent's name, her original autopsy number.

Q And this diagram, is it an accurate representation of the one that you completed as a result of that autopsy?

A Yes, it is.

MR. MORONEY: Your Honor, at this time, the State would move for State's Exhibit No. 127 to be admitted into evidence.

MR. KORNFELD: No objection, Your Honor.

MR. SULLIVAN: No objection.

THE COURT: Without objection, the same is admitted.

(WHEREUPON, State's Exhibit No. 127 was admitted into evidence.)

MR. MORONEY: And permission to publish to the jury.

THE COURT: Yes, sir.

BY MR. MORONEY:

Q Dr. Ward, I'm going to put this on the projector. And if you could, please, walk us through what we're looking at here starting at the top.

A This is, again, a body diagram of Ms. Logan with the documentation of the entrance and exit gunshot wounds as they were drawn. The gunshot wounds are what we call arbitrarily numbered.

So I start at the top and work my way to the bottom, start at the front and work my way to the back. So I don't necessarily know which gunshot wounds were first or second, third, fourth, or fifth, just that I had to assign

a number to a wound.

So number one is not necessarily first. But the first gunshot wound was described as an entrance gunshot wound here to the left lateral neck, so the left side of the neck. This wound went through the skin musculature of the neck. It traumatized the backside of the trachea or the windpipe. It passed through and disrupted the right internal jugular vein or the large vein that blood returns from the brain to the heart. It impacted the left -- I'm sorry, the right clavicle, in this region.

So it deflected backwards and, ultimately, exited the right upper back. So it's going from Ms. Logan's left to her right, slightly backward and downward to exit here.

The disruption of the trachea -- or trauma to the trachea or great vein resulted in a large amount of blood being present within the throat and the mouth of Ms. Logan. So she, subsequently, swallowed blood as well as breathed blood or aspirated blood into her lungs.

Gunshot wound number two is present here in the left upper quadrant of the abdomen. So here's the left side of the abdomen. Gunshot number two went through the skin and musculature of the abdomen, passing towards the right and backwards to, ultimately, exit here at the right hip. During its course, it passed through the cecum, which is, the first portion of the large intestine.

So it perforated her large intestine, went through the muscle, and then exited the right side of her hip. So this is the exit to number two. Entrance number two, exit. So, again, this one passes from Ms. Logan's left to her right, downward and backward.

Gunshot wound number three is in the right lower quadrant of the abdomen just below the umbilicus or belly button. It has, what we call, an eccentric abrasion color. So it hit the skin a little bit first, skidded across the skin before it went into the skin, went into the abdominal cavity where it perforated multiple loops of small intestine. So it passes through several segments of the small intestine and exits out the left hip within this region here.

This is a two-dimensional diagram, so it's a little bit difficult to demonstrate. This is, actually, more on the side than what it appears here. So it's, again, from Ms. Logan's right to her left, through the abdominal cavity, downward and backwards to exit the left hip here.

Gunshot wound number four is an entrance gunshot wound to the anterior left thigh. So it's the anterior left upper leg. It passes through the muscle. It misses the femur or the big bone in the leg, and exits out her left buttock right here. So it goes from her front to her back and upward to exit here.

The fifth gunshot wound is on the inner aspect of the left wrist. It passes through soft tissue to exit the outside of the left wrist in this fashion here. So it goes from -- with her arm in what we call the anatomic position, it goes from her right to her left and slightly forward. I'm sorry. I did that. I don't know how I did that, but I did that.

Q It's okay.

A I pushed the wrong button.

But it missed the bones of her arm. So it did not fracture anything. It just exited through -- passed through soft tissue.

Again, I apologize for that.

So this is the entrance and exit wound here. There were no projectiles recovered at autopsy.

Q Dr. Ward, would any of the gunshot wounds have been severe enough to kill Ms. Logan by themselves?

A So gunshot wounds number two and three are potentially fatal gunshot wounds. Without urgent care, taken to the OR, she, certainly, could have died from those wounds. With a perforated intestine, bacterial contents are spilling into the abdomen. She's bleeding into her abdomen. They are, certainly, potentially fatal wounds.

Gunshot wound number four likely would not have been

a fatal wound. It passed through muscle. I do not believe it hit one of the great vessels of the leg. Any wound is potentially complicating, but I believe this would have been a survivable wound.

Certainly, gunshot wound number five to the wrist was a nonfatal gunshot wound.

Gunshot wound one to the neck, having traumatized the trachea and the great vessel, the right internal jugular vein, it is a fatal gunshot wound. She's losing a great deal of blood. She's aspirating blood into her lungs so that she cannot breathe. That would be a fatal gunshot wound.

Q And, Dr. Ward, based on this particular autopsy and within the bounds of reasonable medical certainty, have you formed an expert opinion with respect to the cause of death for Ms. Logan?

A Yes, I have.

Q And what is that?

A Ms. Logan died as a result of multiple gunshot wounds.

Q I'm showing you what's been premarked here as State's Exhibit No. 67 for identification purposes. I would ask if you recognize that?

A Yes, I do.

Q Could you tell us what it is, and how you recognize

it?

A This is a photograph taken of Ms. Logan's face during the time of autopsy by the forensic -- or forensic officer that was there. I recognize it because I reviewed my photographs immediately prior to coming here today. And I recognize the photograph of Ms. Logan. It is a photograph of her left cheek.

Q And, in particular, does -- is there a reason why there was focus on that area in this picture?

A The focus on this area is some punctate or pinpoint abrasions of the skin that are associated with a gunshot wound to her left neck. When a firearm is discharged, we all know that the bullet exits the muzzle of the gun. That's the purpose. Other things, also, come out the muzzle of the gun. First is hot gas. That's what's pushing the bullet out.

So as gun powder ignites, it burns. It produces gas. It pushes the bullet down the barrel of the gun. Also, coming -- also, coming out is soot or burned gun powder, which goes for a very short distance. And, also, coming out is unburned gun powder or gun powder that does not ignite.

This unburned gun powder will travel for a short distance. And it can impact the skin creating those punctate abrasions on the skin called gun powder

stippling. It is that stippling that helps us to determine range of fire in gunshot wounds.

MR. MORONEY: Your Honor, at this time, the State offers State's Exhibit No. 67 into evidence.

THE COURT: Objections?

MR. SULLIVAN: None, Your Honor.

THE COURT: All right. The same is admitted.

(WHEREUPON, State's Exhibit No. 67 was admitted into evidence.)

THE COURT: You may publish it, sir.

MR. MORONEY: Thank you, Your Honor.

BY MR. MORONEY:

Q Dr. Ward, if you could, tell us, specifically, what we're looking at here.

A This is the left check of Ms. Logan. And these punctate areas of abrasions, they're all right about the same size. Some may even have little embedded pieces of gun powder in them, these black particles here. This is from the unburned gun powder from the muzzle of the gun striking the skin.

Her gunshot wound was to the neck. She was wearing a sweater, which covered this portion of her neck. So it shielded the skin in this region from stippling, although she was not wearing anything over her face, which allowed the stippling to strike her face, but it spared it from

the region of the neck. So it was shielded by her clothing. So this is gun powder stippling associated with gunshot wound number one to the left neck.

Q And taking a look at this picture, what is your medical opinion with respect to the range of what caused the stippling?

A When we have gun powder stippling like this with no other changes, no soot and no hot gas, then my impression is that the range of fire would be less than two to three feet.

Q Dr. Ward, were there blood samples taken during the course of this autopsy?

A There were.

Q And who would they have been given to?

A For toxicology purposes?

Q Any of the blood samples, once they're taken during the autopsy, would you hold onto them or would you hand them over?

A We have different blood samples that are taken. We withdraw some femoral blood for toxicological purposes for analysis. It is sent to National Medical Services for performance of those analyses.

We, also, take a blood spot, which is placed on a piece of blotter paper, allowed to dry, and kept in the file in case we need to do DNA analysis. And those are

the two types of blood that we recover at autopsy.

Q And, particularly, in this case, what was the manner of death?

A The manner of death is homicide.

Q And did you observe during the autopsy any abrasions in the lower back area?

A I did.

Q Could you detail that?

A I, certainly, can. At the lower back just above the natal cleft or, basically, your crack. Just above your crack -- her crack were some superificial linear abrasions of the skin. And given the fact of the location of those abrasions and the fact that her clothing was pulled down to about mid thigh was indicative that she had been moved or dragged to receive those types of injuries.

Q And with respect to the pants being down, was there any evidence of sexual assault in this case at all?

A No, there was not.

Q And, particularly, you just described the manner of death being homicide. Is it correct to say that that's death at the hands of another?

A That is correct.

MR. MORONEY: Thank you.

Please answer any questions the Defense may have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Dr. Ward, Ms. Logan, when you examined her, was 176 pounds and about 5'6", or what you have in your report is 68 inches; is that correct?

A Yeah. 68 inches is 5'8".

Q Oh, 5'8"?

A And 176 pounds.

Q Okay. And at the time you examined her, did she have any glass particles in her body at all?

A No.

Q Okay. And did she have any physical impairments that you could see during the autopsy, such as mental incapacities, or any problems with her legs, arms, anything of that nature?

A There was no indication of developmental abnormalities or physical impairment that was apparent at autopsy.

Q Upon when you stated that you concluded that the death was by homicide, you're not making a determination as to whether or not there was an altercation prior to this, or how the death occurred, other than gunshot wound; is that fair to say?

A My statement as to homicide is that these are injuries that Ms. Logan would not have been able to cause

to herself, and had to have been at the hands of another, which is the definition of homicide.

Q But as far as a homicide, you're not saying -- you can't say from your investigation whether or not this occurred as a self-defense, or because she came at another person first, or anything like that, only that the bullets that went through her body killed her, and she didn't shoot herself; is that correct?

A That is correct.

MR. KORNFELD: Okay. No further questions.

Thank you, Dr. Ward.

THE COURT: Mr. Sullivan.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Dr. Ward, when you received her body, was she in the body bag? She had been transported from the scene?

A Yes, sir, she was.

Q When you opened the bag, were her hands bagged?

A (There was no response.)

Q I'm talking about like for GSR. Usually, you have the hands bagged for fingernail scrapings, and things like that.

A Yes, sir. Each hand was -- well, let's see. I'm sorry.

Yes, sir. They were separately bagged. Each hand

was separately bagged.
Q In your presence, you would have been there from the time she was opened in the bag through the autopsy; correct?
A I was present the entire time, yes, sir.
Q Did you see anyone from forensics perform any kind of GSR test on the hands?
A I do not know if they did or not. I know that the bags were left intact until the go ahead was given by forensics to remove them. I do not personally know if they performed GSR testing or not.
Q Did they perform any on her clothing?
A Not at the time of autopsy, no.
Q In the normal course of a situation like this, would a person's hands have been bagged to have the GSR test performed on them?
A In this situation, yes, normally, they would.
Q So, in this case, we could assume they did a GSR test on her, perhaps?
A Well, I hate to assume.
Q Okay.
A But, generally speaking, in a homicide involving firearms, a GSR is, generally, performed.
Q It should have been done?
A That's correct.

MR. SULLIVAN: Thank you.

THE COURT: Anything on redirect?

MR. MORONEY: No, Your Honor.

THE COURT: Thank you, Doctor.

I appreciate you being here, sir. You may step down.

MR. MORONEY: We'd ask that Dr. Ward be excused from his subpoena.

THE COURT: All right. So done.

You may call your next witness.

MR. WESTON: Your Honor, the State would call Ms. Cass Gorton to the stand.

THE CLERK: If you'll, please, come forward.

If you'll, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

CASSANDRA GORTON,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Please state your name for the record.

THE WITNESS: Cassandra Gorton.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Ms. Gorton, you're an attorney here in Greenville; is

that correct?
A Yes.
Q And you've been here in Greenville practicing law for a number of years?
A Practicing law since 2011.
Q Okay. And you represented Mr. Jahru Smith, one of the Defendants in this trial, concerning the incident that brings us here today back in February of 2015; is that correct?
A Correct. I was court appointed.
Q And you are no longer his lawyer?
A Correct.
Q All right. On February 15th -- February 18th of 2015, did you contact by telephone Investigator Lloyd Newman concerning some evidence in this case?
A February 18th?
Q Yes, ma'am.
A Yes.
Q And did you call on behalf of your client, Mr. Jahru Smith?
A Yes.
Q Did you call as a result of instructions given to you by Mr. Jahru Smith?
A Yes.
Q And what were those instructions that Mr. Smith told

to you, as best you can remember, what he said he wanted you to do?

A He wanted me to take law enforcement to a shed to locate what, he said, was the victim's gun. And he wanted me to do so right away because some children lived at the residence where the shed and the gun were located.

Q I'm assuming because he was afraid that somebody -- he indicated he was afraid one of the children might hurt themselves, or hurt someone?

A Exactly.

Q Okay. And did you, in fact, pass that information on to Investigator Newman?

A Yes. Part of the instruction, too, was that I was to go with law enforcement to make sure that they located this gun and properly preserved it.

Q And did you meet law enforcement officials, including Investigator Newman, at that location?

A Yes. I believe it was Investigator Newman and Dar Shaw.

Q And the shed -- would the shed we're talking about be this shed here? This is Mayflower Avenue. This is Donaldson Road. This is the incident location as described. Would this be the shed we're talking about, or somewhere around here?

A I honestly can't say. I just remember the shed. And

I know that it was on the property next to the incident property.

Q All right. And did you see -- were you present when a gun was found?

A Yes.

Q And was the gun properly secured and taken care of as your client had instructed you?

A Well, I'm not trained in forensics. But it appeared that it was retrieved, and nobody wiped it down.

Q All right. Prior to the conversation with your client, did you have any idea where this gun was, this particular gun?

A No.

Q All right. And was the gun where your client said it was?

A It was located in the shed, yes.

MR. WESTON: Thank you, ma'am.

Answer any questions counsel may have for you.

THE COURT: Any cross-examination, sir?

MR. KORNFELD: Yes.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Ms. Gorton, when you were speaking to Jahru Smith, after speaking to him, was your -- was it your belief that he really thought that this was the deceased's gun?

A. Absolutely.

MR. WESTON: Objection, Your Honor. Calls for speculation as to what somebody else was thinking.

THE COURT: I -- I'll sustain that objection. I don't know -- she can testify what he told her, based on our previous focus. But I don't know she can testify to what was in his head.

MR. KORNFELD: Okay.

THE COURT: But I don't know.

MR. KORNFELD: Okay. That's fine. I'll rephrase the question. That's no problem.

BY MR. KORNFELD:

Q. Ms. Gorton, after speaking with Mr. Jahru Smith, were you convinced that this was likely the victim's gun?

A. Yes.

Q. And being his attorney, after speaking with him, since you thought this was likely the victim's gun, you thought by providing this information to Officer Newman this would in the long-term help Mr. Smith?

MR. WESTON: Your Honor, I'm going to object as to relevance as to what she thought. She's no longer his lawyer. What she thought whether they were helping him or not is not relevant to the case today.

THE COURT: I'll overrule. I'll give you a little latitude with cross-examination.

BY MR. KORNFELD:

Q Is that -- is that fair to say? Do you need me to repeat the question?

A Could you repeat it?

Q I sure can, yeah. After your conversations with Jahru Smith, I asked you if you were convinced that this was the deceased's gun. You said "yes"; correct?

A Yeah. I probably need to change that answer. I was convinced that he believed it was.

Q Okay. And so when you -- when -- and then you contacted Officer Newman; correct?

A At Mr. Smith's direction, yes.

Q Okay. And you did that because you were representing Mr. Smith at that time, and this was going to help him. Because it showed that the deceased had a weapon; correct?

A Well, I don't know --

MR. WESTON: Your Honor, I'm going to object. I think this is going to require her to go into new attorney/client privilege matters.

THE COURT: Okay. She -- she -- I think that she's still under that privilege. I don't know what the answer is, though. And I don't know whether she would or not. But if it does, then she can, I think, state that on the record.

THE WITNESS: Right.

THE COURT: And so I'll have to defer to her in that regard.

MR. WESTON: Your Honor, if I may, just further. And I know you've ruled, Your Honor, but just so you understand my objection. He is asking her about her legal opinion concerning the status of his case based on one matter, this gun statement. That conclusion has to come from other things he told her as well, Your Honor, and --

THE COURT: He's getting close, but he hasn't gotten there yet. The present question that is outstanding is fairly simple. And I think that's did she think it was going to help him or not --

MR. KORNFELD: Right.

THE COURT: -- at the time.

MR. KORNFELD: Right.

THE COURT: And you're right. You're not going to go too far beyond that. But, yeah, I think you can ask that question.

THE WITNESS: Is that the question?

BY MR. KORNFELD:

Q Yes, Ms. Gorton, that is the question.

A Under the totality of the circumstances, I did believe there was a possibility that locating the gun was going to be beneficial. What I did know was neglecting his instructions would be malpractice had it been the

victim's gun.

Q And you state -- you were, also, concerned about children in the neighborhood; is that correct?

A He was concerned about children who lived at the residence where the shed was located.

Q All right. And he did not know -- he wrongfully thought that the gun was someone else's; is that correct?

MR. WESTON: Objection, Your Honor, to the characterization. She can't know whether he wrongfully thought or whether he was deliberately deceiving her.

THE COURT: I sustain.

MR. WESTON: Thank you, Your Honor.

MR. KORNFELD: Can I respond, Your Honor?

THE COURT: Well, you can. But I would caution you that that's up to the jury to decide. And I'm not certain your argument inures to your benefit.

MR. KORNFELD: Well, Your Honor --

THE COURT: I just want you to be careful. Okay.

MR. KORNFELD: I understand, but --

THE COURT: And understand --

MR. KORNFELD: -- he's a party to this action.

THE COURT: Sure. And he can testify.

MR. KORNFELD: But it's a statement that the hearsay rule wouldn't apply to that, Your Honor.

THE COURT: I don't know. You're not talking about a

statement. You're talking about his state of mind.

MR. KORNFELD: Okay. No further questions.

THE COURT: Okay. Mr. Sullivan.

MR. SULLIVAN: Just one or two.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Good afternoon, Cass.

I'm trying -- in representing Jahru, you knew this was [redacted] Mayflower Avenue. Can you see it?

A I'm just trying to --

Q This would be Mayflower Avenue, Donaldson. You take a right and this is the house.

A That --

Q Did you ever go to the scene?

A I did.

Q Okay.

A And the thing I really remember is the house where the shed was at was up in the cul-de-sac. So, yeah, that looks right.

Q This was [redacted] Mayflower Avenue. This was the neighbor's, [redacted]?

A Yeah. I don't know. The shed didn't belong to that house.

Q It didn't belong to these houses?

A Right.

Q Was this in the afternoon? Was it daylight when you went?

A Oh, yeah. It was daylight. And it was cold.

Q There is a cul-de-sac. And this is Pecan Terrace back here. And the house -- you went beside the house and this was the shed?

A That's right.

Q Did you notice a fence and how far it was from the shed, to here, to Mayflower?

A I didn't measure it. We didn't do any of that. There was a fence there.

Q A fence somewhere along here?

A Along the side of the property.

Q This property?

A Uh-huh.

Q So for somebody to go from here to here, they'd have to climb a fence to get to that shed?

A I didn't look at it to see if there were gates, or if the fence was complete. I just remember the fence being there. I wasn't there for the fence. I'm sorry. I don't remember.

MR. SULLIVAN: That's all right.

Nothing further.

THE COURT: Any redirect?

MR. WESTON: No, sir.

If the Court would allow this witness to be excused from her subpoena.

THE COURT: Yes.

Ms. Gorton, I appreciate you being here.

All right. Let's gauge where we stand, Mr. Moroney. How many additional witness?

MR. MORONEY: We were going to defer to you, Your Honor. We were hoping to, at least, get through one more.

THE COURT: I'm talking about in total.

MR. MORONEY: In total, we're looking at --

THE COURT: I appreciate your deference to me in that regard. That's very kind of you.

MR. MORONEY: Probably about 10, or so.

THE COURT: 10. Okay.

MR. MORONEY: Most of whom are much shorter.

THE COURT: I understand. And you have one short witness that you can call this afternoon?

MR. MORONEY: Yes, Your Honor.

THE COURT: Let's go ahead and do that.

Any of y'all need to take a break?

Are we good?

(WHEREUPON, there was no response.)

THE COURT: Go ahead and call your next witness.

MR. MORONEY: The State calls Investigator Lloyd Newman.

THE CLERK: Sir, place your left hand on the Bible and raise your right hand.

WHEREUPON,

LLOYD NEWMAN,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Mr. MORONEY: May we approach, Your Honor?

THE COURT: Sure.

(WHEREUPON, a bench conference was held.)

DIRECT EXAMINATION

BY MR. MORONEY:

Q Investigator Newman, where do you currently work?

A The Greenville County Sheriff's Office.

Q And what is your position there?

A I'm a sergeant over the violent crimes division.

Q And how long have you worked in law enforcement?

A I started in '96, approximately 11 years in violent crimes.

Q And could you detail what the violent crimes unit is responsible for?

A I'm over the homicide and robbery unit. At the time of February 3rd, 2015, I was the on-call investigator for the homicide unit, which brought me to my involvement in this case.

Q Okay. Could you detail how you, specifically, responded to [redacted] Mayflower Avenue on February 3rd, 2015?

A Being that I was on call, I received a phone call from road personnel to include Sergeant Weiner at the time around 10:15 that evening. He stated to me that there was a deceased female at [redacted] Mayflower Avenue. That there was one individual that was at the residence at the time deputies arrived. They made contact with him, which turned out to be Mr. Bobby Smith.

I got ready. I left the house. I went to the location. I got there about, you know, just a little bit before 11:00, about 10:57. When I got there, I saw that the perimeter of the property was roped off and it was secured by other deputies. I approached the location. We got a description of the location. As protocol, we obtained a search warrant for that location.

Once the search warrant was obtained, we entered the location. I entered on the left-hand side down the driveway. I could see in the distance between the two houses of #4 and #2, there was a grayish silver-colored Chrysler 300 with the rear door open. There was a female laying supine out the rear right passenger door. Her feet was propped inside of the vehicle.

On my way making it to that vehicle, I saw a number of things, to include shell casings -- numerous shell

casings. There was a puddling of what appeared to be blood several feet from the vehicle itself. And from that point of the puddling, there were drag marks that led to the location of the decedent, who we later identified as Shamese Logan.

Q In addition to the vehicle that you just described, did you see any other vehicles on the property at the time?

A There was another vehicle. There was a dark in color Jeep Cherokee, which was, also, included in the search warrant.

Q And after the search warrant, did you learn any additional information about that Jeep?

A I did. Located inside that Jeep, there was paperwork. It was a newly purchased vehicle. The purchase paperwork listed the name Jahru Smith with a proxy of Tiffany Petty's mother. And her name is Deborah Calhoun.

Through that process, through witness statements, we discovered that Ms. Calhoun resided in Anderson County. In addition to that, his girlfriend, Tiffany Petty, also, resided in Anderson County.

We went through a series of phone records in that process. It showed that there was a track leading from that incident location into the Anderson County area,

which led us to Jahru Smith as a person of interest. Inside -- excuse me, inside that vehicle, also, there were a number of receipts for auto parts purchased on that date time stamped for that day in that vehicle.

Q And in addition to the search warrant for the home you mentioned, were there any additional search warrants that were obtained during the investigation of this case?

A There were a number of search warrants for phone records, the Chrysler 300 itself, the residence, search warrants for individuals.

Q And as lead investigator on this case and other similar cases, what is your general role and responsibility as the lead investigator?

A It's an effort to maintain and manage the case as best as possible. Unfortunately, one person can't do it all. So they have to get information from other sources and other investigators in that process. So that information comes back to me and I try to compile that information in as sensible way as possible.

Q And does part of that management require that some testing be done on items?

A Yes, sir.

Q Can you explain that, please?

A So as information comes in -- let's say, forensics takes swabs from the incident location, which is

presumptive of blood. We may want a DNA request. They don't do the DNA without a direct request from us if it even will pertain to the case. So they wait for us to do that, which we performed multiple requests during this investigation.

Q And do you know if there was gunshot residue tests or kits performed during this investigation?

A There were, yes, sir. There were on both Bobby Smith, as well as Shamese Logan.

Q And with respect to the time that Bobby Smith was tested, could you speak to the time or duration of when he was swabbed, generally speaking?

A It was several hours. What we have is a protocol. Anything in excess of six hours, SLED will not take that sample. That is where we send our samples when we make our request. We will still do the test and send it off to SLED. SLED looks at the time frame.

Part of what happens when you're in one of these investigations, everything is so fluid. You don't know who to test sometimes immediately. In other words, you don't walk up in the first five minutes and say, I need to test that person. It doesn't, generally, work like that.

So as time lapses throughout the investigation, we get to a critical point as to whether SLED's going to take that evidence or not. We got to that critical point with

Bobby Smith.

Ms. Logan, that's different in the respect that she can't come in contact with anything else. She's in a clean bag, her hands are bagged. So there's no possibility of transfer at that point. We can still test those items.

Q And with respect to this investigation that night, was Bobby Smith arrested immediately upon law enforcement making contact with him?

A He was not.

Q Okay. Can you describe that briefly with respect to the gunshot residue kit?

A Initially, deputies make contact with -- as you heard in the testimony before, deputies made contact with Mr. Smith, Bobby Smith, trying to get his story as to what he knew about it. And as information came in from witnesses in the community, telephone information, the things that we normally go through to do background checks on people who are known to reside there, who have lived there in the past, that all takes time.

So, again, with Bobby Smith, I sat down and spoke with him at the scene as well. So with all that, that takes a bit of time.

Q And was Bobby Smith placed under arrest the night of February 3rd?

A He was.
Q The morning of February 4th?
A Going into the 4th, yes, sir.
Q And was that a direct result of your investigation that night and what you uncovered that night?
A It was. We executed the search warrant inside the residence. And inside the residence, we found multiple items belonging to the victim, of which included her financial cards, her driver's license, telephone. There was money that appeared to be saturated with blood that was in his possession. There was presumptive tests done for the clothing that he was wearing that showed the presence of human blood.

With all of that, the totality of that information, being that he's there at the location by himself in the residence locked, it was determined that he was going to be placed under arrest for, of course, what he's charged with, murder, possession of a weapon, and armed robbery.
Q And jumping ahead just a few days, on February 18th of 2015, were you contacted by a local attorney, Cass Gorton?
A I was, sir.
Q And what was the nature of that conversation?
A She called to inform me of the location of her then client's firearm -- or she stated that it was the victim's

firearm.

Q Did she give you a location with respect to that firearm?

A A whereabouts, thereabouts kind of location. We had to, actually, physically go there. I think Ms. Gorton wanted to be there at the same time. So I don't believe that there was a desire to divulge it immediately. She wanted to be there and make sure she was there and we didn't go by ourselves.

So we got to that general area. And then we all went to that location together.

Q And was that general location close to [redacted] Mayflower Avenue?

A It was. [redacted] Pecan Terrace, it borders the incident location of [redacted] Mayflower.

Q And was anything found as a result of that meeting?

A We got a consent to search from the home owners. They allowed us into their property. We opened up the door to the shed and you could immediately see that there was a firearm, the firearm that was recovered. It was under the lawn mower inside the shed.

At that point, we stopped and we waited for forensics to process everything at that point.

Q And when the firearm was located, did you request testing to be done with respect to that firearm?

A Specifically, ballistics. Of course, we go through all the process of latents and DNA, and make those general requests.

Q And were there any other ballistics tests or requests during the course of this investigation as well?

A Do you mean on other firearms and projectiles? There were.

Q Yes. And could you explain that briefly?

A As to how the request is done, is that what you're referring to?

Q With respect to which, if any, other testings were done, what weapon would that be in reference to?

A That would be in reference to the one that was located in the vehicle.

MR. MORONEY: Thank you.

Please answer any questions the Defense may have.

THE WITNESS: Yes, sir.

MR. KORNFELD: Thank you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Officer Newman, isn't it true that Bobby Smith and his mother lived at [redacted] Mayflower Avenue? Did you -- is that a fair assumption to say?

A Yes, sir. And she was in the nursing home at the time. So he was the primary occupant.

Q All right. And isn't it true that Ms. Shamese Nicole Logan, the deceased, she, also, lived in Greenville as well? Is that your understanding?

A Yes, sir.

Q And she drove a -- or it looked like there was a Chrysler there. It had Mrssissippi tags that belonged to, it looks like, a Jerome Lang. But she was driving that vehicle that night; is that correct?

A And that's her stepfather, yes, sir.

Q And you know that a Kel-Tec nine-millimeter was found in the Chrysler 300?

A Correct.

Q With live rounds in the magazine; correct?

A Correct.

Q And you found evidence in the house -- well, actually, were you on scene for that, the -- the --

A I didn't execute the search warrant --

Q Okay.

A -- inside the residence.

Q Okay. So did you see any of that as far as --

A See the items?

Q Yeah. Did you go in the home at all?

A I didn't physically see the majority of those items. I did walk in briefly at the onset of the execution and saw the identifications and the financial card in the

toilet.

Q Okay. And you did -- a GSR was done, gunshot residue was done on Shamese Nicole Logan, too; correct?

A Yes, sir.

Q And isn't it true that gunshot primer residue was found on Shamese Nicole Logan?

A Yes, sir.

Q And did you -- you've never met -- have you ever seen Jahru Smith? Have you ever seen him?

A Prior to the incident? Or have I ever seen him? I saw him in court.

Q Okay. Do you know --

A I'm sorry. I didn't mean to --

Q No. That's all right. So you didn't see him that night, and you didn't see him after that time? You've never -- you haven't seen -- you didn't see him --

A I've never made physical contact with him, no, sir.

Q Okay. And at the incident site, y'all swabbed the crime scene thoroughly as was put into evidence; correct?

A Yes, sir, I believe thoroughly.

Q And there was no DNA evidence of Mr. Jahru Smith at that time; correct?

A Not that I can recall.

Q And there's no blood evidence of Jahru Smith; correct?

A I believe most of it was Shamese's.
Q Okay. And none of Jahru's fingerprints were on Ms. Logan, or her vehicle, or anywhere that were found; correct?
A Not that I'm aware of.
Q All right. None of his DNA on the -- under her -- none of his boots -- or footprints that y'all found on the scene matched any boots of his that you know of; correct?
A No, sir. It was several days later that he, actually, turned himself --
Q All right. And your testimony is not that -- you're not -- you don't know who shot a weapon in this case; correct?
A I can't say 100 percent.
Q All right. And you don't know what kind of -- you don't know what happened prior to this shooting either; correct?
A Do you mean as to whether there was an altercation, or something?
Q Correct.
A Is that what you're referring to?
Q Yes.
A No, sir, I don't.
Q And you don't have --
MR. KORNFELD: Okay. No further questions.

THE COURT: Mr. Sullivan.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Officer Newman, in your training as far as gathering evidence, there's not -- what have you been told about getting GSR?

A What's my thoughts on GSR?

Q Yeah. What is your training as far as obtaining it in a timely fashion?

A It's not so much -- it's not so much whether it's going to be present or not from my training. From my understanding, it is the rules set by SLED, who we request to test it.

So, in other words, if we were to test it on a machine that we owned, we would set out the guidelines for that. Is that what you're referring to?

Q Using what is done now -- SLED does it?

A Yes, sir.

Q You collect it? To meet that criteria --

A Not me personally, but, yes.

Q It's got to be collected. To meet their criteria, how soon does it need to be collected?

A Like we were saying, within about a six-hour time period.

Q Okay. Now, what time was Jahru arrested -- not

Jahru, Bobby Smith arrested?

A It was -- actually, I believe by the time he was processed, it was closer to -- I want to say maybe 2:00 or 3:00 in the morning, somewhere along those lines. It was just over the six-hour time period.

Q He was the only one at the house. There's a shooting. He's the only person there. So he is your, basically, primary suspect automatically. You don't know about Jahru at this time?

A We're developing information at that time that it is, in fact, Jahru.

Q If you had a prime suspect in a shooting, wouldn't it be imperative to bag his hands and get a GSR to see if he has used a gun?

A Well, I'll say this. We were trying to approach that as a witness in the beginning. Okay.

Q You said he's a witness. He's the only one in the house. You had information that one of the people by the car had gone in the house. You found evidence of her stuff there. He is your prime suspect --

A But you have to understand, that's not done immediately. We don't know that those items are in the house until we obtain the search warrant. And it can be a couple hours post that.

Q How about gunshot residue to be gotten off of

clothes, off of jackets, and things?

A Well, you're going to have to speak to forensics directly about that. But I will say, from what I know, they do not -- SLED, for example, usually does not take third items as they refer to it. In other words, like, they don't usually want to take something from the head liner in a vehicle, or door panel, or clothing, and so forth.

And part of the reason being is because when you fire a weapon, gunshot residue will affect -- if I was to do it now, it would affect her as well as the Judge, right here.

Q I understand. But if I'm the shooter, it's affecting me, too, my hands, my clothes?

A Correct. Which is what we went with when we're talking about her putting her hands up. And we're within a couple of feet. According to Dr. Ward, she was definitely going to get gunshot residue.

Q Again, would I not have some on my clothing if I'm shooting this stuff and it's kicking back?

A You would assume so, yes, sir.

Q It wouldn't be on the jurors or anybody. It would be on me for sure?

A Yes, sir. I can assure you these people in the --

Q But you wouldn't test them if they didn't have a gun?

A Well, I don't -- part of the reason why you would

test somebody is because you knew that they had a gun, or you suspected they had a firearm.

Q But this was not done in a timely fashion with Bobby Smith, which could have maybe cleared him or nailed him?

A I guess that's one way of looking at it, yes, sir.

Q So it was through y'all's untimely fashion that this test was not performed for the benefit of my client?

A Well, the test was performed. It's not our rules. It's the rules of SLED. We can only do it in the time -- in a time frame that is applicable to our investigation, for one, his cooperation, too.

So if I'm going to request a search warrant for someone, I have to pretty much have a very good reason to do so, you know, that -- probable cause to even obtain that sample.

Q But he was in the house?

A I'd have to get his consent immediately.

Q Didn't he ask in your interview to be tested?

A I'm sorry. Say that --

MR. MORONEY: Objection, Your Honor. We're getting into something that has not been before the Court yet with respect to this interview he's talking about.

MR. SULLIVAN: He interviewed him, Judge.

THE COURT: Okay.

MR. MORONEY: Your Honor, I would say that it's

hearsay at this point. If he wants to let his client testify.

THE COURT: I sustain. I believe that's self-serving hearsay, Mr. Sullivan.

MR. SULLIVAN: You sustain it, Judge?

THE COURT: Yes, sir.

MR. SULLIVAN: I can't ask it?

THE COURT: No, sir.

MR. SULLIVAN: Nothing further.

THE COURT: Okay. Anything further?

MR. MORONEY: Very briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. MORONEY:

Q Investigator Newman, with respect to the night that law enforcement made contact with Bobby Smith, wasn't he alone in the house for several minutes before they could make contact with him?

A He was.

Q Is it possible that he could have done numerous washing things --

A Washed hands, a multitude of things, yes, sir.

Q Does that come into play when you consider the timing of --

A Absolutely.

Q -- GSR testing?

So we're -- we're at that place where I thought -- where I told you we were yesterday, which is, I think, we'll probably finish with the presentation of evidence probably mid afternoon today.

Okay. So having said that, ladies and gentlemen, let's go ahead and get started.

Mr. Moroney, you may call your next witness, sir.

MR. MORONEY: Yes, Your Honor. The State calls Charles Moore.

THE CLERK: Mr. Moore, please, come forward.

If you would, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right.

WHEREUPON,

CHARLES MOORE,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And, sir, would you, please, state your name for the record?

THE WITNESS: Charles Moore.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Good morning, Mr. Moore.

A Good morning.
Q Can you, please, state your current place of employment?
A The Greenville County Detention Center.
Q And what is your job title there?
A I'm the custodian of records of jail calls.
Q Okay. And what exactly does that mean? What do you do?
A I manage the Securus Technology system that records the calls going out of the detention center. And I make on-site repairs.
Q What is Securus?
A Securus Technologies is our current provider for the phone system that inmates use to call out from the detention center. It records the calls. And it allows inmate population to call family and friends.
Q So those calls that are made by inmates, are they recorded?
A Yes.
Q And could you speak to any level of security or authenticity with respect to those calls?
A Every inmate is issued an account based upon their booking profile. They receive a six-digit pack number combined with a four-digit PIN number to gain access to the system. It, also, uses their voice recognition to

allow access as well.

Q And, particularly, what does an inmate have to do? If you could walk us through the procedure to make a call.

A When they're, initially, booked, they are given the opportunity to enroll their voice where they have to follow voice prompts and commands so the system can recognize their particular voice pattern. And then from there, they enter their information. And from that point forward, they can place calls.

When placing an individual call, they have to enter the 10 digits that they're issued at booking. And then they're given the option to say United States or their first and last name. When the system recognizes them, then they're allowed to place a call.

Q When you access these calls, can you explain how you're able to retrieve or monitor calls?

A I use their six-digit pack issued at booking for each individual inmate.

Q And what is that six digit --

A Every inmate is given a six-digit pack number when they're booked in. And it stays with them for the duration of their lives. So if they come back to the facility, they can identify using that six-digit number. And I use that number to identify the inmate on a platform so I can listen to their calls, if needed.

Q And do you access this system via Internet? Is it web based?
A Yes.
Q And explain the process for you, how you would access the system?
A I'm issued an account user name and password. I enter my credentials and I log in. And from there, there's a main web page where I can access all the calls leaving from the facility.
Q And is it safe to say that all of these are put into place as security and authentication methods?
A Yes.
Q Mr. Moore, you stated you were the custodian of records. Did you have the opportunity to pull some jail calls from the Defendant, Bobby Smith?
A Yes.
Q And those records, did they generate a printout when you compiled those records that you pulled?
A Yes. You can access a PDF with all the calls on a list.
(WHEREUPON, State's Exhibit No. 128 was marked for identification only.)
BY MR. MORONEY:
Q And these jail calls and the printouts, these are things you keep in the ordinary course of business in

performing your duties?
A Yes.
Q Mr. Moore, I'm handing you what's been premarked as State's Exhibit No. 128. I would ask you to take a look at that, and tell me if you can identify it.
A I can.
Q What is it?
A These are the seven calls that I -- I, actually, pulled this morning. I created this information this morning, printed it out on the Securus system.
Q And those are calls with respect to who?
A Bobby Smith.
Q And were those calls made from the detention center?
A Yes.
(WHEREUPON, State's Exhibit No. 129 was marked for identification only.)
BY MR. MORONEY:
Q Did you, also, have the opportunity to listen to some calls before coming into court today?
A I listened to some excerpts to verify the validity of it this morning.
Q Okay. I'm handing you what's been premarked as State's Exhibit No. 129 for identification purposes. I would have you take a look at that. Do you recognize what that is?

A I do. This is the disk I listened to this morning.
Q And what is on that disk?
A The calls in question that you showed me on that list right there.
Q Are those calls exactly how you, initially, pulled them from the system?
A I believe these are the redacted versions. Correct.
Q Okay. So these have been edited as far as trimming down the length of them?
A Yes. The -- the parts on that disk are not edited themselves. They're just shortened from the original calls from the system.
Q Okay. So they're not altered in any way?
A Right.
Q As far as with respect to the information contained on the disk?
A Yes.

MR. MORONEY: Your Honor, at this time, the State would move that State's Exhibit No. 129 be admitted into evidence.

THE COURT: Objections?

MR. KORNFELD: None, Your Honor.

MR. SULLIVAN: None, Your Honor.

THE COURT: Okay. Without objection, the same is admitted.

(WHEREUPON, State's Exhibit No. 129 was admitted into evidence.)

MR. MORONEY: Permission to publish to the jury, Your Honor.

THE COURT: Yes, sir.

MR. MORONEY: At this time, we'd request the stipulation.

THE COURT: All right. Ladies and gentlemen, I talked to you a little bit about a stipulation. Now, a stipulation is an agreement between the parties that you can accept as fact. As you know, your role as jurors in the trial of the case is to be the finders of the facts. You hear evidence. And from that evidence, you deduce facts.

Now, when the parties come to a stipulation, that means you don't have to do any analysis or deduction. You can accept the stipulation as fact. And, in this instance, ladies and gentlemen, the parties have made a stipulation regarding the voice on the audiotape that you're about to hear.

And the stipulation reads, The State and Defense hereby stipulate the following facts: That the female voice on the recorded phone calls you're about to hear is Bobby Smith's mother, Hattie Smith.

Ladies and gentlemen, I'm going to take this

stipulation. I'm going to make it a joint exhibit that you'll have in your jury room for your review.

(WHEREUPON, Joint Exhibit No. 1 was marked for identification and admitted into evidence.)

(WHEREUPON, State's Exhibit No. 129 was played in open court.)

MR. MORONEY: Thank you, Mr. Moore.

Please answer any questions the Defense may have for you.

MR. KORNFELD: I have no questions.

MR. SULLIVAN: Could I hear the first part of that again?

MR. MORONEY: Which one?

MR. SULLIVAN: The very first part.

MR. MORONEY: The first call?

MR. SULLIVAN: Yeah.

(WHEREUPON, a portion of State's Exhibit No. 129 was played in open court.)

MR. SULLIVAN: That's fine, Judge.

THE COURT: Okay.

MR. SULLIVAN: I have no further questions.

THE COURT: Okay. Good enough.

MR. SULLIVAN: I'm sorry.

THE COURT: Redirect?

MR. MORONEY: No, Your Honor.

come back here?

THE COURT: No. We'll just leave her right there. And what we'll do is when the jury comes back in, we'll have her sworn in again in front of the jury and state her name.

MR. MORONEY: Thank you, Your Honor.

(WHEREUPON, the jury came into open court at approximately 10:14 a.m.)

THE COURT: All right. You may swear in the witness.

THE CLERK: All right. Ma'am, if you'll, please, stand.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

TIFFANY PETTY,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And if you'll, please, state your name for the record.

THE WITNESS: Tiffany Petty.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Good morning, Ms. Petty.

A Good morning.
Q Where do you live? What county do you live in?
A Anderson.
Q Okay. And are you familiar -- or do you know the Defendants in this case, Bobby Smith and Jahru Smith?
A Yes, sir.
Q How do you know Jahru Smith?
A He's my baby daddy.
Q What's your current relationship with him?
A We're not together.
Q Okay. Do you recall what your relationship status would have been with him back on February 3rd, 2015?
A We was still together.
Q Okay. As boyfriend and girlfriend?
A Yes, sir.
Q Do you recall an incident that happened back on February 3rd, 2015, involving Jahru Smith?
A Yes, sir.
Q After that incident, did Jahru Smith ever get in touch with you?
A Yes, sir.
Q Could you tell us how he got in touch with you?
A He called my cell phone that night.
Q Okay. And what was said?
A He asked me to come pick him up, but I couldn't. So

my mother went to pick him up.

Q Where did she pick him up from?

A She was at Waffle House -- he was at Waffle House on 81.

Q And is that in Greenville County or Anderson County?

A It's Anderson.

Q Okay. Do you know where your mother took him after that?

A East side, but I'm not sure which street.

Q East side. What county is that in?

A It's in Anderson.

Q Also, in Anderson. Did Mr. Smith speak to you at all about that incident on February 3rd, 2015, after that date?

A He called me the day after I seen his face on TV and asked me to come meet him, but I wouldn't go meet him.

Q Why wouldn't you go meet him?

A Because he was wanted. And I didn't want my kids to be put in that situation, so I didn't go.

Q Okay. What did he say to you?

A He just told me it was an accident and he didn't do it.

Q And jumping back to the night of February 3rd when he got a ride with your mother --

A Uh-huh.

Q -- what approximate time did you get that call?
A I'm not sure. It couldn't have been after 12:00, though. Because if it was after 12:00, she wouldn't have went to pick him up.
Q When you say "12:00," is that 12:00 midnight?
A Yes, sir.
Q On February 3rd, 2015?
A Yes, sir.
Q After this incident, did you meet with Investigator Lloyd Newman regarding some telephone calls?
A Yes, sir.
Q Did you have the opportunity to listen to a call?
A Yes, sir.
Q And who did you hear on that call?
A Jay and Bobby.
Q Jay and Bobby. Who, particularly, is "Jay"?
A Jahru.
Q Jahru Smith?
A Yes, sir.
Q And the other person was Bobby Smith?
A Yes, sir.
Q Are you familiar with Bobby Smith?
A Yes, sir.
Q Do you know him pretty well?
A Yes, sir.

Q Could you speak, generally, to his health status?
A Before, he had three toes cut off.
Q And, generally speaking, with respect to Jahru Smith, does he have any kind of physical mobility problems?
A Not that I'm aware of.
MR. MORONEY: Thank you.
Please answer any questions the Defense attorneys may have for you.
THE WITNESS: Okay.

CROSS-EXAMINATION

BY MR. KORNFELD:
Q Ms. Petty, isn't it true that Jahru Smith had glasses as thick as bottle caps?
A Yes, sir. His glasses are real thick. He can't see without them.
Q And isn't it true that it's so bad that he -- do you know if he receives any assistance because of that, any disability because of --
A Yes, sir. He gets a check every month.
Q And that's because of his --
A He's legally -- yes, sir.
Q He's legally blind?
A Yes, sir.
Q To a great extent; is that correct?
A Yes, sir.

Q And Mr. Smith is in his 50s; is that correct?
A Sir?
Q Isn't Jay -- as you call him "Jay," he's in his 50s; correct?
A Yes, sir.
Q And I believe you stated that -- did you state that Jahru said it was an accident and he didn't do it?
A Yes, sir.
MR. KORNFELD: No further questions.
THE COURT: Mr. Sullivan.
MR. SULLIVAN: Just a couple.

CROSS-EXAMINATION

BY MR. SULLIVAN:
Q Ms. Petty, you mentioned that Bobby had a disability with toes missing?
A Yes, sir.
Q Were these toes missing before?
A Yes, sir.
Q So they've been off -- he had been hobbling for a good while?
A Uh-huh.
Q Was his mobility lessened a little bit because of that?
A Yes, sir. He falls sometimes.
MR. SULLIVAN: Okay. Thank you.

No further questions.

THE COURT: Any redirect?

MR. MORONEY: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. MORONEY:

Q Ms. Petty, when you spoke with Investigator Newman and he interviewed you with respect to the statement that Jahru Smith made to you, didn't he say it was an accident, I didn't mean to?

A Yes, sir -- no. He said it was an accident. I didn't do it. I'm sorry, baby. That's exactly what he said.

Q You didn't give a statement to law enforcement that said it was an accident, I didn't mean to?

A No.

MR. MORONEY: I beg the Court's indulgence.

THE COURT: Yes, sir.

(Pause.)

MR. MORONEY: Judge, may we approach?

THE COURT: Sure, you may.

(WHEREUPON, a bench conference was held.)

THE COURT: Ladies and gentlemen, the State -- Mr. Moroney wants to ask Ms. Petty a question regarding an audio tape, but he wants to ask her a very, very specific question. And he needs to find on the audiotape a couple

of seconds worth of tape, so you don't have to listen to 15 minutes.

So what I'm going to ask you to do -- I was going to have you just go out into the -- one of the chambers in the hall and look at it. But that would take more time than it's worth. Because he was going to have to disconnect and reconnect and y'all are just going to be sitting here watching.

So if you will, just go back to your jury room. Wait for a few minutes. Let him just find it. And we'll bring you back in.

Okay. Thank you.

(WHEREUPON, the jury was excused from open court at approximately 10:23 a.m.)

(WHEREUPON, a break was taken.)

MR. MORONEY: Your Honor, I think we have it queued up.

THE COURT: Good enough.

Let's bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 10:34 a.m.)

THE COURT: All right. Mr. Moroney, your witness.

REDIRECT EXAMINATION

BY MR. MORONEY:

Q Ms. Petty, you just testified that Jahru Smith never

said it was an accident, I didn't mean to; correct?

A Yes, sir.

MR. MORONEY: Your Honor, we're going to be playing the audio at this time.

THE COURT: Okay.

(WHEREUPON, an unmarked audio was played in open court.)

MR. MORONEY: No further questions, Your Honor.

THE COURT: Okay. Mr. Kornfeld.

RECROSS-EXAMINATION

BY MR. KORNFELD:

Q Ms. Petty, you're here under oath today; correct?

A Yes, sir.

Q And you're here under oath in front of a jury where it's extremely important for you to remember what he said at that time, not what you stated in this interview?

A Yes, sir.

Q Did he say it was an accident and he didn't do it, or did he say it was an accident and he didn't mean to do it?

A I can't remember how he worded it, not entirely.

Q Can you -- it's really important for you to try for this jury. You can't remember at all? That's what you're telling us?

A If I said that on the tape, then, obviously, that's the way he said it. But I can't remember.

Q All right. So -- so your testimony would be that he said it was an accident and he didn't mean to do it, even though you testified before he said it was an accident and he didn't do it; is that right?

A Yes, sir.

MR. KORNFELD: No further questions.

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

You can step down. I appreciate you being here.

THE WITNESS: Yes, sir.

THE COURT: You may call your next witness.

MR. MORONEY: I beg the Court's indulgence one moment.

(Pause.)

MR. MORONEY: Your Honor, may we approach briefly?

THE COURT: You may.

(WHEREUPON, a bench conference was held.)

THE COURT: You might want to talk about that stipulation. I think Mr. Sullivan still has a problem with the stipulation, notwithstanding Ms. Petty's testimony. I just want to make sure you're clear on that.

Will you call down to security and make sure that Ms. Petty doesn't leave?

THE COURTROOM DEPUTY: Ms. Petty, is that the one that just walked out?

THE COURT: Yes.

between the parties. Again, I've told you what a stipulation is. A stipulation is an agreement between the parties that you can accept as fact.

So, ladies and gentlemen, this stipulation is, The State and Defense hereby stipulate the following facts: One, that on January 2nd, 2015, and January 7th, 2015, a phone call was made each day to the telephone number [redacted]; two, the phone calls were audio recorded and there were only two individuals speaking; three, after listening to each of those calls, Tiffany Petty positively identifies Jahru Smith's voice as the voice answering the calls with respect to the [redacted] telephone number; four, the other party speaking on these recorded phone calls was Bobby Smith.

Ladies and gentlemen, I've made this Joint Exhibit No. 2 so that you will have it in your jury room when you are reviewing the evidence.

Okay. Mr. Moroney, you may proceed, sir.

MR. MORONEY: Thank you, Your Honor.

The State calls Deborah Calhoun.

THE CLERK: Ma'am, if you'll, please, come forward. If you'll, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand. The other way around. Left hand on the Bible. There you go.

WHEREUPON,

DEBORAH CALHOUN,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And would you, please, state your name for the record?

THE WITNESS: Deborah Calhoun.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Hi, Ms. Calhoun.

Do you know Ms. Tiffany Petty?

A Yes.

Q And who is that?

A My daughter.

Q Do you know Jahru Smith?

A Yes.

Q And how do you know Jahru Smith?

A My daughter's boyfriend.

Q Okay. Do you recall getting a phone call -- or being notified on February 3rd, 2015?

A Yes.

Q And how were you notified, and what happened that night?

A He called and wanted somebody to pick him up at Waffle House on 81.

Q And is 81 -- what county is that in?

A Anderson.

Q Okay. What happened next?

A I went and picked him up and took him to Jefferson Avenue.

Q Okay. And do you remember the exact intersection where you --

A Jefferson and Osborne.

MR. MORONEY: I Beg the Court's indulgence.

(WHEREUPON, State's Exhibit No. 130 was marked for identification only.)

BY MR. MORONEY:

Q Ms. Calhoun, I'm handing you what's been premarked as State's Exhibit No. 130 for identification purposes. I would ask you to take a look at that for a minute, and see if you recognize it.

A Yes.

Q What is that?

A A map.

Q And what does it show?

A It shows Jefferson Avenue and Osborne Avenue.

Q And is that, to your recollection, the area where you dropped Mr. Smith off on the night --

A Yes.
Q -- you talked about? And that was on February 3rd, 2015?
A Yes.
Q Approximately what time would that have been?
A It was around, say, 10:00, 10:00 or 11:00.
MR. MORONEY: Your Honor, at this time, the State would move that State's Exhibit No. 130 be moved into evidence.
MR. SULLIVAN: No objection.
MR. KORNFELD: No objection, Your Honor.
THE COURT: Without objection, the same is admitted.
(WHEREUPON, State's Exhibit No. 130 was admitted into evidence.)
MR. MORONEY: Permission to publish to the jury.
THE COURT: Yes, sir, you may.
MR. MORONEY: No further questions.
Please answer any questions the Defense may have.
MR. SULLIVAN: No questions for Ms. Calhoun.
MR. KORNFELD: No questions, Your Honor.
THE COURT: Thank you, Ms. Calhoun.
I appreciate you being here, ma'am. You may be excused.
MR. MORONEY: We would request that Ms. Calhoun be released from her subpoena.

THE COURT: Yes, sir.

You may call your next witness.

MR. MORONEY: The State calls Mary Louise Smith.

THE CLERK: Ms. Smith, if you'll, please, come forward.

If you'll, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

MARY LOUISE CLINKSDALE SMITH,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Would you, please, state your name for the record?

THE WITNESS: Mary Louise Clinksdale Smith.

THE CLERK: Thank you, ma'am.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Hi, Ms. Smith.

A Hi.

Q Do you know Jahru Smith and Bobby Smith?

A Yes, I do.

Q How do you know them?

A They are my nephews by marriage. They're my husband's brother's children.

Q But you know them fairly well?
A Yes.
Q Okay. Do you recall back on February 3rd, 2015, anything particular around that time that may have happened with respect to either of those nephews?
A If you're referring to the incident, I don't remember the date, or anything about it.
Q So you can't remember the specific date?
A No, no.
Q Were -- were you contacted, at some point, around that time?
A Yeah. Well, excuse me. I have bad allergies. I'm sorry. Jay Harold called me --
Q Excuse me. Did you say "Jay Harold"?
A Jay Harold called me.
Q Is that Jahru Smith?
A Yeah, that's Jahru. I'm sorry.
Q Okay.
A He called me and said he had been calling me. But I don't answer unknown numbers. If I don't have you in my phone with a number -- with a name, I just don't answer them. And then that day, he got ahold of me that day and he said, Auntie, I need some help.
And then I said, Jay, whatever it is, the only help I will give you, I will call News 4 and ask Mr. Tim Waller

to give you coverage so you won't be shot down like an animal in the street.

And he said, Okay, Auntie. I want to turn myself in, but I want to see my momma.

I said, Okay, I'll ask him if he'll take you -- let you meet them up there -- his mother was in the nursing home at that time. And he did. That's all I know.

Q And before that conversation about WYFF, did he ask you for anything?

A No. I cut him off. He said, I need help.

And I said, The only thing I will do is to get you some coverage so you won't be shot down like an animal in the street.

Nothing else was said. He didn't say nothing else to me. He said, Okay, Auntie. That's what he said.

Q Did he ask you about going anywhere?

A No.

Q Ms. Smith, did you speak with Investigator Newman regarding --

A Yeah.

Q -- this conversation --

A Yeah.

Q -- between you and Jahru Smith?

A Uh-huh.

Q And during that conversation with Investigator

Newman, isn't it true that you said that Jahru Smith needed money?

A I think he said, I need help or might have said, I need money. Let me back up for a minute.

Q Okay.

A Me and Jay had a bond to where he would borrow money from me, you know. So it wasn't unusual for him to call me to ask me for money.

Q But he said this during the same conversation where he was talking about WYFF and turning himself in?

A Yeah.

Q And isn't it true that during your conversation with Investigator Newman during that interview, you, also, said he needed to get out of town?

A No. I didn't say he needed to get out of town. I said he might have been going to ask me that. That's when I cut him off. And I said, You know me well enough to know the only help I'm going to give you is to get you some coverage so you won't be shot down like a dog. That's it.

Q And I understand that's what you said.

A Yeah.

Q But when he told you that he needed money, didn't you tell Investigator Newman that he said he needed money to get out of town?

A No, no. I said I think that's what he was going to ask me. I thought that's what he was going to ask me was for money.

And I said, You know me better than that.

MR. MORONEY: Your Honor, we have a matter of law to take up.

THE COURT: Okay. Ladies and gentlemen, I would ask you to, please, go back to your jury room. We'll have you out in just a few seconds.

(WHEREUPON, the jury was excused from open court at approximately 11:23 a.m.)

THE COURT: Yes, sir.

MR. MORONEY: Your Honor, again, we would be confronting this witness with some audio recorded statements that she gave Investigator Newman. And I assume that we don't want to go through the entire 15-minute interview. I want to just get to that pinpoint portion to address that. And then we would confront the witness with that.

THE COURT: Any issue with that, gentlemen? Defense?

MR. KORNFELD: Well, no. I would ask if we're going to play the -- well, I guess I'll ask questions, too, on -- I may ask her to play some of the video, too, if she can't remember --

THE COURT: Some of the audio you mean?

THE COURT: Okay. Let's bring the jury back in, please.

(WHEREUPON, the jury came into open court at approximately 11:30 a.m.)

THE COURT: All right. Mr. Moroney, your witness, sir.

CONTINUED DIRECT EXAMINATION

BY MR. MORONEY:

Q Ms. Smith, did you just have an opportunity to listen to a recording of the discussion between yourself and Investigator Newman?

A Yes, sir.

Q Did that have an opportunity now to refresh your recollection as to what happened?

A Yes, sir.

Q So during your conversation with Jahru, did he represent to you that he needed money to get out of town?

A Yeah.

MR. MORONEY: Thank you.

Please answer any questions the Defense may have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Hello, Ms. Smith.

A Hi.

Q How are you?
A Fine.
Q When you were -- the interview you gave, was that the first time that you were approached by a law enforcement officer?
A Yes, sir.
Q And was that interview given within the last three weeks?
A (There was no response.)
Q Or about three weeks?
A About somewhere around there. I don't remember the date.
Q Okay. Were you informed that you were being recorded at that time?
A No, sir. No.
Q You had no idea?
A No, sir. No.
Q And it was fairly conversational when you were speaking to the law enforcement officer?
A Who was there?
Q No. I said it was fairly conversational when you --
A Yes, yes. But nobody told me they were taping me, no.
Q Okay.
A No.

Q I understand. And didn't you tell that officer that Jay said, I didn't do it?

MR. WESTON: Objection, Your Honor.

THE WITNESS: I --

THE COURT: Hold on a minute. Let me rule on the objection.

THE WITNESS: I can't --

THE COURT: Hold on, Ms. Smith. Hold on just a minute. He objected, so I've got to rule on the objection.

THE WITNESS: Okay.

THE COURT: What's the objection?

MR. MORONEY: Again, Your Honor, it's going to be self-serving hearsay. The objection is testifying to something that the Defendant, ultimately, said.

THE COURT: Okay. What was the question?

MR. KORNFELD: I said, Didn't you tell the officer that Jay said, I didn't do it?

THE COURT: I'm going to allow that. You can ask that question.

MR. KORNFELD: Okay.

THE WITNESS: Are you asking me if Jay told me that?

BY MR. KORNFELD:

Q Yes. In that -- I guess I'm asking in the interview you gave, I guess, when you thought it was a conversation,

you didn't know you were being recorded?
A No.
Q Did you -- do you remember saying Jay said, I didn't do it?
A No. I don't remember that.
MR. KORNFELD: May I have a --
THE COURT: Yes.
MR. KORNFELD: Brian, will you...
(WHEREUPON, a bench conference was held.)
THE COURT: Ladies and gentlemen, I'm going to ask you to exit the courtroom for a few minutes. We'll be right back. You'll come right back out.
(WHEREUPON, the jury was excused from open court at approximately 11:33 a.m.)
(WHEREUPON, an unmarked audio recording was played in open court.)
MR. KORNFELD: Can I ask her about that?
THE COURT: Does that refresh your recollection?
THE WITNESS: That's me. That's me.
MR. KORNFELD: Can I just ask her?
THE COURT: Yes. You can just ask her.
MR. MORONEY: And Your Honor --
THE COURT: Yes, sir.
MR. MORONEY: -- if I may briefly. We would object again to this statement coming in. And I say it under

respect to the issue of her saying that, I recognize the exception that the State takes to it. But it wasn't offered to prove the fact of the matter asserted -- the truth of the matter asserted. It was just -- it was just a question, did you say that to the police? And it goes to the issue not of -- of whether it's truthful. But it goes to the issue of impeachment.

Okay. Bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 11:39 a.m.)

THE COURT: Mr. Kornfeld, I believe it's your witness, sir.

MR. KORNFELD: May it please the Court.

CONTINUED CROSS-EXAMINATION

BY MR. KORNFELD:

Q Hello, Ms. Smith, again. How are you?

A Fine.

Q After hearing the recording that you didn't know you were being recorded by, now, can you say whether or not you told law enforcement officers that Jay said, I didn't do it?

A Sir, to be honest with you, I think that's what he said. And I told the officer that day I thought that's what he was saying. But I can't tell you for sure that that's what he said, not a hundred percent.

Q It was a long time ago. Is that what you're saying?
A Well, it was a long time ago. I have a lot on my plate.
Q I understand, Ms. Smith.
A I have a lot on my plate. So I couldn't focus on that, you know.
MR. KORNFELD: I understand.
Thank you so much for being here.
No further questions.
THE COURT: Mr. Sullivan, any questions, sir?
MR. SULLIVAN: No questions of this witness, Your Honor.
THE COURT: Any redirect?
MR. MORONEY: No redirect, Your Honor.
THE COURT: Thank you, Ms. Smith.
I appreciate you being here, ma'am. You may be excused from your subpoena.
MR. MORONEY: Your Honor, at this time, the State would address the stipulation with respect to the news video.
THE COURT: Okay. Good enough.
So you are about to introduce the WYFF video; is that correct?
MR. MORONEY: That is correct.
THE COURT: All right. Ladies and gentlemen, there's

another stipulation between the parties.

And I presume this is for terms of authenticating the video and avoiding having to bring a witness up here?

MR. MORONEY: That's correct, Your Honor.

THE COURT: They've stipulated to authenticity. Every time somebody introduces a piece of evidence, they have to authenticate it, that is, make a representation that it is what they say it is. In this instance, in order to avoid bringing somebody up here from the news outlet, they've come to a stipulation.

And it is as follows: The State and Defense hereby stipulate the following facts: That the events you are about to view on this video are a fair and accurate depiction of what took place and that the individual speaking in the video is the accused, Jahru Smith.

Thank you.

And I am going to, again, make this Joint Exhibit No. 3 for the record.

(WHEREUPON, Joint Exhibit No. 3 was marked for identification and admitted into evidence.)

MR. MORONEY: Your Honor, at this time, the State would move for State's Exhibit No. 44 to be introduced into evidence.

MR. KORNFELD: With no objection.

THE COURT: Hold on. Let the court reporter get up

to speed. We're tasking her to do two things at the same time.

(Pause.)

THE COURT: Without objection, the audio tape is admitted into evidence.

(WHEREUPON, State's Exhibit No. 44 was admitted into evidence.)

THE COURT: You may proceed.

MR. MORONEY: Permission to publish to the jury, Your Honor.

THE COURT: Yes, sir, you may.

(WHEREUPON, State's Exhibit No. 44 was played in open court.)

THE COURT: Okay. You may call your next witness, sir.

MR. WESTON: Thank you, Your Honor.

The State would call Mr. James Armstrong.

THE CLERK: Sir, if you'll, please, come forward.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

JAMES WILLIAM ARMSTRONG,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And, please, state your name for the record.

THE WITNESS: James William Armstrong.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Mr. Armstrong, by whom are you employed?

A I'm employed with the Greenville County Department of Public Safety forensics division crime laboratory.

Q And what is your area of occupation for the crime lab?

A I'm employed as a criminalist where I have dual responsibilities as a forensic drug chemist and a forensic firearm examiner.

Q And how long have you been with the crime lab?

A Just two weeks short of 22 years.

Q All right. And with -- and, today, I'd like to focus on your firearms -- the firearms area. What kind of training have you had in the area of firearms identification and analysis?

A I have a Bachelor of Science Degree in Chemistry from Erskine College. I have trained in the area of firearm identification for approximately two years doing an apprenticeship-style training under the direction of a retired firearms examiner from Philadelphia PD.

I've attended five different armor schools to learn

how to work on various firearms. I've attended 14 different manufacturing facilities to learn how the firearms are being manufactured from raw material to the finished product. And I have been through five different ammunition assembly plants to see how the ammunition is manufactured and assembled.

And I've testified in federal and state courts, at least, 62 times as an expert in the field of firearm identification.

Q In addition to having testified in state and federal court that many times, would you -- how many firearms have you examined during the course of your career? Just ballpark.

A Oh, thousands.

MR. SULLIVAN: Judge, may it please the Court.

We would stipulate that he is an expert in firearms.

THE COURT: Okay.

MR. WESTON: And we would, specifically, say firearms identification and analysis, Your Honor.

MR. KORNFELD: That's correct, Your Honor.

MR. SULLIVAN: Yes, Your Honor.

THE COURT: All right. Ladies and gentlemen, I told you yesterday what an expert witness is and why someone may want to introduce someone as an expert witness. Mr. Armstrong is being introduced as an expert witness in

firearms and firearm identification --

Is that correct?

MR. WESTON: Yes, sir, Your Honor, and analysis.

THE COURT: And analysis. Okay. So I'll -- so I'll accept him as an expert witness.

Just remember just because somebody is an expert witness doesn't mean they have any preferred value, or whether the testimony is given any greater weight. You decide what weight it has and what value it is. And you decide whether it's credible, just like any other piece of evidence that you receive.

Mr. Weston, you may proceed, sir.

MR. WESTON: Thank you, Your Honor.

THE COURT: Yes, sir.

BY MR. WESTON:

Q Mr. Armstrong, just to give the jury a brief overview of how you do what you do, let's assume that there's a case and there's some bullet projectiles found, as well as some shell casings found over -- there's a third item, there is a gun found. And are those items presented to you to determine what --

A When I receive the items, if it's a firearm, a fired cartridge casing, a projectile, they ask me to examine the firearm to make sure they're operable. And then from there, I look at the fired cartridge casings. I do

comparisons on those and see if they were fired in the same gun, and to identify which firearm it may have come from.

The same thing with projectiles, I look at projectiles to determine how many guns were involved in a case. And I then determine which firearm may have fired those projectiles.

Q Would you tell the jury how you determine if a shell -- you've got your -- and I'm trying to make this as simple as possible. A gun that's fired, you've got your projectile, the bullet that comes out, and then you've got the shell casing that was housing that bullet that goes -- if it's an automatic, it repels to the left, or right, or whatever?

A Yes, sir.

Q Let's talk about the shell casing for a moment. How do you determine if a shell casing is fired from a particular weapon, aside from the obvious that it's the same caliber?

A Well, it, basically, goes back to where the firearm is manufactured. When a firearm is manufactured, it's made by tools. Those tools that make the firearm leave imperfections, or striations, or marks that are left behind in the manufacturing process that during the firing of that cartridge, those imperfections then transfer to

that fired cartridge case. That's kind of like a fingerprint of the firearm that is then transferred to that brass or the metal components of the fired cartridge case.

Then when we do our own test fires, we generate, basically, a fingerprint -- we do a fingerprint comparison of our known test fires to the unknown from the scene and look at them through a comparison microscope, kind of like putting a puzzle together, do side-by-side comparisons and see if those striations line up.

Q With regard to the projectile -- let's assume again. I understand, and I think we all understand that if the bullet that comes out, if it strikes brick, or metal, or something, it may get damaged a little bit, or significantly or totally just blow up.

But let's assume you've got a good projectile or bullet that went into, let's say, some dirt and so it's in -- it's in good condition and it's in pretty much the same condition as it was when it left the gun. How do you identify that bullet -- projectile as having come from a particular gun.

A It's the same process as with the fired cartridge casings. When we generate our knowns or our test fires, that barrel where the bullet goes down through is, once again, made by tools and leaves imperfections behind and

generate fingerprints for the projectiles. And we do side-by-side comparisons with the microscope of those as well.

Q All right. Where do you -- do you do this at the -- where's the crime lab at?

A The crime lab is in the basement of the law enforcement center.

Q And what -- how do you do your test firing? Is it out on a range or is it in a controlled building?

A It's in a controlled building. The test fires are done inside a controlled area with limited access. And, also, we test fire into a stainless steel tank, which is full of water.

Q So there's no damage to the test fired bullet?

A That's correct.

Q Now, how do you get a case, an assignment?

A The cases that come to me, the officers have to fill out what we call lab requests. Once they fill out the lab requests, I then know there is a case to, actually, work.

Then once I see the request, I then go to the property and evidence room and receive the evidence for examination.

Q All right, sir. Let me just ask you. Did you bring to court, at our request, your report and findings for -- regarding a case number 012015-018787?

A Yes, sir, I did.
Q And the requesting agency was who?
A The Greenville County Sheriff's Office.
Q And the requesting officer was who?
A That was Newman.
Q And who was listed as the suspects in that case in the information you got?
A The information I received was from a -- the subjects are Jahru Harold Smith and Bobby Leon Smith.
Q All right. And just to be clear, you don't -- do you have anything to do with the investigation of the crime?
A No, sir.
Q Okay. That's pretty much all the information you're given in terms of what -- what you're asked to do?
A That's correct.
Q Now, in this particular case, how many guns were involved in your analysis?
A I received two firearms in this case.
Q All right. And let me show you what's already been introduced into evidence as State's Exhibit Nos. 126 and 125, and ask you do you recognize them, first? And I guess you can take them out, if you like, if you can.
A Yes, sir, I do.
Q And what -- would you describe State's Exhibit No. 125, please?

A State's Exhibit No. 125 was designated as item number DS-9, which is a Kel-Tec Model PF9 semi-automatic pistol with serial number of SQC34, caliber 9-millimeter Luger.

Q And with guns, I'm assuming it's different than with fungible items. Guns have a serial number that remains with them throughout their life; is that correct?

A That's correct.

Q Okay. And is that the gun that -- one of the guns you were asked to examine?

A Yes, sir, it is.

Q All right. Would you take a look at the other one?

A Yes, sir.

Q That's State's Exhibit No. 126, I believe?

A Yes, sir.

Q All right. And would you tell the jury what that is?

A This was designated as item DLS-1. It was a Kel-Tec Model P11, semi-automatic pistol with serial number AHS60, caliber 9-millimeter Luger. And it was submitted with one 9-millimeter Luger cartridge.

Q Just out of curiosity, what is Kel-Tec? Is that a brand?

A Yes.

Q Like a Remington or Winchester?

A A manufacturer of firearms.

Q Let me show you some other items and ask you if you

recognize them. And I'll try to go through them as quickly as possible. You may be able to do it from the packaging, but you may need to cut open the envelope itself. There's a pair of scissors right there if you need them. State's Exhibit No. 64 [sic].

A Yes, sir.

Q What is State's Exhibit No. 64?

A State's Exhibit No. 64 is an item number RSP-3 with a caliber 9-millimeter Luger fired cartridge case.

Q Okay. And would you hold it up for the jury -- well, don't hold it up yet. Is this the item -- one of the items that you received for purposes of evaluation and analysis in this case?

A Yes, sir, it is.

Q And how do you know that?

A It goes with the case number. And the item number is on a bar code related -- it goes back to my report. It had my initials and date where I had opened and sealed this container. And my initials and item number are, also, on the fired cartridge case.

MR. WESTON: Your Honor, the State would offer State's Exhibit No. 74 into evidence.

THE COURT: Objections?

MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same is admitted.

(WHEREUPON, State's Exhibit No. 74 was admitted into evidence.)

BY MR. WESTON:

Q Would you take it out and just kind of hold it up so the jury can see?

A (Witness complied.)

Q Now, that is a shell casing; is that correct?

A That is a fired cartridge case, yes.

Q From a 9-millimeter weapon?

A That's correct.

Q Just put them back in there. We're not going to necessarily need to reference -- I mean, specifically, look at them. I'll show you State's Exhibit No. 109. And would you tell the jury -- the Court what that is?

A State's Exhibit No. 109 is designated as item DS-19, which is a caliber 38/9-millimeter fired bullet core, which it is not suitable for microscopic comparison purposes.

Q All right. And is that one of the items that you were asked to look at -- and you can identify it as one of the items that you were asked to evaluate --

A Yes.

Q -- and perform analysis on in this case?

A Yes, sir, I did.
Q Now, did all the items -- just to save a lot of time, did all the items that I -- the two items that I've shown you and the items that I'm getting ready to show you, did you go pick all these items up from property and evidence?
A Yes, sir, I did.
Q You then performed your evaluation and then returned them to property and evidence?
A Yes, sir, I did.
Q All right. And would you hold that up so the jury can see what it is? And just kind of hold it up as high as you can.
A (Witness complied.)
Q Now, how do you describe that again? I'm sorry.
A This is a caliber 38 or 9-millimeter fired bullet core.
Q And you said something about its ability for -- to analyze it?
A It's not suitable for microscopic comparison purposes.
Q And State's Exhibit No. 97. In fact, while you're doing that, I'm going to give you all the rest of them. And I'm going to let you go through them one at a time. And if you would, just say the State's Exhibit number and then describe what it is. That will save me from going

through and interrupting you each time.

A State's Exhibit No. 97, my item DS-5, which is a caliber 38 9-millimeter fired bullet specimen.

Q And was that bullet suitable for comparison?

A Yes, sir, it was.

Q And if you would put that one over on the other side.

A State's Exhibit No. 75, which is designated as my item number RSP-4, which is a caliber 9-millimeter Luger fired cartridge case.

Q And is that -- was that suitable for comparison?

A Yes, sir.

Q Okay. Would you put it over on the right side, the suitable for comparison ones?

A Yes.

State's Exhibit No. 76 is designated as my item number RSP-5, caliber 9-millimeter Luger fired cartridge case.

Q And was that suitable for comparison?

A Yes, it was.

Q And when I say "suitable for comparison," I guess I'm asking you, were you able to make specific findings with regard to that bullet or shell casing concerning what weapon may or may not have fired it?

A Yes, sir.

Q Okay.

A State's Exhibit No. 77, it's my item number RSP-6. It's a caliber 9-millimeter Luger fired cartridge case.

Q And was that suitable for comparison?

A Yes, sir, it was.

Q All right.

A State's Exhibit No. 112, my item number DS-6. And it is a lead fragment not suitable for microscopic comparison purposes.

Q And I guess we just leave that one on this side over here.

A State's Exhibit No. 105 is my item number DS-8. And within the DS-8, I had subcategories of DS-8A and DS-8B.

Q So are there two items there?

A It was in two pieces when I received it. So I wrote them up as two different item numbers.

Q And what are each of the items?

A The DS-8A, I designated as a fired bullet jacket fragment, which is a small fragment inside the bag. And DS-8B is a caliber 38/9-millimeter fired bullet specimen.

Q And it's just to -- I guess to distinguish between the two, were either or both suitable for comparison and analysis?

A Yes, sir, they were.

Q All right, sir. Please continue.

A State's Exhibit No. 106, it's designated as my item

number DS-10, which is a caliber 9-millimeter Luger fired cartridge case.

Q And was that suitable for comparison?

A Yes, sir, it was.

Q All right.

A State's Exhibit No. 107, it's designated as my item number DS-14. It's a fired bullet jacket fragment.

Q And was that suitable for comparison?

A Yes, sir, it was.

Q All right.

A State's Exhibit No. 108, my designated item number DS-17. It is a fired bullet jacket fragment.

Q Was it suitable for comparison?

A Yes, sir, it was.

Q All right. Is that it?

A That's it.

Q All right. Now, just to be -- I guess I'm going to kind of get out of your way here. Once you got all of these things, what -- just tell the jury what you did with regard to it as it relates to each of these weapons. And we'll get to your findings in a moment. Just tell them what your process is, and what you did.

A When I first receive the items, the first thing I do is inventory what all I have. I open up the containers that I'm going through and make notes of what I, actually,

have and I inventory it.

Once I open up a package and it has a fired cartridge case in, I inscribe with my initials and the item number on the map of the casing so I can identify it later and not get things mixed up later on during the examination.

Once I do all that, I then generate -- go to the firearms, make sure they're operable. I go to the test fire room, generate my knowns or test fires for those to then start doing the comparison to compare against the firearms. Once we do the comparison, then we generate the report of our findings.

Q And tell the jury how you do the comparisons. You testified to it early on. But just tell them how you did it in this particular case.

A When we do the comparisons, the left-hand side of the comparison microscope is where we put our unknowns, or the ones from the crime scenes. The right-hand side, I always put the knowns, or test fires. We then do a side-by-side comparison to try to line up the imperfections or the striations from each other to see if they do overlap and agree.

Q All right, sir. And did you do that with all of the different projectiles and casings that you have in this case?

A Yes, sir, I did.

Q All right. Now, excuse me one second.

All right. Now, you referenced I think -- in your report, did you reference the two guns differently than a case number? We talked about the projectiles and bullets, and how you referenced them. What about the guns themselves?

A I used the serial number as reference.

Q All right. And you -- you say in your report DLS-1 pistol. Which pistol would that be?

A DLS-1 is serial number AHS60.

Q And which one of these would that be? And I'm sorry.

A That's going to be the Kel-Tec P11.

Q That would be this one?

A This one here.

Q And let me try to get -- try to make this as quick as possible. Let's talk about the other gun, first, which was -- what you have referenced in your report as what number -- or State's Exhibit No. 125?

A State's Exhibit No. 125 is my item number DS-9.

Q Did you test fire that weapon?

A Yes, sir, I did.

Q Did you test fire it against the shell casings, and slugs, and bullets that you had that were able to be analyzed?

A I compared the test fired from this item to the

unknowns here, yes, sir.

Q Were you able to determine if that weapon fired any of those bullets?

A This firearm was not used in firing any of the fired cartridge casings. And there's only one of the items that I examined that I could not determine if it came from this firearm or the other one. And that was the item DS-14, which is State's Exhibit No. 107.

Q And that was because the -- you're not saying that it was fired by that weapon. You're just saying you can't tell what weapon it would have come from because it was just that mangled, or whatever?

A Because this item is a fired bullet jacket fragment and it bears insufficient microscopic marks to permit identification to this pistol.

Q Okay. But with the exception of this one here, which you couldn't determine, did any of those others -- were any of those others fired from this gun?

A No, sir.

Q Now, with regard to this, State's Exhibit No. 126 -- now, how did you have that labeled again?

A This is item DSL-1 -- or DLS-1. Excuse me.

Q Do you know anything about those letters? Does the name Dar Shaw mean anything to you?

A Yes, sir, it does.

Q And do you know why that says DLS?
A I have no idea.
Q Would that be Mr. Shaw's initials probably?
A I've seen him use DS and DLS as well.
Q And tell the jury about your findings with regard to that weapon that Mr. Shaw collected, the DSL-1?
A My item numbers RSP-3, RSP-4, RSP-5, RSP-6, and DS-10 fired cartridge casings were fired in the item DLS-1 pistol.
Q So in English, for people like me, that means what now, that this pistol fired --
A This pistol fired all of the fired cartridge casings submitted in this case.
Q And would you just move -- what about the actual projectiles?
A My item numbers DS-5, DS-8B, and DS-17, fired bullet specimens and fired bullet jacket fragments were fired from the item DLS-1 pistol.
Q All right. So taking out the one that was unable to be analyzed, you're saying all the rest of the bullet fragments and the shell casings that you analyzed were fired by this gun?
A That's correct.
Q And can you say that with a reasonable degree of scientific certainty?

A Yeah. I'm a hundred percent certain they were fired from this firearm.

Q And they definitely were not fired from the other firearm?

A That's correct.

MR. WESTON: Your Honor, I don't think I've done this before. Just as housekeeping, I want to make sure -- I don't know whether I offered all of these into evidence as he was going through them. But I'm just going to offer State's Exhibit Nos. 108, 107, 105, 97, 109, 75, 76, 77, 106, and 112. The State would offer them into evidence at this time.

THE COURT: Any objections?

MR. KORNFELD: No objection, Your Honor.

MR. SULLIVAN: No objection.

THE COURT: Without objection, the same is admitted.

MR. WESTON: And the guns, as I said, Your Honor, I think are already in evidence.

(WHEREUPON, State's Exhibit Nos. 75, 76, 77, 97, 105, 106, 107, 108, 109, 112 were admitted into evidence.)

MR. WESTON: And I'm going to leave them here in case counsel has any questions for you about them.

That's all I have for this witness.

Thank you.

THE COURT: Mr. Kornfeld.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Officer Armstrong, you only investigate -- I think you've testified to this. I want to make sure. You only investigate what's brought to you?

A That's correct.

Q And you never go out to the crime scene; is that correct?

A Very seldom do I go to crime scenes. I did not go to this crime scene.

Q And you testified, I think, that both of these weapons are Kel-Tec?

A Yes, sir.

Q And both of them are 9-millimeters?

A That's correct.

Q And that of what you were brought, that one of the -- one of the jackets which you said was DS-8A and B, that one's not suitable for comparison; is that correct?

A The item -- no, sir. 8A and B were compared. The only items that were not used for comparison --

Q DS-6?

A DS-6 and DS-19.

Q Okay. And the one Kel-Tec -- I don't know if it's this one. I'm sorry. This one, you admit here that it

appears to have some weather or rusting on it right here; correct?

A Yes, sir.

MR. KORNFELD: Thank you, Mr. Armstrong.

No other questions.

THE COURT: Mr. Sullivan.

MR. SULLIVAN: No, Your Honor. No questions.

THE COURT: Redirect?

MR. WESTON: Just one question on redirect.

THE COURT: Sure.

REDIRECT EXAMINATION

BY MR. WESTON:

Q Counsel asked you about the make and model. And I may have asked you. But you test fired both of these to make sure they were operational, both of these Kel-Tec's; correct?

A That's correct.

Q And were they operational?

A They're both operable, yes.

Q And you, also, mentioned -- he didn't ask you this, but you mentioned 38 and 9-millimeter. What does that mean?

A 38 and 9, we use it as a caliber class. Because with the projectiles, it's really unknown if it is from a 38 Special, a 357, 9-millimeter, some 380s. All of those are

the same diameter or -- of a projectile. It falls in that caliber class. So we just say it's a 38/9-millimeter class caliber.

MR. WESTON: Thank you, sir.

I appreciate the education.

THE COURT: Any recross?

MR. WESTON: Nothing further from the State, Your Honor.

THE COURT: Any recross based on that redirect?

MR. KORNFELD: No, Your Honor.

THE COURT: Mr. Sullivan?

MR. SULLIVAN: No, Your Honor.

THE COURT: Okay. Thank you, Mr. Armstrong.

You may step down. You may be excused from your subpoena. I appreciate you being here today.

THE WITNESS: Thank you.

MR. WESTON: Your Honor, the State would ask that he be allowed to be excused from his subpoena.

THE COURT: Yes, sir, absolutely.

MR. WESTON: Your Honor, the State would call Ms. Morgan Fletcher.

THE CLERK: Ma'am, if you'll, please, come forward.

If you'll, please, pause at the end of the bench. Place your left hand on the Bible and raise your right hand.

WHEREUPON,

MEGAN FLETCHER,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Would you, please, state your name for the record?

THE WITNESS: It's Megan Fletcher, F-L-E-T-C-H-E-R.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Ms. Fletcher, with whom are you employed?

A I'm employed by the South Carolina Law Enforcement Division in the forensic services department in the trace evidence laboratory.

Q And how long have you been employed with SLED?

A About 10 and a half years.

Q And you said you were in the trace evidence laboratory. That's kind of a mouthful.

A Yes, sir.

Q What does that mean?

A In the trace evidence laboratory, I analyze different types of evidence, such as fire debris, paint, glass, fibers, explosives, tape, and gunshot primer residue.

Q And could you tell the Court and the jury a little bit about your background for doing that kind of work?

A I have a Bachelor's Degree from Chatham College in Biochemistry and English. And I, also, have my Master's Degree in Forensic Science from Marshall University, emphasizing in forensic chemistry and computer forensics.

Q And how long have you been doing this, you said? I'm sorry.

A Ten and a half years.

Q All right. And have you testified in court concerning -- and we're talking about gunshot residue this morning. Have you testified in court concerning gunshot residue cases on more than one occasion?

A Yes, sir, I have.

Q On numerous occasions?

A Yes, sir, I have.

Q And do you have any specialized training in that area as far as seminars, and what have you?

A During my time at SLED when I first started, I underwent about a year-long training program for the analysis of gunshot primer residue. In that time, I was -- I had lectures and tests, both oral and practical examinations to determine my competency in the analysis of gunshot primer residue.

MR. WESTON: Your Honor, we would offer this witness as an expert in the field of trace evidence.

THE COURT: Okay. Voir dire or exceptions?

MR. KORNFELD: I don't have an objection, Your Honor.

THE COURT: All right. Mr. Sullivan?

MR. SULLIVAN: No objection, Your Honor.

THE COURT: All right. She is so qualified.

BY MR. WESTON:

Q And, once again, we're talking -- trace evidence, there's a lot of different types of trace evidence, I take it?

A Yes, sir, there are.

Q All right. But we're talking about gunshot residue this morning. Did you have an occasion to examine -- to perform an analysis with regard to gunshot residue on one or more pieces of evidence under your case number 115018787?

A I, actually, did not analyze the evidence in this particular case. What I did was perform a technical review of an analysis by another examiner. And I was able to confirm her results.

Q And just -- and I was going to ask you about peer review. How does that work? And what's the reason for that?

A Well, in this particular case, the reason for it was to determine that the analyst followed all of our policies and protocols, and that the data that she obtained was valid and accurate. And if a second examiner is then able

to verify all of that and reach the same conclusions as the original analyst, then it's considered to be a valid report.

Q And you did -- you did this one as a second examiner?

A As a second examiner, I did this.

Q And I assume you don't remember all of the results and all the details off the top of your head?

A No, sir. I have a case file with me.

Q Do you have a report with you?

A I have a case file, yes.

Q Would that refresh your recollection to review your report as we talk?

A Yes, sir.

Q All right. And I think I referenced a pretty long case number, or whatever. Is that the case number you have there?

A I have L-1510772.

Q Yes, ma'am. All right. And how do y'all get -- well, let's start with -- tell the jury about gunshot residue.

A Okay.

Q If you would just kind of give them a perimeter, like you're talking to a high school class, or, in my case, maybe a middle school class of what that means.

A Gunshot residue is everything that comes out of a gun

when it's fired. What we're, specifically, looking for is gunshot primer residue. So those are particles that are characteristic of the primer from a bullet and from a cartridge. So we're looking for microscopic molten particles that contain the elements, lead, barium, and antimony.

Q And I know it's going to be different based on whether -- you know, the circumstances of each firing is going to be a little bit different from another set of circumstances based on wind, and distance, and what have you. But, generally, if I point a gun and shoot it, could you tell us what happens?

A When a gun is fired, a bunch of stuff comes out of the muzzle, depending on if it's a revolver or a semi-automatic. It comes out of the eject port, or muzzle, or cylinder. But the majority of gunshot residue comes out of the muzzle of the gun.

So the soot, the smoke, flame, the bullet itself, as well as this primer residue, comes out of the muzzle of the gun and travels along with the bullet towards its target or ending location.

Q Does -- given -- obviously, a bullet is just going to go straight, and I guess spin, but go straight. Does the -- do the items that you refer to come out and sort of form a mushroom? Do they tend to spread as it goes

further?
A They can spread a little bit. But there is -- there are a number of studies that show that a lot of the gunshot residue does travel along with the bullet itself.
Q And let me ask you this ultimate question. Assuming I've got gunshot residue on me, on my hands even, does that mean I fired a gun?
A No, sir. You can get gunshot residue from being in the vicinity of the discharge of a firearm. And that includes sustaining a gunshot wound. You can get it from shooting, or you can get it from touching something that has gunshot residue on it.
Q And so assuming you're sitting in a car in the driver's seat there and I fire a gun, maybe at this range towards you four or five times and strike you four or five times, is there a good chance you will have gunshot residue on your clothing or face?
A Yes, sir, there is.
Q All right. Let's talk about this particular case here. What two items were you asked to examine?
A There were two items submitted in this case. One was a GSR kit from Nicole Logan, and one was a GSR kit from Bobby Smith.
Q Let's talk about Ms. Logan fist. What did you -- how do you examine it?

A So samples are collected from, in this case, Ms. Logan's hands. They would have been collected from her right palm, her right back, her left palm, and her left back of her hands. Those samples are then brought to the laboratory and analyzed on a scanning electron microscope with energy dispersive x-ray detector, which is --

Q Wait just a second. That's a $50 word you just said. Would you say that again slowly, please, and tell the jury what that is.

A Sure. It's a scanning electron microscope with energy dispersive x-ray detector. Which means that it's a really powerful microscope that allows us to magnify particles down to about a hundred thousand times. And then once we're able to see it, we're, also, able to collect data from it to determine what elements are present.

Q And what types of elements are normally going to be present when you do your analysis?

A So in gunshot residue, particles that are characteristic of gunshot primer residue, they contain lead, barium, and antimony.

Q What was the last one again?

A Antimony.

Q Okay. Thank you, ma'am.

And back to Ms. Logan's kit. What was the item that you had?

A It was item 1.

Q And what was the type of item?

A Oh, it's a gunshot residue kit.

Q So you get the -- the sample is taken from the scene in -- in sort of a uniform way, whether it's Columbia, Charleston, or Rock Hill. They would do the same thing and put it in a kit, and then send the kit to y'all?

A Yes, sir.

Q And they would -- and I'm trying to paraphrase to make sure I'm following you. And the sample is collected by dabbing the front and back of the hands?

A Yes, sir, in this particular case.

Q And did you examine the kit you received on Ms. Logan?

A I did not examine it.

Q I'm sorry. Did you review the examination of the kit that was submitted with regard to Ms. Logan?

A I did.

Q And what were the findings?

A In the -- the results for Ms. Logan's kit, particles characteristic of gunshot primer residue were confirmed. Particles characteristic of gunshot primer residue are microscopic molten particles that contain the elements

lead, barium, and antimony. Gunshot primer residue can come from being in the vicinity to the discharge of a firearm, to include sustaining a gunshot wound, discharging a firearm, or coming into contact with the surface that has gunshot residue on it.

Q So it doesn't necessarily mean she fired a gun?

A No, sir.

Q All right. Did you, also, have any -- an occasion to review the GSR kit for Bobby Smith?

A There was no data associated with the gunshot residue kit from Bobby Smith.

Q And why was that?

A The reason for that is that the kit was collected after six hours. SLED has a policy of not analyzing any gunshot residue kits collected after six hours. And the primary reason is that gunshot residue is very easily transferred and removed.

And after six hours, through testing and through just our field, in general, we have determined we cannot -- or gunshot residue should not be present after six hours. And if any was present, it couldn't be linked to the original incident.

Q Just regarding this six-hour thing. If I fire a gun and then I go in the house and wash my hands real good, is there a good chance I'll remove all the gunshot residue?

A Yes, sir. Washing your hands is a very good way of removing GSR.

Q And does it require lye soap or just, basically, washing your hands with soap, with any kind of soap?

A You could just wash your hands with water. You could wipe your hands on your pants. You could just touch things over the course of six hours. You could sweat. It's very easily transferred and removed.

MR. WESTON: Thank you, ma'am.

That's all I have. Answer any questions counsel may have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Ms. Fletcher, the GSR -- I think opposing counsel asked, it doesn't mean that she fired a gun. It doesn't mean she didn't fire a gun either, does it?

A I can't determine how the gunshot residue was present.

MR. KORNFELD: Thank you.

No further questions.

THE COURT: Mr. Sullivan, do you have any questions?

MR. SULLIVAN: Just one.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Ms. Fletcher, if I fire a gun, does it kick back up

my arm, so to speak?
A Yes, sir. The gunshot residue could be present on the shooter as well.
Q Now, I understand how it could be diluted from the hand, but how about clothing? Will it stay on the clothing sitting there if it's just normally worn?
A Yes. It can stay on clothing indefinitely until it's been removed.
Q So if somebody shot a gun and they took part of the clothing and tested that, that would not -- that could be outside of the six hours, could it not?
A Clothing does not have a time frame. So, yes, it would be able to be tested.
MR. SULLIVAN: Thank you.
THE COURT: Redirect?
MR. WESTON: No redirect from the State, Your Honor.
The State would ask that she be allowed to be excused from her subpoena.
THE COURT: Thank you, ma'am.
I appreciate you being here.
THE WITNESS: Thank you.
THE COURT: Do you have one more short witness you'd like to call before lunch? Or do you want to wait?
MR. WESTON: Your Honor, can we approach?
THE COURT: Yeah.

THE COURT: Welcome back, ladies and gentlemen.

Mr. Moroney, Mr. Weston, your case. You may call your next witness.

MR. WESTON: Thank you, Your Honor.

The State would call Officer Mike Rainey.

THE CLERK: Sir, if you'll, please, come forward.

Please place your left hand on the Bible and raise your right hand.

WHEREUPON,

MICHAEL RAINEY,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

And please state your name for the record.

THE WITNESS: Michael Rainey.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Mr. Rainey, with whom are you employed?

A The Greenville County Sheriff's Office.

Q And what is your title?

A Sergeant over the computer crimes unit.

Q All right. And as a part of your work, do you do what, I think, they call it on TV, telephone dumps?

A Yes, sir. Cell phone analysis.

Q And so what does that mean? What do you, actually, do when someone brings you a phone?
A We extract the information out of a cell phone using software provided to us by different cell phone forensic companies.
Q And that information includes phone calls that were made, as well as text messages?
A Yes, sir. Incoming, outgoing text messages, pictures, videos. Depending on the make and model of the phone, we get different information.
Q Sometime after -- in late February or mid March, did you receive a request to review the phone that is the subject of this DVD?
A Yes, sir, I did.
Q Is it a CD --
A This one is a DVD.
Q And did you compile that DVD?
A Yes, sir, I did.
Q What is -- what's on there, basically?
A The program that we used in this report is Mobilized, which is a cell phone extraction tool. We connect the phone to our device, and it extracts the information off of the cell phone and into a report. I generate the report and place the information onto a disk for the lead investigator to examine.

Q Is it done -- does the report -- is the report chronological?
A Yes, sir. It lists everything in that phone by date and time.
Q And from -- let's say, it's my phone. It will show who -- it'll have my number and who I called?
A Yes, sir.
Q On whatever date and time. And if someone called me, it'll have their number coming into my phone?
A Yes.
Q Have you reviewed this DVD for purposes of testifying today?
A Yes, sir.
Q And is the DVD for the black cell phone that was found in the freezer in this particular case?
A Yes, sir. This is from an iPhone. I believe it was a 5S.
Q Okay. And were you able to determine the phone number of that particular phone?
A Yes, sir. It's in this report.
Q And what is that phone number?
A Area code [redacted].
MR. WESTON: Thank you, sir.
Answer any questions counsel may have for you.
THE COURT: Cross-examination.

MR. KORNFELD: Mr. Rainey, I don't have any questions.

MR. SULLIVAN: No questions, Your Honor.

THE COURT: Good.

Thank you, sir.

I appreciate you being here.

THE WITNESS: Thank you.

THE COURT: You may step down.

You may call your next witness.

MR. WESTON: The State would call Kaitlin Appel.

THE CLERK: Ma'am, please come forward.

You may set your things down. And please place your left hand on the Bible and raise your right hand.

WHEREUPON,

KAITLIN APPEL,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Please state your name for the record.

THE WITNESS: Kaitlin Appel.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Good afternoon, Ms. Appel.

A Good afternoon.

Q With whom are you employed?
A I'm employed with the Greenville County Department of Public Safety in the forensic division, specifically, in the DNA lab.
Q And what's your title?
A I'm a DNA analyst.
Q And how long have you been employed here in Greenville as a DNA analyst?
A A little over three years.
Q Where did you work prior to that?
A Prior to working here, I worked at the Georgia Bureau of Investigations, also, in the DNA section.
Q And about how long were you there?
A Four and a half years.
Q All right. And would you tell the jury a little bit about your educational background?
A Yes. I received a Bachelor of Science Degree in Biology from the University of Georgia. I, also, received extensive in-house training at the Georgia Bureau of Investigations. And that included background literature review, completion of quizzes and exams, completion of mock samples, observation under their scientists.
Q Did it, also, include semen identification, saliva analysis, and DNA annual analysis, generally?
A Yes.

Q All right. And --

MR. SULLIVAN: Judge, we'll stipulate to her qualifications as an expert.

MR. KORNFELD: Same, Your Honor.

THE COURT: Okay.

MR. WESTON: And, Your Honor, the field would be DNA analysis.

THE COURT: Without exception or objection, I'll so qualify her as an expert in DNA analysis.

Is that what you said?

BY MR. WESTON:

Q Would that be the correct field?

A Yes.

MR. WESTON: Yes, sir.

THE COURT: All right. So qualified.

Thank you.

BY MR. WESTON:

Q I'm going to step in and kind of step back out. You're here today as a result of a subpoena. And were you -- did you perform DNA analysis on certain items involving the case that brings us to court today?

A Yes, I did.

Q And just -- and because we're only really concerned about three or four items. But about how many items in this particular matter did you perform analysis on, just

generally?

A About 22 to 25, or so.

Q All right. And let's start with the question that's probably in the minds of everybody. Would you tell the jury what DNA is?

A Yes. DNA, it stands for deoxyribonucleic acid. It's a blue print for life. You inherit half from your mother and half from your father. And everyone's DNA is unique, except for identical siblings.

Q And how is DNA -- how do you get the -- whatever material you want -- what can you get DNA from to analyze?

A You can get it from many sources. You can get it from blood, semen, saliva, so biological fluids. You can get it from hair, bone, new skin cells, et cetera.

Q All right. And in the lab, y'all get a request for analysis from different law enforcement agencies throughout the State; is that correct?

A Correct.

Q Throughout the county, I'm sorry; is that correct?

A Correct.

Q All right. And I want to talk about the process for a moment, but I don't want to get too complicated. How do you do DNA analysis, generally?

A Well, with DNA analysis, there's four main steps. The first step is what we call extraction. And this is

where we're taking a small sample of biological material and adding a bunch of chemicals to break up the cells and release the DNA that may be present. And then we purify that.

The next step is what we call quantification. And this is the step where we determine how much DNA we were able to extract in our first step, if any at all.

The third step is if we have obtained DNA, it's called amplification. This is where we take the DNA that's present and make millions and millions of specific -- copies of specific regions of the DNA.

And then our final step is capillary electrophoresis. This is where we're just taking that DNA that we've created multiple copies of and run it through an instrument called the genetic analyzer. This quote, unquote spits out a profile.

And from there, we will then compare it to known reference samples where we complete the exact same steps with evidence samples.

Q All right. So in this case --

MR. WESTON: Excuse me, Your Honor. I need to ask you if we could approach before we go any further?

THE COURT: Sure.

MR. WESTON: There's a housekeeping matter I neglected to take up prior to her taking the stand. It

will only take a moment.

(WHEREUPON, a bench conference was held.)

MR. WESTON: Thank you, Your Honor.

And I apologize.

THE COURT: No worries.

BY MR. WESTON:

Q I'm going to kind of set you up so the Judge can take -- we can take care of a housekeeping matter. So I'm going to kind of digress just a little bit. We've had a lot of talk today about -- from law enforcement officers that collected things, glass, guns, bullets, things like that. You don't do any collection out in the field, do you?

A No, I do not.

Q Do you, actually, get the items when they come into your lab, initially?

A No, I do not.

Q Tell the Judge -- tell the Court how you end up -- what you get and what you work from?

A Okay. I receive small tubes in a coin envelope that our serologist has created from the actual items of evidence. Our serologist will take small samples of whatever evidence he's working with and put it in a tube for the DNA analysts to then take forward from there.

Q Thank you, ma'am.

And who is the serologist that you worked with in

this case?

A Tim Nafziger.

MR. WESTON: Your Honor, if you would -- I think it would be an appropriate time to read the stipulation.

THE COURT: All right. Ladies and gentlemen, there's an additional stipulation that I'll read into the record and make a joint exhibit. And it is as follows: The State and the Defense hereby stipulate the following facts: One, that Timothy Nafziger, a serologist employed with the Greenville County Department of Public Safety is an expert in the field of serology, that is the scientific study of blood and other bodily fluids; two, that Timothy Nafziger received several items of evidence in the present case and positively identified the presence of blood on these items; three, that Tim Nafziger forwarded all items that contained the presence of blood to Kaitlin Appel --

Did I pronounce that right?

THE WITNESS: Appel.

THE COURT: Appel, a DNA analyst with the Greenville County Department of Public Safety, for subsequent DNA analysis.

So, ladies and gentlemen, I'll make this Joint Exhibit No. 4, and you can consider it a fact.

(WHEREUPON, Joint Exhibit No. 4 was marked for identification and admitted into evidence.)

THE COURT: Mr. Weston, you can proceed.

MR. WESTON: Thank you, Your Honor.

BY MR. WESTON:

Q So as the final question, you received the items you did DNA analysis from Mr. Nafziger; is that correct?

A Correct.

Q And once you get an item, you put it through the four-step process you just told us about?

A I do.

Q And I want -- you said you analyzed about 20 to 25 different items. And I want to talk about two people today. I want to talk about -- what two people -- what people -- what names did you come up -- were you given as -- were you, also, given samples -- I'm sorry. I apologize. Were you, also, given samples to compare the DNA items that you were analyzing against?

A Do you mean the reference samples?

Q Yes, ma'am. I'm sorry. I forgot to ask you about that. I apologize.

A Yes, I did.

Q And what were the reference samples that you were given?

A I was given a sample of a blood spot from Shamese Nicole Logan, and a sample of a buccal swab of Bobby Smith.

Q Okay. So when you're analyzing an item and you are, in its basic elements, comparing it against those, you're looking for a comparison or relationship to those two people?
A Correct.
Q As opposed to the whole word?
A Correct.
Q All right. And I'm going to ask you about four items. Did you -- did you have a sample that you collected that had been collected from an iPhone?
A Yes, I did.
Q And tell the jury what you did in relationship to that?
A I performed the exact same four steps that I described earlier, extraction, quantification, amplification, and capillary electrophoresis, and developed a DNA profile from that. And then I compared it to the known samples that I had.
Q Okay. And as it relates to Bobby Smith, what were the results?
A DNA results obtained from this item contain the partial DNA of a major male individual and a trace contributor present at one location. The major contributor matches the DNA of Bobby Smith at six locations. The probability of finding a person at random

with the same allelic distribution of the major contributor at these locations is 1 in 8,000 in the Caucasian population, 1 in 30,000 in the African-American population, and 1 in 20,000 in the Hispanic population.

Q And you said there was a major minor?

A There was major and a trace of --

Q Trace. Okay. And the trace was not related to Bobby Smith; is that correct?

A Correct.

Q And the Bobby Smith finding was the major finding?

A Correct.

Q All right. And let's move on. Did you have an occasion to perform DNA analysis on a segment or a sample from some sweatpants?

A Yes.

Q Would you tell the jury about that? And I assume that was compared against those same two known samples?

A Yes, it was.

Q All right.

A The swab from inside the waist of black with gray striped sweatpants, the results for that item were that it contained the DNA of a major male individual and a trace contributor present at three loci. The major contributor matches the DNA of Bobby Smith, and excluding an identical twin, Bobby Smith is the source of this DNA with a

reasonable degree of scientific certainty.
Q And when you say "a reasonable degree of scientific certainty," what does that mean in terms of numbers?
A That means you wouldn't expect to see this given profile again within the earth's population.
Q Again, in the what population?
A The earth's population.
Q On earth?
A Yes.
Q I see. Okay. Did you have a sample from anywhere else on the sweatpants?
A Yes, two other locations.
Q And what was the nature of -- those samples first?
A I'm sorry?
Q What type of sample was it?
A It was a -- blood stain samples.
Q All right. And would you tell the jury starting with, I guess, just one and then the other?
A Okay.
Q Did it say where they're located on the pants?
A Yes. There was a swab of reddish-brown material on the lower right leg of the pants. The results for that were it contained the DNA of a major female and a minor male contributor, as well as a trace contributor at one locus.

The major contributor matches the DNA of Shamese Nicole Logan. Excluding an identical twin, Shamese Nicole Logan is the source of this DNA to a reasonable degree of scientific certainty.

The minor contributor matches the DNA of Bobby Smith. And excluding an identical twin, Bobby Smith is the source of this DNA to a reasonable degree of scientific certainty.

Q And what about the third sample from the sweatpants?

A This was a swab of reddish-brown stain on the inner seam of the right leg of the pants. The results obtained contained the DNA of a major female individual and a trace male contributor present at five locations.

The major contributor matches the DNA of Shamese Nicole Logan. And excluding an identical, Shamese Nicole Logan is the source of this DNA with a reasonable degree of scientific certainty.

Q And was this, also, presumptively a blood sample?

A Yes.

Q Now, let's talk about -- did you have an occasion to perform DNA analysis on a sample that was referred to you as coming from some money?

A Yes, I did.

Q Would you tell the jury about that?

A This was a swab of suspected blood on money. The DNA

results obtained from this item contained the DNA of a major female individual and a male trace contributor present at six location. The major contributor matches the DNA of Shamese Nicole Logan. And excluding an identical twin, Shamese Nicole Logan is the source of this DNA with a reasonable degree of scientific certainty.

Q And, once again, what was -- how did you characterize the reasonable degree of scientific certainty?

A You wouldn't expect to see the given profile again within the earth's population.

Q Did you perform DNA analysis on a sample that came from a shirt?

A Yes, I did.

Q I'll give you a moment to find it. I think I'm throwing you a curve on that one.

A Yes.

Q Would you tell the jury what the findings were with regard to that as against the two known samples that you had?

A Yes. DNA results obtained from the item contained the DNA of three individuals. The major contributor matches the DNA of Shamese Nicole Logan. And excluding an identical twin, Shamese Nicole Logan is the source of this DNA to a reasonable degree of scientific certainty.

And due to the complexity of the mixture, no conclusion or determination could be made from the remaining alleles that were present.

Q And just to be clear, a reasonable degree of medical certainty means nobody else on earth would fit this profile, except Shamese Logan?

A You wouldn't expect to see that given profile again within the earth's population.

Q Unless there was a twin?

A Correct.

Q What was the -- do you have what -- the type of item that was tested, whether it was blood, saliva, or whatever?

A The one I just gave the results to?

Q Yes, ma'am. The shirt.

A Yes. It was a sample of a swab of suspected blood from the shirt from the suspect.

Q And the primary DNA found was that of Shamese Logan?

A Yes.

MR. WESTON: Thank you, sir -- thank you, ma'am. Answer any questions counsel may have.

MR. KORNFELD: I don't have any questions, Your Honor.

THE COURT: Okay. Mr. Sullivan, cross-examination?

MR. SULLIVAN: Just a few.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Ms. Appel, you collected the DNA, like on the phone, and that was Ms. Logan's blood. It was Ms. Logan's DNA?

A On the phone, the major contributor was a match to Bobby Smith.

Q Did you find any DNA from Ms. Logan on the phone?

A No, I did not.

Q Just Bobby Smith?

A Correct.

Q And on the pants, you found DNA from Ms. Logan?

A Yes, I did.

Q And Bobby Smith?

A Yes.

Q Blood -- how would -- could the blood on those pants have been transferred from Bobby Smith if he had blood on his hands to those pants?

A It's a possibility.

Q If I'm touching this desk, I just left DNA on this desk, didn't I?

A Probably.

Q If I touch this cup, DNA is -- whatever you touch, it's there for a while; right?

A It depends on how much is there, yes.

Q So on the pants, the sweatpants, that could come from

her blood being transferred from him?

A It's a possibility. I don't know how the blood was placed there.

Q But that is a possibility?

A It's possible.

Q It could have been either way?

A That's correct.

Q And then on the money, that was Ms. Logan again; right?

A Correct.

Q Any trace of Mr. Smith?

A No. There -- I couldn't determine -- based on the other alleles that were present and mixture, I couldn't make a determination.

Q So could -- again, if the blood had been on Bobby Smith's hands, could it have been transferred to the phone -- to the money?

A Yes.

Q So it showed up as Ms. Logan on all the items, but it could have been transferred from Bobby Smith?

A It's a possibility, yes.

MR. SULLIVAN: No further questions.

THE COURT: Any redirect, sir?

MR. WESTON: No, sir, Your Honor.

We'd ask that the witness be allowed to be excused

from her subpoena.

THE COURT: Yes, sir.

I appreciate you being here. You're excused.

(WHEREUPON, a bench conference was held.)

THE COURT: Ms. Petty, you're excused. You can leave, if you'd like to.

Thank you for being with us here today, ma'am.

Okay. You may call your next witness.

MR. MORONEY: Your Honor, the State calls Javockus Latimer.

THE CLERK: Sir, if you'll, please, come forward.

If you'll, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

JAVOCKUS LATIMER,

after first having been duly sworn, testified as follows:

THE CLERK: Please be seated.

Would you, please, state your name for the record?

THE WITNESS: Javockus Latimer.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Good afternoon, Mr. Latimer.

Do you -- or did you know Ms. Shamese Nicole Logan?

A I did.
Q Could you explain your relationship?
A She was a long-term friend, since -- like, I met her in fifth or sixth grade.
Q Okay. So close friends. And were you friends with her up until February 3rd, 2015?
A Yes, sir.
Q Okay. And did you allow her at any time to use a cell phone?
A Yes, sir.
Q Okay. Could you explain that, how that came about?
A She -- I think something had happened to her phone. I don't know whether it got broken, or stolen, or something. And she was very upset about it. And I know I had a family plan that had, actually, just got approved of. So I told her, You can just jump on my plan.
Q What kind of company was the cell phone with?
A It was with Sprint.
Q Okay. And how did you get that phone, get the number, and all of that? What process did you go through?
A It was -- like I said, it was a family plan. I'm not sure --
Q Did you go to a store or some kind of place and go ahead and register the account?
A Like I said, it was with Sprint. It was my first

time doing that with Sprint. They told me I was, actually, available -- I, actually, would be -- I, actually, could add a line. And it would kind of, you know, where it would balance out my payment, you know, and all that good stuff. So I thought it would be something good.

Q And the Sprint store, they gave you a phone as a result?

A Uh-huh.

Q Did they assign you an account number --

A Uh-huh.

Q -- as a result of that? Was your name on the account?

A Yes, sir.

Q Was Ms. Logan's name on the account?

A No, sir.

Q When did you give Ms. Logan that phone to use?

A I want to say probably it had to be maybe in the first couple weeks of January.

Q Okay. And when you gave it to her, was that a temporary thing, or was that going to be her phone?

A Until she was, actually, able to get her own phone online, and all that good stuff.

Q But did she have that phone up until February 3rd, 2015?

A She did.
Q Do you recall the phone number associated with that phone?
A Yes, sir.
Q What was the number on that phone?
A [redacted].
Q And very briefly, Mr. Latimer. When you said in January that you gave her the phone --
A Yes, sir.
Q -- were you talking about January of 2015 that you gave her the phone?
A No. It had to be 2014.
Q So it had been a year previous?
A It was the month before she passed away.
Q So did Ms. Logan pass away on February 3rd, 2015?
A I thought it was 2014.
Q Okay. But she only had the phone for a month?
A Uh-huh.
MR. MORONEY: Thank you.
Please answer any questions the Defense may have for you.
THE WITNESS: Okay.
MR. KORNFELD: No questions, Mr. Latimer.
MR. SULLIVAN: Can y'all help me find that phone?
MR. WESTON: It's on this side over here.

CROSS-EXAMINATION

BY MR. SULLIVAN:

Q Mr. Latimer?

A Uh-huh.

MR. SULLIVAN: May I approach the witness?

THE COURT: Sure. Yes, sir.

BY MR. SULLIVAN:

Q Is this the phone that you got -- you can pick it up, or a similar phone that looked like that?

A Yeah. It definitely was an iPhone. I definitely know that. I definitely didn't get a good look at it because it wasn't my phone. But I definitely know it was an iPhone.

Q Would this be similar to what she got?

A Yes, sir. It would be similar.

Q Now, on the back, there are some slots; correct?

A Uh-huh.

Q You see back here? Do you know -- do people keep, like, ID, or money, or something in those slots?

A Uh-huh.

Q So, sometimes, these slots are used to store items?

A Uh-huh.

MR. SULLIVAN: Okay. Make sure I get this in the right bag, Brian.

That's all I have, Your Honor.

THE COURT: Okay. Any redirect, sir?

MR. MORONEY: Your Honor, at this time, the State would move that State's Exhibit No. 70 be moved into evidence.

THE COURT: Any objection?

MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same is moved into evidence.

(WHEREUPON, State's Exhibit No. 70 was admitted into evidence.)

MR. MORONEY: No additional questions.

THE COURT: Okay. Mr. Latimer, I appreciate you being here. You may be excused.

Okay. You may call your next witness.

MR. MORONEY: The State calls Ryan Harger.

THE CLERK: Sir, if you'll, please, come forward.

If you would, please, pause at the end of the bench.

Place your left hand on the Bible and raise your right hand.

WHEREUPON,

RYAN HARGER,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Would you, please, state your name for the record?

THE WITNESS: My name is Ryan, R-Y-A-N, Harger, H-A-R-G-E-R.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Good afternoon, Mr. Harger.

A Good afternoon.

Q Where do you currently work?

A I'm employed by Sprint.

Q Okay. And what is your job title there?

A I'm a supervisor in the legal compliance department.

Q And can you explain what that entails, what that means?

A Certainly. I have two functions. One, I supervise a group of analysts who receive and respond to legal demands from law enforcement and attorneys for customer records. And I, also, come to court and act as a custodian of records and talk about our records.

Q And as a custodian of records, what exactly are you keeping there, specifically? What kind of information?

A Well, we keep customer information, customer billing-type information. We, also, keep call records so -- about phone calls made on our network.

Q And with respect to call logs, what kind of

information does that detail?
A The to and from numbers, the date and time at which the calls were made or received, and, also, the cell tower that was used when those calls were made.
Q Okay. And how are those call logs kept if they're -- you generate a report, or something like that?
A Yeah. They're stored in one of our billing systems that's used to, actually, generate our monthly bill. And we pull it from that database to generate the call records.
Q Okay. And these call logs are kept in the ordinary course of business?
A Yes, they are.
Q During your performance of duties there? Is this a secure system? Can you speak to that with respect to the accuracy?
A The accuracy. I believe they're accurate. Sprint is a company that, obviously, wants to make money. And we make money by billing customers for the amount of network data that they use, and calls that they use. So they're accurate so that we can bill properly.
Q Mr. Harger, did you have the opportunity to review and pull some phone records with reference to case number 1518787?
A Yes, we did.

(WHEREUPON, State's Exhibit Nos. 131 and 132 were marked for identification only.)

BY MR. MORONEY:

Q Mr. Harger, I'm handing you what's been premarked here as State's Exhibit No. 131 for identification purposes. You can take your time to review that. And if you can recognize what it is?

A Okay. I do.

Q What is that that you're looking at?

A This is subscriber information and call detail records for telephone number [redacted].

Q And these are the records with respect to the case number I just recited to you?

A Yes, they are.

Q Okay. And these call logs are a fair and accurate representation of the logs that you saw previously?

A Yes, they are.

MR. MORONEY: Your Honor, the State would move that State's Exhibit No. 131 be admitted into evidence.

MR. SULLIVAN: No objection from Bobby Smith.

MR. KORNFELD: No objection.

THE COURT: Any objection, Mr. Sullivan?

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same is admitted.

(WHEREUPON, State's Exhibit No. 131 was admitted into evidence.)

BY MR. MORONEY:

Q And Mr. Harger, similarly, I'm handing you State's Exhibit No. 132 for identification purposes. Take your time looking at that. Are you able to identify that?

A Yes, I am.

Q What is that you're looking at?

A This is subscriber information and call detail records for telephone number [redacted].

Q And are those the records with the same case number I relayed to you recently here?

A Yes.

Q And they're a fair and accurate representation of what you had reviewed when they were first pulled?

A Yes, they are.

MR. MORONEY: Thank you.

At this time, the State would move State's Exhibit No. 132 into evidence, Your Honor.

MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same is admitted.

(WHEREUPON, State's Exhibit No. 132 was admitted into evidence.)

BY MR. MORONEY:

Q I'd ask you to review State's Exhibit No. 131 first. If you could, explain in detail what you're seeing there?

A Certainly. It says the account information, the mailing, billing information for this telephone number [redacted].

Q And what does that account information say?

A The billing name on this is Javockus Latimer with an address [redacted] Morningside Drive out of Greenville, South Carolina.

Q Okay. And you touched on previously what call logs describe. But could you go through, specifically, what you're seeing there on the call logs?

A Again, yes. It's got calling info about the number that made the call, the number that received the call, whether it's an inbound or outbound call, the date and time that the call started, the date and time that the call ended, and, also, what switch carried the call, and what cell tower was used when the call was made or received.

MR. MORONEY: Your Honor, permission to publish State's Exhibit No. 131 to the jury.

THE COURT: And that's the one that's already been admitted; is that correct?

MR. MORONEY: Yes, Your Honor.

THE COURT: Okay. You may.

BY MR. MORONEY:

Q I'm going to place this up on the screen behind you, Mr. Harger. Now that the jury can see it, I know you've explained it a couple of times here. If you could just give us a brief overview of what we're looking at?

A Certainly. The first column is marked calling number. And that's the number that started the telephone call. The second -- next column over is the called number. And that's the number being called. The third column is marked dialed digits. And that's, typically, what number is pushed into the handset. The fourth column is marked M underscore R underscore and the pound key or the hash tag symbol. That stands for mobile role, R-O-L-E. And that will tell you if it's an inbound or an outbound telephone call.

The next two columns are start date and end date. Excuse me. And that gives you the date and time. And the time is listed in 24-hour or military time that the call began and the call ended. The next column is duration. That's the length of the call listed in seconds.

The next two columns NEID and repoll number are a numeric value that tells us what switch carried the telephone call. And the last two columns are first cell, C-E-L-L, and last cell. And that tells us the cell tower

that was used to make -- when the call was made or received.

Q And I draw your attention, specifically, to the day of February 3rd, 2015, at 18:30 hours. Can you tell us what this call log reflects?

A 18:30. And could you give me the seconds?

Q 18:30 and 38 seconds.

A 38 seconds, yes. That's an inbound call from telephone number [redacted] called telephone number [redacted]. It lasted approximately 28 seconds.

Q I next draw your attention to February 3rd, 2015, at 21:34 and 29 seconds. Could you describe what the call log details there?

A What was the time again?

Q 21:34 and 29 seconds.

A Okay. You might have to raise it up.

21:24, you said?

Q 21:34:29 -- excuse me, excuse me, that is my error. 21:33:42. I apologize, Mr. Harger. And here is a laser.

A Could you give me the time one more time? I'm sorry.

Q Excuse me. 21:33:46. I apologize for the confusion.

A So the last column. This is, again, an inbound call. So telephone number [redacted] called [redacted]. And it lasted for 40 seconds -- 44 seconds.

MR. MORONEY: I beg the Court's indulgence one

moment.

THE COURT: Yes, sir.

(Pause.)

BY MR. MORONEY:

Q I'm going to show you, also, what's been entered into evidence here as State's Exhibit No. 132. I draw your attention to the date of February 3rd, 2015, at 18:30 hours and 23 seconds.

A Okay. So the very first --

Q 18:30 and 38 seconds.

A Okay. So the second call. That's -- again, that's an outbound call. So telephone number [redacted] called telephone number [redacted]. And it lasted for 30 seconds.

Q I next draw your attention to February 3rd, 2015, at 21:33 and 42 seconds?

A This is, again, another outbound call, telephone number [redacted] called [redacted]. And it lasted for 47 seconds.

Q And, finally, on February 3rd, 2015, at 21:36 hours and 11 seconds?

A An inbound call. So telephone number [redacted] called telephone number [redacted]. And it lasted for 72 seconds.

Q And I apologize for the confusion, Mr. Harger.

That's all on me. I'm going to hand you back what's been marked as State's Exhibit No. 131 and is in evidence currently. And if you could take a look at that and, again, address -- excuse me. I'm all mixed up here.

State's Exhibit No. 132. The last phone call made on this call log here. Take your time.

A Regarding telephone number [redacted], the last outbound telephone call was made on February 5th, 2015, at 7:14 a.m.

Q Okay. And what does that call log -- what's the very last call that that call log goes until, the date?

A The last record I have is February 13th, 2015, at 17:21 hours or 5:21 p.m.

Q And based on your review of these two cell phone records, do those call logs match each other at the times those calls are made between the two phones?

A Yes.

Q Is that a reflection of the accuracy of the records and the billing that you talked about?

A Yes.

MR. MORONEY: Thank you.

Please answer any questions the Defense may have for you.

MR. KORNFELD: No questions, Your Honor.

MR. SULLIVAN: No questions, Your Honor.

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

I appreciate you being here. You may be excused.

MR. MORONEY: The State calls Dan Kelly.

THE CLERK: Sir, if you'll, please, place your left hand on the Bible and raise your right hand.

WHEREUPON,

DANIEL PAUL KELLY,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

Please state your name for the record.

THE WITNESS: Daniel Paul Kelly.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. MORONEY:

Q Mr. Kelly, could you state your current place of employment?

A I work for the Greenville County Sheriff's Office.

Q And what is your role there?

A I'm a sergeant over the technical services unit.

Q Okay. And what does the technical services unit do?

A It's probably shorter what we don't do. But we, actually, take care of the -- everything from video analysis to cell site analysis to the web, our website. We manage that. We manage all the programs that are used

that are secure for our deputies to use during the course of their investigations. So we, actually, wear quite a few hats.

Q And, particularly, what kind of training have you received with respect to the work that you do?

A Well, it's on-the-job training every day. But we, also, do online training, and have companies that come using the software that we use travel to Greenville, or we travel to where they are to obtain training from them.

Q And, specifically, do you have experience in the cell phone tracking area?

A I do.

Q Could you speak to that and exactly what cell phone tracking is?

A Okay. We use a program called GeoTime. GeoTime has two components to it. The first is the CRT, which is the call records tool. The call records tool will take the data that we receive from the investigators via search warrant from the cell phone companies. And it converts it into a usable format so that we can put it into the other portion of the program, which is GeoTime. GeoTime will, actually, take that data and put it on a map in a geographically pleasing form so that we can, actually, digest the information.

So it's kind of like a big coin sorter. Have you

ever taken a bunch of coins and thrown them in the top and it sorts them out nice and neat? It does this with a huge amount of data. So it saves us a lot of time and energy.

Q How long have you been working in that field?

A Since 2012.

Q Okay. And are you a member of any professional associations, or perform any additional training with respect to that cell phone tracking?

A Just with GeoTime itself.

Q Okay. And have you been qualified previously as an expert with respect to cell phone tracking?

A In the use of GeoTime software, twice in the Eighth Circuit and once here in the Thirteenth.

MR. MORONEY: At this time, Your Honor, the State would move for Sergeant Dan Kelly to be admitted as an expert in the field of cell phone tracking.

THE COURT: Any exceptions or voir dire?

MR. SULLIVAN: None from Bobby Smith.

MR. KORNFELD: Cell phone tracking using GeoTime; is that correct? Is that what you're saying, Officer Kelly?

THE WITNESS: Correct.

MR. KORNFELD: No objection, Your Honor.

THE COURT: All right. Then he's so qualified. You may proceed, sir.

MR. MORONEY: Thank you, Your Honor.

BY MR. MORONEY:

Q Sergeant Kelly, did you have the opportunity in the performance of your duties to become involved in a murder investigation that took place on February 3rd, 2015?

A Yes, sir.

Q Could you tell us how you became involved in that investigation?

A Investigator Newman brought me the records that were obtained from Sprint through a search warrant.

Q Okay. And what records, in particular, were brought to your attention?

A Well, they were the cell phone records from Mr. Smith.

Q Okay. Do you recall the phone number that that was associated with?

A I don't know it exactly. I believe it's -- I couldn't even tell you without looking to be sure.

Q All right.

A We do quite a few of these phones.

Q Sure. And as a result of receiving that phone number, what did you do at that point? What was your next step?

A I brought it into the call records tool. And then I transferred that data into GeoTime so that we could look at the dates and time in question that the investigators

needed.

MR. SULLIVAN: Your Honor, could he specify Jahru or Bobby Smith. He said, Mr. Smith.

THE COURT: Okay. If you'd ask him to clarify which one he's talking about. Okay.

BY MR. MORONEY:

Q Can you clarify with respect to whose records, Mr. Smith's? Are you able to do that?

A Yeah. That was Jahru Smith.

Q All right. And when you talked about these call logs -- so you're plugging the call logs into the system and then it's --

A It will, actually, put the information onto a map so that we can see where each call was made, which tower it connected to when that call was made.

Q And were there -- was there an animation that was created as a result of you pulling this information?

A Yes. I created an animation so that you could show the Court.

Q Okay. Did you, also, have stills that you pulled from that animation which captured still images of the animated cell phone tracking?

A I did.

(WHEREUPON, State's Exhibit Nos. 133 and 134 were marked for identification only.)

BY MR. MORONEY:

Q Sergeant Kelly, I'm handing you what's been premarked as State's Exhibit No. 134. I would ask you to take a look at that, and let me know if you recognize it.

A I do recognize it.

Q Can you, please, tell the jury what that is?

A This is a map that GeoTime, when the data was plugged into, created showing the incident location of [redacted] Mayflower Avenue, and the cell phone calls of Logan and Jahru Smith.

Q All right.

A It, also, shows the track that was made.

Q All right. And is that a fair and accurate depiction of what you took a still image of from that video?

A Yes, it is.

MR. MORONEY: Your Honor, at this time, the State would move State's Exhibit No. 134 into evidence.

THE COURT: Objections?

MR. KORNFELD: No objection.

MR. SULLIVAN: No objection.

THE COURT: All right. Without objection, the same is moved into evidence.

(WHEREUPON, State's Exhibit No. 134 was admitted into evidence.)

BY MR. MORONEY:

Q I'll, also, hand you what's been premarked as State's

Exhibit No. 133 for identification purposes. Do you recognize what that is?

A I do.

Q And what is that?

A It is, basically, the same thing showing a -- a different -- a couple different phone calls.

Q And is that a fair and accurate representation of the animation that you pulled as a result of this investigation?

A It is.

MR. MORONEY: At this time, the State would move for State's Exhibit No. 133 to be entered into evidence.

MR. SULLIVAN: No objection.

MR. KORNFELD: No objection.

THE COURT: All right. Without objection, the same is admitted.

(WHEREUPON, State's Exhibit No. 133 was admitted into evidence.)

BY MR. MORONEY:

Q And Sergeant Kelly, I'm now handing you State's Exhibit No. 69 for identification purposes. Do you recognize what that is?

A Yes. This is a CDR that I made of the video track.

Q And how do you know that to be that CDR?

A That's my handwriting.

Q Okay. So you've had time to review this previously?
A Yes.
Q And this disk, does it depict the animation you talked about that you pulled from the investigation plugging in the call logs?
A It does. It creates a moving animation space in time showing the track on the map between phone calls.
Q And this disk depicts a fair and accurate representation of exactly what was created?
A That's correct.
MR. MORONEY: Your Honor, at this time, the State would move State's Exhibit No. 69 into evidence.
MR. KORNFELD: No objection, Your Honor.
MR. SULLIVAN: None, Your Honor.
THE COURT: Okay. Without objection, the same is admitted.
(WHEREUPON, State's Exhibit No. 69 was admitted into evidence.)
MR. MORONEY: Permission to publish to the jury.
THE COURT: Yes, sir. You may.
BY MR. MORONEY:
Q Sergeant Kelly, I'm going to play this video. Feel free, if you would, to walk us through what we're looking at.
A You see Logan, the victim's phone, it's moving -- and

every time it has a dot and the sectors show up behind it, that is a phone call that is being made and it's connected to a tower. So you'll see them move. And whenever that phone call, if it hits this one, then it is connected to that tower.

So it is on this side of the tower as it makes that call. And then the next time it hits, you'll see another circle. That's when it's moving to the next tower. That's when it's connecting between towers. So that's how it creates a tract. It's a straight line. It doesn't move along the road. It moves between those towers.

Q And is there a time and date stamp, or any kind of call information?

A As it pulled out there, you can see that there's a time and date stamp. It shows the latitude and longitude that the call is made, and the start and date time, the local time. Because all phone records are in Greenwich Mean Time, or GMT. So it converts to local time. And then it has the target number listed, the direction of the call, whether it was outgoing or incoming, and then the other party it connected to.

And then you see now that those two have connected together as they came together on the map. Those two cell phones are in close proximity.

Q And just for clarification purposes, what two cell

phone numbers are we talking about?

A That would be the [redacted] and the [redacted]. That call was made at 10:30:12 p.m. And then it moves down Interstate 85. And that is moving to Anderson County. And that call was at 11:55 p.m.

Q So, in summary, as I let this play, what did this animation show to you between these two phone numbers?

A It shows that the two phones were apart, then, actually, came together. And then one stayed still. And the other moved and left and made a tract down, Mr. Smith -- Mr. Jahru Smith's phone came down to Anderson. And the X signifies [redacted] Mayflower Avenue. I forgot to mention that.

MR. MORONEY: Your Honor, permission to publish the two items already in evidence, State's Exhibit Nos. 133 and 134.

THE COURT: Yes, sir. You may.

BY MR. MORONEY:

Q Sergeant Kelly, I'm going to show you these two still images created, and ask you just to explain what it is we're looking at.

A These are three calls that were made from 386-9441 to another caller at 11:55 p.m., one at 9:54, and the other at 10:54.

MR. MORONEY: Thank you.

I beg the Court's indulgence one moment.

(Pause.)

MR. MORONEY: Thank you.

Please answer any questions the Defense attorneys may have for you.

CROSS-EXAMINATION

BY MR. KORNFELD:

Q Officer Kelly, you say you're not a part of any scientific associations concerning the use of GeoTime. Is that a fair statement?

A Yes, sir.

Q All right. And when you look at the cell phone data yourself and what you put in, you can't tell who these phones are registered to when you put the numbers in using this software; is that correct?

A Only based on the information I get from the investigator and the set of phone records that were obtained through the search warrant.

Q Do you -- does this software give you the -- it doesn't give you the opportunity to look to see text messages, or anything like that; is that fair?

A That's correct.

Q All right. Isn't it true that the locations using this GeoTime can be off up to several thousand feet from the actual location?

A Based on the cell tower itself, yes. That's correct.
Q All right. And isn't it true that the cell phone tracking is based on the assumption that the location of the user of a cell phone can be determined merely by the location of the cell phone -- or by the cell tower with which the cell phone connects when it's in use?
A Could you rephrase that?
Q I'll try.
A I want to make sure I answer correctly.
Q Sure. I understand. So -- okay. I'll break it down. The cell phone tracking is based on the assumption that the location of the user of the cell phone can be determined by the location of the cell tower; is that correct?
A The hand set connects to the tower.
Q Right.
A On a certain side. And that information is provided by the phone company. And that's where it shows on the map.
Q Correct. All right. And isn't it fair to say that cell phones don't always connect with the closest cell tower at the time a call is placed?
A It will try to connect to the closest tower, unless there's unusually heavy traffic. Then it could move to a different tower.

Q Or if there's an obstruction, such as a large building or tree; isn't that true as well? That it could use another tower because of that?
A That's true.
Q Okay. Isn't it true that the data regarding the actual coverage area of any tower at the time of the incident is not provided by the cell phone carrier?
A Only if it is provided when they have it. In this case, I don't believe it was provided. So they did not have it for that cell tower.
Q Okay. And --
A Are you talking about the actual distance that the tower will reach?
Q That's correct.
A Yeah. That's not provided on that. That's called a radius.
Q Okay. So isn't it true that it's not -- it's not possible to reliably determine the coverage area of a cell phone -- or cell tower antenna as it relates to a particular cell phone at the time of a call simply by comparing the distance between cell towers?
A I'm not sure I understand completely what you're looking for on that. When a handset connects to a tower, it's going to look for the strongest signal.
Q Right.

A And it's constantly searching for that so that it's ready to go whenever you make a phone call. So once it hits that strongest signal, it's going to connect to that tower when you're ready.

Q So another way to say that would be that it attempts to connect with the tower omitting the strongest and highest quality signal. Is that fair, Officer Kelly?

A That's true.

Q Okay. Isn't it true that the actual tower that's used is complex and hinges on a multitude of factors that are not memorialized in call detail records?

A They're in the call detail records almost all the time. Sometimes, they don't provide the radius, the distance that the tower will go. And, usually, you have to have an engineer to speak to that. But the majority of the data that the cell phone company collects is because of billing. So it's quite accurate.

Q Okay. Well, Officer Kelly, do you know the health of the towers in the area at the moment in time and what their functionality is, if they're older, if they're newer, anything like that?

A No, sir.

Q Do you know the line of sight of the tower from the cellar phone itself from the data?

A No, sir.

Q Do you know the radio signal inference from other cell phone towers in the area?
A No, sir.
Q And you can't tell the specific make and model of a particular cell phone being used from the data either, can you?
A Yes. It has the IEDI, the identifier -- the electronic identifier and the phone type in the record.
Q Okay. And I don't know if you're -- well, let me ask you this. The animation that you created --
A Yes, sir.
Q -- does that use -- in the animation where you're trying to show where these cell phones -- the approximate location of them, did you put pie shapes in there?
A No. Those are generated by GeoTime, based on the call detail record.
Q Okay. But are they in the animation, I guess I'm asking?
A They were in the animation, yes, sir.
Q And those are not -- those are just, I guess, an example. Because the actual radius or diameter of these cell towers is, actually, different. They're not, you know, a perfect pie; is that correct?
A Correct.
Q Okay. When did you, actually, do this analysis?

A They brought -- I can't remember the exact date when they brought me the records. But I revisited it once we were preparing for court.
Q Right. Okay. That's fine. So is it fair to say it was done within the last three months, Officer Kelly?
A Actually, some of it was done quite a bit before. But we went back and looked at it again for the animation. I created the animation recently.
Q Do you know, when you say the stuff was done before, when that was done?
A I couldn't tell you for certain. It was when the investigator brought me the records. We copy the records and put it in there and get to it as time allows.
Q All right. Is -- the Geo test that you do, is that the same, or is it synonymous with what's called a drive test?
A No. GeoTime?
Q Yes.
A It is strictly software generated.
Q Okay. Do you know if the original data that you collected was collected around the same time of year, such as in a February of a year, or was it when the leaves were out or --
A I couldn't, honestly, say.
Q Okay. And that can have some effect as to what

towers are used, too, if there's blockage, such as a big tree, or something like that? It could possibly use another tower?

A That's true.

Q Is that correct? So that's a factor to consider when looking at what you do and the -- when you're doing these Geo -- I forget the name of it.

A GeoTime.

Q GeoTime; is that correct?

A That could be. It could have a bearing on it.

MR. KORNFELD: Okay. Thank you, Officer Kelly.

No further questions.

THE COURT: Mr. Sullivan?

MR. SULLIVAN: Nothing, Your Honor.

THE COURT: Anything in redirect?

MR. MORONEY: Very briefly, Your Honor.

THE COURT: Yes, sir.

REDIRECT EXAMINATION

BY MR. MORONEY:

Q Just to clarify. You took the call logs from [redacted]. And did those call logs show that they linked up with [redacted] in the area of [redacted] Mayflower Avenue?

A Yes, sir.

Q And that was just after plugging the call log into

the program?

A Yes, sir.

Q And then did it show that -- [redacted], that number and phone went to Anderson County?

A That's true.

MR. MORONEY: Thank you.

MR. KORNFELD: No redirect, Your Honor.

THE COURT: Okay. Thank you, sir.

I appreciate it. You can step down.

The State may call its next witness.

MR. WESTON: Your Honor, that's all the witnesses we have. We have one housekeeping matter. As you may recall, Your Honor, there was a stipulation concerning the chain of custody on a number of items that went in and went -- some to DNA and some to other forensic areas.

And we just need to put those into the -- into evidence. We need to enter them into evidence. They've come through property and evidence. But they were not entered into evidence because we weren't sure if we needed one more person after that, or having then taken out, or what have you. But, at this point, we'd like to put them into evidence for the record.

THE COURT: Okay. The State can identify by the exhibit number?

MR. WESTON: Yes, sir.

THE COURT: And the Defense can lodge any appropriate objection as you call them out.

MR. WESTON: All right, sir. It's going to be quite a number of them.

THE COURT: Okay.

MR. WESTON: But we will gather them up as quickly as we can, Your Honor.

MR. SULLIVAN: Judge, will they identify the item by the number?

THE COURT: Uh-huh.

Okay. Yes, sir.

MR. WESTON: All right. Your Honor, State's Exhibit No. 83, which is clothing --

THE COURT: How about this -- I don't know. Do you need the jury present as you do this?

MR. WESTON: No, sir, Your Honor. This might be a good time to take a break, if that's okay.

THE COURT: There's a couple of things I've got to do. We'll go through this process outside of your presence.

And then, also, the State will rest, if I'm not mistaken.

Am I correct, Mr. Weston?

MR. WESTON: Yes, sir, Your Honor.

THE COURT: So there are some motions that I'll need

to take up. So y'all go ahead and take a break. And then we'll come in after we've done all of this housekeeping business and I've listened to the motions.

So, please, don't discuss the case.

Thank you.

(WHEREUPON, the jury was excused from open court at approximately 3:09 p.m.)

THE COURT: Okay. You can go ahead.

MR. WESTON: Thank you, Your Honor.

I think I mentioned State's Exhibit No. 83, State's Exhibit 84 --

MR. SULLIVAN: Will you say what's in them, Jeff?

MR. WESTON: I'm sorry?

MR. SULLIVAN: What's in both of them?

MR. WESTON: Yeah, sure. Clothing in both of those. State's Exhibit Nos. 83 and 84 are clothing; State's Exhibit No. 73, clothing; State's Exhibit No. 85, which is, also, clothing; and State's Exhibit No. 94, which is, also, clothing; and State's Exhibit No. 102, a DNA swab; State's Exhibit No. 99, a DNA swab; State's Exhibit No. 104, DNA swab; State's Exhibit No. 115, DNA swab; State's Exhibit No. 100, DNA swab; State's Exhibit No. 98; State's Exhibit --

Excuse me, Your Honor, one second.

(Pause.)

MR. WESTON: State's Exhibit No. 103, dried blood; State's Exhibit No. 118, dried blood; State's Exhibit No. 80, DNA swab; State's Exhibit No. 101, DNA swab; State's Exhibit 113, DNA swab; State's Exhibit No. 89, a buccal swab; State's Exhibit No. 87, DNA swab; State's Exhibit No. 117, dried blood; State's Exhibit No. 91, DNA swab specimen; State's Exhibit No. 116, dried blood; State's Exhibit No. 114, dried blood; State's Exhibit No. 119, dried blood; State's Exhibit No. 88, buccal swab; State's Exhibit No. 71, swab from -- DNA swab from phone. And we're just about done. State's Exhibit No. 111, broken glass; State's Exhibit No. 72, identification card and papers; State's Exhibit No. 78, dried blood; State's Exhibit No. 86, dried blood; and State's Exhibit No. 95, ownership -- automobile ownership documents.

I believe that's it, Your Honor.

THE COURT: Okay. Any objection?

MR. WESTON: There's some other items that were marked that we did not reference, and are not part of the chain of custody for purposes of introduction into evidence, Your Honor.

THE COURT: All right. Any objections to any of those exhibits?

MR. SULLIVAN: None from Bobby Smith, Your Honor.

MR. KORNFELD: None, Your Honor.

THE COURT: Okay. Good enough. Then they are all admitted.

(WHEREUPON, State's Exhibit Nos. 71, 72, 73, 78, 80, 83, 84, 85, 86, 87, 88, 89, 91, 94, 95, 98, 99, 100, 101, 102, 103, 104, 111, 113, 114, 115, 116, 117, 118, and 119 were admitted into evidence.)

MR. SULLIVAN: Judge, could we step out of the courtroom for a second?

THE COURT: Yeah, yeah. So what we'll do, we'll come back in about five or 10 minutes. And we'll do the -- I presume you have some motions?

The State has rested; right?

MR. MORONEY: Yes, Your Honor. The State rests.

THE COURT: All right. So we'll go over those motions. And to the extent you need me, Mr. Sullivan, to address your client regarding his right to testify or right to remain silent, I'll do the same.

MR. SULLIVAN: I think he's going to testify. But I'd like for you to talk to him.

THE COURT: Okay. We'll take a quick break.

(WHEREUPON, a break was taken.)

THE COURT: Motions?

MOTIONS

MR. KORNFELD: May it please the Court, Your Honor.

THE COURT: Yes, sir.

pronouncements on Monday that this -- assuming this is the only witness for the Defense, we'll be arguing and charging in the morning?

THE COURT: Yes, sir. I think so. Well, it's almost 4:00 now. So we won't be done until after 4:00. We'll argue and charge tomorrow.

(WHEREUPON, the jury came into open court at approximately 3:57 p.m.)

THE COURT: Okay. So, Mr. Sullivan, do you wish to call witnesses on behalf of Mr. Bobby Leon Smith, sir?

MR. SULLIVAN: I do, Your Honor.

THE COURT: All right, sir. You may call your witness.

MR. SULLIVAN: Bobby, if you'd come up and take the stand.

THE CLERK: Mr. Smith, if you'll pause at the end of the bench.

Place your left hand on the Bible and raise your right hand, please.

WHEREUPON,

BOBBY LEON SMITH,

after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

Please be seated.

THE CLERK: Will you, please, state your name for the

record?

THE WITNESS: Bobby Leon Smith.

THE CLERK: Thank you, sir.

DIRECT EXAMINATION

BY MR. SULLIVAN:

Q Bobby, I'm standing back here. So if I can hear you, the jury can hear you. Do you understand?

A Yes, sir.

Q Okay. Try to speak up, clear and slow.

All right. Are you Bobby Smith?

A Yes, sir.

Q Are you one of the Defendants in this case?

A Yes, sir.

Q Do you have a brother?

A Yes, sir.

Q What is his name?

A Jahru Smith.

Q Is he the other Defendant?

A Yes, sir.

Q Do you have any other brothers and sisters?

A No, sir.

Q Is -- Ms. Hattie Smith in the front row here, is she your mother?

A Yes, sir.

Q Okay. How old are you, Bobby?

A 57.
Q How long have you lived in Greenville?
A I got out in 2003. I guess about 14 years.
Q Do you live at [redacted] Mayflower Avenue?
A Yes, sir.
Q Is that where your mother lives?
A Yes, sir.
Q So you and your mother live together?
A Yes, sir.
Q Does anybody else live in that house?
A No, sir.
Q What kind of work do you do?
A I'm disabled, disability.
Q Do you have any physical problems?
A Sir?
Q Do you have any physical problems?
A Oh, I'm bipolar, schizophrenic.
Q Wait a minute. I'll get to that. I'm talking about physical, like leg, arms, things --
A Oh, I got my toes cut off on my left foot. And my right foot is messed up now.
Q What would that be from?
A Diabetic, diabetes.
Q When did you lose those left toes?
A About -- I guess about four years ago.

Q Did you -- did you have these left toes on the date that this happened on February 3rd, 2015?
A No, sir.
Q So you had already had those toes missing; correct?
A Yes, sir.
Q Does that affect your mobility?
A Yes, sir, my balance. I ain't got my balance straight yet with walking with these shoes. I have to wear -- I wear a 13, but these here are 15 or 16 on the left.
Q Okay. Now, as far as any mental problems, now, do you understand -- you've been in the courtroom the whole time this case has gone on; correct?
A Yes, sir.
Q Have you understood the proceedings?
A Yes, sir.
Q Do you know what the case is about?
A Yes, sir.
Q Do you know the case is about murder, and armed robbery, and use of a weapon during the commission of a violent crime? Are you aware of that?
A Yes, sir.
Q You and your brother have been charged with that, so you know that?
A Yes, sir.

Q And you understand the ramifications of that?
A Yes, sir.
Q Okay. Now, as far as other mental disabilities go, what do you have?
A I'm bipolar, schizophrenic.
Q Do you see anybody for that condition?
A Yeah. I was seeing a doctor down in Piedmont, once a --
Q Piedmont what?
A Piedmont Mental Health something.
Q Okay. Does he give you any medication for that?
A Vistaril and Zoloft.
Q What do they do for you?
A Calm me down.
Q But they don't affect the way you think?
A No.
Q They help you even out?
A Yeah.
Q Okay. So your testimony today will not be affected by those drugs?
A No, sir.
Q Okay. Now, during your time in Greenville -- we're not going to go back all the way. But you've not been an alter boy, have you?
A No, sir.

Q Okay. On -- on September 15th of 2008, do you remember getting a shoplifting charge?
A Yeah.
Q Okay. And you got five years suspended to two years of probation. Do you recall that?
A Yeah.
Q And March the 29th of '07, you were convicted of possession of cocaine; is that correct?
A Yes, sir.
Q And I believe there was one other conviction for a breach of trust. Do you remember that?
A I think so.
Q And you got time served for that?
A Yes.
Q So you've not been an alter boy. But you hadn't been that bad of a guy, have you?
A No, sir.
Q Okay. Let's get back to the date in question, February 3rd, 2015; correct?
A Yes, sir.
Q All right. Now, the victim in this case, sadly, is Ms. Logan; is that correct?
A Yes, sir.
Q Had you known Ms. Logan prior to this night?
A Yes, sir.

Q How did you meet her?
A I met her at a restaurant.
Q Was anybody else with you?
A Nah, no, sir.
Q After you met her, did you continue to see her?
A Yes, sir. I would receive a phone number from her and started calling her.
Q Well, what made you ask for her phone number?
A Where I can reach her, you know. She sold drugs. So I can reach her, call her and reach her.
Q Well, did you know that when you met her?
A No, not really.
Q Well, how did you find out that she could sell you drugs?
A She told me.
Q Okay. Now, prior to meeting her, had you been doing drugs before that?
A Yes, sir.
Q What kind of drugs had you been doing, Bobby?
A Crack cocaine.
Q How long have you been -- how long have you been doing crack cocaine?
A About 10 years.
Q So off and on, you've been smoking crack cocaine?
A Yeah.

Q Do you remember where you got it before you met Ms. Logan?
A No. It was in a neighborhood in Greenville.
Q So you would just get it out of the hood, so to speak?
A Yeah.
Q So after you met Ms. Logan and found out she could sell drugs, what happened then?
A I started calling her.
Q Was she your primary source for crack cocaine?
A Yeah.
Q Did you ever buy from anybody else?
A When I couldn't reach her. I'd get it from somebody else when I couldn't reach her.
Q How would you get in touch with them?
A I walked through a neighborhood.
Q So there were people in the neighborhood that could fix you up?
A Yeah.
Q So when you would call her, what would happen? Tell me how that would go down.
A She'll come -- she'll come -- she'll come, pull up in the driveway, blow the horn, and I'd come out.
Q So you'd be in the house and she'd blow the horn?
A Yeah.

Q What side of the car would you approach to get the drugs?
A The driver's side.
Q In other words, your house is sitting -- let's see if I can refer to this. And let me get where y'all can see. This is your house; correct?
A Uh-huh.
Q And this is the driveway?
A Yes, sir.
Q How would she -- how far -- stop me when she would pull up.
A About right along in there.
Q And she would blow the horn?
A Yeah.
Q You would come out?
A Sometimes, she would just call me back on the phone and tell me to come on.
Q And then she would roll down the passenger side?
A No. The driver's side.
Q So she would -- tell me what would happen then. She would call you and you would go out. How would you do the deal?
A I'd speak to her. And she give me the stuff. And I give her the money.
Q On which side of the car?

A On this side right here, on the driver's side.
Q So you would go around to the driver's side and y'all would just make the swap?
A Yeah.
Q And was that pretty much it?
A Yeah.
Q No talking about the weather and children? She'd just pull off --
A No. She'd just pull off and go.
Q And you'd smoke your cocaine, the crack cocaine?
A Yeah.
Q How many years did this happen before February 3rd, 2015?
A About a couple of years.
Q So over a two-year period, y'all had this ongoing --
A Yeah.
Q -- financial transaction, let's say?
A Yeah.
Q Did you ever have any arguments with her about money?
A No. I ain't never had no words with her, no words.
Q So she would come, you'd pay, she'd go?
A Yeah.
Q Okay. During this period of time, of your own knowledge, not guessing or hearing neighborhood talk, would Jahru ever be there and be involved in these

transactions?
A No, sir.
Q Did Jahru -- do you know of your own knowledge if Jahru knows Ms. Logan?
A Yeah. Yeah, he knows her.
Q Do you know if he ever had any dealings with her?
A Yeah, they had dealings.
Q But not at your house?
A Not at our house.
Q Where did Jahru live?
A I forgot the name of them apartments.
Q Where were they?
A On the other side of town, not too far from the other side of town. They about a five-minute drive, five-minute, 10-minute drive from there.
Q About 10 minutes from your house to his house?
A Yeah.
Q If you don't know, tell me. But do you know if she ever drove to his house to do drug deals?
A Yeah.
Q Do you know that of your own knowledge?
A Huh?
Q Do you know that of your own knowledge?
A Yes.
Q That she came to your house and y'all did deals, and

then she would do deals with Jahru?
A Yes.
Q So both of you knew her?
A Yes, sir.
Q Did you and Jahru ever have any discussions about either one of you having any problems with her?
A No, sir.
Q So everything was copacetic, everything was cool?
A Yes, sir.
Q Now, let's get to the night of February 3rd, 2015. That afternoon, was Jahru at your house?
A Yes, sir.
Q Okay. What were y'all doing?
A We had came from the hospital first. I had to go to the hospital. And we came from the hospital --
Q Wait, wait. I couldn't hear you. Are you talking about that morning?
A Yeah, earlier part of the day.
Q What happened to you?
A My blood sugar went up, I think, yeah.
Q And you went to the hospital?
A Yeah.
Q Who took you there?
A Jay.
Q How did he come? Did you call him, or how did y'all

get together?
A I called him.
Q So then what happened?
A He came in. And we came back and --
Q Wait, wait. He took you to the hospital?
A Yeah.
Q And what happened there?
A They kept me a few hours, and then they released me. And then me and him went and ate. We went and ate. And after that, we started smoking.
Q What were you -- you left the hospital, got some food, and then started smoking dope. What time of morning was this?
A It was about 12:00 or 1:00.
Q Now, you had been smoking a good many years, hadn't you?
A Yes, sir.
Q Did it take -- if you smoked, say, one rock, did that mess you up too bad?
A No, sir.
Q So you had a tolerance for the drug?
A Yes, sir.
Q Whereas, say, for example, if I smoked a rock of cocaine, I'd be on my fanny probably; right?
A Yes, sir.

Q So then what did you do? Where did y'all smoke this dope?
A We were smoking in the car at first, in the Jeep at first. And then we went to my house.
Q Okay. Now, you were in a Jeep. Is this the Jeep that was parked in the front of the house that we've seen pictures of?
A Yes, sir.
Q The night this happened? So the car, that's how y'all got there?
A Yes, sir.
Q What time did y'all get there?
A I guess around 6:00 or 7:00, something along there.
Q Did you continue to smoke dope?
A No. We was sitting watching TV at first. And then he said, Let's get one.

I said, All right.

And I called my baby.

Q He said, Let's get one. What did that mean to you?
A Let's get a rock.
Q Okay. And what did you do?
A I said, I'll call my baby and see if she got some.
Q You said you'd call your lady. Who did you call?
A Nicole.
Q Ms. Logan?

A Yeah.
Q What happened then?
A I called her and she said she was coming. And then she came. She had came -- we called her two times. And she came both times.
Q So after a while, he suggested y'all call and get a rock?
A Yes, sir.
Q And then she brought that one?
A Yes, sir.
Q Did you smoke that one?
A Yes, sir.
Q And then you say Jahru said, Let's do another one?
A Yes, sir.
Q And who did you call then?
A I called Nicole Logan.
Q And Ms. Logan would come. And what would happen? How would you get the dope from her into your house?
A She'd pull up in the driveway, blow the horn, and I'd come out and get it.
Q Okay. No harsh words?
A Nah. Me and her ain't never had no words.
Q So did you go back in the house? What happened?
A I give him his part, and I take my part.
Q And y'all smoked it up?

A Yeah.
Q Okay. So far, everything is cool. What happens to lead up to this melee, this confrontation?
A He had called them -- he had called and she wasn't -- she wasn't coming as fast as I would call her. And so he told me to call her back. So I called her and asked her was she coming. And she said, Yeah.
Q So Jahru called and she didn't want to come then?
A Huh-uh.
Q And you called her back and you were a better customer?
A Yeah.
Q So she was accommodating you by coming over quicker?
A Yeah.
Q Okay. What happened then?
A Well, they had -- he came out the back door --
Q Wait, wait. What did you do?
A I was in the house.
Q You didn't go out? Did she blow the horn?
A Yeah. She blowed the horn. And I came out.
Q Okay. You came out?
A Yeah. And I got my little stuff and shot on in.
Q Tell me what happened.
A They got to arguing --
Q Wait, wait. You got your stuff and shot in. That

don't mean anything to me. Tell me what you did.
A Smoked it.
Q No. She came up, blew the horn. What did you do?
A Got up and we went outside.
Q Then what happened?
A I got my little stuff. And he came out the back door. And she said, I'm going to teach that mother fucker a lesson.
Q What did you do?
A I shot on in, shot on in the front door.
Q You didn't see anything after that point?
A No. I ain't seen nothing. After I was in there for about three or four minutes, I heard shots. I heard shots. I said, Damn. I said, I hope she ain't shot my brother, just like that. And a knock on the door came, and it was him. And he told me to come out there.
Q It was Jahru?
A Yes. He told me to come out there. I said, Man, what you done did? And he said he shot her.
Q What did you do then?
A So I came on outside with him. And she was laying halfway out of the car.
Q Where in the car? The driver's seat? Backseat?
A Front seat driver's seat.
Q So she was in the driver's seat. Could you tell if

she had been shot?
A No, sir.
Q You didn't see any blood on the seat or anything, on her?
A No, sir.
Q When did you first see blood?
A I seen blood after he pulled her on out of the car. He pulled her on out of the car. And I seen blood then all on the seat.
Q So Jahru, you're saying, took her out of the car, and then you see blood all over the inside of the car?
A Yeah.
Q And what happened then?
A He pulled the car up and --
Q Let me go over here and get this straight. Now, back here on Mayflower -- so she had pulled up somewhere in here?
A Yes, sir.
Q So you go out and he had shot her. And he pulls her out of the car?
A Yeah. He pulled the car on up.
Q Wait, wait. He took her out of the car?
A Yes, sir.
Q Is the car closer to the street here?
A I don't know why he took her out.

Q But he pulled the car way up in here?
A Yes, sir, by the trash can.
Q Then what did you and Jahru do at that point?
A We tried to tote her around the other side to the back.
Q So you were trying to drag her from where the car -- where she was pulled out of up to where it was then?
A Yes, sir.
Q How heavy was this lady?
A She was too heavy for me.
Q I think the coroner said she weighed 175 pounds and was 5'8"; is that correct?
A I don't know. That's what they said in here.
Q Who had her upper body?
A He did.
Q Who had her by the feet?
A I did.
Q And y'all were trying to move her up the driveway?
A Yes.
Q Could you pick her all the way up?
A No, sir, I couldn't.
Q Your foot and just --
A Yeah.
Q So you drug her pretty much up there?
A No. I dropped her. I dropped her. I was toting her

by the foot, leg, and stuff. So I dropped her.
Q After you dropped her, what happened then?
A I said, Shoot, I'm going in. I'm going in the house.
Q Wait a minute. Jahru got her up in the car; right?
A I guess.
Q You were up at the car, too, weren't you?
A Yeah. I was up at the car with him.
Q What did you do as far as being around the car and seeing stuff in the car?
A I grabbed a cell phone and a bag of reefer, about a dime or a nickel bag of reefer.
Q So where were these things located?
A In the seat.
Q So you took a phone and you took a bag of weed?
A Yes, sir.
Q Okay. And we've heard testimony that there was, also, some money and ID. This is the phone that was taken from the car that was tested by forensics that has her blood on it. Do you understand that?
A (There was no response.)
Q Where -- did you get the money and the ID separate, or did you get it all at once?
A It was stuck in between there, in there. Stuck in between there.
Q So she had some money and her ID?

A Yeah, had it folded up.
Q Folded up in there?
A (Witness nodded.)
Q Now, in carrying her and -- did you get blood on you?
A I don't know, probably. I don't know.
Q It was dark?
A Yeah. It was dark.
Q There's a good chance you got blood all over you --
MR. SULLIVAN: I'd like for the jury to see this phone has little compartments on the back where he says there was the ID.
MR. WESTON: Your Honor, I'm going to object to the closing argument before he finishes examining the witness.
THE COURT: Yes. You can address that in the closing argument, Mr. Sullivan.
BY MR. SULLIVAN:
Q So you took the phone inside the house?
A Yes, sir.
Q You left Jahru outside?
A Yes, sir.
Q You went in. Now, were you able to run in, or were you hobbling in with your feet?
A Just hobble in, hobble in the house.
Q When you got in, did you look in the phone?
A Yeah.

Q What did you find?
A I found an EBT card, a bank card, and a driver's license, and money.
Q How much money do you think you found?
A About $60.
Q Did you have some money of your own?
A Yes, sir.
Q What did you do with the money that you found?
A I put it in my back pocket.
Q What did you do with the ID items?
A I tried to flush them.
Q What did you do with the phone?
A I put it in the freezer.
Q Okay. Then -- what did you do then?
A I just went back and sat on the couch. And the polices [sic] were pulling up. I kept seeing the blue lights. And about -- I guess, about an hour or so, they knocked on the door. As soon as I opened the door, they arrested me.
Q Wait a minute. Wait a minute. You say that it took them an hour?
A Yeah, about an hour.
Q Now, you were in the courtroom for the last three days for the testimony. And the officer had the call logs. And they say they were there within about five

minutes of the 911 call?

A They might have been. But they took a long time before they came to the door.

Q So you were sitting in the house and they came to the door. Did you open it?

A Yes, sir.

Q What happened then?

A They told me to get down and then they arrested me.

Q Did they take you down -- were you arrested then or just interrogated?

A I guess I was arrested. They handcuffed me and put me in the backseat of a car. And then they came and took the cuffs off and just let me sit out there.

Q Sit out where?

A Sit out there on Donaldson Center Road in the car.

Q You were in a police car uncuffed waiting on them to do whatever they were doing?

A Yes, sir.

Q Then what did they do with you?

A They brought me downtown to Mr. Newman's office. And then they carried me back to the scene.

Q They took you to the LEC?

A They took me to Mr. Newman's office down in Greenville County. And then they carried me back down to the scene.

Q Wait a minute. When you left Donaldson Center in the car, where did you go?
A I told you, he carried me downtown.
Q You went to the LEC?
A Yeah. I guess it's what you call it.
Q How long did y'all talk down there?
A About 30 minutes, I guess.
Q And then you went back to the scene?
A Yes, sir.
Q And then what happened?
A And then he -- he told me he was placing me under arrest because I kept telling him I didn't know what happened.
Q Okay. So you were lying to him?
A Yes, sir.
Q But then they took you back down to the LEC and put you in a room and interrogated you?
A Yes, sir. And the lady -- the man that carried the machine over me trying to find residue, or whatever.
Q Okay. When you were at the LEC, did you lie to the officers?
A Yeah. I kept telling them I didn't know what happened.
Q Okay. At some point, did you call your mother and talk to her about what was going on?

A Yes, sir.
Q What did you do then?
A I came -- came clean with the officers.
Q Not completely. You still didn't tell everything, did you?
A Huh-uh. I just told them my brother shot her.
Q But you didn't say anything about you taking anything? You kept yourself out of it?
A Uh-huh.
Q You were still covering yourself up; right?
A Yes, sir.
Q So you lied at first that you didn't know nothing about it. Then your momma told you to come clean. And you said Jahru shot her. And you tried to say you knew nothing about it?
A Yes, sir.
Q Since then, you and I have talked several times, have we not?
A Yes, sir.
Q I've been down to your house, haven't I?
A Yes, sir.
Q We sat in your living room with you and your momma. What did I tell you?
MR. WESTON: Your Honor, I'm going to object to the relevance. And it's hearsay. It has nothing to do with

what happened in regards to this incident, any conversations he had with his lawyer two, three, five, six months later.

THE COURT: I'll sustain. You can move on.

BY MR. SULLIVAN:

Q Did we talk today and yesterday?

A Yes, sir.

Q Did I tell you to --

MR. WESTON: Objection, Your Honor.

THE COURT: Okay. I'll sustain. I'll sustain.

BY MR. SULLIVAN:

Q Are you telling the truth today?

A Yes, sir.

Q So after she was shot, y'all drug her up. And you took her phone and you took some weed?

A Yes, sir.

Q Okay. That night, did they find the weed?

A No, sir.

Q Did you have a conversation with your mother at a later time and told her that the weed had not been found, that it was in your pocket, and it had blood on the package and for her to get rid of it?

A Yes, sir.

MR. SULLIVAN: Answer any questions that the Defense -- the Prosecution may have.

CROSS-EXAMINATION

BY MR. WESTON:

Q Mr. Smith, let's see if we can see what we agree on. Okay.

A Uh-huh.

Q You have so say "yes" or "no," because she's typing it.

A Yes.

Q All right. Thank you.

And let's begin with this happened at [redacted] Mayflower Avenue; is that correct?

A Yes, sir.

Q This is where Shamese Logan was killed?

A Uh-huh.

Q You have to say "yes" or "no."

A Yes.

Q Thank you, sir.

And that's where you lived?

A Yes, sir.

Q And your brother does not live there?

A No, sir.

Q And this was not the first time you had bought drugs from Ms. Logan?

A No, sir.

Q In fact, you had been buying from her for almost two

years, I think you said; is that right?
A Yes, sir.
Q And you sounded like -- I think you referred to her as -- you said, Let me call --
A I said, Let me call my baby.
Q So y'all were not romantic, were you?
A No.
Q And I'm not trying to suggest that you were.
A No.
Q But, apparently, you liked her. You referred to her as your "baby." And she never cheated you, did she?
A No, sir.
Q And you never cheated her. That wasn't the case with Jahru, was it?
A No, sir.
Q She had problems with him, didn't she?
A Yes, sir.
Q And the problem was he would short her, wouldn't he?
A Yes, sir.
Q He wouldn't have all the money?
A Wouldn't have all the money.
Q Right. So she didn't particularly -- they didn't care for each other. And she didn't like doing business with him, did she?
A No, sir.

Q And that was why you called that night to get her over there, instead of him. Because she wouldn't come for him; isn't that right?
A Yes, sir.
Q So you helped lure her over there for him, didn't you?
A I --
Q You knew he was going to buy, didn't you?
A Yeah. I knew --
Q Excuse me. Yes or no. You knew he was going to buy crack?
MR. SULLIVAN: Let him finish his answer.
THE COURT: Yes. Let him finish his answer.
BY MR. WESTON:
Q Did you know he was going to buy crack cocaine?
A Yes, sir.
Q But you called?
A (Witness nodded.)
Q And you have so say "yes" or "no."
A Yes, sir.
Q And you knew she was coming for you?
A Yeah.
Q But you knew she might not come for him, didn't you?
A Yes, sir.
Q So you helped get her over there so he could buy

crack, didn't you?
A Yeah. I bought some, too.
Q I know. But -- you were buying some. But you knew if it was him that called, she probably wouldn't have come. Because she didn't like him because he would cheat her. Isn't that what you said?
A Yes, sir.
Q So you lured her over there so he could buy crack in addition to you; isn't that true?
A (There was no response.)
Q Come on, sir. You can tell the truth.
A No, sir. No, sir. I -- he called and then I called her.
Q But you -- she didn't come when he called?
A Huh-uh.
Q So you called. And you didn't say to her, hey, Jahru's gone, you can come on, did you?
A Huh-uh.
Q So you lured her over there to make sure your brother got crack, also. Because she wouldn't have come for him; isn't that true, sir?
A Yeah.
Q Come on, you can tell the truth.
A Yeah, yeah.
Q Okay. So you invited her to your house. You said,

come here and I will buy some crack from you?
A Yes, sir.
Q Where the man who ended up killing her was at, didn't you?
A Yes, sir.
Q That's a true statement, isn't it?
A Yes, sir.
Q Okay. But you used his phone, didn't you?
A No. I --
Q You took the phone to Anderson after this murder like that man was talking about with that cartoon that he showed?
A No. I hadn't been to Anderson. I didn't go to Anderson.
Q But the phone went to Anderson. So you used Jahru's phone to call, didn't you?
A Yeah.
Q Okay. It's okay. You can tell the truth. I'm not going -- I'm not trying to trick you, sir. I'm just trying to get to the truth. You used Jahru's phone to call her?
A Uh-huh.
Q You have to say "yes" or "no."
A Yes.
Q Thank you.

And, once again, this lady never cheated you. She didn't deserve that, did she?

A No, sir.

Q She just came there to sell you some crack, didn't she?

A Yes, sir.

Q And you would give her the money, she'd give you the crack, and y'all would go on your merry way?

A Yes, sir.

Q Now, you were saying you're a diabetic. And what was the medication you said you were taking during this time?

A Vistaril and Zoloft.

Q And that would, you said, calm you down?

A Yeah.

Q And that was because you had mental health issues?

A Yes, sir.

Q Did you take anything for your diabetes, too?

A Yeah. I took insulin.

Q So you're on insulin and whatever those two drugs -- long-named drugs you just said?

A Yes, sir.

Q To like bring your blood pressure and your sugar level down. And then you would smoke crack all day long. Didn't that take you straight up in the air?

A No, sir.

Q What did the crack do to you then? What does it do to you?
A It just get you high and paranoid.
Q But doesn't it get you going pretty fast?
A Yes, sir.
Q It's cocaine, isn't it? Doesn't it get you going?
A Yes, sir. If you ain't used to it, it will whack you out.
Q And you had been smoking all day and taking those other drugs all day?
A (Witness nodded.)
Q You have to say "yes" or "no."
A Yes, sir.
Q Thank you.
You said your brother took to you the hospital earlier that day?
A Yes, sir.
Q You were that ill that you had to go to the hospital?
A Yes, sir.
Q And then that evening, you -- as soon as you get home, y'all start buying crack?
A Yes, sir.
Q And you wonder why you had to go to the hospital, why you're having medical problems. But your brother took you to the hospital?

A Yes, sir.
Q He drove you in the Jeep?
A Yes, sir.
Q So that Jeep that was found in front of the house was operating, it drove?
A Yeah.
Q But when the police got there, Jahru wasn't out there. Why was that?
A He was gone.
Q That's what I mean. But his Jeep is out front. Why did he not drive off?
A I don't know.
Q He was in a hurry to get away, wasn't he? Because he had just killed somebody; right?
A Yeah.
Q That's the truth again, isn't it, sir?
A Yeah.
Q He left his car there because he was trying to get away so fast, didn't he?
A Yes, sir.
Q And the car would -- he could have driven it? He drove it there?
A Yes, sir.
Q And he drove you to the hospital in it, brought you back home. But he left because he was in such a hurry to

get away from the murder he had just committed that he left his car there. He just ran off?

A Yes, sir.

Q And I suppose you're going to tell this jury you didn't know he had a gun?

A Yes, sir.

Q He's your brother?

A Yes, sir. I didn't know he had it.

Q You didn't know your brother carried a gun. This is your brother --

A Huh-uh.

Q That's the story you're going with?

A Me and him didn't get along like that.

Q I'm not saying he would put it on you. You're saying you didn't know your brother carried a gun?

MR. KORNFELD: Objection. Asked and answered, Your Honor.

THE COURT: I'll allow that one question, and then we'll move on.

BY MR. WESTON:

Q Are you saying to this jury in this courtroom under oath that you didn't know your brother carried a gun?

A Yeah. I know he carried one.

Q Then why did you say no not 30 seconds ago?

A Because I ain't see him with none that night.

Q But you knew he carried a gun?
A Yeah.
Q Okay. So let's make sure I've got your story straight. This is your version. You bought -- you called her to come over and buy crack. You bought crack from her. You came out the front door, I take it, when she blew the horn?
A Yeah.
Q But I heard you say something about you bought crack and then Jahru came around, you said. You mean he came out the back door?
A Yeah.
Q Did that not make you scratch your head? He was in the house with you?
A Yeah.
Q She wasn't expecting to see him, was she?
A No.
Q Because y'all had lured her over there, hadn't you?
A We didn't lure her over there. I called for her.
Q You didn't tell her Jahru was here, though, did you?
A She didn't ask me.
Q But you didn't tell her?
A Huh-uh.
Q And she had not responded to Jahru's call earlier. And he told you she hadn't called when he called her. So

you knew all of that?
A Yeah.
Q Okay. And so then he comes around the house. Did he have a hat on?
A No.
Q Sir?
A No.
Q Did he have a hat on?
A No.
Q Do you remember the conversation you had with me, and him, and your lawyer, and Investigator Newman last week --
MR. SULLIVAN: Judge, I would object. That was part of negotiations.
THE COURT: Okay. He asked a question if he had a hat on. He'll answer "yes" or "no."
BY MR. WESTON:
Q So your story is he didn't have a hat pulled down over his head? Yes or no.
A I can't remember.
Q So, now, you know -- now, you can't remember?
A No.
Q Okay, sir. And, like I said, I'm not trying to trick you, I promise. I'm just trying to get to the truth. We all do --
A You're getting to the truth. He admitted to shooting

her.

Q We're going to get there. So you're standing at the window and the car is, like you said, out here. The house is back here. The driveway is up here on the side at that point. You get yours; right?

A Uh-huh.

Q Now, she's pulling this way. You are between -- she's right here. This is the driver's window. And she's looking out the window at you and in the house behind you; right?

A Yeah.

Q She's kind of this way. So you're standing there and you get yours. How much did you buy, by the way?

A About --

Q Not about. I mean, how much did you buy? Somebody died. Don't you remember anything about this? Don't you care? My God, man, somebody died. How much crack did you buy from that lady --

MR. KORNFELD: Objection. He's badgering the witness. It's not a question.

THE COURT: I sustain.

BY MR. WESTON:

Q How much crack did you buy from her?

A About $40 worth.

Q About $40 worth. And she gave you $40 worth?

A Yeah.
Q And you gave her the money?
A Yeah.
Q But then you stole it back later?
A I didn't steal it back later. I got it out of the phone.
Q Well, what do you reckon happened to the $40 you just handed her that they did not -- they could not find in the car when all these forensic people went through that car with a fine-tooth comb? Where do you reckon that went?
A It went with me in the phone.
Q That's what I'm saying. You stole the money back that you just paid for the crack. You don't have to -- I'm not trying to trick you.
A Yeah, yeah.
Q I'm just trying to get you to tell the truth, sir.
A You saying stole.
Q I'm sorry?
A You saying stole.
Q You did steal it. It's her money. She gave you the crack. Ain't that stealing? What do you call it? You tell us what you call it, sir, if it ain't stealing. She's laying there dying, bleeding out, as the coroner said.
A She was already dead.

Q And you've got a medical degree and you knew that. You had a phone in your hand. Did you call 911?
A No, sir.
Q Why? You said -- you called her baby. You liked her. Why would you not call 911?
A Because I don't know how to use them touch phones.
Q You called her to buy crack. You dialed seven numbers to buy crack. You couldn't dial 911? Is that what you're telling this jury?
A I don't know how to use them phones.
Q My God, man. All right. So you got your crack, according to your version. You gave her the $40. And then you say you went in the house?
A Yeah.
Q Okay. And you stayed in the house until after he had dragged her out. She was already -- you heard the gunshots outside?
A Uh-huh.
Q And when you went out there, did you see the gun in his hand?
A Huh-uh.
Q Where was the gun?
A I don't know.
Q So -- and I'm trying to remember what you told your lawyer. Once again, I'm not trying to trick you. I'm

just trying to make sure we get to the truth here. The window was smashed. Glass was laying around and glass was in the car?

A Uh-huh.

Q You have to say "yes" or "no."

A Yeah.

Q So the court reporter can pick it up.

A Yeah.

Q And it was clear then that whoever had shot her had shot through the window because there was glass inside the car? You would -- that was what you thought; right?

MR. KORNFELD: Objection. Calls for speculation.

THE COURT: Okay. I'll overrule. You can ask that question.

MR. WESTON: Thank you.

BY MR. WESTON:

Q You could see there was glass inside the car. She's laying in the car bleeding out. It was clear to you that whoever had shot her had shot through the window, didn't they?

A Yeah.

Q Okay. And who's standing there next to that window?

A My brother.

Q All right. And he didn't have the gun in his hand no more?

A Huh-uh.
Q You didn't ask him, hey, why did you shoot her? What happened? You didn't ask him any of those questions?
A Yeah. I asked him what happened.
Q And what did he say? Let me quote you, I'm not going to use the curse words like you did. Did he say, I had -- something, like, I had to kill the MF? What did he say when you asked him? Let me just let you tell it again.
A He just said he shot her. He had to shoot her.
Q Okay. So he admitted that he killed her to you?
A Yeah.
Q I'm sorry?
A Yeah.
Q Okay. So then he's standing there and you're standing there. She's in the car bleeding out. She's in the car bleeding. So what did you do next?
A We attempted to move her out.
Q So you helped move her out of the car?
A Yes, sir.
Q And y'all -- what did y'all do with her?
A We were going to tote her around to the passenger side, but she was too heavy for me.
Q Why were y'all going to do that?
A I don't know. He just wanted to put her in the back.
Q So when you say "he," do you mean your brother?

A Yeah.
Q Do you know why he would move -- what difference it made that she's dying in the driver's seat versus dying in the passenger seat?
A Huh-uh.
Q But you helped him do that? You tried your best to help?
A Yeah.
Q But you couldn't lift her?
A Right.
Q So at what point did you decide you were going to rob her? When did it occur to you? Now, you're now trying to get her out of the car and you say I can't lift her. When did you decide I'm going to rob her?
A I ain't never said I was going to rob her.
Q Well, when did you do it?
A I got the phone out of the car when he was trying to move her in the back.
Q So he was pulling her out of the car, and you're taking the phone out of the car?
A Yeah.
Q So then after that, you got the phone, and her identification, and her money, and her marijuana?
A Uh-huh.
Q You stole her drugs? How desperate were you that

day? Were you out of your mind or something high? Why did you take her drugs?

A I just took it.

Q Because she's dying and you're thinking about getting higher. Is that what was going through your mind, sir?

A Not really. I don't smoke weed.

Q Well, then why did you take her drugs?

A I just got it because I saw it.

Q And you wanted it?

A Yeah.

Q And you took it?

A Yeah.

Q So you got these items. And then what did you do?

A I went in the house.

Q All right. And you say you didn't -- and did you change clothes?

A No, sir.

Q Well, ave you got any idea how her blood got on some other clothes that were in the house that you weren't wearing?

A I don't know how they got on there.

Q All right.

A Unless I touched them, or whatever.

Q Okay. But you did try to help move the body?

A Yeah.

Q And when you couldn't lift it because of your medical condition and just the way it was set up, you decided I'm just going to take these items and go back in the house. And you did not talk to your brother anymore. He just left?

A Yeah.

Q Okay. So, now, the police came five minutes or an hour later?

A They came within about five minutes. But it was about an hour before they came in the house.

Q When the police came to the house, you lied to them?

A I told them I didn't know what happened.

Q But that was not true, was it? You knew your brother had said, I shot her. So you knew what happened?

A Yeah.

Q You knew exactly what happened. But you -- so you lied to the police? Come on, sir.

A Well, what am I going to do? Would you call the police on your brother?

Q Not if I -- probably not if I had stolen her money and stuff. But I'm not going to get in an argument about what I would do. We're talking about what you did. That's all. We just want to know what you did that night.

So in conclusion, sir, let me just make sure I'm clear. You called her to buy crack to your house? Yes or

no.
A Yeah.
Q You invited her over. You knew your brother was there? Yes or no.
A Yeah.
Q You knew your brother regularly carried a gun? Yes or no.
A Yeah.
Q You knew that your brother and her didn't get along and she didn't want to deal with him? Yes or no.
A Yeah.
Q And you didn't tell her that your brother was at the house? Yes or no.
A No.
Q And when your brother came out from around the house out of the back door, you didn't think that that was suspicious at all? Yes or no.
A No.
Q And so you just went on and proceeded to buy crack from her as your brother came up around behind you?
A Came up beside me.
Q Beside you. And then you turned and walked back into the house?
A Yeah.
Q And then you heard gunshots out in front of your

house?
A No. I heard them arguing at first.
Q But then you heard gunshots?
A Yeah.
Q And then your brother called you back outside?
A Yeah.
Q To help him change the scene or, basically, hide the evidence?
A I guess.
Q He asked you to help him, didn't he?
A Yeah.
Q And you tried to help him hide the evidence?
A I tried to help him move the body.
Q And you then decided you couldn't complete that task, so you robbed her as she lay dying?
A No. I didn't rob her.
Q We'll let the jury -- we'll let others decide how to characterize what you did. Okay. You took her identification? Yes.
A I took the phone. It was inside the phone.
Q You took her phone --
MR. KORNFELD: Asked and answered, Your Honor.
MR. WESTON: I'm wrapping up, Your Honor.
THE COURT: Okay. I'll give you some latitude.
MR. WESTON: Thank you, Your Honor.

BY MR. WESTON:

Q You took her phone?

A Uh-huh.

Q You took her identification that was in the phone case?

A Uh-huh.

Q You took her money that was in the phone case?

A Uh-huh.

Q You took her marijuana that was laying on the seat?

A Uh-huh.

Q And you just walked away and let your friend die in your yard. And then you lied to the police about it?

A She was already dead.

Q Is that true, sir?

A She was already dead.

Q Because you've got that medical degree that you -- did you check her pulse?

A No. I didn't have to check her pulse.

Q How could you tell she was dead, sir?

A I kept calling her name.

Q Okay. So, now, you called her name. Let's go back. Tell us about how you called her name. Were you like, hey, wake up? What were you doing?

A No. I just kept calling her name.

Q What's -- do it -- say it like you said it.

A I called her name, Nicole.
Q Say her name like you said it.
A Nicole.
Q And she didn't respond?
A She didn't say nothing.
Q So that meant to you she was dead?
A Yeah.
MR. WESTON: That was how much you cared, that if she didn't answer, I don't need to worry about her no more. That was how much you cared about your friend.
I don't have anything further of this witness.
THE COURT: All right. Mr. Kornfeld.

CROSS-EXAMINATION

BY MR. KORNFELD:
Q Mr. Smith, you said earlier that Nicole said, I'm going to have to teach that mother fucker a lesson; correct?
A Yeah.
Q And was that -- do you know why she was upset with your brother?
A I guess because he came out the back.
Q All right. And you also -- do you know that -- and she, also, had a weapon, did she not?
A Yes, sir.
Q And you saw her with that weapon, did you not?

A Yes, sir.
Q And you saw her pointing it at your brother, did you not?
A Yeah. She opened up the glove compartment and pulled it out.
Q Okay. And she was holding it out at your brother; correct?
A Yes.
Q All right. And she was, obviously, angry with your brother; correct?
A I guess so. She said she was going to teach him a lesson.
Q And did your brother retract away from her? Did you see that?
A No. He just backed up.
Q All right.
A I didn't see nothing else.
Q Do you know if your brother -- as far as the -- you knew -- you could tell through the gunshots that she was already -- already dead. You didn't see any breathing?
A Huh-uh.
Q It was pretty obvious; correct?
A Yeah.
Q It didn't take a medical degree; correct?
A No, sir.

Q All right. You said you gave her the stuff and then she gives you the money -- you give her the money, she gives you the stuff. Did you give her any pills on that day?

A No.

Q All right. So you were at a vantage point to see your brother was stepping back because Shamese Logan had a gun pointed at him; correct?

A Yeah. She had drawed it. She had drawed it on him.

Q Okay. And when your brother said, I had to -- did he tell you anything else, other than I had to -- to kill her? Did he say anything else other than that?

A Huh-uh.

Q And then he just left after that point?

A Yes.

Q And when you called on the phone number -- on the cell phone, I guess, to call Ms. Logan, your brother still bought crack from her?

A Yeah.

Q From time to time; correct?

A Yeah.

Q And for all you knew, she would sell crack to him again; correct?

A Yeah. She'd sell it to him.

Q And she -- when you had crack earlier that day, was

he with you when she sold it to --
A Yeah.
Q Earlier that day; correct?
A Yeah.
Q So she knew that he was there with you anyway; correct?
A Yeah. Because she knew that was his Jeep out there.
Q So you weren't trying to lure her to the house; correct?
A No, sir.
Q And you didn't talk to your brother about any kind of robbery that you were going to rob Shamese Logan; correct?
A No, sir.
Q This was your drug dealer that you had drive-up service; correct, for over two years? Why would you want her dead; right?
A Right.
Q Yeah. And did she say anything else to you when she pulled up, other than I'm going to teach that mother fucker a lesson?
A No. She didn't say nothing else.
Q All right. Did she have her gun out at that time?
A No, sir.
Q All right. So you saw that after you were already in the house?

A No. Before I went in -- before I went in, she pulled it out.

Q All right. And, at that time, you didn't see that your brother had a gun out, did you?

A No, sir.

Q All right. Could you hear what they -- were they arguing about crack?

A I don't know.

Q You don't know what they were saying?

A I couldn't hear it.

Q All you know is that she had her gun out before he did; correct?

A Yes, sir.

MR. KORNFELD: All right. No further questions.

THE COURT: Yes, sir.

Any redirect, sir?

MR. SULLIVAN: Very briefly.

REDIRECT EXAMINATION

BY MR. SULLIVAN:

Q Just a couple of things, Bobby. When the car was down here and she's sitting in the seat shot up, isn't the neighbor's driveway over here?

A Yes, sir.

MR. WESTON: Your Honor, I'm going to object. That was not raised by either my examination or his.

THE COURT: Okay.

MR. SULLIVAN: I asked him earlier about whether the car was moved.

THE COURT: I know you asked him, but I don't know if it was the subject of cross-examination by either of the parties. So if it wasn't within the scope of cross-examination, it's not appropriate for redirect.

Now, if it was and it bears upon what -- anything that was in cross, I mean, you can educate me. I don't have an encyclopedic memory of all the questions that were asked.

MR. SULLIVAN: Getting her out, and moving the car, and dragging her, he mentioned that.

THE COURT: Okay. If that's what it's related to, then I'll let you ask the question.

BY MR. SULLIVAN:

Q She pulled up and blows the horn. And she was shot here in the car; right?

MR. WESTON: Objection, Your Honor. Leading.

THE COURT: Okay. I'll overrule.

You can continue.

BY MR. SULLIVAN:

Q When y'all called, where did she pull up?

A She pulled up a little bit past the driveway.

Q Okay. And then that's where she was killed?

A Yes, sir.
Q Now, this driveway is close to the neighbor?
A Yes, sir.
Q So if the neighbor pulled up there, they would see her?
A Yes, sir.
Q And so Jahru moved her up here to hide her?
A I guess.
Q Now, the other -- the mother said earlier she had $700 on her. Do you recall that?
A No, sir.
Q How much did you -- they say you had $107; right?
A I got about -- I think it was about 50 or $60.
Q 50 or 60, not 700?
A Huh-uh.

MR. SULLIVAN: Okay. That's all I have, Your Honor.

THE COURT: Any recross?

MR. WESTON: Yes, sir, Your Honor.

RECROSS-EXAMINATION

BY MR. WESTON:

Q I want to make sure I understand this. Mr. Sullivan is your lawyer; right?
A Yes, sir.
Q And Mr. Kornfeld represents your brother; right?
A Yes, sir.

Q When Mr. Sullivan examined you for 20, 30, 40 minutes, did you say anything about this woman pulling out a gun and you seeing it? Did you say anything like that in response to your lawyer's questions?
A He --
Q I'm just asking you.
A That's the first time he asked me.
Q I examined you for another 30 minutes. Did you say anything in response to any of my questions? We kept saying what happened, what happened, what happened. He said what happened, what happened, what happened. You never said anything about that woman pointing a gun at your brother in response to his questions or mine, did you, sir?
A (There was no response.)
Q Did you just forgot about that?
A No. I ain't forget about it.
Q You're still trying to protect your brother, aren't you, sir?
A I ain't trying to protect my brother.
Q But you said, you admitted you tried to protect him. When the police came and asked you what happened, you said you didn't know. You said, well, I didn't want to hurt my brother. You wouldn't hurt your brother. Isn't that what you said?

A Yeah.
Q And you're still trying to do it, aren't you, sir?
A No, sir.
Q You're just making it up as you go long, aren't you?
A No.

MR. WESTON: No more questions, Judge.

THE COURT: Mr. Kornfeld, do you have any additional questions?

RECROSS-EXAMINATION

BY MR. KORNFELD:

Q Mr. Smith, the reason that you didn't answer that question or say that is because it wasn't, specifically, asked of you, was it?

MR. WESTON: Objection, Your Honor. He's telling him what to say.

MR. KORNFELD: I'm asking a --

THE COURT: He can lead in cross-examination.

MR. WESTON: But it's not even leading, sir. He's telling him what to say, Judge.

THE COURT: Rephrase your question. Okay. I don't know that you are, but rephrase your question.

BY MR. KORNFELD:

Q If they would have asked if Shamese Nicole Logan had pulled a gun out, you would have answered and said, yes, she did, wouldn't you?

A Yeah.
Q And if they would have asked if she pulled a gun out first before anybody else had one, you would have answered, yes, wouldn't you?
A Yeah.
Q And if they would have asked if she had a gun out raised at your brother before and your brother didn't have a gun, you would have said, yes, that's what happened; correct?
A Yeah.
MR. KORNFELD: Thank you.
No further questions.
THE COURT: Okay. Thank you, Mr. Smith.
I appreciate you being here. You can take -- you can step down, sir.
Mr. Sullivan, anything in addition that you'd like to put into the record or offer in defense of Mr. Bobby Smith, sir?
MR. SULLIVAN: Judge, the Defense rests. That would be our only evidence.
THE COURT: Okay. Mr. Kornfeld, any evidence that you would like to present on behalf of Mr. Jahru Smith?
MR. KORNFELD: No, Your Honor.
THE COURT: Okay. Good enough.
Anything in reply from the State?

THURSDAY, MARCH 15, 2018

THE COURT: We're back on the record.

Mr. Kornfeld, have you had the opportunity to either speak with or send information or requests to your client, Mr. Jahru Smith, as to whether he wants to participate today, sir?

MR. KORNFELD: No, Your Honor.

I believe he's still on the transport list and on the way over. But I have not gotten that information yet.

THE COURT: Is he here?

THE COURTROOM DEPUTY: He's here. We're waiting on the answer.

THE COURT: Okay. Let's see what the answer is.

And, in the meantime, I recognize that the State needs to put a motion on the record with respect to the charge.

I'll be happy to hear from you.

MR. MORONEY: Yes, Your Honor. Very briefly.

It's my understanding that at the conclusion of this trial, the jury would be charged with respect to accessory after the fact. The State objects to that simply on the principle that it's not a lesser included of murder.

And we feel that we would be precluded -- if this case were to be appealed if the Defendants were convicted, we'd be precluded because of double jeopardy from trying

Bobby Smith again on that. So I just wanted to put that on the record.

THE COURT: Mr. Sullivan, anything that you'd like to be heard on that issue, sir?

MR. SULLIVAN: Judge, I would give the same argument I made in chambers, and you ruled you would give that charge.

THE COURT: Okay. I'll just say that I think that the evidence -- the evidence of -- particularly, from his own testimony suggests that he could be guilty of the offense of accessory after the fact. And I'll charge the same in an effort to be as absolutely fair to the Defendant as I possibly can be, which I've tried to be to both Defendants through the entirety of this trial.

I recognize that they've both been noticed, if I'm not mistaken, with life without the possibility of parole. I, also, recognize that they are of fairly advanced age. And that a conviction on either of the charges, that is the murder, or armed robbery, or accessory after the fact, would probably, in essence, amount to a life sentence in any event notwithstanding the life without the possibility of parole.

So this is one of those instances where I don't necessarily disagree with the State, technically. But I think, as a matter of fairness, that I'm going to defer to

the Defense. And I'll charge it as a lesser included offense. I don't -- ultimately, it remains to be seen that it may have absolutely no practical difference in this case.

Okay. Also, I reserve the right to exercise my discretion as the thirteenth juror after the return of the verdict in case there is an abnormality or issue that arises with regard to the lesser included offense. I'm not saying that I would. I'm just saying I reserve that right. Okay.

Have we heard anything back from Mr. Jahru Smith?

THE COURTROOM DEPUTY: Not yet.

(Pause.)

THE COURTROOM DEPUTY: Your Honor.

THE COURT: Yes, sir.

THE COURTROOM DEPUTY: He said he will be sitting in his cell for the verdict. He's not going anywhere.

THE COURT: All right. So he has indicated he does not wish to attend and participate in the trial or closing arguments.

So, gentleman, having said that, let's go ahead and bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 10:25 a.m.)

THE COURT: Okay. Welcome back, ladies and

CLOSING ARGUMENTS

MR. MORONEY: Mr. Kornfeld.

Mr. Sullivan.

Ladies and gentlemen of the jury, just from the outset, thank you very much for your attention this week and your patience. I know this was a lot to go through over the past few days. I sincerely thank you for your patience.

I know, especially, Tuesday going through the procedure of all these items of evidence and putting up with sending you in and out multiple times is a lot to ask of you. So thank you for sticking with us and staying so attentive. We do appreciate that.

I told you at the outset of this trial what we intended to prove, how we intended to prove it, and that what we intended to prove was that Bobby Smith and Jahru Smith combined together to lure the victim over to [redacted] Mayflower Avenue with the intent to rob her of her drugs and money, and, in the course of doing so, shot her five times. And I contend that we have proved beyond a reasonable doubt that that, in fact, happened. And I'm going to walk through the evidence and go through all of that to summarize what we presented to you.

Before doing that, I think it's appropriate to go over the law very briefly. I'm just going to touch on it.

Because at the close of the trial, Judge Stilwell will do that in great detail. But, as you know, both Defendants, Bobby Smith and Jahru Smith, are charged with armed robbery, murder, and possession of a weapon during a violent crime.

So I'm going to use this projector here and start off with murder. As you can see, it's the killing of any person with malice aforethought expressed or implied. Pretty straightforward.

What are we talking about with malice? A wrongful act intentionally without just cause or excuse. Say, firing a gun five times at close range about two to three feet into the victim, Ms. Logan, for no excuse other than you wanted drugs and money. And then malice does not necessarily require ill will toward the person injured, but a general malignant recklessness of the lives and safety of others.

I think it's been abundantly clear through the presentation of evidence that there was no regard for Ms. Logan during this encounter. Not only did they shoot and kill her, but then they dragged her lifeless body through the gravel driveway, tried to cover their tracks, et cetera. We're going to get into all of that.

Then you have aforethought. Aforethought is at the time when the evil is conceived. This is not

premeditated. You may hear on television premeditated, that they had an intention and plan to kill her at the time. It's at the moment it happens, the moment it happens. And Jahru Smith made that conscious decision to pull that trigger. The moment he pulled that trigger, that meets this element.

We move to the armed robbery. And, here, I've just laid out the elements of armed robbery for you. It's not that complicated. If you're armed with a weapon, a pistol, and your intent is to steal from another, that's armed robbery. That's breaking it down. Again, Judge Stilwell will go into great -- a lot more detail about that.

But, again, I think the evidence, clearly, suggests here what their intent was that day. There's evidence that both Jahru Smith and Bobby Smith made off with the personal property of the victim. They were, in fact, armed with a weapon. She was shot and killed five times.

And, finally, possession of a weapon during a violent crime. Both armed robbery and murder are violent crimes in the State of South Carolina. So if you accept the fact that there was a weapon involved, a gun, in both the murder and armed robbery, or either -- or with respect to each Defendant, they possessed a weapon during the commission of a violent crime.

So let's move on. First, I think the easiest way would be to break this down by Defendant. They're both being tried jointly, but we'll break it down singularly at first. We'll start with Mr. Kornfeld's client, Jahru Smith.

How have we demonstrated and proved beyond a reasonable doubt that Jahru Smith is guilty of these three charges? Let's start off with the confession. That's pretty -- pretty good evidence to me. The confession. You watched the video. You heard the words and saw Jahru Smith up here on the screen admitting to, as Tim Waller asked, murder of the young victim, shooting her. And it was as clear as day, clear as day.

Let me refresh your memory and play this one more time. And I think it's important to remember that at the outset of this trial, Mr. Kornfeld, Mr. Jahru Smith's attorney, told you that during this video, you were going to hear Jahru Smith say, There's more to the story. You're not going to hear him say, There's more to the story on this video. There's not more to the story.

That's what the Defense wants you to believe, there's more to the story. There's not more to the story. It's crystal clear. Just watch this video briefly for me and we'll move on.

(WHEREUPON, State's Exhibit No. 44 was played in open court.)

MR. MORONEY: Folks, there's not more to the story. The story is that Jahru Smith murdered Ms. Logan by shooting her five times while she was in the driver's seat of her own vehicle with the window almost rolled up and the door closed. That's -- the confession is pretty solid evidence in and of itself. But that's not all we have against Jahru Smith. Okay.

If you recall, Jahru Smith pointed law enforcement to where the murder weapon was. He told them exactly where the murder weapon was. And this is important, how did he classify that murder weapon that we know is the murder weapon? When he turned it in, he said it was the victim's gun. Another lie that we see uncovered in this case, the victim's gun. We know that wasn't the victim's gun.

You heard from James Armstrong, the ballistics expert, that that was a hundred percent the gun that killed Ms. Logan. It matched all five cartridge casings that were recovered, the four on the ground outside the car and the one inside the car.

And that's because it was such close range that the cartridge casing got ejected into the interior of the car, as well as those projectiles that went through Ms. Logan's body. Those all matched up, the ones that came back, a positive match to that gun. This was not the victim's gun.

In addition to this murder weapon that Jahru Smith led authorities to, we have the call logs and that phone number. If you remember the [redacted] number, in particular. And we had the Sprint custodian of records bring up those call records. Those become important in this case, especially against Jahru Smith.

Remember that Tiffany Petty, his ex-girlfriend, identified his voice as being the one that answers that phone. And the last call the victim made at 9:37 p.m. was to this number. Okay.

And then we know that the 911 call is made at 9:44 p.m. 9:37 was when she was saying she was on her way. She was just a short distance up the road at that bar. 9:44 was a couple minutes after the shooting. Because we remember Kersandra Wright didn't call immediately. She was calling her mother, her kids, all that. But that was the last call the victim made was to the 386-9441.

And then we have these linked calls. Not only did we have the last call matching up with Jahru Smith's phone, but we had the previous two calls on the same day earlier in the evening. In particular, on February 3rd -- all on February 3rd, at 6:30 p.m., at 9:33 p.m., and at 9:36 p.m.

Let's take a look at this call log. I've had an issue with these call logs from the outset and it's still

giving me a problem. We're going to get through it.

Let's take a look here. Forgive me for pointing, but at 18:31, the number that we have here is [redacted]. Remember from the testimony, that's the victim's phone number. Okay. And that's an outbound call. That's Jahru's phone calling the victim, trying to get her over there.

Again, at 9:33, an outbound call, right here. Again, the victim's phone number. And this is linked with Jahru's phone number.

And, finally, the last call made by Ms. Logan is the inbound call when she's calling Jahru's phone to let her know -- to let him know that she's on the way.

While we have these call logs up here, we haven't touched on this, but I think it's important to note that these are all on that same call log for Jahru Smith. So just flip through here. You'll have all this evidence, including the call logs. You'll be able to look back during your deliberations.

But these duration seconds, these are all active calls and the length of time for the calls. This is starting on February 1st, the 2nd. This phone is being used all the time, all the time, up until, curiously, we start seeing February 3rd.

Now, this is the page that's reflecting when the

murder happens. What happens here just a day or two after the murder? All these two's, starting right here, from February 5th all the way to February 13th when he turns himself in to the news agency confessing to murder, the phone stops being used.

If you watch any kind of crime drama or anything like that, or the First 48, you know people know they can be tracked by a phone these days. He got rid of that phone. He knew what he did. He knew he could be tracked. And it's just coincidence -- another coincidence in this case that the phone mysteriously goes dark all of a sudden right after he kills this victim, Ms. Logan.

Remember, based on these call logs, we, also, have the cell phone tracking that Sergeant Dan Kelly spoke to. Sergeant Kelly spoke to when he animated those call logs that it showed the victim and Jahru Smith's phone, the 386 number, linking up.

And then, thereafter, where did the 386 number go? Where did Jahru go? To Anderson County. And we heard the testimony that corroborated that from Tiffany Petty and Deborah Calhoun, her mother, saying she gave him a ride to Anderson County.

Here's that still image of that animation, this being where they linked up. This being, ultimately, where Jahru fled that night before midnight just after he committed

the murder and armed robbery. And this is that map where Deborah Calhoun said she dropped off Jahru Smith that night. Where does that end? As you take a closer look during your jury deliberations, you'll see it's in that same exact area where that cell phone tracking matched up to.

Jahru Smith helped conceal this body. As I mentioned earlier, they dragged the body. And you saw through the evidence in these pictures, they dragged her body across the gravel in an attempt to conceal her and load her up in the back of that vehicle.

We know Bobby Smith couldn't do this by himself, based on his health status. You saw him in here yesterday, how long it took him to walk up to and from the stand. He could not do that by himself. Even Bobby Smith admitted that they were working together in moving her body.

What does that concealment tell us? That shows the intent. They had bad intentions that night, bad intentions. It was nothing else other than that. They intended to rob her. They accomplished that mission. And in the course of doing so, they just murdered this innocent victim.

Remember Courtney Henderson, Kersandra Wright, the next door neighbor? She testified that when she pulled in

that driveway after she just got the phone call, she saw two black males. She couldn't identify Bobby Smith and Jahru Smith, their faces. She didn't see them. But their body language -- and they turned and just stared at her.

And she explained what she interpreted that to mean. She got an uneasy feeling that it wasn't normal, it wasn't right. And, basically, they were looking at her saying, move on, nothing to see here. That's not normal. That's not normal. That was Bobby Smith and Jahru Smith pilfering Ms. Logan's car and having no regard at all for what they'd just done. And I think -- I think that that tells a lot.

Remember, you heard from Jahru Smith's ex-girlfriend. Immediately after this murder and armed robbery, his words were, it was an accident. I didn't mean to. An accident? Shooting the victim five times when a window is rolled up and a door is closed and you're seated in your driver's seat.

Mary Louise Smith, he contacted her a few days later. He needed money to get out of town. Why do you need money to get out of town? Because he had just robbed and murdered this victim.

He was on the run. Remember, he was gone for 10 days. This occurred on February 3rd to February 13th. He was on the run for 10 days. He knew he was wanted.

Tiffany Petty had talked about their conversation the day after. She said, I'm not letting you come over here. I saw you on the news. You're wanted. What does that tell us? He knew he was wanted. That goes to his guilt. He knew he was wanted. He knew what he did was terrible in the fact that he had robbed this victim and murdered her.

Jahru left his Jeep, his perfectly good running Jeep behind in the front of [redacted] Mayflower Avenue. He did that because Deputy Napolitano scared him off as he pulled up for that 911 hang up call, and they were loading Ms. Logan up in the back of the car. He took off on foot with that murder weapon. And, again, with that $600, $700, and the drugs. He took off running on foot leaving that Jeep behind.

And that 700 to $800 and no drugs being found on the victim or in the victim's vehicle, that goes a lot to the armed robbery. We heard the testimony from Ms. Logan's mother, Teresa Lang, that just two hours before this incident, she had counted approximately 700 to $800 in front of her, a large sum of money. We can agree to that.

And all that's recovered afterwards is $107 of blood money from Bobby Smith's pocket. Where did the rest of that money go? The rest of that money was with Jahru Smith. Those drugs were with Jahru Smith. That crack

cocaine was with Jahru Smith.

Now, it was brought up for the first time yesterday -- which I'll address later with Bobby Smith. But for the first time, it was pulled out of Bobby Smith that she pointed a gun. I guess it's suggesting that this was some kind of self-defense situation, that Jahru Smith had to defend himself.

Folks, I'm just going to touch on this briefly. I'm not going to dwell on it. You've seen the photographs of the glass inside the vehicle. You've seen the scene. You saw exactly what happened here.

Let me show you some of these pictures. Self-defense. Look at the glass in the track of this window. Self-defense with the window closed. Look at all this glass that had been shot out that's on the floorboard here. Clearly, you remember those trajectory rods from Dar Shaw. In this picture right here, Ms. Logan was seated in her driver's seat.

And, remember, with respect to Dr. Ward's testimony. He talked about the several wounds that she had, all five wounds. Remember that one hip wound, in particular. I'll pull this up for your reference.

This is that anatomical drawing that he drew our attention to. In particular, this hip wound, thigh wound that he talked about, wound number four, as he described

it in his report. It entered her left thigh. She's seated in the driver's seat. It entered her left thigh and went out her left buttock. Folks, that's a defensive position that she's seated in that driver's seat there. That's a defensive position.

The window, the glass being shot out as she's seated in that driver's seat. She's raising her leg up turning away as she's shot and killed. Again, you'll have all of this to review. I know it's a lot. But you can take a look at this again, if you so choose.

There was that gun inside the victim's car that was found on the passenger seat. That gun was resting right on the passenger seat there just hanging on the edge with no blood. We didn't hear any testimony or any evidence to present any blood on that gun.

If she were to be pulling that gun, as Bobby Smith put out there yesterday, wouldn't there be some blood on that gun? You saw that driver's seat, how much blood was there. Wouldn't there be some blood on that gun? We've heard nothing about that.

We know that gun wasn't fired. How do we know that? It was a firearm that would eject cartridge casings, just like the one that killed Ms. Logan. There were no cartridge casings that were ejected from that weapon. There were only the cartridge casings belonging to the

murder weapon, the one that Jahru Smith fired.

Self-defense, and you shoot the victim five times within a distance of two to three feet. And we have these images of the stippling. And we heard Dr. Ward's testimony of what that means. No one bothered to call 911.

And everything I touched on previously applies to how ridiculous this self-defense idea is. He's fleeing. He's going to Anderson County. He's stolen 600, $700. There's no drugs recovered, et cetera. All of that, it doesn't make any sense, folks.

And, oh, by the way, during that confession, he makes no mention of self-defense. Don't you think if you're acting in self-defense that would be a good time? Well, I'm turning myself in, but there's a big misunderstanding. There's more to the story. Maybe that would be a good time to say, there's more to the story. He doesn't say, but it was self-defense. Wouldn't that be a prudent time and thing to say, rather than just, you know, murder? Yeah, I shot her.

And you'll hear later from the Judge that with respect to self-defense, you have to be without fault in bringing on the difficulty. I think all of this clearly suggests that Jahru Smith and Bobby Smith are not without fault in bringing on the difficulty when you're coming

armed to a drug deal with the intent to rob somebody of their drugs and money. It just doesn't make any sense, folks.

On to Bobby Smith. On to Bobby Smith. Mr. Sullivan mentioned at the outset that he's just an accessory after the fact. And he wants you to believe that he was just minding his business inside the house when he heard the shots go off and, conveniently, then said, oh, that's a good idea. I'm going to move and drag this body around just on a whim, I guess, to help out my brother.

And then, at that point, he comes up with the idea to steal some drugs, and some money, cell phone, identification, the credit cards. That's what they want you to believe.

Folks, Bobby Smith can't be believed. He hasn't told the truth from day one. He told you that himself. He began lying from day one to protect himself and his brother. And that's what he continued to do yesterday when you heard him on the stand.

And this self-defense first came out yesterday, not even through the discussion in direct examination --

MR. KORNFELD: Objection, Your Honor. It came out first in the trial. That's a misstatement of facts, Your Honor.

THE COURT: All right. Ladies and gentlemen,

oftentimes, the parties to a suit will disagree about what the evidence says, and about what your determination of the facts should be. I told you I don't have a position on the facts. The lawyers are arguing about what the evidence was and the facts are. I can't express an opinion in that regard.

If either attorney misrepresents the facts, then I'm sure that in your deliberations you'll understand and appreciate that. I'm not taking a position on whether Mr. Moroney is misstating the facts, or if Mr. Kornfeld is right. That's not my position.

But you heard the evidence. You know what the evidence was, and you know what the evidence shows. So I leave it up to your good discretion and judgment to determine whether either -- any of these attorneys are mischaracterizing the evidence in this case.

Mr. Moroney, you may proceed.

MR. MORONEY: Mr. Kornfeld is just doing his job. But he, certainly, doesn't want me to dwell on this fact that you didn't hear about self-defense until he pulled it out of Bobby Smith.

Tim Sullivan went through a detailed, detailed recitation with Bobby Smith of what happened that night. Even backing him up, coaching him at times through that. And at no point did you hearing anything about this gun

being pointed.

But when Mr. Kornfeld opened the door for him and said, He pointed a gun, didn't he -- did she point a gun? Again, he goes back into protection mode to protect himself, but most importantly, his brother. He admitted he would do that, protect his brother. And he says, Yeah, yeah, she pointed a gun. That's the first time we hear about this right there. He just can't be believed.

Even on the stand when Mr. Weston was cross-examining him, he was caught in his own lies on the stand. He said his brother never carried a gun. And then that turned into he regularly carried a gun.

Mr. Weston got Bobby Smith to admit that he lured, essentially, Ms. Logan over there, even though Bobby Smith said he wasn't luring her over there. But he didn't mind to tell Ms. Logan that Jahru was there, even though she didn't like dealing with him at all and had no business with him whatsoever.

And he knew, at a minimum, that something not good was going to happen that evening. He knew more than that. He knew what their intent was. They had been smoking crack since noon that day. They're both not in their sound judgment, or whatever way you want to put it.

But they had run out of their drugs. They had run out of their money. And they knew an easy target. They

knew Ms. Logan was going to be that easy target. A female alone at night, she would be an easy rip. Maybe she said no, maybe she didn't act quick enough, but it cost her her life.

Again, Bobby said he was at home. He made it inside. He happened to make it inside when he heard the shots. Again, back to Bobby Smith's mobility. He wants you to believe, as he tells it, that he's there. He sees Jahru Smith walk up. And then he's able to make it in the house before the shots go off.

And we know that time frame that we're talking about, based on when Ms. Logan calls to say she's on her way and when the 911 call happens. We're talking about a minute -- short minutes.

So, apparently, at the time, Bobby Smith was a lot more mobile. And he was able to get right back in that house and close the door and, of course, just bird shots. He wasn't outside. He wasn't outside with Jahru Smith.

You may wonder to yourself where's the common scheme or plan that Bobby Smith intended to rob Ms. Logan? Where -- how do we prove that to you? How do we demonstrate that to you? Folks, when -- at the time that he was saying, I don't have shit to do with that, chalk it up to the streets, the moment he said that, that was his first words.

At the time he said that, he had a $107 of the victim's money in his pocket with her blood on it. At the time he said that, her cell phone is hidden in a freezer behind him. And at the time he said that, her ID was flushed down the toilet. And he had blood on his shirt and pants that he tried to change out of and put on the chair. The intent for him to join in this armed robbery is on his person and his pockets, in the frig -- the freezer, and down that toilet.

Bobby Smith said he didn't call 911 because he didn't know how to use a touch phone. And then in his testimony, he waited an hour while there were blue lights outside with the door closed and, I guess, his arms folded and just sat there.

So this brings us with respect to Bobby Smith, the hand of one that I touched on at the outset of this trial. And this is a very important component under our law with respect to Bobby Smith.

Bobby Smith didn't pull the trigger. Jahru Smith pulled the trigger. But how is he guilty of armed robbery? How is he guilty of murder? I touched on the armed robbery portion, that his intent can be demonstrated through that physical evidence that was on him and in the house.

The Judge, again, will charge you on this. When two

or more combine to commit an unlawful act and in the execution of that criminal act, a homicide is committed by one of the actors as a probable or natural consequence of the acts done in pursuance of the common design, all present that participated in the unlawful undertaking are as guilty as the one who committed the fatal act. This is Bobby Smith. Right here, this is Bobby Smith.

That's how his hand is on that gun just like Jahru Smith. This -- it's just the same as if his hand was on that gun. When he joined in the undertaking to rob Ms. Logan, it's just as if he pulled that trigger.

Bobby Smith didn't want her dead. Why would he want her dead in the front driveway? That's what created this whole mess in the first place. He wanted her drugs and money. He thought it would go off without a hitch.

They had run out of drugs and money because they had been smoking since noon, and this was now 9:30. And she was going to be an easy lick. But that doesn't matter with respect to the guilt, just because he didn't want her to be shot.

The fact that he wanted to partake in the armed robbery and she ended up dead as a result of that, he is guilty of armed robbery. He is guilty of murder. As a result of that, possession of a weapon during a violent crime.

I'm going to sit down now. I know I've been talking for a while. I'm going to let these Defense attorneys speak to you. And I'll have an opportunity to briefly address you at the end here.

Thank you.

THE COURT: All right. Mr. Sullivan.

MR. SULLIVAN: May it please the Court.

THE COURT: Yes, sir.

MR. SULLIVAN: Mr. Moroney.

Mr. Weston.

This case has a lot of evidence, but it's fairly simple. Let's start, I'm representing Bobby Smith.

Who is Bobby Smith? He's a 57-year-old man. He lives at home with his mom. He has diabetes. He has problems with lost toes on his left foot. The right foot has problems -- is problematic, number one.

Number two, if you're going to plan a crime, there's three things you do. You have to plan the crime, how you want to do it. You have to commit the crime. And then say, let's get away. Well, they had to plan this crime to rob this lady, and then committed the crime in his front yard, Bobby's front yard. And then -- well, he didn't get away. We're here.

So let's back up. You know Bobby's health. Bobby has some mental problems, which is not enough to affect

this case. But he's on medication for schizophrenia and bipolar. And he goes to Greenville Mental Health.

So he smokes crack. That's probably a fact of life that you don't deal with. It's like a couple of guys watching a football game and they drink some beers. Some people smoke crack. That's just life.

So that day -- prior to that, Jahru had met Ms. Logan and knew she was a crack dealer. He met her through friends. It's been admitted in the courtroom. Through Jahru, Bobby met Ms. Logan and liked her. They got along.

So she became his supplier over a two-year period. She was prompt. She was fair. They never argued. The way it worked, according to Bobby, he would call her. She would pull up, park in the yard, blow the horn, and he'd go out make the deal and go in.

On this particular day, actually, she had been over to the house twice prior to the incident. Jahru and Bobby were smoking, they called her. She came over, no problem. They smoked a little bit. And then later, they wanted some more, same deal.

This time, she came over, blew the horn. Now, the car -- the houses are here and here. They're right together. And there's the driveway. She pulls up like she always does, blows the horn. Bobby goes out and makes his deal. Jahru is coming out. This has nothing to do