

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lancaster County

Honorable William Jeffrey Young, Circuit Court Judge

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S.C. SUPREME COURT

ANTHONY RODRIEKUS CARTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-001265

APPENDIX

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1 State of South Carolina
2 Court of General Sessions
3 County of Lancaster
4 2010-GS-29-01000
5
6 State of South Carolina
7 VS.
8 Anthony Rodriekus Carter
9
10 Lancaster, South Carolina
11 November 7-10, 2011
12 Before the Honorable Ernest J. Kinard
13
14 APPEARANCES
15 For the State: Doug Barfield
16 For the Defendant: Mike Lifsey
17 REPORTED BY: Michael C. Watkins
18 Official Court Reporter
19
20
21
22
23
24
25

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VOIR DIRE

1 THE COURT: All right. Jurors, the solicitor just
2 handed me three documents, they're called indictments, they
3 are not evidence. They allege the allege the commission of
4 three separate crimes, they allege that the crimes were
5 committed by Anthony -- pronounce it how?

6 MR. LIFSEY: Rodriekus.

7 THE COURT: Rodriekus Carter on May 3, 2010 in
8 Lancaster County. Mr. Carter pleads not guilty to all
9 three charges. The fact that he has been charged creates
10 no inference of guilt against him and he is presumed
11 innocent of all charges, there's no burden on him to prove
12 he's not guilty. In order to obtain a conviction the State
13 has got to prove to 12 jurors who will eventually be seated
14 beyond a reasonable doubt that he committed one or more or
15 all of these crimes, or if you don't not guilty, not
16 guilty, not guilty. Again, I don't know anything about the
17 case to speak of other than I've talked to the attorneys
18 for just a second. The first indictment alleges the crime
19 of murder. Murder is the unlawful killing of one human
20 being by another with malice aforethought expressed or
21 inferred. The indictment alleges that back on May 3rd of
22 2010 Mr. Carter did with malice aforethought kill and
23 murder ^{minor victim} by shooting her with a handgun and
24 she died as a direct result of that. The second indictment
25 alleges he committed the crime of possession of a pistol at

VOIR DIRE

1 that date and time, and the third indictment alleges that
2 he possessed a firearm while committing a violent crime and
3 murder being a violent crime. Of course, that's just an
4 add-on, you have to find him guilty of committing a violent
5 crime embraced in the first indictment before you can find
6 him guilty on this. Just on the smallest of things, and I
7 don't know need to know about the facts, there was
8 apparently a confrontation of some sort, who started what
9 will be presented during the trial, but shots were fired
10 from one group to another group toward another group. The
11 State alleges that Mr. Carter shot, that he attempted to
12 shoot into another group and the bullet hit a three year
13 old child and killed her who was in the car in the
14 vicinity. All right. Now, Mr. Carter, of course, is
15 presumed innocent of all charges. He's present if he would
16 just stand. All right. Jurors, does he look familiar?
17 Mr. Carter is the one right there. Anybody kin to him, go
18 to school with him, live in the neighborhood with him, work
19 with him, know him at all? If so, please raise your hand.
20 Now, the case for the State is going --

21 THE CLERK: Somebody is raising their hand back there.

22 THE COURT: Who are you?

23 THE JUROR: Mario Delaney.

24 THE COURT: How does that question apply to you?

25 THE JUROR: I know him.

VOIR DIRE

1 THE COURT: Just stay standing up, you're not going to
2 pass out. You're not related to him?

3 THE JUROR: No.

4 THE COURT: You just know him?

5 THE JUROR: Yeah.

6 THE COURT: Can you be fair and impartial or would it
7 put too much pressure on you to serve on a jury?

8 THE JUROR: Ain't no pressure on me.

9 THE COURT: You could serve?

10 THE JUROR: Yeah.

11 THE COURT: You just know him.

12 THE JUROR: Yeah.

13 THE COURT: Have a seat. All right. Your solicitor
14 and maybe one or more of his assistant solicitors will
15 handle the case for the State, if would you stand and tell
16 us who you are.

17 MR. BARFIELD: My name is Doug Barfield, solicitor for
18 the 6th circuit. I'll have several people in my office
19 assisting but I will probably do all of the examining of
20 witnesses myself.

21 THE COURT: Jurors, do any of y'all have any
22 connection directly or indirectly with Mr. Barfield or any
23 member of his staff?

24 THE JUROR: My name is Cynthia Williams, and his
25 secretary and I are best friends.

VOIR DIRE

1 THE COURT: Have you heard anything about this
2 particular case?

3 THE JUROR: No, sir.

4 THE COURT: Can you be fair and impartial?

5 THE JUROR: Yes, sir.

6 THE COURT: Mr. Carter is represented by an attorney,
7 he's going to tell you who he is.

8 MR. LIFSEY: My name is Mike Lifsey, I represent
9 Mr. Carter, I will be representing him by myself in this
10 case.

11 THE COURT: Any of y'all have any connection direct or
12 indirect with Mr. Lifsey? Has he ever represented you on
13 any legal matter, been on the side of a controversy in
14 which you were involved? All right. Now jurors, the
15 following questions are going to apply to you and an
16 immediate family member. By immediate family member I am
17 talking about up and down and across, talking about
18 parents, grandparents, children, brothers, sisters, I am
19 not talking about third cousins twice removed. All right.
20 So if you or an immediate family member currently or in the
21 past have been employed by law enforcement at any level,
22 that would be anything from FBI to SLED to the Town of
23 Bethune Police Department to a wild life officer or anybody
24 that could arrest someone if you would please stand. And
25 now, just tell us who you are and how that question applies

1 to you.

2 THE JUROR: I'm Mildred Gillespie, and my son is
3 employed by the Lancaster County Sheriff's Department.

4 THE COURT: Of course, if you can't be fair and
5 impartial after you give me information say I can't, but
6 otherwise just have a seat.

7 THE JUROR: I'm Billie Dapper, my brother at one time
8 was a police officer in Lancaster.

9 MR. LIFSEY: I couldn't hear what she said.

10 THE COURT: She said her --

11 THE JUROR: My brother was a police officer with
12 Lancaster.

13 THE CLERK: Thirty-nine.

14 THE JUROR: William Stlouis. My daughter is a police
15 officer with the Rock Hill Police Department.

16 THE COURT: Okay.

17 THE JUROR: Henry Beckham. I did bonds for several
18 years, bail bondsman.

19 THE JUROR: Don Johnson, number 77. Might not apply
20 but I taught classes at the department of youth services
21 years ago.

22 THE COURT: Okay. Jurors, same question applies to
23 anybody that has been employed by the probation agency.
24 Taking it one step farther, if you or an immediate family
25 member while not directly employed by law enforcement have

VOIR DIRE

1 ever been employed or currently employed in a quasi law
2 enforcement position like a night watchman, a security
3 guard, somebody that walks through block stores looking for
4 shoplifters, anything like that. Jurors, if you or an
5 immediate family member have ever been employed by a
6 solicitor's office or any individual or entity that
7 prosecutes people accused of crimes such as a district
8 attorney's office, some county attorneys, JAG corps in
9 service, please stand.

10 THE JUROR: I was employed by an attorney in
11 Chattanooga, Tennessee.

12 THE COURT: You need to tell us your name always when
13 you stand.

14 THE JUROR: Catherine Smith, yes.

15 THE COURT: Okay.

16 THE JUROR: I'm not sure if this applies to me, my
17 name is Amanda Carnes and my brother-in-law is the county
18 attorney for Clarendon County.

19 THE JUROR: Jeffrey Haynes. My wife worked for the
20 Charlotte Mecklenburg Police Department for one year in the
21 forensic medicine department.

22 THE COURT: Jurors, if you or an immediate family
23 member have ever been employed by a public defender
24 corporation, federal or state, that's an entity that
25 represents people accused of crimes, or of an attorney who

VOIR DIRE

1 represented individuals, maybe not full-time but just from
2 time to time, did some criminal defense work please stand.
3 Jurors, I am advised that there was some publication in the
4 paper today, if after reading that anybody can't be fair
5 and impartial you need to tell me. Now, jurors, on the
6 next series of questions, I'll just ask a couple and then
7 you can come up and I will ask a few more, don't stand
8 right now, just wait. If you or to your knowledge an
9 immediate family member has ever been the victim of what
10 you perceive to be a crime of violence the attorneys would
11 like to know. And obviously murder, manslaughter, assault
12 and battery with intent to kill, assault and battery,
13 beating people up are violent crimes but the legislature
14 says many things are crimes of violence. If you think you
15 have been the victim of a crime of violence like burglary
16 or even if you think somebody broke into your car and that
17 was a crime of violence, just if you think it was a crime
18 of violence you need to come up and tell us in just a
19 minute. Of course, criminal domestic violence would be a
20 crime of violence, it's just in its term, that's one thing.
21 Two, if you have been accused of what you feel was a crime
22 of violence even though you weren't convicted, just if
23 somebody accused you, of course, if they took out a warrant
24 against you you would know, but just if somebody said he
25 beat me up or he beat somebody up or he broke in his house

VOIR DIRE

1 and stole all of his property and what have you, if you
2 have been accused of committing a crime of violence the
3 attorneys would like to know. If you belong to or
4 contribute to any organization that takes the position on
5 crimes in society, they all have initial names, you know,
6 like MADD, Mother's Against Drunk Driving, CAVE, Citizens
7 Against Violence, and so forth. If you belong to any of
8 those organizations the attorneys would like to know. And
9 that's probably enough at one point if y'all would just
10 step up if any of those questions apply to anybody.

11 (Individual voir dire.)

12 THE JUROR: Don Johnson, number 11.

13 THE COURT: When you come up just tell us your name
14 and how that question applies.

15 THE JUROR: Don Johnson, number 77. I owned a
16 restaurant that was robbed and car was broken in and pistol
17 stolen from me once.

18 THE COURT: How long ago did those things happen?

19 THE JUROR: Several years ago.

20 THE COURT: Can you be fair and impartial?

21 THE JUROR: I believe so.

22 THE COURT: If y'all want to ask them anything else
23 you can, I'm not cutting you off. Okay. Thank you.

24 THE JUROR: Melinda Gillespie, 122. We have a pending
25 case, my 12 year old son was sexually assaulted by his

1 stepbrother.

2 THE COURT: Okay. Thank you.

3 THE JUROR: Laterica Smith, 128. My brother was shot
4 and killed a couple of years ago.

5 THE COURT: Is that going to put any pressure on you
6 in this case? You would rather not say?

7 THE JUROR: No.

8 THE COURT: All right. We'll excuse you.

9 THE JUROR: David Steele, 129. My elderly father was
10 beaten and robbed two different times in his own yard, that
11 was years back.

12 THE COURT: Okay. Thank you.

13 THE JUROR: Gene Moree, I don't have to reflect on it,
14 back 30 years ago I was attacked.

15 THE COURT: Can you be fair and impartial?

16 THE JUROR: Yeah.

17 THE COURT: Okay. Thank you.

18 THE JUROR: You said something about security officer
19 I was that about 20 years ago, does that matter?

20 THE COURT: You just need to tell us, that's all. All
21 right. Jurors, if in the past you have served on a jury,
22 served on a jury, didn't have to be a criminal case
23 attorneys just wanted to know if you would just come up one
24 at a time. And if there is anything in the nature of the
25 charge that would prevent anybody from being a fair and

VOIR DIRE

1 impartial juror in your opinion if you would just come up,
2 one of the charges being, of course, murder. This is going
3 to take awhile probably but if you are a parent of a child
4 under the age of seven or are a guardian of such a person,
5 I need for you to come up. And, of course, if you think
6 that because the victim in this case was young that would
7 impact your impartiality you need to come up. All right.

8 (Individual voir dire.)

9 THE JUROR: 120, Kevin Schlesier. I have got a six
10 year old daughter and a 14 month old son.

11 THE COURT: All right. Could you be fair -- if they
12 tell us they can't, or you can ask them.

13 MR. LIFSEY: Would it affect your ability to be fair
14 and impartial in this case?

15 THE JUROR: No.

16 THE COURT: Thank you, sir.

17 THE JUROR: I have a ten month old granddaughter, I
18 don't know that I could be impartial. Catherine Smith.

19 THE COURT: Okay. Ms. Smith, we will let you out of
20 the case.

21 THE JUROR: Amanda Carnes, number 23. I have a three
22 and a four year old.

23 THE COURT: Can you be fair and impartial?

24 THE JUROR: I would think so, yes, sir.

25 THE JUROR: Don Johnson, 77. My daughter when she was

1 about three or four years old the mother was charged with
2 sexually abusing her.

3 THE COURT: That's not a disqualification. Can you be
4 fair and impartial?

5 THE JUROR: It would be tough on me, sir.

6 THE COURT: I need for you to tell me.

7 MR. BARFIELD: Would you explain what you said again?

8 THE COURT: My daughter was -- I was going through a
9 divorce and my ex-wife had a live-in boyfriend, he was
10 charged with the department of social services of sexually
11 abusing her, my three or four year old daughter.

12 MR. LIFSEY: With regard to a child, if the three year
13 old child was the victim in this case, would you be able to
14 set your feelings aside?

15 THE JUROR: I can't say that I totally can but I would
16 do the best I can.

17 THE COURT: Well, you're excused.

18 THE JUROR: Number 85. I apologize if I misunderstood
19 you but did you say if anyone has ever served on a jury? I
20 was an alternate.

21 THE COURT: What kind of case was it?

22 THE JUROR: It was like drug trafficking, and I have
23 been called two different times but I didn't have to serve.

24 THE JUROR: Sixty-seven. I know the other side of --
25 family of the baby, the family is back there.

VOIR DIRE

1 THE COURT: Okay. We haven't been over there yet.

2 THE JUROR: No, but I knew --

3 MR. LIFSEY: You knew the child victim? Do you think
4 you would be able to be fair and set that aside? That
5 question may come up.

6 MR. BARFIELD: You know the victim's side of the
7 family -- you know the victim's family, is that what you're
8 telling me?

9 THE JUROR: He knew the victim too.

10 THE COURT: Free to go. Okay. Jurors, the attorneys
11 have gone together, they've been over the potential juror
12 list but don't panic, the solicitor is just going to read
13 out the names of each potential witness. That does not
14 mean that everybody he calls out will testify, it's just
15 some of them if X says Y, B is going to testify, you know,
16 if X says Y, B is not going to testify. We're not going to
17 try to have seven people saying the same thing in other
18 words, we're going to try to curl it down to the extent
19 that we can. And the solicitor is just going to read out
20 the names, now, if he has information he is just going to
21 tell you they work for the Lancaster Sheriff's Department
22 or something like that. If you know someone with the same
23 or similar name if you would just stand, the attorneys can
24 tell us more background information, people have the same
25 or similar names. Okay. Solicitor?

1 MR. BARFIELD: And some of these might be in the jury
2 assembly room, if you are here and I call your name I would
3 ask you to stand briefly so the jurors can look around and
4 see a face to go along with the name. The following
5 witnesses are all or formerly with the Lancaster County
6 Sheriff's Office. Mike Adams, Danny Bennett, Joe Catalano,
7 Craig Monty, Clark Crump, Doug Deese, Caleb Graffam, Ann
8 Horton, Mike Howell is in the back. Eric Jaillette, Chuck
9 Kirkley, Steven Marshall, Ryan McLemore is in the back,
10 Mike Miller, Charles T. Minors, Christy Rogers, Donnie
11 Rogers, Johnny Rogers, Brandon Rollins, Jeff Steele is in
12 the back, Ken Taylor, Fred Thompson is in the back, Brad
13 Whitesides, Mark Whitley. The following officers was then,
14 is in now employed by the city of Lancaster Police
15 Department, Craig Greenlee. The following officer is
16 employed by the Bureau of Alcohol and Tobacco and Firearms,
17 Lee Rathel. The following folks are employed by the State
18 Law Enforcement Division otherwise known as SLED. Tony M.
19 Broome, Michelle Eichenmiller, Scott Hardee, Karl Kenley,
20 Selena Kinard, Catherine Leisy, Ricardo Prince, Ila Simmons
21 and Doris Yarborough. I'm calling some medical folks, none
22 of whom are here; Brian Anthony Walker, employed then or
23 still at Springs Memorial Hospital, Lisa Naughten employed
24 at the Carolinas Medical Center, Steve Wilkenson employed
25 at Carolinas Medical Center, Thomas D. Owens employed at

VOIR DIRE

1 the Mecklenburg County Medical Center. Janice M. Ross,
2 M.D. Newberry Pathology Associates. Then the following
3 witness are civilian witnesses and couple of them are here
4 but I doubt very many of them at all are here. Lawrence S.
5 Alexander, Chris Benson, Stephanie Britt, Purl Clyburn,
6 Emmie Amanda Coats, Rondriana Lanisha Cunningham is in the
7 back. Dewayne Curry, Kayla Estes, Beneco Antwan Ganson,
8 Butch Ghent, Lateric Gladden, Lorenzo Harris, James Lamar
9 Hemphill, John Jarrod Hill, Larry Jackson, Derrick
10 McIlwaine, Jennifer Morris, Sandra Lewis Sanchez, Eric
11 Sanders, Jackie Sanders or Jacqueline Sanders, Richard
12 Self, Christopher Small, James "Boo" Smith, Patty
13 Stevenson, Josh Thurman, Wayne Tolbert and Danny "Buck"
14 Wright. And potentially the Clerk of Court, Jeff Hammond.

15 THE COURT: Okay. Jurors, just in an abundance of
16 caution, the victim's name as I mentioned to you was ^{minor}~~victim~~
17 ^{minor}~~victim~~. If anybody knew ^{minor victim} I need for you to
18 stand, the three year old. Now, jurors, any of y'all
19 formed an opinion as to how this should be resolved?
20 Jurors, if you get on the jury there are going to be some
21 semi-complex legal matters explained to you, you're to find
22 the facts and apply them to the law if you get on the jury,
23 if anybody has got any preconceived ideas about what the
24 law is and you can't take the law as I give it to you and
25 apply it to the facts you need to tell us before you get on

VOIR DIRE

1 there, it's too late after the fact. Any juror aware of
2 any reason why you couldn't be fair or impartial? Just out
3 of an absolute abundance of caution, I told you I don't
4 know anything about the case, but there will be testimony
5 apparently of illegal drug use between some people
6 involved. If anybody has any strong convictions about use
7 of drugs in society and you couldn't be a fair and
8 impartial juror if drug use came up you need to tell us
9 now. All right. Jurors, any possible reason that you
10 couldn't be fair and impartial that I haven't covered?
11 Okay. Let's give them the list.

12 (Break in proceedings.)

13 THE COURT: Jurors, y'all understood if you knew any
14 of the witnesses you needed to stand. Just tell us who you
15 knew.

16 THE JUROR: I'm Elizabeth Tillman and I knew Brad
17 Whitesides, he was one of the police officers.

18 THE COURT: All right.

19 THE JUROR: My name is Jeff Hinson and I was a
20 classmate of Lee Rathel.

21 THE COURT: Okay.

22 THE JUROR: I know Clark Crump, went to church with
23 him along time ago and Mark Whitley, went to high school
24 with him.

25 MR. LIFSEY: I'm sorry, it took me awhile to find the

VOIR DIRE

1 list. The man in the pink that stood up, what is your
2 name, sir?

3 THE JUROR: Jeff Hinson.

4 THE JUROR: Number 85, I know Jeffrey Steele somewhat
5 but I go to church and am friends with his parents.

6 THE COURT: All right. Now, of course, if you would
7 give that person's testimony that you know more credence
8 than somebody else you need to tell us, that's all, and
9 that applies to everybody.

10 THE JUROR: I'm Kelvin Deese. I knew Eric Jaillette,
11 his dad, I went to school with him. Clerk of Court Jeff
12 Hammond.

13 THE JUROR: I know Clark Crump, we go to church
14 together.

15 THE COURT: Well, you need to tell us your name.

16 THE JUROR: Barbara Haire.

17 THE JUROR: Mildred Gillespie. I know Doug Deese and
18 Monty Craig and a couple of the others that were mentioned.

19 THE COURT: All right.

20 THE JUROR: I meant to tell you I know Jeff Hammond.

21 THE COURT: My name is Vanessa Laney and I know Brad
22 Whitesides, a police officer.

23 THE JUROR: William Stlouis. Of course, I know Jeff
24 Hammond.

25 THE JUROR: Lashanda Hall. I know Mike Howell.

VOIR DIRE

1 THE COURT: Okay.

2 THE JUROR: My name is Tanya Eller. I knew Lee
3 Rathel, he dated my best friend and I went to school with
4 him. And I knew Charles Minor, he lives right across from
5 street from my best friend's house.

6 THE JUROR: Amanda Carnes, number 23. My brother was
7 friends with Eric Jaillette as a child growing up from high
8 school, and also I knew Butch Ghent from fire fighting.

9 THE JUROR: Paige Peavy. I know Jeff Hammond, also I
10 know Eric Jaillette, I worked with his dad, and Mark
11 Whitley is a friend.

12 THE COURT: Okay. Jurors, anything else? What's
13 going to happen now, you don't have to say anything, but
14 Mr. Hammond is going to call your names out, just lists you
15 chronologically. Once you just state your name the state
16 gets to -- I hate to put it this way -- accept you or
17 reject you but that is what it boils down to, and then so
18 does the defense, whatever they say just have a seat, if
19 they say seat the juror or excuse the juror it doesn't
20 really matter. And then once we get I guess 12 jurors and
21 maybe two alternates if we have that many left we will let
22 everybody else go. Okay?

23 THE CLERK: Juror 94, Pamela Massey. What say the
24 State?

25 MR. BARFIELD: Please present the juror.

VOIR DIRE

1 THE CLERK: Defendant?
2 MR. LIFSEY: Please swear the juror.
3 THE CLERK: Juror 129, David Steele. What say the
4 State?
5 MR. BARFIELD: Please present the juror.
6 THE CLERK: Defendant?
7 MR. LIFSEY: Please excuse this juror.
8 THE CLERK: Juror 136, Leshayne Truesdale Hall. What
9 say the State?
10 MR. BARFIELD: Please present the juror.
11 THE CLERK: Defendant?
12 MR. LIFSEY: Please excuse this juror.
13 THE CLERK: Juror 145, Cynthia Williams. What says
14 the State?
15 MR. BARFIELD: Please present the juror.
16 THE CLERK: Defendant?
17 MR. LIFSEY: Please excuse this juror.
18 THE CLERK: Juror 36, Mark Crofford. What say the
19 State?
20 MR. BARFIELD: Please present the juror.
21 THE CLERK: Defendant?
22 MR. LIFSEY: Please excuse this juror.
23 THE CLERK: Juror 23, Amanda Carnes. What say the
24 State?
25 MR. BARFIELD: Please present the juror.

VOIR DIRE

1 THE CLERK: Defendant?
2 MR. LIFSEY: Please excuse this juror.
3 THE CLERK: Juror 150, Shelly Young. What say the
4 State?
5 MR. BARFIELD: Please present the juror.
6 THE CLERK: Defendant?
7 MR. LIFSEY: Please swear the juror.
8 THE CLERK: Juror 40, Kelvin Deese. What say the
9 State?
10 MR. BARFIELD: Please present the juror.
11 THE CLERK: Defendant?
12 MR. LIFSEY: Please swear the juror.
13 THE CLERK: Juror 7, Henry Beckham. What say the
14 State?
15 MR. BARFIELD: Please present the juror.
16 THE CLERK: Defendant?
17 MR. LIFSEY: Please swear the juror.
18 THE CLERK: Juror 104, Mitchell Payne. What say the
19 State?
20 MR. BARFIELD: Please excuse the juror from this
21 trial.
22 THE CLERK: Juror 89, Cheryl Long. What say the
23 State?
24 MR. BARFIELD: Please present the juror.
25 THE CLERK: Defendant?

VOIR DIRE

1 MR. LIFSEY: Please swear the juror.

2 THE CLERK: Juror 130, William Stlouis. What say the
3 State?

4 MR. BARFIELD: Please present the juror.

5 THE CLERK: Defendant?

6 MR. LIFSEY: Please excuse this juror.

7 THE CLERK: Juror 92, Mariani Mackey. What say the
8 State?

9 MR. BARFIELD: Please excuse the juror from this
10 trial.

11 THE CLERK: Juror 43, Tanya Eller. What say the
12 State?

13 MR. BARFIELD: Please present the juror.

14 THE CLERK: Defendant?

15 MR. LIFSEY: Please swear the juror.

16 THE CLERK: Juror 106, Paige Peavy. What say the
17 State?

18 MR. BARFIELD: Please present the juror.

19 THE CLERK: Defendant?

20 MR. LIFSEY: Please excuse this juror.

21 THE CLERK: Juror 68, Jeff Hinson. What say the
22 State?

23 MR. BARFIELD: Please present the juror.

24 THE CLERK: Defendant?

25 MR. LIFSEY: Please swear the juror.

VOIR DIRE

1 THE CLERK: Juror 62, Jeffrey Haynes. What says the
2 State?

3 MR. BARFIELD: Please excuse the juror from this
4 trial.

5 THE CLERK: Juror 41, Kelvin Deese. What says the
6 State?

7 MR. BARFIELD: Please present the juror.

8 THE CLERK: Defendant?

9 MR. LIFSEY: Please excuse this juror.

10 THE CLERK: Juror 110, Patti Reynolds. What say the
11 State?

12 MR. BARFIELD: Please present the juror.

13 THE CLERK: Defendant?

14 MR. LIFSEY: Please --

15 MR. BARFIELD: Judge, may I approach the bench,
16 please?

17 (Bench conference was held.)

18 MR. LIFSEY: Please --

19 THE COURT: You didn't tell us but they say you
20 skinned his head?

21 THE JUROR: Yes, I do cut his hair.

22 THE COURT: And you also cut his hair?

23 THE JUROR: Yes, I do.

24 MR. BARFIELD: And I will further put on the record
25 she cut my hair Saturday, she told me she was on the jury

VOIR DIRE

1 but we didn't talk about the case.

2 THE COURT: Can you be fair and impartial?

3 THE JUROR: Sure I can.

4 THE COURT: Not one of them tips you better than the
5 other one?

6 THE JUROR: No.

7 MR. LIFSEY: Please excuse this juror.

8 THE CLERK: Juror 58, Barbara Haire. What say the
9 State?

10 MR. BARFIELD: Please present the juror.

11 THE CLERK: Defendant?

12 MR. LIFSEY: Please swear the juror.

13 THE CLERK: Juror 122, Mildred Self Gillespie. What
14 say the State?

15 MR. LIFSEY: Can we approach for just a second?

16 (Bench conference was held.)

17 THE COURT: We're just going to excuse her.

18 THE CLERK: Juror 5, Michael Bailey. What say the
19 State?

20 MR. BARFIELD: Please excuse the juror.

21 THE CLERK: Juror 119, Anthony Sane. What say the
22 State?

23 MR. BARFIELD: Please present the juror.

24 THE CLERK: Defendant?

25 MR. LIFSEY: Please swear the juror.

VOIR DIRE

1 THE CLERK: Juror 24, Darrell Carnes. What say the
2 State?

3 MR. BARFIELD: Please present the juror.

4 THE CLERK: Defendant?

5 MR. LIFSEY: Please swear the juror.

6 THE CLERK: Juror 85, Victoria Langley. What say the
7 State?

8 MR. BARFIELD: Please present the juror.

9 THE CLERK: Defendant?

10 MR. LIFSEY: Please swear the juror.

11 THE CLERK: 31, Hannah Cook. What say the State?

12 MR. BARFIELD: Please present the juror.

13 THE CLERK: Defendant?

14 MR. LIFSEY: Please swear the juror.

15 THE CLERK: First alternate. Juror 39, Billy Dapper.
16 What say the State?

17 MR. BARFIELD: Please present the juror.

18 THE CLERK: Defendant?

19 MR. LIFSEY: Please excuse the juror.

20 THE COURT: We will pick one alternate.

21 THE CLERK: Juror 120 Kevin Schlesier. What say the
22 State?

23 MR. BARFIELD: Please present the juror.

24 THE CLERK: Defendant?

25 MR. LIFSEY: Please excuse this juror.

VOIR DIRE

1 THE COURT: Juror 135, Elizabeth Tillman. What say
2 the State?

3 MR. BARFIELD: Please present the juror.

4 THE CLERK: Defendant?

5 MR. LIFSEY: Please excuse this juror.

6 THE CLERK: Juror 87, Jarred Leib. What say the
7 State?

8 MR. BARFIELD: Please excuse the juror from this
9 trial.

10 THE CLERK: Juror 75, Angela Johnson. Any challenge
11 for cause?

12 MR. BARFIELD: None.

13 THE CLERK: Any challenge for cause?

14 MR. LIFSEY: No, sir.

15 THE COURT: Any problems with the strikes, State?

16 MR. BARFIELD: None from the State.

17 MR. LIFSEY: May I have one second, Judge?

18 (Break in proceedings.)

19 MR. LIFSEY: No, sir, Your Honor.

20 (At this time the jury was called.)

21 THE COURT: Okay. Jurors, now y'all have been
22 selected to serve on the jury. Y'all heard the witness
23 list, now, you understand we will move the case as fast as
24 we can but to finish it we may have to go a little longer
25 at night. Now, I don't get paid overtime either so we are

1 not going to go far into the night but we will probably go
2 at a minimum until 6:00 or 6:30 everyday, if that's a
3 problem with anybody now is the time to tell me. Everybody
4 all right? Okay. If you would -- who is going to take
5 them to the jury room? He is going to show you, the
6 bailiff, where the jury room is, go on in there, elect
7 somebody foreperson, it can be anybody except Mr. Leib and
8 Ms. Johnson who are alternates. After y'all do that we are
9 going to go to lunch and we will crank back at what time
10 solicitor.

11 MR. BARFIELD: 2:00?

12 THE COURT: As soon as y'all have elected a foreperson
13 y'all can go to lunch and be back at 2:00.

14 (The jury left the courtroom.)

15 MR. LIFSEY: I handed up a copy of my motions in
16 limine and some of those have been resolved and I just
17 wanted to put on the record where we stand. Issue one
18 would be asking the solicitor to tell me if he has made any
19 plea bargains or any offers to any witnesses who have --
20 who he anticipates testifying. My understanding is several
21 of them have records and they're incarcerated and I will
22 let him to say what he wants to on the record.

23 MR. BARFIELD: Your Honor, the only offers that have
24 been made in concern with this case concerns the two
25 defendants, there are witnesses with pending charges we

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1 will get to in a minute. I have made no offers to the
2 codefendant in the case other than the same offer this
3 defendant has. No offers to any witnesses who have pending
4 charges, and one I know of that is in prison on stuff from
5 another county, but no offers have been extended from the
6 State relating to this case or anybody involved in this
7 case except the two defendants.

8 MR. LIFSEY: Number two, well, we've partially
9 resolved which I moved for him to provide me with copies of
10 rap sheets for the potential witnesses, the solicitor has
11 done that. The other thing, though, what I would like at
12 some point is in case it doesn't show up on the rap sheet,
13 I don't know when the rap sheet will run but hopefully
14 later is that are there any pending charges in this county.
15 I think I ought to be allowed to explore pending cases
16 essentially if this solicitor is prosecuting them and if
17 they're going to testify.

18 MR. BARFIELD: Your Honor, I can address that right
19 off the bat. I've handed Mr. Lifsey printouts from the
20 clerk of court's system concerning several of the witnesses
21 who have pending general sessions charges. I would like --
22 this is all public record but that's what I know about
23 that. I asked the sheriff's office this morning to print
24 me -- to check -- and I'll find it in a minute -- to check
25 the status of any outstanding but unserved warrants on any

PRETRIAL MOTIONS

1 of the witnesses on my list and they brought it back to me
2 and I think Beneco Ganson and one other person -- Jamie
3 Hemphill and Beneco Ganson have warrants outstanding for
4 them and they have not been. Served I will share that
5 information with Mr. Lifsey when I find the sheet of paper
6 that it is here on.

7 MR. LIFSEY: As long as he does it prior to them
8 testifying that will be good.

9 THE COURT: All right.

10 MR. LIFSEY: Your Honor, my third motion is obviously
11 solicitor is prepared for trial and I'm assumed in
12 preparation for trial he or agents of law enforcement have
13 interviewed potential witnesses who have given written
14 statements in advance. What I'm asking is have they said
15 anything to him that contradicts any of the written
16 statements I have.

17 THE COURT: Any modification to statements already
18 disclosed?

19 MR. LIFSEY: Yes, sir.

20 MR. BARFIELD: And I will simply have to sit down with
21 Mr. Lifsey and look at my notes from interviews and let him
22 -- I'll sit down with him as soon as I possibly can and
23 just tell him.

24 MR. LIFSEY: As long as we do that prior to them
25 testifying.

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1 MR. BARFIELD: Sure.

2 MR. LIFSEY: The fourth concerns what pictures -- I
3 think we ought to go --

4 THE COURT: Well, hold it. We'll just say any
5 examination of a witness is limited to statements that you
6 have been furnished.

7 MR. LIFSEY: Well --

8 THE COURT: He can't go into new matters unless he
9 tells you first, right?

10 MR. LIFSEY: Well, that's true. I guess what I'm
11 getting at is if witness A tells story one in his written
12 statement and then told the solicitor story two, I think
13 that's exculpatory and I think he has a duty to reveal
14 that.

15 THE COURT: That's what I say, you need to have any
16 information given to them that contradicts anything else
17 they've said.

18 MR. LIFSEY: Yes, sir.

19 THE COURT: -- before they testify.

20 MR. LIFSEY: Yes, sir.

21 MR. BARFIELD: And he and I will just have to sit down
22 and I will go over my notes and tell him what they told me.

23 MR. LIFSEY: Issue four, I think it would make sense,
24 I know the solicitor at one point told me he had narrowed
25 it down to what pictures he wanted to introduce and I don't

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1 believe I have seen a final version. Instead of us getting
2 up and arguing in front of a jury I would like to see the
3 pictures because some of them I would like to object to.

4 MR. BARFIELD: I haven't gotten it narrowed down yet,
5 and specifically he's talking about victims of -- pictures
6 of the victim, I will tell you that I have no pictures of
7 the victim that I am going to offer but I'll show him the
8 pictures that I intend to use before I start using them
9 which I think will not be until in the morning.

10 THE COURT: All right.

11 MR. LIFSEY: Number five, Judge, is the Jackson vs.
12 Denno hearing which I think we need to have momentarily. I
13 will also have some motions in regards to -- the
14 solicitor -- there's two issues I guess with the Denno, one
15 is have they complied with Miranda and you will make that
16 ruling based on the testimony of law enforcement. The
17 second issue I have is these statements are lengthy,
18 they're recorded, they are basic statements some of which I
19 think -- there's some things that are said in there we both
20 agree that are inadmissible, discussions of polygraphs,
21 discussions of his prior record. The solicitor has
22 proposed redacted versions of these statements. In general
23 I agreed with his redactions, I agree with him entirely as
24 to statement one, the May 4th statement. As to the May 6th
25 statement I actually think he should introduce more than he

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1 purports to and I've sent him emails, he knows exactly what
2 I'm asking for so I would ask him to agree to my version of
3 what ought to come in, because I think the emphasis, the
4 presumption ought to be for the complete statement absent
5 any prejudicial materials.

6 MR. BARFIELD: And I do agree with what he wants. I
7 wouldn't have offered it myself but if I offer part of it
8 he is going to come back and offer the rest of it so
9 there's no dispute about that.

10 THE COURT: Okay. It comes in if it comes in.

11 MR. BARFIELD: Yes, sir.

12 MR. LIFSEY: Issue six, I would ask the Court -- I
13 know this is a little unusual, it's a little early process
14 but it impacts the decision that my client would enter a
15 plea to one of the charges. I would ask the solicitor what
16 record he intends to introduce against my client were he to
17 testify and you make the appropriate rulings.

18 THE COURT: All right.

19 MR. BARFIELD: Your Honor, the rap sheet shows the
20 following that I have interest in for impeachment purposes
21 if he testifies. He had a court date of 9/27 of '01 for
22 throwing bodily fluids on an employee by a prisoner, he
23 actually got a 91 sentence and went to -- he had court date
24 of 9/27/01, got 91 days which I'm not sure exactly when he
25 got released but that's on the cusp of ten years.

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1 THE COURT: We will throw that out.

2 MR. BARFIELD: I will scratch that one off. The other
3 ones that I'm attempting to use, or will attempt to use,
4 3/27/03 property offense third or subsequent, I think
5 that's clearly within the realm -- and I can't really tell
6 from the rap sheet but he also had a shoplifting separate
7 from that and got sentenced on at the same time. Then he
8 had an attempted burglary that he got sentenced on at the
9 same time apparently, and then he had a burglary third
10 degree second offense that he apparently got sentenced on
11 at the same time. That's one block of convictions that I
12 would attempt to use.

13 MR. LIFSEY: I believe the burglary is admissible
14 under the Rouse, it's not similar enough to this. My
15 concern is with him calling it a third property crime or
16 priors.

17 THE COURT: You can say shoplifting, you can't say
18 third and above because it brings in the record outside of
19 the ten years.

20 MR. BARFIELD: So I will say shoplifting and I will
21 say burglary.

22 THE COURT: Right.

23 MR. BARFIELD: All right. The next series, Your
24 Honor, I think is the last court date of 7/15 of '08, he
25 got convicted of possession of cocaine and possession of

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1 crack cocaine.

2 MR. LIFSEY: Well, my position would be while they're
3 admissible under the rule because this case involves drugs,
4 similar drug mentions, the prejudicial affect outweigh the
5 probative value so I would move you not allow that.

6 THE COURT: Well, he can put in he was convicted of a
7 crime that carries up to however many years it was.

8 MR. BARFIELD: Yes, sir. More than one year and two
9 crimes on 7/15 of '08 and we won't call it drugs.

10 MR. LIFSEY: Thank you, Judge. I think that takes
11 care of that. Number seven we have resolved so that's no
12 longer an issue. My motion number eight is that the
13 witnesses in this case be sequestered, this is a fact
14 intensive case --

15 THE COURT: All right. Except for who he designates
16 to stay in the courtroom.

17 MR. LIFSEY: Chief law enforcement officer and
18 representative of the victim.

19 MR. BARFIELD: Well, let me kind of tell what I think
20 about this. The primary investigating officer is Mike
21 Howell. Of course, the victim's mom and victim's grandmom
22 I think should be allowed to stay. The grandmom is not a
23 witness, the mom is going to be a witness. And I think
24 there's a young lady named Ann Horton with the sheriff's
25 office who is coming later, she's simply a chain of custody

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1 witness, she's going to be the person who digs through the
2 boxes and hands me stuff, I think she should be allowed to
3 be here the whole time.

4 MR. LIFSEY: I'm all right with that as long as he
5 picks one of the law enforcement and I'm fine with the
6 victims.

7 THE COURT: Okay. We're straight.

8 MR. LIFSEY: Then, Judge, in addition to the written
9 ones, one matter I need to bring to the Court's attention,
10 and the solicitor can say what he wants to about it, I
11 guess one way or the other concerns I was given some
12 discovery Friday afternoon that involves an alleged
13 jailhouse snitch, I didn't know anything about it.
14 Obviously they're required to reveal this kind of stuff to
15 me when I filed my discovery request which I filed way back
16 in 2010 when he was arrested. I guess my first question is
17 if the solicitor intends to call the snitch. It's not an
18 issue if he doesn't intend to call him. If he does I would
19 move to exclude it because it's a violation of the
20 discovery rules or in the alternative to continue the case
21 until I can investigate this witness and I can figure out
22 something about him since I just found out about it 2:00
23 Friday.

24 MR. BARFIELD: The short answer to all of that is
25 Alcohol, Tobacco and Firearms ran a separate investigation

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1 of matters related to this case which I was not aware of
2 and I was provided a disc which contained their file Friday
3 right before lunch which I got to Mr. Lifsey before I left
4 here Friday afternoon. The short answer is, yeah, I would
5 like to use that witness if I can get him here, he's in
6 prison somewhere. I have not made any arrangements to get
7 him here. I would like to use him but if you tell me that
8 if I use him you're going to grant a continuance then I am
9 not going to call him.

10 THE COURT: Criminal case I would have to grant the
11 continuance so we won't call him.

12 MR. BARFIELD: We're good with that.

13 MR. LIFSEY: I think that's it for me other than just
14 doing the Denno hearing.

15 THE COURT: All right.

16 MR. BARFIELD: I've got four people I need to call as
17 witnesses. We have got all of this videotape that I think
18 it's not Mr. Lifsey intention for you to watch the
19 videotape, for me to just call the witnesses and let him
20 cross examine them.

21 MR. LIFSEY: As long as -- I think the solicitor
22 indicated he was agreeable to my modification of his
23 proposed redactions, all we need to deal with is
24 voluntariness.

25 THE COURT: All I'm interested in is whether he was

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1 properly advised of his Miranda rights and warnings prior
2 to making any statements.

3 MR. BARFIELD: I am going to first call Steven
4 Marshall.

5 The witness, STEVEN MARSHALL, was first duly sworn and
6 Testified as follows, on:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD::

9 Q And can state your name, please?

10 A Steven Marshall.

11 Q Mr. Marshall, you formerly were an investigator with
12 the Lancaster County Sheriff's Office?

13 A Yes, sir.

14 Q Was that your job back in May of 2010?

15 A Yes.

16 Q Did you participate and assist in the investigation
17 of the shooting death of victim which occurred on
18 May 3rd of 2010?

19 A Yes.

20 Q Did you some time on the morning of May 4th of 2010
21 interact with Anthony Rodriekus Carter?

22 A Yes.

23 Q From the file and from the investigations before the
24 morning of May 4th, did you have a little summary of who
25 the players were and where this happened and that the

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1 victim had been shot in the head in a car and things like
2 that?

3 A Yes.

4 Q Do you have knowledge that Anthony Rodriekus Carter
5 was actually dealt with by law enforcement at least at the
6 Springs Hospital on the night of May 3rd of 2010 within
7 minutes or so of the baby being shot?

8 A Yes.

9 Q Did you see Anthony Carter at any time before --
10 concerning this case before the morning of May 4th of
11 2010?

12 A No.

13 Q Do you know -- where did you see Anthony Carter that
14 morning?

15 A That morning in the drug task force on Highway Number
16 9.

17 Q And the drug task force is an office of the Lancaster
18 County Sheriff's Office?

19 A Yes.

20 Q And was he arrested that morning?

21 A No, he wasn't.

22 Q Was he in custody at anytime, was he in custody when
23 he was in your presence on May 4th of 2010?

24 A No.

25 Q Do you know how he got there?

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1 A I believe Officer Thompson, Fred Thompson, picked him
2 up maybe at his residence or something.

3 Q That's fine. When you got him there, when you were
4 there did more than one of you participate in interviews
5 with -- an interview with Mr. Carter?

6 A Yes.

7 Q Now, I'm going to show you a piece of paper.

8 MR. BARFIELD: And, Your Honor, I'm going to ask after
9 awhile, this is the May 4th Miranda form, I am going to ask
10 after awhile for Ms. Williams to make a copy of this so
11 that we can -- unless Mr. Lifsey insists on the original I
12 would rather use a copy.

13 MR. LIFSEY: That's fine.

14 Q Let me ask you this first, when you first got up with
15 Mr. Carter the morning of May 4th, about what time was it?

16 A I don't recall.

17 Q That's fine. In the morning?

18 A I believe it was in the morning. Well, I see it now,
19 10:30 a.m.

20 Q Now, had you been in his presence and having
21 discussions with him some time prior to 10:30 that
22 morning?

23 A No.

24 Q Well, let me back up. You're looking at a Miranda
25 form, right?

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1 A Yes.

2 Q Was there conversations with Mr. Carter before
3 anybody ever read him his rights?

4 A Yes, there was.

5 Q Again, was he in custody?

6 A No, he was not.

7 Q In the initial part of your conversations with
8 Mr. Carter, was he a suspect, meaning did anybody suspect
9 him of having shot the gun that killed the baby initially?
10 A No.

11 Q How did it get reported by Carter at the hospital the
12 night before that -- did he give some version the night
13 before based on your knowledge of the investigation
14 overall? If you don't know, that's fine.

15 A I'm not sure.

16 Q That's fine. At some point --

17 MR. LIFSEY: Judge, should some of these witnesses be
18 sequestered?

19 MR. BARFIELD: I didn't realize you meant this to
20 apply to the --

21 MR. LIFSEY: I would think the whole thing.

22 THE COURT: All right. He wants them out, send them
23 out.

24 (Break in proceedings.)

25 Q If I tell you that the interview tape from the

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1 May 4th interview starts at like 9:47 in the morning and
2 if I tell you that the Miranda warnings were administered
3 on the tape it looks like about 10:32, is it accurate that
4 y'all were interviewing Mr. Carter between the start and
5 the Miranda warnings?

6 A Yes.

7 Q And again, at any time during that period was he in
8 custody?

9 A No.

10 Q At anytime during that period had he been accused of
11 committing a crime?

12 A No.

13 Q At anytime during that period had the decision been
14 made that he was going to be charged with anything?

15 A No.

16 Q Now, at some point I think you said 10:30 or so you
17 apparently determined you were beginning to read
18 Mr. Carter his Miranda warnings; is that correct?

19 A Yes.

20 Q Is that a copy of what you just had in your hand, the
21 original Miranda warning form on May 4th of 2010?

22 A Yes.

23 Q Did you read everything on that piece of paper to
24 Mr. Carter as shown on videotape?

25 A Yes, I did.

1 Q And if you would --

2 MR. BARFIELD: Your Honor, I would be happy for him to
3 read it, I don't know if you think it's necessary or not.

4 THE COURT: Not necessary, you can just put it in.

5 MR. BARFIELD: I would offer --

6 THE COURT: It would be a courts exhibit at this time.

7 MR. LIFSEY: Court's Exhibit 1, I would offer.

8 Q I will hand you Court's Exhibit Number 1 and ask you
9 some general questions about it. Did you read him
10 everything that was on that piece of paper, Court's
11 Exhibit Number 1?

12 A Yes.

13 Q Had you determined how old he was?

14 A Yes.

15 Q How old was he?

16 A Doug, I don't see it on the paper and I'm not sure.

17 Q That's fine. Was he a grownup person?

18 A Yes.

19 Q Young man but grownup?

20 A Yes.

21 Q Did you determine what his educational background
22 was?

23 A Yes. I think he finished the 10th grade and actually
24 got a GED.

25 Q Did you ask him if he understood these individual

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1 rights that you read to him as you went through that form?

2 A Yes, I did.

3 Q And did he indicate to you either verbally or nodding
4 his head that he did understand each one of those rights?

5 A Yes.

6 Q Did you and he -- did you and he have any problem
7 communicating, meaning did you have any problem
8 understanding the words and phrases he was using to you?

9 A No.

10 Q Did he appear to have any problem understanding the
11 words and phrases you were using with him?

12 A No.

13 Q Any problem communicating with him at all?

14 A No.

15 Q Did he ask any questions about his specific
16 constitutional rights and Miranda rights pursuant to that
17 form?

18 A No.

19 Q Did he ask you to explain what my right to remain
20 silent means for example?

21 A No, he didn't.

22 Q Did he do or say anything to indicate to you that he
23 did not understand the import, the significance and the
24 content of the Miranda warnings which you read to him?

25 A No.

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1 Q Now, did he -- did you ask him if he would
2 voluntarily waive his rights and make a statement?

3 A Yes, I did.

4 Q And did he say that he would?

5 A Yes.

6 Q Now, on Court's Exhibit Number 1 before you got into
7 further questioning did you get him to initial each one of
8 the rights?

9 A Yes, I did.

10 Q And did he -- did you give him the opportunity to
11 sign under the line that says signed at the bottom?

12 A Yes.

13 Q Did he sign them? Did he initial them and did he
14 sign them?

15 A Yes.

16 Q Now, about how long from start to finish including
17 the part before Miranda was the interview on May 4th of
18 2010?

19 A About how long?

20 Q Yeah. The tape shows it was about how long?

21 A I don't recall.

22 Q Two or three hours?

23 A Yeah, maybe.

24 Q Was it all in the same room at the task force office?

25 A Yes.

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1 Q I believe during that interview Agent McLemore and
2 Agent Thompson and you were all three present at various
3 times during that interview; is that correct?

4 A Yes.

5 Q Was the investigation ongoing outside the door that
6 y'all were in? Were there people on the street at the
7 sheriff's office and various locations getting information
8 as this interview process was going on?

9 A Yes.

10 Q During the May 4th interview was Carter in street
11 clothes?

12 A Yes.

13 Q Was he restrained or shackled or handcuffed in any
14 manner?

15 A No.

16 Q The three officers that I just mentioned; you,
17 McLemore and Thompson, were y'all wearing street clothes,
18 investigator type clothes?

19 A Yes, sir.

20 Q Did y'all have guns and badges?

21 A Yes.

22 Q At any point did anybody threaten Mr. Carter with the
23 use of a gun or any type of police equipment to try to get
24 him to talk to y'all?

25 A No.

- 1 Q Was there a telephone in the building?
- 2 A Yes.
- 3 Q Did Mr. Carter have access to a telephone if he had
- 4 requested to make a call?
- 5 A Yes.
- 6 Q Do you have any recollection of him requesting to
- 7 make a phone call to anybody?
- 8 A No, sir.
- 9 Q Did he ask for anything? Do you remember if he had
- 10 anything to drink or anything to eat during the May 4th
- 11 interview?
- 12 A Yes. I think we actually provided him a bottle of
- 13 water.
- 14 Q Did he ask for anything else during the interview?
- 15 A No.
- 16 Q Did he say, "I have got to go to the bathroom?"
- 17 A No.
- 18 Q Did he say, "I need a smoke?"
- 19 A No.
- 20 Q Did y'all deny him any creature comforts? Did he
- 21 say, "My head hurts, I need a B.C." or anything like that?
- 22 A No.
- 23 Q Did y'all deny him anything that he needed?
- 24 A No.
- 25 Q Now, generally speaking during this interview on

PRETRIAL MOTIONS

1 May 4th of 2010, did anybody promise Carter anything to
2 get him to talk?

3 A No.

4 Q Did anybody make any threats to him to get him to
5 talk?

6 A No.

7 Q Have you watched at least portions of this interview
8 from May 4th?

9 A Yes.

10 Q Did you watch the whole thing? Do you recall if you
11 watched all of it?

12 A I think I pretty much watched everything on that
13 tape.

14 Q At any time while Mr. Carter was there on May 4th was
15 he in custody?

16 A No.

17 Q At any time was he placed in custody on May 4th?

18 A No.

19 Q When the interview was over with two or three hours
20 later on May 4th where did he go?

21 A He left the building. He was free to go wherever he
22 wanted to, he was not in custody.

23 Q When he left there that day had any decision been
24 made as far as you know to charge him with anything?

25 A No.

PRETRIAL MOTIONS

1 Q Are you aware from discussions with me or from your
2 own view of the tape that at some point during that
3 interview after Miranda he did make a comment that said --
4 I think if I wrote it down accurately, he said, "I'm ready
5 to go," at some point? Do you remember him saying that
6 or --

7 A I do not remember him saying that.

8 Q Did he ever stand up and say, "I'm done?" Did he
9 ever stand up during the questioning on May 4th of 2010,
10 did he ever say, number one, "I don't want to talk to you
11 anymore?"

12 A No.

13 Q Did he ever stand up and say, "I want a lawyer and I
14 don't want to talk to you anymore?"

15 A No.

16 Q Did he ever stand up and say, "I want a lawyer and I
17 want to talk to the lawyer so I can decide if I want to
18 talk to you anymore?"

19 A No.

20 Q Other than, if I'm accurate, him saying at some
21 point, "I'm ready to go," did he ever say anything to stop
22 the interview or leave before the interview was over?

23 A No.

24 MR. BARFIELD: I think that's all of the questions I
25 have of Mr. Marshall on this issue right now.

PRETRIAL MOTIONS

1 THE COURT: Mr. Lifsey?

2 CROSS EXAMINATION

3 BY MR. LIFSEY::

4 Q Mr. Marshall, do you know when he was actually -- my
5 client was actually served with the warrant?

6 A Mr. Lifsey, I think it may have been two days later.

7 Q Well, if I remember you were involved in the May 6th
8 interview as well -- I'm jumping ahead a little bit -- but
9 you were involved in the May 6th interview as well,
10 correct?

11 A Correct.

12 Q He was in custody then?

13 A He was in custody on May 6th.

14 Q On the May 6th interview he was discussing a warrant
15 for a gun charge and isn't it true that he hadn't gotten
16 the murder warrant by that point?

17 A I believe you are right.

18 Q So you're sure he didn't just leave the interview and
19 be arrested and served with a warrant for the gun charge?

20 A The day of the 4th?

21 Q Yes.

22 A I'm fairly certain that he was not in custody that
23 day I don't believe.

24 Q All right. What I'm trying to get at then I guess is
25 you have been in law enforcement at this time for awhile,

1 right?

2 A Uh-huh.

3 Q And you understand the requirement to give Miranda,
4 correct?

5 A Yes.

6 Q And you understand the requirement that it's not
7 given at all when not needed to be given if someone is not
8 in custody; is that correct?

9 A Yes.

10 Q But at some point during the course of this interview
11 you decide that you're going to give him Miranda warnings;
12 is that right?

13 A Yes.

14 Q What changed -- what was different from the beginning
15 to when you gave him Miranda?

16 A I actually learned from Officer McLemore who was also
17 investigating at the time while we're interviewing that a
18 female subject had made the comment that Anthony actually
19 had a gun when he exited the vehicle on Athena Road. So
20 at that time, you know, he more or less went from a
21 witness type to more of a suspect type and I felt like I
22 needed to give him his Miranda rights.

23 Q But it is your testimony you would have let him go at
24 that point?

25 A What do you mean?

PRETRIAL MOTIONS

- 1 Q Would have let him go or did let him go --
- 2 A Yeah. We did let him go that day, he was not charged
- 3 that day.
- 4 Q But did you make it clear to him that you would have
- 5 done that?
- 6 A Yes. He was told that he was not under arrest.
- 7 Q But let me ask you this: How did he get there?
- 8 A Like I say, I believe Officer Fred Thompson went and
- 9 picked him up.
- 10 Q So law enforcement goes to get him, brings him there.
- 11 Do you think he really understood that he could leave?
- 12 A Well, I'm sure Fred didn't just go put him in the
- 13 car, he had to at some point volunteer to come with Fred.
- 14 Q That would, of course, depend on what Mr. Thompson
- 15 testifies to.
- 16 A Yeah, and I can't testify to that.
- 17 Q Small room y'all were in?
- 18 A Yes, sir.
- 19 Q And where -- and if I remember the videotape he is
- 20 sort of back against the back wall, right?
- 21 A Yes, sir.
- 22 Q And you and Detective Thompson I guess are covering
- 23 the door, is that right, y'all are where the door is?
- 24 A I would say not covering the door but we were sitting
- 25 in front of it.

PRETRIAL MOTIONS

1 Q He would have to go push one of y'all out of the way
2 to get out if he would have wanted to get out and y'all
3 didn't want him to?

4 A No, I wouldn't agree with that.

5 Q How could he walk out if the two of you were standing
6 in front of the doorway?

7 A He could have walked between us.

8 Q He clearly would have had to go by y'all to go out
9 the door with your side arms and all of that.

10 A Yeah.

11 MR. LIFSEY: I don't believe I have any further
12 questions of this witness.

13 MR. BARFIELD: And, Your Honor, I'm kind of jumping
14 ahead of myself. I asked him about the 4th statement and I
15 guess I need to while the same witness is on the stand get
16 into the 5-6 statement if there's an issue about that.

17 MR. LIFSEY: It is. And I jumped ahead too, if I
18 could -- I said I was done but if I can.

19 Q The solicitor asked you about the portion of the tape
20 where he said, "I'm ready to go;" is that right?

21 A Yes.

22 Q Do you remember what exactly happened?

23 A No. I don't think I was in the room at that time,
24 and to be honest with you when I was watching the video
25 when I left the room I fast forwarded it to when I came

PRETRIAL MOTIONS

1 back in the room so I don't recall hearing that.

2 Q And it wouldn't surprise you to find that was in
3 response to questions Fred Thompson asked that prompted
4 that and that would explain why you don't remember because
5 you weren't paying attention to what Fred asked; is that
6 right?

7 A Yeah. And I don't think I was in the room at that
8 time.

9 MR. LIFSEY: Thank you.

10 REDIRECT EXAMINATION

11 BY MR. BARFIELD::

12 Q Let me go ahead and ask Mr. Marshall about the May
13 6th statement. Now, did in fact Anthony Rodriekus Carter
14 get charged with possession of a gun by a person convicted
15 of a crime of violence at some point, after your interview
16 on May 4th but before your interview on May 6th?

17 A Yes.

18 Q Did you interview Mr. Carter on May 6th of 2010?

19 A Yes.

20 Q Is that -- the May 4th interview, was it audio/video
21 recorded?

22 A Yes.

23 Q We've got the tapes here today, everybody has got --

24 A Yes.

25 Q Was the May 6th statement audio and video recorded?

1 A Yes, it was.

2 Q Was Mr. Carter's status different when you met him on
3 May 6th of 2010?

4 A He was actually in police custody at this time.

5 Q In custody related to the weapons violations related
6 to the death of the child; is that right?

7 A Yes.

8 Q Did y'all interview him again for a couple of hours,
9 not quite as long as the first interview, on May 6th?

10 A Yes.

11 Q Was that in the same room as the task force?

12 A Yes.

13 Q I assume -- leading and if somebody screams they
14 scream -- but I assume had he been booked into the
15 Lancaster County Detention Center and had to get moved
16 from there to the task force office which ain't at the
17 detention office; is that right?

18 A Yes.

19 Q Do you remember who actually brought him to you?

20 A I don't recall. He may have ridden with me, Doug, I
21 don't recall.

22 Q That's fine. Did you at the beginning of that
23 interview as shown on the videotape do another Miranda
24 waiver form with Mr. Carter and it is number one, is that
25 the original of another Miranda waiver form from the

PRETRIAL MOTIONS

1 May 6th of 2010 interview?

2 A Yes.

3 Q Is this a copy of that original?

4 A Yes.

5 MR. BARFIELD: Your Honor, at this time I would offer
6 the copy as Court's Exhibit Number 2.

7 MR. LIFSEY: I don't have any objection.

8 (The 5-6-2010 form was received as Court's 2.)

9 Q Again, without getting you to read the whole form,
10 did you read everything on this piece of paper to
11 Mr. Carter?

12 A Yes.

13 Q The right to remain silent, right to a lawyer, all of
14 that?

15 A Yes.

16 Q Did you again ask him if he understood each of those
17 rights individually?

18 A Yes.

19 Q Did you ask him to check -- did you check off or --
20 did you check them off or did he check them off or do you
21 remember about each individual right?

22 A I think he checked those off.

23 Q At some point -- what time was this interview?

24 A Let me go back, I'm not sure.

25 Q What time did you indicate on the form that you read

1 him his Miranda rights?

2 A 3:48 p.m.

3 Q Did Mr. Carter sign the bottom of this form in the
4 same place that's an identical form to the other? Did he
5 sign in the same place?

6 A Yes.

7 Q Did you sign as witness along with it looks like
8 Clark Crump?

9 A Yes.

10 Q This interview, was it again you and Fred Thompson
11 and at this time Clark Crump instead of Ryan McLemore, is
12 that your understanding?

13 A Yes.

14 Q Let me ask you the same general questions about this
15 interview and the Miranda rights. Again, did you read him
16 everything on the form?

17 A Yes, I did.

18 Q Did you know that he was an adult male?

19 A Yes.

20 Q Did you get the same information about his
21 educational background?

22 A Yes, I did.

23 Q Did he do or say anything to make you think he did
24 not understand the rights that you had read him?

25 A No, he didn't.

PRETRIAL MOTIONS

1 Q Did you have any trouble communicating with him at
2 all?

3 A No.

4 Q That day -- is it accurate to say that his answers
5 were a little bit slower on the second interview that day,
6 had his head down some and would take a long time to
7 formulate an answer and sometimes wouldn't answer at all?

8 A I don't recall that, but --

9 Q That's fine. Did you have any trouble understanding
10 him?

11 A No, I didn't.

12 Q Did he appear to have any trouble understanding you?

13 A No.

14 Q Did he ask any questions about his Miranda rights,
15 his constitutional rights?

16 A No.

17 Q Did he ever say or do anything to indicate to you
18 that he did not understand what was being done during the
19 interview, the Miranda rights and the interview process?

20 A No.

21 Q Did he, in fact, have his arrest warrant from the
22 handgun charge sitting his lap?

23 A Yes, he did.

24 Q Did he protest the fact that y'all had charged him
25 with that?

PRETRIAL MOTIONS

- 1 A I believe at some point he did.
- 2 Q After you read him his rights and he said he
- 3 understood everything, did he, in your opinion, knowingly
- 4 and agree to waive his rights and agree to be interviewed
- 5 again?
- 6 A Yes.
- 7 Q Did y'all interview him again for a couple of hours?
- 8 A Yes.
- 9 Q And the time this interview was done, again same
- 10 building, same room; is that correct?
- 11 A Yes.
- 12 Q A couple of hours worth of interview; is that
- 13 accurate?
- 14 A Yes.
- 15 Q Was he dressed out in a Clemson orange jumpsuit from
- 16 the Lancaster County Detention Center?
- 17 A Yes.
- 18 Q Were his ankles shackled, was he chained with leg
- 19 cuffs?
- 20 A Yes.
- 21 Q Were his hands handcuffed in front of him?
- 22 A More to a side I think, he had a belly chain on.
- 23 Q Belly chain?
- 24 A Yeah, I believe.
- 25 Q Did he ever ask to be unrestrained? Did he ever ask

PRETRIAL MOTIONS

1 to be unrestrained during the interview?

2 A No.

3 Q Did he get partially unrestrained during the
4 interview at some point?

5 A Yes.

6 Q And that was because y'all wanted him to be
7 unrestrained?

8 A Yes. He was demonstrating something that we were
9 talking about.

10 Q Now, other than again you and Fred Thompson and Clark
11 Crump, were any other officers involved in this interview?

12 A Not at that point, no.

13 Q Were there other officers in the building that you
14 could hear going back and forth and making phone calls and
15 doing things?

16 A Yeah.

17 Q Anybody else participating in the interview?

18 A I don't think so, no. I think it was only me and
19 Clark.

20 Q Again, everybody in plain clothes as far as you
21 recall?

22 A Yes.

23 Q I assume everybody had guns and badges.

24 A Yes.

25 Q Any gun or anything pulled out to threaten or

1 intimidate Mr. Carter?

2 A No.

3 Q Again same building, was there a phone in the
4 building?

5 A Yes.

6 Q Did he ever ask to use the telephone?

7 A No.

8 Q Did he ever ask for anything during that interview
9 like, "I've got to go to the bathroom, I want something to
10 drink, I want something to eat, I want to go take a nap, I
11 need to take a break, I want to call somebody," did he
12 ever make a request during that interview that you recall?

13 A No.

14 Q Generally speaking, again, did anybody promise him
15 anything to get him to talk to y'all that day?

16 A No.

17 Q Meaning, "If you tell us what happened you won't be
18 charged?"

19 A No.

20 Q Or, "If you tell us what happened and you get charged
21 we will go light on you." Anything like that?

22 A No.

23 Q Any discussions at all about outcomes for him in
24 exchange for information?

25 A No.

PRETRIAL MOTIONS

1 Q Any threats made to him in exchange for information?

2 A No.

3 Q Now, Mr. Lifsey, I think, will probably maybe ask you
4 about this, but had it been determined at some point
5 during this -- before this interview probably started that
6 he was more involved in this than y'all initially thought
7 from the first -- at the time of the first interview?

8 A Yes.

9 Q Did you know with some assurance that he had probably
10 been in possession of a gun?

11 A Yes.

12 Q Did you know with some assurance that he might have
13 fired a gun or did you think maybe he had fired a gun?

14 A Possibly, yes.

15 Q Did he get leaned on pretty good trying to get him to
16 tell you what he could tell you about this?

17 A I guess you could say, yeah, we leaned on him a
18 little bit, but nothing --

19 Q At any point during either one of these interviews --
20 I think I recall maybe one point where voices got raised a
21 little bit, but was there ever yelling and screaming
22 during either one of these interviews?

23 A No.

24 Q Was anybody ever slamming chairs around or sliding
25 tables back or pounding on counters to cause a ruckus to

PRETRIAL MOTIONS

1 startle somebody or shake somebody loose?

2 A No.

3 Q At any time during the second interview did Mr.

4 Carter say, "I want to stop talking?"

5 A No.

6 Q At any time during the second interview did he say,

7 "I want to make a phone call to somebody?" Did he ever

8 ask you to use the telephone?

9 A No.

10 Q At any time did Mr. Carter say, "I want a lawyer and

11 I don't want to talk anymore?"

12 A No.

13 Q At any time did he say, "I want a lawyer and I want

14 to talk to him before I decide I want to talk to you

15 anymore?"

16 A No.

17 Q Did he ever invoke his rights, the right to remain

18 silent, to have a lawyer, all of that stuff during the

19 second interview?

20 A No.

21 MR. BARFIELD: Thank you. Answer anything Mr. Lifsey

22 has.

23 RECROSS EXAMINATION

24 BY MR. LIFSEY::

25 Q During the course of -- you don't remember whether or

PRETRIAL MOTIONS

1 not he invoked his right to stop questioning during the
2 first interview, is that right, because -- you don't
3 remember whatever he discussed with Officer Thompson, you
4 just testified to that a few minutes ago, right?

5 A Yeah. I don't recall the statement that you said he
6 made to Officer Thompson.

7 Q We will deal with that later. Just so I'm clear the
8 second interview was initiated by law enforcement, is that
9 right, the May 6th interview?

10 A Yes.

11 Q In other words he didn't send you a letter and say,
12 "All right. Now I want to talk to y'all some more."

13 A No, sir.

14 Q So y'all as part of your normal investigative duties
15 attempted to interview him at that point?

16 A Yeah.

17 Q And let me ask you -- and I guess I'm beating this
18 dead horse again as to talk about when he was arrested and
19 when he was taken into custody -- do you think it's
20 possible on the May 4th interview that right after
21 interviewing him y'all may have took him into custody on a
22 probation violation warrant? Does that ring any bells
23 with you? It's possible.

24 A Mike, I don't recall. I'm sorry, I don't recall.

25 MR. LIFSEY: All right. Thank you, Judge, I don't

PRETRIAL MOTIONS

1 have any further questions.

2 MR. BARFIELD: Nothing else from this witness.

3 THE COURT: You can step down.

4 MR. BARFIELD: Fred Thompson.

5 The witness, FRED THOMPSON, was first duly sworn and

6 Testified as follows, on:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD::

9 Q State your name, please.

10 A Frederick Thompson.

11 Q And Agent Thompson, you are employed by the Lancaster
12 County Sheriff's Office?

13 A That's correct.

14 Q Did you and everybody else out there I'm sure
15 participate in the investigation of victim 's
16 shooting death?

17 A Yes, we did.

18 Q Did you know that Anthony Rodriekus Carter was
19 involved somehow or other early on, not that he had done
20 anything wrong but that he was one of the players in this
21 thing?

22 A Yes, I did.

23 Q Did you know he was at the hospital the night of the
24 shooting and was talked to by law enforcement officers?

25 A Yes, I did.

PRETRIAL MOTIONS

1 Q Did you know before his first interview on May 4th of
2 2010 his relation of the accounts of what happened?

3 A No, sir, not in detail.

4 Q All right. Now, did he come to the drug task force
5 office some time fairly early in the -- mid-9:30 or so on
6 the morning of May 4th of 2010?

7 A Yes, sir.

8 Q Do you know how he got there?

9 A I did, I brought him there.

10 Q How did you know -- how did you know you were looking
11 for Anthony -- how did you know to go get him?

12 A The morning he came in after the shooting we came in
13 to do like a normal morning briefing, at that time our
14 supervisor, Captain Craig Bailey, kind of tasked out to
15 locate certain people to talk to, I knew Anthony and I
16 went to his residence.

17 Q You knew where he lived?

18 A Yes.

19 Q You did not have to look it up and figure out where
20 to go?

21 A I did not have to.

22 Q Was he at home when you went to his house?

23 A Yes.

24 Q Do you know if he was at home or was in bed?

25 A I knocked on the door, it took a few minutes for him

1 to come and he came and told me he had just went to sleep
2 a few minute before I got there.

3 Q Did he live in Lynwood when you went and talked to
4 him?

5 A Yes.

6 Q Did you tell him you were there to talk to him and he
7 talked to you?

8 A Yes, he did.

9 Q Did you tell him you would like to talk to him at the
10 task force office?

11 A Yes. I don't think I said task force office but I
12 said I would like to talk to him at the office.

13 Q Did you tell him he would have to talk to you?

14 A No, sir, I didn't.

15 Q At any time did you take him into custody?

16 A No, sir.

17 Q Describe the exchange between you and Mr. Carter I
18 guess to get him into your car to take him to the
19 sheriff's office.

20 A Because I talked to him. We knew each other and he
21 knew the purpose of me being there was investigating the
22 shooting death of victim , I asked him to come to the
23 office and talk to us about his account of what occurred.

24 Q And did he agree voluntarily without any promises or
25 any threats made by you to get into your police vehicle

PRETRIAL MOTIONS

1 unmarked I guess and ride out there with you?

2 A Yes.

3 Q And he agreed to go?

4 A Yes.

5 Q Was he reluctant at all to go?

6 A Not that I remember. He told us he was tired just
7 from the night before.

8 Q When you first got up with Mr. Carter that morning
9 was he a suspect?

10 A No, sir, he was not.

11 Q Did you have any information -- did the sheriff's
12 office to your knowledge have any information that he
13 might have shot somebody at that point?

14 A No, sir, we did not.

15 Q Did you participate in and out in the interview on
16 May 4th of 2010 that was I guess primarily being done by
17 Steven Marshall with you and Ryan McLemore participating?

18 A Yes, sir, I did.

19 Q Now, I'm not going to get into the Miranda stuff,
20 we've already kind of covered that, but do you recall
21 about how long the interview on May 4th was? Hours or
22 minutes?

23 A It was hours, maybe two hours or three hours.

24 Q At any time was he in custody during that interview?

25 A No, sir.

PRETRIAL MOTIONS

1 Q At any time was he told he was going to be charged
2 with something during that interview?

3 A No, sir.

4 Q At any time during that interview, did his custody
5 status change in your mind if not announced to him?

6 A No, sir.

7 Q Could he have gotten up and walked out at any time?

8 A Yes, sir. We told him that he wasn't under arrest.

9 Q And I'm going to jump ahead. When the interview was
10 over, did he go home and go somewhere else?

11 A He went back home.

12 Q How did he get back home?

13 A I don't want to tell you anything wrong, but I may
14 have taken him back home but I'm not 100 percent certain.

15 Q I presume somebody had to because he didn't come out
16 there in his car.

17 A That's correct.

18 Q But you are sure he went home, not to the detention
19 center after the May 4th interview?

20 A He did go home.

21 Q Did somebody get a warrant? I think Mike Adams
22 probably signed a warrant for possession of a firearm of a
23 person convicted of a crime of violence against Mr. Carter
24 from information that had been gathered by the sheriff's
25 office; is that right?

1 A Yes, sir.

2 Q Did he get hooked up and served with that warrant
3 immediately after that interview?

4 A No, sir.

5 Q Did he get served with that warrant between then and
6 the May 6th interview? Think about the tape, do you
7 remember the May 6th tape?

8 A Yes, sir.

9 Q Was he sitting there with a copy of the warrant?

10 A Yes, sir, he was.

11 Q Was he in street clothes during the May 4th
12 interview?

13 A Yes, sir, he was.

14 Q Was he restrained in any way?

15 A No, sir, he was not.

16 Q Was he chained down to a table or anything?

17 A No, sir, he was not.

18 Q Other than the three of y'all whose names we've
19 already covered, did other officers participate in that
20 interview?

21 A No, sir.

22 Q Did anybody use police authority, guns, badges,
23 police equipment to try to coerce Carter into talking to
24 y'all that day?

25 A No, sir.

PRETRIAL MOTIONS

1 Q Did he ever ask to make a call or -- I'm going to
2 rattle off a few things, did he ever do any of these
3 things after I ask the whole question. Did he ask to use
4 the telephone, to smoke a cigarette, to go to the
5 bathroom, to have something to eat, to go take a nap, to
6 have a B.C. because he had a headache? Did he ask for
7 anything like that to make him more comfortable?

8 A No, sir, he did not.

9 Q Anybody promise him anything to get him to talk to
10 y'all that day?

11 A No, sir, he did not.

12 Q Anybody threaten him or coerce him to get him to talk
13 to y'all that day?

14 A No, sir.

15 Q Now, do you recall at some point, and it looks like
16 probably -- if I tell you that that interview started
17 about 9:47 in the morning, would you disagree with me?

18 A No, sir, I would not.

19 Q And if I tell you that some time after the Miranda
20 warnings were read to Mr. Carter at about by my clock
21 11:21, almost 11:22 in the morning, at some point do you
22 recall him saying, "I am ready to go" do you recall that?

23 A Not until it was brought to my attention.

24 Q After it was brought to your attention did you go --
25 have you gone back to look at the tape yet to see if you

1 actually hear him say that?

2 A I haven't had a chance to.

3 Q That's fine and we'll probably hear it in a minute.

4 But other than -- I'll just tell you that he said that,
5 the tape shows he said it, was that anything that struck a
6 cord with you that he was ready to go?

7 A No, sir.

8 Q Did he stand up and say, "Will you take me home now?"

9 A No, sir, he did not.

10 Q Did he say, "I don't want to talk to y'all anymore?"

11 A No, sir, he did not.

12 Q Did he say, "I want to talk to a lawyer before I talk
13 to y'all anymore?"

14 A No, sir.

15 Q Did he do anything to invoke his rights other than
16 perhaps uttering, "I'm ready to go," at some point?

17 A No, sir, he did not.

18 Q Again, did that even get your attention?

19 A No, sir. When we went and talked to him it was so
20 low that often times we had to lean forward to hear him.
21 But that didn't get my attention at all.

22 Q Did he continue to answer questions during that
23 interview?

24 A Yes, sir.

25 Q Was he ever in custody during that interview on

PRETRIAL MOTIONS

1 May 4th?

2 A No, sir, he was not.

3 Q Let me jump ahead to the May 6th interview. Did you
4 participate in that interview too?

5 A I was just around but I didn't initially participate
6 in it.

7 Q You were aware that it occurred?

8 A Yes, sir.

9 Q Are you aware he was in custody then on the gun
10 charge?

11 A Yes, sir.

12 Q Dressed out in an orange jumpsuit, restrained, all of
13 that kind of stuff?

14 A Yes, sir.

15 Q Anybody -- again, I'll ask you the same questions
16 over, that interview took about how long, May 6th?

17 A Maybe two hours.

18 Q You and Steven Marshall and this time Clark Crump
19 participated in that interview?

20 A Yes.

21 Q Anybody else that you know of?

22 A No, sir.

23 Q Were the officers in street clothes or in uniforms?

24 A We were in street clothes.

25 Q Again, did y'all have guns and badges with you and on

1 you?

2 A Yes, sir.

3 Q Anybody use guns or badges to try to coerce or
4 threaten Carter into talking?

5 A No, sir.

6 Q Again, did he ask for a smoke break, something to
7 eat, something to drink, go to the bathroom, call
8 somebody? Did he ask for any of that that day?

9 A No, sir, he did not.

10 Q Did he ask -- at any point did he tell you that he
11 wanted to stop talking that day?

12 A I can't recall whether he did. I don't think that he
13 did.

14 Q Did he ever tell that you day that he wanted a
15 lawyer?

16 A No, sir.

17 Q Did he ever tell you that day that he didn't want to
18 be interviewed anymore?

19 A No, sir.

20 Q Did he complete the interview?

21 A Yes, sir.

22 Q Did anybody threaten him or coerce him to get him to
23 talk to y'all that day in your view?

24 A No, sir, we did not.

25 Q Anybody promise him anything to get him to talk to

PRETRIAL MOTIONS

1 y'all that day?

2 A No, sir.

3 MR. BARFIELD: Answer anything Mr. Lifsey has
4 concerning those two interviews, please.

5 CROSS EXAMINATION

6 BY MR. LIFSEY::

7 Q Well, I feel like I'm beating a horse but I'm going
8 to do it. Let's talk about when he was arrested. I'm
9 going to show you some documents --

10 MR. LIFSEY: And solicitor, these are items that you
11 have provided me.

12 Q What is that, the first page of it?

13 A This is what we typically call a P-card in our
14 detention center.

15 Q That shows you when he went in; is that right?

16 A Uh-huh.

17 Q What does it say?

18 A The date says May 4, 2010, the time says 10:45.

19 Q So your interview ended what, about 12:30 something;
20 isn't that correct?

21 A I think so.

22 Q So within 15 minutes he is booked into the Lancaster
23 County Detention Center; isn't that right?

24 A Yes, sir.

25 Q And, in fact, he is booked in on a probation

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1 violation warrant; isn't that right?

2 A Yes, sir.

3 Q One of y'all had to ride him out there, didn't you,
4 or call a policeman to come out there and serve the
5 warrant on him, didn't you?

6 A It's quite possible. Like I tell you, that's
7 something I can't remember.

8 Q So this whole notion that you didn't know you were
9 going to charge him here, isn't it May 3rd -- you got a
10 warrant out on May 3rd, didn't you, for the weapons
11 charge; is that right?

12 A Well, I didn't do this warrant.

13 Q Somebody did the warrant.

14 A Yes, sir.

15 Q And then the murder warrant that y'all act like, of
16 course, you didn't have ready and were going to charge
17 him, the murder warrant is signed by Judge Richardson on
18 May 4th; is that right?

19 A Yes, sir.

20 Q And he's taken into custody on May 4th. So anybody
21 that says he wasn't taken into custody on May 4th isn't
22 telling the truth; isn't that right?

23 A No, sir. At the time of my interview he was not in
24 custody.

25 Q So what happened? How did he get to -- within ten to

PRETRIAL MOTIONS

1 15 minutes to y'all ending the interview does he get
2 booked in and a card filled out in the Lancaster County
3 Detention Center without you or Marshall knowing that?

4 A Well, I think Investigator Adams could answer that
5 question better than I could. This is the only interview
6 I was responsible for.

7 Q And as far as what he asked or didn't ask, didn't
8 say, you started fussing at him a little bit, you told him
9 that he wasn't concerned about the child, that's what
10 upset him; isn't that right?

11 A I don't know if it necessarily upset him or not.

12 Q This is all on tape, isn't it?

13 A Yes, sir it's.

14 Q And that's when in response to that he said, "I'm
15 ready to go;" isn't that right?

16 A I don't know if he said that in that manner, he
17 didn't say it loud.

18 Q But you didn't pay attention to that, you kept asking
19 him questions, didn't you?

20 A Yes, sir. I think if you recall he asked if he was
21 under arrest and we told him that he was not.

22 MR. LIFSEY: I don't have any further questions of
23 this witness, Judge.

24 MR. BARFIELD: I don't have any further questions of
25 this witness at this time. Call Ryan McLemore.

PRETRIAL MOTIONS

1 The witness, RYAN MCLEMORE, was first duly sworn and
2 Testified as follows, on:

3 DIRECT EXAMINATION

4 BY MR. BARFIELD::

5 Q State your name, please, sir.

6 A Ryan McLemore.

7 Q Agent McLemore, you're also employed by the Lancaster
8 County Sheriff's Office?

9 A Yes, I am.

10 Q Did you participate in the investigation of the
11 shooting death of victim which occurred some time
12 at 9:30 or 10:00 on the night of May 3rd of 2010?

13 A I didn't on the night of May 3rd, I did not.

14 Q When you came in on May 4th, did you start
15 participating?

16 A Yes, sir, I did.

17 Q Did somebody brief you or give you an overview on who
18 the players were and stuff like that?

19 A I was briefed a little bit.

20 Q Did you participate in an interview with Anthony
21 Rodriekus Carter starting sometime at 9:30 or 10:00
22 May 4th of 2010?

23 A Yes, I was.

24 Q Was it really your interview or were you just
25 there -- who was the primary interviewer I would guess?

PRETRIAL MOTIONS

1 A The primary at that time was Investigator Steven
2 Marshall and Fred Thompson, I was there just helping them.

3 Q Now, was -- I'm going to go ahead and get to the end
4 of this part of it. There's been discussion about --
5 well, first of all, was Carter in custody when he was
6 there on May 4th?

7 A No, sir.

8 Q Was he in street clothes?

9 A Yes, sir.

10 Q Did he ever -- was he restrained in anyway?

11 A No, sir, he was not.

12 Q During the interview, did he ever get taken into
13 custody?

14 A No, sir, he did not.

15 Q There's talk about -- or there's been questioning
16 about him getting served with a probation violation
17 warrant the same day and booked into the jail within 15 or
18 20 minutes within the conclusion of the interview on
19 May 4th. Do you know about that?

20 A No, sir, I don't.

21 Q Is that anything that you directed be done?

22 A No, sir. I wasn't present or know anything about
23 that.

24 Q During the -- were you in and out or in the whole
25 time during the May 4th interview?

PRETRIAL MOTIONS

1 A I was in and out.

2 Q During that interview, again, was Carter ever
3 restrained during that interview?

4 A No, sir.

5 Q Was any officer -- to your knowledge were any
6 officers present other than you, Steven Marshall and Fred
7 Thompson?

8 A No, sir, that's it.

9 Q Did anybody ever threaten him with a gun or any type
10 of police equipment to get him to talk?

11 A No, sir.

12 Q Did Carter to your knowledge ever ask for anything
13 like a drink -- well, do you recall whether he had
14 anything to drink?

15 A Had he some water. I don't recall if we gave it to
16 him or if he brought it with him but he was I think
17 drinking water.

18 Q Did he ever ask for anything else like something else
19 to drink or something to eat or a cigarette or a bathroom
20 break?

21 A No, sir, not that I recall.

22 Q Did he ever ask to make a phone call that you recall?

23 A No, sir. If I can remember I think he had his phone
24 with him.

25 Q Have you seen portions of the tape?

- 1 A I have.
- 2 Q Are there periods of time on -- I think maybe on both
3 tapes when he is in the room by himself?
- 4 A Yes, sir, there is.
- 5 Q Particularly on the first interview were there
6 periods of time when he was in the room by himself and
7 actually manipulating his phone?
- 8 A Yes, sir. Like he was sending a text and at one time
9 he was maybe actually talking to somebody.
- 10 Q Did anybody promise him anything during the May 4th
11 interview to get him to talk?
- 12 A No, sir.
- 13 Q Did anybody threaten him to get him to talk May 4th
14 again other than discussing things and hoping he would
15 tell what he knew?
- 16 A No, sir.
- 17 Q Do you have any recollection during that interview of
18 him at some point saying, "I am ready to go?"
- 19 A I don't.
- 20 Q Did he at any time in your presence say, "I don't
21 want to talk anymore?"
- 22 A No, sir, not in my presence.
- 23 Q Did he at any time in your presence say, "I want a
24 lawyer and I don't want to talk anymore?"
- 25 A No, sir.

PRETRIAL MOTIONS

1 Q Did he ever say, "I want a lawyer and I want to talk
2 to the lawyer so I can decide if I'm going to talk
3 anymore?"

4 A No, sir, he did not.

5 Q Did he ever invoke his rights to remain silent or to
6 have a lawyer during the May 4th interview while you were
7 present?

8 A No, sir, he did not.

9 Q Did you have anything to do with the May 6th
10 interview?

11 A No, sir, I did not.

12 MR. BARFIELD: Answer anything Mr. Lifsey has.

13 CROSS EXAMINATION

14 BY MR. LIFSEY::

15 Q You say he was free to leave but he didn't -- he
16 wasn't free to leave, was he?

17 A Yeah, he was free to leave.

18 Q Well, he didn't leave, did he?

19 A I guess that was his choice.

20 Q No. It was whomever cuffed him up and took him to
21 the detention center's choice, wasn't it? Because he got
22 booked in ten or 15 minutes after this interview ended.

23 A I was not there, I do not know that.

24 Q Y'all go pick him up, right? Somebody from law
25 enforcement picks him up.

PRETRIAL MOTIONS

- 1 A I didn't.
- 2 Q Comes and puts him in a little room, right, to talk
- 3 to you?
- 4 A In the interview room, yes, sir.
- 5 Q And stands in front of the door while you are talking
- 6 to him with his back to the back wall, right?
- 7 A I wouldn't say we were standing in front of the door,
- 8 he sat toward the back and we sat in front of him face to
- 9 face.
- 10 Q And after y'all got done talking to him he got cuffed
- 11 up and he got taken to the detention center.
- 12 A I wasn't present.
- 13 Q And you weren't in there for whatever he told
- 14 Detective Thompson about him being through talking or
- 15 being ready to go but that's on tape so the Judge can look
- 16 at it; is that right?
- 17 A Yes, sir.
- 18 MR. LIFSEY: I don't have any further questions.
- 19 MR. BARFIELD: Nothing further from this witness.
- 20 The witness, CLARK CRUMP, was first duly sworn and
- 21 Testified as follows, on:
- 22 DIRECT EXAMINATION
- 23 BY MR. BARFIELD::
- 24 Q State your name, please.
- 25 A Clark Crump.

PRETRIAL MOTIONS

1 Q Investigator Crump, you're also employed by the
2 Lancaster County Sheriff's Office?

3 A That's correct.

4 Q Did you participate in the investigation of the
5 shooting death of victim which occurred on May 3rd
6 of 2010?

7 A Yes, sir.

8 Q Did you get called out that night or did you just
9 start up your part of it the next morning, May 4th?

10 A The next day.

11 Q Did you participate at all in the interview of
12 Anthony Rodriekus Carter on May 4th of 2010?

13 A No, sir.

14 Q Did you participate in the interview of Anthony
15 Rodriekus Carter on May 6th of 2010?

16 A Yes, sir, I did.

17 Q I'm going to ask you whether you know this, do you
18 know about the May 4th interview?

19 A I was familiar with it, not very much at the time.

20 Q That it occurred.

21 A That it had happened basically.

22 Q Do you know when Carter was taken into custody for
23 any matter related to this case or unrelated to this case
24 of your knowledge? Do you know when got hooked up and
25 taken to jail?

1 A I believe it's my understanding he was arrested
2 between the two interviews, possibly the 5th.

3 Q Is it possible he could have been placed into custody
4 on the 4th?

5 A Could have been, I have no knowledge.

6 Q Do you have any knowledge of the probation violation
7 warrant that apparently was outstanding for Mr. Carter?

8 A No, sir.

9 Q At any time did you see him get arrested -- whenever
10 he got arrested were you present or did you participate in
11 his arrest?

12 A No, sir. When I came in contact with him he was
13 already in custody.

14 Q Did you see him on May 6th at the drug task force
15 office?

16 A Yes, sir.

17 Q Was he in custody?

18 A Yes, sir.

19 Q Is the task force office at the same location where
20 the Lancaster county Detention Center is?

21 A No, sir.

22 Q Do you know exactly how Mr. Carter got from the
23 detention center where he presumably was before the
24 interview to the task force office?

25 A I believe he was transported by a deputy, I'm not

PRETRIAL MOTIONS

- 1 sure, I didn't transport him.
- 2 Q Was he dressed out in the detention center jumpsuit?
- 3 A Yes, sir.
- 4 Q Was he restrained in some fashion.
- 5 A Yes, sir, belly chain and leg shackles.
- 6 Q Belly chains means his arms were chained to him?
- 7 A Basically a belly chain with cuffs on either side for
- 8 the hands.
- 9 Q Is it loose enough for him to take a pen, move his
- 10 hands and sign a piece of paper?
- 11 A Yes, sir.
- 12 Q Basically was he restrained during part of the
- 13 interview?
- 14 A Yes, sir.
- 15 Q Completely or partially?
- 16 A I believe one hand.
- 17 Q For purposes of what?
- 18 A To demonstrate an action.
- 19 Q Okay. Do you recall about how long the May 6th
- 20 interview lasted?
- 21 A Approximately an hour.
- 22 Q Could it have been longer?
- 23 A It could have been. But there was some dead time in
- 24 between so it could have been longer.
- 25 Q Were there periods of time when -- well, were you and

1 Steven Marshall and Fred Thompson involved in that
2 interview process?

3 A I don't recall Investigator Thompson being involved.

4 Q Were there times when one or more was in the room but
5 not everybody?

6 A There was times when Investigator Marshall and myself
7 were in the room with Mr. Carter.

8 Q Were there times when one was in the room -- one of
9 the two of y'all but not both of y'all was in the room
10 with Carter.

11 A There were times when Investigator Marshall was in
12 there by himself.

13 Q Were there times when Carter was in there by himself
14 but neither one of y'all were in there?

15 A That's correct.

16 Q Were y'all wearing plain clothes as far as you know?

17 A Yes, sir.

18 Q Had a badge and a gun somewhere I presume?

19 A Yes, sir.

20 Q Anybody try to use the gun or badge to intimidate or
21 threaten Carter into talking to y'all?

22 A No, sir.

23 Q Was there ever any -- did it ever get heated meaning
24 people yelling and screaming?

25 A No, sir.

PRETRIAL MOTIONS

1 Q Did it ever get physical meaning people shoving
2 chairs or tables around?

3 A No, sir.

4 Q Or anybody ever banging fists on desks or anything
5 like that?

6 A No, sir.

7 Q Did Carter ever ask for anything during the interview
8 specifically by way of example, something to drink,
9 something to eat, something to smoke, a bathroom break, a
10 nap, B.C. Powder for a headache? Did he ever make any
11 request for anything that could be perceived as a creature
12 comfort?

13 A No, sir.

14 Q Did anybody promise Carter anything to get him to
15 talk to y'all?

16 A No, sir.

17 Q Did anybody threaten him to get him to talk to y'all?

18 A No, sir.

19 Q Was it made clear to him that this was a murder
20 investigation?

21 A Yes, sir.

22 Q Was it made clear to him that y'all were trying to
23 find out who had perhaps committed a murder and somebody
24 was going to get charged with?

25 A Yes, sir.

PRETRIAL MOTIONS

1 Q By the time you were talking to him on May 6th, was
2 he charged with some offense related to the incident that
3 led to the shooting death of victim .?

4 A I believe a possession of a handgun had been served
5 on him.

6 Q Do you recall him making some protest about the fact
7 that y'all got that warrant and served it on him?

8 A He made several references to the warrant, that he
9 actually had a copy of the warrant in his hand which he
10 said, "This is not my charge."

11 Q Did anybody ever say, "We won't charge you with
12 murder if you will tell us about the case?"

13 A No, sir.

14 Q Or anything like that?

15 A No, sir.

16 Q Did anybody ever say, "We'll charge you but we'll go
17 light on you with the solicitor and the judge if you tell
18 us about the case," or anything like that?

19 A No, sir.

20 Q Did he at any time say during that interview that you
21 were involved in, "I want to stop talking?"

22 A No, sir.

23 Q Did he at any time say, "I want to talk to a lawyer?"

24 A No, sir.

25 Q Did he at any time during that interview invoke his

PRETRIAL MOTIONS

1 rights to remain silent to have a lawyer?

2 A No, sir.

3 MR. BARFIELD: I think that's all I have, Your Honor.

4 CROSS EXAMINATION

5 BY MR. LIFSEY::

6 Q Officer Crump, then you were not involved with the
7 May 3rd interview, is that correct, I mean the May 4th
8 interview, I'm sorry.

9 A No, sir.

10 Q The May 6th interview was not initiated by my client;
11 is that correct?

12 A No, sir.

13 Q It was initiated by law enforcement. Y'all in part
14 of your investigation went and got him and said, "We want
15 to question you," and then Mirandized him; is that
16 correct?

17 A That is correct.

18 MR. LIFSEY: I don't have any further questions for
19 Officer Crump.

20 (The DVD was listened to.)

21 MR. BARFIELD: I think that's all of the witnesses we
22 have. We're trying to determine exactly how probation knew
23 to look him up on a probation violation warrant, I don't
24 have the answer. I argue that that's really not relevant
25 because I think Mr. Lifsey and I would agree that there's

1 nothing on the tape at least telling Mr. Carter we are
2 fixin' to lock you up or something, and Mr. Lifsey is going
3 to argue about "I have answered the questions, I am ready
4 to." We will argue about that but I don't have any other
5 presentation, I don't think.

6 MR. LIFSEY: I guess my thing is two points for the
7 record. One is as to the pre-Miranda of the -- with the
8 first -- the May 4th interview pre-Miranda I would argue
9 he's in custody and not free to leave. I know the officer
10 said -- he clearly took him to jail or saw somebody take
11 him to jail, then said he didn't know how he got to jail so
12 I think you can weigh their credibility in that regard,
13 that's my argument one. Argument two is assuming that once
14 they give him Miranda, my argument is that once he invokes
15 at that point and says, "I am done answering your
16 questions, I am ready to go," that is him ceasing the
17 interview and they shouldn't ask him anything more but as
18 to the May 4th interview and as to the May 6th interview.
19 So I would argue that anything after that ought to be
20 excluded under the idea that he had ended questioning.
21 Thank you, Judge.

22 MR. BARFIELD: Your Honor, first of all there's
23 nothing in the record other than -- there's nothing in the
24 record that Anthony Carter was in custody on May 4th at any
25 time during the investigators in this case contact with

PRETRIAL MOTIONS

1 him. They didn't have to read him Miranda, they just did
2 it. I think they could have talked to him all day long
3 that day without taking him into custody without ever
4 reading him Miranda.

5 THE COURT: All they're saying is they do arrest him
6 four minutes later but that's -- these officers disavowed
7 any knowledge of it, so on the record it's okay.

8 MR. BARFIELD: Well, that's all I've got.

9 THE COURT: Tough luck, okay? The statements don't
10 hurt him any way, do they?

11 MR. LIFSEY: I hope the jury -- I think so, we'll see
12 what the jury thinks.

13 THE COURT: Okay.

14 MR. BARFIELD: One other real quick thing. I had my
15 little list of pretrial stuff and we're rolling up to the
16 trial start time. But the dispute was -- Mr. Lifsey and I
17 need to decide whether there's an issue about the factual
18 basis for the dispute between Carter and the guys across
19 the street. I'm prepared to offer testimony from witnesses
20 that Carter was fronted \$450 to buy somebody dope, that he
21 ran out on the deal and that's what it's all about.

22 THE COURT: Well, I can't control that, y'all can talk
23 about that. I don't know anything about your theories of
24 the case.

25 MR. BARFIELD: But it's my intention to offer

PRETRIAL MOTIONS

1 testimony about what the dispute was.

2 THE COURT: Well, that's your right if that's your
3 theory of the case, if you have people that can testify
4 that he was aware of it no problem.

5 MR. BARFIELD: Thank you.

6 THE COURT: When I go over the indictments I have to
7 tell them the gun charges are unrelated. There's one they
8 can convict him of possession of a gun if he's not
9 authorized to have one but that's a separate crime, but to
10 find him guilty of the other they first have to find you
11 guilty of a violent crime.

12 MR. BARFIELD: That is correct.

13 MR. LIFSEY: Yes, sir.

14 THE COURT: That's all I'm going to tell them on that.
15 Now, under some case that came down in the last year no
16 inference of malice if self-defense is present.

17 MR. BARFIELD: I understand you are not to charge the
18 inference of malice if there's a claim of self-defense and
19 that's the law.

20 THE COURT: I do tell them to take all of the
21 surrounding circumstances into account without getting into
22 what the surrounding circumstances are.

23 MR. BARFIELD: Yes, sir.

24 THE COURT: Malice expressed or inferred, it's only
25 expressed if you say, "I hate you," and "bam."

PRETRIAL MOTIONS

1 MR. BARFIELD: You're not going to charge them
2 inferred from the use of a deadly weapon but I can still
3 argue the use of a deadly weapon of malice, I think that's
4 the law, too. You don't charge it but I think that case
5 says I can still argue it. I will pull it out before we
6 get there.

7 THE COURT: Well, that's a long way down the road.
8 But I don't instruct them on that at all if there is
9 evidence of self-defense which if there is I think I just
10 tell the jury that to start with, that self-defense is an
11 issue in the case.

12 MR. LIFSEY: Yes, sir.

13 MR. BARFIELD: You're not going to get into the
14 elements or anything during the initial comments to the
15 jury of self-defense.

16 THE COURT: I think if it's going to come up and you
17 know it's going to come up I might as well. But I'm
18 laciniate on it at the end but I say this is what you need
19 to look for. They tell me there will be evidence of
20 self-defense, I don't know whether there is or not but if
21 there is this is what the evidence has got to demonstrate
22 before you can find he acted in self-defense. Because I
23 have to tell them if you act in self-defense and kill
24 somebody or, you know, that's still the bar if you're
25 acting in self-defense. Just like if you intended with

PRETRIAL MOTIONS

1 malice to kill somebody and shoot the wrong person you
2 don't have to shoot who you had malice towards.

3 MR. BARFIELD: That's part of this case, too.

4 MR. LIFSEY: Well, self-defense works the same way.

5 THE COURT: So self-defense is the same flip on that,
6 that's all. All right. We've got about ten minutes to eat
7 lunch.

8 MR. LIFSEY: I don't want to drag it out. As I told
9 you earlier that the other charge of possession of a
10 firearm we are just going to call for the moment.

11 THE COURT: We'll just call it possession of a pistol
12 and I'm going to tell the jury an unauthorized person; is
13 that fair?

14 MR. BARFIELD: That's fair.

15 THE COURT: A person unauthorized to carry a pistol,
16 that's just a separate charge.

17 MR. LIFSEY: At some point -- not right now but before
18 we get to the end of this thing I guess my question would
19 be would you allow the solicitor to -- I would like to
20 stipulate that he's not authorized to carry a pistol.

21 MR. BARFIELD: If he's going to go to trial on that
22 charge I'm not going to accept a stipulation.

23 MR. LIFSEY: In that case he may plead on that charge,
24 I just need to talk to him about that.

25 THE COURT: You can talk to him about that.

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1 (A break was taken.)

2 THE COURT: Okay. State ready for the jury?

3 MR. BARFIELD: Yes, sir.

4 THE COURT: Defendant ready?

5 MR. LIFSEY: Yes, sir.

6 (The jury returned to the courtroom.)

7 THE COURT: Jurors are back, the clerk will swear
8 y'all.

9 (At this point the jury was sworn.)

10 THE COURT: Okay. Jurors, we're going to get right
11 into the trial. We're going to run to roughly 6:00 today
12 give or take ten minutes one side or the other, I'll try to
13 tell you every morning after I confer with them how long we
14 will go. We think the witnesses today will take us to
15 right at 6:00. Now, we'll also take a break about every
16 hour and 30 minutes. If somebody needs a break earlier
17 just raise your hand, but the thing is you just can't time
18 it, you know? You can't say a witness is going to testify
19 one hour and 29 and a half minutes, you don't want to stop
20 someone in mid-sentence so it has to be a reasonable place,
21 so it might be an hour and 40 minutes, it might be an hour,
22 we will try to break about every hour and 30 minutes. Now,
23 jurors, anytime we are in criminal court it's a serious
24 situation. This morning I made some comments just to kind
25 of break the ice but that does not take away at any time

PRETRIAL MOTIONS

1 the serious of the situation. Any time a person gets
2 convicted of any crime there are serious consequences, I
3 think you all understand that. Even if we make some
4 remark -- I made something about due to the haircut that
5 the solicitor has, I won't do that during the trial, I hope
6 not anyway. It doesn't take away that this is serious and
7 y'all are not to talk about it at all until y'all start
8 deliberating. I went over these documents briefly with you
9 at the start of the trial, Mr. Carter is charged with the
10 commission of three crimes, all occurred on the same day.
11 The first charge is murder. This indictment, which is just
12 a charging paper, it creates no inference of guilt against
13 Mr. Carter, Mr. Carter is presumed innocent of all charges.
14 As I told you there's absolutely no burden on his part to
15 prove that he is not guilty. In order to get a conviction
16 of any charge the State has got to convince you 12 jurors
17 beyond a reasonable doubt that he committed the crime
18 embraced within one of those indictment. The indictment
19 does allege that Anthony Rodriekus Carter on May 3, 2010
20 feloniously, willfully and with malice aforethought killed
21 and murdered victim by shooting her with a handgun
22 and she died as a direct result and a proximate result of
23 having been shot with a handgun. Again, murder is the most
24 serious crime we have, I think y'all understand that. Some
25 things don't even carry anything about a fine, murder we're

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1 talking big time trouble if you get convicted. Y'all
2 understand that is highest crime that a person can be
3 charged with and Mr. Carter, again, is presumed innocent of
4 that. The fact that he has been charged creates no
5 inference of guilt against him at all. The other two
6 charges, one is directly related to that and that charge is
7 something called possession of a firearm during the
8 commission of a violent crime. Well, anything embraced
9 within the first indictment would be classified as a crime
10 of violence by the legislature, they've said many things
11 are crimes of violence but murder is clearly a crime of
12 violence as is manslaughter as I will explain in just a
13 little bit. But in order to find him guilty of this charge
14 you first must find him guilty of having committed a
15 violent crime, because on this charge he could have a
16 handgun but if he was not guilty of committing a violent
17 crime he's not guilty, but if you find him not guilty under
18 this indictment you wouldn't have to think about this one,
19 he's not guilty. The other charge is a little different,
20 it just charges on the same day that he had in his
21 possession a pistol and he was not authorized to carry it.
22 They don't have to prove he was in a criminal thing at all,
23 he just had the pistol. Like if you have got one in your
24 car and the cop stops you and it is in the front seat you
25 are in a lot of trouble, that's just a separate charge,

1 separate charge. Now, here is how the trial is going to
2 progress, and I will have to explain a little more law to
3 you than I normally need to. At the start of a trial then
4 the attorneys are going to make opening statements to you
5 and they're going to amplify some facts that they think you
6 should consider. Bottom line, I don't think I have to tell
7 you anything about the pistol charge other than what I just
8 said, either guilty or not guilty. If he committed a
9 violent crime and you have got a pistol, you are guilty.
10 If you have a pistol in your possession and you are not
11 legally authorized to do it, I will amplify when you can be
12 in lawful possession of a weapon and so forth at a later
13 point. But anyway, that's -- we don't need to get into a
14 serious charge before murder. Now, the definition of
15 murder is, murder is the unlawful killing of one human
16 being by another human being with malice aforethought
17 expressed or inferred, that's just the simple definition.
18 Then you get into what constitutes malice. Malice is a
19 legal term that indicates that the form, purpose and design
20 of one individual to do a wrongful act under the
21 circumstances that exclude any legal right to do it.
22 Malice is the term that imparts wickedness and excludes
23 just cause or excuse. I will define malice for you further
24 in detail at the conclusion of the trial. Malice can be
25 expressed or inferred from circumstances. Expressed malice

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1 is obviously where somebody was just saying, like the
2 bailiff, not only do I not like him, I can't stand him, he
3 deserves to die, I'm going to kill him. Well, you don't
4 usually have that in trials, right? So what we have and
5 the State has to prove beyond a reasonable doubt is the
6 existence of malice through all of the existing
7 circumstances, and since I don't know the existing
8 circumstances I'm not basically going to get into that at
9 this point. Anyway, that's -- so when you're talking about
10 malice that's not expressed you have to rely on
11 circumstantial evidence as I will tell you -- well, I will
12 just tell you now. Evidence is two types, direct evidence
13 and circumstantial evidence. Direct evidence is where an
14 individual relates something to you that he or she has
15 observed through their senses, might not be right but it
16 intends to prove what they said. In other words, I can say
17 it's raining outside, that's direct evidence that it is but
18 y'all can turn around and it's not raining out there, now
19 you can see that. But circumstantial evidence is where
20 somebody comes in and doesn't say anything but takes off a
21 rain coat, shakes and let's down an umbrella, takes it and
22 you say it must be raining outside, that's circumstantial.
23 Actually circumstantial evidence and direct evidence stand
24 on the same footing in the law, the State can prove a case
25 through circumstantial evidence just as well through direct

1 evidence. Circumstantial evidence is not inferior to
2 direct evidence or vice versa. In this particular case
3 just from talking briefly to the attorneys there are other
4 circumstances that are going to come up. I explained to
5 you murder is the unlawful killing of one human being by
6 another human being with malice aforethought expressed or
7 inferred. The charge of murder includes all
8 lesser-included charges that could arise, I mean, a
9 lesser-included charge that is not specifically charged is
10 manslaughter. And, manslaughter is the unlawful killing of
11 another human being by another human being without malice
12 in sudden heat or passion upon a sufficient legal
13 provocation. Again, these are just preliminary
14 instructions, not saying that you will consider. Killing
15 is done with malice, murder; killing without malice can be
16 manslaughter, again, I will explain all of that to you in
17 just a little bit. Now, obviously the attorneys make their
18 statements to outline how they think the facts came down
19 and you will have a better grasp of it. I am giving you
20 the law on abstract at this point, at the conclusion of the
21 trial after all of the evidence is in I can amplify it a
22 little bit and be a little more fact specific about the law
23 and what you can consider, right now I really can't do
24 that. I am just giving you, murder is the killing of a
25 person with malice aforethought express or inferred,

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1 manslaughter is killing somebody in the sudden heat of
2 passion, no malice is involved. You do not -- in order to
3 be found guilty of murder or of manslaughter you do not
4 have to intend to kill the person that was killed. They
5 tell me the facts are that a child is going to be shot
6 while someone is shooting, not necessarily the defendant,
7 that will be an issue in the case. If with malice
8 aforethought I decided to kill the foreman and I shoot at
9 him but hit him I am guilty of murder. Okay. If he
10 charges me and I -- or we get in a confrontational
11 situation and I intend to kill him but kill somebody else I
12 might be guilty of manslaughter. I'm not getting into the
13 facts of the case, you understand, you don't have to intend
14 to kill the person that you killed to be guilty of the
15 crime embraced within that murder indictment. During this
16 particular trial I am advised that evidence will be
17 presented that the defendant in this case may have acted in
18 self-defense. If there is evidence of self-defense then
19 the State has a burden of convincing you in order to obtain
20 a conviction that the defendant did not act in
21 self-defense. The defendant again does not have to prove
22 he is not guilty. At the conclusion of the trial, again,
23 I'm going to amplify what self-defense is but I'm just
24 going to outline a few things at this point. Self-defense
25 if established by the evidence is a complete defense, but

1 in order for self-defense to be pled four things with some
2 kickers to them must be present. First, the evidence must
3 demonstrate that the defendant was without fault in
4 bringing about the immediate difficulties or the necessity
5 of taking another person's life. Obviously, you know, a
6 person who through his fault brings about a situation
7 cannot then later claim that he acted in self-defense, that
8 is the first thing. Second is where a person actually
9 kills someone or fires a fatal shot the evidence must
10 establish that the defendant believed in good faith that he
11 was in imminent danger of losing his life or sustaining
12 serious bodily injury. Imminent, of course, means
13 imminent. Third, that if the defendant felt he was in
14 imminent danger of sustaining serious bodily injury unless
15 he acted the way he acted, which was firing the shot, an
16 ordinary reasonable person would have had the same belief.
17 Okay. In other words, if you put anybody in the
18 defendant's situation and they would have acted as he acted
19 based on the appearances that were there at that time.
20 Fourth, that where both the deceased and the victim are on
21 common ground, that's where they both have the same right
22 to be, the defendant -- or the evidence must demonstrate
23 that the defendant had no reasonable safe and obvious means
24 of avoiding the confrontation or the danger other than
25 doing what he did, in other words, if he could not have

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1 safely retreated. And that is just the four elements in a
2 nutshell. Now, at the conclusion of the trial I'm going to
3 instruct you in much more detail on the law but don't
4 panic, I'll try to do it kind of by the numbers so you can
5 understand, this is just an overview at this point. What
6 you jurors do is you evaluate all of the evidence that's
7 presented during the trial and pass upon the credibility of
8 the witnesses who testify and give such weight to the
9 admitted evidence that you feel the evidence warrants.
10 Alternate jurors, you need to pay attention. Having
11 presided many times we aren't going to finish this case
12 until probably Thursday so somebody, hopefully not, might
13 have a child to get sick or something and if so one of you
14 alternates may be elevated to the regular jury so you must
15 pay attention to that. Mr. Foreman, it does take a
16 unanimous verdict. You preside over deliberations but your
17 vote doesn't count anymore than anybody, somebody just has
18 to preside over the deliberations. The defendant is
19 entitled to an independent evaluation of each of the three
20 verdicts on each of the three charges against him, just
21 finding him guilty of one does not necessarily means he's
22 guilty of the other one, vice versa, y'all obviously
23 understand that. We started off and gave you much more
24 instruction on murder because that is a serious situation
25 that we're talking about, the other two charges, any time

1 they're charged with the crime is serious but obviously
2 murder is now the State has the burden of proof beyond a
3 reasonable doubt. I can't define reasonable doubt to you
4 to any great extent, it's just evidence that convinces you
5 that a person is guilty. It has to be certainly more than
6 just a fanciful thought that the person is guilty, it just
7 has to leave you pretty sure that a person is guilty. The
8 supreme court has said a reasonable doubt is the kind of
9 doubt that would cause an ordinary person to hesitate to
10 act to it, they'll say another time there's evidence that
11 leaves you firmly convinced of the person's guilt, beyond
12 that I'm not going to instruct you on reasonable doubt.
13 The State makes a brief opening statement to you, it will
14 not be evidence, it's going to outline what they think
15 transpired, maybe suggest conclusions you should draw from
16 that. The defense will be given an opportunity to make an
17 opening statement to set forth the defendant's position.
18 Those statements are not evidence, of course, and I'm not a
19 fact finder. Now, I'm going to give you the law in the
20 abstract, when you start deliberating don't send back a
21 question is the defendant guilty or not guilty, that's why
22 y'all are here. Okay. So during the trial don't try to
23 look at the judge and say wonder what the judge thinks, the
24 judge has been doing so many I hate to say it, the judge
25 doesn't think so much because he knows that it's the jury's

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1 decision so don't take any notions I make to that. The
2 attorneys have been around so I wouldn't anticipate a lot
3 of objections, but you know, any time just by training they
4 hear something that's not right they object so that's how
5 they are trained to do. Don't hold it against either side.
6 If I sustain an objection or overrule an objection it is
7 just like -- my position is like refereeing a basketball
8 game, foul or no foul, there might have been a foul but the
9 referee doesn't call it, if you call it somebody shoots
10 free throws, might not have been a foul. They've proved by
11 any rules they're supposed to object, trained to object,
12 sometimes they want to object and they hear something
13 hearsay and they object. If I sustain an objection don't
14 speculate as to what the answer to the question would have
15 been, anything I allow to be presented you can consider and
16 give it such weight as you feel is warranted. Okay.
17 State?

18 MR. BARFIELD: If the Court, please, Mr. Lifsey? You
19 get in your car to go somewhere that you have never been
20 before and forget about the GPS, I ain't got sense enough
21 to use GPS myself.

22 THE COURT: Solicitor, I hate to do this, the times I
23 do that it breaks his train of thought and concentration.
24 If anybody is in the courtroom other than the people that
25 we designated because I don't know anybody, you will not be

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1 able to testify later. If you are allowed to be in here
2 under our rules and testify, if you stay in the courtroom
3 you can't retestify when you hear somebody say something.
4 We sequestered the witnesses, that's not a bad word, it
5 just means they can't hear what the other witnesses are
6 saying except for certain witnesses who are allowed to be
7 in because some of the witnesses weren't here when I made
8 that ruling so maybe somebody is sitting out there.

9 (Break in proceedings.)

10 MR. BARFIELD: You get in your car, you're going to go
11 some place you have never been. You're not going to use
12 GPS, you don't know what it looks like on the way there,
13 you don't know what the landmarks are so you don't know
14 how -- once you pass the landmark how close you are to
15 getting where you're going. I hate that. It's much better
16 to go somewhere you know where you are going so when you
17 see landmarks there you know, "I'm getting close." The way
18 I'm going to do it is try to give you some landmarks on
19 this trip we're fixin' to take, and it's going to take
20 three or four days. Saturday night you and your wife go to
21 the movies, you're watching fiction, you're watching
22 something somebody made up, dreamed up, put on the big
23 screen. At the end of it you get the credits and you see
24 who played what and the names. Two things about that, this
25 is not fiction, this is like a documentary, this is like a

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1 real life story of a crime that occurred in Lancaster
2 County. I'm going to do it backwards, I'm going to give
3 you the credits now, I'm going to tell you who the people
4 are first. You will hear some nicknames and you won't
5 remember these names, in three minutes you won't remember
6 these names, in three days you will I submit because they
7 are going to get repeated over and over and over again and
8 you are going to have some nicknames associated with them.
9 Let's talk about some people. victim , the
10 victim in the case. At the time this occurred on May 3rd
11 of 2010 between 9:30 and 10:00 she was about three and a
12 half years old, victim . Rodriana Cunningham,
13 victim 's mama, the young lady I pointed out a
14 minute ago, she'll testify later this afternoon. Rodriana
15 Cunningham, victim 's mama. Marico Stevens, a
16 defendant, he is charged, not being tried this week but
17 he's charged the same way Mr. Carter is. Marico Stevens
18 was Rodriana Cunningham's boyfriend, stayed with her and
19 the child. Anthony Rodriekus Carter you might hear
20 referred to from time to time as Ant, A-n-t, short for
21 Anthony, he's the defendant sitting there in the white
22 shirt. He along with Marico Stevens is charged with this
23 murder and some related offenses. Beneco Antwan Ganson,
24 some people might refer to him as Nico, just a name, I will
25 tell you what the significance is in just a minute. James

1 or Jamie or J. D. Hemphill, again one of the players in
2 this documentary that we are fixin' to embark on. John
3 Jarrod "John John" Hill, again one of players in this thing
4 we are fixin' to embark on. And a lady named Emmie Amanda
5 Coats who I will tell you about in just a minute. That is
6 some of the major players. Now, what are the landmarks?
7 What is the trip we're fixin' to take you on? Very briefly
8 this is the trip. Rodriana Cunningham wasn't there when
9 this happened but Marico Stevens, her boyfriend, and her
10 child were together in Rodriana Cunningham's car sort of a
11 normal night initially I get at first. Marico Stevens has
12 the baby with him, they're going to visit his folks at his
13 house and later on another place, another apartment where
14 some friends of theirs live. That night some time shortly
15 before all of this happens Marico Stevens with the baby,
16 victim , in the car goes by Ant Carter's house, and you
17 might hear some testimony about they're trying to
18 communicate by telephone, but Marico Stevens with victim in
19 the car goes by Anthony Carter's house. Emmie Amanda Coats
20 is Anthony Carter's friend, girlfriend, friend
21 acquaintance, she is there with Anthony Carter at Anthony
22 Carter's house on Lynwood Drive which is not too far from
23 Mcilwaine Road off which Athena Road turns. Marico Stevens
24 with victim in the car picks up Ant Carter and Ms. Coats.
25 We next know that what happened is those four people in

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1 that car pull up to Emmie Amanda Coats' mobile home, I
2 think it's Countryside Mobile Home Park on Athena Road out
3 there behind the EMS station right off Mcilwaine. Now, you
4 will hear testimony that Ant Carter had something that has
5 repeatedly been referred to in the file and I have to call
6 it a beef with those other three guys I told you about a
7 minute ago; Beneco Ganson, J. D. Hemphill and John John
8 Hill, he had a beef with them, he owed somebody in that
9 group of three some money. And you will hear -- basically
10 this is what you will hear. You will hear that the car
11 that Stevens and Carter and Coats and victim were in pulled
12 up to Coats' trailer, you'll hear that the other guys were
13 back there in the trailer park across the street in another
14 trailer. You'll hear that Ant Carter, Anthony Carter, got
15 out of the car and you'll hear testimony that he got out of
16 the car with a handgun and went across the street -- into
17 the street or across the street to confront these guys that
18 he owed this money to, you'll also hear that shortly after
19 gunshots got fired. Now, as a result of gunshots victim
20 victim who is in the back seat of the car that they went
21 over there in, maybe sitting in the car seat, maybe buckled
22 in the car seat, maybe just wondering around in the back
23 seat, but you'll hear she got shot from a shot fired from
24 the front of that car over the car but went into the car
25 and it shot her in the head and she died the next morning

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1 about 6:00 or 6:30 in the morning, she died in a hospital
2 in Charlotte. You might -- and I'm sticking my neck out
3 here but stick with me -- you might conclude when this is
4 all over with, you might conclude that somebody across the
5 street shot at Carter and Stevens first, you might conclude
6 that. And we're going to tell you everything we know, some
7 of it's good, some of it's bad, but you might conclude when
8 this whole thing is over that Carter got shot at first.
9 I'm telling you now that it doesn't matter. I'm going to
10 argue to you at the end of the case why it doesn't matter
11 so keep that in mind. You also might conclude -- again,
12 Carter and Stevens are both charged with killing victim
13 victim , and you might conclude at the end of this case
14 that Carter wasn't the person who actually shot, that
15 Stevens was, you might conclude that you can't tell which
16 one of the two of them shot the gun that killed victim
17 victim . . . And again, I'm going to tell you right now that
18 it doesn't matter, and I'm going to argue to you at the end
19 of the case why it doesn't matter. We're asking a lot of
20 you. Keep those thoughts in mind, though, as we go through
21 this process. You don't know anything about the case other
22 than what the Judge has said so far this morning, what I
23 have said right now, what Mr. Lifsey is fixin' to say that
24 there is a lot to know and that's why it's going to take us
25 a little while to do it. You're not supposed to know about

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1 the case, but if you knew about the case you wouldn't be
2 qualified to serve on the jury. What is going to happen
3 over the next two or three days is we're going to have to
4 tell you everything there is to know about this case. And
5 y'all are going to get sick of me and my voice because I'm
6 going to call witness after witness until I'm done asking
7 them questions, and it's going to seem very elementary to
8 the witnesses who know this stuff but you don't and so I've
9 got to ask them the questions, because the answers to the
10 questions are the evidence in this case. All I ask you to
11 do is just relax, be patient and hang in here with us while
12 we go through this documentary, and I'm going to get up
13 here at the end of this case and I'm going to argue some
14 things about the facts and I'm going to argue some things
15 about the law. But you can be assured that I'm going to
16 get up here at the end of this case and I'm going to tell
17 you that it's the State's position that we have proved
18 Anthony Carter guilty of murder and these related offenses
19 and I'm going to ask you to find him guilty. Thank you.

20 MR. LIFSEY: Please the Court, Judge?

21 THE COURT: Sure.

22 MR. LIFSEY: Anthony Carter didn't murder anyone, he
23 certainly didn't murder victim . Listen, this case
24 is awful, this is a tragedy, it's a terrible thing but you
25 don't make a tragedy any better by convicting somebody of a

1 crime that they didn't do. This case was a huge, big deal
2 when it happened, and certainly understandable. Anytime a
3 child is killed it is just awful. I've got kids, they're
4 not that young anymore but it's just a nightmare to think
5 about it, and I could understand the emotions of everybody
6 involved. And I could understand law enforcement's
7 emotions and I can understand law enforcement feeling the
8 need to make charges, but that's not what y'all's job is.
9 Your job is to listen to what the law is and to determine
10 whether or not they have met their burden of proof and
11 prove that Mr. Carter committed -- well, let's talk about
12 murder, the most important charge murder beyond a
13 reasonable doubt. And the Judge will tell you what is
14 involved in murder. And I say that because I don't expect
15 y'all will come out of here liking Mr. Carter, I don't
16 expect you to enjoy any aspect of this, but your job is not
17 to make valued judgments on what happened that night. Your
18 job is to determine whether or not they've proven beyond a
19 reasonable doubt there's murder. Here is what -- there's
20 four -- it is -- the solicitor is right, this is going to
21 take awhile to get through because the system takes awhile
22 to get everything. But I will tell you that there really
23 are sort of four facts, two of which we know and two of
24 which of we don't know that bring us here. Here is what we
25 know. We know one, that victim was killed, there's

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1 not going to be any dispute about that. We know, two,
2 based on the evidence that you will hear that the shots
3 that killed victim came from the side of the car that
4 Mr. Carter and Mr. Stevens were most likely on. Okay. We
5 know that. But here is what we don't know and they don't
6 know and they can't tell you, you don't know which of the
7 two of them fired the shot, and it is important. And you
8 certainly -- and this is the most important thing -- you
9 don't know if they were returning fire. Listen, the
10 solicitor says that doesn't matter. There's nothing more
11 important than that, of course it matters. Listen, nobody
12 is going to contend that anybody intentionally shot this
13 child, nobody, they're not going to have a single witness
14 that says that. They are going under a legal theory called
15 transferred intent and the Judge gave you an example of
16 that, when you shoot at somebody and you accidentally hit
17 somebody else, but the Judge will also tell you you have
18 got a right to defend yourself. This is America, if
19 somebody shoots at you you've got a right to defend
20 yourself and that same rule of transferred intent applies
21 the other way. Listen, this is awful. And like I say -- I
22 hope the victims' family doesn't take wrong what I'm going
23 to say -- but you almost have to take victim out of
24 this. This has to be viewed -- because no one contends
25 that they intended to kill her, no one, they won't even say

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1 that. This has to be viewed as a dispute between Carter
2 and Stevens and Hemphill and Hill and Ganson, and the only
3 way you can convict my client of murder or manslaughter is
4 if they've proven beyond any reasonable doubt that he was
5 not defending himself, or if that Stevens shot Stevens was
6 not defending himself. When they don't know who shot and
7 they don't know why they shot, that's not enough evidence
8 to convict somebody of what the Judge rightly told you is
9 the most serious thing our criminal law has. As you view
10 the evidence there is three what I would call sort of
11 mindset things you have to keep in mind. Okay. One, you
12 have to keep in mind that my client, Mr. Carter, is
13 presumed innocent. Now, you've heard the Judge say and you
14 have probably even heard it on TV, innocent until proven
15 guilty, presumably so. It's not just words on the
16 television, it means what he says, what he told you and I
17 will tell is you have to view my client as an innocent man
18 falsely accused and that's the mindset you have to go into
19 in this case, one, presumed innocent. Two, the State has
20 the burden of proof, it's their job to put up evidence. A
21 defendant never has to put up any evidence at all. Listen
22 to the evidence they've provided, listen to the witnesses
23 they call, listen to the witnesses they don't call. Listen
24 to the facts that they admit they don't know, like who shot
25 and why they shot, listen to that and ask yourself if

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1 they've met their burden of proof because they've got the
2 burden. And the third thing and the most important thing
3 is before anybody can be convicted of any crime from the
4 smallest offense to the most serious offense the State has
5 to prove them guilty beyond a reasonable doubt. And when
6 the issue of self-defense is raised, which they certainly
7 admit self-defense is an issue, you heard the solicitor say
8 he doesn't know if the other side fired first, when
9 self-defense is an issue the State has to prove that the
10 defendant was not defending himself beyond any reasonable
11 doubt. Listen, awful, awful case, terrible tragedy,
12 unimaginable for the victims, unimaginable for anybody
13 that's ever been a parent, but you don't make a tragedy any
14 better by adding to it and wrongfully convicting somebody.
15 This is a difficult job you have, but you raised your hand
16 a minute ago and you took an oath to follow the law.
17 Please listen to what the Judge says, set your emotions
18 aside, listen to the case and you will find that there is
19 too many questions to convict somebody of something like
20 murder in this case. Thank you.

21 THE COURT: Y'all step up one second.

22 (Bench conference was held.)

23 THE COURT: Okay. Jurors, before they call any
24 witnesses, like I told you I don't know anything about the
25 case, now it develops into somebody else is charged with

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1 murder who was there -- if two or more people were engaging
2 in an unlawful enterprise simply stated the law says hand
3 of one is the hand of all. It's like if two people go in
4 to commit an armed robbery and plan on committing an armed
5 robbery and only one has a gun, they're both guilty of
6 armed robbery. If two people want to kill somebody and
7 only one kills them, hand of one is the hand of all that
8 was there. I'll explain that in a little more detail but
9 that's what the solicitor was referring to about it doesn't
10 matter who shot. Another thing y'all asked if you could
11 take notes, I allow you to take notes, Mr. Hammond says he
12 will get some pads for you but here is the rule on that,
13 you can't take them home with you. You can take them
14 during the trial but once deliberations start you have to
15 leave them in the courtroom. The reason being if you go
16 back there and you deliberate and you say, well such and
17 such and you have got notes and you said I have got it
18 written right here you might have it written right there
19 but it might not be what was said. You can review your
20 notes before and we will give them back to you after the
21 trial is over, you might be able to sell them to the New
22 York Times, who knows.

23 MR. BARFIELD: Craig Greenly.

24 The witness, CRAIG GREENLEE, was first duly sworn and
25 testified as follows, on:

TESTIMONY OF CRAIG GREENLEE

1 DIRECT EXAMINATION

2 BY MR. BARFIELD:

3 Q Tell us your name, please, sir.

4 A Craig Greenlee.

5 Q And Mr. Greenlee, by whom are you employed?

6 A City of Lancaster Police Department.

7 Q How long have you been employed by the City of
8 Lancaster as a police officer?

9 A Eight years.

10 Q Were you a police officer somewhere before you came
11 to the city of Lancaster?

12 A Yes, sir, in Fort Lauderdale, Florida.

13 Q Are you currently a detective with the city police
14 department?

15 A Yes, sir.

16 Q On May 3rd of 2010, were you a detective with the
17 police department?

18 A I was in the patrol division.

19 Q Were you working on May 3rd of 2010 at about sometime
20 between 9:30 or 10:00 at night?

21 A Yes, sir, I was.

22 Q Do you recall the day of the week, or is there
23 anything in the report that tells you the day of the week?

24 A No, sir, I just know the date.

25 Q Were you wearing a regular police uniform and driving

1 a regular Lancaster City Police Department car?

2 A Yes, sir, I was.

3 Q Did you end up at the emergency room entrance at
4 Springs Memorial Hospital that night?

5 A Yes, sir, I did.

6 Q How did all of that start? Where were you when
7 something started that would lead you to the ER?

8 A I was stationary on South Main Street sitting in the
9 Patio Restaurant parking lot right next to the road on
10 North Main Street -- or South Main Street heading north.

11 Q How close is the Patio to 200 going toward Airport
12 Crossroads, or going down toward Mcilwaine and all of
13 those areas?

14 A Approximately two blocks.

15 Q Go ahead.

16 A I was sitting in the parking lot -- do you want me to
17 explain the --

18 Q Yes. And I will stop you when I need to.

19 A Sitting in the parking lot stationary at which time a
20 vehicle passed by the Patio heading northbound on South
21 Main Street.

22 Q Stop. What time was it approximately when you first
23 observed the vehicle?

24 A Approximately 9:53 p.m.

25 Q Was it -- that's in May. Was it dark?

TESTIMONY OF CRAIG GREENLEE

1 A Yes, sir, it was.

2 Q Was there anything unusual about the vehicle when you
3 initially saw it or its movement?

4 A The vehicle was traveling at a high rate of speed
5 with the flashers flashing at that time.

6 Q Could you tell anything about the kind, make, model,
7 year, color or anything like that of the vehicle then?

8 A No, sir, not until I was able to get behind it.

9 Q Did the car -- were you facing -- well, from what
10 direction -- what road was the vehicle on, which street
11 was the vehicle on when you saw it?

12 A North Main -- well, it was on South Main Street
13 heading north.

14 Q And was it coming to you -- were you facing the
15 direction the vehicle -- was it coming to you head-on so
16 to speak or did it come up behind you as you were
17 stationary? That's my question.

18 A I was facing South Main Street from the parking lot
19 so I had a perfect unobstructed view of South Main Street
20 at that time.

21 Q So the car came by across the front of your police
22 car?

23 A Correct.

24 Q What did do you when you saw the car going fast with
25 the flashers on headed what direction on Main?

1 A Northbound.

2 Q What did you do when you saw that car?

3 A I pulled out to find out what was going on with the
4 vehicle and attempt a traffic stop at which time I could
5 see the flashing lights on the vehicle, I was able to give
6 out the tag number which was EUM346, and it came back to
7 it was a Chevy Malibu.

8 Q What color was the car? After you finished up that
9 night do you recall what color the car was?

10 A It was a dark colored car, I'm not sure.

11 Q Where were you? Give us a landmark about where you
12 were when you got close enough to the car to call off a
13 tag number and start noticing things.

14 A I believe I was close to the Brooklyn Avenue, Gooch
15 Street Area and South Main Street, which is about three
16 blocks north of the Patio.

17 Q Somewhere in the area of Crenco?

18 A Yes, sir.

19 Q You were going to stop the car. How does a police
20 officer stop a car? What did you do to try to stop the
21 car?

22 A I initiated my emergency lights and my siren and the
23 vehicle failed to stop at that point.

24 Q Did you pursue the vehicle?

25 A Yes, I did. I proceeded to follow the vehicle. I

TESTIMONY OF CRAIG GREENLEE

1 advised my lieutenant, Lieutenant Rollins, that I was
2 behind the vehicle and possibly had a medical emergency.

3 Q At what point did you think maybe there's a medical
4 emergency?

5 A Upon looking at the vehicle closely to see what is
6 going on inside of the car, try and look through the rear
7 window to see any kind of movement within the vehicle, I
8 noticed that the rear window had been shot out, had a
9 bullet hole through the center.

10 Q Did you follow the car?

11 A Yes, I did.

12 Q Just describe the path of the car.

13 A Okay. We proceeded northbound -- the vehicle
14 proceeded northbound, I stayed behind it until we reached
15 Meeting Street, upon reaching Meeting Street that vehicle
16 made a left turn to go west toward Springs Memorial
17 Hospital.

18 Q Would what you're just describing be right out this
19 window?

20 A That would be correct, sir.

21 Q Go ahead.

22 A I followed that vehicle, I advised that the rear
23 window had been shot out and I was going to proceed to
24 follow that vehicle, and I was leaning to believe it was
25 going to the hospital at that point.

- 1 Q Did you find out that was true?
- 2 A And that is true. We ended up in the emergency
3 driveway, emergency room driveway.
- 4 Q Now, you're talking about giving out information.
5 Are you talking on your police radio to the city
6 dispatcher?
- 7 A That is correct, sir.
- 8 Q Do you know if the county has the ability -- the
9 sheriff's office has the ability to monitor the city
10 channels and hear what is going on?
- 11 A Yes, they do.
- 12 Q What happened at the ER? When you got to the
13 entrance of the emergency room, first of all prior to that
14 time could you tell how many people were in that car?
- 15 A I could not because the window had a spider web
16 shatter if you will.
- 17 Q When you got to the ER did the Chevy Malibu stop?
- 18 A Yes, that's correct.
- 19 Q Did you stop?
- 20 A I stopped behind the vehicle.
- 21 Q You stopped behind the vehicle?
- 22 A Yes.
- 23 Q Your blue lights on the whole time?
- 24 A Yes, sir.
- 25 Q Did they stay on at the ER?

TESTIMONY OF CRAIG GREENLEE

- 1 A Yes, sir.
- 2 Q Once you stopped, did you determine at some point
- 3 there were people in that car?
- 4 A Yes, sir.
- 5 Q Describe the people.
- 6 A Two people exited, the driver exited the vehicle and
- 7 the passenger exited the vehicle holding a person.
- 8 Q Two door or four door car?
- 9 A Four door car if I remember correctly.
- 10 Q Did you subsequently identify who the two people were
- 11 that got out of the driver and passenger side?
- 12 A Yes, sir, I did.
- 13 Q Who were the two people?
- 14 A That was Steven -- Mr. Stevens, Marico Stevens,
- 15 and --
- 16 Q Which door did he get out of?
- 17 A He got out of the driver's door.
- 18 Q Okay. And who was the other person that got out of
- 19 the car?
- 20 A Anthony Carter.
- 21 Q What door did he get out of?
- 22 A Right front passenger's seat.
- 23 Q Which one of them was holding a person?
- 24 A Mr. Carter was.
- 25 Q And how big a person was Mr. Carter holding?

- 1 A A small person, a child if you will.
- 2 Q Where did Stevens and Carter holding a small person
- 3 go? Did you stop them and chit-chat?
- 4 A No, I did not. They were yelling and screaming and
- 5 they ran into the emergency room through the lobby and
- 6 then straight to the actual emergency room where the staff
- 7 worked, emergency staff.
- 8 Q Did you follow?
- 9 A Yes, I did.
- 10 Q At some point did you have conversations with
- 11 Stevens, the driver? Don't tell me what he said but did
- 12 you at some point have some face to face with Stevens?
- 13 A Yes, I did. I was trying to maintain control in the
- 14 emergency room.
- 15 Q Don't tell me what Stevens said, but describe any
- 16 observations you made of Stevens, his person, his
- 17 clothing, his condition.
- 18 A Both individuals had very soiled clothes of blood.
- 19 Q And that's enough about that.
- 20 A Okay.
- 21 Q Again, don't tell me what Steven said, but did you
- 22 have some conversation with Stevens about what the heck
- 23 was going on? Not what he said, but did you get some
- 24 information from him?
- 25 A Yes, I did.

TESTIMONY OF CRAIG GREENLEE

1 Q First of all, I don't know if you can or not, do you
2 see the person you've referred to as Carter here today?

3 A I don't recall what he looks like.

4 Q That's fine. Did you have conversations with
5 somebody who you identified as Anthony Carter at the ER?

6 A Yes, sir, I did.

7 Q Was that after this small person had been handed over
8 to medical people?

9 A That's correct, sir.

10 Q Did you get any information from the person you knew
11 as Carter, or had come to learn as Carter about what had
12 happened or where?

13 A Yes, sir, I did.

14 Q And what was the information that came from this
15 person you identified as Carter about what had happened
16 and where?

17 A Well, what I did was I forced those two individuals
18 out of the emergency area so that they could assist the
19 victim at that point, and Mr. Carter was telling me that
20 the baby had been shot.

21 Q Okay. Did he say who shot the baby?

22 A Okay.

23 Q Did he at that point?

24 A Yes, he did. He repeated it several times because he
25 was very agitated, irate, making threatening statements

TESTIMONY OF CRAIG GREENLEE

1 about this individual.

2 Q Hold on just a minute. Check your notes, but I want
3 to make sure you're right and I'm right, was it Carter or
4 Stevens that told you what happened and where and who did
5 it?

6 A Both of them were verbally expressing what occurred.

7 Q Okay. Now, did you get a location to where this
8 supposedly happened?

9 A Yes, sir, I did.

10 Q What was the location?

11 A It occurred on Mcilwaine Road.

12 Q That's the information that was given to you at that
13 point?

14 A That's what was being told at that point.

15 Q And did the name Beneco Ganson come up during your
16 conversations with Stevens and Carter?

17 A That name was being yelled several times between the
18 both of them and towards me, because I was trying to
19 maintain control outside of the emergency room or have
20 them just outside the doors where the ambulances come in.

21 Q All of what you described transpired within how many
22 minutes if you can say with you stopping your car at the
23 ER?

24 A Three to five minutes tops.

25 Q Were there other law enforcement officers who

TESTIMONY OF CRAIG GREENLEE

1 responded to the ER?

2 A Yes, sir.

3 Q When you heard Mcilwaine Road, is that in the City of
4 Lancaster?

5 A No, sir, it is not.

6 Q Did you pass along that information to somebody to
7 check that out?

8 A Yes, I did. I gave that to Corporal Hardell to
9 dispatch and notify the Lancaster County Sheriff's Office
10 what had occurred and we needed somebody to respond to
11 assist with the crime scene there.

12 Q Mcilwaine?

13 A Correct.

14 Q Did you get a chance to have any better look at this
15 Chevy Malibu that pulled up to the ER? No, let me back
16 up. While you were at the ER, did you determine who the
17 small person was that Carter got out of the car with?

18 A I later learned her name was victim .

19 Q Did you have occasion while you are at the ER to
20 do -- to get a better look at the car that -- the Malibu
21 that brought victim to the ER?

22 A Yes, sir, I did.

23 Q Did you process it or anything from an evidentiary
24 standpoint or just look?

25 A I helped rope off the area where the vehicle was to

1 protect and preserve that scene.

2 Q And did you notice anything appearing to be out of
3 the ordinary about the car other than the back window that
4 you say had a bullet hole in it?

5 A There was a lot of blood in the left rear back seat
6 area, very soiled.

7 Q How about defects in the car, not --

8 A I noticed bullet holes in the roof of the vehicle, I
9 believe it was like two bullet holes from what I recall.

10 Q Did you stay there at the ER to assist -- did the
11 county come to the ER?

12 A Yes, they did.

13 Q Was it determined that car was probably their
14 evidence based on where this incident probably happened?

15 A Yes, sir.

16 Q Did you assist for some period of time?

17 A I stood by with the vehicle to maintain the area,
18 security of the area as people were arriving on scene,
19 family and so forth and to preserve the evidence.

20 Q And again, can you tell us the time -- you
21 technically did not get dispatched to this call, you
22 initiated this call with your dispatcher; is that correct?

23 A Yes, sir.

24 Q And what time did you call this in, "I'm behind the
25 car going north on Main flying with flashers on," what

TESTIMONY OF CRAIG GREENLEE

1 time?

2 A I believe it was around 9:53 p.m. sir.

3 MR. LIFSEY: Thank you. Answer anything Mr. Lifsey
4 has.

5 CROSS EXAMINATION

6 BY MR. LIFSEY:

7 Q When you heard the name Beneco Ganson, that's not the
8 first time you heard that name, was it?

9 MR. BARFIELD: Your Honor, I object.

10 THE COURT: I don't know why at this point. I think
11 you can go ahead at this point.

12 Q Is that the first time you have heard the name Beneco
13 Ganson?

14 A I had heard it before one or two times prior to that,
15 yes.

16 Q So you see this car, the bottom line and I'll be as
17 short as I can with you, the car is speeding as quickly as
18 they can get to the emergency room; is that right?

19 A Yes, sir.

20 Q And when they get to the emergency room as quickly as
21 they can they take the child into the ER; is that right?

22 A Yes, sir.

23 Q And, in fact, my client, Mr. Carter, is the one who
24 was actually holding the child trying to get her some
25 medical assistance as quickly as possible; is that right?

TESTIMONY OF JOSEPH CATALANO

1 A Yes, sir.

2 MR. LIFSEY: I don't have anything else.

3 MR. BARFIELD: Nothing else from this witness, I would
4 ask that he be excused.

5 THE COURT: Okay. Step down and you're excused.

6 The witness, JOSEPH CATALANO, was first duly sworn and
7 testified as follows, on:

8 DIRECT EXAMINATION

9 BY MR. BARFIELD:

10 Q State your name, please, sir.

11 A Joseph Catalano.

12 Q By whom are you employed?

13 A Lancaster County Sheriff's Office, I'm an
14 investigator.

15 Q How long have you been employed by the Lancaster
16 County Sheriff's Office.

17 A Going on three years now.

18 Q Were you an investigator with the sheriff's office on
19 May 3rd of 2010?

20 A I was not, I was working on patrol.

21 Q Did you get a call concerning the matter which brings
22 us all here today? By call I mean were you dispatched to
23 go somewhere and do something?

24 A I was.

25 Q Where were you dispatched to go first of all?

TESTIMONY OF JOSEPH CATALANO

1 A I was notified by my supervisor at the time, Mike
2 Miller, that there was -- the city was behind a car going
3 to the hospital. He notified me that he was on Athena
4 Road in reference to a shots fired call and asked me to go
5 to the hospital and investigate, we assumed that it could
6 be related.

7 Q Your first stop then was the hospital?

8 A It was.

9 Q I'm going to jump ahead. Did you ever go to Athena
10 Road yourself that evening?

11 A I did not.

12 Q Were you wearing a uniform and driving a marked Crown
13 Victoria I guess?

14 A I was in a marked unit with full uniform on.

15 Q When you got to the hospital, were there a lot of law
16 enforcement officers there or were you pretty soon after
17 Craig Greenlee?

18 A I was a few minutes, if that, after Greenlee, it
19 wasn't long at all.

20 Q Was there a crowd there of law enforcement? First of
21 all were there a bunch of other law enforcement officers
22 there when you were there?

23 A There were a couple of guys from the city, I wouldn't
24 say there's a crowd there.

25 Q Were there a crowd of citizens gathering up at that

1 point?

2 A Not at that point.

3 Q Did a crowd gather at some point?

4 A Yes, sir.

5 Q Did somebody -- don't tell me what was said, but did
6 somebody brief you when you got to the ER about what was
7 going on?

8 A I spoke with Detective Greenlee.

9 Q Did you have occasion at the ER to see somebody
10 identified to you by him or by somebody else as Marico
11 Stevens?

12 A I did.

13 Q Don't tell me what Stevens said but tell me this,
14 where did you -- where was Stevens when you first saw him?

15 A He was outside the emergency -- the entrance where
16 EMS goes into the hospital, he was sitting on the curve
17 outside of that entrance.

18 Q And again don't quote him, I'm not going to ask you
19 what he said, but did you make any observations of
20 Mr. Stevens?

21 A I did.

22 Q What did he look like?

23 A He was -- as far as his demeanor?

24 Q Well, his condition of his person, I guess.

25 A He had blood all over his shirt.

TESTIMONY OF JOSEPH CATALANO

1 Q Did you learn at the ER the relationship, if any,
2 between Stevens and the young female person that was being
3 treated?

4 A I did.

5 Q And what was that relationship as far as you could
6 tell?

7 A At the time I was informed that it was a
8 father/daughter type of relationship.

9 Q Did you see -- did you meet somebody identified to
10 you as Anthony Rodriekus Carter?

11 A I did. He was with Mr. Stevens.

12 Q Sitting on the curve at the ER?

13 A Yes.

14 Q Did you talk to Carter?

15 A I did.

16 Q Let's talk about Carter for a minute, his appearance,
17 what did he look like?

18 A It was similar, he had blood on his shirt.

19 Q Do you see the person you know as Anthony Rodriekus
20 Carter from that night in the courtroom today?

21 A I do.

22 Q Where is he sitting and what is he wearing?

23 A He is in a white button-up shirt and he is sitting
24 beside Mr. Lifsey.

25 Q All right. Did Carter tell you, did you ask him or

TESTIMONY OF JOSEPH CATALANO

1 did he volunteer, but did he give you information about
2 what had happened to lead them to the ER?

3 A He did.

4 Q What did he say?

5 A He said that they were on Athena Road in the vehicle
6 and someone started shooting into the vehicle.

7 Q Did he talk about where their vehicle was on Athena
8 Road when the shooting happened?

9 A Driving down Athena Road. It was kind of hard to get
10 a lot out of him because he was extremely, extremely
11 upset.

12 Q Your impression was driving down the road when the
13 shots were fired?

14 A That's correct.

15 Q I think you said a minute ago that your supervisory
16 officer, Mike Miller, was already on Athena or headed that
17 way.

18 A He was on Athena when he instructed me to head to the
19 hospital.

20 Q Did you observe an automobile in the ER parking lot
21 that appeared to be involved in this?

22 A It was in the little loop around of the ER.

23 Q Pulled up right to the door?

24 A Pulled up right to the door.

25 Q Did you notice anything unusual about the

TESTIMONY OF JOSEPH CATALANO

1 condition -- first of all, describe the car best you can
2 remember.

3 A It was light blue, it was a Chevy, I want to say it
4 was a Malibu somewhere around 2000ish, I can't remember
5 the exact year.

6 Q Older car.

7 A Fairly old.

8 Q Anything wrong with it that got your attention?

9 A Yes.

10 Q What?

11 A Defects in the windshield, the rear windshield that
12 appeared to be bullet holes, there was what looked to me
13 to be blood in the back seat.

14 Q Did you get a look at the top of the car, the actual
15 roof of the car, did you see it yourself?

16 A There was a defect in the roof as well.

17 Q Okay. When you talked to Carter about the car
18 getting shot at on Athena -- I think you said Athena Road,
19 did he tell you who did it?

20 A He didn't tell me who did it.

21 Q Did he say he knew who did it one way or the other?

22 A He told me he did not know who did it.

23 Q What was your continuing role, if any, from that
24 point forward at the ER that night? What did you do for
25 the rest of the evening connected to this case?

TESTIMONY OF JOSEPH CATALANO

1 A I secured the vehicle, secured the crime scene and
2 then I basically just assisted Investigator Adams when he
3 arrived and Investigator Taylor, assisted them with
4 anything they needed in processing the scene or
5 interviewing people, basically whatever they needed me to
6 do.

7 Q Investigator Adams would be by first name who?

8 A Mike Adams.

9 Q And Investigator Taylor would be by first name?

10 A Ken Taylor.

11 Q At any time while you were working on this matter at
12 the ER that night, was there any -- were you ever told
13 that either Carter or Stevens were suspected of shooting
14 somebody or shooting at somebody?

15 A No, sir.

16 Q Did either one of them get arrested that night to
17 your knowledge?

18 A No, sir, they both got released.

19 Q Were you there when they got released, meaning --

20 A I remember Mr. Carter being released.

21 Q When we say released, released from what? What does
22 that mean?

23 A Basically we held the people that we determined to be
24 witnesses to the incident, we interview them to see what
25 they saw and once that's over if they're not suspected of

TESTIMONY OF JOSEPH CATALANO

1 any kind of crime they are told they're free to go and
2 they leave.

3 Q When you say you hold them there, are they taken into
4 custody or handcuffed?

5 A No, not at all. They're held to -- we interview them
6 to get their side of the story, it's not a criminal
7 interrogation.

8 MR. BARFIELD: Thank you. Answer anything Mr. Lifsey
9 has.

10 CROSS EXAMINATION

11 BY MR. LIFSEY:

12 Q Briefly. Officer Catalano, is it fair to say this
13 was a pretty chaotic scene at the emergency room?

14 A That's correct.

15 Q My client was distraught, carrying on, he was
16 traumatic?

17 A Yes, sir.

18 MR. LIFSEY: I don't have anything else.

19 THE COURT: You're free to go, you can be excused.

20 The witness, MIKE ADAMS, was first duly sworn and
21 testified as follows, on:

22 DIRECT EXAMINATION

23 BY MR. BARFIELD:

24 Q Tell us your name, please.

25 A It is Mike Adams.

- 1 Q By whom are you employed?
- 2 A Lancaster County Sheriff's Office.
- 3 Q How long have you been with the sheriff's office?
- 4 A A little bit over ten years now.
- 5 Q What is your job with the sheriff's office?
- 6 A I'm an investigator.
- 7 Q Were you an investigator with the sheriff's office on
- 8 May 3rd of 2010?
- 9 A Yes, sir.
- 10 Q Were you the -- we won't even to begin to explain how
- 11 y'all do your schedules, but were you the on-call
- 12 investigator that night?
- 13 A Yes, sir.
- 14 Q And do you recall the night of the week, what day of
- 15 the week?
- 16 A No. I'm thinking first of the week but I'm not
- 17 positive.
- 18 Q Were you actually working or did you get called out
- 19 from your house to go deal with this matter?
- 20 A I was called out from my home.
- 21 Q Where did you go first?
- 22 A First place was to Springs Memorial Hospital, the
- 23 emergency room.
- 24 Q Did somebody brief you when you got there or had you
- 25 been briefed by somebody or somebodies before you got to

TESTIMONY OF MIKE ADAMS

1 the ER to kind of get a feel for maybe --

2 A I got a little bit of information from communications
3 when the call came out and then when I got there I met
4 with the deputies on scene to get what was going on.

5 Q When you got to the ER, as you arrived at the ER did
6 you know that maybe something had happened out in the
7 county?

8 A Yes, sir.

9 Q And did you have some general location from where in
10 the county this might have all happened?

11 A Yes, sir.

12 Q And what was that general location?

13 A It was Athena Road.

14 Q What did you first do when you got to the ER?

15 A Met with the CSI, Ken Taylor, and I also met with Joe
16 Catalano and a few of the city guys, they had the car
17 secured underneath the -- like the overhang at the ER and
18 at that point we talked and discussed what we needed to
19 do.

20 Q As far as you know was the car as you first saw it
21 where it was when it first stopped at the ER?

22 A Yes, sir.

23 Q Did you look at the car at all that night --

24 A Yes, sir, we --

25 Q -- at the ER?

TESTIMONY OF MIKE ADAMS

1 A Yes, sir. We walked around it, studied it and made
2 sure it was secure.

3 Q Defects in the car, did you observe any defects in
4 the car?

5 A Seen cracked glass, seen the holes in the roof from
6 the bullet shots and blood in the car, that's it.

7 Q Did you talk to either Marico Stevens or Anthony
8 Carter or both at the ER that night?

9 A I talked with both of them.

10 Q Do you remember which one you talked with first?

11 A Mr. Carter.

12 Q Where did you find Mr. Carter?

13 A He was outside in the parking area with a lot of
14 family members.

15 Q Did you find out who he was somehow?

16 A Yes, sir. It took a little bit but I did find out
17 who he was.

18 Q Did Mr. Carter -- again, was he suspected of having
19 shot somebody or shot at somebody when you were dealing
20 with him?

21 A No, sir.

22 Q Did he -- did you ask him questions to try to find
23 out what had happened?

24 A Yes, sir.

25 Q What did Carter -- first of all you might have done

TESTIMONY OF MIKE ADAMS

1 this a minute ago, did you point out Mr. Carter a minute
2 ago?

3 A No, sir.

4 Q Do you see the person that you are referring to as
5 Anthony Carter that you dealt with at the ER parking lot
6 in this courtroom today?

7 A Yes, sir.

8 Q Where is he sitting and what is he wearing?

9 A He is sitting right there in a white shirt right
10 beside Mr. Lifsey.

11 Q Did you ask him what happened?

12 A Yes, sir. I tried to get some information from him.

13 Q And what information were you able to get from
14 Anthony Carter at the ER?

15 A He refused to tell me anything. He just give me one
16 name and said it was Beneco Ganson that shot at them.

17 Q Did he tell you any circumstances under which he said
18 Beneco Ganson shot at him?

19 A No, sir.

20 Q Did he tell you whether they were sitting or moving
21 or anything -- any detail at all about that?

22 A I'll double check in my report. No, sir. He said
23 just they were on Athena Road.

24 MR. BARFIELD: Bear with me just a minute.

25 (Break in proceedings.)

1 Q Did you make any observations of Mr. Carter's
2 condition, his clothing -- what did you see? Don't refer
3 to anything other than blood, please.

4 A He had blood all over his chest.

5 Q Did at some point in your presence he relinquish the
6 shirt that he had been wearing?

7 A Yes, sir. He provided it to me and Mr. Taylor and
8 Mr. Taylor secured it.

9 Q Did it actually get into your hands at some point?

10 A No, sir. I just let Mr. Taylor actually work with
11 him on that, but he agreed to give it to us.

12 Q Did he have to take his shirt off? And did he take
13 it off?

14 A Yes, sir.

15 Q Who did he give it to when he took it off?

16 A Ken Taylor.

17 Q It never was in your possession?

18 A No, sir.

19 Q Okay. That's fine. Did you talk to Mr. Stevens?

20 A Yes, sir, I did.

21 Q Again don't quote him, but where did you see
22 Mr. Stevens?

23 A Inside the ER.

24 Q Did you take anything -- did you make any
25 observations about Mr. Stevens' clothing and condition?

TESTIMONY OF MIKE ADAMS

1 A No, sir. I believe we had talked to him, they had
2 already secured some of his clothing.

3 Q Check, let's make sure we are correct about that.

4 Well, first of all, did Stevens give over a shirt?

5 A My understanding, yes.

6 Q I'm going to show you a couple of pieces of paper and
7 ask you another question about that, bear with me just a
8 second. Do you recognize the document that I'm showing
9 you there?

10 A Yes, sir.

11 Q Do you see anything on that document that relates to
12 clothing of Marico Stevens?

13 A Yes, sir, white colored T-shirt from Marico Stevens.

14 Q All right. And look down at the bottom of it and
15 tell me if you have any recollection of any involvement
16 you had with that shirt.

17 A Okay. It's saying I handed it to her.

18 Q You got the shirt from whom?

19 A I believe I got it from inside the ER, they handed it
20 to me.

21 Q And you did what with the shirt?

22 A Just give it to Ken Taylor.

23 Q I don't want you to get into the box and shake it out
24 or anything, I just want you to look into the box and
25 identify something if you can. Actually you can just look

TESTIMONY OF MIKE ADAMS

1 at the bag and tell me if you recognize what the markings
2 on the bag are.

3 A This is a evidence bag with biohazard stickers on it
4 and it has got from me to Ken Taylor.

5 Q And what is it described as?

6 A It says something Stevens. It has got person of
7 Stevens at Springs Hospital.

8 Q Read the top part. Tell me what it is from
9 Mr. Stevens.

10 A White shirt.

11 Q Is this the shirt that you took from Marico Stevens
12 and handed it over to Ken Taylor?

13 A Yes.

14 MR. BARFIELD: Your Honor, for identification purposes
15 State's Exhibit 1, just the bag.

16 (The bag containing Steven's t-shirt was marked
17 State's 1 for ID.)

18 Q Did you get -- don't quote doctors, but did you get
19 some status report concerning victim , the young
20 lady who was being treated inside of the ER in Lancaster?
21 Let me just ask you a few questions. Did the child stay
22 at this Springs Hospital that night?

23 A No.

24 Q Did she go from Springs Hospital to somewhere else?

25 A She was flown to CMC, Carolina Medical Center.

TESTIMONY OF MIKE ADAMS

1 Q Did you go up there that night?

2 A Yes, sir. That's where I received the status at.

3 Q And don't quote doctors, but how long did you stay at
4 Carolina Medical Center that night or into the early
5 morning the next day?

6 A It was around 4:00 in the morning when I was at CMC.

7 Q Did you come back to Lancaster after being at
8 Carolina Medical Center at 4:00 in the morning?

9 A Yes, sir.

10 Q Did you find out something about the baby's status
11 subsequent to you getting back to Lancaster not too long
12 after that morning?

13 A Yes.

14 Q What?

15 A The child was brain dead.

16 Q Did the child die?

17 A There was no brain activity.

18 Q We don't need that detail, but did the child die?

19 A Yes, sir.

20 Q You got that information from CMC?

21 A Yes, sir.

22 Q Now, any time while you are at the ER in Lancaster in
23 the presence or at the same facility where Stevens and
24 Carter were, did any information come across the wire that
25 either one of them had shot a gun or shot at somebody or

TESTIMONY OF MIKE ADAMS

1 were suspects of any --

2 MR. LIFSEY: I object to him leading the witness.

3 THE COURT: All right.

4 Q I will do it better. Either one of them, Marico
5 Stevens or Anthony Carter, get arrested at the ER in
6 Lancaster on the night of May 3rd of 2010 or at any time
7 into the early morning if they were still there after the
8 stroke of midnight?

9 A No, sir.

10 Q Any reason that you had as an investigator on this
11 case to take either one into custody?

12 A No, sir.

13 Q While you were at the ER had you received information
14 about who might have shot?

15 MR. LIFSEY: I object to that as well. I object, it's
16 calling for hearsay.

17 THE COURT: Information, that's all. You can ask, you
18 can answer.

19 A Yes, sir.

20 Q Who?

21 A Like I said earlier, Beneco Ganson.

22 Q Ever Carter or Stevens?

23 A No.

24 MR. BARFIELD: Your Honor, that's all for Investigator
25 Adams at this point. He obviously did several different

TESTIMONY OF MIKE ADAMS

1 things in this case and I might need to call him later on
2 during the trial for some other things.

3 CROSS EXAMINATION

4 BY MR. LIFSEY:

5 Q Investigator Adams, let me ask you a couple of
6 things. You were present when my client turned his shirt
7 over to Officer Taylor; is that correct?

8 A Yes, sir.

9 Q He voluntarily gave that, right? You didn't have to
10 wrestle him to the ground, you didn't have to fight him.

11 A No. He didn't want to turn it over originally, he
12 just -- I can't explain what was going on with him but he
13 wouldn't talk to us and didn't want to give the shirt up.

14 Q You never had to get any kind of court order or
15 search warrants or anything like that.

16 A No.

17 Q Investigator Adams, let me ask you, ultimately later
18 on you actually did the arrest warrant for murder in this
19 case; is that right?

20 A Yes, sir.

21 Q I'm going to show you that arrest warrant. Does that
22 look like your warrant?

23 A Yes, sir.

24 Q And, of course, one of the things you do in a warrant
25 is you swear to a magistrate why there is probable cause;

1 is that right?

2 A Yes, sir.

3 Q Would you read the portion that's right here, please?

4 A The defendant did shoot and kill the victim while he
5 and the codefendant, Marico Stevens, were trying to kill
6 James Hemphill.

7 Q So you got a warrant saying he was trying to kill
8 James Hemphill. Where is James Hemphill?

9 A I'm not sure on that.

10 Q Have you seen him lately?

11 A Sir?

12 Q Have you seen him lately?

13 A No, sir.

14 MR. LIFSEY: All right. I don't have any further
15 questions.

16 MR. BARFIELD: Nothing further at this time from this
17 witness.

18 THE COURT: Please step down subject to recall. I
19 guess we need to give the jury their 13 minute break so
20 we're at that point. Don't talk about the case, jurors.

21 (The jury left the courtroom.)

22 THE COURT: State ready?

23 MR. BARFIELD: Yes, sir.

24 THE COURT: Defense ready?

25 MR. LIFSEY: Yes, sir.

TESTIMONY OF RODRIANA CUNNINGHAM

1 (The jury returned to the courtroom.)

2 MR. BARFIELD: State calls Rondriana Cunningham.

3 The witness, RONDRIANA CUNNINGHAM, was first duly

4 sworn and testified as follows, on:

5 DIRECT EXAMINATION

6 BY MR. BARFIELD:

7 Q You've got to talk real loud.

8 A Okay.

9 Q Tell us your full name, please, ma'am.

10 A Rondriana Lanisha Cunningham.

11 Q Do you go by Rondriana or do you go by Nisha?

12 A I go by Nisha.

13 Q I don't know need to know an address, but do you
14 currently live here in Lancaster County?

15 A Yes, sir, I do.

16 Q Who is victim .?

17 A She's my little girl.

18 Q Who is Marico Stevens?

19 A He was my boyfriend.

20 Q Do you know Anthony Rodriekus Carter, or did you know
21 Anthony Rodriekus Carter prior to the events that lead us
22 here today?

23 A I knew of him. I told Marico I didn't like him,
24 so --

25 Q Okay. Had you met somebody known to you as Anthony

- 1 Rodriekus Carter prior to your daughter's death?
- 2 A One day I gave him a ride home. They were working
3 together and I gave him a ride home.
- 4 Q They being Anthony Carter and Marico Stevens?
- 5 A Yes, sir.
- 6 Q Do you see the person you know as Anthony Rodriekus
7 Carter in the courtroom today?
- 8 A Yes, sir.
- 9 Q Where is he sitting and what is he wearing?
- 10 A He is right there with the white shirt on.
- 11 Q Next to the fellow with the dark suit and tie at the
12 table?
- 13 A I mean, the one black guy with the white shirt on.
- 14 Q Were you close to Anthony Carter?
- 15 A No, sir.
- 16 Q Was your knowledge of him limited to his connection
17 to Marico?
- 18 A Yes, sir.
- 19 Q Do you know if they were connected some way or other
20 related or otherwise?
- 21 A They weren't related, not that I know of.
- 22 Q Okay. How long -- this happened on May 3rd of 2010.
- 23 A Yes, sir.
- 24 Q How old was victim , your daughter, on May 3rd of
25 2010?

TESTIMONY OF RODRIANA CUNNINGHAM

- 1 A She was three.
- 2 Q What month -- three and some months?
- 3 A Yes, sir. She would have been four .
- 4 Q Of ?
- 5 A Yes, sir.
- 6 Q Are you living now where you were living on May 3rd
- 7 of 2010?
- 8 A No, sir.
- 9 Q Where were you living on May 3rd of 2010?
- 10 A Douglas Road by McDonald Green.
- 11 Q In a house or an --
- 12 A It was an apartment.
- 13 Q Who lived there with you?
- 14 A Me, victim and Marico.
- 15 Q How long had you and Marico been boyfriend and
- 16 girlfriend prior to May 3rd of 2010?
- 17 A Like a year and ten months.
- 18 Q How long had Marico lived in the home with you prior
- 19 to May 3rd of 2010?
- 20 A We started dating in June or July, he probably moved
- 21 in -- we started staying together probably -- January of
- 22 the next year. We weren't staying together but he came
- 23 over a lot, maybe January of the next year.
- 24 Q Had he been living with you for more than a year when
- 25 this happened?

- 1 A Yes, sir.
- 2 Q We've heard talk today about a Chevy Malibu.
- 3 A Yes, sir.
- 4 Q Was that your car?
- 5 A Yes, sir.
- 6 Q Registered to you?
- 7 A Yes, sir.
- 8 Q What model was it, year?
- 9 A It was a '98 Chevrolet Malibu.
- 10 Q '98?
- 11 A '98.
- 12 Q What color was it?
- 13 A It was blue.
- 14 Q Two door or four door car?
- 15 A Four.
- 16 Q Did Mr. Stevens have his own car then?
- 17 A No, sir.
- 18 Q What were you doing with your life in May of 2010?
- 19 Were you going to school, working, both or what?
- 20 A I go to school at York Tech.
- 21 Q York Tech. where?
- 22 A In Rock Hill.
- 23 Q Okay.
- 24 A And at the time I was in Kershaw. I was going to
- 25 York Tech. in Kershaw and sometimes I worked at Elder

TESTIMONY OF RODRIANA CUNNINGHAM

1 Skyhouse for my grandmom, but I was mainly in school.

2 Q Do you know or did you know Marico Stevens' daddy and
3 his step-mama, Eric and Jackie Sanders, did you know them?

4 A Yes, sir.

5 Q Did you spend a bunch of time with them or at their
6 house?

7 A Yes, sir.

8 Q What was going on -- do you remember what day of the
9 week this was?

10 A It was a Monday.

11 Q Monday?

12 A Yes, sir.

13 Q What were you doing during the day Monday?

14 A I was in school that whole day.

15 Q Down at York Tech. in Kershaw?

16 A Yes, sir, I was at school. Because we were getting
17 ready for finals and I had a lot of exams to take so I was
18 in school that whole day up until like 6:30.

19 Q And how did you get to and from school that day?

20 A Marico, he came and got me.

21 Q How did you get to and from school? Did he take you?

22 A He took me.

23 Q Was it okay for him to be driving around in your car?

24 A Actually he had to get victim from daycare, that's
25 the only reason I let him get it and take me to school

TESTIMONY OF RODRIANA CUNNINGHAM

1 because she had to be out of the daycare by 6:00 and I
2 didn't get out of school until later, so that was the
3 agreement upon driving to get my baby from daycare.

4 Q Now, when Marico came to Kershaw to York tech. to get
5 you that day, was victim with you?

6 A Yes, sir.

7 Q When they got you from school and you left Kershaw,
8 where did you go?

9 A Home.

10 Q Did everybody get out at home?

11 A Yes, sir, we did.

12 Q Did anybody move from home that evening?

13 A Him and victim .

14 Q About what time was it when you got home from York
15 Tech. in Kershaw?

16 A It was about -- he came and got me 6:15, I got out
17 early in the day so we got home around 6:30 or 6:45.

18 Q What was your plan for the evening?

19 A Well, I was going home and take me and victim a bath
20 and get ready for school the next day and get ready for
21 daycare, that was what I was going to plan on doing but he
22 wanted to take her.

23 Q And we probably don't need to quote him a whole lot.
24 But did you allow Marico to take victim from your home in
25 your car after you got home that evening from York Tech.

TESTIMONY OF RODRIANA CUNNINGHAM

- 1 at Kershaw?
- 2 A Yes, sir.
- 3 Q Did you know where they were going?
- 4 A He told me they were going to his dad's house to go
- 5 get some money, that was what to my understanding where
- 6 they were going to be.
- 7 Q Did they leave?
- 8 A Yes, sir, they did.
- 9 Q Did they ever come back to your house?
- 10 A No, sir, they didn't.
- 11 Q Did you at some point become aware that something had
- 12 happened?
- 13 A At 9:49 on the dot.
- 14 Q How did you find out? Don't quote it, I'm going to
- 15 break it down real simple. Was it a phone call or did
- 16 somebody come to your house?
- 17 A A phone call.
- 18 Q Don't quote the caller, but who called your house?
- 19 A Marico.
- 20 Q Don't quote, don't need to do that now. As a result
- 21 of that phone call did you leave your house and go
- 22 somewhere? Did you have transportation?
- 23 A Well, the nextdoor neighbor heard me screaming and he
- 24 rushed over and took me to the emergency room.
- 25 Q In Lancaster?

1 A In Lancaster, yes, sir.

2 Q Did you see your car here at the emergency room in
3 Lancaster?

4 A Yes, sir, I did.

5 Q In passing or did you get close to it at any point?

6 A No. I just ran right past it through to the
7 emergency door.

8 Q Did you pay any attention to anything that might have
9 been wrong with your car?

10 A No, sir.

11 Q Did you go into the ER?

12 A Yes, sir.

13 Q Did you see Anthony Carter around while you were at
14 the ER?

15 A I didn't see either one of them.

16 Q Did you have any contact with either one of them that
17 night at the ER?

18 A Marico.

19 Q Face to face contact at some point?

20 A He eventually came in the back where I was.

21 Q Did your child go from the hospital in Lancaster to
22 somewhere else that night?

23 A CMC.

24 Q Ground or air?

25 A She was airlifted.

TESTIMONY OF RODRIANA CUNNINGHAM

1 Q Did you go from the hospital in Lancaster to
2 somewhere else that night?

3 A CMC. We drove.

4 Q Did you stay there until the end?

5 A Yes, I did.

6 Q Did your baby die?

7 A Yeah, she did.

8 Q When?

9 A They declared her dead at 6:00 that morning because
10 there wasn't anything else they could do for her.

11 Q Were you ever out at Athena Road when any of this
12 happened?

13 A No, sir.

14 Q Did you have any idea that your baby was out on
15 Athena Road?

16 A I didn't know they were out there.

17 MR. BARFIELD: Thank you, ma'am. Answer anything
18 Mr. Lifsey has, please. And I reserve the right to call
19 her later about some other matters.

20 CROSS EXAMINATION

21 BY MR. LIFSEY:

22 Q Ms. Cunningham, just to ask you about something else.
23 Do you remember sitting down with Detective Howell on
24 May 13th, about 10 days after all of this happened and him
25 showing you a gun?

1 A Yes.

2 Q Do you remember identifying that as a gun that Marico
3 kept?

4 A Yes.

5 Q Do you remember that, telling him that that is the
6 gun that Marico always had with him, he kept it in his car
7 with him?

8 A Yes.

9 MR. LIFSEY: Thank you. I don't have anything.

10 MR. BARFIELD: I need to -- may not need to recall
11 her -- since he talked about it let me just go ahead and
12 talk about this now.

13 REDIRECT EXAMINATION

14 BY MR. BARFIELD:

15 Q Ms. Cunningham, I'm going to show you a box which has
16 plastic and paper bags in it and what looks to me to be a
17 gun. Take a minute and look at that and tell me, have you
18 ever seen that before?

19 A When Marico --

20 Q Just a yes or no first.

21 A Yes, sir.

22 Q Mr. Lifsey asked you if in talking to Mike Howell
23 Mike Howell showed you some pictures of a gun and you
24 said, "That's the gun." Is this the gun that was shown in
25 the pictures that Mike Howell was showing you?

TESTIMONY OF RODRIANA CUNNINGHAM

1 A Yes, sir.

2 Q All right. How do you know about this gun?

3 A Marico came home one day and showed --

4 Q Don't tell me -- just tell me --

5 A He said his daddy gave it to him.

6 Q And how soon before May 3rd of 2010 did Marico show
7 up with this gun? Weeks or months or years?

8 A I think it was -- it was a few months before -- it
9 was a couple of months before that happened, I'm not
10 exactly sure which month that it was.

11 Q And you're sure this is the gun that Marico brought
12 home and said his daddy gave him?

13 A Yes, sir.

14 Q I'm going to ask you some more questions about the
15 gun in a minute, let me get it out of your face.

16 MR. BARFIELD: Your Honor, I would offer for
17 identification purposes the gun or -- and we can mark the
18 box or bag however y'all think we ought to do it, I offer
19 it just for identification.

20 THE COURT: Identification number two in the box.

21 Q Ms. Cunningham, where did the gun -- you said a few
22 months before victim died the gun showed up with Marico.
23 Where did the gun get kept, do you know?

24 A Well, when we were at home I told him not to leave it
25 in the house because victim was there, if he was going to

1 have it and then if we were there for some reason he put
2 it in the car or whatever if we was in the house, or if we
3 were in the car he would put it in the house, but --

4 Q Had you seen him put the gun in the car before? Did
5 you know that he put the gun in the car?

6 A That day?

7 Q Any time.

8 A I mean, no. Because I never really saw him transfer
9 it before because I didn't like to see the gun and I
10 didn't want her seeing it so I didn't really know when he
11 did it. I just made sure it wasn't anywhere around her or
12 me.

13 Q Do you know where in the car he kept the gun when it
14 was in the car?

15 A I'm not exactly sure. I don't know if he put it up
16 under the driver's seat or if he would put it in the
17 trunk, that part I'm not exactly sure on.

18 MR. BARFIELD: Thank you, ma'am. That's all of the
19 questions I have on redirect.

20 RECROSS EXAMINATION

21 BY MR. LIFSEY:

22 Q But it is Marico's gun, right?

23 A Yes.

24 Q And you told officer -- Detective Howell that he,
25 Marico, kept it under the driver's seat, didn't you?

TESTIMONY OF CHRIS BENSON

1 A Yes.

2 MR. LIFSEY: I don't have anything further.

3 THE COURT: Okay. You can step down.

4 MR. BARFIELD: Chris Benson.

5 The witness, CHRIS BENSON, was first sworn and
6 testified as follows, on:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q State your name, please, sir.

10 A Chris McKinney Benson.

11 Q Mr. Benson, do you live here in Lancaster County?

12 A Yes, sir.

13 Q Do you live now the same place you lived back on
14 May 3rd of 2010?

15 A No, sir.

16 Q Where did you -- I don't need to know where you live
17 now, but where did you live on May 3rd of 2010?

18 A .

19 Q Is Athena Road in Lancaster County?

20 A Yes, sir.

21 Q And if you were going to tell me how to get there
22 from here generally what part of the county is Athena Road
23 in? What is it near? Give us some landmarks.

24 A Like Mcilwaine Road, I can't name the church.

25 Q Is it off Mcilwaine Road?

- 1 A Off Mcilwaine Road, yes, sir.
- 2 Q Are there any businesses or government buildings or
- 3 anything near Athena Road and Mcilwaine Road that --
- 4 A An EMS on Athena Road.
- 5 Q All right. Were you home on the night of May 3rd of
- 6 2010 between 9:00 and 10:00?
- 7 A Yes, sir.
- 8 Q Who lived -- did you live by yourself at
- 9 ?
- 10 A No, sir.
- 11 Q Who did you live with?
- 12 A Me, my girlfriend and little boy.
- 13 Q Did you know a young lady, or at least know who she
- 14 was, named Emmie Amanda Coats?
- 15 A Lived next door, yes, sir.
- 16 Q Well, did she live on the same side of the street or
- 17 the opposite side of the street as you?
- 18 A Opposite side.
- 19 Q Did she live straight across from your mobile home or
- 20 up the street from your mobile home?
- 21 A Up the street.
- 22 Q When you say up the street from your mobile home,
- 23 closer toward Mcilwaine Road?
- 24 A Closer to her.
- 25 Q So if I'm on Athena Road I've gone down in there and

TESTIMONY OF CHRIS BENSON

- 1 I'm coming down Athena Road to go to Mcilwaine, was your
2 house on the right or the left?
- 3 A Right. Coming down?
- 4 Q Going out of Athena back to Mcilwaine, was your house
5 on the right or left?
- 6 A On the right.
- 7 Q Was Emmie Amanda Coats' house on the right or the
8 left?
- 9 A Left.
- 10 Q Was her house right across from yours or back out
11 toward Mcilwaine from yours?
- 12 A Back out toward Mcilwaine from mine.
- 13 Q Did you know her other than just who she was?
- 14 A No, sir.
- 15 Q Were you friends of hers or anything?
- 16 A Talk to her, neighbor, that was about it.
- 17 Q Were you outside -- were you present in -- what is
18 the name of the mobile home park, was it Countryside? I
19 can't recall.
- 20 A I don't know the name of it.
- 21 Q Were you at home when this event happened?
- 22 A Yes, sir.
- 23 Q Were you inside or outside when this event happened?
- 24 A Inside.
- 25 Q How did you know an event had happened?

TESTIMONY OF CHRIS BENSON

1 A Could hear shooting.

2 Q Your mobile home was lined up how with Athena Road?

3 Does that question make any sense to you?

4 A Athena Road is straight down and mine was parallel
5 like to Athena.

6 Q I'm going to fold this piece of paper over because it
7 more approximates the shape of a mobile home. Was your
8 mobile home shaped like that, a single wide mobile home?
9 Was it shaped -- not positioned but is that kind of what
10 your house looked like?

11 A Yes, sir.

12 Q Now, Athena Road is this rail right here. Was your
13 mobile home lined up parallel with the Athena Road or was
14 it positioned pointing -- one end pointing toward the
15 road?

16 A Like that right there.

17 Q Like I have got it?

18 A Yes, sir.

19 Q I'm just going to hold it right here for a minute,
20 let me see if we can work from this. Your mobile home is
21 on the right-hand side of the road. Where is Mcilwaine
22 from your mobile home; toward me, back behind me or toward
23 you?

24 A Behind me.

25 Q Again, your mobile home is right here and Athena Road

TESTIMONY OF CHRIS BENSON

1 is right here. Where is Mcilwaine?

2 A You say Mcilwaine is behind you?

3 Q All right. Let's do it again. If you're on Athena
4 Road and you're going to drive out to Mcilwaine, you're on
5 Athena headed out to the EMS station, is your mobile home
6 on the right or left-hand side of the street?

7 A On the right side.

8 Q Would that be a correct position for your mobile
9 home, if Athena Road is here your mobile home is here?

10 A On that side. Going out it would be on the right
11 side.

12 Q I ain't doing this too good. I'm not trying to
13 confuse you. Let's do it this way. This rail right here,
14 is Mcilwaine Road, and if this went all of the way out to
15 this rail that's Athena. Okay?

16 A Uh-huh.

17 Q Let's do it the other way. Turn off Mcilwaine and
18 you're going down Athena.

19 A Mcilwaine is on the left side going down Athena.

20 Q Over here? If you're driving off Mcilwaine down
21 Athena Road, is your mobile home on this side of Athena
22 Road or on this side of Athena Road?

23 A On the opposite side of the EMS on the left side.

24 Q So on over here where I'm holding this piece of
25 paper?

- 1 A Yes, sir.
- 2 Q Now, again, is it positioned one end toward the road
- 3 like I'm holding this paper?
- 4 A Yes, sir.
- 5 Q Was there a front door on your trailer?
- 6 A Yes, sir.
- 7 Q Was it on the side facing Mcilwaine or the side
- 8 facing away from Mcilwaine?
- 9 A Sided toward Mcilwaine.
- 10 Q So there's a front door over here?
- 11 A Yes, sir.
- 12 Q Is there a back door on your trailer?
- 13 A Yes, sir.
- 14 Q Facing the opposite way?
- 15 A Yes, sir.
- 16 Q Where were you inside of your mobile home when you
- 17 heard the shots?
- 18 A Towards my bedroom towards Athena Road.
- 19 Q On the end closer to the road?
- 20 A Yes, sir.
- 21 Q Did you have a window in your bedroom?
- 22 A Yes, sir.
- 23 Q When you heard shots, did you do anything?
- 24 A Ducked down. Told my girl to go to the back end of
- 25 the trailer and I ducked down.

TESTIMONY OF CHRIS BENSON

- 1 Q At some point did you look out?
- 2 A Yes, sir.
- 3 Q When did you look out in relation to hearing the
- 4 shots?
- 5 A After all of the shots were done.
- 6 Q What window did you look out of?
- 7 A The one that was toward Athena Road.
- 8 Q On the end of the trailer?
- 9 A Yes, sir.
- 10 Q On this end facing the road?
- 11 A Yes, sir.
- 12 Q Is that a window in the room that you were in?
- 13 A Yes, sir.
- 14 Q Was it dark when you heard those shots?
- 15 A Yes, sir.
- 16 Q When you looked out the window, did you see anything?
- 17 A Besides the car, that's it.
- 18 Q You saw a car?
- 19 A Yes, sir.
- 20 Q What kind of car?
- 21 A Like a Honda, a goldish Honda.
- 22 Q Where was the car that you saw?
- 23 A Parked in the -- near the lady name you said across
- 24 the street.
- 25 Q All right. Could you tell that there were people out

1 there when you looked out the window?

2 A No, sir.

3 Q After you looked out the window did you go anywhere?

4 A After I hear the shots out my window I came to the
5 back door -- after they were away from the other end of
6 the road I came to the back door, went to the end of my
7 trailer, looked and seen the car leaving up the road, that
8 goldish Honda, that's all.

9 Q When you came out of the back door of your trailer,
10 did you go toward Athena Road at some point?

11 A I stopped for a second. When I came to the end of my
12 trailer I stopped for a second and looked.

13 Q There is your trailer. Step up just for a minute.
14 That's your trailer and that's Athena Road, show me where
15 the back door was that you came out.

16 A It came right here and I came this way.

17 Q Speak up louder.

18 A The back door is right here. I came toward the end
19 of my trailer toward Athena Road and looked where Athena
20 Road was facing.

21 Q When you looked around your trailer, did you see
22 anybody?

23 A No, sir.

24 Q And where was this Honda? When you came around the
25 end of your trailer, was it still there or had it gone?

TESTIMONY OF CHRIS BENSON

- 1 A It was backing off and facing towards Mcilwaine.
- 2 Q Did you stay outside beyond that point?
- 3 A Yes, sir.
- 4 Q Did you know that anybody had been hurt at that
- 5 point?
- 6 A No, sir.
- 7 Q Did police come at some point?
- 8 A Later on that night.
- 9 Q Did you talk to police?
- 10 A Yes, sir.
- 11 Q Did you tell them what you saw?
- 12 A Yes, sir.
- 13 Q About how many shots do you think you heard?
- 14 A Between like five and ten.
- 15 Q Could you tell anything about where the shots were
- 16 coming from?
- 17 A Just on Athena Road.
- 18 Q Was it toward Mcilwaine or away from Mcilwaine from
- 19 your trailer, your mobile home?
- 20 A I could just hear shots.
- 21 Q Do you know anybody that was out there at any time
- 22 while this event was occurring?
- 23 A No, sir.
- 24 Q Could you see who anybody was who might have been out
- 25 there when this event was occurring?

1 A No, sir.

2 MR. BARFIELD: Thank you. Answer anything Mr. Lifsey
3 has.

4 CROSS EXAMINATION

5 BY MR. LIFSEY:

6 Q So you think you saw a gold Honda out there leaving?

7 A Yes, sir.

8 Q Do you know who was involved in that?

9 A No, sir.

10 Q So basically you were just inside and you heard a
11 bunch of shots, right?

12 A Yes, sir.

13 Q And you couldn't tell anything specifically about
14 direction or anything like that or what you heard, you
15 just heard loud noise and got down.

16 A Yes, sir.

17 MR. LIFSEY: Beg the Court's indulgence.

18 (Break in proceedings.)

19 MR. LIFSEY: I don't have any further questions.

20 MR. BARFIELD: Nothing further of this witness.

21 THE COURT: You can step down.

22 MR. BARFIELD: Call Mike Miller.

23 The witness, MIKE MILLER, was first duly sworn and
24 testified as follows, on:

25 DIRECT EXAMINATION

TESTIMONY OF MIKE MILLER

- 1 BY MR. BARFIELD:
- 2 Q State your name, please.
- 3 A Mike Miller.
- 4 Q Lieutenant; is that right?
- 5 A Lieutenant Mike Miller, yes, sir.
- 6 Q You're employed by the Lancaster County Sheriff's
- 7 Office?
- 8 A Yes, sir.
- 9 Q For how long?
- 10 A This month 11 years.
- 11 Q Were you working and on duty on May 3rd of 2010?
- 12 A Yes, sir.
- 13 Q A lieutenant then?
- 14 A No, sir. I was a sergeant on patrol.
- 15 Q Did you have supervisory authority over other
- 16 deputies on patrol as a sergeant?
- 17 A Yes, sir, I did.
- 18 Q As a lieutenant are you over an entire shift now?
- 19 A Yes, sir.
- 20 Q Did you go to Athena Road some time the night of
- 21 May 3rd of 2010?
- 22 A Yes, sir, I did.
- 23 Q And why did you go to Athena Road?
- 24 A Basically I was dispatched to my shots fired call in
- 25 the area, so we went to the area and, of course, see if we

1 could locate where the shots were coming from.

2 Q When you first got dispatched was it -- did you know
3 that anybody had been hit?

4 A No, sir.

5 Q You had somebody -- did you -- were you by yourself
6 or did you have somebody else with you with the sheriff's
7 office?

8 A No, sir. I'm also a field training officer and I did
9 have a new deputy, a trainee, in the car with me at that
10 time, Caleb Graffam.

11 Q And had Deputy Graffam, was he a real deputy or
12 academy graduated and that stuff at that time?

13 A Yes, sir.

14 Q Let's just go ahead and tell the jury, deputies have
15 got to ride with somebody for awhile.

16 A Yes, sir. We do have a field training program,
17 they're required to ride with us eight weeks after
18 graduating the academy.

19 Q Now, we'll get to what you did on Athena Road in a
20 minute. But at any point did you become aware that there
21 was some event unfolding at Springs Hospital?

22 A While we were in route to again check the area in
23 reference to the shots fired call I was scanning on my
24 police radio in the car and we did hear the Lancaster City
25 Police Department attempting to stop a vehicle, it was

TESTIMONY OF MIKE MILLER

1 traveling toward the hospital at a high rate of speed.

2 Again, we continued onto our call but we did hear that
3 traffic while we were in route to the Athena Road area.

4 Q Was there any obvious connection initially between
5 the city traffic with the car being followed to the ER and
6 your call on Athena Road?

7 A No, sir.

8 Q Did it get connected up later for you somehow?

9 A Yes, sir.

10 Q When you got to Athena Road, are you and Caleb
11 Graffam in the same car?

12 A Yes, sir.

13 Q Are you driving or is he driving?

14 A I don't remember who was driving.

15 Q When y'all got there what did you do? Where did you
16 go and what did you do and who did you have contact with?

17 A Basically we started again riding the area real slow
18 with the windows down.

19 Q Let me interrupt you just a minute, do you remember
20 the path you took to go to Athena Road?

21 A No, sir, I don't.

22 Q Let's start at the Old Patio Restaurant, you know
23 where that is?

24 A Yes, sir.

25 Q If you are at Patio and you want to go to Athena Road

1 where this call had you dispatched to, tell the jury the
2 way you would go.

3 A If I left the Patio basically I would just turn right
4 out of the parking lot, I think that section is still Main
5 Street into the intersection of South 200 and, of course,
6 you go straight across South 200, that's where Lynwood
7 Drive starts.

8 Q When you run out Lynwood Drive, do you ever run into
9 Mcilwaine Road?

10 A Yes, sir, you do.

11 Q What is at the intersection of Lynwood Road and
12 Mcilwaine? Give us some landmarks.

13 A You've got Beverage Warehouse, C and G Texaco, that's
14 at the point where Mcilwaine Road starts.

15 Q Is there a traffic light out there at Lynwood and
16 Mcilwaine?

17 A Yes, sir.

18 Q And which way do you go at the traffic light to go up
19 Mcilwaine and head to Athena?

20 A You head left.

21 Q How far do you go -- is there another traffic light
22 once you're on Mcilwaine?

23 A Yes, sir, it's a very short distance. You can
24 actually see the next light from the initial light.

25 Q And that second traffic light that we're talking

TESTIMONY OF MIKE MILLER

1 about, what is it near, a landmark?

2 A Beverage Warehouse.

3 Q If you go straight at that light on Mcilwaine how far
4 do you go until you get to Athena?

5 A It's not -- I'm just guessing somewhere 100 yards or
6 a little more.

7 Q To go on to Athena on Mcilwaine in the direction you
8 are traveling in this scenario, you're turning right or
9 left?

10 A You're turning left on Athena.

11 Q Is that a mobile home park down there on Athena Road?

12 A Yes, sir.

13 Q Does it have a name?

14 A It's Countryside.

15 Q Are you familiar with the area?

16 A Yes, sir.

17 Q Had you been in there before?

18 A Yes, sir.

19 Q Generally speaking, how are the trailers laid out in
20 there, the mobile homes?

21 A Well, you've got actually three streets that run
22 parallel.

23 Q What are the three streets?

24 A Crimson Drive, Athena and Evans Drive.

25 Q Does Evans come out onto Mcilwaine?

1 A Yes, sir.

2 Q Where does it come out onto Mcilwaine?

3 A Again, it runs parallel to Athena, so once you pass
4 Athena it would actually be the next street to the left,
5 not even 100 yards.

6 Q And is there some landmark around the intersection of
7 Evans and Mcilwaine?

8 A Yes, sir. There's a convenience store there,
9 Countryside.

10 Q Can you get from Athena to Evans by making a turn and
11 going around a circle or something?

12 A Yes, sir.

13 Q And again, how are the trailers laid out down Athena
14 Road? Going in from Mcilwaine going in, how were they
15 laid out?

16 A You have intros on the left and right, and I heard
17 him say perpendicular to the road, they don't run parallel
18 long ways.

19 Q When you got down in there, did you find anybody or
20 anything that you needed to deal with?

21 A Yes, sir. We did observe a black male walking in the
22 road, of course, we didn't see anybody else so trying to
23 figure out if shots had been fired and trying to pinpoint
24 the area.

25 Q All right. Stop right there. Other than shots had

TESTIMONY OF MIKE MILLER

- 1 been fired on Athena Road, did you have any other detail?
- 2 A Not at that point.
- 3 Q Not a description of a shooter?
- 4 A No, sir.
- 5 Q No identification of a victim?
- 6 A No, sir.
- 7 Q No identification of a vehicle or anything?
- 8 A No, sir.
- 9 Q Where was this black male as you went in on Athena --
- 10 did you go in Athena off Mcilwaine Road first?
- 11 A Yeah. I can't recall exactly which road we entered
- 12 the community there on.
- 13 Q All right. Did you see a black male --
- 14 A Yes.
- 15 Q -- walking? Do you remember whether it was on Evans
- 16 or Crimson or Athena?
- 17 A It was on Athena. He was actually walking back
- 18 toward Mcilwaine in front of our vehicle so we would have
- 19 had to have been traveling from Athena going back toward
- 20 Mcilwaine.
- 21 Q All right. So you were going -- he was ahead of your
- 22 vehicle as you approached Mcilwaine or were y'all going to
- 23 pass? I don't want to get all twisted up on that. What
- 24 did you do when you saw this fellow?
- 25 A Basically we began trying to pinpoint if shots had

1 been fired, where they were coming from, stopped to speak
2 with him and asked him if he heard any gunshots in the
3 area. And again due to the nature of the call just for
4 our safety we identified him, we patted him down outside
5 just to make sure he didn't have any weapons.

6 Q This person was on foot?

7 A Yes, sir.

8 Q Was this person alone or did this person have
9 somebody with him?

10 A He was alone.

11 Q Did you determine who this person was by
12 identification?

13 A Yes, sir.

14 Q And who was it that you were dealing with?

15 A John Hill.

16 Q Do you know his middle name to be John Jerrod Hill?

17 A Yes, sir.

18 Q Was that identification made by some documentation he
19 had on him or he just said "that's who I am" or you
20 recognized him or what?

21 A I can't remember if he actually provided an
22 identification. But we did get a date of birth from him
23 and, you know, somewhat familiar with him so we did a
24 warrant check basically and all using his name and date of
25 birth.

TESTIMONY OF MIKE MILLER

- 1 Q Did he have any weapons on him?
- 2 A No, sir.
- 3 Q Was there anything unusual about this person that
- 4 caused you to have any need to detain him at that point?
- 5 A No, sir.
- 6 Q Did he go?
- 7 A Yes, sir, he did.
- 8 Q Walking?
- 9 A Yes, sir.
- 10 Q Who did you encounter next if anybody out there?
- 11 A While we were speaking with him and had just
- 12 confirmed he was clear on warrants a female, of course,
- 13 came out into the yard close to where we was at, she was
- 14 basically screaming that a child had been shot.
- 15 Q Don't get into a whole lot about what this female was
- 16 saying, but was this a white female or a black female?
- 17 A White female.
- 18 Q Did you determine who she was?
- 19 A Emily Coats.
- 20 Q Don't quote her at this point, she'll be here later.
- 21 Did you get some information from Ms. Coats about the call
- 22 you were on and what had happened? Don't tell me what,
- 23 but did you get some information?
- 24 A Yes, sir.
- 25 Q Where is Hill when Coats is out talking to y'all?

1 A He walked off and left and we were -- our attention
2 was turned to her.

3 Q Was it okay at that point for Hill to have walked off
4 and left?

5 A Yes, sir.

6 Q At some point did you make some connection between --
7 I think you said a minute ago that Coats said a baby had
8 been shot.

9 A Yes, sir.

10 Q At some point did you make a connection between a
11 baby being shot as described by Coats and the events that
12 were transpiring at the Springs Hospital?

13 A Yes, sir.

14 Q Same incident?

15 A Yes, sir.

16 Q Did you initially have a scene for what had happened
17 out there on Athena Road, meaning a location where the
18 shooting had actually occurred? What were you looking at
19 as the location on the ground or the yard or wherever
20 something had happened?

21 A Once again we got the information on what was going
22 on at the hospital, and, of course, with what Ms. Coats
23 was saying and we just started looking in the general area
24 and it was where this incident could have occurred and we
25 did find some shell casings in the roadway.

TESTIMONY OF MIKE MILLER

1 Q All right. Now, did you do any looking in Ms. Coats'
2 yard or have any need to look in her yard at that point
3 based on the information you had?

4 A No, sir.

5 Q Roadway you said you found shell casings, meaning
6 fired cartridge casings.

7 A Spent shell casings.

8 Q Where in the roadway in relation -- do you have the
9 address -- did you document the address for Ms. Coats?
10 Did she live in the trailer park?

11 A Yes.

12 Q Did you document her address in your reports or
13 information?

14 A Yes, sir. I can't remember which one is hers but
15 shell casings were basically found between her house and
16 the trailer across from hers, which is between Athena
17 and Athena Road.

18 Q And Emmie Coat' address being which?

19 A I can't recall which one is hers.

20 Q Did y'all pick up anything? Did you pick up
21 anything? You said you saw fired cartridge cases, did you
22 pick anything up?

23 A No, sir. Once we again established what was going on
24 and observed the evidence, again me and Deputy Graffam
25 blocked off the roadway to keep any foot traffic or any

1 vehicle traffic coming through.

2 Q Are you and Deputy Graffam the only police officers
3 up to the point that we're talking about right now?

4 A Yes, sir.

5 Q Did a bunch of other officers fly in there?

6 A Yes, sir.

7 Q Did you stay until other officers came in there?

8 A Yes, sir.

9 Q Did you talk to other officers, investigators in
10 particular -- do you remember whether an investigator came
11 out fairly quickly?

12 A Yes, sir, they did get there quickly.

13 Q Do you remember who it was that came out initially?

14 A I don't recall. There was so many --

15 Q Did you brief whoever you needed to about what you
16 knew?

17 A Yes, sir.

18 Q Did you process any crime scenes or seize any
19 evidence?

20 A No, sir.

21 Q At any point did the information -- at any point did
22 your encounter with John Jerrod Hill after the fact take
23 on any significance? That's a dumb question, that didn't
24 make a bit of sense to you. Did you do anything further
25 with respect to John Jerrod Hill that night yourself?

TESTIMONY OF MIKE MILLER

1 A No, sir. Again, I just relayed the information as
2 far as us speaking with him and him not having any
3 weapons, that kind of thing to investigators.

4 Q Did you give investigators John Jerrod Hill as the
5 person that y'all talked to?

6 A Yes, sir.

7 Q Did you see John Jerrod Hill anymore that night?

8 A I don't recall.

9 MR. BARFIELD: Thank you, sir. Answer anything
10 Mr. Lifsey has.

11 CROSS EXAMINATION

12 BY MR. LIFSEY:

13 Q Detective Miller, let me ask you a couple of things
14 about the timing of this thing. When you first got the
15 call about this you're not at the scene, right?

16 A No, sir.

17 Q How far away were you do you think?

18 A I'm not sure how far. I think my response time from
19 the time I called dispatch was somewhere around seven
20 minutes.

21 Q And, of course, you get the call of shots fired so
22 presumably there is obviously some period of time from
23 when the shot fired before somebody calls law enforcement
24 at all, right?

25 A Yes, sir.

1 Q And then you have to drive over there, correct?

2 A That's correct.

3 Q And, of course, during your way over there is when
4 you get the traffic about the Honda vehicle traveling to
5 the hospital at a high rate of speed.

6 A Yes, sir.

7 Q You think the dispatch time from when you got the
8 call to get out there was about seven minutes?

9 A Yes, sir.

10 Q So obviously, backing up a little bit, is the fact
11 there has to be some gap between the time of shots fired
12 and the time you are dispatched then, of course, you add
13 the seven minutes it takes you to get out there, you're
14 talking about at least ten to 15 minutes from the incident
15 to when you arrived on scene, is that fair enough?

16 A Probably.

17 Q So some ten to 15 minutes after whatever happened out
18 there happened y'all are out there and you see John John
19 Hill; is that correct?

20 A Yes, sir.

21 Q And so it's ten to 15 minutes afterwards and you pat
22 John John Hill down and he doesn't have any weapons at
23 that point; is that right?

24 A Yes, sir.

25 Q And then you go talk to Ms. Coats; is that correct?

TESTIMONY OF MIKE MILLER

1 A Yes, sir.

2 Q And after you get a version of what Ms. Coats said
3 Hill is gone by that time, right?

4 A Yes, sir.

5 Q You don't have any further contact with him.

6 A No, sir.

7 Q And you didn't do anything else in regards other than
8 just securing the scene as was your job that evening; is
9 that correct?

10 A That's it.

11 MR. LIFSEY: Thank you. I don't have any further
12 questions.

13 THE COURT: Couple of real quick redirects.

14 REDIRECT EXAMINATION

15 BY MR. BARFIELD:

16 Q Do you know what time you got dispatched? Have you
17 got your report?

18 A Yes, sir. According to the report we were dispatched
19 at 9:47.

20 Q Do you indicate in your report what time y'all
21 arrived at Athena Road to deal with this call?

22 A Dispatch has that at 9:54.

23 Q And how does all of that work? How does this
24 clockwork get done?

25 A Well, basically when they get the initial call they

TESTIMONY OF MIKE MILLER

1 have a card, they have to handwrite the times on the card
2 when they dispatch the call. And then as far as arrival
3 time if there is other radio traffic and you've just got
4 to wait your turn to be able to get on the radio to
5 actually go 1023 which means that you are on scene, so
6 there is some time some variance in the times.

7 Q When you get there -- if you get there -- when you
8 get there and you radio the sheriff's office dispatcher
9 and say "I'm here," how is that time recorded? Same way?

10 A Same way, handwriting.

11 MR. BARFIELD: That's all.

12 RE CROSS EXAMINATION

13 BY MR. LIFSEY:

14 Q I'm not faulting you. I'm just saying it takes a
15 little bit of time, at least seven minutes. I'm not
16 faulting you, I'm just saying isn't that the fact?

17 A Yes, sir.

18 MR. LIFSEY: Thank you. I don't have any further
19 questions.

20 MR. BARFIELD: That's all for this witness.

21 THE COURT: You can step down.

22 The witness, CALEB GRAFFAM, was first duly sworn and
23 testified as follows, on:

24 DIRECT EXAMINATION

25 BY MR. BARFIELD:

TESTIMONY OF CALEB GRAFFAM

- 1 Q State your name, please.
- 2 A My name is Caleb Graffam.
- 3 Q Mr. Graffam, you're a deputy with the Lancaster
4 County Sheriff's Office?
- 5 A I am.
- 6 Q How long have you been a deputy with the Lancaster
7 County Sheriff's Office?
- 8 A This month will be two years.
- 9 Q Were you a deputy with the Lancaster County Sheriff's
10 Office on May 3, 2010?
- 11 A I was.
- 12 Q Were you a new deputy then?
- 13 A I was. I was still riding with Sergeant Mike Miller
14 at the time.
- 15 Q Was this your first law enforcement job?
- 16 A Yes, sir.
- 17 Q I asked Lieutenant Miller, Sergeant Miller then, just
18 a minute ago, do you recall whether you were driving or he
19 was driving when you went to Athena Road?
- 20 A I don't recall.
- 21 Q Did you from time to time drive the car?
- 22 A I did.
- 23 Q Did y'all answer a call to Athena Road?
- 24 A We did.
- 25 Q I'm not going to ask you to repeat all of the

1 information from Lieutenant Miller but just a couple of
2 specific things from you.

3 A Okay.

4 Q Do you recall interaction with the person named John
5 Jerrod Hill?

6 A I do.

7 Q Anything unusual about that contact from your
8 perspective? Did he have anything on him? Was he hurt,
9 anything that caused y'all the need to do anything further
10 with him at that point?

11 A Not that I recall, no, sir.

12 Q Do you recall having contact with a white female
13 named Emmie Amanda Coats?

14 A I do.

15 Q Again, I'm not asking you to quote her, but was some
16 information obtained from her about what may have
17 transpired at the Countryside Mobile Home Park?

18 A There was.

19 Q Based on that information did you and Lieutenant
20 Miller, Sergeant Miller look around out there?

21 A Yes, sir.

22 Q Did you notice anything that drew your attention
23 anywhere?

24 A There was some shell casings in the roadway.

25 Q Did you process any crime scene?

TESTIMONY OF CALEB GRAFFAM

1 A No, sir.

2 Q Did you lay your hands on or pick up any evidence?

3 A No, sir.

4 Q Did you stay there until other law enforcement
5 officers arrived?

6 A Yes, sir, we secured the crime scene.

7 Q And from the time y'all got there until other people
8 came and took it over, were cars going in and out down
9 there?

10 A No, sir. It was a secure crime scene, no cars were
11 allowed.

12 MR. BARFIELD: Thank you. Answer anything Mr. Lifsey
13 has.

14 MR. LIFSEY: I don't have any further questions for
15 this witness.

16 THE COURT: Step down and be excused, I guess.

17 MR. BARFIELD: Doug Deese.

18 The witness, DOUG DEESE, was first duly sworn and
19 testified as follows, on:

20 DIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q State your name, please.

23 A Douglas E. Deese.

24 Q Mr. Deese, you're an investigator with the Lancaster
25 County Sheriff's Office?

- 1 A Yes, sir.
- 2 Q How long have you been with the sheriff's office?
- 3 A Almost 14 years.
- 4 Q How long have you been in the investigative division?
- 5 A Almost four years.
- 6 Q Were you working on Monday, May 3rd of 2010?
- 7 A Yes, sir.
- 8 Q Actually on duty or did you get called in?
- 9 A I got called in.
- 10 Q Did you go somewhere to participate in the
- 11 investigation of the shooting death of victim
- 12 victim ?
- 13 A Yes, I did.
- 14 Q Where did you first go?
- 15 A To Athena Road.
- 16 Q Was it a crime scene when you got there, meaning had
- 17 it been marked off and secured as a crime scene?
- 18 A Yes, it was.
- 19 Q Do you recall some of the other people in your
- 20 department who were there when you got there?
- 21 A I remember Lieutenant Miller, Caleb Graffam, Captain
- 22 Craig, Lieutenant Rogers.
- 23 Q Would that be Captain Monte Craig and Lieutenant
- 24 Johnny Rogers?
- 25 A And I believe Lieutenant Chris Rogers was there

TESTIMONY OF DOUG DEESE

1 because he's the one that called me out. Lieutenant
2 Donnie Rogers as well, all three Lieutenant Rogers.

3 Q Got a lot of Rogers out there. Did you talk to Chris
4 Benson?

5 A I did.

6 Q Was he detained for any reason?

7 A No, sir.

8 Q Did he provide information about hearing shots, or
9 seeing the car I think is actually what he told y'all?

10 A Correct. He advised someone which came back to me
11 and he told me that yes, he did see --

12 MR. LIFSEY: Well, I would object to him testifying.

13 THE COURT: He'll get it straight.

14 Q Did you talk to Chris Benson?

15 A Yes, sir.

16 Q Sometime that night or maybe over into the morning if
17 midnight came and went, did you have contact with somebody
18 you knew as John Jerrod "John John" Hill?

19 A Yes, sir.

20 Q Don't quote anybody, but how did you know there was a
21 John Jerrod Hill that you needed to deal with? Did you
22 talk to somebody to get that information?

23 A Yes. I talked to or received orders from Lieutenant
24 Chris Rogers that we needed to speak to John Hill because
25 he was seen out there earlier by patrol by Mike Miller,

1 and me and Lieutenant Donnie Rogers went to the residence
2 we believed he would be at, which was his girlfriend's
3 house.

4 Q And the girlfriend's house was on what street?

5 A Evans Drive.

6 Q Somebody has tried to do this for us earlier, but how
7 is Evans Drive laid out to Athena Road?

8 A Basically parallel.

9 Q One street from each other?

10 A One street over or so.

11 Q Did you find John Jerrod Hill over on Evans Drive?

12 A Yes, we did.

13 Q I'm not asking you to quote him, but did you interact
14 with him and converse with him?

15 A Yes, I did.

16 Q Did some of that happen on Athena Road?

17 A On Evans Drive, yes, sir.

18 Q I mean on Evans Drive.

19 A Yes, sir.

20 Q Did all of your interactions with John Jerrod Hill
21 that night or into the early morning hours happen on Evans
22 Drive?

23 A No, sir. He agreed to come back to the sheriff's
24 office and give a written statement.

25 Q Did he do that?

TESTIMONY OF DOUG DEESE

- 1 A Yes, sir.
- 2 Q Immediately that night or that morning?
- 3 A Yes, sir.
- 4 Q In connection with that did you do any -- collect any
- 5 material from John Jerrod Hill in connection with his trip
- 6 to the sheriff's office in the giving of a statement?
- 7 A Yes. At the conclusion of the statement I did a GSR
- 8 kit.
- 9 Q All right. Well --
- 10 A Gunshots residue.
- 11 Q We'll talk about what it is in a minute. Open that
- 12 envelope. While you're doing that let me ask you this,
- 13 are there any markings on the outside package that
- 14 identify to you what that is in there?
- 15 A I know it's a GSR kit. It does have a GSR kit
- 16 containing John Jerrod Hill's name on it and it also has
- 17 victim 's name on it, and items in the thing I know
- 18 are from the GSR kit.
- 19 Q And I don't want you to open that box up yet, but do
- 20 you recognize the box?
- 21 A Yes, sir.
- 22 Q Have you ever seen that box before?
- 23 A Yes, sir, I have.
- 24 Q When have you seen that box before?
- 25 A I saw it on May 4th of 2010.

1 Q Does it have a time on there?

2 A It does not have a time on the outside, no, sir.

3 Q And from the outside of the box, what do you believe
4 to be inside of the box?

5 A It's a GSR kit that I performed on Mr. Hill and
6 placed inside this box and labeled and sealed with the
7 evidence and initialed with my initials.

8 Q From looking at all of this package, do you presume
9 that SLED did some work with this after you collected it?

10 A Yes, sir.

11 Q Does it still appear to be the same box?

12 A Yes, sir.

13 MR. BARFIELD: Your Honor, I would offer this what has
14 been described as a GSR kit for John Jerrod Hill as State's
15 Number 3 for identification only and have it marked however
16 y'all want to have it marked.

17 Q Investigator Deese, let me ask you a couple of
18 questions. GSR stands for what?

19 A Gunshot residue.

20 Q And I will tell you that somebody is coming later
21 from Columbia to tell us all about this, but from your
22 training from at least a collection standpoint what are
23 you doing when you are collecting a gunshot residue kit
24 from somebody? Why are you doing it, what is the purpose?

25 A Anytime a gun is fired the powder inside of the gun

TESTIMONY OF DOUG DEESE

1 which actually is metal or lead, and through the way the
2 gun fires and shoots the gun powder I guess, whatever, or
3 fired smoke, all will land on the hands especially in a
4 handgun situation.

5 Q Okay. And physically what is the kit? When you open
6 up one to take some samples from somebody, what is in the
7 kit? Is it -- first of all is the kit this box that is
8 inside here, do y'all have these prepackaged kits?

9 A Correct.

10 Q What is in this kit? Before you do anything with it
11 when you open it up what is in there?

12 A It is five empty viles, a thing of Q-tips. There is
13 a thing of basically just liquid, I'm not quite sure what
14 it's called, couple of viles that have like sort of I want
15 to say like magnets on them. And each vile is labeled
16 back of palm, front of palm, left hand, right hand and
17 then you've got one for -- you take the swab with the
18 Q-tips and place them each one that is marked with the
19 magnetics ones are labeled and you put them back in.

20 Q What do you collect samples with, what do you use,
21 Q-tip?

22 A Q-tip and there's a little magnetic thing. You do
23 the swabs on the right hand, left hand front and back,
24 then you use the magnets things and kind of swab and it is
25 dry.

1 Q Do you use the magnet things on all of the locations?

2 You take samples from specific locations, right?

3 A Back of the hand, front of the palm both left and

4 right, and then you also take a sample from somewhere

5 which shouldn't be any gunshot residue at all, just the

6 lead, just to have a clear sample.

7 Q You take these Q-tips and these magnets and you put

8 them in what?

9 A Each one of them goes into each individual labeled

10 container that corresponds where it came from. Back of

11 the left hand goes into the back, back palm back palm,

12 front palm of left hand goes to the front palm of left

13 hand.

14 Q Are these little containers that these Q-tips go

15 into sealed in some way? Are they sealed?

16 A They're closed with a lid and then sealed.

17 Q Did you collect a gunshot residue kit from John

18 Jerrod Hill sometime on May 4th of 2010?

19 A Yes, sir.

20 Q Did you do it the way you were trained to do it?

21 A Yes, sir.

22 Q Did you put all of the Q-tips where they were

23 supposed to be?

24 A Yes, sir.

25 Q Did you pull all of the magnets where they were

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1 supposed to be?

2 A Yes, sir.

3 Q Did you put everything up?

4 A Yes, sir.

5 Q Did you seal the box?

6 A Yes, sir.

7 Q State's Exhibit 3 for identification, is that the
8 box?

9 A Yes, sir.

10 MR. BARFIELD: That's all of the questions I have of
11 this witness at this time, again reserve the right to
12 recall.

13 CROSS EXAMINATION

14 BY MR. LIFSEY:

15 Q Let me ask you a couple of questions. Now, how did
16 you get in contact with John John Hill?

17 A I think Lieutenant Rogers through RMS found out he
18 had an address or his girlfriend had an address out on
19 Evans Drive and just took a shot and went by there.

20 Q And he was there?

21 A Knocked on the door, pronounced ourselves.

22 Q So obviously this is some period -- I don't know how
23 much time but some period of time after whatever shots
24 were fired between when that happened and when you
25 actually went to talk to him; is that correct?

1 A Yes, sir.

2 Q And, of course, you were not with him during that
3 time period, were you?

4 A During the time period? No.

5 Q In fact -- and nobody from law enforcement was.

6 A Right.

7 Q So nobody knows what he did with his hands or within
8 the other portions of his body between the time of
9 whatever happened on Athena Road and he goes home and he
10 is at home away from him and somebody knocks on the door;
11 is that right?

12 A Right.

13 Q Now, you talk about gunshot residue. Of course,
14 gunshot residue was taken from a lot of folks. Did you
15 take any gunshot residue from any other folks in this
16 case?

17 A No, sir.

18 MR. LIFSEY: I don't think I have any further
19 questions.

20 MR. BARFIELD: No redirect.

21 THE COURT: Step down.

22 MR. BARFIELD: Your Honor, I have run out of what I
23 planned to do for the day.

24 THE COURT: Jurors, y'all cannot clap but we will stop
25 for today. But remember, do not talk about the case with

TESTIMONY OF DOUG DEESE

1 anybody, we don't look up anything on the internet and we
2 don't go riding out to Evans Drive off Athena Road and ride
3 around, you know, we don't do any independent
4 investigation. Solicitor, 9:15 in the morning all right?

5 MR. BARFIELD: Yes, sir.

6 THE COURT: 9:15?

7 MR. LIFSEY: Yes, sir.

8 THE COURT: 9:15. But be prepared to go to about
9 6:30. We may not go but, you know, have a good night.

10 (The jury left the courtroom.)

11 THE COURT: Anything else I can help y'all with?

12 MR. BARFIELD: I don't think so.

13 THE COURT: We will just crank it back up at 9:15
14 then.

15 (Court adjourned for the evening and resumed at 9:15
16 A.m., on Tuesday November 8, 2011.)

17 MR. BARFIELD: Your Honor, we are ready to go with one
18 minor exception. I have provided Mr. Lifsey with 50 or 60
19 pictures and he has an objection to one which we can deal
20 with it now or deal with later. And I'll let you look at
21 it and I will tell you what it is.

22 MR. LIFSEY: Well, nobody in the world is disputing
23 that the child got killed and there's plenty of testimony
24 that the seat was bloody, but that's looks like it's got
25 blood and brain fragment and I don't know what else is in

1 there. I don't know what evidentiary value -- what
2 probative value that has and any if it has is outweighed by
3 the prejudicial effect.

4 THE COURT: All right. He doesn't need it. If this
5 was all they had I would let it in but he has got plenty of
6 testimony on it. On evidentiary things like that I usually
7 operate on chill bump factor then I don't let it in but I
8 didn't get any chill bumps but he has got plenty of other
9 evidence of that. Are y'all ready to roll?

10 MR. BARFIELD: State is ready.

11 MR. LIFSEY: Yes, sir.

12 The witness, EMMIE AMANDA COATS, was first duly sworn
13 and testified as follows, on:

14 DIRECT EXAMINATION

15 BY MR. BARFIELD:

16 Q State your name, please, ma'am.

17 A Emmie Amanda Coats.

18 Q Ms. Coats, do you currently live in Lancaster County?

19 A Yes, sir.

20 Q Did you live in Lancaster County in May of 2010, May
21 of last year?

22 A Yes, sir.

23 Q What was your address in Lancaster County on
24 May 3/May 4th of 2010?

25 A Lancaster, South Carolina.

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- 1 Q And I told you I would do this. You have got to talk
2 louder, you have got to yell, please, ma'am, because they
3 need to hear you.
- 4 A I'm sorry.
- 5 Q You say your address again back in May of 2010?
- 6 A Athena Road.
- 7 Q And generally speaking, did you live in a mobile home
8 park?
- 9 A Yes, sir.
- 10 Q What was the name of the mobile home park you lived
11 in, do you know?
- 12 A I can't remember.
- 13 Q That's fine. We're going to -- I'm going to ask
14 about some people and see if you know some people. Do you
15 know Anthony Rodriekus Carter?
- 16 A Yes, sir.
- 17 Q Do you see the person you know as Anthony Rodriekus
18 Carter in the courtroom today?
- 19 A Yes, sir.
- 20 Q Where is he sitting and what is he wearing?
- 21 A Sitting right over there with a plaid long sleeved
22 shirt on.
- 23 Q The black fellow sitting next to the white fellow
24 with the suit on?
- 25 A Yes, sir.

1 Q How long have you known -- do you know him by a
2 nickname?

3 A Yes, sir.

4 Q And that might be simpler for me not to say Anthony
5 Rodriekus Carter every time, but what is the nickname that
6 you know Mr. Carter as?

7 A Ant.

8 Q How long have you known Ant?

9 A Probably about two years or more.

10 Q Two years to know or two years prior to this incident
11 happening?

12 A Prior to the incident happening.

13 Q What kind of relationship did you and Mr. Carter have
14 back before all of this happened?

15 A We used to mess around about two years ago.

16 Q Meaning romantically or boyfriend/girlfriend or what?

17 A Romantically. We were never boyfriend and girlfriend
18 though.

19 Q Intimate?

20 A Yes.

21 Q Okay. Were you in that status, you and Ant, on
22 May 3rd of 2010, was that what your relationship was then?

23 A Yes, sir.

24 Q Where did Ant live then?

25 A On Lynwood Drive.

TESTIMONY OF EMMIE AMANDA COATS

- 1 Q Where is Lynwood Drive in relation to your mobile
2 home on Athena Road?
- 3 A Maybe about a mile, little bit more.
- 4 Q Did you ever visit Ant at his house on Lynwood Drive?
- 5 A One time.
- 6 Q The day this happened?
- 7 A Yes, sir.
- 8 Q How long did he live out there, do you know?
- 9 A I'm not sure.
- 10 Q Did you know on May 3rd of 2010 somebody named Marico
11 Lamont Stevens?
- 12 A No, sir.
- 13 Q Didn't know him at all?
- 14 A No, sir.
- 15 Q Never seen him?
- 16 A No, sir.
- 17 Q Never talked to him that you know of?
- 18 A No, sir.
- 19 Q Had you heard his name any time before May 3rd of
20 2010?
- 21 A No, sir.
- 22 Q Do you know who he is now or have you ever seen him
23 to your knowledge?
- 24 A I just know him about what's going on, I don't know
25 him.

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- 1 Q Okay. How about victim , the little
2 girl, did you know her?
- 3 A No, sir.
- 4 Q Did you know she existed prior to May 3rd of 2010?
- 5 A No, sir.
- 6 Q Let me ask you about some other folks. Are you and
7 Ant in any kind of relationship now?
- 8 A No, sir.
- 9 Q Were you at any time after this incident happened in
10 a relationship with Ant?
- 11 A No, sir.
- 12 Q The night of and into the next morning after this
13 incident were you -- did you communicate any with Ant?
- 14 A Yes, sir.
- 15 Q We'll talk more about that later. Do you know who
16 Beneco Antwan Ganson is?
- 17 A Yes, sir.
- 18 Q How long -- my reference point is May 3rd of 2010.
19 In relation to May 3rd of 2010 how long did you know
20 Beneco Ganson?
- 21 A I didn't really know him but I knew him from the
22 trailer park, met him about two or three months.
- 23 Q Did he go by a nickname that you were aware of?
- 24 A Yes, sir.
- 25 Q What was the nickname he went by?

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- 1 A Neco.
- 2 Q Did you know him by name?
- 3 A Yes, sir.
- 4 Q Did you know him by face?
- 5 A Yes, sir.
- 6 Q Had you seen him?
- 7 A Yes, sir.
- 8 Q Prior to May 3rd of 2010, did you and he have any
- 9 close relationship at all?
- 10 A No, sir.
- 11 Q I'm going to go ahead and jump way ahead. After this
- 12 incident happened did you get to know Beneco Ganson better
- 13 than you knew him on May 3rd of 2010?
- 14 A Yes, sir.
- 15 Q In what way?
- 16 A We became intimate?
- 17 Q When was all of that?
- 18 A Probably about three or four months after everything
- 19 happened.
- 20 Q Is that current between you and Beneco Ganson?
- 21 A No, sir.
- 22 Q James or Jamie or J. D. Hemphill on May 3rd of 2010,
- 23 did you know who he was?
- 24 A Yes, sir.
- 25 Q Did you know him by a nickname?

- 1 A Yes, sir.
- 2 Q What nickname?
- 3 A J. D.
- 4 Q How did you know J. D. Hemphill back in May of 2010?
- 5 A Just from around the trailer park.
- 6 Q Were you and he in any kind of close relationship?
- 7 A No, sir.
- 8 Q Have you and he developed any close relationship
- 9 subsequent to this event?
- 10 A No, sir.
- 11 Q John Jerrod Hill, some know him as John John, do you
- 12 know who that is?
- 13 A Yes, sir.
- 14 Q Same questions. How long -- well, let me backup.
- 15 How long did you know J. D. Hemphill?
- 16 A About the same amount, about two or three months.
- 17 Q John John Hill, did you know who he was on May 3rd of
- 18 2010?
- 19 A Yes, sir.
- 20 Q How?
- 21 A Just from around the neighborhood.
- 22 Q How long had you known him?
- 23 A About two or three months.
- 24 Q Did you know him by name and by face?
- 25 A Yes, sir.

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1 Q Did you have any close relationship with John John
2 Hill --

3 A No, sir.

4 Q -- at the time this happened?

5 A No, sir.

6 Q Did you develop any close relationship with him
7 subsequent to these events?

8 A No, sir.

9 Q Now, you said several times you knew him from being
10 in the trailer park, describe the trailer park that you
11 lived in. A bunch of trailers in there?

12 A Yes, sir.

13 Q Did people hangout in the trailer park?

14 A Yes, sir.

15 Q How regularly would people hangout in the trailer
16 park?

17 A Almost on a daily basis.

18 Q Now, I'm using the phrase hangout. When I say
19 hangout tell the jury what you take hangout to mean. What
20 is hangout as you've seen it?

21 A Large groups of people just hanging out in the road
22 or at someone's house.

23 Q All right. Did all of the people that I just asked
24 you about; Ant, Marico, Neco, J. D. and John John, were
25 they among people who hung out in the trailer park

- 1 regularly?
- 2 A Not Ant but everybody else was.
- 3 Q Did any of them live over there near you?
- 4 A I don't know.
- 5 Q Do you know any connection John John Hill had to the
- 6 trailer park?
- 7 A No, not really.
- 8 Q Prior to May 3rd of 2010, had you ever heard gunfire
- 9 or what you thought was gunfire in the trailer park?
- 10 A Yes, sir.
- 11 Q How regular -- was that a regular thing?
- 12 A It was pretty regular.
- 13 Q Prior to May 3rd of 2010, had on any occasions when
- 14 you heard gunshots did the sheriff's office come out
- 15 there?
- 16 A Yeah. You could see them there riding around.
- 17 Q Were you at your house at some point on the night of
- 18 May 3rd of 2010?
- 19 A Yes, sir.
- 20 Q We're going to get into detail in a minute, but did
- 21 something happen outside of your house?
- 22 A Yes, sir.
- 23 Q Did you talk to law enforcement officers on the night
- 24 of May 3rd of 2010?
- 25 A Yes, sir.

TESTIMONY OF EMMIE AMANDA COATS

1 Q Did you tell them some things?

2 A Yes, sir.

3 Q Did you tell them the truth and all of the truth that
4 night?

5 A No, I did not.

6 Q Did you talk to law enforcement officers again on the
7 morning of May 4th, daytime, daylight, May 4th the next
8 morning, did you talk to I think specifically Mike Howell
9 and Danny Bennett with the sheriff's office?

10 A Yes, sir.

11 Q Did you give actually -- did you give one statement
12 that morning?

13 A Yes, sir.

14 Q Did you give more than one statement that morning,
15 written statements?

16 A Yes, sir.

17 Q In the first written statement did you tell
18 everything you knew?

19 A No, sir.

20 Q In the second written statement did you tell the
21 truth?

22 A Yes, sir.

23 Q Let's talk about this, by the time you talked to law
24 enforcement at your house or in your neighborhood that
25 night of May 3rd, did you know that victim had

1 been shot? Did you find out at some point that victim
2 victim had been shot?

3 A Yes, sir.

4 Q Don't tell me who told you or what was said, but when
5 did you find out that victim had been shot?

6 A Maybe 15 or 20 minutes after the shooting happened.

7 Q Was law enforcement in your neighborhood when you
8 found out -- had they gotten there yet by the time you
9 found out that the child had been shot?

10 A Yes, sir.

11 Q Why did you not tell the truth that night, May 3rd?

12 A I didn't want to get involved and I didn't want to
13 have anything to do with it.

14 Q Were you involved?

15 A No.

16 Q Well, not in the shooting itself, but were you
17 involved in the event? We're going to talk about that in
18 a minute. Were you around when it happened?

19 A I was around, yes.

20 Q How come you didn't tell everything you knew in the
21 first written statement on the morning of May 4th?

22 A Because I had lied the night before.

23 Q Let's talk about the night of May 3rd of 2010. At
24 the time this occurred, did you live alone?

25 A You can say, yeah.

TESTIMONY OF EMMIE AMANDA COATS

- 1 Q Did you have children living there with you?
- 2 A I did but they didn't stay there most of the time.
- 3 Q Okay. Did you have a job back on May 3rd of 2010?
- 4 A Yes, sir.
- 5 Q Where did you work?
- 6 A Lancaster Convalescent Center.
- 7 Q What did you do at Lancaster Convalescent Center?
- 8 A I was a certified nursing assistant.
- 9 Q Are you still working there?
- 10 A No, sir.
- 11 Q Are you working somewhere now?
- 12 A Yes, sir.
- 13 Q Where are you working now?
- 14 A Springdale Healthcare in Camden.
- 15 Q And what do you down there?
- 16 A I'm a certified nursing assistant.
- 17 Q When you were working at the Lancaster Convalescent
- 18 Center back in May of 2010 what hours did you normally
- 19 work? Did you work the same shift all of the time or did
- 20 you rotate shifts?
- 21 A I worked the same shift all of the time.
- 22 Q What was your shift out at the nursing home?
- 23 A From 11 to seven.
- 24 Q Eleven p. or 11 a.?
- 25 A 11:00 p.m. to 7:00 a.m.

- 1 Q Regularly?
- 2 A Yes, sir.
- 3 Q Did you work the night -- I guess the night of
- 4 May 2nd at 11:00 until 7:00 the morning of May 3rd, did
- 5 you work that day, that night? Do you recall?
- 6 A The night it happened?
- 7 Q No. The night before it happened.
- 8 A I can't remember.
- 9 Q Do you remember what day of the week this was?
- 10 A No, sir.
- 11 Q That's fine. Were you scheduled to work the night
- 12 that this thing happened?
- 13 A Yes, sir.
- 14 Q And we will come back and talk about it later, but
- 15 did you, in fact, work the night this happened after the
- 16 event?
- 17 A Yes, sir.
- 18 Q Do you remember what you did during the day of
- 19 May 3rd?
- 20 A No, sir.
- 21 Q At some point during the night of May 3rd did you see
- 22 Ant Carter?
- 23 A Yes, sir.
- 24 Q Was it something that was arranged or was it
- 25 happenstance? Y'all ran into each other or did you plan

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- 1 to get together?
- 2 A We planned it.
- 3 Q What time was there a plan for y'all to get together
- 4 that night?
- 5 A I'm not sure, but it was closer to the time for me to
- 6 go to work, I would say maybe between nine to ten.
- 7 Q Okay. How did the contact get made between you and
- 8 Ant?
- 9 A Text messages.
- 10 Q That night before y'all got together?
- 11 A Yes, sir.
- 12 Q And did y'all get together?
- 13 A Yes, sir.
- 14 Q Where did y'all get together?
- 15 A I walked over to Ant's house.
- 16 Q Was it close enough for you to walk?
- 17 A Yes, sir.
- 18 Q Was it dark when you walked over to Ant's house?
- 19 A Yes, sir.
- 20 Q Was Ant at Ant's house?
- 21 A Yes, sir.
- 22 Q Was anybody else at Ant's house that you recall when
- 23 you got there?
- 24 A I remember his uncle was there in the house.
- 25 Q Did you ever go in the house?

- 1 A Yes, sir.
- 2 Q How long were you at Ant's house?
- 3 A Maybe three minutes.
- 4 Q Did you and Ant go somewhere away from his house?
- 5 A Back to my house.
- 6 Q How did that happen?
- 7 A I can't remember.
- 8 Q I'll ask you another question. While you were at
- 9 Ant's house did anybody else come to Ant's house?
- 10 A Yes, sir.
- 11 Q Who came to Ant's house?
- 12 A I can't remember the name. Maurice?
- 13 Q Marico Stevens?
- 14 A Yeah.
- 15 Q Is that the first time you had ever laid eyes on the
- 16 person you believed to be Marico Stevens?
- 17 A Yes, sir.
- 18 Q How did Marico Stevens come to Ant's house?
- 19 A He drove.
- 20 Q What did he drive?
- 21 A It was a darker smaller car kind of --
- 22 Q That's fine. Was anybody with Marico Stevens?
- 23 A Yes.
- 24 Q Who?
- 25 A victim .

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- 1 Q Again, is that the first time you had seen that
2 child?
- 3 A Yes, sir.
- 4 Q When Marico got there, what did y'all do?
- 5 A They told me they were going to take me home.
- 6 Q And did that happen?
- 7 A Yes, sir.
- 8 Q Did y'all leave Ant's house?
- 9 A Yes, sir.
- 10 Q Who was driving the car when you left Ant's house?
- 11 A I'm sorry, I can't remember his name.
- 12 Q I'm going to tell you --
- 13 A Marico.
- 14 Q If I stay Stevens, is that good enough? Is that who
15 you're referring to?
- 16 A Yes, sir.
- 17 Q Who was driving the car when you left Ant's house?
- 18 A Stevens.
- 19 Q Where was Ant in the car?
- 20 A In the front passenger seat.
- 21 Q Was this a two door or a four door car?
- 22 A Four door.
- 23 Q Where was Emmie when the car left the house?
- 24 A The driver back seat.
- 25 Q Where was victim ?

1 A Passenger back seat.

2 Q Was there a car seat in the back of that car?

3 A Yes, sir.

4 Q Was the child in the car seat on the way over there?

5 A Yes, sir.

6 Q Do you recall whether the child was buckled in the
7 child seat on the way over there?

8 A No, she was not.

9 Q Did you go straight to your house or did you stop
10 anywhere between Ant's house and your house?

11 A We stopped at the store.

12 Q What is the name of the store?

13 A Country Corner.

14 Q After you left the store where did you go?

15 A To my house.

16 MR. BARFIELD: Beg the Court's indulgence just a
17 minute.

18 (Break in proceedings.)

19 Q Prior to all of this loading up in the car and going
20 back to your house, were you aware of some dispute or of
21 any dispute that Ant had with Beneco Ganson or J. D.
22 Hemphill or John John Hill?

23 A Yes, sir.

24 Q Tell the jury -- and your information came from where
25 about the dispute? How did you know about the dispute?

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1 A Well, Ant had kind of told it to me but he didn't
2 tell me about all of the information.

3 Q And that's fine. Tell the jury what Ant told you
4 about the dispute.

5 A I don't remember. I just remember he told me
6 something and later I got more information about what it
7 was about.

8 Q Well, did it have anything to do with money?

9 MR. LIFSEY: Your Honor, I object to him leading the
10 witness.

11 THE COURT: Yeah, you can't lead her at this point.

12 MR. BARFIELD: I'll ask her direct.

13 Q Do you recall what Ant told you about his problem or
14 however we want to couch it with Beneco or J. D. or John
15 John?

16 A He just told me they were at odds about something and
17 he wouldn't tell me exactly what it was about that. He
18 said that they had a problem with him but he would never
19 tell me what it was about.

20 Q You didn't know the subject of the dispute?

21 A No, sir.

22 Q He didn't ever tell you the subject of the dispute?

23 A No, sir.

24 Q On the way over to your house after you left the
25 store, did Ant discuss anything about these guys or the

1 dispute in the car?

2 A He was talking to Stevens about an incident that had
3 happened between them earlier in the trailer park a few
4 days before that came from the dispute that they had.

5 Q And do you recall any details about that discussion
6 between Ant and Stevens in the car on the way over there?

7 A The only thing I can remember is I can remember Ant
8 telling Stevens that they had chased him out of the
9 trailer park.

10 Q All right. Was there any discussion between Ant and
11 Stevens in the car about the underlying dispute?

12 A They were talking a lot, I didn't really pick up on
13 everything they were saying.

14 Q Did you pick up on anything they were saying about
15 the underlying dispute, about what it was all over?

16 A I can't be specific.

17 Q That's fine. Was there a gun in the car on the way
18 to your house?

19 A Yes, sir.

20 Q I'm going to open a box and I'm going to show you
21 something, I'm not going to hand it to you, I just want
22 you to look at it. To your knowledge have you ever seen
23 that before?

24 A It kind of looks like the one I saw in the car.

25 Q All right. Ms. Coats, I'm showing you State's

TESTIMONY OF EMMIE AMANDA COATS

1 Exhibit Number 2 marked for identification referring to
2 what you described as looking like the gun that was in the
3 car. Describe where -- just describe your vision, your
4 sight, your seeing of the gun in the car, just describe
5 what happened with the gun in the car.

6 A As I was saying, I was sitting in the back seat and
7 we had stopped by the store and I saw Stevens reach down,
8 he reached up under his seat and he passed Ant the gun,
9 and I got a glance of it but that was all I saw of it in
10 the car.

11 Q Did you see in the car what Ant did with the gun?

12 A He just laid it in his lap.

13 Q Was there any discussion by Ant, words out of his
14 mouth about Beneco, J. D. or John John being in the
15 trailer park that night before you got there?

16 A No.

17 Q Did you get to your house?

18 A Yes, sir.

19 MR. BARFIELD: Permission for the witness to step
20 down.

21 THE COURT: Sure.

22 MR. BARFIELD: Your Honor, for the Court's information
23 I have a not-to-scale sketch made by the sheriff's office
24 which Mr. Lifsey has seen and tells me he has no objection
25 to us using it.

1 Q All right. Ms. Coats, let's get out here a little
2 bit so we're not blocking anything. You have never --
3 well, I have shown you a smaller version of that. Take a
4 minute to look at that and tell me if you understand what
5 that represents.

6 A Yes, sir.

7 Q And now you don't have a microphone so you really
8 have got to scream. Okay?

9 A Okay.

10 Q Generally speaking, what is that a sketch of?

11 A The road I live on and the trailer I lived in, .

12 Q All right. Use the laser pointer and I'm going to
13 ask you to show the jury -- it is not shown on there --
14 where is Mcilwaine Road, or where would it be if the thing
15 were bigger and it showed it all? Where is Mcilwaine?

16 A Right here (indicating.)

17 Q All right. Show the jury your mobile home at

18 A (Witness complies.)

19 Q Well, let's talk about your mobile home for a minute.

20 How are the mobile homes -- does the sketch accurately
21 show how the mobile homes are placed in relation to the
22 road?

23 A Yes, sir.

24 Q They're long-ways toward the road?

25 A Uh-huh.

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- 1 Q And you've got to say yes or no.
- 2 A Yes, sir.
- 3 Q You ain't got to say sir but just say yes or no. Did
- 4 you know any of the other people that lived in the other
- 5 numbered mobile homes and including this unnumbered mobile
- 6 home?
- 7 A I know in Mexicans were living there, I didn't
- 8 know them. I think I knew people that lived there,
- 9 it was a female named Twitty and a male named Bee Bee,
- 10 was empty, and I think at the time was empty
- 11 too.
- 12 Q All right. When the car pulled in -- when you got to
- 13 your house -- first of all was everybody still sitting
- 14 where you described y'all sitting a little bit ago?
- 15 A Yes, sir.
- 16 Q When you got to your house where did the car -- did
- 17 the car stop?
- 18 A Yes, sir.
- 19 Q Where did the car stop?
- 20 A Pulled in my driveway about right here.
- 21 Q Front end of the car up as far as the end of the
- 22 mobile home?
- 23 A Yes, sir.
- 24 Q Show the jury where your driveway is on there, I'm
- 25 sorry.

1 A Right here, it would have been a little area right
2 here between the driveway and trailer.

3 Q A yard or something?

4 A Yeah. That's where the car pulled up and parked like
5 it was going to park and stay.

6 Q Not completely in the driveway, not completely out of
7 driveway, is that what you're saying?

8 A Yes, sir.

9 Q What did you consider to be the front of your mobile
10 home?

11 A Right here.

12 Q The short end of it?

13 A Yes, sir.

14 Q What did you call this surface of your mobile home
15 over there?

16 A Inside.

17 Q Ask a stupid question, was there a door in your
18 mobile home?

19 A Yes, sir.

20 Q One door or were there multiple doors?

21 A There were two doors.

22 Q Show the jury, was there a door that you used
23 regularly?

24 A Yes, sir.

25 Q Where is the door that you used regularly?

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- 1 A Right here, about right here.
- 2 Q Were there steps leading up to the door?
- 3 A Here.
- 4 Q I am going to go ahead and ask you this while you are
- 5 standing up, was there a window anywhere near the door?
- 6 A Yes.
- 7 Q Where is the window?
- 8 A There was a window here that lead into a bedroom.
- 9 Q And was that window between the door and the end of
- 10 the trailer facing the road?
- 11 A Yes, sir.
- 12 Q When the car pulled up to your house -- well, first
- 13 of all what was the intention of the car going to your
- 14 house?
- 15 A Dropping me off.
- 16 Q Anything else?
- 17 A No.
- 18 Q All right. When the car pulled up on Athena Road
- 19 near your house, first of all did you see Beneco Ganson,
- 20 J. D. Hemphill or John John Hill -- let me ask you this,
- 21 did you see Beneco Ganson when y'all pulled up?
- 22 A Yes, sir.
- 23 Q Did you see J. D. Hemphill when y'all pulled up?
- 24 A Yes, sir.
- 25 Q Did you see John John Hill when you pulled up?

- 1 A No.
- 2 Q Did you ever see John John Hill out there that night
- 3 before this happened?
- 4 A No, sir.
- 5 Q When you pulled up and saw Beneco and J. D. generally
- 6 speaking where were they?
- 7 A In the driveway of the trailer,
- 8 Q Okay. Other than those two were there other people
- 9 out there when the car pulled up?
- 10 A There were other people, I don't know who they were.
- 11 Q And to your knowledge do they have any connection to
- 12 what happened that you are about to describe?
- 13 A No.
- 14 Q Where were these other people? Were they all in one
- 15 place or in multiple places?
- 16 A They were all in one place. There was a car, another
- 17 car -- there was one car sitting and I think someone was
- 18 sitting on the back of the car, but they were all crowded
- 19 around the car.
- 20 Q Where was the car?
- 21 A It was right here. It was really close to the road,
- 22 like the back of it was almost in the road.
- 23 Q Was it pulled in or was it parked along side the
- 24 road?
- 25 A Pulled in.

- 1 Q Did you know whose car it was?
- 2 A No, sir.
- 3 Q Did you know any of the people around the car?
- 4 A No, sir.
- 5 Q What did the car look like? Do you have any
- 6 recollection of the car?
- 7 A It was an older model, a lighter colored car.
- 8 Q A little car or big car?
- 9 A It was a little car.
- 10 Q You weren't familiar with it?
- 11 A No.
- 12 Q All right. Again, other than Beneco and J. D. did
- 13 you know or recognize anybody else that was out there when
- 14 y'all pulled up?
- 15 A No.
- 16 Q When y'all pulled up, did Ant say anything about the
- 17 presence of other people in the trailer park?
- 18 A He said, "There they go."
- 19 Q Did he say who they were?
- 20 MR. LIFSEY: I object to him leading. I think he just
- 21 ought to ask her what happened.
- 22 MR. BARFIELD: I don't think it's leading.
- 23 THE COURT: You can ask what somebody said if they
- 24 said anything.
- 25 MR. BARFIELD: Yes, sir.

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- 1 Q Did Ant identify they in the conversation?
- 2 A No.
- 3 Q When the car stopped what happened?
- 4 A Ant jumped out of the car.
- 5 Q Did anybody else get out?
- 6 A I got out as soon as he got out.
- 7 Q Let's talk about you first. You got out, where did
- 8 you go?
- 9 A I ran to the side where Ant was.
- 10 Q Why?
- 11 A Because I thought it was crazy, I didn't want all of
- 12 that going on at my house.
- 13 Q What door did you get out of?
- 14 A The back driver's side door.
- 15 Q Where did you go?
- 16 A To the front passenger side door.
- 17 Q When you got to the front passenger side door, where
- 18 was Ant?
- 19 A He was standing out walking, already walking towards
- 20 the road.
- 21 Q Did you say anything to Ant?
- 22 A I don't remember what I said. I know I kept saying,
- 23 "Don't do this, don't do this near my house."
- 24 Q And who were you talking to?
- 25 A Ant.

- 1 Q Do you know where the pistol was that you had seen in
2 the car earlier when Ant got out of the car?
- 3 A I thought he had it down by his side. It was covered
4 from what I saw, I didn't see --
- 5 Q Covered how?
- 6 A Like under -- I don't know if it was in his pocket
7 but his shirt was covering it.
- 8 Q Did he have it?
- 9 A Yes.
- 10 Q Where did Ant go?
- 11 A He went to the center of the road, like they met --
- 12 Q Show them.
- 13 A Ant stopped in the middle of the road because I guess
14 they were meeting in the middle.
- 15 Q Don't guess, just say what you saw.
- 16 A They were meeting in the middle because J. D. was
17 walking toward him and they both stopped in the middle
18 like they were facing off.
- 19 Q J. D. Hemphill?
- 20 A Yes.
- 21 Q Did you see J. D. Hemphill with a gun?
- 22 A No.
- 23 Q Let me go ahead and ask you this, did you see Beneco
24 Ganson with a gun?
- 25 A No.

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1 Q Did you see any gun out there that night other than
2 the one you said Ant had?

3 A No.

4 Q When Ant got out of the car -- when you opened the
5 door to get out of the car what were J. D. and Beneco
6 doing? What were they doing when he opened the door and
7 got out of the car?

8 A I don't know what they were doing. I guess they were
9 still sitting over there --

10 Q Don't guess.

11 A I don't know, I didn't see them.

12 Q That's fine. Had you seen them at that point,
13 though?

14 A Yeah. I seen them when we pulled up.

15 Q All right. Let's get back to you. Did you stay at
16 the passenger side door on the front of the car?

17 A No.

18 Q Where did you go?

19 A I went to my steps.

20 Q Where did Ant go?

21 A He had met J. D. in the middle of the road.

22 Q Did you hear any words that Ant was saying while he
23 and J. D. were in the road?

24 A No.

25 Q Were there words being said?

1 A Yes.

2 Q Could you tell anything about tone of voice of Ant or
3 of J. D.?

4 A It was more than just them two because Neco was out
5 there, too, and I believe I heard him too, but it was just
6 a bunch of arguing. I could tell it was arguing because
7 it was not friendly.

8 Q Okay. What happened next?

9 A Ant turned and walked away.

10 Q All right. He turned and walked away to where?

11 A He was coming back towards the car on the passenger
12 side.

13 Q How far did he get to the car?

14 A He got between the end of the car and probably the
15 back passenger side door.

16 Q Where were you?

17 A Standing on my porch with my hand on my door.

18 Q What did Stevens do after y'all pulled up at your
19 mobile home?

20 A He got out and he walked around the car, he walked
21 around the car to the front passenger side kind of towards
22 the front top of the car.

23 Q Where was victim when y'all got to your house?

24 A She was still sitting in the car seat.

25 Q Was the car seat buckled or unbuckled when y'all got

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- 1 to your house?
- 2 A It was unbuckled.
- 3 Q To your knowledge did you ever see victim outside
- 4 that car at your house?
- 5 A No, sir.
- 6 Q What happened when Ant got back to the car?
- 7 A I heard gunshots.
- 8 Q Did you know -- did you see that gun shoot?
- 9 A Yes, I did.
- 10 Q Where did it come from?
- 11 A I saw a flash from across the street.
- 12 Q Did you see a gun?
- 13 A I didn't see the gun.
- 14 Q Did you see a person that you can identify?
- 15 A Not positively.
- 16 Q What happened next?
- 17 A I saw Ant turn to -- like turn like he was going to
- 18 shoot back.
- 19 Q Then what happened?
- 20 A And I walked inside.
- 21 Q And then what happened?
- 22 A They were shooting back and forth.
- 23 Q Well, you've walked inside, you've heard one shot; is
- 24 that right?
- 25 A Yes.

- 1 Q You walked inside; is that correct?
- 2 A Yes, sir.
- 3 Q Did you hear more gunshots?
- 4 A Yes, sir.
- 5 Q How many? Altogether how many gunshots did you hear?
- 6 A About nine, eight or nine.
- 7 Q Did you see any of the shots fired after -- well, you
- 8 told us you didn't see the first one, you saw a flash, but
- 9 did you see any shots fired after that first flash?
- 10 A No.
- 11 Q Where inside your house were you?
- 12 A In my living room.
- 13 Q Where is that in relation to the door that you
- 14 entered your house from?
- 15 A As soon as you walk through my door you walk into my
- 16 living room.
- 17 Q Did you go outside at any time while the shots were
- 18 being fired?
- 19 A No.
- 20 Q What did you do after the shots stopped?
- 21 A I looked out the door.
- 22 Q What did you see when you looked out the door?
- 23 A I saw the car backing out of my driveway and I saw
- 24 people running.
- 25 Q Where were people running? And you can use the

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- 1 pointer if you need to.
- 2 A Going back in between these two driveways, going into
3 the back of the woods and this car was leaving at that
4 time, the car that was parked here it was leaving.
- 5 Q Which way did the car that was parked over here
6 leave?
- 7 A It went this way and this way.
- 8 Q And which way did the car that you rode over to your
9 house with them leave?
- 10 A Went out towards Mcilwaine Road.
- 11 Q I think you can probably sit back in the chair now.
12 Now, I asked you earlier when the Stevens car left and
13 when the car from across the street left, did you know
14 that anybody had been shot?
- 15 A No.
- 16 Q From whom did you find out somebody had been shot?
- 17 A Ant.
- 18 Q How did you find out from Ant somebody had been shot?
- 19 A He called me.
- 20 Q Do you know where he was when he called you?
- 21 A He was in the hospital.
- 22 Q What did Ant say?
- 23 A He told me, he said, "They shot my baby cousin."
- 24 Q My baby's cousin or my cousin's baby?
- 25 A He said, "My baby cousin."

- 1 Q His baby cousin?
- 2 A Yeah.
- 3 Q Do you know whether he was referring to the child as
- 4 his baby cousin?
- 5 A I thought that Stevens was the little girl's daddy
- 6 and I thought that Ant and Stevens were cousins.
- 7 Q Do you know whether Ant and Stevens are cousins, do
- 8 you know that?
- 9 A No.
- 10 Q Other than the call from Ant from the hospital, did
- 11 you and Ant communicate by telephone anymore that night or
- 12 into the next morning, nighttime hours into the daylight
- 13 hours?
- 14 A Yes, sir.
- 15 Q How did y'all communicate?
- 16 A Text messages.
- 17 Q Were there phone calls in addition to text messages
- 18 or just text messages?
- 19 A Phone calls.
- 20 Q Did you go to work that night?
- 21 A Yes, sir.
- 22 Q How did you get to work that night?
- 23 A One of my coworkers came and picked me up.
- 24 Q Did you have a car accessible to you at that time?
- 25 A No, sir.

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- 1 Q Did you get to work on time?
- 2 A Yes, sir.
- 3 Q Did you stay your whole shift?
- 4 A Yes, sir.
- 5 Q How did you get home the next morning?
- 6 A A coworker brought me home.
- 7 Q When you got home the next morning what did you do?
- 8 When you got out of the car what did you do?
- 9 A I saw shell casings on the ground.
- 10 Q We'll talk about where in a minute. And you might
- 11 not be able to, but have you ever seen those things
- 12 before?
- 13 A Yes, sir.
- 14 Q What are those things in this plastic envelope?
- 15 A Shell casings.
- 16 Q And where have you seen them before?
- 17 A In my yard.
- 18 Q When did you see them in your yard?
- 19 A When I got home from work.
- 20 Q About what time would that have been?
- 21 A Between 7:15 and 7:30.
- 22 Q What did you do with these shell casings when you --
- 23 MR. BARFIELD: I would offer the shell casings for
- 24 identification only as the next State's exhibit.
- 25 (The shell casings were received as State's 11.)

1 Q I'm showing you now what has been marked for
2 identification as State's Exhibit 11 and I can't remember
3 what I was fixin' to ask you. What did you do with these?
4 When you saw them what did you do?

5 A I pick them up.

6 Q When you picked them up what did you do?

7 A Took them in my house.

8 Q When you took them in your house what did you do with
9 them?

10 A I think -- well, I had stuck them under the edge of
11 my bed.

12 Q Why did you pick these things up?

13 A Like I had said earlier, I had lied the night before
14 saying that it took place -- I told them where it took
15 place but I didn't say it had took place in my yard.

16 MR. BARFIELD: Permission for the witness to step down
17 again briefly.

18 THE COURT: Sure.

19 Q Show the jury where you put shell casings when you
20 got home from work that next morning.

21 A Well, those were a little closer to the road, they
22 were actually closer to the house.

23 Q Well, that's fine. Let me ask you a couple of
24 preliminary questions before we get to that. Did you see
25 law enforcement officers at your house sometime the

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- 1 morning of May 4th?
- 2 A Yes.
- 3 Q Do you remember who they were that came to see you?
- 4 A No, sir.
- 5 Q About what time was it when they came to see you?
- 6 A I had probably been home about an hour from work.
- 7 Q Did you still have possession of State's Exhibit
- 8 Number 11 for identification, the shell casings, when the
- 9 police came?
- 10 A Yes, sir.
- 11 Q What did you do with them when the police came?
- 12 A I already had them tucked under my bed.
- 13 Q What did you do with them after the police came?
- 14 A I still had them.
- 15 Q What did you do -- did you do something with them
- 16 while the police were there?
- 17 A No.
- 18 Q Did they stay -- are they still at your house?
- 19 A No. I ended up giving them to the police.
- 20 Q Did they appear to know that you had them?
- 21 A Yes.
- 22 Q When the police came that next morning, were the
- 23 shell casings in your house or on the ground out there?
- 24 A When they came they were in my house.
- 25 Q Tell the jury with the pointer about where you picked

1 them up from.

2 A Okay. Well --

3 Q Talk loud.

4 A Like I said, it was closer to my house, because there
5 was a little area in between the driveway and the trailer,
6 and I had picked two up like in between the trailer and
7 the driveway where the car would have been.

8 Q Where what part of the car would have been?

9 A It was closer back towards the back door.

10 Q Which side of the car?

11 A The passenger side.

12 Q All right. Two of them. And those two were how
13 close together?

14 A Probably -- I don't know, I can't remember.

15 Q Inches or feet?

16 A Probably feet, they were feet apart.

17 Q Okay.

18 A And the other one wasn't this close from the road but
19 it was closer up towards the road.

20 Q All right. You can have a seat again. Where was --
21 never mind.

22 MR. BARFIELD: Your Honor, I'm fixin' to publish some
23 pictures that I think are already marked.

24 THE COURT: Okay.

25 MR. BARFIELD: That Mr. Lifsey had no objection to.

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- 1 Q Is that picture on your screen? Is that picture on
2 your screen?
- 3 A Yes, sir.
- 4 Q Do you recognize what is shown in that picture?
- 5 A Yes, sir.
- 6 Q What is that a picture of?
- 7 A The trailer that I lived in.
- 8 Q Put your finger on your steps. You can actually make
9 a mark on the screen.
- 10 A (Witness complies.)
- 11 Q Try that again. Okay. There you go. Do you
12 recognize that?
- 13 A The front of my trailer.
- 14 Q Is that the same view just a closer view?
- 15 A Yes.
- 16 Q And I was showing you first State's Exhibit Number 4
17 and then State's Exhibit Number 5 both for identification.
18 I'm showing you now State's Exhibit Number 6 for
19 identification. What's that a picture of?
- 20 A I don't know his name, but that's the picture of my
21 trailer.
- 22 Q Talk louder.
- 23 A That's a picture of the front and side of my trailer.
- 24 Q Are there people on your steps?
- 25 A Yes.

- 1 Q Do you know who at least one of them is?
- 2 A Yes.
- 3 Q Who is one of them?
- 4 A Me.
- 5 Q Do you know when that picture was taken? Can you
- 6 tell from the context when that picture was taken?
- 7 A Maybe a day or two after everything happened.
- 8 Q Could it have been the morning when they came out and
- 9 you turned over the cartridge cases?
- 10 A Yes.
- 11 Q I'm showing you State's Exhibit Number 7 for
- 12 identification. What's in that picture?
- 13 A My trailer.
- 14 Q Farther off?
- 15 A Yes.
- 16 Q Can you tell from you living in that neighborhood, do
- 17 you get any sense about where the person holding the
- 18 camera was standing?
- 19 A Yes.
- 20 Q Where was the picture taken from?
- 21 A The driveway of the trailer across the street.
- 22 Q And when you say the driveway of the trailer across
- 23 the street, which driveway are you talking about? Let me
- 24 ask you another question, where were Beneco and J. D. when
- 25 y'all got there?

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- 1 A Where they were at?
- 2 Q I'm going to show you State's Exhibit Number 8 for
3 identification. What's that a picture of? Do you know
4 what that is?
- 5 A Yes, the trailer across the street from me.
- 6 Q Now, is the driveway you were just talking about the
7 one shown in that picture?
- 8 A Yes.
- 9 Q Make a mark on that picture where the driveway is
10 that you're talking about Beneco and J D. were.
- 11 A (Witness complies.)
- 12 Q All right. Is that -- does that picture show where
13 that other car was that night?
- 14 A Yes.
- 15 Q Where was -- make a mark where that other car was.
- 16 A That's the driveway it was in.
- 17 Q I'm showing you State's Exhibit Number 9 for
18 identification. Do you recognize what is shown in that
19 picture?
- 20 A The driveway.
- 21 Q Same thing?
- 22 A Yes.
- 23 Q I'm showing you State's Exhibit Number 10 for
24 identification. Do you recognize what is shown in that
25 picture?

1 A The driveway.

2 Q Same driveway?

3 A Yes.

4 Q Do you know the numbers for -- do you see in that
5 picture the mobile home with the dish -- satellite dish on
6 it?

7 A Yes.

8 Q Do you know which address that mobile home is?

9 A No.

10 Q Can you read the number on the picture?

11 A No.

12 MR. BARFIELD: Your Honor, at this time I would offer
13 State's 4 through 10 as exhibits rather than for
14 identification purposes.

15 MR. LIFSEY: No objection.

16 THE COURT: Okay. They come right in.

17 (The photos were received as State's 4-10.)

18 Q Other than in the car, did you ever see Marico
19 Stevens with that gun other than -- after the exchange in
20 the car, did you ever see Marico Stevens with that gun
21 that night?

22 A No.

23 Q Some time later, days later, maybe weeks later, maybe
24 months later, did you meet a guy with the sheriff's office
25 by the name of Ken Taylor?

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1 A I don't remember.

2 Q At some point did you let somebody put Q-tips in your
3 mouth and collect some stuff?

4 A Yes, sir.

5 Q Did you know why that was being done?

6 A Yes, sir.

7 Q Why was that being done?

8 A They had found female DNA on the gun.

9 Q Did you ever have your hands on that gun?

10 A No, sir.

11 MR. LIFSEY: That's all of the questions I have right
12 now, answer anything Mr. Lifsey has.

13 CROSS EXAMINATION

14 BY MR. LIFSEY:

15 Q Ms. Coats, it's fair to say you have given several
16 different statements to law enforcement about this case;
17 is that right?

18 A Yes, sir.

19 Q And, of course, you spoke to Mike Miller or somebody
20 at the sheriff's office the night all of this happened
21 May 3rd, is that right? You spoke to somebody at the
22 sheriff's office out there at your trailer?

23 A Yes, sir.

24 Q And then you spoke to Mike Howell and Danny Bennett
25 on May 4th, the solicitor asked you about that; is that

1 right?

2 A Yes, sir.

3 Q And then you spoke later on on May 4th again, a
4 second time. This time to Mike Howell and Ryan McLemore;
5 is that right?

6 A Yes, sir.

7 Q And then on May 6th -- well, first of all, would you
8 like to review what you said? Would it help you if you
9 looked at your statement on May 4th to Mike Howell and
10 Ryan McLemore, would it help you if you looked at what you
11 said? I know it has been awhile. I'm going to let you
12 look at that. Have you had a chance to look at that?

13 A Yes, sir.

14 Q Thank you, ma'am. It's important that you remember
15 accurately what you told law enforcement because I know it
16 has been a long time since this happened, right?

17 A Yes.

18 Q In addition to those conversations you also sat and
19 talked on May 6th, a few days later, and talked to Mike
20 Howell and Lee Rathel of ATF, do you remember that?

21 A Yes.

22 Q I'm going to ask you to look at some notes on that
23 and help you refresh your memory on that if you would.

24 A (Witness complies.)

25 Q I think the rest of that concerns other folks. But

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1 you read the two pages that concerns you?

2 A Yes.

3 Q It's important to tell the truth, you understand
4 that, right?

5 A Yes.

6 Q It's important to tell the truth to law enforcement
7 when you talk to them, right?

8 A Yes.

9 Q It's important to tell the truth in here.

10 A Yes.

11 Q All right. So now that I have given you an
12 opportunity to review what you told law enforcement I'm
13 going to ask you a couple of questions about what you told
14 them; is that okay?

15 A Okay.

16 Q Didn't you tell them that -- law enforcement that you
17 knew there was a dispute between Mr. Carter and I'll just
18 call them the gang of people; the Beneco, the J. D, the
19 John John, you told them you knew there was a dispute,
20 right?

21 A Yes.

22 Q And you told them that you knew that was a dispute
23 because J. D. and John John and Beneco believed that my
24 client had stolen something from them; is that right?

25 A Yes.

1 Q And you're certainly a normal human being, when
2 people steal things from you that makes you angry, doesn't
3 it?

4 A Yes.

5 Q It's not normal if you steal something from somebody
6 for you to be angry at them, it's perfectly normal for
7 them to be angry at you, isn't it?

8 A Yes.

9 Q And you told law enforcement that you knew about that
10 dispute between them, right?

11 A Yes.

12 Q And you told law enforcement that you knew prior to
13 this incident there had been a history of problems related
14 to that dispute between my client and this gang; is that
15 right?

16 A I only knew of one incident.

17 Q Well, the incident you know of, do you remember
18 telling law enforcement, didn't you, that they had run him
19 out of the trailer park?

20 A Yes, sir.

21 Q And you remember telling law enforcement that Beneco
22 said that if he went over there he had better had a gun.

23 MR. BARFIELD: Objection.

24 MR. LIFSEY: I think that's already been testified to.

25 THE COURT: If it's in the statement he can ask her

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1 about it, I don't know what's in the statement.

2 Q Do you remember telling them that Beneco said if he
3 ever went over there he had better have a gun?

4 A Excuse me?

5 Q Do you remember -- and I'm asking you about this
6 right here. Do you remember Beneco told Anthony -- after
7 he ran him out of the trailer park if he ever saw him
8 again he'd better have a gun?

9 A Yes.

10 Q And do you remember telling law enforcement that
11 obviously Mr. Carter was somewhat reluctant to go to the
12 trailer park that night, the night after all of this
13 happened.

14 A He was reluctant to come over there after that
15 incident for about a week.

16 Q Yeah. Because he didn't want to go over there, that
17 he was afraid of them and he knew there would be problems.

18 A Yeah.

19 Q You remember telling the police that. But you
20 remember that Marico is the one that suggested y'all drive
21 you on home; isn't that right?

22 A No.

23 Q That's not true? You didn't tell the police that?

24 A No.

25 Q Do you remember telling the police that the gun in

1 this case didn't come from Mr. Carter at all, right?

2 A Yes.

3 Q And do you remember telling the police that, of

4 course, Mr. Carter, who is reluctant to go over there, do

5 you remember him explaining to Stevens that there might be

6 problems, do you remember telling the police that?

7 A I mean, it kind of wasn't a conversation like you

8 would think would be like, he wasn't talking like, "I

9 don't want to go over there, it is going to be this," it

10 was more of a hyped up situation going back to my house.

11 Q But just to get back, of course, the hyped up

12 situation did not involve a weapon initially; is that

13 right?

14 A No, there was a weapon.

15 Q But the weapon came from Marico, that's all I'm

16 asking. Didn't you tell the police that Marico is the one

17 that had the weapon?

18 A I told the police that Marico gave Ant the gun in the

19 car, yes.

20 Q Yes. That there wasn't a case where Ant brought in a

21 gun or anything like that, that's what I'm trying to get

22 at. You told them that, right?

23 A Yes.

24 Q You told them that, right?

25 A Yes.

TESTIMONY OF EMMIE AMANDA COATS

1 Q And you told them that Marico reached under the seat
2 and pulled out his gun; is that right?

3 A Yes.

4 Q And then he put it into the lap of Anthony Carter; is
5 that right?

6 A He put it into his hand.

7 Q You remember telling him that.

8 A Yes.

9 Q Now, do you remember telling the police that when the
10 four of y'all; you, Carter, Stevens and the child, pulled
11 in to the trailer park, do you remember you saw Neco and
12 Hemphill, is that right, Neco and J. D.?

13 A Yes.

14 Q Of course, these are the same people that you know
15 that had had the prior problems with Carter, right?

16 A Yes.

17 Q And these are the same people that had run him off
18 before, right?

19 A Yes.

20 Q And these are the same people that told him he had
21 better have a gun the next time he come over there, right?

22 A Yes.

23 Q Then you told the police that Mr. Carter gets out of
24 the car and walks over and he and J. D. Hemphill meet in
25 the middle of the road, do you remember telling them that?

1 A Yes.

2 Q Now, this is important, do you remember telling law
3 enforcement that Mr. Carter turned around and walked away
4 from that conversation?

5 A Yes.

6 Q And do you remember telling law enforcement that
7 after -- but before he walked away there were no shots
8 fired or anything?

9 A Yes.

10 Q So in other words, they're standing face to face,
11 okay, and you remember telling law enforcement that my
12 client -- the gun that you said my client had was hidden;
13 is that right?

14 A Yes.

15 Q So it wasn't visible. But do you remember -- I just
16 want to make it clear -- that the two of them are standing
17 face to face, my client has a gun but no shots are fired
18 at all.

19 A Yes.

20 Q And then my client turns and walks away; is that
21 right?

22 A Yes.

23 Q And as he's walking away and you're on your trailer,
24 you're on the steps of your trailer, that's when you told
25 law enforcement you hear a shot, you see a bright light

TESTIMONY OF EMMIE AMANDA COATS

1 and a shot from the other side of the road?

2 A Yes.

3 Q And it's only after that as you run inside that you
4 see shots -- you hear that shots are fired back; is that
5 correct?

6 A Yes.

7 Q And you told law enforcement at the time that you are
8 inside the trailer when shots are fired back after the
9 initial shot is fired from the other side of the road that
10 you don't know which of the two of them, Stevens or Carter
11 or anybody for that matter, you don't know who fired those
12 shots.

13 A No.

14 Q And just so I get the positions right in regards to
15 where everybody was in the car, I mean, you basically told
16 the solicitor my client -- a minute ago my client was
17 about in the middle of the car when you heard the shots --
18 when you went back inside and heard the shots fired, about
19 the middle of the car? Or where in relation was he?

20 A He was at the back of the car. By the time he had
21 got back to the back of the car -- he had already passed
22 the back of the car and was coming up closer when the
23 gunshots was first fired.

24 Q Wait a minute. Said that again, he's going back and
25 then coming back the other way?

1 A He's was walking back --

2 Q So he is walking back without him firing anything and
3 guns are fired and then what happened?

4 A And then he turns like he is going to shoot back.

5 Q Well, you say like he's going to shoot back, but you
6 don't know because you went inside; is that right?

7 A Yes, I did go inside. But before I went inside I did
8 see Ant turn around and draw his weapon.

9 Q When did you tell anybody that other than today?

10 A No, I did not. I told Solicitor Doug Barfield that
11 and --

12 Q When?

13 A It's actually in one of the statements.

14 Q Okay. So I guess what I'm getting at -- let me just
15 get back to where my point was. After my client turns
16 around and walks away from J. D. without shots being fired
17 and then you know that they're firing shots, at some point
18 my client is in a position in the car not as far back on
19 the vehicle as Stevens is, right? Stevens is further back
20 toward the front of the vehicle.

21 A Yes.

22 Q In fact, you also told the police you heard Marico
23 yelling, "Squeeze, squeeze."

24 A Yes.

25 Q All right. It's your testimony here today as to

TESTIMONY OF EMMIE AMANDA COATS

1 these items that you picked those up the morning after all
2 of this happened?

3 A Yes.

4 Q So presumably you're testifying today that you picked
5 these up after law enforcement had already been out there,
6 because the police came out there right after this
7 happened.

8 A Yes.

9 Q And I'm assuming there were probably a lot of police
10 out there, right?

11 A Yes, sir.

12 Q And they roped off the scene; is that right?

13 A They roped off the entire trailer park.

14 Q The entire trailer park, because this is a big deal
15 and they're looking for evidence, and you're saying they
16 missed shell fragments that were sitting there right where
17 the car was?

18 A Yeah. Because I told them -- I didn't tell them it
19 had happened in my yard so they were pretty much looking
20 in one particular area.

21 Q So they believed you? Do you think they based their
22 whole investigation on you?

23 A No.

24 Q So my point is assuming you're telling the truth,
25 assuming you're telling the truth that these were picked

1 up the next day, that means that everybody connected with
2 law enforcement out there just happened to miss three
3 bullet fragments on the biggest homicide that we've had in
4 this county in years, is that what you're saying?

5 MR. BARFIELD: I am going to object to his
6 characterization of the case.

7 THE COURT: He's just chit-chatting. Go ahead.

8 Q So you're saying they missed them.

9 A If they didn't go over there and look I'm pretty sure
10 they did miss them.

11 Q And if they missed these, how many other shell
12 fragments could they have missed?

13 MR. BARFIELD: Your Honor, again, I don't think these
14 are proper questions for these witnesses.

15 THE COURT: I know you don't but he tries his case and
16 you try yours.

17 Q Couldn't they?

18 THE COURT: Jurors you don't have to draw any
19 conclusion from what he is suggesting but he's entitled to
20 do that.

21 Q Did the police ever do a search warrant in your
22 house?

23 A I think so, yes.

24 Q When did they do that?

25 A I can't remember.

TESTIMONY OF EMMIE AMANDA COATS

1 Q Did you voluntarily give them these?

2 A Yes.

3 Q When in relation to you voluntarily giving them these
4 did they execute a search warrant at your house?

5 A I don't know. I'm sorry, I don't.

6 Q Okay. All right. So they just took it on good faith
7 that you had given them all of the evidence that you had
8 picked up?

9 A Yeah.

10 MR. LIFSEY: Beg the Court's indulgence for one
11 second.

12 (Break in proceedings.)

13 MR. LIFSEY: I don't have any further questions at
14 this time, Judge.

15 MR. BARFIELD: Just a couple real quick.

16 REDIRECT EXAMINATION

17 BY MR. BARFIELD:

18 Q Mr. Lifsey asked you and you said the answer was no
19 when he asked you was if it was Stevens' idea to take you
20 home. Who was idea was it to take you home?

21 A I really don't know whose idea it was, I just know
22 whenever I got to the house Ant told me they were going to
23 take me home.

24 Q And he was asking you about the conversation in the
25 car on the way over and you characterized it as hyped up.

1 Described what you mean by that.

2 A Because he had asked me did --

3 Q He who?

4 A I don't know.

5 Q Oh, Mr. Lifsey, I'm sorry. I thought you were
6 talking about one of the parties.

7 A No. I said that because I didn't know how to
8 describe the conversation, because it seemed like he was
9 trying to seem like it was Ant --

10 Q Don't worry about that, just describe the
11 conversation. When you say hyped what do you mean by
12 that?

13 A It's like kind of like -- okay. It's like he
14 wasn't -- no, it's like -- I don't know how to explain it.

15 Q Take your time.

16 A Okay. Like he said there was conflict going on
17 between these two, it's not like being worried you are
18 going into this environment knowing that you have conflict
19 with someone and then worried that something might happen.
20 It's kind of like -- only way I can probably describe it
21 was like I got the kind of feeling that he wanted to see
22 them on the way over there, like it kind of excited him
23 that he was going into the trailer park.

24 MR. BARFIELD: Thank you, that's all.

25

RECROSS EXAMINATION

TESTIMONY OF EMMIE AMANDA COATS

1 BY MR. LIFSEY:

2 Q Wait a minute. He was excited to see them? Because
3 when in your four or five different statements to law
4 enforcement have you ever said anything like that before
5 today after I asked you questions? Never, didn't you?

6 You've never said that until right now; isn't that right?

7 A I was trying to explain the feeling in the car on the
8 way over to my house that night.

9 Q You were trying to answer the questions he wants you
10 to answer, aren't you?

11 A No, I'm not. I am just trying to explain the feeling
12 I had that night.

13 Q I don't care about your feeling. He was reluctant to
14 go over there, wasn't he?

15 A No.

16 Q Where did you say that?

17 A I can't remember when, the last one you gave me.

18 MR. LIFSEY: All right. I don't have any further
19 questions.

20 MR. BARFIELD: I have nothing further from this
21 witness.

22 THE COURT: You can step down. I think we probably
23 better take a break. Just don't talk about the case,
24 jurors, or anything.

25 (The jury left the courtroom.)

TESTIMONY OF CHARLES KIRKLEY

1 THE COURT: Okay. Everybody ready?

2 MR. BARFIELD: State is ready.

3 MR. LIFSEY: Defense is ready.

4 THE COURT: Bring them in.

5 (The jury returned to the courtroom.)

6 MR. BARFIELD: Call Chuck Kirkley.

7 The witness, CHARLES KIRKLEY, was first duly sworn and
8 testified as follows, on:

9 DIRECT EXAMINATION

10 BY MR. BARFIELD:

11 Q State your name, please.

12 A Charles Kirkley.

13 Q I called you Chuck, do people call you Chuck?

14 A Yes.

15 Q By whom are you employed?

16 A Lancaster County Sheriff's Office.

17 Q Are you a lieutenant with the sheriff's office
18 currently?

19 A I am.

20 Q Which means you are in charge of a shift?

21 A Yes.

22 Q Were you working for the sheriff's office and what
23 was your position back in May of 2010?

24 A I was working.

25 Q Other than a little thing that I'm going talk to you

TESTIMONY OF CHARLES KIRKLEY

1 about in a minute, were you called out on May 3rd to
2 participate in the shooting death of victim ?

3 A I was not.

4 Q Were you scheduled to work daytime May 4th, the next
5 day?

6 A I was.

7 Q Did you report to the Lancaster County Sheriff's
8 Office when it was time for you to go to work?

9 A I did.

10 Q At some point that morning did you have contact with
11 the guy named James or Jamie or J. D. Hemphill?

12 A I did.

13 Q I'm never going to ask you what Hemphill said, but
14 how did you have contact with Hemphill? Where did you
15 have contact with Hemphill?

16 A At the sheriff's office.

17 Q What time of day was it when you saw Hemphill?

18 A About 6:30 in the morning.

19 Q To your knowledge had anybody with the sheriff's
20 office had any dealings with Hemphill from the night
21 before until 6:30 in the morning when you saw him?

22 A No, sir.

23 MR. BARFIELD: Thank you, that's all. Answer anything
24 Mr. Lifsey has.

25

CROSS EXAMINATION

1 BY MR. LIFSEY:

2 Q Have you seen Mr. Hemphill lately?

3 A I have not.

4 MR. LIFSEY: Thank you. I don't have any further
5 questions.

6 THE COURT: You may step down and be on your way, I
7 guess.

8 MR. BARFIELD: Call Danny Bennett.

9 The witness, DANNY BENNETT, was first duly sworn and
10 testified as follows, on:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q State your name, please.

14 A Danny Bennett.

15 Q Mr. Bennett, by whom are you employed?

16 A Lancaster County Sheriff's Office.

17 Q In what capacity?

18 A Investigator.

19 Q How long?

20 A About ten years now.

21 Q Working there May 3rd and 4th and subsequent of 2010?

22 A Yes, sir.

23 Q Did you do anything on the night of May 3rd related
24 to the investigation of the shooting death of victim
25 victim on Athena Road?

TESTIMONY OF DANNY BENNETT

- 1 A Yes, sir.
- 2 Q Did you continue to do things the morning of May 4th,
3 2010 concerning the shooting death of victim .?
- 4 A Yes, sir.
- 5 Q Did you meet a young lady named Emmie Amanda Coats?
- 6 A That's correct.
- 7 Q Is that picture on your screen?
- 8 A Yeah.
- 9 Q Is that picture familiar with you? I'm referring to
10 State's Exhibit -- I'll put it back in just a minute,
11 State's Exhibit Number 6 for identification purposes. Are
12 you familiar with what is shown in that picture? It's
13 very small on the screen right now.
- 14 A Yeah.
- 15 Q What is shown on that picture?
- 16 A That's the mobile home where the incident took place.
- 17 Q Can you see -- I can make it bigger if I need to, but
18 can you see people in the picture?
- 19 A I can't really tell who it is in the picture.
- 20 Q I'll make it so --
- 21 A That looks like me on the steps.
- 22 Q Well, that's kind of where I was going. Is that you
23 on the steps?
- 24 A It is.
- 25 Q And do you know when that picture was made?

1 A That's going to have to be the morning after this
2 incident took place.

3 Q And did you end up -- why were you out there the
4 morning after this incident took place?

5 A We received information in investigations from
6 dispatch, of course, that Ms. Coats was in her yard in
7 front of that trailer picking up shell casings and
8 Lieutenant Howell and I responded to the residence. I
9 went to the door, made contact with her, told her why I
10 was there and that I wanted the shell casings.

11 Q And she said what?

12 A She gave them to me.

13 Q All right. I'm showing you State's Exhibit Number 11
14 for identification. Have you ever seen them before?

15 A Yes, sir.

16 Q What are they?

17 A That is three .40 caliber shell casings.

18 Q Is that the ones that Ms. Coats gave you?

19 A I believe it is, yes, sir, put them in evidence, yes,
20 sir.

21 Q Did you take possession of them and make sure they
22 were secure?

23 A Yes, sir.

24 Q Do you remember what you did with them?

25 A I brought them back to the office and turned them

TESTIMONY OF DANNY BENNETT

1 into the evidence.

2 Q Do you remember if a crime scene agent was out there
3 with y'all? Do you remember Jeff Steele, whether he was
4 out there?

5 A That's who I gave them to.

6 Q You gave these to Jeff Steele?

7 A Yes, sir.

8 Q Did you find -- did y'all do any further looking
9 around out there on the ground the morning on May 4th?

10 A We did, yes.

11 Q Did you find anything else?

12 A Not that I remember.

13 MR. BARFIELD: Thank you. Answer anything Mr. Lifsey
14 has.

15 CROSS EXAMINATION

16 BY MR. LIFSEY:

17 Q So Detective Bennett, after you got the -- you got
18 these shell casings from Emmie Coats; is that right?

19 A Yes, sir.

20 Q Which she claims, of course, she picked up that
21 morning?

22 A That is correct.

23 Q Which, of course, means that nobody -- if that's true
24 that means that nobody found them the whole evening before
25 when everybody was out there looking for them; isn't that

1 right?

2 A That would be correct, yeah.

3 Q And you took -- there's so many statements I'm
4 getting them confused, but you took what I'll call version
5 I guess two from Emmie Coats, you took the 9:44 in the
6 morning May 4th statement from Emmie Coats, you were one
7 of the detectives involved in that, is that right? Let me
8 show it to you in case you don't remember. I'm assuming
9 that's your signature, yours is more legible than mine.

10 Is that you in the second one?

11 A Yes, sir, after I witnessed another officer's.

12 Q I've got you.

13 A Okay. This is Mike Howell's writing.

14 Q And you were one of the witnesses of that version of
15 what happened?

16 A To her Miranda, yes, sir.

17 Q Other than that you weren't that involved in this
18 investigation in great detail, were you?

19 A Not really.

20 MR. LIFSEY: I don't have anything further to ask this
21 witness.

22 MR. BARFIELD: Nothing else for Investigator Bennett.

23 The witness, JOHN JARROD HILL, was first duly sworn
24 and testified as follows, on:

25 DIRECT EXAMINATION

TESTIMONY OF JOHN JARROD HILL

- 1 BY MR. BARFIELD:
- 2 Q Talk real loudly and state your name, please.
- 3 A John Hill.
- 4 Q Do you have a nickname? Do people call you by a
- 5 nickname?
- 6 A Yes, sir.
- 7 Q What?
- 8 A John John.
- 9 Q You live in Lancaster County now?
- 10 A Yes, sir.
- 11 Q Have you ever lived in Countryside Mobile Home Park
- 12 out on Athena Road?
- 13 A Yes, sir, I've lived there before.
- 14 Q Is that where you are living now?
- 15 A No, sir.
- 16 Q Have you lived out there before?
- 17 A Yes, sir.
- 18 Q Where did you live out there before?
- 19 A I stayed at the back of the trailer park.
- 20 Q Which road?
- 21 A I forgot the name of the road, the road off Athena
- 22 Road. It's off of Athena Road, though.
- 23 Q But not on Athena Road?
- 24 A No, not on Athena Road.
- 25 Q Are you aware of the child getting shot in the back

TESTIMONY OF JOHN JARROD HILL

- 1 seat of the car on Athena Road on the night of May 3rd?
2 Do you know that happened? That's my first question.
3 A Yeah, after the fact.
4 Q Okay. Were you out there in the trailer park when
5 the shooting happened?
6 A No, sir.
7 Q I guess maybe -- let me ask you this question
8 differently, were you out there on Athena Road when the
9 shooting happened?
10 A No, sir.
11 Q Had you been in the trailer park that day?
12 A Yeah. I was in the trailer park that day.
13 Q Who were you with in the trailer park that day?
14 A I was with my girl.
15 Q What is her name?
16 A Lateric.
17 Q What is her last name?
18 A Gladden.
19 Q Did she live there or did she have relatives that
20 lived there or what?
21 A Her grandmom.
22 Q What road did her grandmama live on?
23 A Evans.
24 Q Evans?
25 A Yeah. Evans, yeah.

TESTIMONY OF JOHN JARROD HILL

1 Q And I told you I was going to do this and I'm going
2 to go ahead and do it now. You've been in some trouble
3 before?

4 A Yes, sir.

5 Q I'm going to ask you about it. 2002 -- excuse me,
6 2003 did you get convicted of assault and battery of a
7 high and aggravated nature and possession of a pistol in
8 one form or another?

9 A Yes, sir.

10 Q In 2003 at the same time did you also get convicted
11 of receiving stolen goods?

12 A Yes, sir.

13 Q And in 2003 did you also at the same time same court
14 date get convicted of failure to stop for a blue light?

15 A Yes, sir.

16 Q That is you?

17 A Yeah.

18 THE COURT: Jurors, anytime you take the stand they
19 can ask you about prior criminal record, there's some
20 exceptions but generally if you have got a criminal record
21 it can be brought out. That doesn't mean you should
22 discredit anything he says, that's just another factor you
23 take into account in passing on the credibility on this or
24 any other witness. I'm not going to repeat it at every
25 time if somebody else has a record and it comes out, it is

1 just for you to consider whether you feel it would impact
2 their credibility.

3 Q How long had you been over at Lateric Gladden's
4 grandmama's house on the day of May 3rd?

5 A I had been there the whole day.

6 Q During daylight hours and into the nighttime?

7 A Daylight hours the whole time.

8 Q What were you over there for?

9 A I was getting my hair platted.

10 Q Like it is today?

11 A Yeah, it was platted that day.

12 Q Plats meaning tight to your head?

13 A Yeah.

14 Q I've got you. At some point that night did you go
15 outside and go walking?

16 A Yeah.

17 Q Where were you going?

18 A I walked down the street going to Ziggy's house.

19 Q Who is Ziggy?

20 A He's kin to my cousin's brother.

21 Q Do you know what Ziggy's last name is?

22 A Buford.

23 Q What road was Ziggy staying on?

24 A He was staying on Athena Road.

25 Q When did you find out there had been a shooting?

TESTIMONY OF JOHN JARROD HILL

- 1 A When that girl Amanda, what's her name? Amanda?
- 2 Q Mandy.
- 3 A Yeah, she ran up. The police had stopped me and got
- 4 my ID.
- 5 Q Hold on just a minute. When you went out going to
- 6 Ziggy's --
- 7 A Yeah, when I was going to Ziggy's.
- 8 Q -- had the shooting happened by then or was this
- 9 before the shooting happened?
- 10 A It was supposed to have been happened before when I
- 11 went out, yeah.
- 12 Q Did you see Mandy?
- 13 A She ran up when the police had stopped me.
- 14 Q Well, let's talk about the police stopping you then.
- 15 Where were you when the police stopped you?
- 16 A Fixin' to turn to Ziggy's, about to walk in his yard.
- 17 Q Hold on just a minute, remember you've got to make us
- 18 understand you. I ain't picking on you but make us
- 19 understand you. Where were you when the police stopped
- 20 you?
- 21 A He stopped me right in front of Ziggy's house.
- 22 Q Were you on foot?
- 23 A On foot.
- 24 Q Was it dark?
- 25 A Yeah, it was dark.

- 1 Q Is that the first police you saw out there that
2 night?
- 3 A That's the first police I seen.
- 4 Q Did you talk to them?
- 5 A Yeah. He asked me for my ID.
- 6 Q Did they check you to see if you had any guns or
7 anything on you?
- 8 A No. They asked me for ID and called my name.
- 9 Q Did you have any gun or anything on you?
- 10 A Didn't have nothing on me.
- 11 Q Don't tell me what the girl said, but did you see the
12 girl, Mandy?
- 13 A Yeah, I seen her.
- 14 Q Did she and the police talk?
- 15 A No. She ran up and said "A baby has been shot," like
16 that.
- 17 Q What did you do after that?
- 18 A He gave my ID back and he left, so I walked back up
19 the street.
- 20 Q At any time the night this thing happened were you
21 over at Mandy's house?
- 22 A No, sir.
- 23 Q Were you outside Mandy's house in the street?
- 24 A No, sir.
- 25 Q Were you across the street at any of the mobile homes

TESTIMONY OF JOHN JARROD HILL

1 across the street from Mandy's house when all of this was
2 going on?

3 A No, sir.

4 Q Do you know Anthony Rodriekus Carter?

5 A Yes, sir.

6 Q Did you see him the night of May 3rd of 2010 when
7 this happened?

8 A No, sir.

9 Q Do you know Marico Lamont Stevens?

10 A Yes, sir.

11 Q Did you see him the night of May 3rd, 2010 when all
12 of this happened?

13 A No, sir.

14 Q Do you know Beneco Antwan Ganson?

15 A Yes, sir.

16 Q Did you see him the day or night of May 3rd?

17 A Yeah, I seen him in the daytime.

18 Q Did you see Beneco Ganson at nighttime on May 3rd?

19 A No, I didn't see him at nighttime.

20 Q Do you know Jamie, James or Jamie or J. D. Hemphill?

21 A Yes, sir.

22 Q Did you see him during the daytime on May 3rd?

23 A Yeah, I seen him in the daytime too.

24 Q Did you see him at nighttime?

25 A No, sir.

- 1 Q Let me back up. When you saw Beneco and when you saw
2 J. D. in the daytime on May 3rd, where were they?
- 3 A They came up the street where I was when I was
4 getting my hair platted.
- 5 Q In the trailer park?
- 6 A Yes, sir.
- 7 Q After you saw Beneco Ganson and J. D. Hemphill
8 May 3rd which I think you said was daylight, did you see
9 them anytime again May 3rd?
- 10 A No. I didn't see them no more.
- 11 Q When you walked off from -- when the sheriff gave you
12 your ID back, did you have an ID or something you showed
13 him?
- 14 A Yeah, I gave him my ID.
- 15 Q When he gave it back, where did you go?
- 16 A I went back to the house.
- 17 Q Which house?
- 18 A My girl's grandmom's house.
- 19 Q Did you see the police again that night?
- 20 A No. And then when I looked back out the door I saw
21 police flashing lights and all of that.
- 22 Q Did you see the police at Lateric's grandmom's house
23 after that?
- 24 A At Lateric's grandmom's house you're talking about?
25 They came later.

TESTIMONY OF JOHN JARROD HILL

- 1 Q How much later?
- 2 A They put my name in and they came and got me first
- 3 and surrounded the house.
- 4 Q Was it dark?
- 5 A It was dark.
- 6 Q It hadn't gotten daylight yet?
- 7 A No, it hadn't gotten daylight.
- 8 Q Did they arrest you?
- 9 A No. They just took me in for questioning and checked
- 10 me for gunpowder and all of that.
- 11 Q Where did they take you for questioning?
- 12 A To the county, Lancaster County.
- 13 Q To the sheriff's office?
- 14 A Sheriff's office.
- 15 Q And you said they checked you for gunpowder. How did
- 16 they check you for gunpowder, what did they do?
- 17 A They made me take my shirt off and did some little
- 18 pat things, they patted my chest and side and they asked
- 19 me what hand I was and I said right.
- 20 Q Say that again, make it clear.
- 21 A They asked me what hand I was and I said, "I'm right
- 22 handed," so he checked my right side.
- 23 Q Touched you, did things to you?
- 24 A Yeah, that stuff they do with the gunpowder stuff.
- 25 Q Did you give them a statement?

1 A Yeah, I gave them a statement.

2 Q We'll talk about that in a minute. About what time
3 of day or night was it that you were out at the sheriff's
4 office doing all of this stuff, way over in the morning,
5 dark still or what?

6 A I think it was like 12:00 or 1:00 in the morning.

7 Q Let me ask you about J. D. Hemphill, have you seen
8 him lately?

9 A No, I ain't seen him.

10 Q Have you got any idea where he is?

11 A No.

12 Q You don't?

13 A He in Atlanta, man, he in Atlanta. They already said
14 he was in Atlanta.

15 Q Say that again.

16 A He's in Atlanta.

17 Q Do you know why he's in Atlanta?

18 A After all of this happened it scared him and his
19 sister came and got him.

20 Q Have you ever been able to get in touch with him?

21 A No, I ain't heard from him.

22 Q Have you tried to get in touch with him?

23 A Yeah, I tried.

24 Q How long have you known Ant Carter?

25 A I've been knowing him for a good little minute since

TESTIMONY OF JOHN JARROD HILL

- 1 we were young.
- 2 Q Back before this happened on May 3rd, was there some
- 3 problem between you and Ant?
- 4 A No, sir. Oh, are you talking about what happened?
- 5 Q Yes, sir.
- 6 A Yeah. There was some problems, yeah.
- 7 Q What was the problem about?
- 8 A He had jumped the fence with my money.
- 9 Q Your money. How much of your money?
- 10 A \$450.
- 11 Q And I don't mean -- I'm just making sure you're
- 12 talking so everybody -- you're okay, you're doing good.
- 13 Jump the fence, what do you mean by that?
- 14 A Like basically they called it robbing, too, like
- 15 robbed me for my money.
- 16 Q What was the money all about?
- 17 A Getting some drugs.
- 18 Q Whose money was it?
- 19 A It was my money, sir.
- 20 Q Whose drugs was it going to be?
- 21 A It was going to be my drugs.
- 22 Q What kind of drugs was it going to be?
- 23 A Cocaine.
- 24 Q When did all of this happen? We're going to talk
- 25 about it a little bit more in a minute, but when was all

TESTIMONY OF JOHN JARROD HILL

1 of this jumping the fence with your \$450 in relation to
2 when the shooting happened?

3 A It was like couple of weeks before all of this
4 shooting started happening, like about a month or two,
5 month and a half or something like that.

6 Q Month, month and a half or month or two?

7 A Yeah, about a month and a half.

8 Q Where did Ant get your money? Where did that
9 exchange take place?

10 A He came to my house.

11 Q Who else was at your house?

12 A Me and J. D.

13 Q Hemphill?

14 A Yes, sir.

15 Q Did J. D. and Ant leave your house?

16 A Yes, sir.

17 Q Did you ever see your -- the cocaine?

18 A I ain't seen nothing.

19 Q Did you ever see the money?

20 A No, sir.

21 Q Did you ever talk to Ant from the day he jumped the
22 fence with your 450 bucks until May 3rd when this shooting
23 happened, did you ever yourself talk to Ant about your
24 money?

25 A Yes, sir.

TESTIMONY OF JOHN JARROD HILL

- 1 Q Where would you see Ant?
- 2 A In the trailer park.
- 3 Q Did he ever pay you your money?
- 4 A No, sir.
- 5 Q Were you ever present when any -- between him jumping
6 the fence with your money and the night of the shooting,
7 were you ever present when any problems -- when any
8 confrontations occurred with Ant concerning your 450
9 bucks?
- 10 A I bumped heads with him about two times.
- 11 Q Tell me about the first time.
- 12 A First time he was at some dude's house in the trailer
13 park.
- 14 Q Some dude's house in the trailer park?
- 15 A Yes, sir.
- 16 Q And what happened?
- 17 A And I had approached him and he was like he was going
18 to pay me the money when he get a check or something.
- 19 Q Hold on, I'm going to break it down. Did he tell you
20 why he was going to get a check?
- 21 A Yes, sir.
- 22 Q Why was he going to get a check?
- 23 A He said he was in a wreck or something.
- 24 Q Go ahead. He said he would pay you the money when he
25 got a check.

- 1 A Yes, sir, so we had let that go.
- 2 Q At that confrontation any fight, any threats or
- 3 anything?
- 4 A No, sir.
- 5 Q And was that the end of that one?
- 6 A Yeah, that was the end of that one.
- 7 Q Was there another one?
- 8 A Yeah, another one. I was on another road and I got a
- 9 call saying Ant was over there and he was --
- 10 Q Hold on, let me ask you this: The first thing you
- 11 told us about was that -- this is when the shooting
- 12 happened, this is when Ant jumped the fence with your
- 13 money.
- 14 A Yes, sir.
- 15 Q The first one you told us about, was it closer to
- 16 when he jumped the fence?
- 17 A It was about the next week.
- 18 Q And the second one you told us about, was it close to
- 19 the shooting?
- 20 A Yeah. I think it was about two weeks before the
- 21 shooting or about a week.
- 22 Q Now, let's break it down again the second one, the
- 23 one you're telling me about now, where were you?
- 24 A I was on -- I don't know the name of the road but it
- 25 was off Evans Road or Evans Drive or something.

TESTIMONY OF JOHN JARROD HILL

- 1 Q Did you see Ant?
- 2 A I seen him when they gave me a call.
- 3 Q I ain't worried about the call. Where did you say
- 4 Ant?
- 5 A On Athena Road.
- 6 Q Did you and he get close to each other?
- 7 A We were about 20 feet from each other.
- 8 Q Were y'all talking?
- 9 A I told him to pay me and stuff like that when I seen
- 10 him and he just took off running.
- 11 Q Were either Beneco Ganson or J. D. Hemphill out there
- 12 during that incident?
- 13 A Yeah, J. D. was.
- 14 Q Was Beneco, or do you remember?
- 15 A No, I didn't get to see Beneco. He was there but he
- 16 wasn't out there in the road when I was talking to him.
- 17 Q And who ran?
- 18 A Ant did.
- 19 Q Did anybody chase him?
- 20 A No, ain't nobody chase him.
- 21 Q Did anybody have a gun or a stick or a knife or any
- 22 kind of weapon during that confrontation?
- 23 A No, sir.
- 24 Q I don't know if I asked you this a minute ago but I'm
- 25 going to ask you now, the first confrontation between you

TESTIMONY OF JOHN JARROD HILL

1 and Ant, did anybody have a gun, stick or knife or any
2 kind of a weapon?

3 A No, sir.

4 Q We'll go back to the night of the shooting. Did you
5 hear any gunshots in the trailer park the night of the
6 shooting?

7 A No, sir.

8 Q How much time did you spend in the trailer park?

9 A Are you talking about that day?

10 Q No. Generally speaking how often were you out there
11 in the trailer park?

12 A I was in the trailer park everyday.

13 Q Had you ever heard any shooting or anything like
14 that?

15 A Yeah. When like somebody would shoot in the air, I
16 heard that but I don't know where it be coming from.

17 Q That's fine. Jumping around a little bit, but when
18 you got down at the sheriff's office on May 4th and you
19 went out there and gave them a statement, where did you go
20 from the sheriff's office?

21 A I went back to my girl's grandmom's house.

22 Q How did you get there?

23 A I don't know his name, I think Deese or something, he
24 dropped me back off.

25 Q A sheriff's deputy?

TESTIMONY OF JOHN JARROD HILL

1 A Yeah, he dropped me back off.

2 MR. BARFIELD: Thank you, sir, answer anything

3 Mr. Lifsey has.

4 MR. LIFSEY: Beg the Court's indulgence just one
5 moment.

6 THE COURT: Sure.

7 (Break in proceedings.)

8 CROSS EXAMINATION

9 BY MR. LIFSEY:

10 Q So Mr. Hill, is your sole contribution to what
11 happened out there that evening is you don't know nothing
12 about nothing is because you weren't out there and you
13 didn't hear nothing or see anything?

14 A I didn't hear nothing, I didn't see nothing.

15 Q But you admit, did you not, that -- of course, you
16 say my client owed you some money.

17 A Yes, sir.

18 Q And I would imagine that didn't make you happy that
19 he owed you money.

20 A Say what?

21 Q It didn't make you happy -- in fact, you said he
22 stole your money; is that right?

23 A I ain't saying stealing, you can call it robbing
24 or --

25 Q Robbing or stealing. When people rob and steal from

- 1 you that doesn't make you happy, right?
- 2 A No, it doesn't make you happy.
- 3 Q It makes you angry at them.
- 4 A Yes, sir.
- 5 Q And not only were you angry at them your buddies J.
- 6 D. and Beneco were angry at him, right?
- 7 A Yes.
- 8 Q And, in fact, you've had multiple confrontations with
- 9 him about this money, right?
- 10 A Two times.
- 11 Q And were these like polite conversations, "Oh, would
- 12 you please give me back my money?"
- 13 A Yeah.
- 14 Q Just like a nice, polite conversation you would have
- 15 with anybody else. You didn't raise your voice, you
- 16 didn't threaten him or use profanity or anything like
- 17 that?
- 18 A No.
- 19 Q None of that. But the night you just don't know
- 20 anything about, the night you didn't see anything or hear
- 21 anything in the shooting, you did happen to be out there
- 22 that night and have a policeman -- interact with a
- 23 policeman that night, right?
- 24 A Yeah.
- 25 Q But your testimony to this jury today is all he did

TESTIMONY OF JOHN JARROD HILL

1 is ask for your ID?

2 A Yeah, that's all he did.

3 Q So your testimony is after you have sworn on the
4 Bible to tell the truth is he did not pat you down and
5 check you for weapons?

6 A He didn't have time to pat me down.

7 Q Why is that, because you were running?

8 A Because Mandy ran up to the car.

9 Q Your testimony is you actually interacted with Mandy
10 Coats?

11 A No. She ran up when the police had the light in my
12 face.

13 Q So she ran up to the police, she didn't run up to
14 talk to you?

15 A No, she didn't run up to talk to me.

16 Q And then you got out of there and went back to your
17 girlfriend's, right?

18 A Yeah. I went back to my girlfriend's.

19 Q And it was a significant period of time, I mean
20 hours, when you talked to the police next, right?

21 A Yeah, when they came and got me.

22 Q And during that multiple hour of time you -- your
23 girlfriend, was it just the two of you?

24 A No, her grandmom was there too.

25 Q When the policeman came and checked you for gunshot

1 residue you said they only checked your right hand?

2 A Yeah, they checked my right hand.

3 Q And solicitor asked you about your record but let me
4 just understand what this is.

5 MR. BARFIELD: Your Honor --

6 THE COURT: He can only go over it one time, if
7 there's something missing you can ask him about that.

8 Q Well, in addition then to the many convictions that
9 the solicitor asked you about, let me ask you about the
10 fact you've got pending charges that's prosecuted by this
11 man.

12 MR. BARFIELD: Objection.

13 MR. LIFSEY: I think I'm entitled to ask him.

14 THE COURT: You can ask him that.

15 Q In fact, Mr. Hill, you've got a rape case this man is
16 prosecuting; isn't that right?

17 A Yes, sir.

18 Q And he gets to decide how heavily he prosecutes you
19 and what kind of offers you get and all of that, doesn't
20 he?

21 A Yes, sir.

22 Q In addition to the rape case you've got a
23 distribution of marijuana charge, right?

24 A Yes, sir.

25 Q And you've got a first degree burglary, that carries

TESTIMONY OF JOHN JARROD HILL

- 1 15 to life, you've got that pending, don't you?
- 2 A Yes, sir.
- 3 Q Two criminal sexual conduct cases, two rape cases
- 4 you've got, right?
- 5 A Yes, sir.
- 6 Q And your man J. D. where is your man J. D. did you
- 7 say?
- 8 A In Atlanta.
- 9 Q He's in Atlanta because he don't want to be here,
- 10 right?
- 11 A No, he's scared. This is the first time something
- 12 like that happened to him.
- 13 Q He don't want -- you said his sister came and got
- 14 him, right?
- 15 A Yeah, to get to Atlanta.
- 16 Q Because he doesn't want to get on the witness stand
- 17 and answer questions about what happened that night, does
- 18 he?
- 19 A I believe he would if he would have been here.
- 20 Q Has the solicitor asked you how to find him?
- 21 A Yeah.
- 22 Q Did you help him?
- 23 A I tried.
- 24 Q You tried your best to get J. D. Hemphill here?
- 25 A Right.

TESTIMONY OF JOHN JARROD HILL

1 Q So your buddy is running from you too?

2 A No. He ain't running from me, he's running from the
3 trouble stuff.

4 Q He's running from his trouble. He is running from
5 his trouble?

6 A All of this right here nonsense.

7 Q He doesn't want to be here answering questions about
8 a murder case, does he? Answer my question.

9 MR. BARFIELD: Your Honor --

10 THE COURT: He can't speak for that guy, you can argue
11 that if you want to.

12 MR. LIFSEY: I don't have any further questions at
13 this point.

14 REDIRECT EXAMINATION

15 BY MR. BARFIELD:

16 Q Mr. Lifsey read off some stuff that's pending against
17 you. Have you and I talked about anything that's pending
18 against you?

19 A No, sir.

20 Q Have you -- is there any kind of deal between you and
21 me or anybody in my office about pending charges?

22 A No, sir.

23 Q Has that come up at all during our conversations
24 about this case?

25 A No, sir.

TESTIMONY OF JOHN JARROD HILL

1 MR. BARFIELD: Thank you. That's all, sir.

2 RECROSS EXAMINATION

3 BY MR. LIFSEY:

4 Q So you're just out here out of the goodness of your
5 heart, is that why you're here?

6 A Say what?

7 Q You're just here out of the goodness of your heart --

8 A I got subpoenaed, I didn't chose to be here.

9 MR. LIFSEY: That's all.

10 MR. BARFIELD: Followup.

11 FURTHER DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q You're here because you got a subpoena delivered to
14 you by the sheriff to tell you to be here?

15 A Huh.

16 Q You got a subpoena by the sheriff to tell you to be
17 here?

18 A No. I got subpoenaed by the solicitor.

19 Q Okay, by me. Did the sheriff bring it to you?

20 A Yeah. The sheriff brought it to me, yeah.

21 MR. BARFIELD: That's good. Thank you, sir.

22 THE COURT: All right. You can step down.

23 MR. BARFIELD: Jennifer Morris.

24 The witness, JENNIFER MORRIS, was first duly sworn and
25 testified as follows, on:

TESTIMONY OF JENNIFER MORRIS

1 DIRECT EXAMINATION

2 BY MR. BARFIELD:

3 Q State your name, please, ma'am.

4 A Jennifer Morris.

5 Q Ms. Morris, I'm not asking you where, but do you live
6 here in Lancaster County?

7 A Yes, sir.

8 Q I'm going to ask you about something on your record
9 that we talked about last night. You have got a
10 shoplifting conviction from September of 2008?

11 A Yes, sir.

12 Q Just a few questions, Ms. Morris. Do you know Beneco
13 Antwan Ganson?

14 A Yes, sir.

15 Q What is your connection -- how long have you known
16 Beneco Antwan Ganson?

17 A April 16th will be four years.

18 Q And what was significant about April 16th four years
19 ago?

20 A Because that would have been our four year
21 anniversary.

22 Q Anniversary of being together or being married?

23 A Together.

24 Q Did y'all live together for some period of time?

25 A Yes, sir.

TESTIMONY OF JENNIFER MORRIS

- 1 Q How long?
- 2 A About three years.
- 3 Q Where?
- 4 A On
- 5 Q Charlotte Highway?
- 6 A Yes, sir.
- 7 Q Is that where you were living?
- 8 A Yes, sir.
- 9 Q And you've got to talk loud. Where is he now?
- 10 A He's in Kershaw Correctional Facility.
- 11 Q Are you and he -- we're going to talk about children
- 12 in a minute, but are you and he boyfriend and girlfriend
- 13 now?
- 14 A No, sir.
- 15 Q Were you and he boyfriend and girlfriend on May 3rd
- 16 of 2010?
- 17 A I don't remember.
- 18 Q Well, let me ask you this, you know what this case is
- 19 about -- do you know what this case is about?
- 20 A Yes, sir.
- 21 Q And if I tell you that the event that brings us all
- 22 here happened on May 3rd of 2010, do you know when I'm
- 23 talking about?
- 24 A Yes, sir.
- 25 Q Were you and Beneco Ganson romantic, a couple, back

1 then when this case happened?

2 A He was staying with me but he was out and about, you
3 know.

4 Q Did he run around?

5 A Yes, he did.

6 Q You and Beneco on May 3rd of 2010, did you and Beneco
7 Ganson have a child or children together?

8 A Yes, sir, I had a two month old.

9 Q Beneco's child?

10 A Yes, sir.

11 Q On May 3rd of 2010 were you expecting a child?

12 A Yes, sir.

13 Q And have you had that child?

14 A Yes, sir.

15 Q Whose child is that?

16 A That's Beneco's.

17 Q Did you see Beneco Ganson sometime on May 3rd of
18 2010?

19 A Yes, sir.

20 Q Where did you see him?

21 A He was at my house until about 6:00.

22 Q When you say your house which address are you talking
23 about?

24 A On Charlotte Highway.

25 Q Who else was at your house?

TESTIMONY OF JENNIFER MORRIS

- 1 A My mama, my daddy, my two month old and my brother.
- 2 Q Your dad's name is what?
- 3 A Max Morris.
- 4 Q Your brother's name is what?
- 5 A Trey Morris.
- 6 Q Did Beneco leave your house at some point?
- 7 A Yes, sir.
- 8 Q Did you leave when he left?
- 9 A No, sir.
- 10 Q Did anybody from your house leave when he left?
- 11 A Yes, sir.
- 12 Q Who left when he left?
- 13 A My brother and my daddy took him to the trailer park
- 14 and dropped him off.
- 15 Q When you say the trailer park, what trailer park are
- 16 you --
- 17 A Countryside Trailer Park.
- 18 Q What are the streets that are running through
- 19 Countryside? Do you know the streets?
- 20 A Evans Drive.
- 21 Q Were you with them when they let him out down there?
- 22 A No, sir.
- 23 Q And about what time was that?
- 24 A About 6:00.
- 25 Q In the evening?

- 1 A Yes, sir.
- 2 Q Did you see him anymore that night?
- 3 A Yes, sir, when I went and picked him up.
- 4 Q What time did you go pick him up?
- 5 A I think around 1:00.
- 6 Q In the morning?
- 7 A Yes, sir.
- 8 Q Where did you pick him up?
- 9 A On Evans Drive.
- 10 Q Were you by yourself until he got in?
- 11 A Yes, sir.
- 12 Q Did you and he -- where did you and he go?
- 13 A We went by Josh Thurman's house.
- 14 Q And where was Josh living there?
- 15 A He was living on Memorial Park Road.
- 16 Q Did y'all stop at Josh Thurman's?
- 17 A Yes, sir.
- 18 Q Did you stay at Josh Thurman's?
- 19 A For a few minutes.
- 20 Q Was anybody in the car with y'all when you got to
- 21 Josh Thurman's?
- 22 A No, sir.
- 23 Q Did y'all leave Josh Thurman's?
- 24 A Yes, sir.
- 25 Q Who left Josh Thurman's?

TESTIMONY OF JENNIFER MORRIS

- 1 A Me and Beneco.
- 2 Q Where did you go from there?
- 3 A I took him to Grace Avenue and dropped him off at
- 4 John Hill's house.
- 5 Q Do you know John Hill?
- 6 A Yes, sir, I do.
- 7 Q Is there any significance to the fact that you
- 8 dropped Beneco off at John Hill's house? What was -- was
- 9 there anything significant about that place to Beneco?
- 10 A Because actually he was really staying there with him
- 11 at that time.
- 12 Q And where was that place? Was that in the trailer
- 13 park, John Hill's house?
- 14 A No, it was on Grace Avenue.
- 15 Q Did you see Beneco anymore during darkness of that
- 16 night or early into the next morning?
- 17 A No, sir. Well, actually I went and picked him up the
- 18 next morning and took him to the sheriff's department.
- 19 Q We'll get to that in a minute. Well, let's go ahead
- 20 and get that out now. The next morning, by next morning
- 21 you mean when it had gotten daylight?
- 22 A Yes, sir.
- 23 Q About what time, do you remember?
- 24 A About 8:00 maybe.
- 25 Q Where did you pick him up from?

- 1 A Grace Avenue.
- 2 Q John Hill's house?
- 3 A Yes, sir.
- 4 Q Where did you take him?
- 5 A I took him to the sheriff's department.
- 6 Q Did you talk to folks at the sheriff's office
- 7 briefly?
- 8 A Yes, sir.
- 9 Q Did Beneco stay there for awhile?
- 10 A Yes. Because he had a hold on him in York County.
- 11 Q He didn't leave with you?
- 12 A No, sir.
- 13 Q At any time on the night of May 3rd of 2010 on over
- 14 into the morning, early morning of May 4th of 2010 all of
- 15 the way through your delivery of Beneco to the sheriff's
- 16 office in daylight on the morning of May 4th, did you see
- 17 Beneco with a gun at any point?
- 18 A No, sir. He was not allowed --
- 19 Q That's fine. I'm not asking you what he said, but
- 20 did you learn that something had happened in Countryside
- 21 that night?
- 22 A Yes. When --
- 23 Q Just answer yes or no for right now.
- 24 A Yes.
- 25 Q And did you know that somebody had been shot?

TESTIMONY OF JENNIFER MORRIS

1 A Yes.

2 Q When did you find that out? Not how, but when did
3 you find that out?

4 A About maybe 11:30.

5 Q That night?

6 A Yes, sir.

7 MR. BARFIELD: Thank you, ma'am. Answer anything
8 Mr. Lifsey has.

9 CROSS EXAMINATION

10 BY MR. LIFSEY:

11 Q You indicated, Ms. Morris, that you have a
12 relationship with Mr. Ganson?

13 A Not at the time, no.

14 Q Not then or not now?

15 A When?

16 Q Then you certainly did.

17 A Yes, sir.

18 Q Well, you do now too, don't you?

19 A No.

20 Q I know he's locked up but you're visiting him in
21 prison, aren't you?

22 A Yes, sir.

23 Q Didn't you just go see him September 17th?

24 A I seen him Friday actually.

25 Q Friday. So you see him all of the time, you saw him

TESTIMONY OF JENNIFER MORRIS

1 September 11th, you saw him September 2nd. So you still
2 have an ongoing relationship with Mr. Ganson?

3 A Yes, sir.

4 Q Visiting him regularly in prison.

5 A Yes, sir.

6 Q You certainly were romantically involved with him
7 back when all of this happened, right?

8 A Yes, sir.

9 Q And your testimony was the first time you saw him or
10 had any contact with him was about one in the morning; is
11 that correct?

12 A Yes, sir.

13 Q So you really have no personal knowledge of whatever
14 happened before one in the morning?

15 A No, sir.

16 Q And then you testified that at some point you picked
17 him up and you took him eventually to John John Hill's
18 house.

19 A Yes, sir.

20 Q And left him there.

21 A Yeah, on Grace Avenue.

22 Q Where he lived.

23 A Yeah.

24 Q With John John Hill.

25 A Yes, sir.

TESTIMONY OF JENNIFER MORRIS

1 MR. LIFSEY: I don't have any further questions.

2 MR. BARFIELD: Maybe one more.

3 REDIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q Whether you took Beneco to John John's, picked him up
6 on Evans, went by Josh Thurman's, let him out at Hill's,
7 did you let him out or did you stop, get out and go in and
8 visit or anything?

9 A No, sir.

10 Q Did you see John John Hill out there?

11 A No, sir.

12 MR. BARFIELD: Thank you, that's all.

13 RECROSS EXAMINATION

14 BY MR. LIFSEY:

15 Q Do you think he just got out and walked around the
16 block at that hour of the night or do you know?

17 A What block?

18 Q Didn't he go on into John John's house?

19 A Yeah. He has the key to John John's house.

20 Q Because he lives there, or lived there at the time.

21 A Yes, sir.

22 MR. LIFSEY: I don't have anything else.

23 THE COURT: You can step down.

24 MR. BARFIELD: Beneco Ganson.

25 The witness, BENECO GANSON, was first duly sworn and

1 testified as follows, on:

2 DIRECT EXAMINATION

3 BY MR. BARFIELD:

4 Q Tell us your name, please, sir.

5 A Beneco Ganson.

6 Q All right. Mr. Ganson, you're going to have to talk
7 loud.

8 A Beneco Ganson.

9 Q There you go. Can you get up in that thing?

10 A Yes, sir.

11 Q Are you in prison right now?

12 A Yes, sir.

13 Q Where are you in prison?

14 A Yes, sir.

15 Q Where?

16 A Kershaw.

17 Q What are you in prison for at Kershaw?

18 A Common law robbery.

19 Q Out of what county?

20 A Chesterfield County.

21 Q When you and I talked about this I told you I'm going
22 to ask you some things about your history. You've got a
23 record; is that right?

24 A Yes, sir.

25 Q I'm going to ask you about it. In October of 2004

TESTIMONY OF BENECO GANSON

1 did you get convicted of -- plead guilty to a pistol
2 charge, a burglary charge, an aggravated assault and
3 battery charge, discharging a firearm into a dwelling
4 charge and another pistol charge?

5 A Yes, sir.

6 Q That's you?

7 A Yes, sir.

8 Q In September of 2002 did you get convicted of petty
9 larceny?

10 A Yes, sir.

11 Q And in October of 2003 did you get convicted of petty
12 larceny?

13 A Yes, sir.

14 Q And in October of 2004 did you get convicted of
15 financial transaction card fraud?

16 A Yes, sir.

17 Q And in December of 2004 did you get convicted of a
18 burglary?

19 A Yes, sir.

20 Q In January of 2009 did you get convicted of a
21 burglary?

22 A Yes, sir.

23 Q And some time late last year, and I'm not sure
24 exactly when, but did you get convicted of conspiracy and
25 forgery?

- 1 A Yes, sir.
- 2 Q Is the common law robbery from April of this year
- 3 what you're doing time for now?
- 4 A Yes, sir.
- 5 Q All of that is you. I'm going to ask you about some
- 6 people and ask you if you know some people. Do you know
- 7 Anthony Rodriekus Carter?
- 8 A Yes, sir.
- 9 Q How do you know him?
- 10 A From we grew up -- kind of sort of grew up together
- 11 in the same grade.
- 12 Q Let me back up before we get into this. I'm not sure
- 13 if you've got anything pending on you or not, but have you
- 14 and I had any discussions about anything you're getting
- 15 out of being here today?
- 16 A No, sir.
- 17 Q How long have you known -- do you know Anthony Carter
- 18 by a nickname?
- 19 A Ant.
- 20 Q How long have you known Ant?
- 21 A I would say probably like seven or eight years.
- 22 Q How about Marico Lamont Stevens, do you know him?
- 23 A No, sir.
- 24 Q Have you ever known him at all?
- 25 A I never met him.

TESTIMONY OF BENEKO GANSON

- 1 Q Have you ever heard the name?
- 2 A I heard the name.
- 3 Q Had you ever seen the person that had that name?
- 4 A No, sir.
- 5 Q How about Emmie Amanda Coats?
- 6 A Yes, sir.
- 7 Q Prior to -- you know why you're here. Do you know
- 8 why you're here?
- 9 A Yes, sir.
- 10 Q May 3rd of 2010. Prior to May 3rd of 2010 did you
- 11 know who Emmie Amanda Coats was?
- 12 A Yes, sir.
- 13 Q Prior to May 3rd of 2010, did you and Emmie Amanda
- 14 Coats have anything going with each other?
- 15 A Not really.
- 16 Q Some time after that was something going between the
- 17 two of you?
- 18 A Friendship.
- 19 Q Intimate friendship?
- 20 A Yes, sir.
- 21 Q James, Jamie, J. D. Hemphill, do you know who that
- 22 is?
- 23 A Yes, sir.
- 24 Q How long have you known him?
- 25 A I would say pretty much all of my life, since I was

1 like ten or 11 years old.

2 Q John Jerrod "John John" Hill, do you know him?

3 A Yes, sir.

4 Q How long?

5 A Since I was about probably 13 or 14 maybe.

6 Q Were you aware of some issue between Anthony Carter
7 and John John Hill?

8 A Yes, sir.

9 Q I don't want a bunch of details, but basically what
10 was the issue?

11 A Over money.

12 Q And who owed whom money?

13 A I was told that Ant owed John John money, John Hill.

14 Q Other than what you were told, were you present
15 during whatever transaction might have lead to that debt?

16 A No, sir.

17 Q Were you present -- do you know how long that little
18 issue about the money had existed prior to this shooting?

19 A Like two months.

20 Q Between when the issue arose and when the shooting
21 happened, were you ever present when Carter and anybody
22 else was in discussion or dispute about this money?

23 A Not like up close and personal.

24 Q Were there any incidents that you saw between Carter
25 and Hill or Carter and you or Carter and Hemphill about

TESTIMONY OF BENECO GANSON

1 the money between when the debt occurred and when the
2 shooting occurred?

3 A Yes, sir.

4 Q Tell us about that.

5 A In the Countryside Trailer Park.

6 Q Let me ask you some things about Countryside Trailer
7 Park. Is that Athena Road/Evans Drive?

8 A Yes, sir.

9 Q Did any of the people I have been talking about with
10 the exception of Ms. Coats, namely you, J. D. Hemphill,
11 John John Hill, Anthony Carter or Marico Stevens, did any
12 of those people live out there?

13 A No, sir.

14 Q That you know of?

15 A No, sir.

16 Q Did you know where Emmie Coats lived?

17 A Yes, sir.

18 Q Did she lived out there?

19 A Yes, sir.

20 Q Then how come y'all are out all there? Tell me about
21 that, tell them about that.

22 A I've got a lot of friends, people I hang out that
23 stay out there.

24 Q Is that a hangout place?

25 A Yes, sir.

1 Q Were you out there when the shooting occurred on
2 May 3rd of 2010?

3 A Yes, sir.

4 Q Prior to that had you ever been out there when
5 gunshots were fired?

6 A Yes, sir.

7 Q Once? Twice? A bunch?

8 A A bunch of times.

9 Q Where were you first on May 3rd of -- were you in
10 Countryside Mobile Home Park when this shooting happened?

11 A Yes, sir.

12 Q Where had you been before you were in Countryside
13 Mobile Home Park?

14 A I was with my daughter's mother.

15 Q Her name is what?

16 A Jennifer Morris.

17 Q Where were y'all?

18 A At her mother's house.

19 Q Where does her mother live?

20 A

21 Q Charlotte Highway?

22 A Yes, sir.

23 Q How long did you stay at at Jennifer's house.

24 A That's where I was staying.

25 Q That day, that evening how long did you stay there?

TESTIMONY OF BENECO GANSON

- 1 A Probably two hours.
- 2 Q Did you leave there at some point?
- 3 A Yes, sir.
- 4 Q How did you leave there?
- 5 A Her father and her brother.
- 6 Q Did they take you somewhere?
- 7 A Yes, sir.
- 8 Q Stupid question, in a car?
- 9 A Yes, sir.
- 10 Q Where did they take you?
- 11 A To Countryside Trailer Park.
- 12 Q To anybody's trailer or just out there?
- 13 A Just out there.
- 14 Q Where did you get out?
- 15 A I got out I think it was Evans Road.
- 16 Q Evans Road. About what time?
- 17 A I'm thinking probably around 7:30 or 8:00, somewhere
- 18 around in there. The sun was just going down.
- 19 Q Why were you going out there?
- 20 A Just going out there to meet up with J. D.
- 21 Q J. D. Hemphill?
- 22 A Yes, sir.
- 23 Q Did you know that anybody else in particular was
- 24 going to be out there?
- 25 A No, sir.

- 1 Q Was J. D. there?
- 2 A Yes, sir.
- 3 Q I'm going to skip a bunch, we'll come back. Did you
- 4 leave Countryside Mobile Home park at some point that
- 5 night?
- 6 A Yes, sir.
- 7 Q What mode of transportation did you utilize to leave?
- 8 A My daughter's mother.
- 9 Q About what time?
- 10 A About around like 1:30 or 2:00.
- 11 Q In the morning?
- 12 A Yes, sir.
- 13 Q Where did you meet up with her?
- 14 A It was Athena, the opposite road of Evans.
- 15 Q Did she pick you up in a car?
- 16 A Yes, sir.
- 17 Q Was she by herself?
- 18 A Yes, sir.
- 19 Q Did y'all go somewhere?
- 20 A Yes, sir.
- 21 Q Where did you go?
- 22 A To Josh Thurman's house.
- 23 Q Did you stay at Josh Thurman's house?
- 24 A No, sir.
- 25 Q Where did you go from there?

TESTIMONY OF BENEKO GANSON

- 1 A John Hill's house.
- 2 Q Did you stay at John Hill's house?
- 3 A That's where I stayed, yes, sir.
- 4 Q Did Jennifer stay at John Hill's house?
- 5 A No, sir.
- 6 Q Was John Hill at home when you went there?
- 7 A No, sir.
- 8 Q Jump ahead again. Where is the next place you went
- 9 from John Hill's house?
- 10 A To the Lancaster County Sheriff's Department the next
- 11 morning.
- 12 Q When did that happen?
- 13 A It was 8:30 or 9:00 the next morning.
- 14 Q Daylight?
- 15 A Yes, sir.
- 16 Q How did you get to the sheriff's office?
- 17 A My daughter's mom.
- 18 Q Jennifer Morris?
- 19 A Yes, sir.
- 20 Q How did you know you needed to go to the sheriff's
- 21 office?
- 22 A When Jamie called me, J. D.
- 23 Q Hemphill?
- 24 A Yes, sir.
- 25 Q You can't say what he said but -- well, did the

1 sheriff or anybody with law enforcement come to where you
2 were?

3 A Not when I was there.

4 Q Did you get arrested -- I know later you did, but did
5 you get arrested and taken to the sheriff's office?

6 A No, sir.

7 Q Now, while you were at the sheriff's office -- did
8 you go?

9 A Yes, sir.

10 Q Did you talk to them?

11 A Yes, sir.

12 Q Did you give them a statement?

13 A Yes, sir.

14 Q While you were at the sheriff's office -- did you
15 leave the sheriff's office --

16 A No, sir.

17 Q -- a free man?

18 A No, sir.

19 Q What happened to you at the sheriff's office?

20 A I had other charges in York County so I was sent to
21 York County to do those charges.

22 Q Have you been a free man since then?

23 A Yes, sir.

24 Q You got that resolved and were out again?

25 A Yes, sir.

TESTIMONY OF BENEKO GANSON

1 Q Did you see Anthony Rodriekus Carter in Countryside
2 before this shooting happened that night?

3 A No, sir.

4 Q Well, did you see him when it happened I guess is --
5 was he out there?

6 A He was out there, yes, sir.

7 Q Did you see J. D. Hemphill?

8 A Yes, sir.

9 Q Was John John Hill out there when this shooting
10 happened?

11 A No, sir.

12 Q Did you see Emmie Amanda Coats out there about the
13 time all of this was going on?

14 A Yes, sir.

15 Q Did you at any time when this happened have in your
16 possession any kind of firearms?

17 A No, sir.

18 Q Handgun, long gun, shotgun, any kind of gun?

19 A No, sir.

20 Q Any kind of weapon?

21 A No, sir.

22 Q Did you see J. D. Hemphill out there that night when
23 this incident was going on with any kind of firearm,
24 handgun, long gun or any other type of weapon?

25 A No, sir.

1 Q Did you see Anthony Wayne Carter -- excuse me,
2 Anthony Rodriekus Carter with a gun?

3 A Yes, sir.

4 Q We'll talk about that in a minute. Other than seeing
5 him with a gun, did you see any other guns out there that
6 night when this happened?

7 A No, sir.

8 Q I'm going to ask you some questions about what
9 happened and then in a minute with everybody's permission
10 I'm going to get you down here and get you to show us on a
11 sketch. Just tell us what happened first.

12 A From what point?

13 Q Well, did you see -- when did you first see Anthony
14 Carter, Ant Carter?

15 A Once the black car or whatever color car it was
16 pulled up in Emmie Coats' yard.

17 Q Stop. Did a car pull up in Emmie Coats' yard?

18 A Yes, sir.

19 Q Could you tell before anything else who was in the
20 car?

21 A No, sir.

22 Q Were you familiar with the car?

23 A No, sir.

24 Q Did you see anybody get out of the car?

25 A I mean, I couldn't make out the faces.

TESTIMONY OF BENEKO GANSON

- 1 Q Did you see people get out of the car?
- 2 A Yes, sir.
- 3 Q Could you tell how many people got out of the car?
- 4 A Yes, sir.
- 5 Q How many people got out of the car?
- 6 A It looked like three.
- 7 Q Could you see any faces to be able to say who the
- 8 people were?
- 9 A No, sir.
- 10 Q Do you know -- that's fine. At any point from that
- 11 point forward can you tell us who anybody was who got out
- 12 of that car?
- 13 A I didn't recognize nobody except him.
- 14 Q I'm talking about Ant now. Did you see Ant get out
- 15 of the car?
- 16 A Yes, sir.
- 17 Q Before I forget this, Anthony Rodriekus Carter, do
- 18 you see the person you know as Ant Carter in the courtroom
- 19 today?
- 20 A Yes, sir.
- 21 Q Where is he sitting and what is he wearing?
- 22 A Right there with the brown shirt on.
- 23 Q At the table next to Mr. Lifsey?
- 24 A Yes, sir.
- 25 Q When you first saw the person that you would say was

- 1 Ant Carter, where was the person?
- 2 A Coming across the street toward our direction.
- 3 Q And again I'll get you to show us in a little, bit
- 4 but where were you -- and you said our, who is us who was
- 5 y'all?
- 6 A Me and J. D.
- 7 Q Where were you and J. D.?
- 8 A We were standing next to these two girls' car.
- 9 Q Who were the girls?
- 10 A I don't know their names.
- 11 Q Who was -- whose connection?
- 12 A It was J. D.'s friend girl.
- 13 Q Whose car?
- 14 A It was their car.
- 15 Q What kind of car was it?
- 16 A A Burgundy Honda.
- 17 Q Where was the car?
- 18 A Parked like two or three trailers down across the
- 19 street from Emmie Coats' house.
- 20 Q What were y'all doing? Before you saw Ant what were
- 21 y'all doing out there?
- 22 A Just conversating.
- 23 Q All right. The car pulls up at Emmie's, describe
- 24 what Anthony Carter did when the car pulled up.
- 25 A Okay. He walked toward our direction down the

TESTIMONY OF BENECO GANSON

1 street.

2 Q Stop. When he's walking in your direction, had
3 anybody, you or J. D. or anybody on your side of the
4 street started going to him? Who started moving first?

5 A At some point when he got like close to us I saw J.
6 D. walked toward him.

7 Q Who moved first?

8 A J. D. Are you talking about coming toward my way?

9 Q Yes?

10 A Anthony was walking toward our way first and then J.
11 D. like trying to see who it was walked up toward the
12 road.

13 Q All right. Where did -- did Ant Carter and J. D.
14 Hemphill get together somewhere?

15 A In the middle of the road.

16 Q Get that microphone up there.

17 A In the middle of the road.

18 Q How close together were the two of them?

19 A Probably from me to you.

20 Q Did Ant have anything?

21 A Yes, sir.

22 Q What?

23 A A gun.

24 Q Where?

25 A By his side, he pulled it up.

- 1 Q You've got to talk loud now.
- 2 A It was by his side and he pulled it up.
- 3 Q When you say it was by his side, how was it by his
- 4 hide?
- 5 A Like I'm walking with a gun beside me, like that.
- 6 Q Did it move from being by his side to some other
- 7 position?
- 8 A Yes, sir.
- 9 Q To what position?
- 10 A To up like this right here.
- 11 Q Talk loud.
- 12 A To up like raising it like I'm raising at you.
- 13 Q How close was Ant to J. D. when the gun came up?
- 14 A Same distance.
- 15 Q Did you see where the gun was pointed?
- 16 A Yes, sir.
- 17 Q Where was it pointed?
- 18 A At J. D.
- 19 Q Was there a conversation between the two of them?
- 20 A It was back and forth like "I ought to shoot you," do
- 21 you know what I'm saying? I will do this and that to you.
- 22 Q Tell me if you heard Ant Carter say anything. Tell
- 23 the jury what you heard. If you hear Ant Carter say
- 24 anything tell the jury what you heard Ant Carter say.
- 25 A Like, "I ought to shoot you but I ain't want to do

TESTIMONY OF BENEKO GANSON

- 1 the time," or something like that.
- 2 Q Where was the gun when he said that?
- 3 A Pointed at him.
- 4 Q Describe the gun.
- 5 A I didn't really see the gun.
- 6 Q You didn't see the gun?
- 7 A I mean, I saw the gun but I can't make out what kind
- 8 of gun it was.
- 9 Q Well, let me ask you this question, did you see the
- 10 gun?
- 11 A Yes, sir.
- 12 Q Can you describe anything about the gun?
- 13 A It's black, about all I can describe.
- 14 Q Do you know the difference between a semiautomatic
- 15 pistol and a revolver?
- 16 A It was an automatic, it wasn't a revolver.
- 17 Q Did Ant saying anything else other than, "I ought to
- 18 shoot you?"
- 19 A "What you gone do now." Like I'm saying, "What you
- 20 gone do now."
- 21 Q Just walk us through what happened from that point on
- 22 and I'll stop you if I need to.
- 23 A After that occurred, you know what I'm saying, he
- 24 turned around and walked back toward --
- 25 Q He who?

- 1 A Ant Carter.
- 2 Q Walked back toward?
- 3 A Walked back toward his direction. When he turned
4 around and walked back to his direction, the girl we was
5 talking to, she had my phone in her car so we walked to
6 the car and I was trying to get my stuff from her and
7 everything, she had moved my phone and everything and the
8 next thing I know I heard the gunshots. When I heard the
9 gunshots I took off running behind this trailer and I hid
10 under the trailer until the gunshots stopped. When the
11 gunshots stopped I laid right there for about an hour or
12 two and walked off. I mean, I ran through the woods -- me
13 and J. D. ran through the woods and met up at Crimson
14 Drive, and when we met up on Crimson Drive I think he
15 walked up toward the store, I went in the woods and hid in
16 the woods because the police and stuff was around.
- 17 Q Were you wanted then or do you know? Did you know
18 you were wanted then?
- 19 A I didn't know for sure, I knew I was on probation and
20 I hadn't reported.
- 21 Q You had not reported?
- 22 A Yes, sir.
- 23 Q And let's go back and get to the incident itself
24 again. You said Ant walked off.
- 25 A Yes, sir.

TESTIMONY OF BENEKO GANSON

- 1 Q Where is the last place -- where was Ant the last
2 time you can say you saw him?
- 3 A Walking in Emmie Coats' driveway, like going into her
4 driveway.
- 5 Q Was the car in the driveway?
- 6 A Yes, sir.
- 7 Q How close had he gotten to the car when you last saw
8 him?
- 9 A It was a good little ways, probably like from here to
10 that desk right there.
- 11 Q The car was that far away from him when you last saw
12 him?
- 13 A Yes, sir.
- 14 Q You talked about going to the car and your cellphone.
- 15 A Yes, sir.
- 16 Q Did you ever get your cellphone?
- 17 A No, sir.
- 18 Q Did you lose your cellphone?
- 19 A Yes, sir.
- 20 Q Did the police find your cellphone?
- 21 A Yes, sir.
- 22 Q You know that.
- 23 A Yes, sir.
- 24 Q Did they tell you that that next morning?
- 25 A Yes, sir.

- 1 Q Did they show you your cellphone that next morning?
- 2 A No. They never showed it to me but I know they had
- 3 it.
- 4 Q Again, what were you doing when you heard shots?
- 5 Where were you when you heard shots?
- 6 A I was on the side of the car.
- 7 Q Which car?
- 8 A The burgundy car, the burgundy Honda.
- 9 Q On the side of the car?
- 10 A I would say on the opposite say of Emmie Coats'
- 11 house, the opposite side of the car.
- 12 Q Far side of the car from Emmie's house?
- 13 A Yes, sir.
- 14 Q Where was J. D.?
- 15 A J. D. was on the other side, the opposite side of
- 16 where I was.
- 17 Q Around the same car?
- 18 A Yes, sir.
- 19 Q And again, when you -- did J. D. have a gun then?
- 20 A Yes, sir.
- 21 Q Did you have a gun then?
- 22 A No, sir.
- 23 Q Other than the one you described Ant having, did
- 24 anybody else have a gun then that you saw?
- 25 A Not that I know of, no, sir.

TESTIMONY OF BENECO GANSON

- 1 Q So what were you doing when you heard shots?
- 2 A When I heard shots?
- 3 Q What were you doing?
- 4 A Yes, sir.
- 5 Q What were you doing?
- 6 A I was leaning in the car trying to get my phone off
- 7 the charger.
- 8 Q Could you tell where the shots were coming from
- 9 generally?
- 10 A I mean from up like towards up the street from my
- 11 way.
- 12 Q Up the street is leading where?
- 13 A Like I would say more towards like Emmie Coats'
- 14 driveway.
- 15 Q When you heard shots, what did you do?
- 16 A I ran.
- 17 Q When you heard shots, did you see who was shooting?
- 18 A No, sir.
- 19 Q And when you ran you ran to where?
- 20 A I ran like two or three trailers down the hill up
- 21 under the empty trailer.
- 22 Q What did the -- did you see where -- I know you
- 23 talked about getting up with J. D. later on but did you
- 24 and he run together?
- 25 A Yes, sir.

1 Q Where was he -- well, when you got under the trailer
2 did you know where he went?

3 A No, sir.

4 Q Did y'all meet up sometime later on?

5 A I had saw him once more before that night. When I
6 came out of the woods I had seen him one more time on the
7 street again, that's the last time I seen him.

8 Q Do you know where the girls went, J. D.'s girls?

9 A No, sir.

10 Q Did the car stay there when the shots got fired?

11 A Yes, sir.

12 Q Did you see the car leave?

13 A Yes, sir.

14 MR. BARFIELD: Permission for the witness to step
15 down.

16 THE COURT: Okay.

17 Q You saw a little one of these.

18 A Uh-huh.

19 Q You've got to talk loud enough because you don't have
20 a microphone. Do you know what that's showing?

21 A Yes, sir.

22 Q I'm going to ask you where some stuff is.

23 A Okay.

24 Q Can you tell me which house is Emmie Coats' from
25 looking at that?

TESTIMONY OF BENEKO GANSON

- 1 A No, sir.
- 2 Q If I tell you that is Emmie Coats' house --
- 3 MR. LIFSEY: I object to him leading the witness.
- 4 THE COURT: You should have gone over it with him
- 5 before.
- 6 Q Can you tell me where you were in the street out
- 7 there? Use the laser pointer and step back.
- 8 A Right in here.
- 9 Q Talk loud.
- 10 A In this area right here.
- 11 Q Where was the Honda?
- 12 A Right here.
- 13 Q All right. The car that you described pulling up to
- 14 Emmie Coats' house, where was it? Where did it go?
- 15 A Right here.
- 16 Q All right. I didn't ask you this a minute ago, you
- 17 said other people got out of that car, did you see where
- 18 any of those other people went?
- 19 A I knew one person went in the house.
- 20 Q Do you know who that was?
- 21 A No, sir.
- 22 Q Went into what house?
- 23 A Emmie's house.
- 24 Q Where is Emmie's house?
- 25 A Right here.

1 Q All right. Where was Ant Carter when you first saw
2 him?

3 A Right here.

4 Q Talk loud and tell us where he went.

5 A Coming across like this right here in this direction.

6 Q And where did he go? Where did he -- how -- where
7 did he stop, the farthest point away from that point where
8 did he go?

9 A Right here.

10 Q And where was J. D. when they were at their closest?

11 A Like right here.

12 Q Show us where Ant Carter was the last time you saw
13 him before the shooting.

14 A Like right here.

15 Q Tell me where you were when you heard shooting.

16 A Right there.

17 Q Tell me where you went -- tell them where you went
18 after you heard shooting.

19 A Right there. Well, it was probably like this trailer
20 right here.

21 Q I think that's all for this right now, you can step
22 back up there on the stand, please. When this was going
23 on, did you say anything to Ant?

24 A No, sir.

25 Q When this was going on, did you say anything to J. D.

1 Hemphill?

2 A No, sir.

3 Q Talk loud.

4 A No, sir.

5 Q You know there was a dispute between John John Hill
6 and Ant. I don't know if I asked you this before, but how
7 long before the shooting did all that happen?

8 A I would say about a month or two.

9 Q Between when that started and when this shooting
10 happened here, had you ever been around and involved in
11 confrontations between Ant Carter and anybody over this
12 debt?

13 A You're talking about before the shooting?

14 Q Between when the debt got created and when the
15 shooting happened, was there any confrontations in there
16 in the middle?

17 A Yes, sir, one time.

18 Q Tell me about the one you know about.

19 A When me -- it was me, J. D. and John John, like we
20 was all in the trailer park, we was in different areas of
21 the trailer park and they had found out that Anthony had
22 been over at Emmie's house and he was leaving out of
23 Emmie's house. So they had -- we all had tried to get
24 him, not really tried to get him but he had ran up Athena
25 Road.

TESTIMONY OF BENEKO GANSON

- 1 Q We tried to get him. Who is we?
- 2 A Me, John Hill and James Hemphill, J. D.
- 3 Q Did you get him?
- 4 A No, sir.
- 5 Q Did any of the three of y'all -- you said you, J. D.
6 and John Hill, is that who the three were?
- 7 A Yes, sir.
- 8 Q Did either of the three of y'all on that day when
9 y'all tried to get him have a gun, stick, knife or any
10 kind of weapon?
- 11 A No, sir.
- 12 Q Did anybody lay hands on Ant Carter that day?
- 13 A No, sir.
- 14 Q Were you present for any other incidents between
15 Carter and anybody over this money?
- 16 A Yes, sir.
- 17 Q Tell me what else.
- 18 A His brother.
- 19 Q What was that all about?
- 20 A His brother -- I'm not sure exactly what it was all
21 about because I came in right before the altercation had
22 broke out and --
- 23 Q Well, let me ask you this: Whose brother?
- 24 A Anthony's brother.
- 25 Q Were you present when something occurred involving

2 A Yes, sir.

3 Q Did anybody get beat up?

4 A Yes, sir.

5 Q Who got beat up?

6 A Anthony's brother.

7 Q Who beat him up?

8 A It was a bunch of us out there, there was like three
9 or four of us out there.

10 Q And where did that happen?

11 A That was on Athena Road -- no, that was Evans Road
12 Laterica Gladden's grandmom's yard.

13 MR. BARFIELD: Thank you, sir. Answer anything
14 Mr. Lifsey has.

15 CROSS EXAMINATION

16 BY MR. LIFSEY:

17 Q So Mr. Ganson, you and J. D. and John John are pretty
18 close; is that right?

19 A Yes, sir.

20 Q Y'all are real close.

21 A Yes, sir.

22 Q Known each other a long time, y'all hang around
23 together. One of you is -- somebody wrongs one of you,
24 wrongs all of you, right?

25 A Yes, sir.

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1 Anthony's brother.

1 Q And, in fact, that's what happened in this case;
2 isn't that right?

3 A Yes, sir.

4 Q You were upset. It made J. D. mad that his money got
5 stolen.

6 A Yes, sir.

7 Q Since J. D. is mad you're mad too, right?

8 A I wasn't really mad because it wasn't my money.

9 Q Well, but you attempted -- first of all, "We tried to
10 get him," isn't that what you told the solicitor just a
11 minute ago?

12 A Yes, sir.

13 Q And I mean by we tried to get him, you weren't just
14 trying to stop him and have some nice polite conversation
15 or something, were you?

16 A No, sir.

17 Q You were going to get him and you were going to beat
18 him up pretty good, weren't you?

19 A Yes, sir.

20 Q Or worse, or whatever you were going to get away with
21 to get him back?

22 A No. We knew we weren't going to get that money back.

23 Q You just wanted to beat on him for taking it; isn't
24 that right?

25 A Pretty much, yes, sir.

TESTIMONY OF BENEKO GANSON

1 Q And the same thing about his brother, it wasn't
2 enough for you to beat up on him, you had to go beat up on
3 his brother; isn't that right?

4 A We didn't beat up --

5 Q A bunch of us. What kind of man does that? How many
6 of you does it take to pick on the one brother?

7 MR. BARFIELD: I would ask that he let him answer the
8 question.

9 THE COURT: Let him answer the question.

10 Q How many of you does it take to beat up on the one
11 brother?

12 A It don't take but one.

13 Q But how many of you did?

14 A Like three.

15 Q Now, you said the trailer park was some place you
16 just liked to hang out; is that right?

17 A I grew up in the trailer park.

18 Q But you weren't living -- were you living there at
19 the time all of this happened?

20 A No. My aunt was like in that area.

21 Q You knew shootings happened there regularly.

22 A But there weren't nobody getting shot. It was like
23 people get drunk and shoot guns in the air, that happened
24 a lot.

25 Q And that was a place you liked to hang out.

1 A They weren't shooting at me, I mind my own business
2 though.

3 Q So you're not -- I know the solicitor asked you about
4 your extensive criminal history, you're not unfamiliar
5 with shootings and guns and things. You just enjoy
6 hanging out at this place, is that right? It doesn't
7 bother you that people are shooting, does it?

8 A No, sir.

9 Q And in addition to that laundry list of crimes that
10 he asked you about, what about the fact you've got pending
11 drug charges in this county, right?

12 A Yes, sir.

13 Q You didn't mention that when the solicitor asked you
14 about it, did you?

15 A No. Because he didn't say anything about it because
16 I wasn't really in possession of any drugs, I was in jail.

17 Q You're innocent of that crime unlike the other list
18 of stuff he gave you.

19 A That's right.

20 Q Now, this today -- oh, and let me make one other
21 thing -- you asked -- the solicitor asked you Jennifer
22 Morris' people, a daddy and brother brought you over to
23 the trailer park; is that right?

24 A Yes, sir.

25 Q Did you tell the solicitor that you were living with

TESTIMONY OF BENECO GANSON

1 Jennifer Morris, that's why they brought you over there?

2 A Yes, sir.

3 Q Now, this is certainly -- and let me ask you this,
4 I'm going to get to the other version of this you told in
5 a minute -- but when all of this happened, it's what,
6 about 9:30 or 10:00 in the evening?

7 A Yes, sir.

8 Q Where were you from then until 1:00 when she picks
9 you up?

10 A In the woods, hiding in the woods.

11 Q So you spent three hours just sitting out in the
12 woods?

13 A Yes, sir.

14 Q It's 1:00 the next morning before Jennifer Morris
15 picks you up; is that right?

16 A Yes, sir.

17 Q And then where do you go from there?

18 A I go to Josh Thurman's house.

19 Q And how long do you stay at Josh Thurman's?

20 A About ten or 15 minutes.

21 Q Then you go where?

22 A On to John Hill's.

23 Q How long were you at John John's?

24 A I stayed the night.

25 Q Where do you go after that?

- 1 A To the county the next morning.
- 2 Q Who took you to the county?
- 3 A Jennifer Morris, she came back and took me.
- 4 Q So it's the next morning before you have any law
- 5 enforcement contact; is that right?
- 6 A Yes, sir.
- 7 Q Did you submit to any testing or anything at law
- 8 enforcement?
- 9 A No, sir.
- 10 Q Now, this is not the first time you've talked to
- 11 anybody at law enforcement about this case, is it?
- 12 A No, sir.
- 13 Q I'm going to -- just in case you're having some
- 14 memory problem I want you to read this statement you gave.
- 15 Do you remember talking to Clark Crump and --
- 16 A Yes, sir.
- 17 Q -- Officer Deese I think at the sheriff's office. Do
- 18 you want to read that over?
- 19 A Are you talking about the whole --
- 20 Q Not out loud, just read it to yourself.
- 21 A I know exactly what I said.
- 22 Q Then you don't need to read it. Well, then what I'm
- 23 asking you is the story you told a minute ago ain't
- 24 anything like this, is it?
- 25 A Yes, sir.

TESTIMONY OF BENEKO GANSON

1 Q Well, wait a minute. You told the solicitor a minute
2 ago that -- well, let me ask you this, did you tell Doug
3 Deese that -- about this -- did you tell Doug Deese this:
4 An Escort that was black or blue pulled up across the road
5 and a fat white girl got out and went in the house, and
6 Ant, Anthony Carter, got out and started walking toward J.
7 D. pointing a gun and said, "What are you going to do
8 now," and started shooting?

9 A Yes, sir.

10 Q Is that the same thing you told the jury a minute
11 ago?

12 A No, sir.

13 Q So were you lying then or are you lying now to the
14 jury?

15 A I wasn't lying any time.

16 Q They're both true? So they're both -- it's true that
17 he came out and he started shooting there and then he
18 walked back and started shooting?

19 MR. BARFIELD: Objection. He's asking questions and
20 not letting the witness answer, Your Honor. The witness is
21 attempting to answer.

22 THE COURT: Okay.

23 A Listen, at first I thought he was shooting, I thought
24 he was at first but then I didn't really see him shoot.

25 Q So when you didn't really see him shooting what you

1 said here isn't really true, is it?

2 A No, because I didn't see him shoot.

3 Q And you told the solicitor -- now today you're saying
4 that -- you told the solicitor he said -- Ant said, "I
5 ought to shoot you;" is that right?

6 A Yes, sir.

7 Q Just so your memory is right I want you to show me
8 where in this statement you said anything about that.

9 A Nowhere.

10 Q Nowhere?

11 A Nowhere.

12 Q When did you realize other than when I asked you that
13 he didn't start -- that Ant Carter didn't start shooting
14 in the middle of the road while he was walking toward the
15 middle of the road?

16 A When I didn't realize it?

17 Q When did you realize that?

18 A When did I realize he didn't shoot? I don't
19 understand the question you're asking me.

20 Q Well, let me ask you another question then I guess.
21 You told the solicitor that you were leaning into your
22 car.

23 A Yes, sir.

24 Q And you didn't see who shot.

25 A Yes, sir.

TESTIMONY OF BENEKO GANSON

1 Q I would like you once again to tell me where in the
2 world on this statement you gave to law enforcement --

3 A It's not in there, it's nowhere on that statement.

4 Q Why don't you read the last two lines right there out
5 loud?

6 A "I have read or had read to me the above statements
7 consisting of one page and it is true and correct as best
8 I recall and have -- and I have received a copy of the
9 statement."

10 Q Let me ask you this: Between when you give this
11 statement that says Carter gets out of the car, walks
12 toward and starts shooting, we'll call that statement
13 one --

14 A Yes, sir.

15 Q -- and then what you said today I will call statement
16 two. But when you give statement two today that he is
17 backing away and gets back toward the car and hears the
18 shots, okay, statement two, between statement one and
19 statement two, have you discussed the fact that law
20 enforcement says the shots couldn't have come from the
21 middle of the road?

22 A No.

23 Q You just happened -- you just happened to come to the
24 realization that conforms with their evidence right here
25 on the stand today?

1 A No.

2 Q But your statement today is you don't know who shot.

3 A Because I don't.

4 Q Because you don't. But you didn't say that then.

5 A No.

6 Q You said you knew who shot here, didn't you?

7 A Yes, sir.

8 MR. LIFSEY: I don't have anything further to ask him.

9 MR. BARFIELD: Nothing further from the witness, he
10 may be excused.

11 THE COURT: Okay. Unless you've got a shorter witness
12 we're going to break for lunch.

13 MR. BARFIELD: I don't have a seven minute witness.

14 THE COURT: All right. Jurors, let's be back at
15 quarter until 2:00, that's enough time, hour and 15
16 minutes.

17 (The jury left the courtroom and a lunch break was
18 Taken.)

19 THE COURT: Are we ready?

20 MR. BARFIELD: State is ready.

21 MR. LIFSEY: Defense is ready.

22 (The jury returned to the courtroom.)

23 THE COURT: Okay. You may proceed.

24 MR. BARFIELD: State calls Kayla Estes.

25 The witness, KAYLA ESTES, was first duly sworn and

TESTIMONY OF KAYLA ESTES

1 testified as follows, on:

2 DIRECT EXAMINATION

3 BY MR. BARFIELD:

4 Q Talk real loudly, please, ma'am, and use that
5 microphone and tell us your name.

6 A Kayla Estes.

7 Q Ms. Estes, did you used to live here in Lancaster
8 County?

9 A Uh-huh.

10 Q And you've got to say yes and no.

11 A Yes.

12 Q Do you live in Lancaster County now?

13 A No.

14 Q Do you know Anthony Rodriekus Carter?

15 A Yes.

16 Q How long -- do you see the person you know as Anthony
17 Rodriekus Carter in the courtroom today?

18 A Yes.

19 Q Where is he sitting and what is he wearing?

20 A The brown plaid shirt.

21 Q Next to the fellow in the suit with the yellow tie?

22 A Yes.

23 Q Do you know Carter by a nickname?

24 A Other than Ant.

25 Q People call him Ant?

- 1 A Uh-huh.
- 2 Q How long have you known Carter?
- 3 A About five years.
- 4 Q What was your relationship with Carter?
- 5 A We was boyfriend and girlfriend.
- 6 Q For how long?
- 7 A On an off four years.
- 8 Q Were you a girlfriend -- or the girlfriend in May of
- 9 2010?
- 10 A Yes.
- 11 Q Generally speaking you know why you are here today,
- 12 what this case is?
- 13 A Yes.
- 14 Q Were you anywhere around Countryside Mobile Home Park
- 15 or Athena Road the night this happened?
- 16 A No, I was in Kershaw.
- 17 Q Did you see Anthony Carter the day or night that this
- 18 happened?
- 19 A No.
- 20 Q Did you communicate with Anthony Carter the day or
- 21 night this happened?
- 22 A That night he called me.
- 23 Q On cellphones?
- 24 A Uh-huh.
- 25 Q Was there one call between the two of y'all that

TESTIMONY OF KAYLA ESTES

1 night or several or do you recall?

2 A I'm not sure.

3 Q Do you recall if there would have been any texts
4 between the two of y'all that night?

5 A I'm not sure.

6 Q Do you recall about what time it was that he called
7 you that night?

8 A I think it was like 9:00 or 10:00.

9 Q Do you know where he was calling you from?

10 A He called from his cellphone.

11 Q Do you know where he was?

12 A He said he was at home.

13 Q Prior to him calling you did you know that anything
14 had happened?

15 A No.

16 Q Did he tell you that something had happened?

17 A Yes.

18 Q And I'm not going to ask you the details, Mr. Lifsey
19 might want to, but did he relate to you things that
20 happened in -- I guess on Athena Road in the trailer park?

21 A Yes.

22 Q Were you aware of any problems that he had -- well,
23 let me ask you about some people first. I'm going to ask
24 you if you know some people, personally know them or know
25 who they are and I'll break it down for you. Do you know

- 1 Marico Lamont Stevens?
- 2 A No.
- 3 Q Do you even know who he is today?
- 4 A I know of him but I don't know him.
- 5 Q I guess I'm asking you these questions relative to
- 6 the date May 3rd of 2010 when all of this happened. On
- 7 May 3rd of 2010 did you know Marico Lamont Stevens?
- 8 A No.
- 9 Q Had you ever met somebody by that name?
- 10 A No.
- 11 Q Had you ever seen him as far as you know?
- 12 A No.
- 13 Q Ever heard talk of somebody by that name?
- 14 A I have heard talk of them but I have never seen him.
- 15 Q Did you know Beneco Lamont Ganson?
- 16 A Yeah.
- 17 Q Knew him?
- 18 A Uh-huh.
- 19 Q Did you know James, Jamie, J. D. Hemphill?
- 20 A Yes.
- 21 Q Did you know John Jarrod "John John" Hill?
- 22 A Yeah.
- 23 Q How did you know these fellows?
- 24 A Through other people.
- 25 Q Did you know back in May of 2010 -- May 3rd of 2010

TESTIMONY OF KAYLA ESTES

1 some time that day or prior to that day, did you know
2 whether Anthony Carter had any problem with any of them
3 guys?

4 A Yes.

5 Q And where did that information come to you from?

6 A From him.

7 Q Him being?

8 A Ant.

9 Q What did Ant tell you this problem with these guys
10 was?

11 A Over money.

12 Q Did he give you any detail about how it was over
13 money?

14 A No, just about it was over money.

15 Q Did Ant tell you at any time prior to or after --
16 well, prior to May 3rd of 2010 what Ant intended to do
17 about it?

18 A No.

19 Q Did he say anything about taking care of it?

20 A He just said --

21 MR. LIFSEY: Well, Judge, I object to him leading the
22 witness.

23 THE COURT: Yeah, you can't lead.

24 Q Did Ant ever talk to you about any proposed
25 resolution of this problem?

TESTIMONY OF KAYLA ESTES

1 A No.

2 Q Did he say anything to you about it?

3 A Just said that he would handle it.

4 MR. BARFIELD: Thank you. Answer anything Mr. Lifsey
5 has.

6 CROSS EXAMINATION

7 BY MR. LIFSEY:

8 Q Did you have any contact with J. D. and John John
9 about this dispute? Did they ever call you or anything?

10 A No.

11 Q The solicitor asked you about -- mentioned that
12 Mr. Carter told you about what happened. Is that true?

13 A Yes.

14 Q And I want to ask you a couple of questions. He told
15 you there was a problem, right?

16 A Yes.

17 Q And he told you that he and J. D. met in the roadway;
18 is that right?

19 A Yes.

20 Q And he said that they both said the whole thing was
21 quashed; is that right?

22 A Yes.

23 Q And he said that -- Anthony said he turned and walk
24 away.

25 A Yes.

TESTIMONY OF KAYLA ESTES

1 Q And he said when he turned away he heard Beneco say,
2 "Fuck that, I'll get him;" is that right?

3 A Yes.

4 Q And then he said he heard shots.

5 A Yes.

6 Q And then he said Marico ended up with the gun; is
7 that right?

8 A Yes.

9 Q And then he said Marico started shooting; is that
10 right?

11 A Yes.

12 Q And then after that they took the baby to the
13 hospital, that's what he told you; isn't that right?

14 A Yes.

15 MR. LIFSEY: Thank you. I don't have any other
16 questions.

17 MR. BARFIELD: Nothing further, ask that the witness
18 be excused.

19 THE COURT: You are free to go.

20 MR. BARFIELD: Lawrence Alexander.

21 The witness, LAWRENCE ALEXANDER, was first duly sworn
22 and testified as follows, on:

23 DIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q Speak loudly in the microphone and tell us your name,

1 please.

2 A Lawrence Alexander.

3 Q You live here in Lancaster County?

4 A Yes, sir, I do.

5 Q I'm going to ask you -- I told you I was going to do
6 it when we talked, but you have been in court before; is
7 that right?

8 A Yes, sir.

9 Q I'm going to ask you about a couple of things. You
10 have a possession of cocaine conviction from July of 2002?

11 A Yes, sir.

12 Q You have a habitual traffic offender conviction from
13 December of 2004?

14 A Yes, sir.

15 Q That's you?

16 A Yes, sir.

17 Q All right. I'm going to ask you about some people
18 now. I'm going to ask you about a residence address
19 first. In May of 2010 where did you live?

20 A

21 Q Who lived on Mcilwaine Road?

22 A Oh, I lived on Mcilwaine Road.

23 Q In May of 2010 where did you live?

24 A On Mcilwaine Road.

25 Q What was the address out there?

TESTIMONY OF LAWRENCE ALEXANDER

- 1 A I can't remember the address.
- 2 Q Was it a house, a mobile home?
- 3 A It was an apartment.
- 4 Q Give us some landmarks about -- if I'm going on
- 5 Mcilwaine Road toward Heath Springs, are those apartments
- 6 on the right or the left?
- 7 A They're on the left.
- 8 Q Give us some landmarks about where these apartments
- 9 are.
- 10 A They're about two blocks away from the EMS building.
- 11 Q Oh, EMS, I've got you.
- 12 A And right beside the Liberty Store.
- 13 Q Which is a convenience store?
- 14 A Yes, sir.
- 15 Q Do you know where Evans Drive is?
- 16 A No, sir.
- 17 Q Do you know where Countryside Mobile Home Park is?
- 18 A Yes, sir.
- 19 Q Do you know where Athena Road is?
- 20 A Yes, sir.
- 21 Q Is it anywhere near Athena Road?
- 22 A Yes, sir.
- 23 Q How far from Athena Road off Mcilwaine?
- 24 A About two blocks, right behind it.
- 25 Q I'm going to ask you if you know some people, I'm

TESTIMONY OF LAWRENCE ALEXANDER

- 1 going to give you a whole big list, we'll talk about them
2 one at a time. Do you know Marico Lamont Stevens? And
3 when I ask you do you know I mean as of May 3rd of 2010
4 when this happened, that's the date I'm asking did you
5 know these people then is what I'm asking.
- 6 A Yes, sir.
- 7 Q How did you know Marico Lamont Stevens?
- 8 A I'm friends with his father, Eric.
- 9 Q Does Eric have a wife?
- 10 A Yes, he does.
- 11 Q What is her name?
- 12 A Jackie.
- 13 Q Is she Marico's step mom?
- 14 A Stepmother, yes, sir.
- 15 Q Do you know -- did you know a guy named Anthony
16 Rodriekus Carter?
- 17 A No, sir.
- 18 Q Did you meet him or see him with somebody you now
19 know to be Anthony Rodriekus Carter on May 3rd of 2010?
- 20 A Yes, sir.
- 21 Q And I don't know if you can do this or not, do you
22 remember what he looks like?
- 23 A No, sir.
- 24 Q Do you see anybody -- do you see him in the
25 courtroom?

TESTIMONY OF LAWRENCE ALEXANDER

1 A No, sir. I don't remember him, I don't remember how
2 he looked, he was just standing outside.

3 Q Did you know on May 3rd of 2010 a young child named
4 victim .?

5 A Yes, sir.

6 Q How did you know her?

7 A I met her before with Marico at her grandparent's
8 home.

9 Q The Sanders' home or the other grandparents' home?

10 A The other grandparents'. We were working on Nisha's
11 car, I was working on her car and I met her then.

12 Q All right. You said Nisha, who is Nisha.

13 A victim 's mother.

14 Q Do you know her last name?

15 A No, sir.

16 Q That's fine. What did you know of any connection
17 between -- you said Nisha is victim 's mama, right?

18 A Right.

19 Q I don't know if you recognize her, but is that Nisha?

20 A Yes, sir.

21 Q To your knowledge was there any connection between
22 Nisha and Marico?

23 A To my knowledge they were boyfriend and girlfriend.

24 Q Were you at your apartment on Mcilwaine Road during
25 the day on May 3rd of 2010?

- 1 A Yes, sir.
- 2 Q Did you see Marico that day?
- 3 A Yes, sir.
- 4 Q Did you say victim that day?
- 5 A Yes, sir.
- 6 Q Was she with him?
- 7 A Yes, she was.
- 8 Q Was mama Nisha anywhere around?
- 9 A No, sir.
- 10 Q About what time of day was it that you saw Marico and
11 victim .?
- 12 A It was in the late evening.
- 13 Q Still daylight?
- 14 A Still daylight.
- 15 Q Who else was over at your apartment when they were
16 there?
- 17 A Eric Sanders, Derrick Mcilwaine, and two other girls
18 that had came with Derrick.
- 19 Q What were y'all doing at your apartment that
20 afternoon?
- 21 A Playing cards.
- 22 Q Did everybody stay there?
- 23 A No, sir.
- 24 Q Did somebody leave?
- 25 A Yes, sir. Probably about like five minutes after

TESTIMONY OF LAWRENCE ALEXANDER

1 they got there Marico wanted to go to the store and get a
2 cigarette and him and victim left together.

3 Q Had you seen Marico with victim before?

4 A Yes, sir.

5 Q When Marico -- when Stevens came that day and when he
6 left to go to the store, did you know what he was driving?

7 A Yes, sir.

8 Q Were you familiar with that car? Had you seen it
9 before?

10 A I was working on the car, I had worked on it before.

11 Q Whose car was that?

12 A Nisha's.

13 Q Did you see Marico and victim again that evening?

14 A Yes, sir. Probably about 30 minutes later he come
15 rolling back into the parking lot and backed in front of
16 my apartment.

17 Q Stop. I'm going to interrupt you from time to time.
18 When he came the first time, how did he park the car?

19 A The same way he backed into it.

20 Q Do you know why he backed his car in?

21 A No, sir.

22 Q He came back 30 minutes later and he backed the car
23 in, what happened? And again, I will interrupt you if I
24 need to?

25 A He ran to the -- I guess he ran to the front of my

1 apartment beating on the door.

2 Q Did somebody answer the door?

3 A I answered the door. He burst in past me and started
4 saying someone was trying to kill him. He looked for his
5 father but his father was in my apartment, it's a wall and
6 into the kitchen so his father was behind the kitchen, so
7 he runs upstairs half way and then he runs back down then
8 and he said they shot up his car.

9 Q Hang on just a minute, and you probably shouldn't be
10 quoting Mr. Stevens so don't tell me what he said, I just
11 want to know what he did. Upstairs and back downstairs.

12 A Upstairs and back downstairs.

13 Q Where was he when he was back downstairs?

14 A He was standing right in front of my television.

15 Q Don't say what he said, but was he by himself at that
16 point inside your house?

17 A Yes.

18 Q Did he have anything in his hands or anything?

19 A No, sir. He had his hands in the air saying "They
20 tried to kill us, they tried to kill us."

21 Q Again, don't quote him. Was there conversation --
22 not what it was, but was there conversation between
23 Stevens and his dad, Eric Sanders, and maybe you?

24 A There was a conversation between his dad and him, I
25 was at the window looking out the window.

TESTIMONY OF LAWRENCE ALEXANDER

- 1 Q Let's go to that. Did you look out the window?
- 2 A Yes, sir.
- 3 Q Was the car out there?
- 4 A Yes, sir.
- 5 Q Could you tell, was there anybody outside of the car
- 6 when you looked out the window?
- 7 A No, sir. No one was outside the car.
- 8 Q Could you tell if anybody was inside the car?
- 9 A I saw movement in the car, there was movement.
- 10 Q This is nighttime now?
- 11 A Yes, sir. How he was backed in my apartment, there's
- 12 a light in the front of it so I could see the shadow. I
- 13 guess they had the window down, it was cracked or
- 14 whatever.
- 15 Q Did you notice anything unusual or different about
- 16 the car from when you had last seen it?
- 17 A Yes, sir. The back glass was shattered and the back
- 18 of the car had -- you could see little holes in it.
- 19 Q Did you ever go out and inspect the car?
- 20 A No, sir.
- 21 Q Did Stevens stay inside the apartment?
- 22 A No, sir. When we realized that -- like I saw bullet
- 23 holes in the car, when I realized that we asked him where
- 24 the baby was and he went outside -- he ran outside to get
- 25 the baby and when he came back in she was like she was

1 asleep.

2 Q Stop right there. When Stevens came in the first
3 time, went upstairs and came back down, was there any
4 discussion about the baby then?

5 A No, sir.

6 Q He went out and then what happened after Stevens went
7 out?

8 A He went out, he picked the baby up and brought the
9 baby in the house.

10 Q How far in the house did he come?

11 A To maybe back in the living room right in front of my
12 television.

13 Q Did you get a look at the baby?

14 A Yes, sir. It looked like she was asleep.

15 Q Did you get any further look at the baby?

16 A Yes, sir. When he turns to take her to lay her down
17 her head falls to the side and blood just run on his
18 shirt.

19 Q All right. What happened next?

20 A We all said, "You need to take her to the hospital,"
21 and they ran outside.

22 Q They. All right, hold on. Did you ever see this
23 second guy?

24 A The second guy walked up to the door and opened the
25 door, my screen door, I'm standing in the screen door,

TESTIMONY OF LAWRENCE ALEXANDER

1 we're all focused on the baby, when we said, "You need to
2 take her to the hospital," he turned, ran outside, both of
3 them ran to the car together and once he got to the car,
4 once he got in the car he hands the baby to the guy.

5 Q All right. Hold on. Who handed the baby to whom?

6 A Marico handed the baby to him.

7 Q The other guy?

8 A Yeah. He had the baby when they took off.

9 Q Did the car leave?

10 A Yes, sir.

11 Q Did you know where the car was going?

12 A To the hospital I assume.

13 Q Did you stay at your apartment after that?

14 A No, sir, I didn't.

15 Q Did you or anybody else leave your apartment after
16 that?

17 A Yes, sir. Me, Eric, Derrick and his son, Marcus,
18 came and picked us up.

19 Q Eric's son?

20 A Yes, sir, in his wife's car.

21 Q Marcus came there and picked you, Derrick and Eric
22 up?

23 A Yes, sir.

24 Q And went where?

25 A And went to Eric's house.

TESTIMONY OF LAWRENCE ALEXANDER

- 1 Q Where did Eric live?
- 2 A He lived off Pleasant Hill Street.
- 3 Q Is that where he still lives as far as you know?
- 4 A As far as I know, yes, sir.
- 5 Q That's across Main Street on the east side of town?
- 6 A Yes, sir.
- 7 Q Did you ever go to the hospital?
- 8 A No, sir, we didn't go to the hospital. By the time
- 9 we got to his house and everybody was waiting he got a
- 10 call that said they flew her, victim to Carolinas Medical
- 11 Center.
- 12 Q Other than -- did you say who -- Marcus is the one
- 13 that took y'all over there?
- 14 A Marcus took us to Eric's house.
- 15 Q So it's Marcus and Eric and you and Derrick are
- 16 there. That's all that went over there initially, right?
- 17 A Yes, sir.
- 18 Q Did other people gather up over there?
- 19 A Yes, sir.
- 20 Q How long were people gathered up over at Eric's house
- 21 that night?
- 22 A I would say they came over there probably like 12:00,
- 23 they got there about 12:00 and then we stayed there until
- 24 about 3:00.
- 25 Q Did you go home from there?

TESTIMONY OF LAWRENCE ALEXANDER

- 1 A Yes, sir.
- 2 Q Are you driving? Did you have a car that you were
3 driving or somebody took you?
- 4 A No, sir. His son, Marcus, took me home.
- 5 Q I told you I was going to do this and I'm going to do
6 this. Let me show you something. Just take a minute and
7 look at that page and the next page, whatever time you
8 need to look at it.
- 9 A Yes, sir.
- 10 Q Don't tell me what it said, but those two pieces of
11 paper, do you know what it is?
- 12 A Yes, sir.
- 13 Q Don't tell me what it says, but what is it?
- 14 A Voluntary statement.
- 15 Q Made by whom?
- 16 A By me.
- 17 Q To whom?
- 18 A A McClinton, I don't know his name.
- 19 Q It is probably on there somewhere. McLemore?
- 20 A McLemore.
- 21 Q With the sheriff's office?
- 22 A Yes, sir.
- 23 Q And what date did you make that statement?
- 24 A 5/7/10.
- 25 Q Now, the last bit of that statement.

1 A Yes, sir.

2 Q Is that what you told McLemore when you gave that
3 statement, is that what you told him?

4 A Yes, sir, that's what I told him.

5 Q Let me ask you a couple of questions about it. Did
6 you tell -- well, I'm just going to ask you to read your
7 answer, your next to the last answer where my thumb is,
8 that paragraph where my thumb is just read your answer.

9 A "At any point did you see Marico return to either
10 your home or his dad's home with a gun?"

11 Q And then read your answer and read it loudly.

12 A "When Marico came I didn't see him with no gun, I
13 never saw him with a gun. But --"

14 Q Just read the rest of that answer. I'm going to ask
15 you about it, I'll give you a chance to explain it in a
16 minute.

17 A "But later on that night I did see his father with a
18 gun on the hood of his truck. They were looking for some
19 bullets, it was some young guys, they were all mad and
20 talking about getting some bullets for a .40 caliber.
21 Wal-Mart was closed and we couldn't get any bullets at
22 that time of night. Then Eric, Derrick and Marico" -- I
23 meant Mario -- "went to the store and Eric put the gun in
24 the truck."

25 Q Now, is that what you told Ryan McLemore with the

TESTIMONY OF LAWRENCE ALEXANDER

1 sheriff's office?

2 A Yes, sir.

3 Q Are you telling us today that's true or not true?

4 A That's true.

5 Q It is true?

6 A Yes, sir.

7 Q Did you -- when is the last time -- you said Mario a
8 minute ago when you were reading that answer, is that
9 Marico or is that a brother or stepbrother?

10 A It's Mario. I remember them saying his name but I
11 don't know him.

12 Q The person that you referred to as Mario is not
13 Marico; is that correct?

14 A No. It's not Marico, no, sir.

15 Q When is the last time you saw Marico Stevens on the
16 night of May 3rd into the morning of May 4th, when is the
17 last time you saw him?

18 A When he took victim to the hospital, that's the last
19 time.

20 MR. BARFIELD: Thank you, sir. Answer anything
21 Mr. Lifsey has.

22 CROSS EXAMINATION

23 BY MR. LIFSEY:

24 Q Mr. Alexander, you told the solicitor that my
25 client -- well first of all, I appreciate your honesty,

1 you don't know him --

2 A No, sir.

3 Q -- and it was a pretty chaotic scene that night at
4 the apartment with the baby and all of that; is that
5 right?

6 A Yes, sir.

7 Q So basically the other person you saw with Marico
8 just came up to the screen, right?

9 A Came up to the front of the door, yes, sir.

10 Q And then --

11 A I had my back turned to him.

12 Q That's right. And when everybody left he left from
13 there to go to the hospital, to take the child to the
14 hospital. In fact, he had the child at some point, didn't
15 he?

16 A Yes, sir.

17 Q The gun in this case -- have you been shown the gun
18 in this case? Before I dig it out, did you know that
19 Marico had a gun that he kept in the car regularly?

20 A No, sir.

21 Q That's fair enough. But this gun that Marico kept in
22 the car regularly ended up with Marico's daddy; isn't that
23 right?

24 A Yes, sir. From my memory, yes, sir.

25 Q You saw it with him, didn't you?

TESTIMONY OF LAWRENCE ALEXANDER

- 1 A I saw a gun on the hood of the car.
- 2 Q Fair enough.
- 3 A I didn't know whose gun.
- 4 Q You don't know who where it came from.
- 5 A No, sir.
- 6 Q But a gun that you saw later on that evening ended up
7 with Marico's daddy; is that right?
- 8 A Yes, sir.
- 9 Q And the solicitor asked you to read -- and you didn't
10 really know my client before any of this happened, did
11 you?
- 12 A No, sir, I never saw him before.
- 13 Q And the solicitor had you read a paragraph or a few
14 sentences about people getting together and people being
15 mad and people buying bullets and looking for bullets, do
16 you remember reading that?
- 17 A Yes, sir.
- 18 Q My client didn't have anything to do with that.
- 19 A No, sir.
- 20 Q He wasn't part of the group and you haven't seen him
21 since that night at your screen door.
- 22 A Yes, sir. And I don't remember seeing him.
- 23 Q You don't even remember if it was him.
- 24 A No, I didn't see him.
- 25 MR. LIFSEY: Thank you, Judge. I don't have any

1 further questions.

2 MR. BARFIELD: Nothing further and ask that the
3 witness be excused.

4 THE COURT: Free to go.

5 MR. BARFIELD: Your Honor, as Dr. Ross takes the
6 stand, as I said a moment ago, Mr. Lifsey and I have agreed
7 on a stipulation concerning some medical testimony which I
8 would like publish to the jury and then I would ask that it
9 be marked as a Court's exhibit if it needs to be, you tell
10 me the way it needs to be. The stipulation is as follows:
11 The State and defendant, Anthony Rodriekus Carter, hereby
12 stipulate as true the following facts: On May 3rd of 2010
13 between 9:30 and 10:00 p.m. victim , date of
14 birth , was transported in a private
15 vehicle to the emergency department in the Springs Memorial
16 Hospital in Lancaster, South Carolina. victim
17 victim received treatment by medical professionals at
18 Springs Memorial Hospital for a gunshot wound to her head
19 before being airlifted to Carolinas Medical Center in
20 Charlotte, North Carolina that same night or early the
21 morning of May 4th of 2010. victim received
22 treatment by medical professionals at Carolinas Medical
23 Center for the same gunshot wound to her head. victim
24 victim died at Carolinas Medical Center on May 4,
25 2010 at 6:15 a.m. victim was pronounced

TESTIMONY OF JANICE EDWARDS ROSS, M.D.

1 deceased by Thomas D. Owens, M.D. medical examiner from
2 Mecklenburg County, North Carolina.

3 The witness, JANICE EDWARDS ROSS, M.D., was first duly
4 sworn and testified as follows, on:

5 DIRECT EXAMINATION

6 BY MR. BARFIELD:

7 Q State your name, please, ma'am.

8 A Janice Edwards Ross.

9 Q Ms. Ross, by profession what do you do?

10 A I'm a forensic pathologist.

11 Q I didn't even think to tell you we were going to do
12 this but you know, let's get a little bit of background.
13 Where did you go to college?

14 A I went to the University of South Carolina and got my
15 Bachelors Degree in Biology. Then I went to the medical
16 school first in Charleston, then transferred to Upstate
17 Medical Center in Syracuse, New York where I received my
18 M.D. And I did further training there in field pathology
19 which is where we learn how to diagnose diseases through
20 the use of microscope in the laboratory and through the
21 use of the autopsy to find causes of death. I further
22 studied in forensic pathology, the word forensic means
23 legal, so we use that pathology knowledge in legal matters
24 in doing autopsies on people who are in homicides/suicide
25 accidents, reviewing rape victims, that kind of thing.

TESTIMONY OF JANICE EDWARDS ROSS, M.D.

1 Q Are you currently a licensed medical doctor in the
2 State of South Carolina?

3 A Yes.

4 Q Are you currently board certified in forensic
5 pathology?

6 A Yes.

7 Q How long have you been in the business? And I hate
8 to ask you that, but how long have you been in the
9 business?

10 A Thirty-five years.

11 MR. LIFSEY: Judge, just -- I don't want to interrupt
12 the solicitor's presentation but I agree that Dr. Ross is
13 an expert in the field of forensic pathology if it will
14 speed things up.

15 MR. BARFIELD: It will. And I will offer her as an
16 expert in the forensic pathology.

17 THE COURT: Okay. Qualified.

18 Q Did you upon the request of the coroner for Lancaster
19 County perform an autopsy on the body of victim on
20 I think May 6th of 2010?

21 A Yes, I did.

22 Q Female or male child?

23 A Female.

24 Q Age as stated to you by birthdate at least?

25 A Age three, date of birth

TESTIMONY OF JANICE EDWARDS ROSS, M.D.

1 Q In connection with an autopsy are you looking at all
2 possible causes of the death?

3 A Yes. In performing an autopsy first of all we get
4 some history, what was found at the scene, et cetera. We
5 receive the body and we do the autopsy at Newberry County
6 Memorial Hospital Morgue. We look at the body for signs
7 of injury or natural disease, then we do a methodical
8 internal examination of each organ to again identify
9 injuries and/or natural diseases.

10 Q Let's go ahead and talk about this. Was there
11 anything that you found in your autopsy other than what
12 you ultimately determined was the cause of death? Was
13 there anything that you found concerning other injuries,
14 disease or anything else medically that caused the death
15 of the child other than your ultimate conclusion?

16 A No.

17 Q Normal healthy child otherwise as far as you could
18 tell?

19 A Yes.

20 Q Was there evidence of injury to the body of the child
21 from your internal examination?

22 A Yes. There was evidence of a gunshot wound through
23 and through, gunshot wound in the head.

24 Q All right. Tell us, are you able to determine
25 entrance and exit for a gunshot wound?

TESTIMONY OF JANICE EDWARDS ROSS, M.D.

1 A Yes. The entrance, the bullet entered the right side
2 of the head towards the back and it went forward and to
3 the left slightly upward, and it came out of the head, the
4 left side of the head just above the left ear.

5 Q Path of the bullet from one side of the head to the
6 other, what did it travel through?

7 A From the right side of the head to the left side of
8 head, it went through the brain --

9 MR. LIFSEY: Judge, I don't want to limit his
10 presentation, we all agreed that the child died as a result
11 of a gunshot wound. I don't see any point to belabor this
12 agony.

13 THE COURT: Well, he's got to prove it.

14 A The brain was lacerated by the bullet going through
15 it.

16 Q There's an indication in some notes in the sheriff's
17 office which you and I have discussed that -- well, as
18 part of an autopsy do you do toxical studies?

19 A Yes, we do. We take fluids for toxicology and we
20 also do x-rays especially of a gunshot wound.

21 Q Were x-rays taken of this child's body?

22 A Yes.

23 Q Did x-rays include x-rays of the head?

24 A Yes.

25 Q There's something in the sheriff's office report that

TESTIMONY OF JANICE EDWARDS ROSS, M.D.

1 you and I discussed concerning small perhaps pieces of
2 metal in the brain that were not removed and anything done
3 with it.

4 MR. LIFSEY: Judge, I --

5 THE COURT: I don't know why you objected because I
6 don't know anything about it, so --

7 MR. LIFSEY: I object as this being more prejudicial
8 than probative.

9 THE COURT: Well, that's tough luck.

10 Q I'm going to ask you this kind of point blank
11 question, was any ballistics evidence removed from the
12 child's body?

13 A No.

14 Q Was anything removed?

15 A No.

16 Q To a reasonable degree of medical certainty, did you
17 determine the cause of death for this child?

18 A Yes, I did.

19 Q And what did you determine to be the cause of death
20 for this child?

21 A Anoxic encephalopathy, which means the brain was
22 damaged enough to be actually dead due to laceration of
23 the brain due to the gunshot wound of the head.

24 MR. BARFIELD: Thank you, ma'am. Answer any questions
25 Mr. Lifsey might have.

TESTIMONY OF ERIC SANDERS

1 MR. LIFSEY: I don't have any questions for Dr. Ross.

2 THE COURT: You are free to go.

3 The witness, ERIC SANDERS, was first duly sworn and
4 testified as follows, on:

5 DIRECT EXAMINATION

6 BY MR. BARFIELD:

7 Q Talk real loud and use that microphone and tell me
8 your name, please, sir.

9 A My name is Eric Sanders.

10 Q Do you go by a nickname?

11 A They call me Ho Jo.

12 Q Ho Jo?

13 A Yeah.

14 Q Do you know Marico Lamont Stevens?

15 A Yeah, that's my son.

16 Q Are you married?

17 A Yes.

18 Q What's your wife's name?

19 A Jacqueline Sanders.

20 Q Is she Marico's mom or step mom?

21 A Step mama.

22 Q Do you know -- I'm going to ask you about some people
23 first of all. Back in May of last year, 2010, did you
24 know somebody named Anthony Rodriekus Carter?

25 A No.

TESTIMONY OF ERIC SANDERS

- 1 Q Did you know victim .?
- 2 A Yeah, I know victim . I had her all day with me.
- 3 Q We're going to talk about that. Did you know
- 4 Rodriana Lanisha Cunningham, the baby's mama?
- 5 A Yeah, I know her.
- 6 Q What do you call her?
- 7 A I don't get to talk to her like that.
- 8 Q Do you know her, though?
- 9 A Yeah, I know her.
- 10 Q Did you live in May of last year where you live now?
- 11 A Yes.
- 12 Q And where do you live?
- 13 A .
- 14 Q In the city?
- 15 A Uh-huh.
- 16 Q Do you know Lawrence Alexander?
- 17 A Yes.
- 18 Q Do you know where he lived back in May of last year?
- 19 Not the address, but did you know where he lived?
- 20 A Yeah, I know where he stay.
- 21 Q And generally where was his place?
- 22 A I know it's on Mcilwaine Road.
- 23 Q House or an apartment?
- 24 A Apartment.
- 25 Q Were you -- did you see Marico Stevens, your son,

- 1 with victim during the day on May 3rd of last
2 year?
- 3 A Yes.
- 4 Q Where did you see them, where were y'all?
- 5 A It was at my house.
- 6 Q Did you see them anywhere else that day or that
7 night?
- 8 A She was with me all day.
- 9 Q Where was Marico when she was with you that day?
- 10 A He was there too.
- 11 Q Did y'all move from there to some other location?
- 12 A Yeah. I went over to Lawrence Alexander's to get my
13 hair cut.
- 14 Q Did anybody go with you to Lawrence Alexander's?
- 15 A Just me, Marico and victim .
- 16 Q Was Lawrence at home?
- 17 A Yeah, he was at home.
- 18 Q Were there other people there at Lawrence's?
- 19 A Not right then, but Derrick came.
- 20 Q Derrick?
- 21 A Derrick Mcilwaine.
- 22 Q What were y'all doing at Lawrence's other than
23 getting your hair cut.
- 24 A After getting my hair cut we played spades.
- 25 Q Spades?

TESTIMONY OF ERIC SANDERS

- 1 A Yeah.
- 2 Q Did anybody leave there while y'all were there?
- 3 A Did anybody leave there?
- 4 Q Anybody leave Lawrence's house?
- 5 A Yeah, Marico left.
- 6 Q Anybody else leave?
- 7 A Some guy Derrick was with.
- 8 Q Did victim stay there the whole time?
- 9 A No, she lives with him.
- 10 Q With him who?
- 11 A With Marico.
- 12 Q Do you know where they were going?
- 13 A He said he was going to the store.
- 14 Q What was Marico driving?
- 15 A It was a little blue car, I don't know what kind of
- 16 car it was.
- 17 Q Did you know whose car it was?
- 18 A I guess his girlfriend.
- 19 Q Had you seen him with that car any time prior to
- 20 them?
- 21 A Yeah, he been had it.
- 22 Q Did Marico come back to Lawrence Alexander's?
- 23 A Yeah. When he came back he told me about somebody
- 24 had done shot the car up.
- 25 Q I'm not going to ask you to quote Marico right now,

1 but when he got back, did he -- where did he go? When he
2 got back to the apartment where did he go?

3 A He came to the door and he was telling me about that,
4 that that happened.

5 Q Did he have victim the baby, with him when he came
6 to the door?

7 A No. I asked him where she was at.

8 Q Did you see anybody with Marico in the car?

9 A It was somebody with him but he had a hat over his
10 head, he had the hat over his face like this, you can't
11 see his face.

12 Q Did you know who it was?

13 A No.

14 Q Had you ever seen the person before as far as you
15 know?

16 A Nuh-uh.

17 Q Did you get a look at the car when Marico came back?

18 A Yeah, I seen the car. There was bullet holes in the
19 back window.

20 Q Did you see the baby when Marico came back?

21 A I asked him where she was at and that's when he
22 got -- where the guy was --

23 Q Hold on. Who brought the baby to whom?

24 A To Marico.

25 Q Who brought the baby to Marico?

TESTIMONY OF ERIC SANDERS

- 1 A Whoever the guy was that was with him.
- 2 Q The other guy.
- 3 A Yeah.
- 4 Q Did you get a look at the baby?
- 5 A Yeah. That's when I said, "Take her to the
- 6 hospital."
- 7 Q Did Marico stay or did Marico go?
- 8 A He jumped in the car and left.
- 9 Q Who all left?
- 10 A Just him and that guy.
- 11 Q Where was victim .?
- 12 A They had victim .
- 13 Q Did you talk to folks at the sheriff's office and
- 14 give them a written statement on I think May 5th? Do you
- 15 remember talking to I think it was probably Doug Deese and
- 16 Mike Adams?
- 17 A He had came to my house.
- 18 Q Did you talk to them a couple of days later on
- 19 May 7th, did they come back to your house?
- 20 A Yeah.
- 21 Q Do you know why they came back to your house on May
- 22 7th?
- 23 A They said something about a gun.
- 24 Q Something about a gun?
- 25 A Uh-huh.

1 Q What did you do when they said something to you about
2 a gun?

3 A I didn't know he had that until I called him and
4 asked him.

5 Q You've got to slow down. You've got to speak clearly
6 so they can hear what you have got to say.

7 A I didn't know he had that at first, and then I found
8 out that he had one so I went and got it, the gun, and
9 took it to -- well, my wife took it -- I didn't go, my
10 wife went and got it.

11 Q How did you -- hang on just a minute. Did you ever
12 see the gun yourself?

13 A No.

14 Q What did you do to try to find the gun? What did you
15 do to try -- well, what did you do to try to find the gun?

16 A I asked people. I heard that some guy named Derrick
17 had the gun.

18 Q All right. Stop. Some guy named Derrick. There was
19 testimony -- there's been testimony about Derrick
20 Mcilwaine being over --

21 A Not Derrick --

22 Q Hold on, let me ask the question, not being rude, I
23 just want to make sure you know what I'm asking. There
24 was testimony about Derrick Mcilwaine being at Lawrence's
25 apartment there.

TESTIMONY OF ERIC SANDERS

1 A Yeah.

2 Q When you say Derrick, are you talking about Derrick
3 Mcilwaine?

4 A No.

5 Q Do you know who?

6 A I didn't know the guy, I just know Derrick.

7 Q How did you get in touch with Derrick?

8 A Well, somebody had called him, one of the guys had
9 called Derrick.

10 Q Did you call Derrick?

11 A Well, the guy called and I talked to him.

12 Q Did you talk to somebody named Derrick?

13 A Yeah, but I don't know who he is.

14 MR. BARFIELD: Thank you. Answer anything Mr. Lifsey
15 has, please.

16 CROSS EXAMINATION

17 BY MR. LIFSEY:

18 Q Just a couple of things real quickly. The fellow
19 that was with your son that evening, you said he didn't
20 really come up in the house or anything.

21 A No. I didn't see -- no. He had the hat right here,
22 I don't know who it was.

23 Q In fact, he was carrying the baby; is that right?

24 A Yeah. He went and got the baby when I asked where
25 victim was.

TESTIMONY OF ERIC SANDERS

1 Q Now, let's talk about the gun a minute. I know
2 you're saying today you hadn't seen the gun, but --

3 A No, I didn't see it.

4 Q You knew your son -- first of all, your son is Marico
5 Stevens.

6 A That's my son.

7 Q And you love your son, right?

8 A Yes, I do.

9 Q And your son is charged with murder just like my
10 client is charged with murder, right?

11 A Yeah.

12 Q You don't want to say anything that is going to hurt
13 your son, though, do you?

14 A I don't have anything to say about that.

15 Q But you knew your son carried a gun, don't you?

16 A No, I didn't.

17 Q You didn't know your son regularly kept a gun under
18 his seat?

19 A No, I didn't.

20 Q But you don't want to hurt your son today, do you?

21 A I ain't want to hurt nobody.

22 Q But the bottom line is you turned over the weapon to
23 law enforcement, or your wife did, right?

24 A Yeah. My wife took it to them.

25 Q You don't know my client or had any contact with my

TESTIMONY OF JACKIE SANDERS

1 client or anything.

2 A I ain't seen him, I don't know him.

3 Q You never saw anybody with a gun -- your testimony to
4 the solicitor today is you didn't see anybody with a gun
5 that evening.

6 A No. I didn't see them with a gun that night.

7 MR. LIFSEY: Thank you. I don't have anything else.

8 MR. BARFIELD: Nothing further from this witness, ask
9 that he be excused.

10 THE COURT: Free to go.

11 The witness, JACKIE SANDERS, was first duly sworn and
12 testified as follows, on:

13 DIRECT EXAMINATION

14 BY MR. BARFIELD:

15 Q Talk real loud and use that microphone, please,
16 ma'am. Tell us your name.

17 A Jackie Sanders.

18 Q And Ms. Sanders, you live here in Lancaster?

19 A Yes.

20 Q You know Eric Sanders?

21 A Yes.

22 Q Who is he?

23 A That's my husband.

24 Q Do you know Marico Lamont Stevens?

25 A Yes.

- 1 Q Who is he?
- 2 A My stepson.
- 3 Q Do you know somebody named Anthony Rodriekus Carter?
- 4 A Nothing but what I seen in the numbers.
- 5 Q Did you know Rodrianna Cunningham, or Lanisha
- 6 Cunningham?
- 7 A Yes.
- 8 Q Did you know her daughter, victim .?
- 9 A Yes.
- 10 Q Was there any connection between Marico and Rodriana?
- 11 A They were boyfriend and girlfriend.
- 12 Q Where did he -- where did -- and I'm asking you
- 13 questions relative to May 3rd of 2010, the timeframe back
- 14 then -- where was Marico living back in May of 2010?
- 15 A I can't tell you the address but I think it was an
- 16 apartment with them together.
- 17 Q With him and who together?
- 18 A Nisha.
- 19 Q Did the baby live there?
- 20 A I think so. I never been there, I can't say it for
- 21 sure but I think so.
- 22 Q How long have you been Marico's step mom? How long
- 23 have you and Eric been together and married?
- 24 A Sixteen years.
- 25 Q Were you -- I'm going to ask you about being several

TESTIMONY OF JACKIE SANDERS

1 different places on May 3rd of 2010. Were you ever out in
2 Countryside Mobile Home Park when this happened?

3 A No.

4 Q Were you ever over at Lawrence Alexander's apartment
5 at Mcilwaine Road that day, that night or over into the
6 next morning?

7 A No.

8 Q How often would you see victim .?

9 A I saw her a lot with Marico, Nisha had come to the
10 house a couple of times, too.

11 Q Would it be accurate to say that when you saw her
12 most of the time she was with Marico?

13 A Yes.

14 Q Did you know what kind of car Nisha had, the baby's
15 mama had?

16 A Yes.

17 Q Had you seen that car before?

18 A Yes.

19 Q And who would be in possession of that car when you
20 would see it?

21 A When I seen it most of the time it was Marico.

22 Q I asked you if you were ever over at Lawrence
23 Alexander's that day or that night or into the next
24 morning. Do you know who Lawrence Alexander is?

25 A Yes, I know.

- 1 Q How do you know Lawrence Alexander?
- 2 A He and my husband were friends.
- 3 Q Were you working back in May of last year?
- 4 A No.
- 5 Q Were you home during the daytime on May 3rd of last
- 6 year?
- 7 A Yes, I was.
- 8 Q Who else was around your house during the daytime?
- 9 A Marico came over there with victim , my husband and my
- 10 kids.
- 11 Q Did you stay there -- did you ever leave to go
- 12 anywhere that day or that evening?
- 13 A Yes, I did leave.
- 14 Q Where did you go and about what time?
- 15 A I left to go to the drug store and -- I can't give
- 16 you like a specific time but I'm thinking it was like
- 17 maybe 9:00 or nine something, I went to the drug store and
- 18 then to pick up my son from his girlfriend's house.
- 19 Q When you say nine something, you're talking about
- 20 nighttime?
- 21 A Nighttime, yes.
- 22 Q Do you know -- did you know -- when you left to go to
- 23 the drug store, was Eric still there?
- 24 A Yes. He was still at the house.
- 25 Q Was Marico still there?

TESTIMONY OF JACKIE SANDERS

1 A Yeah, he was still there.

2 Q Was victim still there?

3 A Yes.

4 Q Were you aware of any plans anybody had to go from
5 there to somewhere else? Did you know anybody was going
6 to leave?

7 A I didn't know for sure. I probably figured they were
8 going to play cards or something because they did it on a
9 regular basis.

10 Q Where?

11 A Most of time at Lawrence's house, but it may have
12 been other places that I just didn't know of.

13 Q That's fine. From the time you left to go to the
14 drug store, from then on did you ever see victim again?

15 A No, I didn't.

16 Q That night into the next day or the next two or three
17 days, did you ever see Marico again?

18 A When I heard that victim had been shot we went to the
19 hospital; me, my sister and my niece and I saw Marico at
20 the hospital.

21 Q And where were you when you found out that victim had
22 been shot?

23 A I was actually pulling up in front of my son's
24 girlfriend's house on Grace Avenue.

25 Q On May 7th of 2010, did you see this fellow over here

1 with the balled head and the suit sitting over here at the
2 table? Do you remember seeing this fellow before?

3 A If he was the detective that came to my house, I'm
4 just not --

5 Q Let me back up. On May 7th of 2010, did folks from
6 the sheriff's office come to your house on Pleasant Hill
7 Street?

8 A Yes.

9 Q Do you know why they were there?

10 A Yes.

11 Q Why were they there?

12 A They were looking for the gun.

13 Q All right. Did your husband do anything while the
14 sheriff's office folks were there in relation to the gun?

15 A He called this boy named Derrick.

16 Q All right. Stop. Do you know Derrick Mcilwaine?

17 A Yeah, I know Derrick Mcilwaine.

18 Q All right. I'm going to jump way ahead. Did you
19 eventually see this person that your husband called whose
20 name was Derrick, did you eventually see that person?

21 A Yes, I did.

22 Q Was that Derrick Mcilwaine?

23 A No, it wasn't.

24 Q Did you know about the existence of this Derrick guy
25 when your husband called Derrick?

TESTIMONY OF JACKIE SANDERS

1 A No, I didn't know him then, didn't know who they was.
2 I mean, I got the gun from him but I still can't tell you
3 who he was.

4 Q We're going to talk about that in a minute. When
5 your husband called Derrick, did you when that call and
6 the sheriff's people were there talk to Derrick yourself?

7 A No, I didn't.

8 Q Was there any other communication with Derrick that
9 same day when the sheriff's people had left your house?

10 A Yeah, he called back.

11 Q Who called back?

12 A Derrick. I'm assuming it was Derrick that called
13 back and I assuming it was Derrick that was on the phone.

14 Q Did you talk to somebody that you were led to believe
15 or told was Derrick?

16 A Yes.

17 Q As a result of that conversation, what was your plan,
18 what were you going to do?

19 A Well, I asked him where did he live, and I told him
20 that we needed to get that gun and it needed to be turned
21 in, and he said that he wouldn't tell me where he lived
22 but he would meet me at Stop and Go and give it to me and
23 that's what we did.

24 Q Stop and Go is a convenience store?

25 A Yes.

1 Q Where is Stop and Go?

2 A I think that's Meeting Street across the street from
3 Kentucky Friday Chicken and First Washington Baptist
4 Church.

5 Q How did you know who you were looking for if you
6 didn't know Derrick?

7 A He just told me that he would have on some white
8 shorts and a black T-shirt.

9 Q Did you go to Stop and Go?

10 A Yeah.

11 Q Did you go by yourself?

12 A Yes, I did.

13 Q Did you see somebody fitting the description of what
14 Derrick said he looked like?

15 A Yes, I did.

16 Q Where was he?

17 A He was standing on the side of the building like --
18 well, Stop and Go is right here, the pawn shop is right
19 here and he was standing right at the end where the pawn
20 shop is.

21 Q Did you have contact with Derrick?

22 A He walked over to the driver's side of the car. I
23 don't deal with guns, I told him the passenger door was
24 open and to put it in there and he put it on the floor of
25 the car.

TESTIMONY OF JACKIE SANDERS

- 1 Q Did you -- did he have something with him that he put
2 in your car?
- 3 A Had he grocery bags.
- 4 Q Did you ever touch the grocery bags?
- 5 A No, sir.
- 6 Q Did you ever open the grocery bags?
- 7 A No.
- 8 Q Did you ever see a gun in your car?
- 9 A I mean, I didn't actually look at a gun but I knew
10 that's what it was.
- 11 Q I'm going to show you two pictures that are marked
12 for identification as State's Exhibits 58 and 59. Just
13 take a minute and I'll ask a couple of questions. You
14 look at them, when you're ready for me to ask you a couple
15 of questions about them I will.
- 16 A I'm ready.
- 17 Q Do you recognize what's shown in those pictures?
- 18 A I recognize the two blue bags but not the white bag.
- 19 Q Okay. And is this blue bag one of the bags that got
20 put in the front seat of your car?
- 21 A Yes.
- 22 Q When you -- to this day do you know who this Derrick
23 person is?
- 24 A No. I haven't seen him since that day.
- 25 Q Is it anybody you had seen before that day?

1 A No.

2 Q When you -- do you remember about what time of day it
3 was when you picked this bag up that you believed had the
4 pistol in it?

5 A No, I don't.

6 Q Was it daytime, daylight?

7 A It was daytime, I'm thinking it was like in the early
8 afternoon but I'm just not 100 percent sure.

9 Q What did you do when you had that thing sitting in
10 your car?

11 A I called the detective, he had gave me his number,
12 and I can't remember what his -- I can't remember if it
13 was him, I think it was him but I'm just not sure. But I
14 called and I told him that he had it and that I would
15 bring it and he told me to meet him at the sheriff's
16 office, and when I got to the sheriff's office there was a
17 lot of news cameras and stuff out there and I didn't want
18 to be a part of that and he told me to meet him across the
19 street.

20 Q And did you?

21 A Yes, sir.

22 Q Did you turn over whatever was in that bag in the
23 front seat of your car?

24 A Yeah. I let him get out of the car, I didn't touch
25 it then either.

TESTIMONY OF JACKIE SANDERS

1 Q You never touched it?

2 A Never.

3 Q Some time after all of that did a female investigator
4 with the sheriff's office come out and see you?

5 A No.

6 Q Well --

7 A The detective had called me and told me I needed to
8 come out there, when I got out there it was a female
9 detective that I talked to.

10 Q Would you remember her -- if I told you it was
11 Christy Rogers, would that be familiar to you?

12 A No.

13 Q Did she do some tests on you?

14 A Yes.

15 Q What did she do?

16 A She did a DNA test.

17 Q Describe to the jury what she did.

18 A She did a cotton swab on my mouth.

19 Q You were okay with her doing that?

20 A Yes, I was.

21 MR. BARFIELD: Thank you, ma'am. Answer anything
22 Mr. Lifsey has.

23 CROSS EXAMINATION

24 BY MR. LIFSEY:

25 Q Just a couple of things, Ms. Sanders. You're married

- 1 to Eric Sanders; is that correct?
- 2 A Yes.
- 3 Q How long have y'all been married?
- 4 A Sixteen years.
- 5 Q You know your husband pretty well over 16 years?
- 6 A Yes.
- 7 Q He loves his son.
- 8 A Yes.
- 9 Q Marico Stevens is his son.
- 10 A Yes.
- 11 Q Of course, you know that Marico is charged with
- 12 murder too; is that right?
- 13 A Yes, I do.
- 14 Q Did you know that Marico regularly carried a gun?
- 15 A No, I never saw one.
- 16 Q Did you know he kept it in the car?
- 17 A That he kept one in the car?
- 18 Q Yes.
- 19 A No, I didn't know that either.
- 20 Q You said you got the gun from somebody named Derrick;
- 21 is that correct?
- 22 A Yes.
- 23 Q Let me first say you told the solicitor you don't
- 24 know Anthony Carter.
- 25 A No, I don't.

TESTIMONY OF JACKIE SANDERS

1 Q Never had any contact with him, didn't have any
2 reason to know him or anything.

3 A No.

4 Q So you really had no connection to him, you or your
5 family for that matter, is that right, you or your
6 husband?

7 A No.

8 Q So Derrick whoever that is -- did you call Derrick?

9 A No, I didn't.

10 Q So your husband is the one that called Derrick.

11 A Yes.

12 Q Your husband called Derrick because he knew where the
13 gun was?

14 A I'm not sure what the reason was he called him. You
15 know, he called and asked for Derrick, maybe he knew that
16 Derrick had it, maybe he didn't. I can't tell you that he
17 did or didn't.

18 Q Well, you knew that the police were looking for a
19 gun.

20 A Yes.

21 Q And your husband picked up the phone and called
22 whoever this is named Derrick, right?

23 A Yes.

24 Q And then this person whoever he is produced the gun;
25 is that right?

1 A Yes.

2 Q And presumably then this is someone your husband had
3 a connection with and knew prior to this happening, isn't
4 it?

5 A I don't know that.

6 Q Well, I mean, surely he didn't just pick a random
7 name out of the phone book and called him.

8 A When he called and asked to speak to Derrick, I don't
9 know what the conversation happened then so I don't know
10 if it was Derrick he was talking to when he called and
11 asked to speak to Derrick. It could have been somebody
12 else because Derrick ended up calling back, and if it
13 would have been Derrick in the beginning then I don't
14 think he would have had to call him back, it all could
15 have been settled then. So I don't know if maybe he knew
16 somebody that knew Derrick and was calling to get in touch
17 with Derrick or what, that I don't know. The only thing I
18 wanted to do was I wanted to get the gun produced that
19 killed that baby because I know that mama needed some
20 closure and I know if it was me that's the same thing I
21 wanted. I wish I knew who this Derrick was so I could
22 tell her and give her some closure.

23 Q Yes, ma'am. And so the gun was ultimately produced.

24 A Yes.

25 Q From someone that your husband knew, correct?

TESTIMONY OF MIKE HOWELL

1 A Yes.

2 Q And your husband doesn't know my client or have any
3 connections with my client.

4 A Not that I know of.

5 MR. LIFSEY: I don't have any further questions.

6 MR. BARFIELD: Nothing further from Ms. Sanders and
7 ask that she be excused.

8 THE COURT: You are dismissed.

9 MR. BARFIELD: Call Mike Howell.

10 The witness, MIKE HOWELL, was first duly sworn and
11 testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q State your name, please, ma'am -- please, sir -- I'm
15 sorry.

16 A Mike Howell.

17 Q Are you the balled-headed guy that Ms. Sanders dealt
18 with?

19 A Yes, sir.

20 Q Who do you work for?

21 A I work for the Lancaster County Sheriff's Office.

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

23 A Approximately 13 years, I think somewhere in there.

24 Q You're an investigator with the sheriff's office?

25 A Yes, sir.

1 Q I'm going to ask you just a couple of limited things
2 right now, I might need to call you back later on and talk
3 about some more things but we will see. Are you -- I
4 guess you and Mike Adams sort of co-investigators of this
5 case concerning the death of victim .?

6 A Yes, sir.

7 Q All right. As such -- well, actually you got y'all's
8 original file here; is that right? You got your original
9 file here; is that right?

10 A Yes, sir.

11 Q You know who the people involved are, the people
12 involved, do you know who they all are?

13 A Yes, sir.

14 Q Is James, Jamie, J. D. Hemphill somebody y'all were
15 interested in talking to in this case?

16 A Yes.

17 Q Did you actually talk to him during the initial
18 investigation?

19 A Yes, sir, we have talked to him.

20 Q Do you know whether Lancaster County Sheriff's Office
21 currently have outstanding warrants for J. D. Hemphill?

22 A My understanding is we do have warrants for him.

23 Q Did y'all try to find him to serve a subpoena on him
24 to have him in this courtroom?

25 A Yes, sir, we did.

TESTIMONY OF MIKE HOWELL

- 1 Q Was that successful?
- 2 A No, sir, it was not.
- 3 Q Now, on May 7th of 2010 did you go to 122-A Pleasant
- 4 Hill Street in the city of Lancaster?
- 5 A Yes, sir, I did.
- 6 Q Who else with the sheriff's office went with you?
- 7 A Investigator Rollins. Yes, sir.
- 8 Q Did you see Eric Sanders at his house?
- 9 A Yes, sir, I did.
- 10 Q Was Jackie Sanders there?
- 11 A She was there.
- 12 Q Did Eric Sanders communicate with anybody outside of
- 13 the house while you were there?
- 14 A Yes, he did.
- 15 Q And don't tell me the back end of the conversation,
- 16 but what was Eric -- how was he communicating? Did he
- 17 call --
- 18 A He called somebody by phone.
- 19 Q After that phone call, did you and whoever else with
- 20 the sheriff's office was there leave?
- 21 A Yes, sir.
- 22 Q Was Jackie Sanders there the first time?
- 23 A Yes, sir. I spoke mostly with Jackie, Eric was there
- 24 like standing next to her. And I explained to both of
- 25 them the reason I was there, and I told them that we

TESTIMONY OF MIKE HOWELL

1 really wanted the gun back in this case from the
2 information we have got from other interviews and pretty
3 much Jackie stayed to it and assured me we would get the
4 gun back. And while I was there he made a phone call and
5 I kind of walked off with Jackie walking off, I could hear
6 him on the phone, asked to speak to somebody named Derrick
7 and I didn't hear nothing else because I kept walking with
8 her.

9 Q Did you leave their house?

10 A Yes, sir, I did.

11 Q Did you have further contact with Jackie Sanders that
12 day?

13 A Yes, sir. She called me about -- well, exactly I
14 wrote it down, 12:03 p.m.

15 Q And did y'all arrange to meet?

16 A Yes, sir. I told her to meet at the sheriff's office
17 but we had a lot of news media out there, I said, "If you
18 would just meet me across the street at the EMS station,"
19 where she wouldn't get caught up in anything.

20 Q Rollins, you used that name. Who was Rollins?

21 A Brandon Rollins, he's an investigator with the
22 sheriff's office.

23 Q Was he with you when you went over to the EMS
24 station?

25 A Yes, sir.

TESTIMONY OF MIKE HOWELL

- 1 Q When you went over there did you find Jackie Sanders?
- 2 A Yes, sir.
- 3 Q Was she by herself or have anybody with her?
- 4 A She was by herself.
- 5 Q Was she in the car or foot?
- 6 A She was in the car.
- 7 Q Did she have anything in the car that you took
- 8 possession of?
- 9 A Yes, sir. She had in the passenger side floorboard,
- 10 it was like Bi-Lo bags and stuff just wrapped up and she
- 11 said, "That's the gun." So we collected the gun from the
- 12 floorboard and took it back to the sheriff's office and
- 13 turned it over to Ken Taylor who photographed it before --
- 14 or removing all of the bags that was covering the gun.
- 15 Q I'm going to show you a couple of pictures, State's
- 16 Exhibits 58 and 59 for identification only. Do you
- 17 recognize what's shown no those two pictures?
- 18 A Yes, sir.
- 19 Q What is shown in those pictures?
- 20 A That's how it was bagged in the floor of the car.
- 21 Q How many bags was it in?
- 22 A I can only say that's what I seen. Because when I
- 23 handed it to CSI Taylor I give it to him the way it is so
- 24 he can naturally process it from top to bottom.
- 25 Q Well, the picture, top picture I think is 58, is that

1 right? How many bags are shown in that picture?

2 A Two.

3 Q What did this picture 59 show?

4 A A "have a nice day" bag.

5 Q Can you see whether there's anything in the bag? I
6 don't know if there is or not.

7 A You can tell by holding it it was a gun.

8 Q Did you pick up the bags?

9 A Yes, sir.

10 Q Was it heavy?

11 A Yes.

12 Q Did you ever see into the bags? Did you look to see
13 that it was a gun?

14 A Yes, sir, I did.

15 Q Hang on just a minute.

16 MR. BARFIELD: Your Honor, at this time I would offer
17 58 and 59 for identification as State's exhibits.

18 THE COURT: Okay.

19 (The photos were received as State's 58 and 59.)

20 Q I'm showing you State's Number 2 for identification.
21 Do you recognize that?

22 A Yes, sir, I do.

23 Q What is that?

24 A That is a pistol.

25 Q And how do you recognize it? When have you seen it

TESTIMONY OF MIKE HOWELL

1 before?

2 A When I collected it.

3 Q It's in the bags in the 58 and 59?

4 A From Ms. Sanders.

5 Q When you physically took possession of the bags
6 containing the pistol, who next handled them?

7 A Ken Taylor, CSI investigators.

8 Q Where did Rollins come in there?

9 A He's there with me, he is actually -- yeah, I was
10 right -- Investigator Rollins was there with me when we
11 got the gun.

12 Q It appears that he took it from you and handed it
13 off, do you know whether that is true or not?

14 A I can't remember.

15 Q In the search for the gun did y'all wind up at
16 Lawrence Alexander's house?

17 A In the search for the gun? Yes, sir.

18 Q Was that before all of the stuff with the Sanders and
19 going to their house?

20 A Yes, sir. Not only the gun but we had also been told
21 that the baby's shoes were at the house, with that and
22 other information I'm getting from other people at the
23 time that's when we went to Lawrence's house to speak with
24 him.

25 Q Did y'all search Lawrence Alexander's house with his

1 consent?

2 A We did. We got a written consent with Mr. Alexander
3 to search his house.

4 Q Were the baby's shoes, or at least one of them, over
5 at Lawrence Alexander's house?

6 A Yes, sir, it was.

7 Q Did y'all find any ballistics evidence; guns,
8 ammunition or anything like that, anything other than the
9 baby's shoe or shoes at Lawrence Alexander's house when
10 you searched it?

11 A Nothing other than the shoes.

12 Q Do you remember when it was what you went to Lawrence
13 Alexander's house?

14 A Same day.

15 Q May 7th?

16 A May 7th, yes, sir.

17 Q Can you tell me from memory or if you need to refer
18 to anything when the first date that the information about
19 a gun and maybe being able to find a gun came to y'all?
20 When did y'all -- don't tell me how yet, but do you know a
21 date when you knew that you needed to start back tracking
22 to Lawrence Alexander's and led you to the Sanders and led
23 you to the EMS station with Jackie Sanders? When did that
24 information pop for y'all if you can tell me?

25 A I can't be for sure on exactly when.

TESTIMONY OF MIKE HOWELL

1 MR. BARFIELD: That's all of the questions I have of
2 Investigator Howell right now, he's the primary and I might
3 need to call him later again.

4 THE COURT: Call him later if you need to.

5 CROSS EXAMINATION

6 BY MR. LIFSEY:

7 Q So when you searched Lawrence Alexander's house,
8 though, you didn't find any blood or any evidence or
9 anything like that in there?

10 A No, sir. Only thing we found was -- actually he gave
11 the shoes to us.

12 Q Well, I guess what I'm getting at is you didn't see
13 any evidence that the child had actually been inside of
14 the home, did you?

15 A No, sir, I didn't see --

16 Q After the shooting obviously.

17 A Right.

18 Q You've identified this gun that you got from Jackie
19 Sanders.

20 A Yes, sir.

21 Q So just to refresh everybody's memory then, this is a
22 gun that's linked to Marico Stevens, right?

23 A Yes, sir.

24 Q It's Marico Sanders' (sic) gun, it's identified as
25 the gun that he keeps, right?

1 A Yes, sir.

2 Q So it's Marico Sanders' -- I mean Marico Stevens' gun
3 before this shooting, correct?

4 A Yes, sir.

5 Q And it comes after the shooting from Marico Stevens'
6 people, correct?

7 A Yes, sir.

8 Q And there's no suggestion at any point, at any time
9 of this gun being -- you don't have -- you have not found
10 other connections to this gun from my client or anything
11 else. Let me rephrase the question. Well, let me just go
12 back, bottom line is it is Stevens' gun before the
13 shooting and it's ultimately recovered from Stevens'
14 people after the shooting, correct?

15 A Yes, sir, that is correct.

16 Q You mentioned J. D. Hemphill.

17 A Yes, sir.

18 Q And you mentioned that you tried to find him.

19 A Yes, sir.

20 Q What have you done to try to find him?

21 A I have not physically tried to find him myself. I
22 know through Lieutenant Barnes they have made attempts to
23 find him. My understanding from other officers he is
24 actively wanted right now, I can't confirm that but that's
25 what I'm being told.

TESTIMONY OF MIKE HOWELL

- 1 Q So are you aware -- you have been in here and you've
2 heard testimony about him being in Atlanta. Other than
3 going on and knocking on his door here in Lancaster, are
4 you aware of any extra efforts that the Lancaster County
5 Sheriff's Office has done to find him?
- 6 A I personally don't know what they did.
- 7 Q You certainly can find people that have gone places,
8 can't you?
- 9 A Yes, sir.
- 10 Q Y'all have access not only to your agency but other
11 law enforcement agencies, correct?
- 12 A Yes, sir.
- 13 Q You have access to the U. S. Marshals Service, they
14 have a fugitive task force, don't they?
- 15 A Yes, sir, they do.
- 16 Q You could pick up the phone and call the Atlanta
17 Police Department, couldn't you?
- 18 A Yes, sir.
- 19 Q You could call the Georgia Bureau of Investigations
20 if you wanted to.
- 21 A Yes, sir.
- 22 Q You could call the FBI to assist you on a high
23 profile case if you wanted to, couldn't you?
- 24 A You could.
- 25 Q And I would imagine SLED, who was involved in this

1 case, could offer assistance if y'all requested it.

2 A Yes, sir.

3 Q To the best of your knowledge none of those efforts
4 have been made to get J. D. Hemphill in here.

5 A I do not know the exact steps. I would love to have
6 J. D. here.

7 Q Me too. Now, your primary job is not crime scene
8 investigation right now.

9 A No, sir.

10 Q But you do understand the concept of securing a crime
11 scene.

12 A Yes, sir.

13 Q I mean, the idea is when there's been a crime it's
14 important to limit access to the area, correct?

15 A Yes, sir.

16 Q And it's important to search the area for items of
17 evidentiary value; is that correct?

18 A Yes, sir.

19 Q And obviously in a shooting incident one of the
20 things law enforcement looked for is shell casings, bullet
21 fragments, that sort of thing; is that correct?

22 A Yes, sir.

23 Q And it is fair to say that this was a very high
24 profile matter, correct?

25 A Yes, sir.

TESTIMONY OF MIKE HOWELL

1 Q It's fair to say that by 9:30 or 10:00 at night there
2 was tons of law enforcement out on Athena Road; is that
3 correct?

4 A That's what I understand. I was not physically out
5 there, didn't start this investigation until the next day
6 on my part.

7 Q As far as you know they would have secured the area,
8 that would have been one of the primary things that the
9 sheriff's office would have done in this case, correct?

10 A With the information they have. I can't speak for
11 what they had at the moment last night -- or the night of.

12 Q Surely in the case of a shooting one of the things
13 you would have done is secure the area and look for
14 evidence, correct?

15 A Absolutely.

16 Q And in fact, there were shell casings and bullet
17 fragments found in this case, right?

18 A As I'm told of the incident night, yes.

19 Q Including some found from all kinds of areas over
20 there including right there at the trailer and right there
21 with the car and other areas; is that correct?

22 A Yes, sir.

23 Q But what I will call the Emmie Coats shell casings
24 were not that night, correct?

25 A Correct.

1 Q The Emmie Coats shell casings were turned over to
2 y'all the next day, correct?

3 A Yes, sir.

4 Q So either Emmie Coats took them that night or
5 somebody else took them that night or the sheriff's office
6 just missed them, is that fair to say? What other
7 explanation could there be?

8 A Okay. I can't explain what officer information has
9 that night and how they come to control what scene, I
10 don't know if there was a moving shooting, I don't know
11 what they told these officers. Whatever they did to
12 control the scene that's what they thought they had at the
13 time. I get a phone call that next morning from Jack
14 Usher that says, "I've got a lady on the phone that wants
15 to tell you that Emmie is out there picking up shell
16 casings, Emmie Coats, she knows all about it, she wants to
17 stay anonymous" so we follow-up on that. We spoke to her
18 and that's where we get to the first statement.

19 Q All I'm getting at is if that's true then they
20 weren't located that night.

21 A No, sir. They were not located that night.

22 Q So if we establish they weren't located that night it
23 is certainly possible that other shell casings and other
24 fragments were not located that night.

25 A Possibly.

TESTIMONY OF BRANDON ROLLINS

1 MR. LIFSEY: I don't have anything else.

2 MR. BARFIELD: I don't have anything further. I know
3 you are probably up against a break, I have got one 30
4 second chain witness and then it might be a good time for a
5 break if I can do this.

6 The witness, BRANDON ROLLINS, was first duly sworn and
7 testified as follows, on:

8 DIRECT EXAMINATION

9 BY MR. BARFIELD:

10 Q State your name.

11 A Brandon Rollins.

12 Q Mr. Rollins, by whom are you employed?

13 A Lancaster County Sheriff's Office?

14 Q What do you do with the sheriff's office?

15 A I'm a narcotics investigator.

16 Q Were you a narcotics investigator with the sheriff's
17 office on May 3rd, 4th, 5th, 6th and 7th of 2010?

18 A Yes, sir.

19 Q Did you participate with Mike Howell concerning the
20 search for what we hoped to be a gun connected to this
21 case?

22 A Yes, sir.

23 Q Did you go to the home of Eric and Jackie -- well, I
24 don't know if you did -- did you go to Eric and Jackie
25 Sanders' house?

- 1 A Yes, sir, I did.
- 2 Q Did you speak with Investigator Howell on that date
- 3 after the visit to the Sanders' house until he met up with
- 4 Jackie Sanders at the EMS office?
- 5 A Yes, sir, I did.
- 6 Q Did you see what Jackie Sanders had?
- 7 A Yes, sir, I did.
- 8 Q I'm showing you State's Exhibits 58 and 59. Are
- 9 those pictures familiar to you?
- 10 A Yes, sir.
- 11 Q And what is shown in those two pictures?
- 12 A A white plastic grocery bag and a blue plastic
- 13 grocery bag.
- 14 Q And did you for a brief spell I guess at least have
- 15 possession of those two bags and their contents?
- 16 A Yes, sir.
- 17 Q Could you tell what was in the bags?
- 18 A It was a handgun.
- 19 Q And I'm going to show you what has been marked for
- 20 identification as State's Exhibit Number 2 and ask you if
- 21 that is the handgun?
- 22 A That appears to be the handgun.
- 23 Q What did you do with the handgun after you had it in
- 24 your possession?
- 25 A I turned it over to Crime Scene Investigator Ken

TESTIMONY OF JEFF STEELE

1 Taylor.

2 MR. BARFIELD: Thank you. That's it.

3 MR. LIFSEY: I don't have any questions.

4 THE COURT: Step down.

5 MR. BARFIELD: I think it would be a good time for a
6 break if you're inclined.

7 THE COURT: All right. We'll take 15, jurors.

8 (The jury left the courtroom and a recess was taken.)

9 THE COURT: You may proceed.

10 The witness, JEFF STEELE was first duly sworn and
11 testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q State your name, please, sir?

15 A I am Jeff Steele.

16 Q Mr. Steele, by whom are you employed?

17 A Lancaster County Sheriff's Office.

18 Q How long have you been employed by the sheriff's
19 office?

20 A For approximately ten years, sir.

21 Q What is your job with the sheriff's office right now?

22 A I'm a crime scene investigator.

23 Q How long have you been a crime scene investigator
24 with the sheriff's office?

25 A A little over two years.

1 Q How many crime scene investigators does the Lancaster
2 Sheriff's Office have?

3 A Two.

4 Q Who is the other one?

5 A Investigator Ken Taylor.

6 Q Were both of y'all crime scene investigators with the
7 sheriff's office on May 3rd, 2010 when this matter that
8 brings us all here occurred?

9 A Yes, sir.

10 Q Where did you learn how to be a crime scene
11 investigator?

12 A At the National Forensics Academy at the University
13 of Tennessee?

14 Q In what town?

15 A Knoxville.

16 Q When?

17 A January and February of 2010.

18 Q How long was the course?

19 A Ten weeks.

20 Q What kind of stuff -- were there classes within the
21 overall course on various topics?

22 A Yes, sir, around 16 different topics.

23 Q What were the -- just give us some of the topics.

24 A Shooting reconstruction, blood stain pattern
25 analysis, crime scene investigations, burial excavation.

TESTIMONY OF JEFF STEELE

- 1 Q You said burial excavation?
- 2 A Yes, sir.
- 3 Q Okay.
- 4 A And latent print examination, lab work, death
- 5 investigations.
- 6 Q Did you complete the course start to finish, the ten
- 7 week course, did you complete it from start to finish?
- 8 A Yes, sir. I completed it and graduated.
- 9 Q Did you pass all of the topical classes within the
- 10 overall course?
- 11 A Yes, sir.
- 12 Q Did you get something when you got through with that
- 13 course?
- 14 A Yes, sir, a certification.
- 15 Q Certification of what?
- 16 A Completion of the course through the forensics
- 17 academy, it placed me as being one of seven to ever
- 18 graduate from the State of South Carolina.
- 19 Q Have you had any crime scene investigation training
- 20 subsequent to going to the National Academy of Forensics
- 21 for the 10 week course?
- 22 A Yes, sir. I went back to Tennessee and had an
- 23 advanced course in shooting reconstruction at the
- 24 University of Tennessee. I went to several courses in
- 25 Raleigh and Columbia, South Carolina, also associated with

1 footwear and tile wear investigations, fire investigations
2 and latent print examination.

3 Q Have you passed all of your courses?

4 A Yes, sir.

5 Q Did you receive certificates for the successful
6 completion of all of those courses?

7 A Yes, sir.

8 Q Does the Lancaster County Sheriff's Office have a
9 crime scene unit now?

10 A Yes, sir.

11 Q You and Ken Taylor?

12 A Yes, sir.

13 Q Have y'all got vehicles and equipment specifically
14 tailored, no pun intended, to crime scene investigations?

15 A Yes, sir.

16 Q Have y'all worked crime scenes subsequent to your
17 completion of the national academy?

18 A Yes, sir.

19 Q How many different crimes scenes have y'all worked?

20 A I couldn't -- several. I mean, since we have gotten
21 back we worked burglaries, homicides, all kinds of scenes
22 so I can't give you a number.

23 MR. BARFIELD: Your Honor, at this time I would offer
24 Investigator Steele as an expert in crime scene
25 investigation and the shooting reconstruction.

TESTIMONY OF JEFF STEELE

1 MR. LIFSEY: I don't have any voir dire on that topic.

2 THE COURT: Jurors, this is the second person they've
3 offered as an expert, the first one was a forensic
4 pathologist. The reason they say we offer them as an
5 expert, in trials a non-expert is limited in opinions, they
6 can give things with their common knowledge, is that car
7 going to fast for the eyeballs? Once I qualify somebody as
8 an expert they have to demonstrate they've got work
9 experience, education, combination of those factors to
10 require more knowledge in a particular field than you or I
11 have, then they're able to give opinions within that field
12 of expertise. You are not bound to accept them but they're
13 entitled to give them. You can disregard any opinion given
14 that's not given to a reasonable degree of certainty. If
15 an expert says I guess or I think so that's just -- again,
16 it's just like anybody. I didn't do it on the pathologist
17 because there was really no dispute as to what was the
18 cause of death. He's going to give some opinions
19 apparently and you are not bound to accept it, I'm not
20 suggesting you reject it. In any opinion you have to
21 consider the underlying facts on which it is based, whether
22 it's from a lay person or, you know, an expert. But he is
23 qualified to give these opinions, I don't have a clue as to
24 what they are. Go ahead. And this holds true for anybody
25 else that they might offer as an expert. I'm assuming they

1 say his partner is going to be called.

2 MR. BARFIELD: Yes, sir.

3 THE COURT: I won't tell you the same thing again, but
4 he will be subject to the same rules once he is qualified
5 to do that.

6 Q Did you get called out to assist with the
7 investigation of the shooting death of victim
8 victim which we now know occurred on Athena Road in
9 Lancaster on May 3rd of 2010?

10 A Yes, sir, I did.

11 Q Were you actually working and just had to move from
12 one place to another or did you get called out from home?

13 A I got called out from my residence.

14 Q Where was your first destination? Where did you
15 first go to start your work?

16 A Athena Road.

17 Q Were there other deputies and investigators on the
18 scene?

19 A Yes, sir.

20 Q At the time you got there did y'all know exactly what
21 had happened and where?

22 A No, sir.

23 Q Did you know that there was I guess theoretically if
24 not actually another scene at the emergency room at the
25 hospital where stuff was that was related to this case?

TESTIMONY OF JEFF STEELE

1 A I didn't. I was briefed about that upon my arrival.

2 Q Did you ever go to the ER yourself and do anything in
3 connection with your job in this case?

4 A No, sir.

5 Q Was the scene as you found it secure when you got
6 there on Athena Road?

7 A Yes, sir.

8 Q And what was the scene as you determined it to be
9 based on the information that had been provided to
10 investigators up to that point? Where was the scene?

11 A When I arrived on scene I was briefed by the deputies
12 on scene. They advised me that a shooting had occurred at
13 Athena Road, that a road had been secured, wardened
14 off, no traffic allowed down the highway and it was
15 completely secured by all of the deputies. After that I
16 started my processing procedure.

17 Q Did you have some skinny of the facts of the
18 shooting?

19 A No, sir.

20 Q Did you know whether one man shot another man and
21 both of them were standing in the street or somebody shot
22 into a house or somebody shot at a moving car? Did you
23 know what the reported shooting was all about when you
24 started your investigation?

25 A No, sir. I was just -- only what I was briefed

1 about, that a shooting had occurred.

2 Q Did you -- were you there by yourself as a crime
3 scene investigator for some period of time?

4 A Yes, sir.

5 Q Did Crime Scene Investigator Ken Taylor join you
6 later on?

7 A Yes, sir.

8 Q Just give us -- not details yet, we'll get into
9 detail in a minute -- but broadly what did you do when you
10 were out there first by yourself, what were you doing?

11 A What I do at all of my scenes, I do an overview of
12 the scene to try to get an idea where any physical
13 evidence may be before I start to lay out my evidence
14 markers and shoot initial photographs at the scene.

15 Q Had some stuff been spotted by police officers before
16 you got there that was pointed out to you as being
17 significant?

18 A Yes, sir.

19 Q Did you find some stuff that you picked up?

20 A Yes, sir.

21 Q We'll come back to that in a minute, I want to jump
22 way ahead. Do you recognize what's shown in State's
23 Exhibit Number 11 for identification purposes?

24 A Yes, sir.

25 Q What is that?

TESTIMONY OF JEFF STEELE

1 A That's .40 caliber cartridge cases.

2 Q Where have you seen them to be able to say today that
3 you recognize them? Where did you first see them?

4 A They were given to me at Emmie Coats' residence by
5 Investigator Danny Bennett.

6 Q Were they sealed up and secured and turned into
7 evidence at the sheriff's office?

8 A Yes, sir.

9 Q Who would you have given these to after you took
10 possession of them?

11 A Evidence custodian Ann Horton.

12 Q And her name is going to come up a bunch. Does
13 everything go through her?

14 A Yes, sir.

15 Q Let's go ahead and talk about these. How did you get
16 involved in the recovery of these fired cartridge -- what
17 caliber are these?

18 A .40 caliber.

19 Q How did you get involved in the recovery of those
20 four fired cartridge cases, State's Exhibit Number 11 for
21 identification?

22 A The following day I received information at the
23 office that investigators were on the scene, I think it's
24 Athena Road, and they had information that someone
25 was picking up cartridge cases in their yard and they

1 asked me to respond.

2 Q Were you there when -- did you talk to Emmie Amanda
3 Coats or were you there when she was being talked to by
4 other law enforcement officers that morning?

5 A I never talked to her, sir.

6 Q Okay. Do you know where she is said to have picked
7 those cartridge cases up from?

8 A Yes, sir.

9 Q I'm going to ask you this, you know I'm going to ask
10 you this, how come you didn't find them Monday night?

11 A I was not advised that anything had even happened on
12 that side of the highway. When I was there I was briefed
13 that everything had happened at which was just across
14 the street from

15 Q All right. Did you find any other ballistics
16 evidence on the ground out there anywhere?

17 A Yes, sir.

18 MR. BARFIELD: Permission for the witness to step
19 down.

20 THE COURT: Okay.

21 Q Come down here to me and we're going to look at the
22 diagram, and if you need paperwork or anything to answer
23 these questions that's fine, but let's just kind of go
24 through it. Tell us -- and if you recall in what order
25 you found stuff, just tell the jury what you found one

TESTIMONY OF JEFF STEELE

- 1 item at a time.
- 2 A Evidence one right here --
- 3 Q And step back enough so that they can see you and I
- 4 think that pointer is right there.
- 5 A Where number one is right here, this is a
- 6 7.65-millimeter casing.
- 7 Q We're going to go slow. When you say casing, do you
- 8 mean --
- 9 A Cartridge casing. The bullet had done been fired, it
- 10 was just a casing that the bullet sits in.
- 11 Q You said number one, that's in the middle of the
- 12 road?
- 13 A Yes, sir.
- 14 Q All right.
- 15 A Number two, which is right here, also 7.65-millimeter
- 16 cartridge casing.
- 17 Q Number three?
- 18 A Number three, just to the right of it, or my right
- 19 standing here, 7.65 cartridge casing as well.
- 20 Q All right. Look at number three again, cartridge or
- 21 cartridge casing?
- 22 A Yeah, it was a cartridge.
- 23 Q Unfired bullet?
- 24 A Yes, sir.
- 25 Q Number four?

1 A Number four is going to be a tan in colored hat which
2 is laying on the ground by them. Number five right here
3 between 2044 and 2036 was a .380 caliber cartridge casing.

4 Q From a fired bullet?

5 A Yes, sir. Number six is a .22 caliber casing, it was
6 found back there at the back of 2036 right before the wood
7 line. Number seven also found there at that same location
8 a .22 caliber cartridge casing -- I mean, caliber casing.
9 Number eight was a Samsung cellphone, all of them were
10 found in this area right here.

11 Q Now, before we get into that, do you have any
12 independent knowledge or personal knowledge of who you
13 tracked that phone to? Do you know whose phone that was?

14 A Yes, sir. This one back here came back to Beneco
15 Ganson.

16 Q All right. Now, nine, ten and 11, what are nine, ten
17 and 11?

18 A They were the .40 caliber casings that you just
19 showed me on the stand that came from Emmie Coats'
20 residence.

21 Q To your knowledge, did anybody with the Lancaster
22 County Sheriff's Office or in law enforcement ever see
23 them as they laid on the ground?

24 A No, sir.

25 Q Is there some representation on the diagram of where

TESTIMONY OF JEFF STEELE

- 1 they were?
- 2 A Yes, sir.
- 3 Q And where did the information come from to let
4 somebody put on this diagram locations for their recovery
5 by Ms. Coats, I guess?
- 6 A Emmie Coats advised us where they were at.
- 7 Q There was a final item of the list of stuff that was
8 picked up, is it also something you picked up?
- 9 A Yes, sir.
- 10 Q First of all where did you pick it up?
- 11 A It was at the driveway here, right at the edge of the
12 driveway on Athena Road.
- 13 Q Where on the diagram is the actual item, where did
14 you mark it as being?
- 15 A It was right here.
- 16 Q How come it didn't have a yellow ID marking?
- 17 A We were finishing up our scene and while we were
18 picking up our trackers, our little markers, we were
19 walking back to our crime scene van and we happened to
20 notice it while we were walking back, we took a digital
21 photo of it and added it in with our original pictures, or
22 photos.
- 23 Q I'm showing you a little old envelope. Can you tell
24 me what that is?
- 25 A Yes, sir, that's a bullet fragment.

1 Q And does it correspond with something that's shown on
2 the diagram here that you just talked about?

3 A Yes, sir.

4 Q Which piece of stuff is that that's in your hand?

5 A It would be the bullet fragment here beside the white
6 wrapper that we found.

7 Q Is that the same ID, no ID marker bullet fragment?

8 A Yes, sir.

9 MR. BARFIELD: Your Honor, at this time I would offer
10 this for identification purposes as number next.

11 Q When you picked this up, what did you do with it?
12 Where did it ultimately get to within the Lancaster County
13 Sheriff's Office?

14 A I placed it into evidence at the sheriff's office.

15 Q By checking it in with whom?

16 A Ann Horton.

17 Q Let me show you a picture. I'm showing you what has
18 been marked for identification State's Exhibit Number 68,
19 a photograph, State's Exhibit 68 for identification. Do
20 you recognize that photograph?

21 A Yes, sir.

22 Q What is that a picture of?

23 A That's a picture of that fragment beside the white
24 wrapper.

25 Q That's marked with this red arrow?

TESTIMONY OF JEFF STEELE

- 1 A Yes, sir.
- 2 MR. BARFIELD: Your Honor, I would offer the
- 3 photograph as State's Exhibit 68.
- 4 MR. LIFSEY: I don't have any objection.
- 5 THE COURT: Yes, sir.
- 6 (The photo was received as State's 68.)
- 7 Q Did you find anything else out there that night that
- 8 you picked up and took possession of?
- 9 A No, sir, only what's listed here, sir.
- 10 Q Is that a sketch of the general location about all of
- 11 these events?
- 12 A Yes, sir.
- 13 Q And did y'all take measurements to get some idea of
- 14 how far stuff was from other stuff?
- 15 A Yes, sir.
- 16 Q I'm not going to ask you about that right now. Is
- 17 the drawing to scale or is it not to scale?
- 18 A It is not to scale.
- 19 Q For now I think take your seat back if you will. Did
- 20 you participate in the processing of the car at some
- 21 point?
- 22 A Yes, sir.
- 23 Q The Chevy Malibu that the child was shot in?
- 24 A Yes, sir.
- 25 Q Where was the car when you first dealt with the car,

1 saw the car?

2 A At the maintenance shop, secured inside of the
3 building at the maintenance shop across from the Lancaster
4 County Sheriff's Office.

5 Q Was there anything that you believed to be ballistics
6 evidence inside of the car when y'all processed it that
7 you recovered?

8 A Yes, sir.

9 Q I'm going to show you some things. Can you tell me
10 what that is?

11 A Yeah. This is the copper jacketing from a bullet.

12 Q Explain to the jury when you say copper jacket or
13 copper jacket fragment, what are you talking about?

14 A It's the copper section that's over the top of the --
15 when I say the lead portion over the bullet that's around
16 it, it's like we call a copper jacketing because it's
17 around it. It could come lose and hit something, it could
18 break apart and stuff like that.

19 Q So you've got the bullet which is the lead.

20 A Yes, sir.

21 Q You've got the jacket that wraps the lead up.

22 A Yes, sir.

23 Q Are those two in something else?

24 A Inside of the casing itself.

25 Q Number -- the thing I just handed to you, what is it

TESTIMONY OF JEFF STEELE

1 and where did you find it?

2 A This is a copper jacket and it was found on the
3 passenger side floorboard back seat, back floor.

4 Q I'll mark all of those in a minute. I'll show you
5 this envelope and ask you if you can identify what that
6 is?

7 A That's the piece of lead, it's a lead metal jacket.
8 It looks like inside of that little tube that was found
9 also in the back seat behind the driver's side.

10 Q And I'm going to show you this envelope and ask you
11 if you can tell me what that is?

12 A Again that looks like a piece of the lead jacket from
13 the projectile. And I can't remember, this is the one
14 that was found -- I think this is the one that was found
15 inside the trunk area of the vehicle.

16 Q And explain exactly in the trunk area of the vehicle
17 where it was.

18 A In the spare tire area, around the spare tire.

19 MR. BARFIELD: I would offer these three for
20 identification.

21 Q Did you retrieve and take possession of any other
22 ballistics evidence yourself from out of the car?

23 A No, sir.

24 Q Did you collect any what y'all would refer to as
25 swabs from inside the car?

1 A I did not, sir.

2 Q All right. Did you yourself collect any what we
3 would refer to as trace evidence from people, buccal swabs
4 for DNA analysis?

5 A No, sir.

6 Q Did you and Ken Taylor undertake to try to examine
7 the car to determine what you could about the bullet holes
8 in the car?

9 A Yes, sir.

10 Q Let me talk to you generally about the car first.
11 When you examined the car, were there any obvious defects
12 in the exterior and interior of the car?

13 A Yes, sir.

14 Q Just generally give us an overview of what the car
15 looked like.

16 A It had two defects in the top section of the vehicle
17 and it had one defect noticeable in the back windshield.

18 Q I'm going to show you a series of photographs, just
19 flip through them for a minute and tell me if you can
20 identify what they are. I'm not going to put them on the
21 scanner yet, but just tell me if you know what they are.

22 A This is my initial crime scene.

23 Q And is some of that nighttime photos?

24 A Yes, sir.

25 Q Is some of that daytime photos?

TESTIMONY OF JEFF STEELE

- 1 A All of these are nighttime photos.
- 2 Q Did you take those pictures?
- 3 A Yes, sir.
- 4 Q And generally speaking what do they show?
- 5 A Evidence and the crime scene overall photos.
- 6 Q There's a yellow cone in there. What do you call
- 7 those things?
- 8 A It's the evidence marker.
- 9 Q I'm going to ask you specifically about some of these
- 10 pictures in just a moment. If you would step down here
- 11 again, please. I'm going to show you some other photos
- 12 which are already in evidence and they're State's Exhibits
- 13 4 through 10. What do those pictures show?
- 14 A This is going to be the date we collected the .40
- 15 caliber casing and it is going to be at the
- 16 residence.
- 17 Q Did you take those pictures?
- 18 A Yes, sir.
- 19 Q And I'll ask you some specific questions about them
- 20 briefly. State's Exhibit Number 5 appears to show three
- 21 mobile homes, do you know -- can you tell from house
- 22 numbers on any of these mobile homes which one is which?
- 23 A I assume from the shot this is going to be 2044, this
- 24 is going to be and this is going to be 2036.
- 25 Q Can you read a number -- house number on that mobile

1 home which is State's Exhibit Number 9?

2 A I can't from here, sir, no, sir.

3 Q Can you read that right there?

4 A I can see it but I promise you I can't see it.

5 Q How about in that picture, can you read it in that
6 picture?

7 A That looks like it's I can just see a little
8 bit right there.

9 Q Are you sure one way or another about that?

10 A Yes, sir, it looks like

11 Q All right. Were there some clothing items that y'all
12 took out of the car and put into evidence at some point?

13 A Yes, sir.

14 Q And what were they and where were they?

15 A I can't recall all of it. There was like a jacket I
16 believe that it was in the front seat, there was a
17 cellphone in the vehicle as well. I can't recall where
18 all of the others were at, Ken Taylor collected those.

19 Q You can have a seat back up there on the witness
20 chair. Thank you. From your training when you find a
21 fired cartridge case on the ground, are you able to say
22 for example how long it has been there?

23 A No, sir.

24 Q Are you able to say when it got fired?

25 A No, sir.

TESTIMONY OF JEFF STEELE

1 Q Are you able to determine anything from its condition
2 about how long it had laid on the ground?

3 A No, sir.

4 Q At some point did you become aware that a pistol, a
5 handgun had been recovered in this case?

6 A Yes, sir.

7 Q Did you become aware that Ken Taylor did some
8 swabbing of the handgun to try to see if there was any DNA
9 evidence on it?

10 A Yes, sir.

11 Q Did you at some point participate in at least
12 paperwork wise the collection of DNA samples, buccal swabs
13 from somebody?

14 A No, sir, I don't think I did. I can't recall that.

15 Q Okay. Do you recall now?

16 A Yeah, I've got you.

17 Q Was a search warrant obtained for buccal swabs from
18 somebody?

19 A Yes, sir.

20 Q And let's tell the jury what buccal swabs are, I've
21 been talking about that and had some civilians talking
22 about it. What are buccal swabs?

23 A A buccal swab is where I can go in and take a cotton
24 tip, basically swab the inside of the cheek. It allows me
25 to retrieve DNA on to the cotton tip and I send that on to

1 SLED for analysis.

2 Q Is there a kit that y'all use to collect buccal
3 swabs, some prepackaged kit?

4 A Excuse me?

5 Q Is there a kit y'all use to collect buccal swabs,
6 something that comes to y'all readymade to collect these
7 samples?

8 A Yes, sir. Well, it's cotton tip swabs and you can
9 use distilled water but you ain't got to use water using
10 the cotton swab, just the cotton tip.

11 Q What do you do with them? Do you put them in
12 something?

13 A I place it into an evidence swab box, allow it to air
14 dry and then I send it to SLED.

15 Q And did you serve a search warrant for the collection
16 of buccal swabs on one of the defendants in this case, not
17 Mr. Carter?

18 A I did.

19 Q Who did you serve that search warrant on?

20 A Marico Stevens.

21 Q Did you actually collect the swabs or did somebody
22 else do that?

23 A I collected the swabs.

24 Q I'm going to show you this package and ask you if you
25 can identify what that is.

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1 A Yes. This will be the envelope that was sent with
2 the buccal swab from Marico Stevens.

3 Q And is that the stuff that you just described you
4 collected from him?

5 A Yes, sir.

6 Q And did you seal it up properly when you collected
7 it?

8 A Yes, sir.

9 Q And what did you do with it after you collected it?

10 A Placed it back in evidence with Ann Horton.

11 MR. BARFIELD: Mark for identification purposes, Your
12 Honor.

13 THE COURT: Okay.

14 MR. BARFIELD: Thank you, sir. I think that's all of
15 the questions I have.

16 CROSS EXAMINATION

17 BY MR. LIFSEY:

18 Q Officer, so the bottom line is there were shell
19 casings all over this place.

20 A On the left side of the highway, yes, sir.

21 Q The side of the road that the Ganson/Hemphill gang
22 would have been on; isn't that right?

23 A Yes, sir.

24 Q And you've got shell casings from multiple -- at
25 least two different -- three different -- different

1 weapons, is that right, two different weapons?

2 A Yes.

3 Q And you've testified to and told the solicitor you
4 wouldn't have any way of knowing if those were deposited
5 that night or not, right?

6 A No, sir.

7 Q So in other words they could have been deposited that
8 night.

9 A Yes, sir.

10 Q Now, what I'll refer to as the -- for lack of a
11 better word the Emmie Coats evidence, this, State's
12 Exhibit 11, this is the stuff that Emmie Coats gave you;
13 is that right?

14 A Yes, sir.

15 Q Your representation of where those items were found
16 is, of course, based on her representations to you,
17 correct?

18 A Yes, sir.

19 Q But obviously we know she lied about -- she's lied
20 from the beginning about all of this; isn't that true?

21 A Yes, sir.

22 Q Because clearly she at first tells you she didn't
23 pick them up and then she admits she picks them up, so to
24 put it here you have to rely on someone who you know was
25 lying, right?

TESTIMONY OF JEFF STEELE

1 A I just have to go by where she said they were, I was
2 not there.

3 Q Because we don't really know where they came from.

4 A I can only go by what -- where she told us they were.

5 Q And, of course, her version of what happened to Mike
6 Miller that night is the whole reason you testified you
7 weren't looking here for stuff; is that correct?

8 A Yes, sir.

9 Q So you rely on somebody who you know misled you to
10 begin with, correct?

11 A Yes, sir.

12 Q And then further lied about her involvement in
13 picking these up to now say that this is where these items
14 came from; isn't that right?

15 A Yes, sir. I have to go by where she said they were
16 because I did not collect them.

17 Q Because obviously you weren't out there and you
18 weren't there whenever she picked them up.

19 A No, sir.

20 Q And there's certainly no way of telling from looking
21 at these whether she picked them up that evening or
22 whether she picked them up the next morning as was
23 reported to y'all and anything like that, there's just no
24 way to know that.

25 A Right.

1 Q Now, I don't want to get into great detail with this
2 because I understand Mr. Taylor is going to testify to it,
3 but clearly the bottom line is the shots -- y'all's belief
4 is the shots came from one end of the car; is that
5 correct?

6 A Yes, sir.

7 Q Couple of things I want to ask you about that.
8 Clearly -- assume for a minute the car was parked in the
9 driveway, correct?

10 A Uh-huh.

11 Q If somebody were to get out of the car, walk to the
12 middle of the road and as they are walking start firing --

13 A When they were walking toward the road?

14 Q Yes. That's not consistent with the evidence as
15 y'all found it.

16 A No, sir.

17 Q So we know that couldn't happen, correct?

18 A Yes, sir.

19 Q I don't know how to ask this in an insensitive way so
20 I'm just going to ask it, clearly whoever shot this gun
21 was a terrible shot, is that fair to say?

22 A Yes, sir.

23 Q And, in fact, someone had to have -- absent the
24 unthinkable of deliberately firing, someone had to have
25 been firing in an extremely reckless manner, correct?

TESTIMONY OF JEFF STEELE

1 A Yes, sir.

2 Q Now, clearly the further you are away from a target,
3 whatever you want to hit, the more difficult in general
4 terms it would be to strike that if your goal was to fire
5 the shot, correct?

6 A Yes, sir.

7 Q So if I had a beef and wanted to kill you, would it
8 be easier to strike when I'm say at this distance with
9 nothing between us or would it be when I'm much further
10 away behind a vehicle, which would be an easier person to
11 hit?

12 A Up close.

13 Q Clearly. In fact, the terrible shots that resulted
14 in this case are certainly consistent with someone who is
15 scared to death and being fired at, right?

16 MR. BARFIELD: I'm going to object, I don't think he
17 can answer that question.

18 THE COURT: If he just says he doesn't know, don't --
19 trust your witness to answer the question.

20 A Can you repeat question?

21 Q Certainly. The terrible shots in this case that make
22 no sense coming in at the angles you and Mr. Taylor are
23 going to testify to in a minute is clearly more consistent
24 with someone under high stress, running and turning behind
25 and returning fire than it is to someone aiming and

1 attempting to shoot somebody.

2 A Yes, sir.

3 Q Now, you took DNA -- you did not take the DNA swab
4 from my client, did you?

5 A No, sir.

6 Q That would be another officer testifying about him
7 cooperating and giving you the DNA; is that right?

8 A Yes, sir.

9 Q You took one from Marico?

10 A Yes, sir.

11 Q Marico didn't cooperate with you, did he?

12 A No, sir.

13 Q He didn't want you to get that DNA.

14 A We got a search warrant for it, though.

15 Q Well, you were going to take it whether he wanted it
16 or not.

17 A Yes, sir.

18 Q He didn't like that.

19 A Right.

20 MR. LIFSEY: I don't have any further questions.

21 MR. BARFIELD: Just one follow-up.

22 REDIRECT EXAMINATION

23 Q In your examination of the car, again I'm not going
24 to get into all of the detail about the examination of the
25 car and defects and bullet holes in the car myself, but

TESTIMONY OF JEFF STEELE

1 was there anything -- are you familiar with -- well, when
2 you went out there Monday night was the car there on
3 Athena Road?

4 A No, sir.

5 Q Through investigation did y'all determine a likely
6 placement of the car when the shooting happened, where the
7 car was?

8 A Yes, sir.

9 Q From examination of the car based on your expertise
10 and your training through the national academy, did you
11 see any defects -- first of all I'm going to break it
12 down. Come on back down here and bring your laser
13 pointer. Step to the side. And from the investigation
14 where do you believe the car to have been? It's not drawn
15 on that, but where was the car?

16 A I believe the car had to be somewhere right in this
17 area.

18 Q And from the investigation which end of the car was
19 closest to the trailer and which end was closest to the
20 road?

21 A The trunk portion of the car had to be back toward
22 the road and the front portion had to be facing the
23 trailer.

24 Q Is that consistent with witness information about
25 where the car was?

1 A Yes, sir.

2 Q From your investigation of the car, were there any
3 defects in the rear of the car that y'all concluded came
4 from behind the car?

5 A No, sir.

6 Q Does that include the back glass that was shot out?

7 A Yes, sir.

8 Q Were there any defects on the driver's side of the
9 car consistent with having been made from shots fired from
10 behind or to the driver's side of the car?

11 A No, sir.

12 MR. BARFIELD: Thank you. You can take a seat.

13 MR. LIFSEY: Can I ask him to stay up here just one
14 second, Judge?

15 RECROSS EXAMINATION

16 BY MR. LIFSEY:

17 Q So if the car is -- the front end this way; is that
18 right?

19 A Yes, sir, nose of it pointing this way.

20 Q Nose of it pointing this way. And the shots had to
21 have come what, from the front or the front passenger
22 side? It had to come from the front end, correct?

23 A Yes, sir.

24 Q Once again, no one could have walked to the middle of
25 the road and fired and it be consistent at all with what

TESTIMONY OF JEFF STEELE

1 you found; is that correct?

2 A The consistency is the shots came from the front of
3 the vehicle.

4 Q Somebody had to be at the front of that car firing.

5 A Yes, sir.

6 Q That's the only way it makes any sense with what you
7 found.

8 A Yes, sir.

9 Q And solicitor asked you about defects. Were you the
10 officer that examined the bullet hole in Emmie Coats'
11 trailer?

12 A No, sir. I was never notified about any bullet holes
13 in her trailer.

14 MR. LIFSEY: Thank you.

15 MR. BARFIELD: Nothing else from this witness.

16 THE COURT: Step down, sir.

17 MR. BARFIELD: Call Ken Taylor.

18 The witness, KEN TAYLOR, was first duly sworn and
19 testified as follows, on:

20 DIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q State your name, please.

23 A Ken Taylor.

24 Q Mr. Taylor, by whom are you employed?

25 A Lancaster County Sheriff's Office.

1 Q How long have you been employed by the sheriff's
2 office?

3 A December full-time six years.

4 Q What is your job at the sheriff's office?

5 A Crime scene investigator.

6 Q How long have you been a crime scene investigator
7 with the sheriff's office?

8 A Slightly two years.

9 Q How did you learn to be a crime scene investigator?

10 A My on the job experience, and I was fortunate to
11 attend the National Forensic Academy at the University of
12 Tennessee, Oak Ridge, Tennessee.

13 Q When did you go?

14 A January through March of 2010.

15 Q How long did it last?

16 A Ten weeks.

17 Q Did you and Jeff Steele go through instruction
18 together?

19 A Yes, sir, we did.

20 Q Did you complete the ten week course?

21 A Yes, sir.

22 Q Was it a successful completion?

23 A Yes, sir.

24 Q Did you complete the individual topic classes within
25 the overall course, all of them?

TESTIMONY OF KEN TAYLOR

1 A Yes, sir.

2 Q Was all of that successful?

3 A Yes, sir.

4 Q Did you get a certificate of completion for all of
5 that training?

6 A Yes, sir, I did.

7 Q Did you attend any subsequent -- well, was part of
8 the national academy training crime scene investigation?

9 A Yes.

10 Q Was part of it gunshot reconstruction?

11 A Yes, sir, it was.

12 Q Have you received additional training on either of
13 those topics or other topics since going to the national
14 academy?

15 A Yes, sir, I have.

16 Q When and where?

17 A As far as shooting instruction did take another 40
18 hour course also provided by the University of Tennessee
19 National Forensic Academy, and I think it was this year.

20 Q Did you and Jeff go to that together?

21 A Yes, sir.

22 Q Did you successfully complete that course and get a
23 certificate of completion?

24 A Yes, sir, I did.

25 Q Have you worked crime scenes since completion of that

1 training?

2 A Yes.

3 Q Have some of them been homicides like this one?

4 A Yes, sir.

5 Q What other kinds of crime scene have y'all worked?

6 A Shootings, armed robberies, burglaries, suspicious
7 fires, suspicious death.

8 MR. BARFIELD: Your Honor, at this time I would offer
9 Mr. Taylor as an expert in crime scene investigations and
10 shooting reconstruction.

11 MR. LIFSEY: I take the same position as I did the
12 other officer.

13 THE COURT: Okay.

14 Q Is part of your training collection of gunshot
15 residue evidence collection kits?

16 A Yes, sir, it is.

17 Q Do y'all analyze GSR kits?

18 A No, we don't analyze them.

19 Q Where do they go to get analyzed?

20 A We send them down to our State Law Enforcement
21 Division for laboratory in Columbia.

22 Q Based on your training, is there any time limit on a
23 living person for the collection of a gunshot residue kit?
24 Let me break this down. If somebody might have shot a gun
25 at 6:00 at night and y'all run into them sometime later,

TESTIMONY OF KEN TAYLOR

1 how much later is too late to collect the gunshot residue
2 kit?

3 A SLED has set a standard for us at six hours.

4 Q So again, if this guy shoots a gun at 6:00 and you
5 catch him at 8:00, are y'all going to swab his hands?

6 A Yes, sir, that would be the normal procedure.

7 Q If you believe he shot the gun at 8:00 at night and
8 y'all caught him at 4:00 the next morning, are you going
9 to do a swab of his hands?

10 A No, sir.

11 Q Is SLED going to do anything with it if you did?

12 A No, sir.

13 Q Did you participate in the investigation of the
14 shooting death of victim ?

15 A Yes, sir.

16 Q Were you on duty and working when this call came out
17 or were you at home and got called out too?

18 A I was on duty on second shift.

19 Q Did you report somewhere first?

20 A Yes, sir, I did.

21 Q Where did you go?

22 A I went to Springs Memorial Hospital at the emergency
23 room entrance.

24 Q Was the -- was there a car there that was of interest
25 to you?

- 1 A Yes, sir.
- 2 Q Did you do -- did you take a look at the car?
- 3 A Yes.
- 4 Q How thorough was your look at the car at the ER?
- 5 A I took some initial photographs, photographed it in
- 6 place there, saw some bullet holes in the exterior of the
- 7 car, saw some other evidence on the interior of the car.
- 8 Q Did you take anything out of the car by way of
- 9 evidence there at the hospital?
- 10 A At that time, no.
- 11 Q Why didn't you process the car at the hospital?
- 12 A During that incident, a large crowd of what I assumed
- 13 to be probably family members, friends, had responded to
- 14 the hospital parking lot where the car was found right at
- 15 the front of the doors in the emergency waiting room in
- 16 the triage area, large crowd began showing up becoming
- 17 tense, a lot of emotions, we were also blocking the
- 18 entrance way to the hospital with that car. We had
- 19 initially tried to mark it off with crime scene tape and
- 20 had asked hospital security to keep people from coming in
- 21 and out that door but there was a lot of patients coming
- 22 in and out that night and we felt the best thing to do at
- 23 the time was to get the car moved away from the door.
- 24 Q Did y'all tow the car?
- 25 A Yes, sir.

1 Q Was it secured and in police custody from the time
2 the first police officer arrived on the scene there at the
3 ER?

4 A Yes, sir.

5 Q Where was it towed to?

6 A It was taken to the county maintenance shed which is
7 directly across Pageland Highway from the sheriff's
8 office.

9 Q We're going to come back and talk about this in some
10 detail in a little bit, but was the car processed by you
11 and Jeff Steele and subsequently by some fellows from
12 SLED?

13 A Yes.

14 Q When was the processing of the car done in relation
15 to Monday night, May 3rd of 2010?

16 A Monday night, again with the two scenes at the
17 hospital and at the initial -- where we believed the
18 shooting initially took place on Athena Road, we finished
19 up there I'm thinking somewhere around 3:30 in the
20 morning, and by the time we got everything back over to
21 the sheriff's office, got it checked in we then started
22 processing the car at the maintenance shed about 6:15 that
23 morning.

24 Q So was the primary processing of the car done by you
25 and Jeff Steele?

- 1 A Yes, sir.
- 2 Q Did y'all hit the ground running and run that out
3 until you were done?
- 4 A Yes, sir.
- 5 Q When did SLED come up and look at the car with you?
- 6 A I believe SLED responded on the 5th.
- 7 Q Was the car still maintained in sheriff's office
8 secure custody during that whole time?
- 9 A Yes, sir, it was.
- 10 Q Let's talk about your work at the hospital for a
11 minute. Did somebody brief you at the hospital about what
12 you had?
- 13 A Yes.
- 14 Q Did you know that somebody had been shot?
- 15 A Yes.
- 16 Q Did you know who the somebody was that had been shot?
- 17 A I don't know that I knew names specifically but I was
18 told that it was a child.
- 19 Q Did you know how the child -- were you briefed about
20 how the child got to the hospital?
- 21 A Just that certain individuals had brought her there.
- 22 Q Did you at some point while you were at the hospital
23 meet people that you believed to have been the people who
24 brought the child to the hospital?
- 25 A Yes, sir.

TESTIMONY OF KEN TAYLOR

1 Q Do you remember which one you dealt with first?

2 Well, let me back up, let me go back to the car just a
3 minute. Your cursory examination of the car at the
4 hospital, did you notice defects that you concluded to be
5 bullet holes?

6 A Yes.

7 Q Briefly describe them. We will see pictures of them
8 later.

9 A First thing I saw was like two bullet holes and
10 defects that I referred to in the back of the car and one
11 in the back windshield of the car.

12 Q Let's get back to the guys. Do you recall which
13 one -- were there two fellows that were there with the
14 child?

15 A The only one that I recall meeting was just one.

16 Q Which one was that?

17 A Mr. Carter, Mr. Anthony Carter.

18 Q I'm going to hand you a box that's all sealed up.
19 I'll ask you if you know what is in that box?

20 A It's going to be a white colored T-shirt taken from
21 Mr. Carter.

22 Q Who with law enforcement initially took possession of
23 this item?

24 A I did.

25 MR. BARFIELD: I offer it for identification as a

1 State's Exhibit.

2 Q Why was the shirt significant -- you said from
3 Anthony Rodriekus Carter, correct?

4 A Yes.

5 Q Why was the shirt significant to you?

6 A It had a large amount of blood and what appeared to
7 be other matter on it.

8 Q And when you picked up this shirt, took this shirt
9 from Mr. Carter, what did you do with it?

10 A It was secured in my crime scene van and then
11 eventually taken to the sheriff's office and secured in
12 the evidence room.

13 Q And when you secure something, evidence in the room,
14 is there somebody you have got to deal with?

15 A Yes, sir, our evidence custodian, Ms. Horton.

16 Q Ann Horton?

17 A Yes, sir.

18 Q After you did what you were going to do at the
19 hospital, where did you go?

20 A Followed the wrecker service that towed the car over
21 to the sheriff's office and secured the car in the
22 maintenance shed there first.

23 Q Are you in charge of the car once it is in police
24 custody?

25 A Yes.

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1 Q What did you have to do to make sure it was going to
2 be secure?

3 A Make sure it was locked up in the building and
4 everything was secured.

5 Q Where did you go after you made sure the car was
6 secured?

7 A Well, I was aware that Investigator Steele and others
8 were still out at the initial scene on Athena Road, so I
9 cleared up from the maintenance shed and made sure
10 security knew where he was at to see if I could assist
11 them.

12 Q Was most of what was going to be done out there
13 already done at the time you get there or did you do a
14 whole bunch of stuff out there yourself?

15 A No, sir. Everything was already marked that
16 Investigator Steele had, only thing I did there was help
17 him take some pictures and take some measurements.

18 Q This sketch that we have all been bantering about
19 this week, did you put that together?

20 A Yes, I did.

21 Q Is it to scale?

22 A For the most part, yeah. I wouldn't say exactly as
23 far as down to the square inch.

24 Q Is it based on measurements that you took?

25 A Yes, sir.

1 Q Let me ask you about one other thing from the
2 hospital, and I apologize for skipping around, it is kind
3 of hard to keep up with this kind of stuff. I'm going to
4 show you this box right here and it has been opened. Look
5 at the box and contents and tell me if you know what is in
6 that box.

7 A Yes, sir. This should be a white T-shirt or white
8 shirt recovered from Mr. Marico Stevens.

9 Q Now, did you take this into your possession at some
10 point?

11 A I did.

12 Q And from whom? Who handed it to you?

13 A Investigator Mike Adams.

14 Q Where did that exchange occur?

15 A In the parking lot in front of the hospital.

16 Q Are we at the point where we need to start talking
17 about the car?

18 A That's fine.

19 Q All right. Tell the jury how you do shooting
20 reconstruction generally, and specifically related to a
21 car that might have defects on it in metal or glass. Give
22 the jury a little bit of a primer about how you do your
23 job when you're working over a car that's been shot up.

24 A Typically when I get to the scene I want to try to if
25 possible reconstruct it to the point of determining where

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1 the shots came from, and if possible, how many were
2 actually fired that would have affected that target near
3 the car, house or whatever. In this particular case after
4 finding out that the car had been moved from the initial
5 scene other than just determine the directionality of how
6 things impacted the car it really didn't have any
7 relevance to anything at the hospital parking lot, so that
8 again was another reason that we felt impressed to go
9 ahead and get it to a secure area so we can go ahead and
10 process to the car. But typically again we're going to
11 look at the bullet holes that we find, the defects as we
12 referred to and we're going to try to match those up if
13 any of them are corresponding. If a bullet entered on one
14 spot and created a second or third or whatever we are
15 going to try to match those up. And again, at the same
16 time one of the key things is determine directionality and
17 possibly an angle of impact to show whether it came from a
18 downward angle or at an upward angle.

19 Q You use the word directionality, I hate to ask this
20 question, but what does that mean?

21 A Which way it came from, which way it went.

22 Q What kind of tools, instruments, devices do you use
23 to determine those things that you just told the jury
24 about?

25 A Usually as simple as using dowel type rods. We have

1 a kit that's referred to as a flight path or trajectory
2 rods, they're made out of steel or aluminum, but it can be
3 as easy as using wooden dowel rods using one point to the
4 next to get the angle of impact and also looking at the
5 holes themselves, the characteristics of that to look for
6 things that again indicate which side the bullet entered
7 whenever it made that hole.

8 Q Is it as simple as finding two holes and being able
9 to run a rod through two holes?

10 A To some extent it is. But again, as far as
11 directionality there are a few other things you have to
12 look at on the holes themselves.

13 Q Talk about the holes. Tell the jury what you're
14 looking at on the holes.

15 A Again, what we're looking for there is the point
16 where the bullet first impacted the surface. In this case
17 being the car, we had the surface of metal and surface of
18 glass.

19 Q Stop for a minute, and I'm going to throw a picture
20 up there and let's use a picture. How many defects did
21 you find in the metal surface of the car that you
22 characterize as entrance defects?

23 A Two.

24 Q And generally speaking where were they?

25 A On the roof of the car, more toward the front of the

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- 1 car, front toward the midsection of the car.
- 2 Q Is there a picture on your screen over there?
- 3 A On my screen, no, sir. Okay. I see it now.
- 4 Q Have you got a picture?
- 5 A Yes, sir.
- 6 Q Is that picture familiar to you?
- 7 A Yes, sir, it is.
- 8 Q What is it a picture of?
- 9 A That's the picture -- I actually took that photo of
- 10 one of the bullet holes that I believe is an entry hole on
- 11 top of the car.
- 12 Q And in the grand scheme of things on the top of that
- 13 car, that defect labeled number one is positioned more
- 14 toward the front or more toward the back?
- 15 A It's more toward the front, or more toward the front
- 16 passenger side of the car.
- 17 Q Now, what color was that car?
- 18 A It's blue in color.
- 19 Q What is the blue stuff on the outer edges of that
- 20 hole?
- 21 A That's the outer surface of the paint.
- 22 Q When you're looking at a bullet hole and defect in
- 23 the piece of a metal specifically in the top of the car,
- 24 what are the characteristics or attributes to make the
- 25 determination that you are trying to make?

1 A Well, you'll see, of course, where it peels the paint
2 away, causes the paint to move away, of course. But a
3 couple of the key things that we see are looking at to the
4 right of that particular picture you can see an area
5 that's called a pinch point, it's where the bullet first
6 makes impact with that metal and it pretty much just
7 pinches a small portion of that paint and leaves it there
8 in place. And then as it continues on downstream, if
9 that's a good word to use, you can see where it scrapes
10 everything else away, or tends to scrape everything away
11 and even leaves possible markings that could have come
12 from a rifling on the bullet as it passed.

13 Q Theoretically is it possible, conceivably is it
14 possible to match a bullet in a gun to a hole in a car
15 with striations from firearms?

16 A I would say it can be done.

17 Q What's the kind of orangish looking stuff in the
18 center of the hole, what is that?

19 A That's the insulation on the interior of the roof of
20 that car.

21 Q We'll come back to this in just a little bit, but was
22 there a corresponding defect on the interior roof of the
23 car for this hole?

24 A Yes, sir, there was.

25 Q How do you determine how the shot was fired to make a

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1 hole like what's shown in this picture that is labeled
2 defect number one?

3 A Again, you're looking at where I've got a labeled
4 pinch point, that's shows where the bullet first impacted
5 the metal and then as it continued to push through and
6 pierce that metal and perforated that metal as it went on
7 through the metal tears away at that point. And again
8 that if you will notice on there it shows the front of the
9 car and rear of the car, it shows the direction of travel.

10 Q Did you find corresponding -- well, let me just go
11 ahead and show you another picture real quick. Did you
12 tell us what's in that picture?

13 A Yes, sir. That's the second hole on the top of the
14 car that I labeled as defect number two.

15 Q Is it more to the rear?

16 A A little more toward the midsection, a little further
17 back toward the rear than the first hole was.

18 Q What did you conclude about the directionality of
19 that shot?

20 A Again, that shot, just like the first one that you
21 showed, indicates based on the pinch point and shaping of
22 the flow of that particular hole shows that it came from
23 the front of the car toward the rear of the car.

24 Q Was there a corresponding defect in the interior
25 defect of the car?

1 A Yes, sir.

2 MR. BARFIELD: And for the record, Your Honor, the two
3 pictures I was showing respectively are State's Exhibit 60
4 and 61 for identification purposes.

5 THE COURT: Okay.

6 Q Investigator Taylor, I'm going to show you two more
7 pictures. The first one I'm going to show you is 70 for
8 identification purposes. Are you familiar with what is
9 shown in that picture?

10 A Yes, sir. That's a view of the back shield of that
11 car from the interior.

12 Q That's a lot of black and a lot of glare. But is the
13 top back of the seat shown somewhere in that picture?

14 A Yes, it is.

15 Q Put your finger on it and make a mark where the top
16 back of the seat is.

17 A Top back of the seat is right along in here.

18 Q Is the glass -- show the jury where the glass starts.

19 A The glass also in this view follows that same ridge.

20 Q Moving up in the picture?

21 A Yes, sir, moving up in the picture.

22 Q Now, there appear to be two things that aren't really
23 part of the picture that is just glare, do you see them?

24 A Yes, sir.

25 Q Show the jury what is not really a part of this

1 picture.

2 A It appears that this area here is a glare and this
3 area here is a glare probably caused by the device we use
4 in the vehicle.

5 Q Is there a hole in that glass?

6 A Yes, there is.

7 Q Show the jury where the hole is.

8 A It is going to be this area right around in here.

9 Q And that's a view from the hole from the inside or
10 outside of the car?

11 A From the inside looking toward the outside.

12 Q I'm going to clear off all of your marks and we'll
13 talk about this picture a little bit.

14 A Yes, sir.

15 Q Well, I'm going to show you State's Exhibit Number 71
16 for identification purposes. Is that picture familiar to
17 you?

18 A Yes, sir, it is.

19 Q What is that a picture of?

20 A That's the same hole that we were looking at on the
21 back windshield but that's looking from the outside, the
22 exterior looking back toward the inside.

23 Q Did this glass completely shatter and get shot out,
24 the back window? Was the whole window gone or was it just
25 the hole in it?

1 A No, sir, just that hole in the window.

2 Q Now, do you have training in determining when you're
3 looking at something that's a bullet hole in glass whether
4 it came from inside or outside? Do you have the ability
5 to do that?

6 A Yes, sir.

7 Q Tell the jury what it is that you're looking for to
8 let you determine whether the shot is coming into the car
9 from outside or out of the car from inside.

10 A Typically when a bullet strikes a hard surface such
11 as glass, and in this case I believe that to be a tempered
12 safety glass, it's going to make a larger hole on the
13 outgoing side than it does on the ingoing side, and when
14 that bullet goes in there and it pushes that material out
15 it creates what is referred to as outward crating. If you
16 can think of a volcano crater, just kind of picture that
17 in reverse. And again, in this situation coming from the
18 inside out you can see the smaller hole there on the
19 inside and as it pushed outward it creates a larger crater
20 and again, it goes from thinner to thicker. As it goes
21 back toward the natural thickness of the surface it just
22 pushes that material away from it.

23 Q What is this?

24 A That's a drawing that I created to kind of give you
25 an example of what we're talking about here.

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1 Q Does this relate to what you were just explaining
2 about determining directionality on a glass shatter?

3 A Just using this as an example, if you can think of
4 this being a glass for instance like that glass windshield
5 kind of at an angle, as a bullet strikes it from the
6 inside as it passes through that hole unless it's tumbling
7 or something it is going to be similar in shape to the
8 bullet as far as the initial impact point unless it knocks
9 a bunch of the material away, but as it goes out it is
10 going to push material away from it and create a reverse
11 crater as the bullet continues to pass back through and it
12 will knock the particles outward. And it's very obvious
13 from that crater as it leaves what shows the
14 directionality, again the inside of that is going to
15 have -- it could have -- some material could fall away
16 from there depending on -- because the safety glass is
17 meant to do that. In this situation there is a heavy
18 tinting on the inside of that window that for our benefit
19 kind of helped to hold that in place and allowed us to
20 show how that was really formed showing the directionality
21 coming from the inside of that car outward.

22 Q All right. Now, question: Did you determine the
23 direction -- this is kind of repetitive -- as to the two
24 defects in the car? Defect number one in the roof of the
25 car closer toward the front and toward the passenger side

1 directionality based on your training and experience was
2 what?

3 A The direction that we determined was that all of
4 shots that impacted or came to that car came from the
5 front of the car toward the back of car at the passenger
6 side moving toward the midsection of the car at a downward
7 angle.

8 Q That applies to the two defects in the top?

9 A Yes, sir.

10 Q Same question as to the defect in the rear glass of
11 the car. And when we say rear glass, we're talking about
12 you have a front windshield that the driver looks out, you
13 have side windows, are we talking about the glass on the
14 very back of the car?

15 A Yes, sir, back windshield.

16 Q Did you determine directionality of the defect in the
17 glass in the back windshield of that car?

18 A Yes, sir. We determined it again came from the front
19 toward the back.

20 Q And from -- I'm breaking it down a little bit more --
21 did that bullet that made the hole in that glass pass from
22 inside the car to outside the car?

23 A Yes, sir, it did.

24 Q Or vice versa?

25 A It passed from inside the car to outside the car.

- 1 Q Was your examination of that car thorough?
- 2 A Yes.
- 3 Q Was there any -- we're going to talk about some stuff
- 4 on the inside of the car in a minute, but were there any
- 5 other defects on the outside of that car that y'all noted
- 6 apparently from gunshots?
- 7 A No, sir. We didn't find any other defects or any
- 8 other bullet holes.
- 9 Q Were there any other bullet holes on the rear end of
- 10 that car?
- 11 A No, sir.
- 12 Q Were there any bullet holes on the driver's side of
- 13 that car?
- 14 A No, sir.
- 15 Q When you first dealt with the car, do you recall --
- 16 other than your description of the back windshield having
- 17 a bullet hole in it, do you recall the up or down
- 18 condition of any of the four windows, two in the front and
- 19 two in the back, of that car?
- 20 A The passenger front window was completely down, the
- 21 two back windows were down just a couple of inches, I
- 22 think one was down maybe a couple of inches and one was
- 23 down maybe three or four inches. I believe the front
- 24 driver window was completely closed, it was up.
- 25 Q Up?

1 A Yes, sir.

2 Q Passenger window front side, front passenger
3 completely down.

4 A Yes, sir.

5 Q Other than the back windshield having a bullet hole
6 in it, was there any other broken glass among any of those
7 windows?

8 A No, sir.

9 Q Did you determine points of reference for -- you've
10 got two entrance shots on the roof of the car.

11 A Yes, sir.

12 Q Did you match them to any corresponding points of
13 reference, meaning defects inside the car or anywhere
14 else?

15 A Yes, sir, we did. The hole that I referred to as
16 defect number one that was toward the front of the car,
17 closest one up toward the front, we tracked it back to a
18 terminus point at a point where the back windshield meets
19 the metal framing of the car just above the back -- excuse
20 me, I'm looking at the wrong one -- that particular defect
21 went into the back seat cushion, into the back seat
22 cushion.

23 Q Bear with me just a minute. And you're referring to
24 what you've labeled in the roof of the car as defect
25 number one?

1 A Yes, sir.

2 Q I'm going to put another picture up which is State's
3 Exhibit Number 69 for identification purposes. Now,
4 generally speaking let me ask you -- we've got the same
5 glare spots and actually a couple of extra ones this time.

6 A Yes, sir.

7 Q Generally speaking what does that picture show?

8 A That shows some trajectory or flat path that we
9 inserted to indicate the angle that the bullets passed
10 through and into the car.

11 Q Does it show corresponding points of reference for
12 shots fired from the front of the car?

13 A Yes, sir.

14 Q Now, we can't see the whole picture here yet -- we
15 can't see the whole picture yet but we're not seeing all
16 of the pictures that are tying it altogether, but let me
17 ask you some questions about this one. Let me ask you
18 generally, you're going to talk to us about recovering
19 some ballistics evidence inside the car a little bit, what
20 is the material that we're looking about in the bottom
21 right-hand corner of that picture? Tell the jury what
22 that picture is.

23 A That's going to be the back headrest of the cushion.

24 Q Was that the shape it was in when y'all found the
25 car?

1 A No, sir.

2 Q How did it get that way?

3 A I cut into it to retrieve what I believed to be the
4 copper jacket of a bullet.

5 Q We're going to talk about that in a minute. What is
6 the make or mark of the back windshield? Show the jury
7 where the back windshield is.

8 A The back windshield is here.

9 Q And is the hole -- the bullet hole that you described
10 in the back windshield shown in that picture?

11 A Yes, sir, it is.

12 Q Put a circle around it.

13 A Okay.

14 Q Are there other defects in the car that you matched
15 up to -- is there at least -- let me just go ahead -- I'm
16 going to ask you this and we'll come back and talk about
17 it, did you determine where the shot came from that shot
18 out the back glass?

19 A Yes.

20 Q Where did it come from?

21 A It came from the defect label number two on the roof.

22 Q Is there another defect on the inside of the car that
23 you determined the corresponding point of reference to on
24 the roof of the car?

25 A Yes, sir.

1 Q What is the other defect on the interior of the car
2 that came from the other defect in the roof of the car?

3 A It's going to be a defect going into the middle of
4 the seat cushion next to the area I have taken away which
5 would be right here.

6 Q Is there another interior defect on the car shown in
7 this picture?

8 A Yes, sir?

9 Q Circle it first and then tell us where it is. If we
10 were to crawl up in the back dash of that car what would
11 we be looking at?

12 A That's the point in -- the back windshield and the
13 metal framing of the back windshield all kind of meet
14 together right there behind the back speakers, audio
15 speakers.

16 Q Now, while we've got that picture up, did you find
17 anything outside -- did y'all during the crime scene
18 investigation find anything outside of the car that you
19 can say any ballistics evidence, meaning a fired bullet, a
20 fired bullet jacket or a fired bullet jacket, that's what
21 I'm talking about for the next series of questions, did
22 you find anything outside the car that you can
23 definitively say passed through the hole in the rear
24 windshield, definitively say?

25 A No, sir. At the scene where the car was at at the

1 hospital, no.

2 Q At the scene on Athena Road, was there any picked up
3 that might be consistent with having passed through that
4 back window?

5 A Yes. At that location, yes.

6 Q What was it?

7 A Copper jacket fragments, bullet fragments.

8 Q And do you know if that was -- Jeff Steele picked all
9 of this stuff up at the scene, but did y'all go over all
10 of this?

11 A Yes, we did.

12 Q We kind of covered it up, but do you know if that
13 would be SLED item number seven?

14 A Yes, sir, that is correct.

15 Q Did you find anything -- all right. You circled a
16 defect in the upper rear portion of the seat that has got
17 what appears to be a green trajectory rod in it.

18 A Yes, sir.

19 Q Was there anything inside that hole that you
20 recovered?

21 A In that particular hole, no, sir.

22 Q Was there anything nearby that hole that you
23 recovered?

24 A Yes, sir.

25 Q And what was it?

1 A Two copper jacket fragments that I believe were from
2 a fired bullet.

3 Q Do you know what is in those pictures?

4 A Yes, sir.

5 Q Is that the two we're talking about?

6 A These are the two we're talking about, correct.

7 Q Let me put the pictures up. I'm putting on the
8 screen State's Exhibit Number 62 for identification
9 purposes. And I know this is tedious for you, but what is
10 the pound cake colored looking stuff right there? What
11 are we looking at there?

12 A That is the interior headrest of the seat cushion.

13 Q I'm just going to hold it up, State's 69 for
14 identification, is that the same headrest that has been
15 cut away here?

16 A Yes, sir, it is.

17 Q Is there something in there that you believe was
18 ballistic evidence?

19 A Yes, sir. There was a small copper fragment there
20 that appeared to be a copper jacket from a bullet.

21 Q And circle it.

22 A (Witness complied.)

23 Q That is going to be SLED five, we'll take that
24 picture down. I'm going to put up another picture which
25 was State's Number 63 for identification. What is that?

TESTIMONY OF KEN TAYLOR

1 A That is also copper jacketing from a bullet that was
2 found right beside that headrest.

3 Q Now, when you say -- it looks like -- is it lying on
4 a vertical surface or lying on a plain surface?

5 A It's the horizontal back dash just behind that head
6 cushion that I have cut into.

7 Q I've got you. Where the flies die in the back of my
8 car, is that what you're talking about?

9 A Yes, sir.

10 Q Are those two pieces collectively referred to as SLED
11 item number five?

12 A Yes, sir.

13 Q I'll hand you an envelope and ask you if you can
14 identify what's in this little plastic envelope. Is that
15 the things -- the two things that you describe in the
16 photograph?

17 A Yes, that is Sled item five.

18 Q Did you seize them and secure them and log them into
19 evidence with Ann Horton?

20 A Yes, I did.

21 MR. BARFIELD: Your Honor, I would ask these be marked
22 for identification.

23 Q Is there any other ballistics evidence that you
24 secured out of the car?

25 A That came out of the car?

1 Q Yourself. Have we covered everything you took out of
2 the car ballistics wise?

3 A I believe so.

4 Q I 'm going to show you another picture. Are you
5 looking at it?

6 A Yes, sir.

7 Q What is that a picture of?

8 A That's another metal fragment that we found in the
9 back seat on the driver's side of the car.

10 Q And did it appear to be sitting where there was some
11 blood?

12 A Yes, sir.

13 Q I show you another picture. Can you tell me what
14 that is? And I'm referring, I'm sorry, to State's Exhibit
15 Number 65 for identification purposes. Can you tell us
16 what that is?

17 A Yes, sir. That's a copper jacket from the bullet
18 that was found in the floorboard in the back seat driver's
19 side.

20 Q Let me back up just a minute. With the previous
21 picture that I showed you in the back seat sitting in
22 blood, is that SLED item number six?

23 A Yes, it is.

24 Q And this item, copper jacket found in the floorboard
25 I think, did you say it was in the passenger's side?

TESTIMONY OF KEN TAYLOR

- 1 A It's in the passenger side of the back seat
2 floorboard, correct.
- 3 Q I'm going to show you another picture and ask you if
4 this is the same thing but a different shot? Do you see
5 the picture?
- 6 A Yes, sir.
- 7 Q Is that the same item that I just showed you a
8 picture of?
- 9 A Yes, sir, it is.
- 10 Q Several of these pictures have rulers in them, what
11 do y'all call it?
- 12 A That's just a photo scale.
- 13 Q What is the purpose of doing that?
- 14 A Just to give a true scale of how big it really is,
15 just give is something to compare it to.
- 16 Q I just showed you State's 66 for identification. Is
17 that the same thing that's shown in 65 for identification,
18 the previous photograph?
- 19 A Yes, sir.
- 20 Q Would that be SLED item number four?
- 21 A I believe it is, yes.
- 22 Q One more picture, maybe more but one more. And you
23 tell me -- can you tell me what that is?
- 24 A That's a piece of lead that we found in the trunk of
25 the car under the spare tire that we believed to be part

1 of a bullet fragment.

2 Q Circle it so the jury will know exactly what we are
3 looking at. Do you know if any results came back from
4 ballistics comparison on that hunk of metal?

5 A On that particular item I don't think they were able
6 to get anything off of there that would determine anything
7 on that, it was too badly deformed.

8 Q That was in the trunk of the car?

9 A Yes, sir.

10 Q Do you know of any certainty whether that was
11 something that came from the shooting?

12 A Don't know for certain.

13 Q Did you find any holes anywhere in the back area of
14 the passenger compartment of the car that would have
15 allowed a bullet to go in the trunk?

16 A Yes, sir, we did.

17 Q Where was that?

18 A Well, the one through the back seat headrest and also
19 the one that terminated there on the window frame under
20 the back dash, we kind of felt like it could have come
21 from either. However we -- again, we only found the one
22 fragment, we did not find the second one.

23 Q I'm going to show you two more pictures real quick.
24 Well, I need to ask you about something before I do that,
25 we're going to get away from the car for just a minute.

1 THE COURT: Hold on just a second, we're going to take
2 a break.

3 (The jury left the courtroom.)

4 THE COURT: Bring them back.

5 (The jury returned to the courtroom.)

6 Q You have described the inside of the car and areas
7 that you thought were blood. Did you take swabs of areas
8 that you thought were blood?

9 A I didn't, I believe Investigator Steele did.

10 Q Were you present when all of that was done?

11 A Yes, sir.

12 Q Did we send any of the swabs of the blood within the
13 car to SLED for any purpose?

14 A To my knowledge we did.

15 Q Was there any analysis done of them or do you recall?
16 I'm just trying to see if I need to cover it with you.

17 A I'm not sure what analysis were done that were
18 related to the swabs.

19 Q Is there some sort of presumptive test that you can
20 do of a swab yourself to determine if it is blood?

21 A Yes, we can.

22 Q And was some of what you swabbed blood and some of
23 what you swabbed not blood?

24 A Yes, it was.

25 Q I'm going to skip around a couple of minutes and then

1 come back to some things on the car. Did you go to the
2 autopsy for victim ?

3 A Yes, sir, I did.

4 Q And were certain items turned over to you that were
5 collected during the autopsy?

6 A Yes, there were.

7 Q Did they include some blood samples from the child?

8 A Yes.

9 Q And would that be SLED item one?

10 A Yes.

11 Q Did you secure that, bring it back, check it in with
12 Ann Horton to the evidence lab at SLED?

13 A Yes.

14 Q Does that appear to be what I'm referring to as SLED
15 item one, or at least 1.1 from a sampling that you took?

16 A Yes, sir.

17 Q Did you talk to Anthony Rodriekus Carter at some
18 point during the investigation to see if he would give you
19 buccal swabs for DNA testing?

20 A Yes, I did.

21 Q Did you collect them in the same manner that you
22 described collecting them from somebody else a few minutes
23 ago, I don't remember who, and secure them and seal them
24 up?

25 A Yes.

TESTIMONY OF KEN TAYLOR

- 1 Q Is that SLED item number 26? Is that it?
- 2 A Yes, sir, it is.
- 3 Q SLED 28. Same questions concerning collection of
- 4 buccal swabs from Emmie Amanda Coats. Did you determine
- 5 there was some need to get a DNA sample from her?
- 6 A Yes, sir.
- 7 Q Did you collect it?
- 8 A Yes, sir.
- 9 Q Would that be SLED item number 28?
- 10 A Yes, sir, it is.
- 11 Q Collected in the same manner that we described the
- 12 other collection of buccal swabs?
- 13 A Yes, sir.
- 14 Q Now, did you at some point learn that the sheriff's
- 15 office had come into possession of a firearm that might be
- 16 related to this case?
- 17 A Yes.
- 18 Q I'm showing you what has been marked for
- 19 identification as State's Number 2. Is that it?
- 20 A Yes.
- 21 Q Where did you get that pistol?
- 22 A I received it from Investigator Brandon Rollins.
- 23 Q Was it in anything when you got it?
- 24 A It was in two grocery bags.
- 25 Q I'm showing you State's Exhibits 58 and 59. Was that

- 1 the grocery bags?
- 2 A Yes, sir, it was.
- 3 Q Was the gun intact? Was a magazine in it?
- 4 A If I recall it was.
- 5 Q Do you recall if there was any ammo in the gun?
- 6 A I don't recall if there was any ammo in the gun, no,
- 7 sir.
- 8 Q Did you -- other than it coming to you from Brandon
- 9 Rollins, did you know where it had been since May 3rd of
- 10 2010?
- 11 A No, sir.
- 12 Q Do you remember what date it was that this gun came
- 13 into your possession?
- 14 A I believe it was on -- it was on May 7th.
- 15 Q Did you -- are you trained to test something for
- 16 fingerprints?
- 17 A Yes.
- 18 Q Are you trained to do fingerprint comparisons
- 19 yourself?
- 20 A Yes.
- 21 Q Have you done that yet?
- 22 A Yes.
- 23 Q Did you check this gun for fingerprints?
- 24 A Yes, sir, I did.
- 25 Q How do you check a gun for fingerprints?

TESTIMONY OF KEN TAYLOR

- 1 A Just using standard fingerprint powder, dust it for
2 prints and look for the print to recover.
- 3 Q Were you able to lift any latent prints off this gun?
- 4 A No, sir.
- 5 Q Is that unusual?
- 6 A No, it's not unusual.
- 7 Q All right. Does it mean nobody had been holding the
8 gun?
- 9 A No, it doesn't.
- 10 Q Did you do some other testing or collect some other
11 samples from the gun to perhaps determine who at some
12 point had it in his or her hands?
- 13 A Yes, sir, I did.
- 14 Q What did you do?
- 15 A I swabbed it also for DNA, touch DNA.
- 16 Q Is it the same kind of buccal swabs we're talking
17 about or is it a different kit?
- 18 A No, sir, same kind.
- 19 Q SLED 18, 19 and 20. I'm going to back you up just a
20 minute -- well, let's finish what we're talking about.
21 I'm showing you an envelope and ask you if you can
22 identify this and whether it has any relation to the
23 buccal swabs you took off the handgun?
- 24 A Yes. It is going to be related to the cotton swabs
25 taken from the handgun.

1 Q And where did you swab the handgun?

2 A Inside the trigger guard of the gun, the back slide
3 area of the handgun and the handgrips themselves.

4 Q I'm going to put a picture up, just go ahead and do
5 this. Look at this picture. Do you recognize that
6 picture?

7 A Yes, sir.

8 Q Is that a picture of the gun that's in the box which
9 is State's Number 2 for identification, I think?

10 A Yes, sir, it is.

11 Q And tell the jury where you took swabs off of that
12 gun for DNA testing.

13 A Okay.

14 Q And then you can circle it.

15 A Took the area inside the trigger guard, inside this
16 area here, also along the back of the slide area up in
17 here and also around the grips down on the pistol grip
18 itself.

19 Q I'm going to ask a real stupid question at 5:30, why
20 do you take it from those three areas?

21 A Those are the most likely areas for somebody to touch
22 with their fingers.

23 Q Did you preserve those swabs in the usual manner and
24 check them into evidence with Ann Horton?

25 A Yes, sir.

TESTIMONY OF KEN TAYLOR

1 Q And is that what you have in your hand?

2 A Yes, sir, it is.

3 MR. BARFIELD: For identification, Your Honor?

4 THE COURT: Sure.

5 Q I think we were talking a little bit ago about -- I
6 was asking you about collecting buccal swabs from Emmie
7 Amanda Coats. Is that your kit for that?

8 A Yes, it is.

9 MR. BARFIELD: For identification again, Your Honor.
10 Your Honor, at this time these are the larger photographs
11 which have State's for identification 71 through -- 60
12 through 71 which I think we previously agreed upon, I would
13 offer them into evidence rather than simply for
14 identification.

15 MR. LIFSEY: Without objection.

16 (The photos were received as State's 60-71.)

17 MR. BARFIELD: Also at this time, Your Honor, I would
18 offer into evidence rather than simply for identification
19 State's Exhibit Numbers 12, 13, 14, 15, 16, and 17 which
20 were previously identified as photographs of various mobile
21 homes in the park.

22 MR. LIFSEY: Without objection.

23 (The photos were received as State's 12-17.)

24 Q I showed you State's Exhibit Number 72 a minute ago
25 for identification which was the handgun.

1 A Yes.

2 MR. BARFIELD: I'm going to offer it into evidence as
3 State's Exhibit Number 72 rather than for identification.

4 MR. LIFSEY: That's fine.

5 (The photo was received as State's 72.)

6 Q And I'm going to show you a few on the reader and I
7 think we will be done in a minute. What is that a picture
8 of?

9 A That's the back side of the car that I encountered at
10 the hospital.

11 Q And that's State's 27 for identification. Did you
12 take pictures of all four sides of the car?

13 A Yes, sir, I did.

14 Q From way over here does it look like the rest of the
15 pictures?

16 A Yes, it does.

17 Q I show you State's Exhibit 31 for identification.
18 What's that a picture of?

19 A That's the inside of the back seat passenger side of
20 the car with the child's car seat and some ballistic
21 evidence in the floorboard.

22 Q Does the car seat appear to be -- was that where it
23 was when you first saw the car?

24 A Yes.

25 Q State's Exhibit 32 for identification, what's that a

1 picture of?

2 A That is the roof of the car showing two defects or
3 bullet holes.

4 Q Thirty-three, what's that?

5 A That is an enlargement of one of the defects on the
6 roof of the car.

7 Q Would that be what you labeled as defect one or
8 defect two?

9 A I'm --

10 Q Don't worry about it.

11 A I'm not certain without the label on there.

12 Q State's Exhibit 34 for identification. Is that the
13 other one?

14 A That is going to be the other one, yes, sir.

15 Q State's Exhibit Number 35 for identification.

16 A That's a view of the interior roof of the car showing
17 where the bullets passed through from the outside to the
18 inside and tore through the ceiling, or the interior.

19 Q That view -- that shot is taken into the car from
20 where?

21 A That was on the passenger side front door.

22 Q Looking through the window?

23 A Looking through the window, yes, sir.

24 Q Show the jury, is there an interior defect shown in
25 that picture that's consistent with defect number one on

1 the outside of the roof of the car?

2 A Yes, sir. I believe that's going to be this one
3 here.

4 Q And is there an interior defect on the roof of that
5 car consistent with defect number two on the outside roof
6 of that car?

7 A Yes, sir, there is.

8 Q Circle it.

9 A Right there.

10 Q State's 36. What is that?

11 A That appears to be a tear in the upholstery where a
12 bullet had passed through it.

13 Q Well, let me show you 35 again. I hate to make you
14 guess and I'm not trying to make you guess, but look at 35
15 again.

16 A Yes, sir.

17 Q Let me show you 36.

18 A That is going to be the corresponding defect on the
19 interior from defect number one on the roof.

20 Q Closer shot?

21 A Yes, sir, closer shot.

22 Q State's 37. Can you tell me if you know what that
23 is?

24 A That's going to be the corresponding tear in the
25 upholstery defect number two in the inside.

TESTIMONY OF KEN TAYLOR

- 1 Q State's Number 38. Can you tell me what that is?
- 2 And I know I'm springing these on you, you've seen them
- 3 but we've got to put it all together.
- 4 A That is going to be the hole in the back seat cushion
- 5 in the back seat.
- 6 Q Is that a hole that you had a green trajectory rod
- 7 stuck through at one point?
- 8 A Yes, sir.
- 9 Q Thank you. State's 39?
- 10 A And that's a view of the back windshield of the car
- 11 from the outside showing the defect in the glass.
- 12 Q State's 40?
- 13 A That's a view from the passenger side of the car
- 14 showing the flat path rods in there marking the angle that
- 15 the bullets passed through the car.
- 16 Q Is that the two defects in the roof that you
- 17 described as one and two?
- 18 A Yes, sir.
- 19 Q State's 41. What is that showing?
- 20 A That's a view from the passenger side front door with
- 21 trajectory rods going back to the one going through --
- 22 over the passenger seat there going back to defect number
- 23 four at the base of the windshield.
- 24 Q And that rod is coming out what in that picture?
- 25 A Coming out the passenger window.

1 Q Front side passenger window?

2 A Front side passenger window, correct..

3 Q State's Number 42 for identification, what is that a
4 picture of?

5 A That is just another view of the same side again
6 with -- you can see the trajectory rods going through
7 defects one and two as well.

8 Q 43. What is that a picture of?

9 A Forty-three again is another view of just to show
10 those trajectories and those angles.

11 Q Forty-four?

12 A That is another view from the back seat driver's side
13 looking toward the front of the car at one of the SLED
14 agents that was doing reconstruction on that car just
15 showing how that trajectory went back to the defect in
16 the terminals defect in the bottom of the windshield
17 frame.

18 Q Circle the end of the trajectory rod closest toward
19 the SLED agent.

20 A Right there. There's a laser pointer on it pointed
21 at his shirt, you really can't see it in this particular
22 view.

23 Q State's 45. What is that a picture of?

24 A That again is another interior view from the
25 passenger side back seat showing defect number one and its

1 angle coming back toward the back of the car.

2 Q With the rod in it?

3 A Yes, sir, with a rod in it.

4 Q State's 46. What is that a picture of?

5 A That one again is the interior view of the back seat
6 showing defect number two coming back down into the
7 interior of the car.

8 Q State's 47. What is that a picture of?

9 A That's an interior view of defects at one and two as
10 they came through the roofs looking from the inside.

11 Q State's 48. Tell us what this is.

12 A That is another view showing defects one and two in
13 this side. Looking from the driver's side defect number
14 one, that is the top left, defect number two is the top
15 right, then you see the other rod sticking out to
16 determine the defect number four of the far right-hand
17 side.

18 Q Forty-nine, what is that?

19 A That again is another view of defect number one going
20 into the back seat headrest.

21 Q Fifty?

22 A That is going to be a rod going into defect labeled
23 as number four there at the base of the windshield, back
24 windshield and metal frame as it went back -- ultimately
25 went back toward -- or excuse me, came in from the

1 passenger side window.

2 Q Fifty-one?

3 A Another view of the trajectory rods showing their
4 downward angle from the front toward the back of the car.

5 Q Is the car seat shown in that picture?

6 A The car seat is shown in the photograph.

7 Q Fifty-two?

8 A That is the same view with the car seat not in view
9 at that point.

10 Q Fifty-three?

11 A That is the trajectory rods looking from the
12 passenger side back seat showing coming in from the front
13 to the back.

14 Q And 54?

15 A And that also is a same view, passenger side back
16 seat showing the trajectory rods coming from the front to
17 the back.

18 MR. BARFIELD: Your Honor, at this time I would offer
19 these photographs as State's exhibits rather than simply
20 for identification.

21 MR. LIFSEY: Without objection.

22 THE COURT: All right.

23 (The photos were received as State's 23-50.)

24 MR. BARFIELD: I believe that's it. Please answer
25 anything Mr. Lifsey has.

TESTIMONY OF KEN TAYLOR

1 CROSS EXAMINATION

2 BY MR. LIFSEY:

3 Q And I just briefly wanted to touch on three brief
4 areas. Okay. I'm not going to keep you long. There has
5 been a lot of discussion about angles and shots coming in
6 and all and maybe it's just me having trouble
7 understanding. I'm going to show you a document that I
8 think you prepared. What is that?

9 A That's a sketch that I prepared of a vehicle just to
10 illustrate the trajectory information.

11 Q And it's accurate.

12 A Yes, sir.

13 Q I'm going to see if I can operate this. This is a
14 bigger colored blow up of it?

15 A Yes, sir.

16 Q And I'm not going to ask you a whole lot other than
17 to say that this shows the front of the car.

18 A Yes.

19 Q And these -- I guess that's kind of a yellowish
20 color, a red color and a green color?

21 A Yes, sir.

22 Q Those show what y'all believe to be the direction of
23 the shots.

24 A Yes.

25 Q Relative to the car.

1 A Yes.

2 Q So certainly the shots had to have come from
3 somewhere in here.

4 A Yes, sir.

5 Q So any theory or idea that shots came from this point
6 forward is just not true.

7 A Correct.

8 Q It's not factual and consistent with your
9 investigation, correct?

10 A Correct.

11 Q You mentioned a window in order to take -- a time
12 window in order to take a gunshot residue test; is that
13 correct?

14 A Yes.

15 Q And that is within six hours of where you believe to
16 be the shooting; is that correct?

17 A Yes, relating to a living individual.

18 Q That's correct. And in this case of course you or as
19 far as you know anybody within the sheriff's office didn't
20 react with Beneco Ganson within six hours of this in a
21 situation where you could take any gunshot residue from
22 him, right?

23 A I didn't have contact with Mr. Ganson, I can't speak
24 to the extra time.

25 Q And as far as you know no one came in contact with J.

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1 D. Hemphill within a six hour window to take gunshot
2 residue from him.

3 A No, sir. I don't have firsthand experience in that
4 with Mr. Hemphill.

5 Q But clearly law enforcement came into contact with my
6 client within that window, correct?

7 A Yes.

8 Q In fact, y'all took evidence from my client within
9 this six hour window, right?

10 A Yes.

11 Q You took the shirt and took it from him.

12 A Yes.

13 Q And, in fact -- but no one took gunshot residue from
14 my client.

15 A Correct.

16 Q But you did ultimately perform or ask that SLED
17 perform gunshot residue tests on that shirt of his that
18 you sent down.

19 A Correct.

20 Q And you don't do those results, I guess we will hear
21 from somebody tomorrow about that.

22 A Correct. We don't do that at the sheriff's office.

23 Q Did you examine one or maybe two bullet holes in the
24 trailer of Emmie Coats?

25 A Yes.

1 Q Do you have pictures of that?

2 A No, sir, I don't. I don't have photos with me, no,
3 sir, I don't. I did photograph it but I don't have
4 anything with me.

5 Q Solicitor didn't ask you to prepare a big old glossy
6 photo of that?

7 A No, sir.

8 Q Definitely one shot, could have been two, correct?

9 A The one appeared that it could have been made by a
10 bullet, the other one looked very similar to the others
11 that looked like it had been knocked off by rocks and
12 kicked off by a lawn mower.

13 Q But one could have been a bullet.

14 A One did appear to me it could have been made by a
15 bullet, yes, sir.

16 MR. LIFSEY: I don't have any further questions.

17 MR. BARFIELD: Let me follow-up on that just a minute.
18 One housekeeping thing before I ask him a couple of
19 questions. I would move to introduce the neighborhood
20 sketch and the car sketch that Mr. Lifsey just talked to
21 Mr. Taylor about --

22 THE COURT: That's fine.

23 MR. BARFIELD: -- in evidence.

24 THE COURT: Okay.

25 (The sketches were received as State's 85 and 86.)

TESTIMONY OF KEN TAYLOR

1 REDIRECT EXAMINATION

2 BY MR. BARFIELD:

3 Q All right. Investigator Taylor, let me ask you a
4 couple of questions. Mr. Lifsey asked you about some
5 bullet holes in Emmie Amanda Coats' trailer. At some
6 point, pretty recently, did you receive some information
7 that Mandy Coats claimed there were bullet holes in her
8 trailer?

9 A Yes, sir, I did.

10 Q Do you know when you received that information?

11 A November 3rd --

12 Q Last Thursday?

13 A -- of this year. Yes, just a couple of days ago.

14 Q Well, who called you about it?

15 A You did.

16 Q Friday morning were you working -- was it Thursday
17 morning or Friday morning when you started?

18 A It was brought up that afternoon, and then Friday
19 morning you called me and spoke to me about it and asked
20 me to go take a look at it.

21 Q Did you go out there in the rain and take a look at
22 it?

23 A Yes, sir, I did.

24 Q First of all, does Emmie Amanda Coats live in that
25 trailer anymore?

1 A To my knowledge she does not.

2 Q When you went out there did it appear that it was an
3 occupied trailer?

4 A There was a vehicle backed up in the back of the
5 driveway but I couldn't get anybody to come to the door,
6 it did appear to be occupied.

7 Q Did you try to get somebody to come to the door?

8 A Yes, I did.

9 Q Did you have a description from me about where to be
10 looking?

11 A Yes.

12 Q How many places did I tell you you might want to
13 look?

14 A Two.

15 Q Where were they generally speaking?

16 A The first one was on the narrow end of the mobile
17 home that faced Athena Road.

18 Q Is there actually still a hitch on that trailer.

19 A There's still a hitch on the end of that mobile home.

20 Q Where in the end of the mobile home were you told to
21 look?

22 A To the left of the metal hitch in the vinyl
23 underpinning.

24 Q Were there holes in the vinyl pinning?

25 A Yes.

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- 1 Q More than one hole?
- 2 A Yes.
- 3 Q Did you see anything there that you can affirmatively
- 4 say was a gunshot hole?
- 5 A No.
- 6 Q Could any number of them been gunshot holes?
- 7 A Could have been, it could have been kicked up by a
- 8 rock.
- 9 Q And where was the other spot that you went and looked
- 10 at?
- 11 A The other one that was noted was on the long I would
- 12 call it -- the front of the trailer or the front door side
- 13 of the mobile home to the right of the front door, to the
- 14 right of the window to the right of the front door,
- 15 between there and the corner of the trailer up about seven
- 16 feet.
- 17 Q Was what you saw consistent with it having could have
- 18 been a gunshot?
- 19 A It appeared it could have been made by a gunshot.
- 20 Q Were you able to do anything further at that point,
- 21 or since then have you been able to do anything further or
- 22 were you asked to do anything further?
- 23 A No, sir.
- 24 Q And the shooting happened when?
- 25 A May 3rd of 2010.

1 MR. BARFIELD: Thank you, that's all.

2 RECROSS EXAMINATION

3 BY MR. LIFSEY:

4 Q Just to clarify then, it happened in May of 2010, the
5 solicitor just told you to do something about it last
6 week, right?

7 A Correct.

8 Q And, I mean, you haven't gotten -- like you say, you
9 say you took pictures but he didn't ask you to bring any
10 pictures of that bullet hole, did he?

11 A No, sir.

12 MR. LIFSEY: I don't have anything else.

13 THE COURT: You can step down.

14 MR. BARFIELD: Nothing further from this witness. I
15 call Ann Horton briefly.

16 THE COURT: All right, sir.

17 The witness, ANN HORTON, was first duly sworn and
18 testified as follows, on:

19 DIRECT EXAMINATION

20 BY MR. BARFIELD:

21 Q State your name.

22 A Ann Horton.

23 Q Ms. Horton, you are employed where?

24 A At the Lancaster County Sheriff's Office.

25 Q And it's probably because it's late but you need to

1 speak up a little bit.

2 A Okay.

3 Q What do you do at the sheriff's office?

4 A I am the evidence custodian.

5 Q Do you sit in and work in I guess what we refer to as
6 the sheriff's office lab?

7 A Yes, I do.

8 Q Generally speaking unless you're sick and in the
9 hospital, does every piece of evidence that comes into the
10 sheriff's office got to go through your hands and
11 paperwork done and logged in and secured before anything
12 else happens?

13 A Yes, it does.

14 Q Have you been in the courtroom since yesterday while
15 we've been pursuing this matter?

16 A I have.

17 Q Have you heard me -- first of all, are you the person
18 that I have been giving numbers to to pull out of boxes
19 and to lay on this table?

20 A Yes, sir, I am.

21 Q Have you got all of your records concerning this case
22 in court today?

23 A I do.

24 Q Have you heard me item by item refer to things that
25 were seized by law enforcement and referred to a lot of

TESTIMONY OF ANN HORTON

1 them by SLED item number and mark them for identification
2 purposes all of this stuff up here?

3 A I have.

4 Q Can you say with certainty that everything that is up
5 here on this table came through your hands?

6 A I can.

7 Q Did you log it all in?

8 A I did.

9 Q Was it all secured and sealed the way it's supposed
10 to be when it came to you?

11 A Yes, it was.

12 Q Did you do something with all of this stuff after you
13 got it? Did you take any of this stuff or all of this
14 stuff somewhere after you got it?

15 A I am the person that delivers everything to SLED and
16 I pick everything up.

17 Q And did you take all of this stuff to SLED and pick
18 up all of this stuff after SLED was done with it?

19 A I did.

20 MR. BARFIELD: That's all I would ask.

21 MR. LIFSEY: I don't have any questions of Ms. Horton.

22 MR. BARFIELD: I believe that's a good quitting point.

23 THE COURT: All right, jurors, here is how it is
24 shaking down, at the last break we did like 16 witnesses
25 today, that's a lot for any day. We're going to break and