

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Orangeburg County

Edgar W. Dickson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRESHAWN MARKEESE JENKINS

APPELLANT.

APPELLATE CASE NO. 2018-000360

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT #11 (CD/DVD) FROM THE PRE-TRIAL HEARING HELD ON FEB.
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ON FEB. 20, 2018, STATE'S EXHIBIT #13 (CD/DVD) FROM THE PRE-TRIAL HEARING
HELD ON FEB. 20, 2018, STATE'S EXHIBIT #89 (DVD OF INTERROGATION FROM
JULY 26, 2016) FROM THE TRIAL.**

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E X H I B I T S

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-- NO EXHIBITS ENTERED --

1 (On the record at 1:36 p.m.)

2 MS. CORNWELL: Your Honor, may it please the Court.

3 THE COURT: Yes, ma'am.

4 MS. CORNWELL: The State is calling the case of
5 Treshawn Jenkins and Za'Quan Taste. Briefly we're gonna do
6 motions with Za'Quan Taste and then once we're through with
7 his motions, we will begin on a motion with Mr. Farley.

8 In regards to the *Denno* hearing and the *Biggers*
9 hearing with Mr. Taste, it is my understanding that Defense
10 counsel is willing to stipulate, for -- for purposes of
11 *Denno*, that the statements that were given by Za'Quan Taste
12 to law enforcement were given voluntarily under Miranda.
13 He was in custody at the time the statements were given;
14 however, he was fully advised of his Miranda rights and
15 that statement was given voluntarily. I do not believe he
16 is contesting either of those points for the *Denno*.

17 THE COURT: Where's Mr. ---

18 MR. KENT: I'm right here.

19 THE COURT: Oh, I'm sorry, Mr. Kent. You wandered
20 off.

21 MR. KENT: I know. I'm just quiet.

22 THE COURT: Mr. Kent, is that -- is that an accurate
23 statement?

24 MR. KENT: Your Honor, just so the record is clear --
25

1 THE COURT: Uh-huh.

2 MR. KENT: -- as to the representation of Za'Quan
3 Taste, he's been charged with murder, attempted murder, and
4 possession of a weapon during a violent crime. Immediately
5 after the date of arrest, he gave a statement to law
6 enforcement in which I was not -- in which I was not
7 present.

8 After speaking to him, he agreed that that statement
9 was voluntary, he understood what he was doing. He has no
10 problem with that and we would not contest that statement.

11 Thereafter, he gave -- if I'm not mistaken, the State
12 will correct me -- two subsequent statements along with my
13 investigator, and one I was present also. We, of course,
14 are not contesting the voluntariness of those statements as
15 well.

16 THE COURT: Okay.

17 MR. KENT: That will be my understanding of the
18 statement that we will not contest. At this point in time,
19 I'd ask if the State of South Carolina, other than those
20 three statements, have any additional statements just so
21 the record is clear. But based upon the statements that I
22 have mentioned, we are not going to contest those under
23 *Jackson vs. Denno*. We stipulate that they have been
24 voluntarily and freely given.

25 MS. CORNWELL: Yes. And ---

1 THE COURT: And -- and we're just talking about three
2 statements.

3 MS. CORNWELL: There are three statements. I believe
4 we've already submitted to the Court for Court's exhibits
5 three Miranda forms that were filled out on those three
6 statements. Those Mirandas are from 7/19, 7/20, and 7/27,
7 all of 2016. Those are the only three statements that were
8 given while he was in custody with law enforcement, and
9 those would be the only three custodial statements that we
10 would ---

11 MR. KENT: If used during trial, we would not contest
12 them, Your Honor.

13 THE COURT: All right.

14 MR. KENT: And would stipulate to them

15 THE COURT: Okay.

16 MS. CORNWELL: As far as the *Biggers*, there was --
17 there are photo lineups of this Defendant that were picked
18 out by several witnesses that were on scene. It is also my
19 understanding, for purposes of *Biggers*, that Defense is not
20 contesting to the photo lineup process being unduly ---

21 THE COURT: Suggestive.

22 MS. CORNWELL: Thank you. That it was not unduly
23 suggestive and that there is no irreparable harm that was -
24 - be done in court or in trial by presenting those photo
25 lineups.

1 THE COURT: Is -- is that correct, Mr. Kent?

2 MR. KENT: Your Honor, Mr. Taste has been taught and
3 told frequently about the law under *Biggers*. He's been
4 told about his potential legal defenses. Based upon the
5 legal defense that we will raise during the course of
6 trial, he will not contest that he was present at the
7 scene. So it will be no reason to contest *Neil vs.*
8 *Biggers*.

9 THE COURT: Okay.

10 MR. KENT: So he understands for a legal strategy, he
11 would not be contesting anything under *Biggers* at this
12 time.

13 THE COURT: Okay. All right. And that -- that
14 concludes Mr. Kent's --

15 MS. CORNWELL: Those are the two general motions that
16 the State is always aware of that we have to have
17 stipulated to. I believe Mr. Kent may have one other
18 motion.

19 THE COURT: Oh. Okay.

20 MR. KENT: If -- if I could, Your Honor.

21 THE COURT: Yeah.

22 MR. KENT: It wouldn't be very lengthy in the
23 slightest.

24 Your Honor, first -- and I think the State can -- and
25 I think they have given you a pretty decent gravamen of

1 what has happened in this case, and it's, of course, hard
2 to make motion in limines without knowing specifically what
3 the State is planning on doing. So I wouldn't, in this
4 situation, tell -- be telling you what case I'm going to be
5 presenting.

6 A very, very brief synopsis, just as recently as
7 yesterday I received two interviews from co-defendants
8 inside of this case, graciously provided by the State of
9 South Carolina. During the course of the interview, one of
10 the co-defendants, by the name of Wendell [sic] High who is
11 represented by Charlie Williams ---

12 THE COURT REPORTER: Wendell, I'm sorry?

13 MR. KENT: I'm sorry. I speak very fast. I
14 apologize. Wendell High.

15 THE COURT: H-i-g-h?

16 MR. KENT: H-i-g-h -- who is a co-defendant in this
17 case, who is represented by Charlie Williams of the
18 Orangeburg County Bar.

19 I received that statement -- during the course of the
20 statement, and I'm not sure if this will come in, there has
21 been some allegations of an unindicted co-conspirator, an
22 uncharged co-conspirator. May or may not have been the
23 ring leader of this entire situation. The nickname
24 utilized on the tapes with the nickname "A.B." who is
25 actually a relative, actually the uncle of Za'Quan Taste.

1 During the course of the interviews, it had been
2 suggested by this co-defendant that the nickname moniker,
3 A.B., may have had something to do with this entire
4 situation, that he had -- might have been the reason this
5 had happened. There were suggestions of conversations that
6 happened between the co-defendant -- I mean, the unindicted
7 co-conspirator.

8 THE COURT: Uh-huh.

9 MR. KENT: Our position in this situation would be not
10 only is this co-conspirator unindicted, there's no
11 discovery on this co-conspirator, and do not anticipate he
12 will be coming during the course of trial.

13 And -- and again, it's hard to preempt what the State
14 of South Carolina will be attempting to do, and I can't do
15 that in this situation. But as far as motion in limine,
16 unless they are able to prove of a relationship of the
17 moniker A.B., we will be opposed to his name being
18 interjected in the trial.

19 And again, of course, it's hard to say what they're
20 going to do in this situation, but we would have a problem
21 with the confrontation clause. This person doesn't exist.
22 They won't be coming into the trial.

23 And the reason it became very concerning, Your Honor,
24 is the spectrum of this character, the way that he is
25 described as this all powerful being who can tell people

1 what to do and he was trying to protect his nephew; and in
2 protecting his nephew, his nephew might have done something
3 on behalf of this character.

4 Even though there's no statements or anything that
5 suggest it, sort of just a specter running over the
6 courtroom. So for that reason, a brief motion -- motion in
7 limine to limit the introduction of this third-party
8 character, unless the State is able to prove of a direct
9 relation or if he comes in to testify so he can be cross-
10 examined.

11 THE COURT: Okay. All right. And I don't know --

12 MS. CORNWELL: And Your Honor, I will tell you the
13 State does intend on introducing A.B. into this case. Not
14 in a way to illustrate any sort of protection of Mr. Taste.
15 The only thing that the State would introduce A.B., who's
16 real name is Roberto Brown ---

17 THE COURT REPORTER: I'm sorry. Is what?

18 THE COURT: Is what?

19 MS. CORNWELL: Roberto Brown. Mr. Brown is currently
20 incarcerated in Federal custody on -- on drug charges.

21 It's the State's position that Mr. Brown is a fairly
22 large player in Holly Hill with some illegal activities,
23 and that he has influence over people. So if he tells you
24 to go do something, generally people are going to do what
25 they're told. They're not going to say no to him.

1 So the only thing that we would be bringing into this
2 is, you know, there's -- everybody spent the night at
3 A.B.'s house that night. And when they leave, they're
4 going to get "Shy," who is a cousin of, I believe, A.B.'s
5 girlfriend.

6 So the reason that they went down there was at the
7 instruction of A.B., and that would be the only thing that
8 we brought -- would bring out in regards to A.B. is that he
9 instructed them to go down there and possibly provided them
10 with firearms to go down there.

11 THE COURT: Okay. So the only testimony is they spent
12 the night at his house, and he told them to go --

13 MS. CORNWELL: And I believe that Wendell High's
14 testimony is that it's his understanding that Mr. Jenkins
15 got the firearm from A.B.

16 THE COURT: Okay.

17 MR. KENT: I wouldn't have any position to the last
18 part because, of course, I don't represent ---

19 THE COURT: Right.

20 MR. KENT: --- Mr. Jenkins. The only thing that I'd
21 have a problem with is -- and I think that might have just
22 been for introductory purposes --

23 THE COURT: Uh-huh.

24 MR. KENT: -- that the A.B. character has drug
25 charges, he's incarcerated. Any of that information I -- I

1 don't know if that would be relevant to this trial.

2 THE COURT: I -- I don't -- I don't know that it is
3 either, but I ---

4 MS. CORNWELL: It -- it would be the reason that he's
5 not.

6 THE COURT: Huh?

7 MS. CORNWELL: It would only be presented for the
8 reason he's not present in court and testifying here. I --
9 the State can -- that's not an issue for my case.

10 THE COURT: Okay.

11 MS. CORNWELL: So I'm not really worried about the
12 drug charges or where he's at, other than ---

13 MR. FARLEY: An issue for my case. I'll wait my turn.

14 THE COURT: Yeah. You -- you get to jump up any --
15 whenever. Okay.

16 MR. FARLEY: Yes, sir.

17 THE COURT: All right.

18 MS. CORNWELL: So, I mean, I don't have a problem say
19 -- not saying that he's incarcerated for drug charges, but
20 I think his reputation in the community as -- as to why
21 they would follow his instruction of going down there is
22 going to be relevant.

23 MR. KENT: And therein lies my concern, Your Honor.
24 The specter of a character who's not in the courtroom,
25 who's not there, who -- habeas corpus, if they wanted to

1 get him, they're welcome to pick him up, bring him in, have
2 him testify. But to say there's a character that I can't
3 cross-examine who is the puppet master telling people what
4 to do is almost a reverse third-party guilt that the State
5 is trying to do.

6 THE COURT: Well, who -- who's gonna test -- are --
7 are you just saying his name is just gonna come up because
8 they're gonna say they were at his house and then left or
9 what?

10 MS. CORNWELL: That he told them to go down there and
11 pick Shy up.

12 THE COURT: Okay. Who -- who's gonna testify that he
13 told them?

14 MS. CORNWELL: All of the co-defendants.

15 THE COURT: Okay.

16 MS. CORNWELL: And I believe Mr. Taste would actually
17 testify to that as well.

18 MR. KENT: I'm not gonna argue for the -- the
19 necessity of proving our case. We -- it'd be like if they
20 went to Walmart. We went to Walmart and did "x" and went
21 here.

22 My problem would be any characterization of a
23 character who's not here that I can cross-examine. He's a
24 notorious drug dealer. He ---

25 THE COURT: Well, I -- I did not -- I did not get the

1 impression from what I was told that she was gonna
2 characterize Mr. Brown as a notorious drug dealer or drug
3 dealer or anything else. I thought you were just gonna --

4 MS. CORNWELL: No. I mean, the testimony's going to
5 be that he's the type person you don't say no to, and that
6 can be the extent of that.

7 But I -- I think -- I mean ---

8 MR. FARLEY: Judge --

9 MS. CORNWELL: --- there's no way that these people
10 wouldn't say, "Well, he told us to do this and we decided
11 not to" because they're gonna say when -- if he tells you
12 to do something, you do it.

13 MR. FARLEY: This is the first time I've heard of
14 A.B., first time in -- since 2016. Never heard of it
15 before.

16 MS. CORNWELL: That's absolutely untrue, Your Honor.

17 MR. FARLEY: I'm telling the Court this ---

18 THE COURT: Well -- well, we'll -- we'll -- and I -- I
19 want to come back to you. I'm not trying to cut you off.

20 MR. FARLEY: No.

21 THE COURT: But I want to make -- kind of make sure
22 I've got this done if I can with -- with Mr. Kent.

23 MR. KENT: And of course, that's a difficulty with a
24 motion in limine.

25 THE COURT: Yeah. I don't -- I don't know --

1 MR. KENT: We don't know how the testimony is going to
2 come out.

3 THE COURT: Well ---

4 MR. KENT: May I make this request that before his
5 name is -- not his name tangentially as the Walmart
6 example, but before the State starts introducing anything
7 about his character, his prior behavior, that that
8 testimony be taken up outside ---

9 THE COURT: Okay.

10 MR. KENT: --- the presence of the -- I just don't
11 want them to mention in opening statement or anything of
12 this nature before we can bring it up and have our proper
13 objection to it.

14 THE COURT: Okay.

15 MR. KENT: My concern is it's irrelevant information
16 and we can't cross-examine him on that information.

17 THE COURT: Is it -- reason we can't get him to court?

18 MS. CORNWELL: Federal government, Your Honor.

19 THE COURT: Oh. Well, okay. We'll talk about that.
20 Okay.

21 MS. CORNWELL: Okay.

22 THE COURT: Y'all can -- okay. All right.

23 The only thing -- basically, you just want me to take
24 this up before anybody says anything about A.B. in the
25 trial.

1 MR. KENT: A.B. and the relationship to Mr. Taste.
2 Anything that we can have an ---

3 THE COURT: Okay.

4 MR. KENT: --- opportunity to object and not be
5 surprised ---

6 THE COURT: All right. Okay. What -- what else?

7 MR. KENT: Your Honor, that would be the extent of
8 motions that I would need to make pre-trial. Of course,
9 there will be several motions depending on what Mr. Jenkins
10 makes on behalf of counsel. But as far as pre-trial, that
11 would be the extent of motions that we would need to make.

12 THE COURT: Okay. All right. Mr. -- Mr. Farley,
13 while this is still on my mind, I need for you to now tell
14 me -- I -- I realize you're not party to this, but you're
15 indicating to me that you were not aware of A.B. or Roberto
16 Brown.

17 MR. FARLEY: I'm not aware of that. He's not in any
18 of the paperwork that I've seen. There's some, you know,
19 handwriting that I can't read. So something may be here,
20 but that's the first time I've heard that name.

21 I think I heard Shaun -- well --

22 THE COURT: Mr. Kent.

23 MR. FARLEY: Mr. Kent.

24 MS. CORNWELL: And maybe this will help. He's also
25 referred to as "Big Homie." I think that's another ---

1 MR. FARLEY: I don't ---

2 MS. CORNWELL: --- one of his nicknames.

3 THE COURT REPORTER: Big Homie?

4 MR. FARLEY: I've never heard ---

5 MS. CORNWELL: Big ---

6 MR. FARLEY: --- of a Big Homie. Well, I know some
7 Big Homies, but I never heard of a Big Homie. And I think
8 that I heard reference to recordings of the co-defendant's
9 potential testimony against my client. If that's the case,
10 I have not gotten that, and that is discoverable like
11 crazy.

12 THE COURT: Okay. I -- and I didn't hear that.
13 Recording of what?

14 MR. FARLEY: I -- I believe that --

15 THE COURT: Yeah. Let me hear from Mr. Kent. What do
16 you -- what -- what --

17 MR. KENT: Your Honor, what had ended up happening is
18 the State of South Carolina had met with two co-defendants,
19 Wendell High -- who I had mentioned -- as well as Mr.
20 Smoot, who is also a co-defendant. I think it's Frank
21 Smoot. Two co-defendants.

22 I know they had met with their attorneys with the
23 State of South Carolina. One on February 14, 2018; on
24 February 13, 2018. As a result of those interviews, the
25 State of South Carolina records those interviews. So I

1 requested copy of those, received them, I mean, February
2 15, the soonest that they were able to receive -- ask for
3 them. I haven't had opportunity to review those with my
4 client, and that's what I just said that I've gotten three
5 recordings from the State of South Carolina within the last
6 24 hours. That -- well, created within the last 24 hours.
7 So it's not something that was created years and years ago,
8 but I -- I think that's what happened.

9 THE COURT: Okay. All right.

10 MR. FARLEY: This is news to me. The Solicitor did
11 bring me two videos that are purported -- about 1/1:15 or
12 so, handed me two videos that are purported to be
13 confessions from my client. That's the first I've ever
14 seen of these videos. I haven't even had a chance to look
15 at them.

16 I heard about them existing through e-mail.

17 What I want to do, Judge, is kind of go down --
18 discovery is the topic that I'd like to bring up now. I'd
19 like to run through just a brief time line of discovery and
20 some issues that we've had with it.

21 Back in 6/13 of last year, around that time, we
22 received the initial discovery from the Solicitor's Office.
23 It contained five videos, a police report, and a disc that
24 had the crime scene analysis and the crime scene photos and
25 all of that. We did get that.

1 In December, during that entire period of time
2 between, you know, the summer and now, we've spoken. I've
3 asked is there this, this, this, and haven't -- I -- I
4 don't have any record of getting anything until December 20
5 of last year. I got a firearms report.

6 On January 30, we scheduled seeing the physical
7 evidence. On --

8 THE COURT: January 30?

9 MR. FARLEY: January 30. We scheduled that to
10 actually go down to the Sheriff's Department, look at the
11 evidence, and you know, the State's open-file policy. We
12 were trying to embrace that, too.

13 I was running late. 526 -- I don't know if you've
14 ever driven on it -- was pretty backed up. But we met, we
15 saw -- saw the stuff. Went back to the office. She had a
16 bunch of meetings planned, so I didn't really get to sit
17 down with her too long.

18 But while we were there, I -- there were -- there were
19 five cell phones seized. There were three cell phone dumps
20 done. I got discs -- this was, what, Valentine's Day,
21 right? Valentine's Day I get discs with three cell phones
22 dump on it. You know, I'm not a cell phone analyst. I --
23 you know, that's another piece of evidence that I'm getting
24 at the last minute.

25 Looked at the physical evidence and then there's this

1 issue of kites. I think kites are messages passed through
2 the jail cells under the doors and things like that. I did
3 get those kites on -- was it yesterday? I think I got
4 those yesterday.

5 THE COURT: That would be the 15th?

6 MR. FARLEY: Yes. Was it --

7 MS. CORNWELL: No.

8 MR. FARLEY: What day was it.

9 MS. CORNWELL: Keep going through your time line,
10 because I'm gonna correct you on a lot ---

11 MR. FARLEY: Okay. Great.

12 So when -- when did we get the kites? You correct me
13 as we're going. I don't want to make any
14 misrepresentations --

15 MS. CORNWELL: It's too many things to correct. I'm
16 gonna let you do your time line, and then I will give the
17 actual time line.

18 MR. FARLEY: Okay. So anyway -- so on the 13th, I was
19 told there were three confessions. One video I -- one of
20 the videos that I have -- and I've been saying this for
21 months -- has my compliant -- my -- my client saying, "No,
22 no, no. I didn't do it," and then it cuts off half way.
23 The Solicitor's known that for long period of time. At
24 some point, while preparing this case in the last week, she
25 found that video and it was handed to me today, you know,

1 on the eve of trial.

2 Then there's another disc that we got -- was it two
3 discs? I haven't even had time to look at them. I think
4 it was --

5 THE COURT: We got two. We got ---

6 MR. FARLEY: I think another disc that says -- that's
7 purported to say that my client's confessing, don't have
8 that -- until today.

9 I finally get the autopsy on the 13th, and on the
10 14th, I get a DNA report.

11 So basically, in the last week I've been slammed with
12 discovery that I haven't had. I've beg -- you know, I've
13 talked to her multiple times about what the discovery
14 process is. You know, I would love to go through, you
15 know, suppression hearings, pre-trial motions, and things
16 like that, but I don't even know if statements were
17 voluntarily given 'cause I haven't seen the video. I'm
18 prepared to go forward with the one that we only have half
19 of. I'm totally prepared for that. I'm totally prepared
20 to go forward with Za'Quan's identifications to -- to
21 suppress those.

22 And then today, what I think is utterly ridiculous, is
23 that there apparently are discoverable recordings that the
24 Solicitor's Office has provided to other defendants, co-
25 defendants in this case, but has not provided me. And I

1 don't know what's on them, but I -- what I -- what I think
2 I heard was Solicitor meeting with the defendant who is
3 going to be a potential witness against my guy. This ain't
4 work product. This is discoverable material.

5 Now, if we want to get into the -- to the open file
6 policy, which is usually generally where they go after
7 this, *Strickler v Green* talked -- the Supreme Court talks
8 about it and explicitly held that a prosecutor's open file
9 discovery policy in no way substitute of diminishes the
10 State's obligation to turn over all exculpatory evidence,
11 pursuant to *Brady*. All right.

12 And then -- I mean, I -- I do I even need to go into
13 the Fifth and Fourteenth Amendment and all of that kind of
14 stuff.

15 So after the open file policy, then they always go,
16 "Oh. Well, this evidence, we didn't have it. The -- the
17 Police Department ..." they blame the Sheriff's Office.
18 "We didn't have it. We didn't know about it."

19 Well, the law -- the -- the law state -- the Solicitor
20 here is law enforcement. All right. And *Kyles v Whitney*,
21 [sic] another U.S. Supreme Court case, explicitly said (as
22 read): "The individual prosecutor has an affirmative duty
23 to learn of any favorable evidence known to the other
24 people and its agencies acting on the government's behalf
25 in the case, including the police."

1 If -- if the argument that comes out of the State is
2 that they're blaming law enforcement, they are law
3 enforcement and that doesn't cut it.

4 I'll let -- I believe the Solicitor wanted to respond
5 and ---

6 THE COURT: Well, and that's fine. And the purpose of
7 outlining the late discovery is --

8 MR. FARLEY: Well, my motion is to have it excluded.
9 Everything that -- all those videos, all the things that I
10 haven't had, need to be turned over to me. It needs to be
11 excluded. If at some point during this weekend, where I
12 was planning on taking my family up to the mountains, I
13 watch these videos and there's something exculpatory in
14 there, then I may want to use them. I may open the door
15 and then they can bring these videos in, but the -- the
16 remedy for either intentionally or unintentionally not
17 giving a defendant full discovery is that those -- the
18 discovery is excluded. That's suppressed.

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

20 MR. FARLEY: Thank you.

21 THE COURT: Okay. All right. And Ms. Cornwell.

22 MS. CORNWELL: Thank you, Your Honor. I believe Your
23 Honor and this Court has known me long enough to know that
24 I'm well aware of the rules of discovery. I've always been
25 very open in giving everything that I have in discussing my

1 cases.

2 We do have an open file policy, but the State is not
3 even relying on that. I can tell the Court that the Public
4 Defender's Office was appointed on this case on August 17
5 or 2016. They conflicted out because two of the co-
6 defendants are currently being represented by Public
7 Defenders. They were conflicted out, Mr. Jenkins was
8 appointed to Mr. Farley.

9 Mr. Farley sent me a discovery request on September 6
10 of 2016. On September 14 of 2016, the State sent its case
11 file, including six CDs -- which included all of the taped
12 interviews of both Mr. Taste, Mr. Jenkins, as well as Frank
13 Smoot -- in with the discovery.

14 In October of 2016, he requested a bond showing that
15 he had all discovery because he was not going to go forward
16 with the bond without the discovery. 9/14/16 is when he
17 first got six tapes. There are six tapes, there are
18 multiple clips on each of those videos.

19 I will agree that on the very first video on 7/20 of
20 2016, of his client -- his client is taken into custody
21 from a hotel. There is an interview where he is denying
22 any involvement and knowledge of anything. That video does
23 cut short after about 48 minutes. I noticed that in June
24 of 2016 when I was preparing for, I think, a different bond
25 motion.

1 THE COURT: '16 or '17?

2 MS. CORNWELL: June of 2017, I'm sorry.

3 THE COURT: Okay.

4 MS. CORNWELL: I reached out to Investigator Stokes
5 informing him that that video was cut short and asking him
6 to provide me duplicates of everything because I wasn't
7 sure, since that one cut short -- I actually think there
8 was another one that was cut short as well.

9 Investigator Stokes made me duplicates of those
10 videos. I hand delivered those videos. I personally made
11 copies of those in my office, hand delivered them to three,
12 and then our assistant mailed the copies to Mr. Farley, I
13 believe, and Mr. Kent.

14 I know that Mr. Farley got those because he emailed me
15 two weeks ago saying, "Hey, there are duplicate videos
16 here. Are there any changes?" -- even though they're
17 labeled differently -- and I said, "No. Those are just the
18 copies."

19 Going through those copies, he is correct that the
20 7/20 video did not complete again. So I did ask Mr. Stokes
21 about that this week. He was able to find that video and
22 give me a copy of that, which we provided.

23 That video has no evidentiary value in this case, the
24 7/20. We are not planning on presenting it because ---

25 MR. FARLEY: It has no evidentiary value to the State,

1 but it may have evidentiary value ---

2 THE COURT: Thank you. I -- I understand. All right.
3 I'm just -- she's getting to tell me what she thinks.
4 You'll have an opportunity to tell me what you think.
5 Okay.

6 MS. CORNWELL: The State has no ---

7 THE COURT: What were you ---

8 MS. CORNWELL: --- intention of introducing that
9 video. It is fully -- he is given his Miranda rights. We
10 have turned in that Miranda right form. You can see in the
11 first of the video that he does have -- it wasn't cut short
12 -- where he's fully advised of his rights and goes forward
13 with giving denials.

14 As far as the 7/27 video of his confession, he's got
15 two copies of that, which he's admitted, because it was
16 sent in discovery on 9/14/16. It was also sent in June of
17 '17, and again, he states that he has two copies of each
18 thing. If he hasn't gone through each video and each clip,
19 if he hasn't seen -- or what he's heard, I don't know. I
20 can't prepare his case for him, but I can provide the
21 evidence to him which we did do in -- at the very latest
22 June of 2017. So he's had that evidence for a very long
23 time.

24 As far as the 7/22 video, I will tell Your Honor that
25 as I was preparing for this case this week, going through,

1 preparing actually for the *Denno* hearing, I noticed that
2 there was a Miranda form from 7/22 of '16. There is
3 nothing in any of the incident reports that reference a
4 7/22 interview. There is nothing on the videos that showed
5 a 7/22 interview. I had no idea.

6 I will tell Your Honor that during this time,
7 Orangeburg County was simultaneously working what's kind of
8 known as "The Holly Hill Four case," and so the
9 investigator that did the Miranda on that -- I was confused
10 as whether or not it was just a cross over of cases.

11 I have contacted Investigator Stokes again, asked him
12 what that was. He said he wasn't sure. He couldn't
13 remember. He didn't think that anybody ever talked on
14 7/22.

15 Fortunately they were able to go back in their video
16 archives. There was a 7/22 video, and he made a copy of
17 that and gave it to me. I made Mr. Farley aware that I had
18 a copy of that video and available for him on Wednesday, I
19 believe, of this week.

20 THE COURT: Valentine's Day.

21 MS. CORNWELL: I believe so. I just wanted to check
22 and see when I messaged Investigator Stokes because he
23 brought it to me that same day. And that was, yes,
24 Wednesday.

25 MR. FARLEY: At what time?

1 THE COURT: Okay.

2 MS. CORNWELL: We met on Wednesday in preparation for
3 this case at 2:58 yesterday. I'm sorry. I said, "Why did
4 Travis meet -- meet with Jenkins on 7/22. I have the
5 Miranda form, but no recorded video of the interview." His
6 response was, "He must have just given Miranda. He
7 wouldn't interview him." He then responded, "I did find a
8 video."

9 He brought me that that day. I informed Mr. Farley
10 per email.

11 MR. FARLEY: At what time?

12 MS. CORNWELL: I'm sorry?

13 MR. FARLEY: At what time?

14 MS. CORNWELL: You text me at, I think -- my text to
15 him was at 12:29 p.m. yesterday, and he responded when he
16 brought me the video. That is what I emailed you yesterday
17 and said it was available. You told me that you would wait
18 on it today.

19 MR. FARLEY: So ---

20 MS. CORNWELL: We also sent ---

21 THE COURT: So -- so it was actually -- it was
22 actually wasn't -- it wasn't -- as evidence on the 15th.

23 MS. CORNWELL: It was the 15th, Your Honor.

24 MR. FARLEY: So yesterday is what your stating you
25 gave me notice of this video.

1 MS. CORNWELL: Yes. It was when I had it in my
2 possession the first that I've had of it.

3 We brought that to him and we did give it to him at
4 1:15. I watched it, Your Honor. I tried to email him --
5 since he wouldn't come up to Orangeburg to pick it up, I
6 tried to email him a copy of it. Unfortunately the file
7 was too large and wouldn't go via email.

8 So I have had this tape for 20 -- a little over 24
9 hours. I gave it to Mr. Farley at about 12:45 today, as
10 soon as he entered the room. It's an hour long video. I
11 actually have watched it since I got here.

12 I've asked Mr. Farley about three times during this
13 break before we started did he not want to go and watch
14 that video, and he told me no, he didn't have time to do
15 all that.

16 So he's had opportunity to see that video, even though
17 it was just given to him at 12:45 today.

18 As far as anything being exculpatory or anything like
19 that, the co-defendants's statements, obviously the State
20 had an obligation to fully prepare its case in going
21 forward with trial. I met with Frank Smoot, I met with
22 Matthew Brown, I met with Dwendell High, I have met with
23 Mr. Taste. Mr. Taste is the only one that I did not record
24 my conversation with because counsel objected to that. The
25 other defense attorneys did allow me to record my interview

1 with them in preparation for trial.

2 I emailed Mr. Farley and let him know that nobody gave
3 written statements. I did not have written statements. I
4 gave him the information that the defendants were going to
5 say against him, and Rule 5 in discovery states that I
6 actually don't have to give him witness statements til
7 after the witness has taken the stand and testified.

8 I have let him know what they're going to say.
9 Nothing is exculpatory, nothing is impeachable, which are
10 the two requirements under Rule 5 and Brady is that it has
11 to be exculpatory or impeachable. If there are co-
12 defendants's statements, I also have an obligation to
13 protect the safety, health, and well being of any co-
14 defendants and any snitches, any CIs, anything of that
15 nature.

16 I have met my obligation in discovery starting all the
17 way back in September of 2016. Nothing that he has -- we
18 haven't even started trial yet. He's got an entire weekend
19 to look at all that. For it to be excluded or suppressed,
20 it has to be prejudicial. There is nothing that is
21 prejudicial in any of this, and I mean, I can keep going
22 on, but I -- hopefully my point has been made.

23 THE COURT: Well, let me ask you just a couple of
24 other questions. That the copies of the recordings to
25 Wendell High and Mr. Smoot have been made available to Mr.

1 Taste and his attorney.

2 MS. CORNWELL: I let Mr. Kent know the same thing that
3 I let Mr. Farley know.

4 THE COURT: Okay.

5 MS. CORNWELL: That I had spoken to them. I told him
6 what each defendant had said in regards to their client
7 that would be -- you know, that would be brought out in
8 court. I believe because Mr. Kent knows that I had asked
9 for recorded conversations, he asked me if I had recorded
10 any of our conversations. I told him that I had, and he
11 asked me, "Would you mind if I had those before trial?" I
12 said no, and I gave them to him. I'm not obligated to give
13 it until after they take the stand.

14 I informed Mr. Farley of the same thing that I
15 informed Mr. Kent. I have no problem giving Mr. Farley
16 copies of those tapes.

17 THE COURT: Okay.

18 MS. CORNWELL: And again --

19 THE COURT: Let -- let me ask -- let me ask you this
20 other -- some -- some other questions, if you don't mind.
21 Mr. Farley mentioned something about cell phone dumps --

22 MS. CORNWELL: Yes, Your Honor.

23 THE COURT: -- that he received on --

24 MS. CORNWELL: Again, the State's position is that
25 those were given in the 9/14 of 2016 discovery. Now, I did

1 not make copies of those a second time, so he would not
2 have gotten them again in June of '17. But he did receive
3 those September 14 of 2016. I then also made another copy
4 for him earlier this week when he came to my office and
5 said that he did not receive them. And also informed him
6 that the State has no intention of introducing any of
7 those. We're not going to bring any cell phone people in.
8 One of the phones didn't even have a SIM card. And all of
9 that was -- were dumps.

10 None of the cell phones are purported to be from Mr.
11 Jenkins because in all of his video tape confessions, he
12 states that he hasn't had his phone for several days. So
13 the State has no intention of doing those.

14 It was given to him 9/14 of '16. It was given to him
15 again at the beginning of this week. He had more than
16 enough time to go through them, and there is nothing
17 prejudicial against his client.

18 THE COURT: Mr. Farley?

19 (Brief pause.)

20 THE COURT: All right. Something about kites?

21 MS. CORNWELL: The kites, Your Honor, are -- and I was
22 actually made fun of earlier this week about why do I call
23 them kites. That's actually what Orangeburg County jail
24 people apparently call them. They are little notes that
25 are written in the jail cell. Then they tie a string

1 around so they can throw them into another cell real quick.

2 All of these defendants that were incarcerated --
3 which would be Mr. High, Mr. Jenkins, Mr. Smoot, and Mr.
4 Brown -- were housed in the same pod. I believe it was C
5 Pod. And so there were notes that were being passed. The
6 notes are alleged to have been from Mr. Jenkins to the co-
7 defendants. Obviously I did not receive them until I met
8 with one of the co-defendants who gave them to me, and I
9 provided them to Mr. Farley.

10 What I told Mr. Farley -- I've actually told Mr. Kent
11 as well because I provided them to Mr. Kent -- is I don't
12 believe that I am able to introduce or use those because I
13 can't authenticate them, I don't believe that the
14 handwriting would be able to be something that would be
15 compared by a lay person, and so the State has no intention
16 of introducing the kites.

17 Now, I believe the co-defendants can get up and
18 testify that Mr. Jenkins was trying to pass notes to them,
19 but as far as introducing the actual letters and notes
20 themselves, I can't -- I can't prove that they're from Mr.
21 Jenkins. And again, they've been provided.

22 THE COURT: Okay. All right.

23 MR. KENT: Your Honor --

24 THE COURT: Mr. Kent.

25 MR. KENT: It's an interesting -- and -- and I

1 apologize. I said wasn't going to say much. But it's an
2 interesting dilemma that I think the State, Mr. Jenkins,
3 and myself find myself in with these kites. And I
4 understand the State's position is they would have trouble
5 with authentication. I'm not gonna speak on behalf of Mr.
6 Jenkins, but of course, his concern would be you can't
7 authenticate these, so we don't want them to come in.

8 The problem is there's an exculpatory nature -- and
9 I'm not saying they haven't been turned over. But there's
10 an exculpatory nature on behalf of Mr. Taste in which he'd
11 want to use the information inside of the letters. I don't
12 know if there's a necessity to read them in open court. We
13 can give you a copy of them, Your Honor. I'm sure ---

14 THE COURT: Right now I don't -- right now I don't
15 need them.

16 MR. KENT: Yeah. We can give you a copy of them.

17 But one of the concerns I would have -- and I was
18 gonna ask if that's something that we would address -- if
19 the defendant, Mr. Jenkins, would be trying to keep those
20 out of the trial because, of course, we would want them in
21 the trial to be able to use as a proper defense and then
22 we'd run into another issue.

23 So my concern is I know the State would say we'd have
24 trouble authenticating them ---

25 MS. CORNWELL: We have ---

1 MR. KENT: Yeah. The State's saying they're having
2 trouble authenticating them. I would assume Mr. Jenkins
3 doesn't want them in, and we would and I think we'd have a
4 right to present a compete defense. Thank you.

5 MS. CORNWELL: Your Honor, the solution to Mr. Kent's
6 problem that I can tell you is the defendants that received
7 those kites are all going to take the stand. So he has the
8 opportunity to question them about the kites, and I think
9 the best evidence rule would then come in.

10 They can testify and authenticate that they received
11 them, they believed them to be -- and that would be -- as
12 far as the *Bruton* issue goes, that's goes around about
13 that.

14 I think that there's the best evidence rule, I think
15 that there is -- the defendants are able to clearly
16 testify.

17 It's not -- the notes aren't handwritten notes from
18 law enforcement. They are statements against interest of
19 the defendant. So it comes in as a statement of the
20 defendant, and any of the co-defendants can testify that
21 that's what -- I mean, he can argue, "Those aren't my
22 notes." All the co-defendants have to say is, "We believed
23 that they were from Mr. Jenkins."

24 And then if you want to argue best evidence as far as
25 moving them in, I think that they would come in under best

1 evidence. That's if we're doing a two-person trial and Mr.
2 Kent wants them in. I have no intention of introducing
3 them or moving the physical notes into evidence against Mr.
4 Jenkins.

5 Now, I will question the co-defendants about any
6 conversations they've had with Mr. Jenkins in regards to
7 this case, and I believe that they are fully able to
8 testify as to conversations that they have had with Mr.
9 Jenkins because again, it's not hearsay because it's
10 against penal interest.

11 THE COURT: Okay. All right. Mr. Farley, anything in
12 reply?

13 MR. FARLEY: I could assure the Court that I was never
14 sent those cell phone dumps.

15 THE COURT: I'm sorry, what ---

16 MR. FARLEY: That I wasn't sent those cell phone
17 dumps. I can assure the Court that the only disc that I
18 received was a disc that contained the photos and the --
19 the photos of the crime scene and the crime scene
20 investigator, and then I received five video/audio discs.
21 Never got the cell phone dump.

22 Now, what I did do -- and this is somewhat shady --
23 but what I did do is I knew that there was other stuff out
24 there. I knew that the Solicitor was not giving me
25 something. So I told her that I have -- that I never got

1 one of the -- that I never got one of the discs that I
2 actually had. I -- I did that because I thought that there
3 was something out there and I wanted her to go back through
4 the file and provide me with everything that was there.

5 She said that was it. She said that was it, I -- I
6 don't remember the date, but a month ago or something like
7 that, "You have everything," I think is the quote that I
8 have. And then the -- let's see, yesterday, I'm more than
9 welcome to drive up to Orangeburg to pick up the discs.

10 I -- I was here. I had court here. I had court in
11 Summerville. You know, I can't stop everything to go up to
12 Orangeburg for something that should have been turned over
13 to me whenever that request was -- you know, was made.

14 So -- so I have not had time to watch this video. I
15 have not had time to show my client the video, me go show
16 him between one o'clock and now. That don't cut it. It's
17 not easy to get a camera -- I mean, a computer into a jail
18 cell in such a way that he can watch it. And I have to
19 watch it. I don't even know if there's -- we can't have a
20 hearing to suppress, you know, the confession or whatever's
21 on there because I haven't seen it.

22 So -- so that is that. I mean, there's -- there's
23 definite -- I mean, the Court has to agree that there are
24 definite issues with discovery. I think the most -- I
25 mean, it's blatantly obvious that we got the disc today.

1 You know, that's -- that's just -- that's just that.

2 But now I'm finding out that the co-defendants, which
3 are going to testify against my client, all right, sat down
4 with law enforcement and recorded a statement, and that was
5 given to Mr. Kent yesterday and noone told me that that
6 existed today until I was sitting here. All right.

7 That is discoverable stuff, clearly discoverable. And
8 Judge, I -- I -- the remedy for this is -- is to give it to
9 me, to start out with; and then the Court should seriously
10 consider excluding it.

11 The State actually told you -- they laid out their
12 case. They've got other evidence. They got DNA. They got
13 the other witnesses to testify. Why -- why didn't they --
14 why are they even concerned about it? They weren't too
15 concerned about it until they found it at the end -- you
16 know, at the eve of trial.

17 And if the State consents, then I'll sit down and you
18 know, I'll stop talking.

19 MS. CORNWELL: Your Honor, as far as the video
20 interviews that I did in preparation for trial, the State
21 doesn't get to move those into evidence. I'm going to --
22 they're going to testify.

23 So if you want me to consent that I'm not going to
24 move in the video interviews that I had of the co-
25 defendants when I was prepping for trial consented to,

1 they're going to testify. The only reason ---

2 THE COURT: Well ---

3 MS. CORNWELL: --- I recorded it was for protection
4 really of me and to make sure that nobody could come and
5 say that I threatened or I forced or I coerced or anything
6 like that.

7 So I can solve that problem real quick. I'm not going
8 to do that ---

9 THE COURT: Well, I ---

10 MS. CORNWELL: --- except for impeachment purposes,
11 and them wanting to impeach.

12 Again, I am only obligated to provide it after they
13 have testified, and I've already given him everything that
14 is going to be said about his client. I have no problem
15 giving him the tapes today.

16 THE COURT: Okay. Well ---

17 MR. FARLEY: Well, that problem's solved.

18 THE COURT: Okay. Okay.

19 MR. FARLEY: That made it easy. Thank you.

20 Now, to -- since the State has said what they intend
21 to do with the tapes or not do with the tapes, obviously I
22 hadn't seen the tapes. I may want to introduce the tapes.
23 I may want to impeach the other side of those tapes.

24 The argument that we just had here was -- sounds to me
25 that when law enforcement meets with a defendant, after

1 that defendant or witness testifies, then after that
2 testimony, "Oh, here's the confession that this dude just
3 testified to."

4 That -- that's not how it works. I'm not going there.
5 They've -- they've done the right thing in that instance.
6 I'll get those, and I'll have time to take a look at those
7 if they are not excluded.

8 THE COURT: Okay. All right. All right. Mr. Kent.

9 MR. KENT: Judge, if I may, just to make sure ---

10 THE COURT: This is just like class.

11 MR. KENT: I -- I'm just ---

12 THE COURT: You're doing a great job.

13 MR. KENT: I don't want Mom and Dad to keep fighting
14 so much.

15 THE COURT: Yeah. I understand. I understand. It
16 kind of breaks my heart, too, you know.

17 MR. KENT: Judge, all I -- just our position, on
18 behalf of Mr. Taste, is I understand that there may be a
19 quasi agreement on behalf of the State as well as to Mr.
20 Jenkins. Just not forgetting there's a second co-defendant
21 here. I don't want to be tied into their agreement and
22 say, "Well, we won't use it," and they say, "Okay."

23 He would still have the right to use it in his own
24 possible defense. It'd just be our position ---

25 THE COURT: Oh, yeah. I mean, I -- I -- right -- you

1 know, motions before trial are always so much fun to me --

2 MR. KENT: Yes, sir.

3 THE COURT: -- because until I get to court sometimes,
4 I never really know how things are going. But I -- I can
5 see how well they're going already. So -- but I -- I'll
6 note your issue.

7 MR. KENT: Thank you.

8 THE COURT: And -- and remember it.

9 MR. KENT: Thank you, Judge.

10 THE COURT: Okay. All right. Is there another motion
11 I need to take up?

12 MR. FARLEY: Yes, Judge. The photo lineups that Mr.
13 Taste performed.

14 THE COURT: All right.

15 MR. KENT: Your Honor, if we may -- and -- and I don't
16 mean to make anyone jump out of order. I think the only
17 other motion that would probably have to deal with Mr.
18 Taste, which should speed things, would be a *Bruton*
19 potential issue. If we could handle that one while he's
20 sitting here.

21 THE COURT: Okay.

22 MR. KENT: I -- I -- if -- if there would be ---

23 MR. FARLEY: If it comes up.

24 MR. KENT: If it comes up, if there's a *Bruton* issue
25 potentially, but it wouldn't be our issue. We wouldn't

1 have one, but someone else may have.

2 THE COURT: Okay. All right. Mr. Farley, we gonna do
3 the lineup?

4 MR. FARLEY: I'm sorry?

5 THE COURT: We -- there's a lineup argument?

6 MR. FARLEY: Yeah. Can we do the lineup, Judge?

7 THE COURT: Yeah. Yeah. I -- and --

8 MS. CORNWELL: Your Honor, as far as the lineup goes
9 and having testimony as to lineups from Mr. Taste and all
10 that, I think, one, the only reason that Biggers comes into
11 consideration is when the identification process is
12 conducted in a manner that was unduly suggestive and that
13 there is a very substantial likelihood of irreparable
14 misidentification under totality of the circumstances.

15 The lineups that Mr. Taste did, he picked out his
16 friends that he was with the day of the incident in the
17 photo lineup. There is not -- I mean, even if it was
18 unduly suggestive, which I don't think it is -- this is a
19 SLED generated photo lineup.

20 THE COURT: (Indicates) Is that this?

21 MS. CORNWELL: Yes, Your Honor.

22 THE COURT: Okay.

23 MS. CORNWELL: Those -- I think the only one I gave
24 you is the one that we were going to do with the witness
25 and Mr. -- and Mr. Jenkins.

1 THE COURT: It's something that's marked September --
2 I mean, July --

3 MS. CORNWELL: I can provide you copies of all the
4 ones that Mr. Taste did, which are all, again, SLED photo
5 lineups.

6 THE COURT: Well -- but ---

7 MS. CORNWELL: But again, Your Honor, the -- it's not
8 an issue because I can put 7,000 photos on a -- you know,
9 in a book, and Mr. Taste is going to be able to pick out
10 who he was in a car with, who he rode there with, who he,
11 you know, knows and has been friends with and grown up
12 with. So I ---

13 THE COURT: The ---

14 MS. CORNWELL: --- don't think that there's anything
15 unduly suggestive, which is the first hurdle you've got to
16 get across. If you rule that it's not unduly suggestive,
17 then we're -- we're done. And I don't think that there's
18 any way that somebody can't identify their friends.

19 THE COURT: Well, and -- and ---

20 MR. FARLEY: This is an argument that you make after
21 you ---

22 THE COURT: Hold ---

23 MR. FARLEY: --- watch the video.

24 THE COURT: Hold on. Just one second. Hold on.

25 Ms. Cornwell, I -- I'm not arguing with anything you

1 say, but I think this -- isn't this Mr. Farley's motion?

2 MS. CORNWELL: I'm assuming he means to start getting
3 testimony from it, and I don't think that that -- I think
4 that that's a waste of the Court's time because I don't
5 think that there's anything as far as the legal evidentiary
6 rules that have to be met. There's no way that the Court,
7 even after hearing testimony, is going to be able to say
8 it's unduly suggestive and irreparable likely harm of --
9 likelihood of misrep -- misidentification. Getting way
10 ahead of myself.

11 THE COURT: That's okay.

12 MS. CORNWELL: There's no irreparable harm of
13 misidentification because he knows these people.

14 THE COURT: No. And -- and -- and Ms. Cornwell, I --
15 I understand exactly the State's position. Just so both of
16 y'all will know, I took an issue up when I was a defense
17 attorney on the -- on identification of a lineup. I'm well
18 aware of how the Court looks at that, unfortunately.

19 So -- but you know, just as -- this is Mr. Farley's
20 motion, and if -- if I got to choose whether I have wasted
21 my time listening to arguments before, I don't get to do
22 that. Okay. I just get to listen to them and then decide.
23 Okay.

24 So Mr. Farley, if you want, to go forward --

25 MR. FARLEY: Yes, sir.

1 THE COURT: -- on -- on the line up --

2 MR. FARLEY: Thank you, Judge.

3 THE COURT: -- give it your best shot.

4 MR. FARLEY: Thank you, Judge.

5 THE COURT: Yes, sir.

6 MR. FARLEY: I am not going to have witnesses. I'm
7 assuming that this is the video that we've been talking
8 about forever that the State's not gonna ---

9 THE COURT: But -- but I mean, this is the -- this is
10 the lineup; is that right?

11 MR. FARLEY: I believe so. Yes, sir.

12 MS. CORNWELL: No.

13 THE COURT: Oh. Yeah. Come on up. Who's lineup is
14 that?

15 MS. CORNWELL: That is the one that Genard [phonetic]
16 Reeves did on scene ---

17 MR. FARLEY: Okay. That's not the one.

18 MS. CORNWELL: I know. This is the one that Mr. Taste
19 did.

20 (Ms. Cornwell hands a document to the Court.)

21 THE COURT: Okay. So are we taking up the one that
22 Mr. Taste did?

23 MR. FARLEY: We -- we are doing the one that Mr. Taste
24 did.

25 THE COURT: Okay. All right.

1 (Brief pause.)

2 MR. FARLEY: Sorry I didn't have it queued up, Judge.
3 Apparently neither my Mac nor my PC, which I can't stand,
4 have the appropriate cord to play it or I would have had it
5 queued up.

6 THE COURT: Okay.

7 (Video plays.)

8 THE COURT: How long is the tape, just out of
9 curiosity?

10 MR. FARLEY: Just the important parts are like 10
11 minutes or less.

12 THE COURT: Okay. Well -- and then how much argument
13 are we gonna do?

14 MR. FARLEY: I mean, she's already made her case. So
15 what we have here is Za'Quan Taste, and I believe that's --
16 is that you in the -- she's not under oath, but ...

17 (Brief pause.)

18 MR. FARLEY: So anyway, what's happening is this --
19 this is Za'Quan taste.

20 (Video plays.)

21 MR. FARLEY: This is the officer reading him his
22 rights.

23 (Video plays.)

24 MS. CORNWELL: Your Honor, I believe Mr. Kent has
25 already stipulated this is voluntary under Miranda.

1 THE COURT: Yes.

2 MS. CORNWELL: I'm not sure what the point of watching
3 this is.

4 THE COURT: Just out of curiosity, why are we here,
5 this part?

6 (Video plays as the Court and Mr. Farley are
7 speaking.)

8 THE COURT: Can you hold -- can you stop this for a
9 second. Thank you.

10 MR. FARLEY: So this is just what happens before a ---

11 THE COURT: No. I understand. Can -- can we get to
12 what I -- what the important part is.

13 MR. FARLEY: Yeah. It comes right after this, like,
14 literally, this is all part of it. So if we were to fast
15 forward it, we'd miss it.

16 THE COURT: Okay. All right.

17 (Video plays.)

18 MR. FARLEY: So right there, Judge, suggestive. "You
19 know someone on here, right?" And that's the nick --
20 allegedly the nickname of my client, "You know Trey."

21 And the next part is essentially the -- Mr. Taste
22 asking, "Do I -- do you want me to circle Trey?"

23 (Video plays.)

24 MR. FARLEY: Maybe that was

25 (Video plays.)

1 MR. FARLEY: There -- this does not go to my client,
2 but it shows an overwhelming pattern of law enforcement
3 coaching in these photo lineups. I haven't seen the other
4 - the videos of -- that I got at one -- one o'clock of my
5 client doing a photo lineup, but with regards to Mr. Taste,
6 they are suggestive.

7 You know, this is probably a motion in limine to see -
8 - we'll see what happens at trial. But I think as of now,
9 they're overly suggestive.

10 MS. CORNWELL: And Your Honor, just to clarify one
11 thing. Mr. Jenkins does the photo lineups that he does on
12 the 27th, and again, that video was given --

13 MR. FARLEY: That's the video that I got half of. So
14 ...

15 MS. CORNWELL: No, Your Honor. That's the video that
16 was given in September in full, on September ---

17 MR. FARLEY: What video?

18 MS. CORNWELL: The one that you now have three copies
19 of.

20 MR. FARLEY: Judge, I propose rather than going to
21 trial on Tuesday, I propose -- I propose that I sit down
22 with the Solicitor, show her -- show her -- give her an
23 open file policy. This is -- I --

24 MS. CORNWELL: No, Your Honor. That is not something
25 the State will stipulate to.

1 MR. FARLEY: Well --

2 MS. CORNWELL: All right. Can we finish the *Biggers*?
3 You know, are we gonna argue the unduly suggestiveness
4 because, again, I don't believe --

5 THE COURT: Well, I -- I tell what we're gonna do.
6 We're gonna stop on Friday afternoon. We'll pick this --
7 we'll pick this back up Tuesday morning, and we'll see
8 where we go. Okay..

9 MS. CORNWELL: As far as seeing where you go as far as
10 a continuance?

11 THE COURT: I'm not -- right now I'm not -- I'm not
12 planning on continuing.

13 MS. CORNWELL: Okay. I just need to make sure ---

14 THE COURT: But I ---

15 MS. CORNWELL: --- I've got my witnesses and everybody

16 ---

17 THE COURT: But ---

18 MS. CORNWELL: Everybody --

19 THE COURT: Nobody's coming in from California, are
20 they?

21 MS. CORNWELL: I mean, there are out of town
22 witnesses, but they're coming in, but not California, no.

23 THE COURT: Okay.

24 MR. FARLEY: I mean, there is one thing that I think
25 we can resolve today. Every other -- every other circuit

1 that I've tried a case in the judge has asked the
2 Solicitor's Office and the Defense attorneys to provide a
3 list of potential witnesses. You know, I'm not gonna hold
4 their feet to that, but we haven't gotten anything. That
5 was requested.

6 And I also requested a -- criminal histories on anyone
7 that they intend to call as a witness. Obviously not law
8 enforcement, although you can find some interesting things
9 on those sometimes.

10 Hadn't gotten that yet. The response on that was
11 "you'll get them before they testify." You know, if
12 there's something that we need to investigate on that, you
13 know, that gives us no time.

14 MS. CORNWELL: I think once I got them I also informed
15 Mr. Farley none of the witnesses have any prior records.

16 THE COURT: Okay. Do we have a list of witnesses that
17 we're planning to call because we -- you know, I think --
18 didn't I -- did I ask for a list of witnesses?

19 THE LAW CLERK: Not in this one.

20 THE COURT: Oh. Not in this one. Okay.

21 MS. CORNWELL: I -- I can provide ---

22 THE COURT: Because I'm gonna have to -- I'm gonna
23 have to do the voir -- we're gonna have to do the voir dire
24 anyway. So I need the ---

25 MS. CORNWELL: Yeah. I have -- I mean, I've never had

1 any problem providing those.

2 THE COURT: Okay.

3 MS. CORNWELL: I just generally send those through the
4 email over the weekend, or I'll actually do that on a
5 Monday before trial. This is -- this is a holiday this
6 Monday.

7 But yeah. I'll -- I'll email all that out as part of
8 my package of voir dire, jury charges, witness list. I'll
9 also include an exhibit list.

10 THE COURT: Okay. And -- and Mr. Farley, I don't
11 intend to put your -- your client at a -- at a
12 disadvantage. And if we have to start the trial a little
13 later than we wanted to, we'll start the trial a little
14 later than -- than we wanted to.

15 I don't have anything to do the week after next except
16 Lexington General Sessions. So -- so we can -- we'll move
17 this along at whatever speed or glacial pace we need to
18 have it go along at. Okay.

19 MR. FARLEY: Thank you, Judge.

20 THE COURT: All right. Okay.

21

22 -- END OF TRANSCRIPT OF RECORD --

23

24

25

26

CERTIFICATE

I, the undersigned Bonnie H. Kelly, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the First Circuit Court, for Dorchester County, South Carolina, on the 16th day of February, 2018.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

E/Bonnie H. Kelly

Bonnie H. Kelly, CVR

Official Court Reporter

Columbia, South Carolina

April 5, 2018

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF ORANGEBURG) FIRST JUDICIAL CIRCUIT

2016-GS-38-1268; 1269 & 1270

State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Transcript of Record
	)	
Treshawn Markeese Jenkins,	)	
	)	
Defendant.	)	
	)	
	)	

February 20 - 23, 2018
Orangeburg, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge and a jury

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

Ashley Cornwell, Esquire
Phil Giese, Esquire
Attorneys for the Plaintiff

Mitch Farley, Esquire
Attorney for the Defendant

Hilda M. Jordan, CVR-M
Circuit Court Reporter

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(Jury panel in at 10:11 a.m.)

THE COURT: All right. Ladies and gentlemen, congratulations. Y'all are all qualified to serve on the jury. I see that happy smile. Okay. Now, we're getting ready to pick the jury in this case.

And Ms. Cornwell, are you ready to call the State's case?

MS. CORNWELL: We are, Your Honor.

THE COURT: Okay.

MS. CORNWELL: The State calls the case of The State versus Treshawn Markeese Jenkins, docket number 2016-GS-38-1268, indicted for murder; docket number 2016-GS-38-1269, possession of a firearm or knife during the commission of a violent crime; and, docket number 2016-GS-38-1270, indictment for attempted murder.

THE COURT: All right. Ms. Cornwell, do you mind introducing yourself and Mr. Giese and the members of the Solicitor's staff to the jurors, proposed jurors?

MS. CORNWELL: Yes, Your Honor. Good morning. My name is Ashley Cornwell. I'm an Assistant Solicitor here in the First Judicial Circuit, which includes Orangeburg County. The elected official over the First Judicial Circuit is Solicitor David Pasco. The First Judicial Circuit encompasses Dorchester County, Orangeburg County and Calhoun County.

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1 In Orangeburg County, along beside me on this case is
2 Assistant Solicitor Phil Giese. We also have Deputy
3 Solicitor Tommy Scott, Assistant Solicitor Catherine Meyers,
4 Assistant Solicitor Ted Lupton. Our juvenile prosecutor is
5 Kayla Owens. Occasionally, we also have Senior Solicitor
6 Don Sorenson. Members of our staff include our victims'
7 advocate, Ms. Tammy Craven, who's seated at the table. We
8 also Mr. Marion Edgemon, Ms. Bethany Ellis, Ms. Barbara
9 Robinson. Our paralegal is Ms. Angie Martin Adleson, our
10 administrative assistant is Ms. Jennifer Jakes. We also
11 have two members of PTI, which is Ms. Wanda Caraway and Ms.
12 Jasmine Wallace. Our other assistant victim's advocate is
13 Hollis Britt. And then assisting Ms. Taylor Owens in
14 Juvenile Court is Ms. Darlene Simmons and Ms. Delphine
15 Fowler. We also have Mr. Marion H. Edgemon, our case
16 manager and Ms. Carolyn Middleton as our court arbitrator
17 for juvenile courts.

18 THE COURT: All right. Okay. That was good.

19 MS. CORNWELL: And Walt Turner, our investigator.

20 Thank you.

21 THE COURT: How could you forget Mr. Turner?

22 Okay. All right. All right.

23 Ladies and gentlemen, is any member of the jury panel
24 related by blood or marriage or a close personal friend of
25 anyone who works for the Solicitor's office? If so, please

1 stand at this time?

2 (No one stands)

3 THE COURT: All right. No one is standing.

4 Is any member of the jury panel or a member of their
5 immediate family ever been represented by the Solicitor's
6 office in any action whatsoever? If so, please stand?

7 (No one stands)

8 THE COURT: No one is standing.

9 And has any member of the jury panel or member of their
10 immediate family ever been involved in a case where the
11 Solicitor's office represented the other side? If so,
12 please stand at this time.

13 (No one stands)

14 THE COURT: All right. No one is standing.

15 All right. Mr. Farley, would you mind standing and
16 introduce yourself and Mr. Jenkins to the jury?

17 MR. FARLEY: Thank you, Judge. My name is Mitch
18 Farley. I'm a civil rights attorney out of Dorchester
19 County.

20 In my office I have Mike Steller who does domestic work
21 and I have my boss, Peter Jenkins, who is also my paralegal.
22 With me right here is Treshawn Jenkins. He's charged with
23 the crimes as presented by the State.

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

25 And Mr. Jenkins, would you mind standing for just one

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1 second so everybody can see you?

2 DEFENDANT JENKINS: (Stands)

3 THE COURT: Thank you, sir. All right. Thank
4 you, sir. Mr. Jenkins, you may sit back down.

5 DEFENDANT JENKINS: (Seated)

6 THE COURT: Any member of the jury panel related
7 by blood or marriage or close personal friend of Mr. Farley
8 or anyone that works with him? If so, please stand at this
9 time.

10 (No one stands)

11 THE COURT: No one is standing.

12 Any member of the jury panel related by blood or
13 marriage or close personal friend of anyone who has been
14 involved in a case where Mr. Farley was on the other side?
15 If so, please stand at this time?

16 (No one stands)

17 THE COURT: Any member of the jury panel related
18 by blood or marriage or a close personal friend of mr.
19 Treshawn Jenkins? If so, please stand at this time?

20 JUROR NO. 163: (Stands)

21 THE COURT: All right. Now, your name, please
22 ma'am?

23 JUROR NO. 163: Erica --

24 THE COURT: Okay. Hold on one second.

25 THE COURT: What's your number?

1 JUROR NO. 163: 163.

2 THE COURT: 163. Ms. Sheppard?

3 JUROR NO. 163: (Nods head in the affirmative)

4 THE COURT: Okay. Now, Ms. Sheppard, I need for
5 you to answer my questions but I need for you to not
6 volunteer any information, other than what I ask you, okay?

7 JUROR NO. 163: (Nods head in the affirmative)

8 THE COURT: Ms. Shepard, you said you're related
9 to Mr. Jenkins?

10 JUROR NO. 163: Yes.

11 THE COURT: How are you related to Mr. Jenkins?

12 JUROR NO. 163: His dad and I are cousins.

13 THE COURT: His daddy and you are cousins?

14 JUROR NO. 163: Uh-huh. (Affirmative response)

15 THE COURT: Okay. And the fact that his daddy and
16 you are cousins, would that affect your ability to listen to
17 the evidence in this case and render a fair and impartial
18 verdict?

19 JUROR NO. 163: No, sir.

20 THE COURT: It would not?

21 JUROR NO. 163: (Shakes head negatively)

22 THE COURT: You could be fair and impartial in
23 this case?

24 JUROR NO. 163: Yes.

25 THE COURT: Okay. If you would stay with us then,

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1 please, ma'am. Okay. All right.. Ms. Sheppard is going to
2 stay with us.

3 All right. Anybody else?

4 (No one stands)

5 THE COURT: All right. Ladies and gentlemen, I've
6 got a list of people, not all of them are going to be
7 called. But these are people who could be called in this
8 trial, okay. My question -- and I'm going to go through the
9 entire list.

10 Is any member of the jury panel related by blood or
11 marriage or a close personal friend of Damian Shuler? If
12 so, please stand at this time?

13 JUROR NO. 49: (Stands)

14 THE COURT: Okay. Hold on one second. Hold a
15 second. Hold a second. Ma'am, your name, please?

16 JUROR NO. 49: Juror 49, Dixon.

17 THE COURT: Oh, yeah. Ms. Dixon, I should
18 remember.

19 JUROR NO. 49: Yeah, and I --

20 THE COURT: Ms. Dixon, wait a minute. Let me just
21 caution you. I don't need for you to be saying anything
22 unless I ask you a question.

23 JUROR NO. 49: Okay.

24 THE COURT: Okay?

25 JUROR NO. 49: All right.

1 THE COURT: And unfortunately the way we do this
2 is if you know somebody as a witness, I've got to ask you if
3 that's going to affect your ability to be a fair and
4 impartial juror in this case. Now, I just mentioned Mr.
5 Shuler's name. Is he someone that you know?

6 JUROR NO. 49: Okay. That's the thing --

7 THE COURT: That's a yes or a no.

8 JUROR NO. 49: I don't know.

9 THE COURT: Okay.

10 JUROR NO. 49: Now, I'm going to be fair and
11 honest either way but you can name names all day and I may
12 not know a person because I remember faces.

13 THE COURT: Yes, ma'am. I understand.

14 JUROR NO. 49: So that's what I wanted to tell
15 you. So other than that I'm fine.

16 THE COURT: Okay.

17 JUROR NO. 49: But I don't, you know.

18 THE COURT: Okay. Well, Ms. Dixon the only thing
19 I have -- I don't have a description. I don't have
20 pictures.

21 JUROR NO. 49: Okay.

22 THE COURT: If they are here, I will ask them to
23 stand, okay? But if they're not, I'm doing the same thing
24 you are, okay?

25 JUROR NO. 49: Okay.

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1 THE COURT: Now, if we find out later if you get
2 picked for the jury, you can let me know.

3 JUROR NO. 49: Okay.

4 THE COURT: Okay. All right. But do you know --
5 Ms. Dixon, do you know someone by the name of Damian Shuler?

6 JUROR NO. 49: I don't think so.

7 THE COURT: Okay. All right.

8 Is any member of the jury panel related by blood or
9 marriage or close personal friend of Damian Shuler? If so,
10 please stand?

11 (No one stands)

12 THE COURT: All right. No one's standing.

13 Is any member of the jury panel related by blood or
14 marriage or a close personal friend of Denard Reeves? If
15 so, please stand?

16 (No one stands)

17 THE COURT: No one is standing.

18 Any member of the jury panel related by blood or
19 marriage or a close personal friend of Tromel Benjamin, Sr.
20 If so, please stand at this time?

21 (No one stands)

22 THE COURT: No one is standing.

23 Any member of the jury panel related by blood or
24 marriage or close personal friend of Tromel Benjamin, Jr.?
25 If so, please stand at this time?

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1 (No one stands)

2 THE COURT: No one is standing.

3 Any member of the jury panel related by blood or
4 marriage or a close personal friend of George Jenkins? If
5 so, please stand at this time?

6 (No one stands)

7 THE COURT: No one is standing.

8 Any member of the jury panel related by blood or
9 marriage or a close personal friend of Johnnie Elmore? If
10 so, please stand at this time?

11 (No one stands)

12 THE COURT: No one is standing.

13 Any member of the jury panel related by blood or
14 marriage or a close personal friend of Ricardo Lee? If so,
15 please stand at this time?

16 (No one stands)

17 THE COURT: No one is standing. All right.

18 Any member of the jury panel related by blood or
19 marriage or a close personal friend of Aubreanna Jenkins?
20 If so, please stand at this time?

21 (No one stands)

22 THE COURT: No one is standing.

23 Any member of the jury panel related by blood or
24 marriage or a close personal friend of Suzette Herndon? If
25 so, please stand at this time?

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1 (No one stands)

2 THE COURT: No one is standing.

3 Any member of the jury panel related by blood or
4 marriage or a close personal friend of Justin Williams? If
5 so, please stand at this time.

6 (No one stands)

7 THE COURT: No one is standing.

8 Any member of the jury panel related by blood or
9 marriage or a close personal friend of Timothy Small? If
10 so, please stand at this time?

11 (No one stands)

12 THE COURT: No one is standing.

13 Any member of the jury panel related by blood or
14 marriage or a close personal friend of Jay Patel? If so,
15 please stand at this time.

16 (No one stands)

17 THE COURT: No one is standing.

18 Any member of the jury panel related by blood or
19 marriage or a close personal friend of Jessica Jacques? If
20 so, please stand at this time?

21 (No one stands)

22 THE COURT: No one is standing.

23 Any member of the jury panel related by blood or
24 marriage or a close personal friend of Shonda Jacques? If
25 so, please stand at this time?

1 (No one stands)

2 THE COURT: No one is standing. I know y'all are
3 concerned. All of these people are not going to be called
4 as witnesses, I don't think okay?

5 Any member of the jury panel related by blood or
6 marriage or a close personal friend of Roberto Brown also
7 known as AB? If so, please stand at this time?

8 (No one stands)

9 THE COURT: No one is standing.

10 Any member of the jury panel related by blood or
11 marriage or a close personal friend of Barbara Lingard, L-I-
12 N-G-A-R-D? If so, please stand at this time?

13 (No one stands)

14 THE COURT: No one is standing.

15 Any member of the jury panel related by blood or
16 marriage or a close personal friend of Barbara Robinson? If
17 so, please stand at this time?

18 (No one stands)

19 THE COURT: No one is standing.

20 Any member of the jury panel related by blood or
21 marriage or a close personal friend of Walt Turner who works
22 in the Solicitor's office? If so, please stand at this
23 time.

24 No one is standing. Oh, hold on.

25 JUROR NO. 74: (Stands)

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1 THE COURT: Yes, sir.

2 JUROR NO. 74: I do know Walt.

3 THE COURT: Okay. Hold on. Hold on one second.
4 Your name again?

5 JUROR NO. 74: Bryan Hayden, 74.

6 THE COURT: Bryan Hayden?

7 JUROR NO. 74: Uh-huh. (Affirmative response)

8 THE COURT: And Mr. Hayden, you know Mr. Turner?

9 JUROR NO. 74: Yes, sir.

10 THE COURT: The fact that you know Mr. Turner,
11 would that affect your ability to listen to the evidence in
12 this case and render a fair and impartial verdict?

13 JUROR NO. 74: No, sir.

14 THE COURT: Okay. If you'd stay with us. Thank
15 you, sir.

16 All right. Any member of the jury panel related
17 by blood or marriage or a close personal friend of Frank
18 Smoot? If so, please stand at this time?

19 (No one stands)

20 THE COURT: No one is standing.

21 Any member of the jury panel related by blood or
22 marriage or a close personal friend of Dwendell High? If
23 so, please stand at this time?

24 JUROR NO. 18: (Stands)

25 MS. CORNWELL: Your Honor, Mr. High is in the

1 courtroom.

2 THE COURT: Okay. Yes, ma'am.

3 JUROR NO. 18: Jakaliah Bookhart.

4 THE COURT: Ms. Bookhart, you're juror number 18?

5 JUROR NO. 18: Uh-huh. (Affirmative response)

6 THE COURT: And Ms. Bookhart, you know Dwendell
7 High?

8 JUROR NO. 18: Uh-huh. (Affirmative response)

9 THE COURT: The fact that you know Dwendell High,
10 would that affect your ability to listen to the evidence in
11 this case and render a fair and impartial verdict?

12 JUROR NO. 18: Yes, I'd rather not.

13 THE COURT: It would affect your ability to be
14 fair and impartial.

15 JUROR NO. 18: Yeah, I --

16 THE COURT: Okay. That's okay. I don't need for
17 you to say anything else. Okay. Juror No. 18, Ms. Bookhart
18 is excused. And Ms. Bookhart you need to come down here.
19 We will transfer you to another time, okay? All right.
20 Thank you, ma'am.

21 All right. Anybody else?

22 (No one stands)

23 THE COURT: Nobody else was standing?

24 Okay. Any member of the jury panel related by blood or
25 marriage or a close personal friend of Matthew Brown? If

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1 so, please stand at this time?

2 (No one stands)

3 THE COURT: No one is standing.

4 Any member of the jury panel related by blood or
5 marriage or a close personal friend of Zaquan Taste? If so,
6 please stand at this time?

7 JUROR NO. 163: (Stands)

8 THE COURT: Ms. Sheppard?

9 JUROR NO. 163: Yes, sir.

10 THE COURT: Okay. Hold on one second. Ms.
11 Sheppard, Juror No. 163: Ms. Sheppard, the fact that you
12 know Zaquan Taste, would that affect your ability to listen
13 to the evidence in this case and render a fair and impartial
14 verdict?

15 JUROR NO. 163: Well, I --

16 THE COURT: I just need for you to just answer the
17 question, please, ma'am?

18 JUROR NO. 163: No, ma'am.

19 THE COURT: It won't? Okay. Okay. All right.
20 Thank you, Ms. Sheppard. I appreciate it.

21 Anybody else?

22 (No one stands)

23 THE COURT: All right. Nobody else is standing.

24 Any member of the jury panel related by blood or
25 marriage or a close personal friend of Deputy Dontray

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1 Staley, Orangeburg County Sheriff's Office? If so, please
2 stand at this time.

3 (No one stands)

4 THE COURT: No one is standing.

5 Any member of the jury panel related by blood or
6 marriage or a close personal friend of Investigator Johnny
7 Thrower of the Orangeburg County Sheriff's Office, please
8 stand at this time?

9 (No one stands)

10 THE COURT: No one is standing.

11 Any member of the jury panel related by blood or
12 marriage or a close personal friend of Sergeant John Stokes,
13 Orangeburg County Sheriff's Office? If so, please stand at
14 this time?

15 Is he here?

16 Okay. Anybody related by blood or marriage or close
17 personal friend of Sergeant Stokes? Please stand at this
18 time.

19 (No one stands)

20 THE COURT: No one is standing.

21 Any member of the jury panel related by blood or
22 marriage or a close personal friend of Lieutenant James
23 Shumpert, Orangeburg County Sheriff's Office? If so, please
24 stand at this time?

25 (No one stands)

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1 THE COURT: No one is standing.

2 Any member of the jury panel related by blood or
3 marriage or a close personal friend of Sergeant Rashad
4 Moore, also of the sheriff's office? If so, please stand at
5 this time.

6 (No one stands)

7 THE COURT: No one is standing.

8 Any member of the jury panel related by blood or
9 marriage or a close personal friend of Investigator Lakesha
10 Gillard of the sheriff's office? If so, please stand at
11 this time?

12 (No one stands)

13 THE COURT: No one is standing.

14 Any member of the jury panel related by blood or
15 marriage or a close personal friend of Investigator Craig
16 Davis of the sheriff's office? If so, please stand?

17 (No one stands)

18 THE COURT: No one is standing.

19 Any member of the jury panel related by blood or
20 marriage or a close personal friend of Investigator Jared
21 Kitrell of the sheriff's office? If so, please stand at
22 this time?

23 (No one stands)

24 THE COURT: No one is standing.

25 Any member of the jury panel related by blood or

1 marriage or a close personal friend of Lieutenant Allen
2 Hunter of the sheriff's office? If so, please stand at this
3 time?

4 (No one stands)

5 THE COURT: No one is standing.

6 Any member of the jury panel related by blood or
7 marriage or a close personal friend of Investigator Allen
8 Culpepper? If so, please stand at this time?

9 (No one stands)

10 THE COURT: No one is standing.

11 Any member of the jury panel related by blood or
12 marriage or a close personal friend of Investigator Marty
13 Carrigg of the sheriff's office? If so, please stand at
14 this time.

15 (No one stands)

16 THE COURT: No one is standing.

17 Any member of the jury panel related by blood or
18 marriage or a close personal friend of Investigator Latoya
19 Dickie of the sheriff's office? If so, please stand at this
20 time.

21 (No one stands)

22 THE COURT: No one is standing.

23 Any member of the jury panel related by blood or
24 marriage or a close personal friend of Investigator William
25 Ketcherside of the sheriff's office? If so, please stand at

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1 this time.

2 (No one stands)

3 THE COURT: No one is standing.

4 Any member of the jury panel related by blood or
5 marriage of -- isn't it -- it says Corporal Leonarde Cain.
6 Isn't he a Sergeant now?

7 MS. CORNWELL: I think he may be, Your Honor.

8 THE COURT: Okay. Anyway, Leonarde Cain with the
9 sheriff's office? If so, please stand at this time.

10 (No one stands)

11 THE COURT: No one is standing.

12 Any member of the jury panel related by blood or
13 marriage or a close personal friend of Investigator Travis
14 Wright of the sheriff's office? If so, please stand at this
15 time?

16 (No one stands)

17 THE COURT: No one is standing.

18 Any member of the jury panel related by blood or
19 marriage to Chad Smith who works at SLED? SLED stands for
20 South Carolina Law Enforcement Division. Anybody related to
21 Chad Smith who works at SLED?

22 (No one stands)

23 THE COURT: No one is standing.

24 Any member of the jury panel related by blood or
25 marriage or a close personal friend of Verona Herrera, who

1 also works at SLED? If so, please stand?

2 (No one stands)

3 THE COURT: No one is standing.

4 Any member of the jury panel related by blood or
5 marriage or a close personal friend of Alysha Andrews who
6 also works at SLED? If so, please stand at this time?

7 (No one stands)

8 THE COURT: No one is standing.

9 Any member of the jury panel related by blood or
10 marriage or a close personal friend of Lindsay Mitchell who
11 works at SLED? If so, please stand at this time?

12 (No one stands)

13 THE COURT: No one is standing.

14 Any member of the jury panel related by blood or
15 marriage or a close personal friend of Katie Corley who
16 works at SLED? If so, please stand at this time?

17 (No one stands)

18 THE COURT: No one is standing.

19 And finally, anybody related by blood or marriage or
20 close personal friend of Dr. Janice Ross? If so, please
21 stand at this time?

22 (No one stands)

23 THE COURT: All right. No one is standing.

24 Any other witnesses, possible witnesses?

25 MS. CORNWELL: (Negative response)

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1 THE COURT: You don't think so?

2 MS. CORNWELL: I don't think so, Your Honor.

3 THE COURT: Okay. All right.

4 All right. Ladies and gentlemen, I've still got a few
5 more questions to ask.

6 (Off the record bench conference with counsel and the
7 Court.)

8 THE COURT: Does any member of the jury panel have
9 any formal or informal legal training? This would include
10 but not be limited to law school, business law courses,
11 paralegal training, law enforcement training or training in
12 the course of your employment? If this applies to you --

13 And you just want this as information; is that correct?

14 MR. FARLEY: That's correct, Judge.

15 THE COURT: Okay. All right. If this applies to
16 you, please stand at this time?

17 JUROR NO. 49: Would that count as a degree in
18 that?

19 THE COURT: Ma'am?

20 JUROR NO. 49: Would that count as a degree,
21 criminal justice degree?

22 THE COURT: A criminal justice degree, yes.

23 JUROR NO. 49: Right. Okay.

24 THE COURT: You've got one?

25 JUROR NO. 49: Yes.

1 THE COURT: Okay. Ms. Dixon, you've got a
2 criminal justice degree?

3 JUROR NO. 49: Yes.

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

5 JUROR NO. 94: I have a minor in criminal justice.

6 THE COURT: Okay. And your name again is?

7 JUROR NO. 94: Juror No. 94, Catherine Johnson

8 THE COURT: Okay. All right. And you said you
9 have a minor in criminal justice?

10 JUROR NO. 94: Yes.

11 THE COURT: Okay. Thank you, ma'am, Ms. Johnson.
12 Anybody else?

13 (No one stands)

14 THE COURT: All right. No one else is standing.

15 Has any member of the jury panel been a witness in a
16 criminal case before? If so, please stand at this time?

17 (No one stands)

18 THE COURT: Anybody ever been a witness in a
19 criminal case?

20 (No one stands)

21 THE COURT: All right. No one is standing.

22 Does any member of the jury panel donate money to or
23 receive assistance from any community law enforcement or
24 victims' advocacy groups? These groups would include but
25 not be limited to Mothers Against Drunk Driving, South

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1 Carolina Law Enforcement Officers' Association, Al-Anon,
2 Partnership for a Drug Free America, Sister Care, The State
3 Office of Victims' Assistance, South Carolina Victim
4 Assistance Network, any neighborhood watch group or any
5 other similar organization as well as the Innocent Project
6 or defendants' rights organizations.

7 If you are a member or donate or receive assistance
8 from any of these organizations, if you would please stand
9 at this time?

10 (No one stands)

11 THE COURT: All right. No one is standing.

12 Ladies and gentlemen, you understand that the Defendant
13 has been indicted for attempted murder, murder, and
14 possession of a firearm or a knife during the commission of
15 a violent crime.

16 You understand that these indictments are not evidence.
17 They are just the charges that bring him to Court. They're
18 not evidence in any way whatsoever, but you need to
19 understand that he has been accused, as you are aware, of a
20 number -- of a violent crime.

21 Does any member of the jury panel feel so strongly
22 about this topic that you would be unable to render a fair
23 and impartial decision based on the testimony and evidence
24 that's going to be presented at this trial? If you do not
25 believe you can be fair and impartial in this matter, I need

1 for you to stand at this time.

2 (No one stands)

3 THE COURT: All right. No one is standing.

4 This case also involves allegations concerning the use
5 of a gun.

6 Does any member of the jury panel have such strong
7 belief concerning guns or the effect of guns on individuals
8 or the community that it would have an impact on your
9 ability to view the evidence fairly and impartially? If so,
10 please stand at this time?

11 (No one stands)

12 THE COURT: No one is standing.

13 Has any member of the jury panel or member of your
14 immediate family or close personal friends been the victim
15 of any violent crime? If so, please stand at this time?

16 (Multiple jurors stand)

17 THE COURT: All right. Now, y'all just need to
18 bear with me. And remember as I go through the list and ask
19 you the questions I need for you to respond only to the
20 questions that I ask. I do not need for you to volunteer
21 any additional information. Does everybody understand that?

22 (Unanimous affirmative response)

23 THE COURT: Okay.

24 Ma'am, I'm going to start with you. Your name again?

25 JUROR NO. 60: I'm Shavonne Geddis.

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1 THE COURT: And --

2 JUROR NO. 60: 60.

3 THE COURT: No. 60, Ms. Geddis?

4 JUROR NO. 60: Yes.

5 THE COURT: Ms. Geddis is -- hold on, Ms. Geddis.

6 Bear with me. Ms. Geddis, is it you or a close personal
7 friend or family member?

8 JUROR NO. 60: Family member.

9 THE COURT: A family member.

10 MR. FARLEY: Can we have them step forward on this
11 one?

12 THE COURT: Okay. All right. Hold on one second.
13 (Off the record bench conference with counsel and the
14 Court.)

15 THE COURT: All right. Ms. Gattis, if you'd come
16 right down here, please, ma'am?

17 JUROR NO. 60: (Complies)

18 THE COURT: All right. Ms. Gettis, you said it was
19 a family member?

20 JUROR NO. 60: Yes.

21 THE COURT: You have a family member who was a
22 victim of a violent crime, would that affect your ability to
23 be listen to the evidence in this case and be fair and
24 impartial?

25 JUROR NO. 60: No.

1 THE COURT: Okay. If you'll please stay with us.
2 Thank you, Ms. Geddis. That's Juror No. 60, she is going to
3 stay with us.

4 THE COURT: If y'all just -- If y'all will come
5 around here so we can talk to you one at a time.

6 Your name, please ma'am?

7 JUROR NO. 12: Bell.

8 THE COURT: Was the victim you or a family member?

9 JUROR NO. 12: Family member.

10 THE COURT: Family. And you mind telling me what
11 kind of crime?

12 JUROR NO. 12: A burglary.

13 THE COURT: The fact that a member of your family
14 was a victim of a burglary, would that affect your ability
15 to listen to the evidence in this case and render a fair and
16 impartial verdict?

17 JUROR NO. 12: No.

18 THE COURT: It wouldn't. Okay. If you'll stay
19 with us, please ma'am.

20 Juror No. 12 is going to stay with us.

21 THE COURT: Ms. Mcneal, were you the victim of a
22 violent crime?

23 JUROR NO. 119: No. A friend, a close friend.

24 THE COURT: Okay. The fact that you had a close
25 personal friend who was a victim of a violent crime, would

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1 that affect your ability to listen to the evidence in this
2 case and be fair and impartial?

3 JUROR NO. 119: No.

4 THE COURT: It would. All right. Juror No. 119,
5 Danielle Mcneal is going to be excused. Okay. Thank you,
6 ma'am.

7 All right.

8 JUROR NO. 34: Jeffrey Carr.

9 THE COURT: Jeffrey Carr. All right. Mr. Carr,
10 were you a victim of a violent crime or a relative?

11 JUROR NO. 34: A relative. A murder.

12 THE COURT: Murder. Where was it?

13 JUROR NO. 34: North Carolina.

14 THE COURT: North Carolina. Okay. The fact that a
15 family member who was the victim of a violent crime, murder,
16 would that affect your ability to listen to evidence in this
17 case and render a fair and impartial verdict?

18 JUROR NO. 34: Yes, it would.

19 THE COURT: It would. Okay. Juror No. 34, Mr.
20 Carr is excused.

21 JUROR NO. 112: Jordan Malphrus, 112.

22 THE COURT: You're Juror No. 112?

23 JUROR NO. 112: Yes, sir.

24 THE COURT: Mr. Malphrus, were you a victim of a
25 violent crime?

1 JUROR NO. 112: No, sir. My father was.

2 THE COURT: Your father was. Okay. The fact that
3 your father was a victim of a violent crime would that
4 affect your ability to listen to evidence in this case and
5 render a fair and impartial verdict?

6 JUROR NO. 112: No, sir.

7 THE COURT: Okay. It wouldn't?

8 JUROR NO. 112: No, sir.

9 THE COURT: Okay. Juror No. 112 is going to stay
10 with us.

11 Yes, sir.

12 JUROR NO. 105: Laird.

13 THE COURT: Mr. Laird, were you the victim of a
14 violent crime?

15 JUROR NO. 105: No, a close friend was.

16 THE COURT: Do you want to tell me what kind of
17 crime it was?

18 JUROR NO. 105: Attempted murder.

19 THE COURT: And was convicted of attempted murder?

20 JUROR NO. 105: Yes.

21 THE COURT: He was? Okay. The fact that you've
22 had a close personal friend that was convicted of attempted
23 murder would that affect your ability to listen to the
24 evidence in this case and render a fair and impartial
25 verdict?

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1 JUROR NO. 105: No, sir.

2 THE COURT: Okay. If you'll stay with us, then.

3 COURT REPORTER: What's his number?

4 THE COURT: Juror No. 105.

5 COURT REPORTER: Thank you.

6 THE COURT: Yes, ma'am?

7 JUROR NO. 114: Deborah Mast, No. 114.

8 THE COURT: Ms. Mast, were you the victim of a
9 violent crime?

10 JUROR NO. 114: No. Domestic violence and robbery.
11 And a family member was assaulted by her neighbor.

12 THE COURT: Okay, did those incidents occur here in
13 Orangeburg or somewhere else?

14 JUROR NO. 114: Yes. (Inaudible) -- and my
15 daughter here in Orangeburg.

16 THE COURT: Were those cases resolved?

17 JUROR NO. 114: Last year in family court and -- I
18 mean it's over.

19 THE COURT: Okay.

20 JUROR NO. 114: And my daughter is now divorced and
21 so she's out of that situation.

22 THE COURT: Okay. The fact that she had family
23 members that were victims of violent crime does that affect
24 your ability to listen to the evidence in this case and
25 render a fair and impartial verdict?

1 JUROR NO. 114: I don't think so.

2 THE COURT: All right. Then I'll ask you to stay
3 with us. Thank you, ma'am.

4 Juror No. 114 is going to stay with us.

5 Ms. Johnson?

6 JUROR NO. 94: Yes.

7 THE COURT: Ms. Johnson, were you the victim of a
8 violent crime?

9 JUROR NO. 94: I had a cousin --

10 THE COURT: A cousin?

11 JUROR NO. 94: -- and a co-worker.

12 THE COURT: Okay. The cousin, what was he or she a
13 victim of?

14 JUROR NO. 94: Murder.

15 THE COURT: Murder. Okay. How long ago was that?

16 JUROR NO. 94: That was probably in 1980?

17 THE COURT: A good while ago?

18 JUROR NO. 94: Uh-huh. (Affirmative response)

19 THE COURT: And where was that?

20 JUROR NO. 94: In Orangeburg.

21 THE COURT: What was -- you said a cousin?

22 JUROR NO. 94: Walter (inaudible).

23 THE COURT: Do you remember who the defendant was
24 in that case?

25 JUROR NO. 94: (Inaudible) Robinson.

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1 THE COURT: Do you know what happened?

2 JUROR NO. 94: Yeah. I think he got like 20 years.

3 THE COURT: Okay. How about you said a co-worker?

4 JUROR NO. 94: Uh-huh. (Affirmative response)

5 Her name was Linda Williams.

6 THE COURT: And --

7 JUROR NO. 94: Charles (inaudible).

8 THE COURT: Was the defendant?

9 JUROR NO. 94: Yeah.

10 THE COURT: What happened to him?

11 JUROR NO. 94: He sentenced to life, I think.

12 THE COURT: Okay. How long ago was that?

13 JUROR NO. 94: Oh, that was probably in the early

14 2000s.

15 THE COURT: Okay. The fact that you've had these
16 victims of violent crimes would that affect your ability to
17 listen to the evidence in this case and render a fair and
18 impartial verdict.

19 JUROR NO. 94: It would affect me.

20 THE COURT: It would affect you?

21 JUROR NO. 94: Uh-huh. (Affirmative response)

22 THE COURT: It would affect you. Okay. All right.

23 Ms. Johnson, you're Juror No. 94?

24 JUROR NO. 94: Uh-huh. (Affirmative response)

25 THE COURT: All right. Ms. Johnson, you're

1 excused. I'm sorry about what you had to go through.

2 Juror No. 94 is excused.

3 THE COURT: What's your name, again?

4 JUROR NO: Donald Oliver. 132.

5 THE COURT: Do you go by Pastor Oliver?

6 JUROR NO. 132: Yes.

7 THE COURT: Okay. And do you have a member of your
8 family or you are a victim of a violent crime?

9 JUROR NO. 132: No.

10 THE COURT: A member of your family?

11 JUROR NO. 132: (Nods in the affirmative)

12 THE COURT: Okay. Do you mind telling me what the
13 charges were?

14 JUROR NO. 132: My nephew. Murder.

15 THE COURT: Was that here?

16 JUROR NO. 132: No. New York.

17 THE COURT: New York. Okay. How long ago was
18 that?

19 JUROR NO. 132: That was about fifteen, twenty
20 years ago.

21 THE COURT: Okay. Do you know what happened to the
22 defendant in that case?

23 JUROR NO. 132: Life in the pen.

24 THE COURT: Okay. All right.

25 The fact that you had a nephew that was the victim of a

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1 murder would that affect your ability to listen to the
2 evidence in this case and render a fair and impartial
3 verdict?

4 JUROR NO. 132: It may not, but I'm a very strong
5 community supporter and we're right now working against
6 crime in our community.

7 THE COURT: Okay. The question is can you look at
8 the evidence --

9 JUROR NO. 132: I can look at the evidence.

10 THE COURT: Can you be fair to the both the
11 defendant and --

12 JUROR NO. 132: I can be fair.

13 THE COURT: Okay. If you'll stay with us, please
14 sir.

15 JUROR NO. 132: Yes, sir.

16 THE COURT: Okay. Juror No. 132 is going to stay
17 with us.

18 Your name?

19 JUROR NO. 72: Daisy Hart.

20 THE COURT: Ms. Hart, you are Juror No. 72. Okay.
21 And Ms. Hart were you the victim of a violent crime?

22 JUROR NO. 72: No, it wasn't me.

23 THE COURT: Somebody in your family?

24 JUROR NO. 72: Yes. My cousin and my adopted
25 children.

1 THE COURT: Do you know what the crime was?

2 JUROR NO. 72: She was stabbed in the neck.

3 THE COURT: How long ago was that?

4 JUROR NO. 72: Not too long.

5 THE COURT: Okay. Let's go over that. The first
6 one was your cousin.

7 JUROR NO. 72: Cousin. He was her boyfriend.

8 THE COURT: What happened in that case?

9 JUROR NO. 72: He didn't go to jail.

10 THE COURT: Okay. How about with your adopted
11 children?

12 JUROR NO. 72: The trial is still pending. He's in
13 jail.

14 THE COURT: All right. The fact that these people
15 that were the victims of violent crime would that affect
16 your ability to listen to the evidence in this case and
17 render a fair and impartial verdict?

18 JUROR NO. 72: I'm saying -- I'm saying --

19 THE COURT: It would not affect you?

20 JUROR NO. 72: That would affect me. I have too
21 much stress.

22 THE COURT: Okay.

23 JUROR NO. 72: But I can hear it.

24 THE COURT: Okay. Well, that's important.

25 JUROR NO. 72: Yes.

25 THE COURT: Hold on one second. I'm going to get

1 y'all to line up one more time, come here.

2 (Multiple jurors come forward)

3 THE COURT: Juror No. 91. Ms. Jenkins, you've been
4 represented by --

5 JUROR NO. 91: My brother was represented by
6 Charles Williams.

7 THE COURT: By Charles Williams?

8 JUROR NO. 91: Yes.

9 THE COURT: Okay.

10 That's all you wanted to know, right?

11 MS. CORNWELL: Yes, Your Honor.

12 THE COURT: Just information?

13 MS. CORNWELL: Yes, Your Honor.

14 THE COURT: All right. If you'd stay with us,
15 please ma'am.

16 Mr. Jackson, No. 86. You've been represented by the
17 public defender's office?

18 JUROR NO. 86: I think my son was represented by
19 that Breen fellow.

20 THE COURT: By Breen Stevens?

21 JUROR NO. 86: Yeah.

22 THE COURT: Okay. All right. How long ago was
23 that?

24 JUROR NO. 86: I was years.

25 THE COURT: Okay. Thank you, sir.

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1 Yes, ma'am, can I have your name again?

2 JUROR NO. 114: Deborah Mast, Number 114.

3 THE COURT: Yes, ma'am, Ms. Mast?

4 JUROR NO. 114: Mr. Kent represented my son.

5 THE COURT: Okay. Thank you, ma'am.

6 That's it?

7 MS. CORNWELL: Yes, sir.

8 THE COURT: All right. Any other questions from the
9 State?

10 MS. CORNWELL: No, Your Honor.

11 THE COURT: Any other questions from the
12 Defendant?

13 MR. FARLEY: No, Judge.

14 THE COURT: All right. Ladies and gentlemen, we
15 are now getting ready to pick a jury in this case. And
16 we'll pick twelve jurors and three alternates. Let me tell
17 you what's going to happen. Your names -- you know, you got
18 the numbers assigned to your names and like that. Instead
19 of putting everybody's name in a box and then pulling them
20 out randomly like that, your names are randomized by the
21 computer now, okay? And we don't think anybody in Russia
22 cares, so we should be safe, okay? But anyway, they are
23 randomizing your names in the computer. Once they have re-
24 randomized your names, what's going to happen is we will
25 call out your names one at a time. You will be asked to

1 come up. When you come up, ladies, if you've got your
2 pocketbooks or something like that, you need to bring them
3 with you, because if you get picked as a juror you'll go
4 over here. DeLaine will show you where to sit in the jury
5 box. When you come up here -- you see where the podium is
6 right there in front of Hilda, the court reporter, my court
7 reporter -- the court reporter. What do we call you?
8 Never mind. Don't go there.

9 COURT REPORTER: The victim.

10 THE COURT: Yeah. Okay. I need for you to come
11 up there, turn and if you will then turn and face this way
12 because the attorneys will be sitting at their desk the
13 right way and they'll be able to look at you and they'll
14 decide whether they want you to be seated on this jury or
15 excused from the jury, okay? So it's going to take me a
16 minute to do that, but not long, I think. That computer's
17 ready to go. It's churning its way randomizing. Y'all bear
18 with us.

19 All right. While they're doing that, can I talk to
20 y'all for just one second right over here?

21 (Off the record bench conference with counsel and the
22 Court.)

23 THE COURT: All right. Ladies and gentlemen,
24 they've got to run the sheet one more time. I didn't get
25 quite enough names. I know everybody wants to be on it. I

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1 know nobody wanted to be left off. So we've got to rerun
2 it. What I'm going to do, if you don't mind -- I know y'all
3 have been sitting here patiently. If anybody needs to
4 stretch their legs, go to the restroom, anything like that,
5 you may do so. But you've got to be back in here at 12:30,
6 okay? You've got ten minutes. You cannot leave this floor,
7 okay? All right. You've got ten minutes.

8 (Off the record bench conference with counsel and the
9 Court.)

10 (Jury Panel out at 12:20 p.m.)

11 (Court in recess for short break at
12 12:20 p.m.)

13 (Court in session after short break
14 at 12:30 p.m.)

15 (Jury panel in at 12:30 p.m.)

16 THE COURT: Delaine, have we got everybody back?

17 THE BAILIFF: Yes, Your Honor.

18 THE COURT: All right. Ladies and gentlemen,
19 we're now getting ready to pick a jury. Just to remind you,
20 when your name is called if you will come up here to the
21 podium right there, turn, and if you'll face the attorneys,
22 they will decide whether they want you to be excused from
23 the jury or sit in the jury. If you are told to sit in the
24 jury, if you'll come over here, DeLaine will tell you to sit
25 in the jury panel, okay?

1 We're going to pick a jury of twelve and three
2 alternates. Strikes are five and ten and then one and two,
3 okay?

4 Is the State ready to proceed?

5 MS. CORNWELL: We are, Your Honor.

6 THE COURT: Defense ready to proceed?

7 MR. FARLEY: Yes, sir.

8 THE COURT: All right. Madam Clerk if you would
9 call the first juror.

10 THE CLERK: Juror No. 83, James Hyman.

11 THE COURT: All right, Mr. Hyman, you've got to
12 show everybody how to do this.

13 JUROR NO. 83: Okay.

14 THE COURT: I know you can do it.

15 JUROR NO. 83: (Comes forward before counsel)

16 THE COURT: All right. Y'all see how to do that?

17 JURY PANEL: (Unanimous affirmative response)

18 THE COURT: He's doing it right. That's what
19 y'all got to do. Thank you. All right.

20 THE CLERK: What says the State?

21 MS. CORNWELL: Please seat Mr. Hyman.

22 THE CLERK: What says the Defense?

23 MR. FARLEY: Please excuse the juror.

24 THE CLERK: Please return to your seat.

25 Juror No. 36, Alfred Clayton.

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1 What says the State?

2 MS. CORNWELL: Please excuse Mr. Clayton.

3 THE CLERK: You may return to your seat.

4 Juror No. 72, Daisy Hart.

5 What says the State?

6 MS. CORNWELL: Please excuse Ms. Hart.

7 THE CLERK: You may return to your seat.

8 Juror 114, Deborah Mast.

9 What says the State?

10 MS. CORNWELL: Please seat Ms. Hart [sic]

11 THE CLERK: What says the Defense?

12 MR. FARLEY: Please excuse Ms. Hart, I mean, Ms.

13 Mast. I'm sorry.

14 THE COURT: Ms. Mast.

15 MS. CORNWELL: I'm sorry. I apologize.

16 THE COURT: That's okay.

17 Did you say excuse?

18 MR. FARLEY: Yes, sir.

19 THE COURT: Okay.

20 THE CLERK: Juror No. 123, Larry Moore.

21 What says the State?

22 MS. CORNWELL: Please seat Mr. Moore.

23 THE CLERK: What says the Defense?

24 MR. FARLEY: Please swear Mr. Moore.

25 THE CLERK: You may have a seat in the jury box,

1 sir.

2 Juror No. 60, Shavonne Gettis.

3 What says the State?

4 MS. CORNWELL: Please excuse Ms. Gettis.

5 THE CLERK: You may return to your seat.

6 Juror No. 136, Ghanshyam Patel.

7 What says the State?

8 MS. CORNWELL: Please seat Mr. Patel.

9 THE CLERK: What says the Defense?

10 MR. FARLEY: Please excuse Mr. Patel.

11 THE CLERK: You may return to your seat.

12 Juror No. 181, Jordyn Tourville.

13 What says the State?

14 MS. CORNWELL: Please seat Ms. Tourville.

15 THE CLERK: What says the Defense?

16 THE CLERK: Please excuse.

17 Juror No. 148, Michael Prophet.

18 What says the State?

19 MS. CORNWELL: Please excuse Mr. Prophet.

20 THE CLERK: You may return to your seat.

21 Juror No. 145, Deshaun Pontoon.

22 What says the State?

23 MS. CORNWELL: Please seat Mr. Pontoon.

24 THE CLERK: What says the Defense?

25 MR. FARLEY: Please swear the juror.

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1 THE CLERK: You may have a seat in the jury box.
2 Juror No. 200, Michael Zeigler.

3 What says the State?

4 MS. CORNWELL: Please seat Mr. Zeigler.

5 THE CLERK: What says the Defense?

6 MR. FARLEY: Please swear the juror.

7 THE CLERK: Juror No. 86, George Jackson.

8 What says the State?

9 MS. CORNWELL: Please seat Mr. Jackson.

10 THE CLERK: What says the Defense?

11 MR. FARLEY: Please swear the juror.

12 THE CLERK: Juror No. 177, Felicia Sumpter.

13 What says the State?

14 MS. CORNWELL: Please seat Ms. Sumter.

15 THE CLERK: What says the Defense?

16 MR. FARLEY: Please excuse the juror.

17 THE CLERK: Juror No. 1, Lashanda Aiken.

18 What says the State?

19 MS. CORNWELL: Please seat Ms. Aiken.

20 THE CLERK: What says the Defense?

21 MR. FARLEY: Please swear the juror.

22 THE CLERK: Juror No. 74, G. Bryan Hayden.

23 What says the State?

24 MS. CORNWELL: Please seat Mr. Hayden.

25 THE CLERK: What says the Defense?

1

MR. FARLEY: Please excuse the juror.

2

THE CLERK: Juror No. 81, Henry Hughes.

3

What says the State?

4

MS. CORNWELL: Please seat Mr. Hughes.

5

THE CLERK: What says the Defense?

6

MR. FARLEY: Please swear the juror.

7

THE CLERK: Juror No. 43, Keshia Davis.

8

What says the State?

9

MS. CORNWELL: Please seat Ms. Davis.

10

THE CLERK: What says the Defense?

11

MR. FARLEY: Please excuse the juror.

12

THE CLERK: Juror No. 175, Janet Stokes.

13

What says the State?

14

MS. CORNWELL: Please seat Ms. Stokes.

15

THE CLERK: What says the Defense?

16

MR. FARLEY: May I have a moment, Your Honor, with my client?

17

18

THE COURT: Sure.

19

(Counsel confers with client)

20

THE COURT: Wait, wait. No, no.

21

THE CLERK: Wait, wait. Just wait right in here with me.

22

23

THE COURT: You need to wait one second, okay?

24

Don't leave. No, you just stand right there for just a

25

second, okay?

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1 THE CLERK: There we go.

2 THE COURT: Yeah, just --

3 MR. FARLEY: Please excuse the juror.

4 THE COURT: Okay.

5 THE CLERK: You may return to your seat.

6 THE COURT: Thank you, ma'am.

7 Juror No. 91, Gwendolyn Jenkins.

8 What says the State?

9 MS. CORNWELL: Please seat Ms. Jenkins.

10 THE CLERK: What says the Defense?

11 MR. FARLEY: Please swear Ms. Jenkins.

12 THE CLERK: Juror No. 55, Barry Fogle.

13 What says the State?

14 MS. CORNWELL: Please seat Mr. Fogle.

15 THE CLERK: What says the Defense?

16 MR. FARLEY: Please swear the juror.

17 THE CLERK: Juror No. 144, John Plush.

18 What says the State?

19 MS. CORNWELL: Please seat Mr. Plush.

20 THE CLERK: What says the Defense?

21 MR. FARLEY: Please swear the juror.

22 THE CLERK: Juror No. 49, Tymeka Dixon.

23 What says the State?

24 MS. CORNWELL: Please seat Ms. Dixon.

25 THE CLERK: What says the Defense?

1 MR. FARLEY: Please excuse Ms. Dixon.

2 THE CLERK: Juror No. 25 Deandrea Brown.

3 What says the State?

4 MS. CORNWELL: Please seat Ms. Brown.

5 THE CLERK: What says the Defense?

6 MR. FARLEY: Please swear the juror.

7 THE CLERK: Juror No. 112, George Malphrus.

8 What says the State?

9 MS. CORNWELL: Please seat Mr. Malphrus.

10 THE CLERK: What says the Defense?

11 MR. FARLEY: May I have a moment, Judge.

12 (Counsel confers with client)

13 MR. FARLEY: Please swear the juror.

14 THE CLERK: Juror No. 68, Daniel Green.

15 What says the State?

16 MS. CORNWELL: Please seat Mr. Green.

17 THE CLERK: What says the Defense?

18 MR. FARLEY: Please swear Mr. Green.

19 THE COURT: All right. That's our jury panel.

20 All right. Now we'll pick our alternates. The strikes are
21 one and two.

22 THE CLERK: Juror No. 30, James Bryant.

23 What says the State?

24 MS. CORNWELL: Please seat Mr. Bryant.

25 THE CLERK: What says the Defense?

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1 MR. FARLEY: Please excuse Mr. Bryant.

2 THE CLERK: Juror No. 97, Ricky Johnson.

3 What says the State?

4 MS. CORNWELL: Please seat Mr. Johnson.

5 THE CLERK: What says the Defense?

6 MR. FARLEY: Please swear Mr. Johnson.

7 THE CLERK: Juror No. 120, Erica Millhouse.

8 What says the State?

9 MS. CORNWELL: Please seat Ms. Millhouse.

10 THE CLERK: What says the Defense?

11 MR. FARLEY: Please excuse Ms. Millhouse.

12 THE CLERK: Juror No. 142, Brenda Peterson.

13 What says the State?

14 MS. CORNWELL: Please seat Ms. Peterson.

15 THE CLERK: What says the Defense?

16 MR. FARLEY: Please swear Ms. Peterson.

17 THE COURT: All right. And one more alternate.

18 THE CLERK: Juror No. 124, William Moseley.

19 What says the State?

20 MS. CORNWELL: Please seat Mr. Moseley.

21 THE CLERK: What says the Defense?

22 MR. FARLEY: Please swear Mr. Moseley.

23 THE COURT: All right. All right. Any issues
24 regarding jury selection from the State?

25 MS. CORNWELL: None from the State, Your Honor.

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1 THE COURT: Any issues regarding jury selection
2 from the Defense?

3 MR. FARLEY: No, Judge.

4 THE COURT: Okay. All right.

5 All right. Ladies and gentlemen, those of you who were
6 not selected, I am sorry to tell you you're not selected.
7 I'm also sorry to tell you we don't have anything else to do
8 this week so y'all are excused. Y'all have a good week,
9 okay?

10 (Remaining Jury panel out at 12:47
11 p.m.)

12 THE COURT: Can I see y'all again.

13 If you'll go downstairs to the clerk's office, they'll
14 give you an excuse downstairs.

15 || Isn't that right?

16 THE CLERK: Yes.

17 THE COURT: Okay. All right. Come here, y'all.

18 (Off the record bench conference with counsel and the
19 Court.)

20 THE COURT: All right. Ladies and gentlemen, what
21 I was doing, talking with the attorneys, is trying to find
22 out the schedule of what we're going to do and like that.
23 We still have -- you know, when you get ready to go to
24 trial, there are still matters that have to be taken up
25 outside of your presence before we can start producing some

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1 of the evidence or presenting some of the evidence during
2 the trial. What we've decided to do to try and make
3 everything go smoother and faster is to tell y'all -- we've
4 picked y'all as a jury, okay? And what we're going to do is
5 we'll let y'all come back and start at 9:00 in the morning,
6 with the trial at 9:00 in the morning. And that will give
7 you some time -- because I told you the trial is going to go
8 the rest of the week -- to make sure y'all contact everybody
9 you work with and things like that so you can start making
10 your plans, so when we hit ground running tomorrow, we can
11 keep going hopefully without too many interruptions, even
12 though I will tell you that during a trial things that we
13 don't think about comes up and we have to talk about it.

14 Now, let me tell you a couple of other things that I
15 need to remind you of and need to tell you about. The first
16 thing is, you know a little bit about this case, okay? You
17 do not do any investigation about this case. That is not
18 your job. I know one of the worst things that has happened
19 in this world is everybody's got a smart phone. And instead
20 of remembering things, we just go to the smart phone. Most
21 people don't even remember all of the phone -- the phone
22 numbers you used to have to remember, you don't have to.
23 You say call so and so. Call home. Call work. Things like
24 that, your phone will automatically do it. So you don't
25 even have to remember phone numbers anymore. The other

1 thing is if you try to find out something you go, well, I
2 can just -- you don't have to remember it. You can just put
3 it in your smart phone or go home to your computer and look
4 in something, okay? You cannot do anything, any
5 investigation about this case. You cannot go on line. You
6 cannot read anything in the newspaper. And I can tell you
7 there's probably going to be something -- I don't know if
8 y'all get the Times and Democrat, but if you do and you see
9 an article about this case, you cannot read anything about
10 it at all.

11 Everything that you need to know about this case you're
12 going to hear in the courtroom. Everybody that knows
13 something about this case is going to testify from this
14 witness stand. That is all you need to know. That is all
15 you need to look at, consider. You understand that?

16 Okay. Now, in addition to not reading anything, doing
17 any investigation about this, you can't talk to anybody
18 about this case. Now, what's going to seem really strange
19 and I need to make sure you understand this and I'll tell
20 you why we do this. Now that you're on the jury -- let's
21 say tomorrow morning we'll start -- some witness is going to
22 testify tomorrow morning. About mid-morning we're going to
23 take a break. Y'all are going to go back into the jury
24 room. The logical thing -- what everybody wants to do when
25 they've just heard somebody say something is y'all want to

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1 go back into the room and talk about what you've just heard.
2 You can't do that. Now, the reason you can't do that is you
3 can't begin talking about this case, even among yourselves,
4 until you have heard all of the evidence in the case, you've
5 heard the attorneys make their closing arguments and I have
6 told you what the law is in this case. Do you understand?
7 And the reason for that is we want you to pay attention
8 during the whole trial, keep everything in your mind and
9 then talk about it once you've heard everything, okay? So
10 you can't -- and you certainly cannot talk to anybody else
11 about this case.

12 If anybody comes up to you and says let me talk to you
13 about the case or you're on the jury or something like that,
14 I need to know who they are, okay? They cannot talk to you,
15 okay? You cannot talk to them. It's very important that
16 you remember that.

17 The next thing I want to tell you is even though you're
18 not going to be here this afternoon, you'll be getting
19 everything ready. I need for y'all to be back in the jury
20 room a little before 9:00 tomorrow morning.

21 When you get here at 9:00 in the morning, the members
22 of the jury, these twelve of you right here -- y'all are
23 alternates so y'all will be here, but they have to pick a
24 foreperson. And the foreperson has the only assigned seat
25 in the jury box. The foreperson will sit where this

1 gentleman is sitting right here. The job of the foreperson
2 is to fill out the verdict form after you have made your
3 decision. The other thing the foreperson has to do is make
4 sure -- once the case goes to the jury for the discussion,
5 that he monitors, makes sure everybody has their say so
6 about what is going on, what they want to say about the
7 testimony they've heard and what they believe should happen
8 in this case. The other thing the foreperson does is if you
9 have any questions while you begin your deliberations, you
10 can write out the question and send them out to me and then
11 we'll decide whether we can answer them or not. I'm going
12 to give you -- so those are basic duties of the foreperson.
13 When y'all get here the first thing tomorrow morning, I want
14 y'all to pick a foreman or forelady, okay? Remember: can't
15 talk; no investigation; don't let anybody talk to you.

16 Get a good nights rest because when we come back we're
17 going to get started early in the morning and hopefully
18 we'll have everything done and ready to go and hit ground
19 running, okay?

20 Listen, I know that there are other things in life
21 y'all would rather be doing than sitting on a jury. This is
22 important. We've got good attorneys trying this case. It
23 is important to the Defendant and it is important to the
24 State that you pay attention. Listen to all the evidence
25 that goes in, into the record. And make a fair and

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1 impartial decision based on what you hear in this courtroom,
2 okay?

3 I'm confident that y'all are going to be able to do
4 that, okay? So -- And I hope y'all are going to talk about
5 this experience for the rest of your life. I'm going to
6 tell you that. If y'all have never been on a jury before,
7 you know, years from now you're going to be telling all this
8 stuff that happened to that day, okay? And it'll be a good
9 thing to tell. But you can't tell it now, okay? You can't
10 talk with anybody about this, okay?

11 Y'all go home, get a good night's rest. Y'all be back
12 here a little before 9:00 tomorrow morning and we'll get
13 started. Thank y'all.

14 (Jury out at 12:56 p.m.)

15 THE COURT: All right. Are y'all ready to do the
16 plea? I'm going to do that. We're going to take about --
17 we'll come back here at 2:00. Okay. Y'all go get something
18 to eat. I'm going to try and get something to eat. When we
19 come back we'll do the other stuff we've got to do this
20 afternoon.

21 MR. FARLEY: Can we do 2:30?

22 THE COURT: For you 2:30.

23 MR. FARLEY: Thank you.

24 THE COURT: Since I probably ain't going to be
25 back here until then anyway. No. Okay. 2:30 will be good.

1 MR. FARLEY: Thank you, Judge.

2 THE COURT: Yeah. Okay. No, that sounds good.

3 MR. FARLEY: Thank you, Judge.

4 (Plea in another matter was taken)

5 (Court in recess for lunch break at
6 1:18 p.m.)

7 (Court in session after lunch break
8 at 2:45 p.m.)

9 THE COURT: All right. I know we need --
10 Hilda, are you ready?

11 COURT REPORTER: Yes.

12 THE COURT: Okay. I know we need to get started
13 on stuff.

14 BRADY MOTION

15 I know when we talked this morning we had a few more
16 motions we need to take care of. And then since we're not
17 going to take any testimony this afternoon, as many things
18 that we can take up that we were going to have issues with,
19 I would like to take it up now if we can, if we've got
20 somebody here who can testify about it, okay?

21 MR. FARLEY: Okay.

22 THE COURT: Where are we?

23 MR. FARLEY: Let's wrap up the discovery --

24 THE COURT: Okay.

25 MR. FARLEY: -- we've gone over this. But

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1 basically just the time last Tuesday I got three cellphone
2 dumps. Last Friday I got the rest of the video that
3 purports to be the denial. My Defendant denying the
4 allegations and then the video that purports to be a
5 confession of my Defendant. Friday at 5:00 I got the four
6 recordings of mirandized confessions of the co-defendants.
7 And through no fault of the Solicitors I was just handed,
8 just after Mr. Kent's plea, handed the documents that Mr.
9 Kent spoke about. So I appreciate that. She got it to me
10 as soon as she possibly could.

11 THE COURT: All right.

12 MR. FARLEY: What I would ask for the State to
13 certify that they have given me all of the discovery that
14 they have in their possession that is discoverable. And if
15 they can't do that, I'll give them the opportunity to go in-
16 camera with the Judge and determine if something is
17 discoverable.

18 THE COURT: Okay. He's got -- yeah. Ms.
19 Cornwell, we'll do it, you know, kind of one at a time.

20 MS. CORNWELL: Yes, Your Honor. Just to give the
21 Defendant's counsel and the Court a time line of discovery
22 that was sent on September 14th of 2016 discovery of this
23 entire case was mailed via U.S. Mail to Mr. Farley. That
24 included all of the video interviews provided by law
25 enforcement and all evidentiary --

1 THE COURT: And Ms. Cornwell, I think we put a lot
2 of that on the record on Friday, I think.

3 MS. CORNWELL: We did, Your Honor. I believe that
4 I was trying to go through my file real quick. This is
5 actually -- I've been able -- I've had a chance to go and
6 put the exact dates as to when everything was given.

7 THE COURT: Well, can I --

8 MR. FARLEY: Judge, all I'm asking for is a
9 certification that I have everything.

10 THE COURT: Yeah. I think the only thing he's
11 asking you is as far as you are aware he has gotten all of
12 the discovery in this case?

13 MS. CORNWELL: I have provided him everything that
14 I have in my file in this case.

15 THE COURT: Okay. And as far as you know, you're
16 not aware of anything -- he just told you you gave him the
17 things from the plea this --

18 MR. FARLEY: Yes, sir.

19 THE COURT: So there's not going to be any
20 surprises about discovery?

21 MS. CORNWELL: No, Your Honor.

22 THE COURT: Okay. All right. Does that answer
23 that?

24 MR. FARLEY: Yes, sir.

25 THE COURT: Okay. Good. Okay.

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1 MR. FARLEY: The next one, and this is kind of
2 like more of a housekeeping type thing, the Solicitor has
3 presented me with two photos that she would like to
4 introduce that I certainly have problems with.

5 Do you have those handy?

6 MS. CORNWELL: I do.

7 THE COURT: Are these photos of the victim?

8 MR. FARLEY: They're photos of the victim, yes.

9 THE COURT: Okay. And I'm assuming somebody's
10 going to testify that they're true and accurate?

11 MS. CORNWELL: Your Honor, the State will -- we
12 pulled -- that we could find.

13 COURT REPORTER: Ashley, you need to turn around.
14 I can't hear you.

15 MS. CORNWELL: We pulled the least offensive
16 photos that we could find in regards to this case.

17 THE COURT: And you've gotten all of the photos;
18 is that right?

19 MR. FARLEY: I have been shown the photos. That
20 is correct, Judge.

21 THE COURT: Okay.

22 MR. FARLEY: We'll both approach if we could, Your
23 Honor.

24 THE COURT: Yeah. Yeah.

25 MS. CORNWELL: These are the two photos that

1 Defense counsel is objecting to. Obviously, it's the
2 State's position that this is a murder case. It's going to
3 be testified to that there was a gunshot wound to the head.
4 Obviously, that's going to 'cause bleeding. The State has --
5 this is more probative than prejudicial because -- I haven't
6 labeled it yet.

7 MR. FARLEY: Oh, you do have it labeled.

8 MS. CORNWELL: I haven't labeled it yet.

9 THE COURT: Do you want to label it? Let's label
10 them so we can just have them -- go ahead and marked. That
11 way the record will be quite clear.

12 MR. FARLEY: Yeah, let's label it.

13 (State's Exhibit No. 1, photograph,
14 was marked for ID)

15 (State's Exhibit No. 2, photograph,
16 was marked for ID)

17 MS. CORNWELL: So State's No. 1 is going to be a
18 photograph of Ms. Jacqueline Wright as her body was found at
19 the scene when law enforcement arrived.

20 THE COURT: That's the full-body picture?

21 MS. CORNWELL: This is the full-body picture. And
22 that is State's No. 1. It's the State's position that is
23 more probative than prejudicial because it does show where
24 she was seated inside of the shed. It's going to show
25 through crime scene the trajectory of the bullets and how

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1 she was hit. And I believe that it is more probative than
2 prejudicial. Again, while there is blood in the picture
3 it's not a -- amount. It's not a closeup shot. It's not
4 showing any sort of distorted figure or any of that.

5 State's No. 2 is just the autopsy photo of just the
6 victim's head. And it simply shows the entry wound of the
7 bullet. We believe that that is obviously -- I mean,
8 there's no blood in this picture. There's nothing, other
9 than a hole in the side of her head which shows the impact
10 of the bullet. Obviously, that is more probative than
11 prejudicial because the State has to prove that it is the
12 bullet that killed her.

13 THE COURT: Okay. Those are the only two
14 photographs of the victim that y'all intend to introduce at
15 trial?

16 MS. CORNWELL: Yes, Your Honor.

17 THE COURT: Okay. How many -- just for my own
18 sake, about how many other photographs did you have of the
19 body of the victim?

20 MS. CORNWELL: Probably forty.

21 THE COURT: Oh, okay. All right. And you've seen
22 all of those?

23 MR. FARLEY: I have, Judge.

24 THE COURT: Okay. All right. Tell me what you
25 want me --

1 MR. FARLEY: Obviously, you've seen the picture
2 we're referring to it as State's 1.

3 THE COURT: Yeah. Yeah, State's 1 is the full-
4 body and State's 2 is a head shot.

5 MR. FARLEY: Well, with regards to the full-body,
6 Judge, the Solicitor said the main reason that she wanted to
7 get that in is not to show the goriness but to show the
8 trajectory of the bullets and how the body was found and
9 where she lay. Ms. LaToya Dickey, I believe is how you
10 pronounce her name, was the crime scene investigator with
11 the sheriff's office. When she got there, she actually took
12 that photograph. But when she got there she made, what I've
13 found to be one of the most detailed drawings of a crime
14 scene pretty much in my career. And if I may bring it up to
15 the Court -- I guess we'll get it marked as Defense 1 for --

16 THE COURT: Just for purposes of this hearing, not
17 for any evidence at trial?

18 MR. FARLEY: Yes, sir.

19 THE COURT: Okay.

20 (Defendant's Exhibit No. 1,
21 drawing, was marked for ID for purposes of pre-trial hearing
22 only)

23 THE COURT: And Ms. Cornwell, you have seen this?

24 MS. CORNWELL: Yes, Your Honor.

25 THE COURT: Okay. All right. Thank you, sir.

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1 MR. FARLEY: May I approach?

2 THE COURT: Yes, sir.

3 MR. FARLEY: So what the Court is looking at in
4 that picture is a very detailed outline of how the body was
5 placed. And not only that, but it shows the layout of the
6 house. The Solicitor's concerns were focused on we've got
7 to show that she was killed, where the body was, the
8 trajectory, where everything was laid out. That's probably
9 a hundred times better for doing that. And then it doesn't
10 risk all the prejudice that the photo, State's 1, brings
11 along with it. So I think that of the two, to me what the
12 State wants, I think that's the way to go.

13 THE COURT: This is detailed.

14 MS. CORNWELL: It is, Your Honor. And crime scene
15 is the only one that would be able to testify as to that.
16 We've also got lay witnesses and everybody that's on the
17 scene that wouldn't want to testify as to Ms. Wright, where
18 she was sitting; where she was standing; what she was doing
19 prior to all of this, what their involvement is. I think
20 case law on this is very clear and Mr. Giese is looking up
21 because I'm terrible with case names, but recently the
22 Supreme Court --

23 THE COURT: That's why you brought Mr. Giese?

24 MS. CORNWELL: Yes, sir.

25 THE COURT: Okay. All right. Good.

1 MS. CORNWELL: He's much smarter than I am. The
2 dog mauling case that the Supreme Court recently upheld
3 where the State introduced photos of the victim's face where
4 the dog had pretty much eaten the victim's face in the dog
5 mauling. The Supreme Court upheld that photo coming in as
6 more probative than prejudicial, basically stating that the
7 discretion is in the trial Judge's hands and it would not be
8 disturbed on appeal without some sort of -- I think it's the
9 Collins case, Your Honor. And in that case, like I said,
10 there was a dog mauling. There were several photos shown.
11 The Supreme Court upheld the trial court's decision based on
12 that value. Again, this photograph -- I've got several
13 photographs that show a closeup of her head all bloody and
14 all of that. That's not what this is depicting and I
15 believe that for the lay witnesses to be able to testify as
16 to where she was, where she was found, the fact that her
17 body was not moved prior to law enforcement's arrival,
18 things of that nature, that picture is more probative than
19 prejudicial and we would ask that it be put in.

20 THE COURT: Okay. Anything in response?

21 MR. FARLEY: Judge, I mean, clearly if the State's
22 concern is (a) that we want to know where everybody -- where
23 the positions were laid out, you've got a, you know, a
24 bird's eye view of this thing. That's far better than a
25 picture in the obscure where you can only see, focused in

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1 the center this one poor woman that's laying dead in puddle
2 of blood. Clearly, this is the way to go. I will
3 stipulate. I will do whatever. I don't care how they get
4 it in. I'll just about do everything but put it in for
5 them. I think that that's the way to go. And I would ask
6 the Court to rule in my favor.

7 THE COURT: And, Mr. Farley, I appreciate that.
8 You know, what I'm concerned about when we have photographs
9 that the State wishes to put in, I'm concerned that the
10 State -- I've had some hearings where they've tried to put
11 in multiple photographs of essentially the victim many
12 different ways of many different views. If these are the
13 only two pictures that they're putting in, okay, I'm -- and
14 this accurately reflects the scene, I'm going to find that
15 it's more probative than prejudicial. I'm going to let it
16 -- I will let it in assuming somebody can obviously identify
17 it. I don't argue with your point though. I mean, I think
18 this is -- it is well taken. But I think in any kind of
19 trial, I think a picture of the victim at the scene is
20 something that the jury should see, okay? So I'm going to
21 note your objection to my ruling so that's to be preserved.

22 MR. FARLEY: May I --

23 THE COURT: Yes, sir?

24 MR. FARLEY: May I be heard on State's 2?

25 THE COURT: Sure.

1 MR. FARLEY: State's 2 is the closeup picture of a
2 -- it looks like a --

3 THE COURT: Head wound.

4 MR. FARLEY: -- a bullet entry wound --

5 THE COURT: Right. Right above the ear.

6 MR. FARLEY: -- of the victim that was taken
7 during the autopsy?

8 THE COURT: Uh-huh. (Affirmative response)

9 MR. FARLEY: I think that clearly the physician
10 can testify as to what she observed at the -- observed
11 during the medical exam. I don't think that there's any
12 need to zoom in to what is clearly a bullet entry that she
13 could easily testify to. But the other thing is if you look
14 at that picture, there's more than just the head. There are
15 female private parts that I don't think that the --

16 THE COURT: No, no.

17 MR. GIESE: We switched them.

18 THE COURT: Yeah, this is just the head picture.

19 MR. FARLEY: Okay. Never mind. We're good.

20 THE COURT: Okay.

21 MR. FARLEY: But my argument is still the same the
22 pathologist can clearly describe the injuries.

23 THE COURT: And, again, I think that's true. But
24 for purposes of trial, I think a picture showing it --
25 invariably, I do believe a picture is worth a thousand.

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1 words. Again, I think you've made some excellent points and
2 I'm going to note your objection to my ruling so that will
3 be preserved, okay?

4 MR. FARLEY: Thank you, Judge.

5 THE COURT: Thank you, sir. All right. What
6 else? Do we have any testimony we need to take this
7 afternoon?

8 MS. CORNWELL: Yes, Your Honor. If we could deal
9 with Biggers first. Mr. Denard Reeves is here to testify.
10 He is the one that identified Mr. Jenkins in the photo
11 lineup.

12 THE COURT: Okay.

13 MS. CORNWELL: And Officer Staley is also here and
14 who presented the photo lineup, so I believe that that would
15 be the first.

16 THE COURT: All right. Okay. Are you ready to
17 call?

18 BIGGERS HEARING

19 MS. CORNWELL: Yes, Your Honor. The State would
20 call Denard Reeves.

21 Could I get what I gave you on Friday, Your Honor?

22 THE COURT: Yeah. I've got it. So far I've got
23 it. Hold on. I know I've got it. I'd rather not have
24 another copy. Here it is. Okay. Here you go.

25 MS. CORNWELL: What I want to do is see if I can

1 switch out this one for that one because that's our color
2 photos and this one is just the black and whites.

3 THE COURT: Is that everything? Make sure he sees
4 that --

5 MS. CORNWELL: Yeah.

6 THE COURT: -- and make sure I didn't --

7 Okay. If you don't mind just stay right there and just
8 wait one second, okay?

9 So this is mine now?

10 MS. CORNWELL: Yes, Your Honor.

11 THE COURT: Okay. All right. Okay. All right.
12 Mr. Farley, are you ready?

13 MR. FARLEY: Yes, sir..

14 THE COURT: Your last name again is?

15 THE WITNESS: Reeves.

16 THE COURT: Reeves? Okay.

17 (WHEREUPON, Denard Reeves was sworn
18 to tell the truth.)

19 DENARD REEVES - DIRECT EXAMINATION

20 BY MS. CORNWELL:

21 Q Mr. Reeves, I appreciate your coming up here today.

22 I'm going to -- I know we talked about your testimony

23 before. And let's cut kind of directly to the point in this

24 issue. If you could, tell the Court what were you doing on

25 July 19th 2016 when this incident occurred?

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1 A I was probably putting something on the grill.

2 Q So you were at a cookout?

3 A Uh-huh. (Affirmative response)

4 Q And if you could speak a little bit louder just so
5 everybody could hear?

6 A I might have put something on the grill.

7 Q Okay. And was that at Craig Street in Eutawville?

8 A Yeah.

9 Q And tell me what happened after that?

10 A Well, just shots started ringing. You know, I went
11 outside to see what was going on. See what was happening.
12 That's all I saw.

13 THE COURT: Okay. Hold on a second. Mr. Reeves,
14 I'm sorry. I'm having a hard time hearing you and I'm
15 sitting right here.

16 Q So you were at the cookout?

17 A Yeah.

18 Q Did you see any car drive up or anything?

19 A Yeah. I seen the car drive up and, you know, the guy
20 got out and whatever and then he got back in his car and
21 drive off and start shooting.

22 Q Did you know the guy who got out of the car?

23 A Not personally.

24 Q Did you know of him?

25 A Yeah.

1 Q And did you know his name at that time?

2 A Uh-huh. (Affirmative response)

3 Q What was his name?

4 A Zaquan Taste.

5 Q Okay. And after Mr. Taste got out and spoke to
6 everybody, what did he do?

7 A He got back in the car.

8 Q And then what did they do?

9 A They ride off and he hopped out and he start shooting.

10 Q Okay. And you said when you heard shots you were able
11 to look out --

12 A Yeah. I was already outside by then, you know, because
13 when I said most of the people could have gotten hit, but
14 some people took cover and some people didn't.

15 Q Okay. And when you were able to look out to see who
16 was shooting, what did you see?

17 A I saw them shooting.

18 Q Okay. Did you see what kind of guns they had?

19 A I know one of them had an assault rifle and the other
20 one looked like a little, some kind of shotgun or something.

21 Q Okay. And were you able to recognize the person
22 shooting or the people shooting?

23 A Yeah, I was.

24 Q Okay. Did you know them?

25 A No, I said not personally.

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1 Q But you knew of them?

2 A Uh-huh. (Affirmative response)

3 Q And when law enforcement arrived that day, were you
4 able to give them names or descriptions of who you saw?

5 A Yeah. Yeah, I was.

6 Q And what did you tell law enforcement?

7 A I told them that because I knew of who was, like as far
8 as this person knew that person, so I knew them around the
9 way, not personally like oh, what's up, but I knew the name
10 so I gave them their name.

11 Q And what was that name you gave?

12 A Trey.

13 Q Okay. And through --

14 THE COURT: What was the name?

15 MS. CORNWELL: Trey.

16 THE WITNESS: Trey.

17 THE COURT: Trey.

18 BY MS. CORNWELL:

19 Q And through giving that name were there other witnesses
20 on scene that were then able to give a full name?

21 A Not that I'm aware of.

22 Q Okay. At some point while you were on the scene, were
23 you presented with a photo lineup?

24 A Yes, I was.

25 Q Okay.

1 MS. CORNWELL: I'm going to mark this as State's
2 No. 3.

3 (State's Exhibit No. 3, , was
4 marked for ID)

5 (State's Exhibit No. 4, , was
6 marked for ID)

7 BY MS. CORNWELL:

8 Q I'm going to have you look at these two documents and
9 tell me if you recognize this?

10 MR. FARLEY: Could I see it? May I see it?

11 MS. CORNWELL: Sorry.

12 MR. FARLEY: Thank you.

13 BY MS. CORNWELL:

14 Q Do you recognize those two documents?

15 A Yes, I do.

16 Q And I'm going to let you hold onto those. What are
17 those two documents?

18 A That's a statement and that's just four other people.

19 Q Okay. Is that the photo lineup that was presented to
20 you on the scene?

21 A Uh-huh. (Affirmative response)

22 Q And when you were presented that photo lineup, what did
23 the officers tell you about that photo lineup?

24 A They asked me who was shooting.

25 Q And were you able to make any identifications in that

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1 photo lineup?

2 A I was.

3 Q And which number did you pick?

4 A Four.

5 Q And how did you indicate that that was the person that
6 you saw shooting?

7 A Because I saw him.

8 Q Did you circle the picture? Did you star it? What did
9 you do?

10 A Oh, no. I circled it.

11 Q Okay. Did you also put your initials, date and time?

12 A And date, yeah.

13 Q And then did they also have you fill out an affidavit
14 as to what you circled?

15 A Every time, every time I had to do that.

16 Q Okay. And is that your handwriting on that statement?

17 A Yes, ma'am.

18 Q And can you read for the Court what you wrote on that
19 statement?

20 A He hopped out the car and started shooting.

21 Q And that's the person that you identified in the photo
22 lineup?

23 A Uh-huh. (Affirmative response)

24 THE COURT: Is that a yes.

25 THE WITNESS: Oh, yes. Yeah.

1 THE COURT: Okay. Thank you, sir.

2 BY MS. CORNWELL:

3 Q If Mr. Jenkins photo would have been put in an array of
4 a hundred photos, would you have still been able to pick him
5 out?

6 A Yeah.

7 Q Why is that?

8 A Because I seen him riding away.

9 MS. CORNWELL: That'd be all the questions we
10 have, Your Honor.

11 THE COURT: Anything from this witness?

12 MR. FARLEY: Yes, sir.

13 THE COURT: Okay.

14 MR. FARLEY: If it pleases the Court?

15 THE COURT: Yes, sir.

16 DENARD REEVES - CROSS-EXAMINATION

17 BY MR. FARLEY:

18 Q Hey, Mr. Reeves, how are you?

19 A (No response)

20 Q So you were at the scene of the crime when the actual
21 crime happened; is that right?

22 A Yeah.

23 Q And your date of birth is, what, [REDACTED] [REDACTED]?

24 A Right.

25 Q Happy belated birthday.

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1 A I appreciate it.

2 Q And when you initially got there. Everything you've
3 just told us you had just seen; is that correct?

4 A Yes.

5 Q So we're years out. But at the time that you -- just
6 after the incident you were there, you had just seen it.

7 And do you recall writing a statement on that day?

8 A The same day?

9 Q Yes, sir. To the police department?

10 A Yeah.

11 Q I want you to take a look at this statement just to
12 refresh your memory.

13 MR. FARLEY: May I approach?

14 THE COURT: Yes, sir.

15 MS. CORNWELL: I'll take the post-it off of it.

16 MR. FARLEY: Yes. Good idea.

17 BY MR. FARLEY:

18 Q There you go. Is that your statement? Take your time
19 to read that.

20 A All right.

21 Q That's your statement?

22 A Yeah.

23 Q So having just looked at your statement, you'd agree
24 with me at no point in your initial statement at 2:09 p.m.
25 do you identify the Defendant?

1 A What?

2 Q At 2:09 when you wrote this --

3 A Yeah.

4 Q -- you never identified the Defendant, this man right
5 here?

6 A Okay.

7 Q Yes or no?

8 A No.

9 Q At the time you wrote this statement you didn't
10 identify anyone except for Zaquan Taste; isn't that right?

11 A Yeah.

12 Q But then at 6:48 you were able to -- let me go back.
13 I'm sorry. I wanted to take this slow and it's hard to see
14 you through that microphone. So the shooting happens. You
15 write this statement. The police come back to you and say
16 do you know Trey; is that right?

17 A No, that not what happened.

18 Q How did it go?

19 A They already -- they asked me everything before I even
20 wrote my statement. They made me write the statement after
21 the fact because I really wasn't going to write one.

22 Q Which statement, the one --

23 A Both of them.

24 Q Both of them?

25 A Yeah.

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1 Q So the first statement, they made you write that?

2 A It was an agreement to write.

3 Q And what did they tell you to put in there?

4 A They asked me a question, I give the answer, they told
5 me to write it down.

6 Q Okay. Did they come to you with a name Trey?

7 A They had -- that's they job.

8 Q So they took the name Trey and then --

9 A No, they come with me with Trey.

10 Q I'm sorry?

11 A That dude with the photos. And they already had the
12 assumption of Trey. I just already knew what was going on.
13 So before I could assume something they said it was him.

14 Q And so they bring you the photo with Trey in it --

15 A Uh-huh. (Affirmative response)

16 Q -- and you do what they want you to do and --

17 A No, I don't do what they wanted me to do. We can to an
18 agreement.

19 Q -- pick out the photo of him?

20 A We came to agreement.

21 Q So explain to me --

22 A As far as -- I had to write a statement. They didn't
23 make me write a statement. They didn't make me say that
24 they didn't make me do nothing. They said it was an
25 agreement because a crime was a crime.

- 1 Q So you agreed to write the statement?
- 2 A I agree to write the statement.
- 3 Q And they ask you a question --
- 4 A I give them a answer..
- 5 Q And you wrote it down?
- 6 A I give them a answer --
- 7 Q Uh-huh. (Affirmative response)
- 8 A -- and I wrote my own statement. No one -- I don't --
- 9 Q I'm not --
- 10 A No, I hear what you're saying.
- 11 Q What I'm trying to say is just I'm going through it one
- 12 step at a time.
- 13 A Okay. Yeah.
- 14 Q So step one is you came to an agreement to make a
- 15 statement?
- 16 A Yeah.
- 17 Q The police officers already knew the questions that
- 18 they were going to ask you?
- 19 A Uh-huh. (Affirmative response)
- 20 Q And then they asked them to you?
- 21 A Uh-huh. (Affirmative response)
- 22 Q And you answered them?
- 23 A Uh-huh. (Affirmative response)
- 24 Q And then you wrote them down?
- 25 A Uh-huh. (Affirmative response)

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1 THE COURT: And when you --

2 THE WITNESS: Yeah. I mean -- my bad.

3 THE COURT: Yeah. If you don't mind, say yes all
4 the time.

5 MR. FARLEY: We all understand.

6 THE COURT: Or no, whichever was the correct
7 answer. Okay. Go ahead.

8 BY MR. FARLEY:

9 Q So when you're doing that, as far as the written
10 statement, you never mention anybody except for Zaquan;
11 correct?

12 A I understand.

13 Q Is that a yes?

14 A Yeah.

15 Q All right. So then four-ish hours later you're
16 presented this photo lineup. What did they tell you when
17 they handed you the lineup. So they hand you --

18 A Which lineups?

19 Q The one that the Solicitor just showed you? This one
20 here?

21 A He asked me for the shooter.

22 Q So they handed it to you and said --

23 A Before they hand it to me they asked me if I could do a
24 lineup could you pick out the shooter and I told them yes.

25 Q Okay. Is this the only lineup they handed you?

1 A Yes.

2 Q Is this the only person in that lineup that you knew?

3 A Yes.

4 MR. FARLEY: No further questions, Your Honor.

5 THE COURT: Anything on redirect?

6 MS. CORNWELL: Just very briefly, Your Honor.

7 DENARD REEVES - REDIRECT EXAMINATION

8 BY MS. CORNWELL:

9 Q In your statement that Mr. Farley mentioned to you, you
10 would agree that you did identify the other guys as some of
11 the guys who once had problems in winter of '16?

12 A Yeah.

13 Q So you were able to identify -- you knew who they were
14 when you saw them?

15 A Uh-huh. Uh-huh.

16 MS. CORNWELL: That'd be all, Your Honor.

17 THE COURT: Anything on recross?

18 DENARD REEVES - RECROSS-EXAMINATION

19 BY MR. FARLEY:

20 Q So you knew Trey before this incident? You may not
21 have known his name but you knew him before this incident or
22 is this the first you've seen him?

23 A I knew of him.

24 Q You knew of him?

25 A Yeah.

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1 Q But you had never seen him before?

2 A Yeah. I saw him before.

3 Q You've seen him before?

4 A Yeah.

5 Q So would you -- when you were initially questioned by
6 the police where they had you write the statement or y'all
7 worked together to write the statement, you knew him by name
8 then?

9 A Yeah.

10 Q But you didn't put his name in there? Is that the --
11 yes no?

12 A No.

13 Q So you knew his name and it's not in there so you
14 didn't put it in the statement?

15 A No.

16 Q And then when they show you this photo lineup, this is
17 the only person you knew in the photo lineup?

18 A (Nods head affirmatively)

19 Q Is that a yes?

20 A Oh, yeah.

21 Q Thank you.

22 THE COURT: Okay. Anything else?

23 MS. CORNWELL: No, Your Honor.

24 THE COURT: Thank you, sir. You may step down.

25 THE WITNESS: That's it, right?

1 THE COURT: Yeah.

2 MS. CORNWELL: Your Honor, may Mr. Reeves be
3 excused for the day?

4 MR. FARLEY: No objection.

5 THE COURT: Okay. He is. He may.

6 MS. CORNWELL: Thank you.

7 MR. FARLEY: Thank you.

8 MS. CORNWELL: The State would call Deputy Dontray
9 Staley.

10 (WHEREUPON, Dontray Staley was
11 sworn to tell the truth.)

12 DONTRAY STALEY - DIRECT EXAMINATION

13 BY MS. CORNWELL:

14 Q Officer Staley, were you working on July 19th, 2016 in
15 your capacity of law enforcement?

16 A Yes.

17 Q And did you respond to Craig Street in Eutawville
18 regarding a shooting?

19 A Yes.

20 Q And while you were on the scene on Craig Street, did
21 you have the opportunity to speak with witnesses?

22 A Yes.

23 Q And was Investigator Stokes also on scene during some
24 of that time?

25 A Yes.

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1 Q And during the investigation do you recall Officer
2 Stokes bringing you a photo lineup and asking you to show it
3 to one of the witnesses?

4 A I do.

5 Q I'm going to show you what's been marked as State's
6 Exhibit 4. Do you recognize these documents? Do you
7 recognize those documents?

8 A I do.

9 Q And what are those documents?

10 A One is a statement from Mr. Reeves and the other is a
11 photo lineup of six individuals.

12 Q And are those the documents that you personally
13 presented to Mr. Reeves on the scene that day?

14 A It is.

15 Q And what did you -- did you ask him anything prior to
16 showing him the photo lineup?

17 A When I showed him -- to prior to showing him?

18 Q Yes?

19 A I just asked him if he saw the shooter.

20 Q And what was his answer?

21 A He said yes.

22 Q And at that point did you show him a photo lineup?

23 A I did.

24 Q All right. And was Mr. Reeves able to identify the
25 person that he saw shooting that day?

1 A He was. I asked him to circle the person who he
2 identified as the shooter.

3 Q Okay. And did he do that?

4 A He did.

5 Q Did he also put any other markings or writings on that
6 piece of paper?

7 A He put his initials, the date and the time.

8 Q And after he picked out that individual in the photo
9 lineup, did you have him write a statement regarding the
10 photo lineup?

11 A I did.

12 Q And did you witness him write that statement?

13 A I did.

14 Q At any time was Mr. Reeves unsure of who he picked out?

15 A No.

16 Q Did he seem confident in the person that he picked?

17 A Yes.

18 MS. CORNWELL: No further questions, Your Honor.

19 THE COURT: Anything on cross?

20 MR. FARLEY: Yes, sir.

21 DONTRAY STALEY - CROSS-EXAMINATION

22 BY MR. FARLEY:

23 Q So how long were you with Mr. Reeves prior to actually
24 getting a lineup from SLED, having a SLED lineup handed to
25 you?

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1 A What do you mean how long?

2 Q Were you talking to him for like five minutes or had
3 you been talking to him for like thirty minutes? How many
4 times have you contacted him during the period between the
5 murder and the photo lineup?

6 A Just that time. I haven't seen him since.

7 Q How long that day did you talk to him total?

8 A Total? Not long at all. As he said he didn't want to
9 give a statement at first. But he said he saw the shooter.

10 Q Okay. And so that would have been the statement that
11 he gave at like 2:00 in the afternoon?

12 A I don't know the time to be exact.

13 Q You did -- he did write a statement for you the day of
14 the murder; is that correct?

15 A Yes.

16 Q All right.

17 MR. FARLEY: May I approach?

18 THE COURT: You may.

19 BY MR. FARLEY:

20 Q I'm going to show you a copy of that statement. Is
21 that the statement that you took?

22 (Off record discussion between
23 counsel)

24 Q Sir, I'm sorry. So the statement you're talking about
25 is the statement that went along with the photo lineup?

1 A Exactly.

2 Q How long were you with Mr. Reeves that day? Five
3 minutes, an hour?

4 A Well, I was with him long enough for him to write it,
5 because I pretty much identified the shooter on this lineup
6 and then write his statement. That's the duration that I
7 was with him.

8 Q So you hadn't had prior contact with him before that,
9 showing him the lineup?

10 A No.

11 Q How did the name Trey get developed? Do you have any
12 idea how that happened?

13 A I have no idea. The best that I can say is from Mr.
14 Reeves.

15 Q So you were just the unlucky guy that had to show the
16 photo lineup?

17 A Well, I wouldn't say unlucky.

18 Q Well, you're sitting here. I bet you have better
19 places to be.

20 MR. FARLEY: Judge, I have no further questions.

21 THE COURT: Anything on redirect.

22 MS. CORNWELL: No, Your Honor.

23 THE COURT: Okay. You may step down. Thank you,
24 sir. Who else?

25 MS. CORNWELL: I believe that's all we need for

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1 the Biggers.

2 THE COURT: Okay. Anything?

3 MR. FARLEY: Judge, if I may?

4 THE COURT: Did you want to say anything?

5 MR. FARLEY: Yeah, I'm sorry. I'm just trying to
6 get my stuff together here.

7 THE COURT: Okay. Well, take your time. I'm not
8 trying to hurry you.

9 MR. FARLEY: Obviously, we're going to argue that
10 the photo lineup is unreliable. In the witness's first
11 statement he -- the witness's own testimony was he knew this
12 guy. He knew Trey. All right?

13 THE COURT: Or knew of him.

14 MR. FARLEY: Or knew of him.

15 THE COURT: Uh-huh. (Affirmative response)

16 MR. FARLEY: So my reading of the testimony is
17 that he knew Trey by name. And at the time when he made
18 that initial statement he didn't mention Trey at all. And
19 then what happens is they come back with a photo lineup. Do
20 you see the shooter on here? The only person he knows on
21 the thing is Trey. So obviously, he's going to choose that
22 one. Judge, I think that, you know, if he had a reliable
23 opportunity to view the Defendant at the time of the
24 shooting, he might should have told the police officers that
25 when they initially got there and he failed to do that.

1 Judge, I believe that since there's only one choice on there
2 that he knows, that he tells them -- I mean, he says I've
3 seen him before. You know, I believe that the photo lineup
4 is overly suggestive and I believe that this evidence should
5 be suppressed or that line-up should be suppressed.

6 THE COURT: Okay. Anything from the State?

7 MS. CORNWELL: Your Honor, I think that in his
8 statement he does indicate that it was a guy that had
9 problems earlier in the winter of 2016. He doesn't give
10 names but he obviously knew of these people, was able to
11 tell law enforcement yeah, he would be able to identify the
12 shooter and he did so with a hundred percent confidence that
13 that was the person. He said he'd be able to pick him out
14 if it was a hundred people. As far as him being the only
15 person the Defendant knew in the photo lineup. I know Mr.
16 Farley is not suggesting that photo lineups now have to have
17 six people or people you know in photo lineups. It's not
18 unduly suggestive. Even if for some reason the Court did
19 determine it would be unduly suggestive, it does not meet
20 the second prong of that test, which is that there has to be
21 a very substantial likelihood of irreparable
22 misidentification under the totality of the circumstances.
23 Obviously, with him having prior knowledge of the Defendant
24 and being able to pick him out pretty instantaneously, I
25 don't believe that there is any substantial likelihood of

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1 irreparable misidentification. Therefore, we would ask that
2 you allow the photo lineups in and deny his motion to
3 suppress.

4 THE COURT: Okay. All right. Mr. Farley, this
5 lineup has, with the exception of one person in the lineup
6 that doesn't have facial hair, everybody in there seems to
7 have facial hair and seems to have essentially the same
8 coloring. So the lineup by itself doesn't seem to point to
9 any one particular person, okay? The way I heard Mr. Reeves
10 is he said he knew who the shooter was and he could identify
11 him. Now, the fact that the only person he knew on here was
12 Mr. Reeves [sic], I think kind of -- he identified him as
13 the shooter. So it seems to me that the lineup is not
14 unduly suggestive. My take on it, it doesn't seem
15 unreliable at all. As a matter of fact, it seems like a
16 reliable lineup and there seems to be little likelihood of
17 misidentification. To me, if he didn't know him very well
18 or he had problems doing it, there were -- the person in
19 photograph number one, you know, to me looks very similar.
20 So I think it's a good lineup. I'm going to deny your
21 motion to suppress.

22 MR. FARLEY: Judge, I understand.

23 THE COURT: I note your objection to my ruling.
24 And it's much better than the one I had -- this is a much
25 better lineup than the one I took up when I was in private

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1 practice and they upheld, much to my chagrin. So -- just so
2 I can have that on the record too.

3 Okay. What else?

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5 MS. CORNWELL: I believe the only other thing we
6 have is the Denno. And for that the State would call
7 Investigator John Stokes.

8 THE COURT: Okay. Before we do that can we take a
9 short break and let me get a cup of coffee. Not that I
10 don't want to hear it or anything like that. Sit back down.
11 I just need to take a short break to get a cup of coffee and
12 I'll be right back, Okay? Thank you.

13 (Court at ease)

14 (Court in session after short
15 pause.)

16 (State's Exhibit No. 5,
17 Miranda/waiver, was marked for ID)

18 (State's Exhibit No. 6,
19 Miranda/waiver, was marked for ID)

20 (State's Exhibit No. 7, , was
21 marked for ID)

22 (State's Exhibit No. 8, , was
23 marked for ID)

24 (State's Exhibit No. 9, , was
25 marked for ID)

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1 (State's Exhibit No. 10, , was
2 marked for ID)

3 THE COURT: All right. I appreciate it.

4 You ready to go?

5 MS. CORNWELL: Yes, Your Honor.

6 THE COURT: Okay. Go ahead. Yeah, swear him in
7 would you? Thank you.

8 THE COURT: Go ahead. It's your witness. I'm
9 sorry.

10 (WHEREUPON, John Stokes was sworn
11 to tell the truth.)

12 JOHN STOKES - DIRECT EXAMINATION

13 BY MS. CORNWELL:

14 Q Investigator Stokes were you working in your capacity
15 of law enforcement on July 19th, 2016?

16 A I was.

17 Q And in that capacity did you become involved in an
18 investigation regarding a shooting that happened at Craig
19 Street in Eutawville?

20 A I did.

21 Q And what county is that?

22 A County of Orangeburg.

23 Q And I know that you did a lot of things in regards to
24 that case. I'm going to kind of cut to the chase and get
25 right to what you did in regards to the statements in this

1 case. During your investigation were you able to develop
2 Treshawn Jenkins as a suspect?

3 A I did.

4 Q How did that develop?

5 A Initially we were given the name of Trey as possibly
6 the shooter on this case. During the course of
7 investigation after speaking to a couple of people, you
8 know, they were able to provide possible to Treshawn
9 Jenkins.

10 Q And was Mr. Jenkins eventually taken into custody based
11 off of your investigation?

12 A He was..

13 Q I know that we're short-circuiting this but what was
14 the information that you had that allowed you to take him
15 into custody?

16 A We had a positive identification of Treshawn Jenkins as
17 the shooter by both Mr. Denard Reeves, who was a witness on
18 the scene and also a co-defendant, Zaquan Taste.

19 Q At some --

20 MR. FARLEY: I'm fine with cutting to the chase
21 that he's in custody and the questioning began.

22 THE COURT: Okay. Okay. All right.

23 MS. CORNWELL: That was my next question

24 BY MS. CORNWELL:

25 Q And are you aware that on July 20th of 2016 Mr. Jenkins

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1 was taken into custody?

2 A Yes, ma'am.

3 Q To your knowledge -- are you the case agent in this
4 matter?

5 A I am.

6 Q So have you reviewed all of the evidence in this case?

7 A I have.

8 Q And did you review that evidence in getting warrants in
9 preparation for this trial?

10 A I did.

11 Q Were you able to review the video from the July 20th,
12 2016 interview with Mr. Jenkins?

13 A I was.

14 Q And I'm going to show you what's been marked as State's
15 Exhibit 4. Do you recall who interviewed him during that
16 time?

17 A Lieutenant Shumpert.

18 Q And was that interview audio and video recorded?

19 A It was.

20 Q And to your knowledge was Mr. Jenkins advised of his
21 Miranda rights?

22 A He was.

23 Q And did he understand those rights?

24 A He did.

25 Q How do you know that he understood those rights?

1 A He initialed beside all five questions and also signed
2 where it says I understand my rights on the waiver of
3 Miranda.

4 Q Okay. So after the acknowledge of his rights, to your
5 knowledge he agreed to waive his rights?

6 A He did.

7 Q He signed that as well?

8 A He did.

9 Q And looking at State's Exhibit 4 is that a copy of the
10 Miranda warnings that were given to him and that later he
11 signed?

12 A It is.

13 Q Is that a true and accurate copy?

14 A It is.

15 Q And in the video that you watched, can he be seen
16 filling that out and signing that on that video?

17 A Yes, ma'am.

18 Q After meeting with the officer on July 20th, are you
19 aware of whether or not Mr. Jenkins also met with officers
20 on July 22nd of 2016?

21 A He did.

22 Q And do you recall which officers he met with on that
23 day?

24 A It was Lieutenant Shumpert and Lieutenant Marty --

25 Q Okay. And based on your review of that video was he

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1 Mirandized during that time as well?

2 A He was.

3 Q And did he indicate that he understood those Miranda
4 rights?

5 A He did.

6 Q And was he also advised of his waiver of rights?

7 A Yes, ma'am.

8 Q And did he also agree to waive those rights at that
9 time?

10 A He did.

11 Q And looking at State's Exhibit 5, what is that
12 document?

13 A It's the waiver of rights for --

14 Q And are his Miranda rights also on that?

15 A They are.

16 Q And is that a true and accurate copy of the Miranda
17 that was given to him on 7/22 of 2016?

18 A It is.

19 Q And when he filled this out was that also audio and
20 video recorded when he filled this piece of paper out?

21 A It was.

22 Q And during both of those interviews, did the Defendant
23 at any time admit his involvement and knowledge of this
24 case?

25 A Not at that time.

1 Q Okay. At the end of the interview on July 22nd of
2 2016, do you recall a conversation of whether or not he was
3 going to be brought back over in a few days after he had
4 time to think of things?

5 A Yes.

6 Q And was that done to your knowledge?

7 A It was.

8 Q And would that have been on July 27th of 2016?

9 A Yes, ma'am.

10 Q And who interviewed him and gave him his rights on that
11 date?

12 A I gave him his rights and myself and Lieutenant
13 Shumpert interviewed him.

14 Q And did you give him his Miranda rights?

15 A I did.

16 Q Did you also explain his waiver of rights?

17 A I did.

18 Q Did Mr. Jenkins acknowledge his rights and agree to
19 waive his rights?

20 A He did.

21 Q And to your knowledge did he fully understand those
22 rights?

23 A Yes, ma'am.

24 Q I'm showing you State's Exhibit 8 -- I'm sorry --

25 State's Exhibit 6. Is that a true and accurate copy of the

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1 Miranda form and waiver that you gave him that day?

2 A It is.

3 MS. CORNWELL: And Your Honor, for purposes of
4 this hearing the State would move State's 4, 5, and 6 into
5 evidence.

6 MR. FARLEY: No objection to that.

7 THE COURT: Okay. For purposes of this hearing
8 State's 4, 5, and 6 are in evidence.

9 (State's Exhibit No. 4, video
10 Miranda/waiver, was marked and entered)

11 (State's Exhibit No. 5,
12 Miranda/waiver, was marked and entered)

13 (State's Exhibit No. 6,
14 Miranda/waiver, was marked and entered)

15 MS. CORNWELL: And, Your Honor, I believe we did
16 give a copy of the CDs to Your Honor on Friday in the
17 hearing.

18 THE COURT: Yeah.

19 MS. CORNWELL: We'd ask to move those in.

20 THE COURT: Okay. You've got a copy of those.

21 MR. FARLEY: Can we all just go look at the disk
22 that you have and make sure we're all on the same --

23 THE COURT: Okay. All right.

24 (Off the record bench conference with counsel and the
25 Court.)

1 BY MS. CORNWELL:

2 Q So I'm going to show you what's eventually going to be
3 marked as State's 11, 12 and 13. Are those copies of those
4 audio and video recorded interviews you mentioned?

5 A Yes, they are.

6 MS. CORNWELL: I'm going to get some sleeves so we
7 can put that -- because they're going to be 11, 12 and 13.
8 I just need to get some sleeves to put the CDs in.

9 THE COURT: You want one? You can have this one.

10 MS. CORNWELL: And actually for purposes of this
11 hearing, Your Honor, if we can count all three CDs as just
12 State's Exhibit 11. And then during the course of the trial
13 we'll individualize them. But State would also ask to move
14 State --

15 THE COURT: Any objection to that, we put all
16 three --

17 MR. FARLEY: Yeah, I think we should go -- we
18 should do individually.

19 THE COURT: Okay.

20 MS. CORNWELL: I'll put them all in there but
21 they'll be marked as State's 11, 12 and 13. And Your Honor,
22 I would ask that those be moved into evidence at this time.
23 The State has provided Your Honor with copies of those. The
24 State has no intention of playing all of those. I think one
25 -- they're each about an hour long.

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1 THE COURT: Okay.

2 Investigator Stokes, you've looked over those copies,
3 those videos?

4 THE WITNESS: Yes, sir.

5 THE COURT: Okay. And those are true and accurate
6 copies of the interviews?

7 THE WITNESS: Yes, sir.

8 THE COURT: Okay. All right.

9 (State's Exhibit No. 11, CD, was
10 marked and entered)

11 (State's Exhibit No. 12, CD, was
12 marked and entered)

13 (State's Exhibit No. 13, CD, was
14 marked and entered)

15 BY MS. CORNWELL:

16 Q And on 7/27 after advising the Defendant of his
17 Miranda, did he give you any statements regarding his
18 involvement in this case?

19 A He did.

20 Q And what did he state?

21 A He mentioned his involvement in -- when the incident
22 took place. He stated himself along with co-defendants,
23 went there to see a person named Shy, see if she was there.
24 Once they was there Zaquan Taste exited the car. He shook
25 hands with two people in the yard and Zaquan got back in the

1 car. That's when somebody said the heck with this and the
2 doors flew open and shots were fired.

3 Q Okay. And that interview was also audio and video
4 recorded?

5 A Correct.

6 Q And other than giving a statement that day, did Mr.
7 Jenkins do anything else with law enforcement that day?

8 A He also identified the co-defendants of this case. He
9 was shown several photo lineups himself.

10 Q Okay. And looking at State's 7 through 10. I'm going
11 to show you what's been marked as State's Exhibits 7 through
12 10. Can you look through those and tell me what those are?

13 A It's the four photo lineup that was shown to Treshawn
14 Jenkins of him identifying the other co-defendants in this
15 case.

16 Q Okay. And did he do these photo lineups at the same
17 that that he gave the interview on 7/27?

18 A He did.

19 Q And is that identification of photo lineups also audio
20 and video recorded?

21 A It is.

22 Q And would those be on State's Exhibit 13, the video of
23 your interview?

24 A Yes, ma'am. It's the on from the 27th. Yes, ma'am.

25 MS. CORNWELL: Your Honor, at this time the State

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1 would move State's 7 through 10 into evidence for purposes
2 of this hearing.

3 MR. FARLEY: No objection.

4 THE COURT: 7 through 10 are in evidence without
5 objection for purposes of this hearing only.

6 (State's Exhibit No. 7, photo
7 lineup, was marked and entered)

8 (State's Exhibit No. 8, photo
9 lineup, was marked and entered)

10 (State's Exhibit No. 9, photo
11 lineup, was marked and entered)

12 (State's Exhibit No. 10, photo
13 lineup, was marked and entered)

14 BY MS. CORNWELL:

15 Q And when you showed the photo lineups to Mr. Jenkins
16 did you give him any instructions or indicate to him
17 anything about who he should pick out or what he should do?

18 A No, ma'am.

19 Q So once he was showed the photo lineups was he able to
20 identify anybody that was involved?

21 A Yes, ma'am.

22 Q And how did he indicate that those people in the photo
23 lineups were involved?

24 A He had circled the photos, initialed and put the dates
25 and time.

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1 Q Did he also fill out an affidavit indicating what role
2 each person played?

3 A He did.

4 Q After taking his statements, doing all the Miranda
5 forms and the photo lineups, are you aware of whether or not
6 Mr. Jenkins reached out to the State at any point after July
7 27th, 2016?

8 A Yes, ma'am, I am.

9 Q And what is that that you -- how did he reach out?

10 A By letter that was sent to you.

11 Q And were you able to get that letter to me?

12 A We did.

13 Q Okay. And I'm going to show you what's been marked as
14 State's 14.

15 (State's Exhibit No. 14, letter,
16 was marked for ID)

17 BY MS. CORNWELL:

18 Q And looking at State's 14, can you tell the Court what
19 that is?

20 A Ma'am?

21 Q Can you tell the Court what that is?

22 A It's a letter -- it's a letter that's addressed to you
23 from the defendant.

24 Q And where was that sent from?

25 A P. O. Box 9000, which would be the Orangeburg County

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1 Jail.

2 Q And is that what appears to be Mr. Jenkins' signature
3 at the bottom?

4 A Yes, ma'am. It is.

5 MS. CORNWELL: Your Honor, at this time for
6 purposes of this hearing the State would move State's 14
7 into evidence

8 MR. FARLEY: Only for the purposes of this
9 hearing, Your Honor.

10 THE COURT: Okay. It is in without objection for
11 purposes of this hearing only.

12 (State's Exhibit No. 14, letter,
13 was marked and entered)

14 BY MS. CORNWELL:

15 Q And Sergeant Stokes other than the statements that were
16 given on July 27th, after you took those statements and
17 besides court hearings, have you had any further involvement
18 with this Defendant?

19 A I haven't.

20 MS. CORNWELL: That would be all the questions we
21 have, Your Honor.

22 THE COURT: Anything on cross-examination, Mr.
23 Farley?

24 MR. FARLEY: Yes, Judge.

25 THE COURT: Okay.

1 MR. FARLEY: It's my intention to show clips from
2 each of those videos. I've got them listed where I need
3 them. It's going to take me a little while to find them.

4 THE COURT: Okay.

5 MR. FARLEY: My AV expert has his hands shackled
6 so he's not going to be able to help me too much.

7 JOHN STOKES - CROSS-EXAMINATION

8 BY MR. FARLEY:

9 Q Mr. Shumpert how are you -- I mean, sorry. That's
10 right -- Mr. --

11 A Stokes.

12 Q You weren't there during the first interview, were you?

13 A Who, the Defendant?

14 Q Uh-huh. (Affirmative response)

15 A I was there.

16 Q Were you in the room with him?

17 A I was in the observation room.

18 Q Did you have him sign the Miranda forms?

19 A On the 20th?

20 Q Yes?

21 A I didn't.

22 Q When you say you were in the observation room, can you
23 describe that to the Court?

24 A Well, it's not really an observation room. It's just
25 an interview room in our the office is set up where you can

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1 view from your laptop at your desk. I was actually at my
2 desk watching the interview.

3 Q Is this the office down by Popeye's chicken?

4 A It is. Yes, sir.

5 Q So you're in the interview room -- I mean they're in
6 the interview room. You can't see them. It's not like see-
7 through, you know, one-way mirror glass or whatever. You
8 can't see them. You weren't there. You didn't see them in
9 person sign them?

10 A I was watching over the camera.

11 Q So normally when you get somebody to sign the waiver of
12 rights, you're sitting right next to them; isn't that right?

13 A The person that initials -- the witness, yes.

14 Q Exactly. So you can see them eye to eye. You can see
15 what kind nuances there are in the conversation when you're
16 looking at somebody face to face?

17 A I guess, yes, sir.

18 Q Is it different looking at it on a laptop or in person?

19 A I mean it's the same thing. It's still a waiver of
20 rights form, still initialing, still signing, still reading
21 to them and, you know, making sure they understand it.

22 Q But you didn't personally do it?

23 A No, I didn't. Not on the 19th -- the 20th, I didn't.

24 No, sir.

25 Q So when you're looking from the computer at your office

1 you can't see exactly what's on this piece of paper that
2 they're signing?

3 A Well, I can hear.

4 Q You can hear it but you can't see what's on that piece
5 of paper?

6 A I mean, I'm not in the room, but I know it's a Miranda
7 form.

8 Q Well, he says it's a Miranda form, but you don't know
9 that that document that he had -- I mean, come on.
10 Obviously, you know that that could have been something
11 else?

12 A Well -- he signed it. He initialed and signed it. I
13 wasn't in the room --

14 MR. FARLEY: I'm going to move on, Judge.

15 THE COURT: Thank you, sir. You've made your
16 point anyway.

17 MR. FARLEY: Thank you.

18 THE COURT: Okay.

19 BY MR. FARLEY:

20 Q On the July 22nd interview, were you in that room?

21 A I wasn't.

22 Q You were not in that room?

23 A Huh-uh. (Negative response)

24 Q Same series of questions. You -- were you looking at
25 your computer? Were you looking at a closed-circuit TV?

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1 What was going on there?

2 A On the 22nd, I'm not a hundred percent sure.

3 Q You probably didn't see it contemporaneously at all?

4 A I know I walked in because, you know, I brought
5 something inside. I'm not really a hundred percent sure but
6 at some point I'm pretty sure I did look at the video, yes,
7 sir.

8 Q Was that like a Gatorade or something you brought in?

9 A I'm not -- I can't speak on that.

10 Q I know it's been a while?

11 A Yes.

12 Q And then in the last video you were actually there?

13 A I was, yes, sir.

14 Q Prior to the first video had you spoken to the
15 Defendant?

16 A The video of the 22nd?

17 Q The very first one on the 20th, prior to that?

18 A No. No.

19 Q Between that video and the second video on, I believe
20 the 22nd, had you spoken to the Defendant?

21 A I'm pretty sure. I can't really remember the date of
22 his bond hearing, but I'm going to bond --

23 Q You didn't make him any promises or anything about a
24 bond?

25 A We didn't talk about bond.

1 Q Something that police officers do a lot. And I'm not
2 saying that you did this?

3 A I can't -- you don't make promises on a murder --

4 Q I'm just going to throw it out there. I'm not accusing
5 you of anything?

6 A Okay.

7 Q Sometimes police officers say hey, if you cooperate
8 with us we'll help you out on a bond. Did any of that
9 happen?

10 A I can't remember that happening. No, sir, because
11 murder in the State of South Carolina is a --

12 MR. FARLEY: All right, Judge, I want to focus the
13 Court's attention now on the actual videos.

14 THE COURT: Okay.

15 MR. FARLEY: Essentially, our argument is that the
16 -- basically the conditions in which he was questioned
17 really affect the voluntary nature of the statements. And
18 there's three separate videos. And I think that we should
19 treat this as one long interview. I'm not going to go into
20 oh, well, they didn't give him breaks or things like that.
21 But what we're going to see on these videos is repeated
22 police contact, a wearing down, a threatening, and in the
23 end we have the breaking of the Defendant. So they tell him
24 something this one day and then they tell him something the
25 next day, and then they tell him something the next day and

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1 it's designed to wear down on the Defendant. So bear with
2 me. I'm going to try to make this work. What I've spoken
3 to the Solicitor about is us just bringing the laptop up to
4 you since we don't have the audio and video equipment in
5 here.

6 THE COURT: Okay.

7 MR. FARLEY: This is off of the video, the first
8 interview --

9 THE COURT: Is it going to be easier for me to go
10 somewhere else or we're okay? I mean, I can.

11 MR. FARLEY: We're okay.

12 THE COURT: Okay. Okay. All right.

13 MR. FARLEY: All right. So this is the first
14 interview?

15 THE COURT: Okay. This is the interview from July
16 20th?

17 MR. FARLEY: This is correct, Judge.

18 THE COURT: Can you pause it for a second, just so
19 I can make sure -- over here. And this is the July 20th
20 video?

21 MR. FARLEY: That's correct.

22 THE COURT: And we are how far in now, roughly.

23 MR. FARLEY: We are approximately eight minutes.

24 THE COURT: Okay. At the eight minute mark.

25 Okay.

1 (Portion of July 20th, 2016
2 interview played for the Court)

3 MR. FARLEY: All right. So for the record we're
4 ending that 8:43. Also for the record the audio is very
5 hard to hear, but I will try to summarize and the Solicitor,
6 I think, we'll try to figure out exactly what was said.

7 THE COURT: Okay. What do you think was said
8 during that?

9 MR. FARLEY: During that period of time the
10 officer starts making threats against his sister. He says
11 I'm going to lock her up. And I don't know if that's a
12 direct quote but that's, you know, paraphrasing the thing.
13 So basically what we want to get out by that clip is that
14 there are -- from the very beginning there are threats being
15 made towards his family.

16 THE COURT: Okay.

17 MR. FARLEY: All right. Now, I'm going to move to
18 the second video that was done on the 22nd

19 THE COURT: While you're doing that, can I ask the
20 State a question?

21 MR. FARLEY: Sure.

22 THE COURT: Okay. Those videos, can y'all
23 download those into a thumb drive?

24 MS. CORNWELL: Yes, Your Honor.

25 THE COURT: Okay. That would help me.

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1 MS. CORNWELL: And I wanted -- we actually asked
2 Mr. Farley if he wanted a TV up here. He indicated that he
3 could just bring the laptop. We'll have the TV and it'll
4 have speakers so hopefully tomorrow it will be much louder.

5 MR. FARLEY: I'm trying to make everything more
6 smooth.

7 THE COURT: Okay.

8 MR. FARLEY: All right. So this is --

9 THE COURT: July 22nd video?

10 MR. FARLEY: -- the July 22nd video.

11 THE COURT: Okay. And about where are we?

12 MR. FARLEY: We are going to be at about seven --
13 twelve thirty.

14 THE COURT: Twelve thirty?

15 MR. FARLEY: Yes, sir.

16 THE COURT: So does that show up as twelve minutes
17 into the --

18 MR. FARLEY: Twelve minutes and thirty seconds.

19 THE COURT: Okay. All right. All right.

20 MR. FARLEY: There we go.

21 (Portion of July 22nd, 2016
22 interview played for the Court)

23 MR. FARLEY: All right. So what we're talking
24 about here is he's telling him that the other people have,
25 some of the other people have lawyered up. And then --

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1 (Portion of July 22nd, 2016
2 interview played for the Court)

3 MR. FARLEY: Right there he says I'm trying to get
4 me a lawyer. So we're at between twelve twenty/ twelve
5 thirty, he says to the police officer he's trying to get a
6 lawyer.

7 THE COURT: Okay. Okay.

8 MR. FARLEY: All right. The next clip is about
9 seven minutes long.

10 THE COURT: This is still 7/22?

11 MR. FARLEY: Yes. And so this is video 7/22
12 starting at approximately forty-five minutes and twenty
13 seconds.

14 THE COURT: Okay.

15 MS. CORNWELL: Forty-five minutes and twenty
16 seconds?

17 MR. FARLEY: Yes, sir.

18 COURT REPORTER: To verify, that was forty-five
19 minutes and twenty seconds.

20 THE COURT: Yeah. Forty-five twenty.

21 COURT REPORTER: Thank you.

22 (Portion of July 22nd, 2016
23 interview played for the Court)

24 MR. FARLEY: All right. Judge, what we just heard
25 on the video is the officer's arm, I guess reaching up to

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1 help the Defendant if the Defendant helps the officer. So
2 obviously we'll argue that a little bit later on. And then
3 the video continues to a point where I'll just let the video
4 speak for itself.

5 (Portion of July 22nd, 2016
6 interview played for the Court)

7 MR. FARLEY: All right. So I want to focus the
8 Court's attention on this next segment where the police
9 officer starts talking about my client's daughter who he's
10 know at that point had a one-year-old daughter. And adds
11 his own commentary, we'll say. And so for the record we're
12 at forty-nine minutes and thirty-five seconds.

13 THE COURT: Forty-nine?

14 MR. FARLEY: Thirty-five.

15 (Portion of July 22nd, 2016
16 interview played for the Court)

17 MR. FARLEY: And then the last bit that we're
18 going to go to is one hour and twenty-two seconds, I
19 believe. Somewhere right around there.

20 (Portion of July 22nd, 2016
21 interview played for the Court)

22 MR. FARLEY: So at actually one hour and sixteen
23 seconds he says I don't have no lawyer now.

24 (Portion of July 22nd, 2016
25 interview played for the Court)

1 MR. FARLEY: And so basically to recap on that, he
2 is -- says he doesn't have a lawyer yet and that he wants a
3 lawyer and that he needs a lawyer.

4 THE COURT: Is your motion for me to suppress
5 anything he says after that?

6 MR. FARLEY: We're getting it -- I promise you I'm
7 getting there.

8 THE COURT: Oh, no. I'm just asking. Okay.
9 Sorry.

10 MR. FARLEY: No, you're fine.

11 THE COURT: I didn't mean to jump ahead.

12 MR. FARLEY: No, you're good.

13 All right. Judge, I think that that is the last clip.

14 THE COURT: Anything about July 27th?

15 MR. FARLEY: No, Your Honor.

16 THE COURT: Okay. All right.

17 MR. FARLEY: Judge, just to say --

18 THE COURT: Okay.

19 MR. FARLEY: Judge, with a confession the
20 prosecution bears the burden to prove that the confessions
21 are admissible and they have to prove it by a preponderance
22 of the evidence. The confessions must be voluntary. Some
23 of the factors involving voluntariness basically are the
24 Defendant's age. He's a young fellow. And the older I get,
25 the younger -- you know, the older young gets. But he's a

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1 young fellow. According to the evidence, which has not been
2 presented by the Court, but I think the State's not going to
3 like this. Apparently, especially during the first video
4 there's allegations that the Defendant's foot had just been
5 run over by a vehicle. And in none of the reports or
6 anything is there any indication that medical treatment was
7 offered or given.

8 Now we need to turn to the methods used by the police.
9 You've only seen snippets of those videos, but Officer
10 Shumpert has an interesting way with talking to the
11 Defendant. I won't say that there was a physical duress but
12 there was mental duress. The two videos that you just saw
13 run were two hours of just questioning. No bathroom breaks.
14 Obviously, the Defendant didn't ask to go to the bathroom.
15 I'll concede that. But just hour of grilling and grilling
16 and leaving him in an empty room for periods of time.
17 Triggering. I think I pointed out some of the triggering
18 and deception that were involved in that. Just the video
19 speaks for itself. Basically -- and he's in chains the
20 entire time. That certainly isn't comfortable and
21 definitely puts you in a position of weakness. He talks in
22 both videos several times about trying to get a lawyer,
23 wanting to get a lawyer. The Detective Shumpert says don't
24 listen to those lawyers over in the jail. I'm assuming that
25 he's talking about jailhouse lawyers, but a reasonable

1 person could infer that lawyer in general. But twice he
2 said he's looking for a lawyer. Typically, when a Defendant
3 ask for a lawyer questioning stops and they stand back.
4 That's not what happened here. I'm not going to -- you
5 know, it's not like a clear I want a lawyer. There's no
6 like catch phrase or secret magical words that are used, but
7 it could easily be inferred that, you know, that that is an
8 outcry for a lawyer.

9 In the first videos he told the police officers
10 multiple times that he didn't want to talk. He didn't want
11 to talk. He didn't want to talk. And just barrage of
12 questioning from Officer Shumpert kind of overcame his free
13 will. And then all of that culminates into the confession
14 video. Basically, over the course of that nearly a week,
15 the Defendant has been beaten down so much that anything --
16 he's willing to say anything to get out of it, to make the
17 police happy. He'll say anything to reach up to that
18 officer's hand that is trying to pull him up. He'll do
19 anything to help this boy get back to his daughter because
20 his daughter was brutally murdered. You know, all of this
21 trickery, deception just cruelty, really renders all of
22 these statements involuntary. He wanted a lawyer. He
23 wasn't given one. I don't know the procedures at the public
24 defender's office, but in every other public defender's
25 office if you're in the jail -- they don't come every, you

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1 know, twice a day every day. There's a certain procedure
2 and guideline. And I guarantee you had he had the
3 opportunity to speak to an attorney with the public
4 defender's office that he would not have made that third
5 statement. Asked for an attorney, didn't have the
6 opportunity to get an attorney. The police don't have to
7 help you get an attorney, but if you want an attorney
8 they've got to stop questioning. The duress, the clear
9 mental torture that the man was put through -- I don't think
10 because of the entire course of action from video one all
11 the way to video three, I think his will was overcome and he
12 was not -- the confession was involuntary. And for that
13 reason we believe the confession should be suppressed.

14 THE COURT: Okay. And you're not -- you're saying
15 that all of them should be suppressed?

16 MR. FARLEY: I think all of them should be
17 suppressed because -- and all of them are evidence of the
18 repeated questioning that lead to his forced confession.

19 THE COURT: Okay. All right. Anything from the
20 State?

21 MS. CORNWELL: Yes, Your Honor. I understand that
22 Mr. Farley wants to treat this as one long interview. But
23 clearly that's not the case. It is three separate
24 interviews on three separate days. None are more than one
25 hour a piece. However, even under Mr. Farley's scenario of

1 one long interview, a three-hour interview is not considered
2 an exceptionally long period of time to speak with the
3 Defendant, particularly not in a murder case involving this
4 one. The Defendant was under arrest. So for Miranda
5 purposes and Denno purposes, he was in custody for all
6 interrogations. Therefore, Miranda must be given. And Your
7 Honor has seen evidence that Miranda was given every single
8 time the officers met with the Defendant. He acknowledged
9 those rights, initialed that he understood those rights,
10 signed that he understood those rights, and then
11 additionally was given a waiver of rights and signed that he
12 was waiving those rights at that time. The Defendant never
13 invoked any of those rights during the interrogation. Case
14 law clearly states that it must be an unambiguous indication
15 of rights for those to take place. As far as saying I don't
16 want to talk. I don't want to speak, that was not an
17 unambiguous indication of his right to remain silent because
18 he continues talking to law enforcement. As far as the
19 asking for a lawyer, again, it was not an unambiguous
20 indication of a right to an attorney. At no point in time
21 does he say I want to stop and talk to an attorney or I need
22 an attorney for this. His statement says that Mr. Farley
23 has pointed out was yeah, man, I'm trying to get a lawyer.
24 I don't have a lawyer yet. At no point in time does he say
25 he wants to stop questioning and consult with a lawyer. At

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1 no point in time does he ask law enforcement to get him a
2 lawyer before he goes through and finishes answering
3 questions. Davis versus the United States, which is 114
4 Supreme Court 2350, it's a 1994 case. In that, the Supreme
5 Court did indicate that when a Defendant says maybe I should
6 talk to a lawyer, that is an ambiguous indication of a right
7 to an attorney and police do not have to stop questioning a
8 suspect who makes an ambiguous request for counsel nor do
9 they have to ask questions to clarify if he really wants
10 counsel present. In this case the Defendant at no point in
11 time asked to stop answering questions. At no point in time
12 did he unequivocally assert an unambiguous indication of his
13 right to an attorney. As far as the voluntariness of the
14 statement goes, his age, education and intelligence were
15 clearly established through his reading, writing and signing
16 of the Miranda. I believe that officers did go through that
17 with him. There's no indication that he was ever
18 intoxicated. He was given his advisement of rights. Not
19 only was he given them to read, but they were also read
20 aloud to him. So even if he did not have a clear education,
21 intellectual ability to read them himself, they were also
22 read to him. The length of detention, again, each interview
23 was no more than one hour a piece. He was given several
24 days in between each interview to think about things, to
25 request a lawyer, to not cooperate. He is Mirandized every

1 time he is brought back and fully understands those rights
2 and signs off on them. There was no repeated or prolonged
3 nature of questioning. There was no use of physical
4 punishment. There's also no deprivation of food or sleep,
5 bathroom breaks or anything of that nature. In fact, I
6 think in one of the videos Mr. Farley pointed out they
7 brought him Gatorade. At no point was anybody issuing
8 physical threats.

9 In response to his argument in the 7/20 video about
10 threats against the sister, that was taken very much out of
11 context. Lieutenant Shumpert told the Defendant that he'd
12 been speaking to his sister and his sister indicated that he
13 was calling her asking her where the victim location was and
14 lived. He said that that wasn't true. He didn't call her
15 that day. And Shumpert's response at that point was well,
16 if she's lying to police, you know, maybe we should arrest
17 her then. Basically saying one of two of y'all is lying.
18 That was not a threat against his sister or a threat to him.
19 As far as the mental duress, again, they're each a one-hour
20 video. He is treated with kindness and respect. As far as
21 trickery or deception, obviously case law states that police
22 are allowed to use -- they're allowed to give information
23 that's maybe not consistent in getting a confession. At no
24 point in time was he tricked in any meaningful way or
25 getting him to confess to something that wasn't appropriate.

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1 The fact that he's in chains as Mr. Farley says, he's in
2 handcuffs. He's charged with murder. Investigative
3 protocol, they're in front of him. At no point in time does
4 he indicate that they are bothering him, they are hurting
5 him.

6 The fact that Mr. Farley thinks the Defendant was
7 beaten down so much that he would say anything to law
8 enforcement and that he was cruelly treated, I believe those
9 videos show the exact opposite. Lieutenant Shumpert in the
10 videos that he showed treated him with kindness and was glad
11 -- offered to try to help him out and told him to simply
12 tell him what he knew. He also gave the Defendant an
13 opportunity to take a five-day break from the second video
14 to the third and indicated that I'm going to let you go and
15 think about things, talk to people. He cautioned him to be
16 careful in talking to jailhouse lawyers. And that was --
17 mention of jailhouse lawyers. And I think that in those
18 cases he was given ample time to obtain a lawyer if he
19 wanted. Again, in the last statement he was again fully
20 advised of his rights a third time. Signed off on those,
21 waived those. And based on that, I believe that the
22 statement was certainly advised of his rights and the
23 voluntariness of the statement under a totality of the
24 circumstances is clearly voluntarily made. It was knowingly
25 made. It was intelligently made and it was made under the

1 advisement of rights. Therefore, it's the State's position
2 that all three statements should come in.

3 THE COURT: All right.

4 MS. CORNWELL: Your Honor, I don't know if Mr.
5 Farley wants a separate argument on the letter that was sent
6 to the State, but we do also have that letter that the State
7 does feel would come in in the matter -- in the course of
8 this trial.

9 MR. FARLEY: Can you rule on the statements and
10 then we'll talk about the next item?

11 THE COURT: Okay. Well, my take on the
12 statements, what I've seen, Mr. Farley, is he was advised of
13 his Miranda rights. His statements appear to me to be
14 voluntary. I've been looking at the case law here. It says
15 that he did not unambiguously request an attorney nor did he
16 ask that the investigation, that the questioning stop. You
17 know, my -- to me, you know, I think you could make the
18 argument that I keep out the stuff after he mentioned a
19 lawyer in the 7/20, in the 7/22 interrogations. But there's
20 nothing like that from what's been pointing out to me from
21 the 7/27 interrogation. And so I think from -- even if I
22 said we'll take out the stuff from 7/20 and 7/22, I think
23 you would probably want me not to do that. And so my
24 finding, my conclusion is it was three separate times that
25 he was questioned. It appears that he was properly

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1 Mirandized and the statements were voluntary. I'm going to
2 let them in. I'm going to preserve your objections. I'm
3 going to note your objection to my ruling on the record,
4 along with the reasons that you set forth.

5 Okay. Now, do you want to go into the letter?

6 MR. FARLEY: Judge, I mean, is it the State's
7 intention to bring in the letter?

8 THE COURT: I wouldn't think so, but I don't know.

9 MR. FARLEY: Have you seen the letter, Judge?

10 THE COURT: No, I don't --

11 MR. FARLEY: Well, you know --

12 THE COURT: Wasn't the letter mailed to her, to
13 Ms. Cornwell? It was mailed to you, right?

14 MS. CORNWELL: Yes, Your Honor. And it is the
15 State's intention to put it into evidence.

16 THE COURT: Who is going to identify it?

17 MS. CORNWELL: Sergeant Stokes. It was sent to
18 Sergeant Stokes after it was sent to me. I also sent it to
19 Investigator Farley, Barbara Robinson in our office can
20 testify as to receiving a letter from the mail. I believe
21 that under handwriting, although it was not analyzed by an
22 expert, case law is clear that under State v. Huggins, which
23 is 325 SC 103, and that's a 1997 case, it references all the
24 way back to Benedict Company versus Flannigan, which is 18
25 SC 506, which is an 1883 case, that is still good law today

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1 regarding comparison handwriting. And it does not take an
2 expert. It's the State's position that we do have a
3 controlled handwriting sample in this case in each of the
4 Miranda forms as well as in each of the photo lineups, which
5 he signed off on. And that a lay person would be able to
6 take that control that is shown in the video where he is
7 signing that and compare his signature on the letter to the
8 signature on all of the Miranda forms and the photo lineups.
9 So based on that it is -- it would be the finder of fact,
10 which would be the jury, to determine whether or not that
11 letter did come from the Defendant, in which he again
12 indicates his involvement in this case.

13 THE COURT: And Ms. Cornwell, just -- I'm looking
14 at this copy of this letter, okay? Now, is it the State's
15 position that the handwriting at the top of this letter, all
16 the way down to Sincerely is Mr. Jenkins handwriting?

17 MS. CORNWELL: Your Honor, it's the State's
18 position that Mr. Jenkins signed this statement as his --

19 THE COURT: Yeah. I understand. So you're not
20 taking the position that he wrote it?

21 MS. CORNWELL: I'm not taking that position. I'm
22 taking the position that he has adopted this statement as
23 his own and mailed it to me, based on the signature, which
24 is --

25 THE COURT: And I'm looking at his signature. I'm

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1 looking at three signatures of his right now. Okay. And
2 you believe they match?

3 MS. CORNWELL: Yes, Your Honor.

4 THE COURT: Okay. And you've got some case law on
5 that?

6 MS. CORNWELL: Yes, Your Honor.

7 THE COURT: And you're not going to be the
8 witnesses that introduces this?

9 MS. CORNWELL: No, Your Honor.

10 THE COURT: Okay. All right. I'll look at the
11 case law on it.

12 MR. FARLEY: Judge, can we just revisit this in
13 the morning?

14 THE COURT: Yeah. That'd be fine. I kind of want
15 to see some case law on it.

16 MR. FARLEY: I've actually got it printed but it's
17 in Summerville, so -- I didn't think we were bringing that
18 one in.

19 THE COURT: Okay. Okay.

20 What time in the trial are you thinking about putting
21 this in?

22 MS. CORNWELL: Through Sergeant Stokes so --
23 through Sergeant Stokes testimony?

24 THE COURT: How soon as he going to be doing
25 anything?

1 MS. CORNWELL: Not until at the earliest tomorrow
2 afternoon.

3 THE COURT: Okay. That'll be good. That'll give
4 us lunch time to hash this out.

5 THE COURT: Okay. Anything else? Anything else?

6 MS. CORNWELL: Can Investigator Stokes be excused
7 from the stand?

8 THE COURT: Ma'am?

9 MS. CORNWELL: Can Investigator --

10 THE COURT: Oh. You know, how nice of you to sit
11 up there so quietly. You know what I mean? I am really
12 impressed that you could sit that long and be that quiet.
13 All right. I'd have gotten you down a lot sooner if I -- I
14 got caught up in this. Thank you, sir.

15 THE WITNESS: Yes, sir.

16 THE COURT: Okay.

17 MR. FARLEY: I don't have anything further for
18 right now.

19 THE COURT: Okay. Anything further?

20 MS. CORNWELL: Your Honor, the only other issue we
21 may have to discuss, just in an abundance of caution -- and
22 it won't take place until probably Wednesday afternoon or
23 Thursday morning, Investigator Ketcherside is testifying in
24 regards to all of the crime scene reports, photos, evidence.
25 And Mr. Farley put in the sketch or showed Your Honor the

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1 sketch that he stayed LaToya Dickey drew. LaToya Dickey
2 actually did not draw that. Investigator Ketcherside did.
3 This was LaToya Dickey's very first case in which she was
4 serving as a crime scene investigator. She was a trainee at
5 the time. So Investigator Ketcherside, it's technically his
6 case. He did everything. He was present for everything and
7 supervising her in her capacity to train her as a criminal
8 investigator. So he is going to testify that while her name
9 is on the reports and while she is doing everything, he was
10 with her every step of the way and supervising her every
11 step of the way. And also was with her and assisted in
12 collecting all of the evidence in this case. Investigator
13 Dickey is no longer with the sheriff's office. She is no
14 longer in the state and the State has no intention of
15 putting her forward. However, it's going to be the State's
16 position, based on the testimony that Investigator
17 Ketcherside is going to give that he was the crime scene
18 investigator for that scene. She was serving as his trainee
19 and that is why he let her put her name into everything as
20 her first crime scene. That he was present. He collected
21 all of the evidence with her, took all the photographs with
22 her. He drew the sketches. He is the one that assisted in
23 sealing all the evidence and having it sent to SLED, placed
24 into evidence. And he can testify to all of that, that he
25 has personal, direct knowledge because he was also assisting

1 with all of that.

2 THE COURT: Okay. And I don't know -- and you
3 don't have to tell me right now if you're telling me it's
4 not going to be a problem. But if you're going to tell me
5 it is going to be a problem, we'll take it up.

6 MR. FARLEY: Well, I don't want to do it right now
7 --

8 THE COURT: Yeah.

9 MR. FARLEY: -- but I just want to point out that
10 eventually it is going to be a problem. So we need to get
11 that crime scene investigator's testimony under oath to
12 support what the Solicitor just said. And then we'll take
13 it from there.

14 THE COURT: Right. So we'll try and take that up
15 during the lunch break or something like that or after we've
16 let the jury go one afternoon or something like that, okay?

17 MS. CORNWELL: Thank you, Your Honor.

18 MR. FARLEY: I'm sorry. As I'm sitting here
19 thinking, there is one more thing. DNA evidence is going to
20 be coming in.

21 THE COURT: Uh-huh. (Affirmative response)

22 MR. FARLEY: We can take that up -- we'll take
23 that up certainly at that time. But there's going to be --
24 the way that my -- the DNA that comes back to my client was
25 initially found is he is currently serving -- he is in

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1 prison right now on completely unrelated charges. There was
2 a CODIS hit. Obviously, I'm sure the State has informed all
3 their witnesses that they're not allowed to talk about the
4 CODIS hit.

5 THE COURT: Right.

6 MR. FARLEY: And just wanted to make sure that
7 that is the case.

8 THE COURT: Is that correct?

9 MR. GIESE: I've informed Agent Andrews, but I'll
10 remind her before in that regard. But, yeah.

11 THE COURT: Okay. That's it?

12 MR. FARLEY: I think that's it.

13 THE COURT: Okay. All right. 9:00 in the
14 morning?

15 MS. CORNWELL: Yes, sir.

16 THE COURT: Okay. We'll see y'all at 9:00.

17 (Court in recess February 20, 2017
18 at 4:20 p.m.)
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(Court in session February 21, 2018

at 9:00 a.m.)

MR. FARLEY: So are we going to do this letter thing before we get the jury in here?

THE COURT: No, I think we're going to do that -- we're not putting the letter up this morning, right?

MR. GIESE: I don't think so.

THE COURT: And I'm anxious to hear the law on that?

(Off record discussion)

THE COURT: Mr. Giese, since you are here for the State, Court's Exhibit 1 is the foreperson. It is Juror No. 25 is the lucky winner. That'll be Court's 1.

(Court's Exhibit No. 1, jury note, is marked for ID)

THE COURT: Mr. Farley, did you get the list of the exhibits?

MR. FARLEY: Yes, sir, I did.

THE COURT: Okay. All right. Thank you, sir. All right. Ms. Cornwell, is the State ready?

MS. CORNWELL: We are, Your Honor.

THE COURT: Mr. Farley, is the Defense ready?

MR. FARLEY: Yes, sir.

THE COURT: Okay. If you'd bring the jury on out?

THE BAILIFF: Yes, Your Honor.

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1 THE COURT: Thank you, ma'am.

2 (Jury in at 9:00 a.m.)

3 THE COURT: All right. Congratulations on being
4 picked as the foreman.

5 All right. Ladies and gentlemen, I hope y'all had a
6 good evening. As I told you we were going to try and get
7 started early today and go through the trial in as timely a
8 fashion as we can. We're about to begin trying this case of
9 the State of South Carolina versus Treshawn Jenkins, who is
10 the Defendant in this case. This trial like all trials may
11 be different from what you might expect. Many people do not
12 have the chance to attend --

13 Wait a minute. You haven't sworn them yet, have you.

14 See, what Vee is supposed to do is remind me so I don't
15 get started. Because, you know, I told you I wanted to get
16 started hit the ground running. Okay. Well, now I've got --
17 -- before we can begin trying the case, I've got to swear
18 y'all -- y'all have got to be sworn in as the jury, okay?
19 So I need for y'all to stand and raise your right hand and
20 the clerk's going to swear you in.

21 (WHEREUPON, the jury was duly
22 sworn)

23 THE COURT: Thank you, ma'am. I appreciate.

24 And see, this is different than what you might expect.
25 You expect everybody to be organized, right? Okay.

1 Now, many people do not have a chance to attend actual
2 court sessions as you're doing now. And they think from
3 watching television or movies or reading books that trials
4 are always full of high drama, intense action and riveting
5 circumstances. While all of these things may be true at
6 times, this trial is not for entertainment. It is a
7 fundamental part of our democracy. It is a search for truth
8 in an effort to make sure that justice is done between the
9 parties before the Court.

10 Searching for the truth and making sure that justice is
11 done is often slow, deliberate, and repetitive. The
12 opposite of what you may have seen on television or in
13 movies or read in books. The courtroom is a place of honor
14 dedicated to the protection and preservation of citizens'
15 rights through what many have called the greatest justice
16 system ever created. The attorneys appearing before you are
17 advocates for the parties they represent, but first and
18 foremost they are Officers of this Court sworn to uphold the
19 integrity and fairness of our judicial system and to help
20 you in the search for truth. You will find them to be
21 professional, competent and ethical in the representation of
22 their client's interest.

23 Remember, you've taken an oath to try this case and
24 reach a true verdict. You are also expected to be
25 professional, reasonable and ethical. Now, the instructions

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1 that I give you now are intended to serve as an introduction
2 to the trial of this case. This is not a charge on the law.
3 I will instruct you on the law at the end of the trial
4 before you retire to consider your verdict. This is merely
5 an explanation of the procedure that we will follow in the
6 trial so that you may better understand what is happening.
7 The Defendant is charged by three indictments filed with
8 this court for the crimes of murder, attempted murder and
9 possession of a firearm or knife during the commission of a
10 violent crime. The elements of these crimes will be
11 explained to you later. These indictments are simply the
12 charge by which the case is brought into court. It is not
13 in any sense evidence of the allegations that it contain.
14 The Defendant has pled not guilty to these indictments. The
15 State, therefore, has the burden of proving each of the
16 elements of all three indictments beyond a reasonable doubt.

17 It will be your duty, ladies and gentlemen, to decide
18 whether the State has met that burden. Your duty, your
19 purpose as jurors is to find and determine the facts. You
20 are the sole judges of the facts. If, at any time I make
21 any comment regarding the facts, you must disregard it. You
22 are to determine the facts from the testimony you will hear
23 and other evidence introduced in court. It is up to you to
24 determine the inferences which you feel may properly be
25 drawn from this evidence. It is especially important that

1 you perform your duty of determining the facts diligently
2 and conscientiously because ordinarily there is no way to
3 correct an erroneous determination of the facts by a jury.

4 The same law that makes you the judges of the facts
5 makes me the judge of the law. The law as given by me is
6 the only law you may consider. You must accept and follow
7 it even though you may disagree with it. I cannot tell you
8 what the facts are and you cannot disagree with me about
9 what the law is or should be. Your job is to take the law
10 as I give it to you and apply it to the facts as you find
11 them from the testimony of the witnesses and any other
12 evidence that is introduced. After doing that, you will
13 render your verdict, a true verdict under the solemn oath
14 that you just took as jurors.

15 Until I advise you to begin your deliberations, you
16 must not discuss this case with anyone, including your
17 fellow jurors, friends, family members and anyone else.
18 This includes discussions face to face and those by
19 telephone, email, text, blogs or any other method of
20 communication. You may not use a computer, cellular phone
21 or other electronic device with communication capabilities
22 at any time while in the courtroom or during deliberations.
23 During your breaks for meals or overnight, you may use those
24 devices. However, you may not at any time use these devices
25 to get or send information about this case. This includes

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1 information about a party, a witness, an attorney or a court
2 officer. News accounts about the case, research on any
3 topics raised, any topics you think would be helpful in
4 deciding the case or any testimony by any witness. During
5 the trial do not read, listen to or watch any news reports
6 about this case. This includes anything that may be in
7 newspapers on the internet, radio, television or social
8 media. You must not consider anything you may have read or
9 heard about the case outside of this courtroom, whether
10 before or during the trial.

11 After the case is submitted to you, you must discuss it
12 only in the jury room with your fellow jurors. The
13 attorneys and parties in this case have been advised that
14 they're not to talk to you at all. So if you see anyone
15 involved in the case and they do not even say hello, they're
16 not being unfriendly, they're following my instructions. It
17 is important that you keep an open mind and not decide any
18 issue in this case until all of the evidence has been
19 presented, the parties have made their closing arguments and
20 I have instructed you on the law in the case. It is your
21 solemn responsibility to determine the guilt or innocence of
22 this Defendant and your verdict must be based solely on the
23 evidence as it is presented to you in this trial and on the
24 law as I instruct you during and at the close of the trial.
25 In just a moment the Solicitor will make what is called an

1 opening statement, in which the Solicitor will explain to
2 you the issues in the case or at least what the Solicitor
3 believes are the issues in the case. The attorney for the
4 Defendant may also make an opening statement, although he is
5 not required to do so. What the attorneys tell you during
6 their opening statements is not evidence. It is only their
7 contention as to what the issues are. The evidence in this
8 case will be presented to you by the testimony of sworn
9 witnesses from this witness stand right in front of me, and
10 by any exhibits that may be introduced into evidence.

11 From time to time during the trial the attorneys may
12 have a question of law to discuss with me or you may see
13 them approach the bench or sometimes I myself might find it
14 necessary to excuse you from the courtroom for a short while
15 so the attorneys and I can discuss a matter of law. You are
16 excused because you are the judges of the facts in this
17 case. And sometimes when I am discussing matters of law
18 with the attorneys, it may be necessary for me to make some
19 comment about the facts in connection with my ruling or
20 whether or not a particular law applies. In these
21 instances, I will excuse you from the courtroom while these
22 discussions take place so that you will not be influenced in
23 any way by anything that I might say or do in connection
24 with the facts.

25 In determining what the true facts are in this case,

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1 you must decide whether or not the testimony of a witness is
2 believable. It is my responsibility to rule as a matter of
3 law as to whether certain testimony is admissible, but once
4 the testimony is admitted whether or not you believe it is
5 solely for each of you to determine. In deciding whether to
6 believe a witness, you have the right to consider the
7 interest of any witness, the bias of any witness, the
8 prejudice of any witness, the opportunity for the witness to
9 have seen the matters and things about which the witness may
10 testify and the way the witness acts on the witness stand.
11 You have a right to consider anything that is in the record
12 that will help you evaluate the testimony of a witness.
13 That means it is your duty to pay close attention to these
14 witnesses. To observe them, to listen to them, and pay
15 close attention to the attorneys and the Court. Please do
16 let your thoughts wander but give complete attention to the
17 testimony in this case so that at the end of all the
18 testimony, after the arguments of counsel and my charge on
19 the law, you will then be in a position to determine what
20 the true facts are and apply the law to those facts and thus
21 render a true verdict.

22 Is the State ready to proceed?

23 MS. CORNWELL: We are, Your Honor.

24 MR. GIESE: May it please the Court, Your Honor?

25 THE COURT: Yes, sir. Mr. Giese.

1 STATE'S OPENING STATEMENT

2 BY MR. GIESE:

3 Mr. Farley. Good morning ladies and gentlemen? On
4 July 19th, 2016 Jacqueline Wright was hanging out with her
5 friends and family at her home in Eutawville on Craig
6 Street. Little did she know that this would be the last
7 moment she would spend with her family and friends that day,
8 because on that day Treshawn Jenkins took a semiautomatic
9 weapon and fired over twenty shots at her friends and
10 family, one of those shots striking and killing Ms. Wright.
11 And what the State's asking you to do this week is hold Mr.
12 Jenkins accountable for his actions that day.

13 We were introduced yesterday. My name is Phil Giese
14 and along with Ashley Cornwell we represent the State of
15 South Carolina in prosecuting Mr. Jenkins. Also at the
16 State's table is Detective Stokes of the Sheriff's Office.
17 He's the lead investigator on the case. I do want to point
18 out members of the victims family are on the front row. As
19 the Judge said, it's Mr. Jenkins' day in court today. It's
20 also their day in Court. But before I get into -- I'm going
21 to briefly go over the facts with you. Before I get into
22 that, there's a couple of points of law I would like to talk
23 about. At the end of the trial, Judge Dickson is going to
24 instruct you on the law, but I just want to give you a
25 little preview of what you need to be looking for this week

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1 with all the evidence and testimony to be presented. As
2 Judge Dickson said, Mr. Jenkins is charged with three
3 crimes, murder, attempted murder, and possession of a weapon
4 during a violent crime. The attempted murder charge, I
5 failed to mention this earlier -- Damian Shuler is also on
6 the front row. He is the victim of the attempted murder
7 charge. He was also struck that day by Mr. Jenkins. We'll
8 go into murder first. Murder in South Carolina is defined
9 as the killing of another person with malice aforethought.
10 The first part of that definition is very simple. It speaks
11 for itself, killing of another person. But the second part,
12 malice aforethought is what I want to address with you right
13 now. What is malice. There are a couple of definitions of
14 malice. It could be a conscious disregard for the safety of
15 another. It could also be conduct showing a malignant
16 heart, that consciously creates a high risk of death.
17 Malice aforethought is the intent to do serious bodily harm.
18 It has no time limit. It can happen at the blink of an eye
19 or the snap of a finger. It can be developed right before
20 you fire a weapon as Mr. Jenkins did, the State submits. So
21 that's murder in South Carolina.

22 As I said he's also charged with the attempted murder
23 of Damian Shuler. Obviously, Damian Shuler was also at that
24 cookout that day in Eutawville. Attempted murder in South
25 Carolina is when a person with intent to kill attempted to

1 kill another person with malice aforethought. The same
2 definitions of malice aforethought as I just mentioned, that
3 applies to attempted murder as well. And then last
4 possession of a weapon during the commission of a violent
5 crime. And that's very simply Mr. Jenkins possessing a
6 firearm while committing a violent crime.

7 In South Carolina murder and attempted murder are
8 violent crimes as defined by statute. The last point of law
9 I want to talk about is the burden of proof. You're going
10 to hear a lot about that this week. The State is required
11 to prove Mr. Jenkins guilty beyond a reasonable doubt. That
12 is the standard. That's a heavy burden but it's a burden
13 that we gladly accept in this case. Reasonable doubt does
14 not mean proof beyond all doubt or proof beyond any doubt.
15 It means reasonable doubt. It means any doubt that would
16 cause a reasonable person to hesitate to act. And Judge
17 Dickson's going to instruct you at the end of this trial
18 that if you are firmly convinced after seeing all the
19 testimony, looking at all the evidence, if you're firmly
20 convinced of Mr. Jenkins' guilty, then it is your duty to
21 find him guilty. So that's all the points of law I wanted
22 to address.

23 Now I'm going to go into a little bit of what you're
24 going to hear about this week, via testimony and what kind
25 of evidence you're going to see. As I mentioned, July 19th,

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1 2016 Jacqueline Wright, Damian Shuler, along with a whole
2 bunch of other family and friends are at their property on
3 Craig Street, which is a property that has multiple houses
4 on it, for a cookout. Around noontime that day, everybody's
5 hanging out in what they call the shack, which is basically
6 a screened-in porch looking building. It's a brick building
7 with screens all around it. They all hang out in there,
8 which they typically did for cookouts, for parties, for that
9 sort of thing when a black Buick pulls up. It kind of
10 slowly pulls up. It's kind of a long drive all the way back
11 to the shack. But it pulls up on the left side of the
12 shack. And that Buick is driven by a guy by the name of
13 Zaquan Taste and there are four other individuals in that
14 Buick. Mr. Taste is the driver. Matthew Brown, Dwendell
15 High, Frank Smoot and Treshawn Jenkins. Mr. Taste gets out
16 because he knows some of the individuals that are at the
17 shack. He gets out, comes inside the shack, says hey to
18 everybody. Daps everybody up and then leaves. He's only
19 there for a short period of time and hops back in his car
20 and appears to proceed to leave. Slowly backs out of the
21 driveway. As I mentioned, it's a long -- kind of long dirt
22 driveway when all of a sudden the back doors fly open and
23 over twenty shots are fired at the shack, at all the
24 individuals inside. One of those unfortunately striking Ms.
25 Wright in the head, killing her. And then one of those of

1 those striking Mr. Shuler. Those individuals hop back in
2 the car and speed away. An investigation ensues afer that.
3 Now, you're going to hear a whole lot of testimony this
4 week. You're going to hear from law enforcement about their
5 investigation. You're going to hear from some agents from
6 SLED, which is South Carolina Law Enforcement Divisions. We
7 found Mr. Jenkins' DNA at the scene -- at the scene. We're
8 also going to --

9 MR. FARLEY: Your Honor, objection to that last
10 statement. He's discussing facts not in evidence.

11 MR. GIESE: I can go into what I reasonably
12 foresee is going to be --

13 THE COURT: I'm going to note your objection on
14 the record. I'm going to let him -- if he --

15 MR. FARLEY: Thank you, Judge.

16 MR. GIESE: I'll move on, Your Honor.

17 THE COURT: But you need to get it in.

18 MR. GIESE: Yes, sir, okay.

19 THE COURT: Okay. All right. Thank you, sir.

20 OPENING STATEMENT CONTINUED

21 BY MR. GIESE:

22 You're also going to hear from Treshawn Jenkins himself
23 confessing to firing that semiautomatic weapon at the shack
24 and the individuals in the shack.

25 So what the State's asking you to do this week is take

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1 a look at all the testimony that's presented, okay? There's
2 going to be a whole host of witnesses that come up here and
3 testify about what happened that day and the ensuing
4 investigation. There's going to be physical exhibits that
5 you're going to look at to see that the State's going to
6 submit into evidence. And at the end of all of that, it's
7 going to be time for you to deliberate. And the State's
8 going to ask you that you use your common sense in
9 deliberating about this case. There's no training to become
10 a juror, okay? There's no specific training, but I submit
11 to you that you're training to become a juror every day of
12 your life by observing things in the community, at work, at
13 home, that sort of thing. So we just ask that you use your
14 common sense. And after all that, after seeing all of that,
15 the evidence and testimony, we're going to ask you to return
16 verdicts of guilty against Mr. Jenkins. Thank you.

17 THE COURT: Thank you, Mr. Giese.

18 Mr. Farley.

19 MR. FARLEY: Yes, sir. Thank you.

20 THE COURT: Yes, sir.

21 DEFENSE'S OPENING STATEMENT

22 BY MR. FARLEY:

23 Everyone, I'm Mitch Farley. We met a little bit on a
24 jury selection. I represent Treshawn on these charges. The
25 Solicitor went into some facts and the law and all of that.

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1 It's not the Solicitor's job to give you the law in the
2 case. It's the Judge's job and role to give you the law in
3 the case. So when you think about the law, I want you to
4 think about it as what he told you, not what he told you.
5 This is a tragic, tragic murder. No one -- we all feel
6 terrible for the victim. No one deserves to die certainly.
7 But a lot of times after trials I speak to jurors and I
8 listen to them and they say we just wanted to do justice for
9 the victim. Unfortunately, that's not your role here today.
10 Your role here today is to do justice for Mr. Jenkins.
11 Justice for the victim will happen at a later day and a
12 later time. Right now the justice is for Mr. Jenkins.

13 The Solicitor said that reasonable doubt, the standard
14 of proof, the burden of proof is going to come up a lot.
15 That's right. That's because he's concerned about it. He's
16 concerned that he's not going to make his burden of proof
17 and you'll see that once you see the evidence. Once you see
18 the evidence, you're going to realize he has not met his
19 burden of proof. He will not be able to prove Mr. Jenkins
20 guilty beyond all reasonable doubt like it's required by the
21 law. A lot of people I talk to ask me well, why do you
22 represent criminals? And the other one I get asked is how
23 much do you make. I've spoken in front of big audiences.
24 I've spoken in front of many a jury. But last Saturday I
25 got invited to speak in front of a Cub Scout Pack. I

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1 presume I get that honor because I'm an Eagle Scout. But
2 that's a tough crowd to speak in front of a bunch of Cub
3 Scouts. And I explained to them I don't represent
4 criminals. I represent you. If there were not defense
5 attorneys like me the police would be able to run right over
6 your civil rights. I kind of like it that the police just
7 can't bust down their door because they don't like what
8 you're doing, all right? I kind of like it that the police
9 can just pull you over just because they don't like what
10 you're doing. And I really like it that the State has to
11 prove you guilty. That's the way it should be. That's the
12 way the Founders set up our country over two hundred years
13 ago and that's the way it is today.

14 He went into a little bit of the facts. You're going
15 to see this. This is common sense. This is what everyone
16 expects. They're going to tailor the factors and shape the
17 facts that makes them look best. They really, really,
18 really want to convict somebody for this crime. They don't
19 care who it is. They just want to get that conviction. And
20 that's their job. Law enforcement's job is to solve crime.
21 The State's job is to prosecute crime. I'm not anti-cop. I
22 have a lot of friends that are police officers. When I went
23 to law school I didn't really know why I wanted to be a
24 lawyer or what of law I wanted to do, but as I went through
25 school I realized that I wanted to be a trial lawyer. I

1 wanted to get to speak to people about the law. I wanted to
2 defend people that are wrongly accused of crimes. And
3 that's why I'm doing what I do. Unfortunately, when I told
4 my dad what I was going to do, criminal defense, he kind of
5 looked at me and said okay. My father was a police officer
6 in the Air Force, a security policeman. My sister is a
7 federal agent right now. My Aunt and Uncle were both deputy
8 sheriff's in Chatham County, down in Savannah. And when I
9 told my dad what I was going to do, what field of law I
10 wanted to go into, I knew he was going to be mad at me. I
11 knew he wasn't going to like it too much. Well, why don't
12 you go and be a TV lawyer and sue people. That's not what I
13 wanted to do and that's not what he said to me. What he
14 said to me is -- and I get told this by many officers.
15 You're not out to get us. You're out to keep us honest.
16 That's my job. That's your job. Your job is to keep them
17 honest. Don't just give them what they want. Just don't
18 give them that conviction. Look at the proof that they
19 present to you and you weigh that and you see if they have
20 proven beyond all reasonable doubt.

21 Nothing's certain in this world. There's no way
22 anybody's going to, you know, convince you a hundred percent
23 certainty and that's not what we're asking to do. But that
24 bar is pretty high. That bar is really high. And they're
25 not going to be able to meet that bar. They're not going to

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1 be able to prove this case.

2 So like I started, no one, no one believes that murder
3 is acceptable in this community. We all live in this
4 community and murder is completely wrong. Attempted murder,
5 shooting at somebody, we all know that that's wrong and
6 using a firearm to do it? They're terrible crimes, but like
7 I say, your job is not to fight crime, that's their job.
8 Your job is to speak the truth. The Verdict comes from the
9 Latin that means to speak the truth. He went a little bit
10 into evidence. What he's not telling you -- what he hasn't
11 told you is not only has Mr. Jenkins been charged with this
12 crime, but four other people have been charged with this
13 crime. And four other people are not on trial today. Only
14 one person has told the Judge that he's not guilty. You're
15 going to hear from some of these co-defendants. He listed
16 them out. You're going to hear them likely testifying that
17 no, no, no, it wasn't me. It was somebody else. If a
18 person's charged with a crime and they're willing to
19 cooperate with the State you need to think twice about what
20 they're saying. Because I think you all know with the
21 common sense the Solicitor talked about that you're going to
22 do whatever you can to save your own skin. That's the
23 evidence of the case, save their own skin. The Solicitor
24 spoke about DNA evidence. Everybody thinks, oh, DNA
25 evidence is perfect. It is not perfect. The science

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1 between a piece of DNA and how it's analyzed is strong. I'm
2 not going to hide that. I'm not going to lie to that. But
3 that's just a scientist in a lab taking something and making
4 a report. Where did that DNA come from? How was it
5 collected? What are the circumstances? That's what you've
6 got to look at, not this expert up here's going to say I
7 analyzed the data. I got the data from the drop box at
8 SLED. This is what I got. He wasn't there at the time it
9 was collected. He wasn't there at the scene of the crime.
10 He don't know what happened before. You've got to take that
11 into account.

12 Ladies and gentlemen, too many times have I had clients
13 come to me and say Mr. Farley, I've got to prove myself
14 innocent. How can I do that. That's not their job. The
15 Judge read you these indictments, the charges that he's
16 charged with, all right? That's not evidence. The only
17 evidence that you will hear will be presented to the Court
18 and then to you. And once you get that evidence, once you
19 have a chance to look at it, once you have a chance to hear
20 these witnesses testify, once you have the chance to
21 determine which ones are lying and which ones are telling
22 the truth, once you hear everything, you'll have to go back
23 there in that jury room and you'll have to make a decision.
24 And the Judge is going to tell you that decision has to be
25 unanimous. That means everybody's got to agree to find him

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1 guilty or what's going to happen after you hear the evidence
2 is everyone's got to find that he is not guilty. The State
3 will not meet its burden. The evidence, the witnesses are
4 going to be deceitful, and like I said after hearing
5 everything, you will find the Defendant not guilty. Thank
6 you.

7 THE COURT: Thank you, Mr. Farley.

8 Is the State ready to call its first witness?

9 MS. CORNWELL: We are, Your Honor.

10 THE COURT: Okay. Ms. Cornwell.

11 MS. CORNWELL: The State would call Barbara
12 Lingard.

13 THE COURT: Barbara Lingard?

14 MS. CORNWELL: Yes, Your Honor.

15 THE COURT: Hey, Ms. Lingard. Ms. Lingard, if
16 you'd go right up there. And before you sit down, if you'd
17 stop and put your left hand on the Bible and raise your
18 right hand and the clerk's going to swear you in.

19 THE COURT: She's your witness.

20 MS. CORNWELL: Thank you, Your Honor.

21 (WHEREUPON, Barbara Lingard was
22 sworn to tell the truth.)

23 BARBARA LINGARD - DIRECT EXAMINATION

24 BY MS. CORNWELL:

25 Q Good morning, Ms. Lingard?

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1 A Good morning.

2 Q I appreciate you being here this morning. I know this
3 is going to be difficult for you. If you could just try to
4 speak as loudly and as clearly as you can. Sometimes it
5 helps if you look at the jury. That way they can kind of
6 hear and see what you're saying.

7 A All right.

8 Q Will you tell the jury why you're here today and what
9 your involvement is in this case?

10 A I'm here because my mother was murdered July 19th,
11 2016.

12 Q Okay. I'm going to put this up here. I'm going to
13 get you some water. I know this is going to be difficult.
14 If you can just bear with me. Now, Ms. Lingard where do you
15 live?

16 A I live at [REDACTED] Craig Street, Eutawville, South Carolina.

17 Q And were you at Craig Street in Eutawville on July 19th
18 of 2016?

19 A Yes, ma'am.

20 Q And can you please tell the jury what you remember
21 happening that day?

22 A I remember seeing -- Mr. Jenkins' mom was at my house
23 picking up her granddaughter, which is his niece. And I
24 remember us talking, you know, and we heard gunshots. So I
25 ran to the other side of my house and I look out the window

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1 and I seen a black car. And I seen people shooting towards
2 my mother and, you know, my uncle's house. And my boyfriend
3 came to the house to see were we okay. I went to the back
4 to see if everyone was okay. And that's when I found my
5 mama on the ground, dead.

6 Q When you said your boyfriend, what's his name?

7 A Tramel Benjamin.

8 Q And you mentioned that Treshawn Jenkins' mother was at
9 your house?

10 A Yes.

11 Q Do you know who Treshawn Jenkins is?

12 A I don't know him but I know his sister.

13 Q Would you know what he looked like if you saw him?

14 A No.

15 Q After you left your house and found your mother, was
16 law enforcement called to the scene?

17 A Yes.

18 Q And did you speak with law enforcement?

19 A I did like, you know, it was after they was trying to
20 process everything.

21 Q And other than speaking to law enforcement that day and
22 coming to Court, have you had any more involvement in this
23 case?

24 A No.

25 MS. CORNWELL: That would be all the questions we

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1 have, Your Honor.

2 THE COURT: All right. Mr. Farley, anything from
3 the Defense?

4 THE BAILIFF: (To witness) Hold on.

5 MR. FARLEY: Yes, sir. Thank you.

6 THE COURT: Oh, yeah. He's going to ask you --
7 Mr. Farley's going to ask you some questions too.

8 THE WITNESS: Oh.

9 MR. FARLEY: I'm sorry.

10 BARBARA LINGARD - CROSS-EXAMINATION

11 BY MR. FARLEY:

12 Q So I just want to clarify. You just said that the
13 Defendant's mother was at that house?

14 A My house, yes, sir.

15 Q And she was picking up?

16 A Her granddaughter, which is his niece.

17 Q Which is his niece?

18 A Yes.

19 MR. FARLEY: No further questions.

20 THE COURT: Anything on redirect?

21 MS. CORNWELL: No, Your Honor.

22 THE COURT: Thank you, Ms. Lingard. You may step
23 down.

24 Is the State ready to call its next witness?

25 MS. CORNWELL: We are, Your Honor. The State

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would call Damian Shuler.

(WHEREUPON, Damian Shuler was sworn
to tell the truth.)

DAMIÁN SHULER - DIRECT EXAMINATION

BY MS. CORNWELL:

Q Mr. Shuler, I know you told me you had a cold, so I'm going to give you that. Mr. Shuler, if you could, the same thing I asked Ms. Lingard, could you tell the jury why you're here today and what your involvement was?

A: Yes, ma'am. I'm here today because I was shot in an accident that happened because of Treshawn Jenkins.

Q Okay. And where were you when this incident occurred?

A I was outside sitting by the shack.

Q And was that at Craig Street.

A Yes, ma'am.

THE COURT: Can y'all hear him?

JURY: (Unanimous affirmative response)

THE COURT: Y'all can. Okay. I just wanted to make sure.

BY MS. CORNWELL:

Q And like I say, I know you're hoarse. If you could try to speak as loudly as you can. Tell the jury a little bit -- I mean, what was going on that day? What were y'all doing? Who all was there?

A We basically was just outside chilling, talking,

State v Jenkins Damian Shuler - Direct 2/21/18 160

1 getting ready to have a cookout.

2 Q Approximately how many people were at the cookout?

3 A I'd say about six or seven.

4 Q Okay. Can you remember some of the names of the people
5 that were there?

6 A Yes, ma'am. It was me, my cousin Tramel, my other
7 cousin Rico, my Uncle Tramel, Ms. Barbara. My other little
8 cousin Trey.

9 Q And while y'all were at the cookout what happened?

10 A We were just out chilling and all of a sudden I looked
11 back and seen the black car pulling up. And I asked my
12 uncle who is that? He didn't know who it was. I didn't
13 know who it was. So by the time they came by the shed, I
14 just seen one driver get out and it Zaquan Taste. I didn't
15 really know who he was but my people know who he was.

16 Q Okay. Had you seen Zaquan Taste before?

17 A No, ma'am.

18 Q All right. And after Mr. Taste got out of the car,
19 what did he do?

20 A He came dap everybody out, got back in the car, and on
21 the way pulling out, the next thing you know, I look back, I
22 seen doors fly open.

23 Q Which doors did you see fly open?

24 A Both back doors.

25 Q Okay. And after those doors opened up, what happened?

State v Jenkins Damian Shuler - Direct 2/21/18 161

1 A Shots just start flying. Me and my cousin ran.

2 Q Were you able to see or make anybody out, who was
3 firing shots?

4 A Not too much. I just glanced and just took off.

5 Q Did you see what kind of guns they were firing?

6 A Not really. All I know it was either woodgrain or
7 woodgrain barrel.

8 Q Okay. And when you took off running, where did you
9 run?

10 A I run towards the woods.

11 Q And who was running with you?

12 A My cousin Rico.

13 Q Are you aware of any arguments or disputes that Rico
14 may have gotten into with anybody prior to this incident?

15 A No, ma'am.

16 Q As you were running through the woods trying to get
17 away, what happened?

18 A Ain't too much that I know that happened because I was
19 on the run. So we basically got on the other side of the
20 woods and all I heard was somebody crying.

21 Q Okay. When you were running, did you feel anything?

22 A No, ma'am.

23 Q Did you suffer any injuries while you were running?

24 A No, ma'am, besides I found out I had got shot when I
25 got to the police station.

State v Jenkins Damian Shuler - Direct 2/21/18 162

1 Q And you said you got shot. Where did you get shot?

2 A In the left shoulder.

3 Q Can you show --

4 MS. CORNWELL: Your Honor, may he step down and
5 show the jury his scars?

6 THE COURT: Sure.

7 BY MS. CORNWELL:

8 Q If you don't mind stepping down and just step in front
9 of the jury here.

10 THE COURT: Okay.

11 A (Witness steps down)

12 BY MS. CORNWELL:

13 Q Okay. That's where the bullet went into your shoulder?

14 A Yes, ma'am.

15 THE COURT: Okay. So the record reflects that he
16 has some scaring -- it looks like scaring on his left
17 shoulder?

18 MS. CORNWELL: Yes, Your Honor.

19 THE COURT: Okay. All right.

20 A (Witness takes stand)

21 BY MS. CORNWELL:

22 Q And once you realized you were shot, did you go to the
23 hospital?

24 A Yes, ma'am.

25 Q And did you get treatment for your injury?

State v Jenkins Damian Shuler - Direct 2/21/18 163

1 A Yes, ma'am.

2 Q Were there any bullets or fragments found inside your
3 wound?

4 A No, ma'am. The bullet went through and came out.

5 Q Did you have an opportunity to speak to law enforcement
6 regarding getting shot?

7 A I think it was a detective in Charleston.

8 Q They came to the hospital and spoke with you?

9 A Yes, ma'am.

10 Q And other than that, have you spoken to anybody or
11 discussed this case with anybody else?

12 A No, ma'am.

13 Q The car that you saw, were you able to see how many
14 people were inside that car?

15 A No, ma'am.

16 Q When you were at the cookout, were there also some
17 females there?

18 A No, ma'am. They was already gone.

19 Q They were already gone?

20 A Yes, ma'am.

21 MS. CORNWELL: That'd be all the questions I have,
22 Your Honor.

23 THE COURT: Any questions of this witness Mr.
24 Farley?

25 MR. FARLEY: Yes, briefly, Judge.

State v Jenkins Damian Shuler - Cross 2/21/18 164

1 THE COURT: Okay. He's your witness.

2 DAMIAN SHULER - CROSS-EXAMINATION

3 BY MR. FARLEY:

4 Q You said that you have a cousin named Trey that was
5 there?

6 A Yes, sir.

7 Q Just another question, what is dap it up?

8 A A handshake.

9 Q Like a handshake?

10 A Yeah.

11 Q And then I think you testified that you were unable to
12 see who was shooting; isn't that right?

13 A Yes, sir.

14 Q But you were able to see that the barrel was made of
15 wood?

16 A Pretty much, yes.

17 MR. FARLEY: Thank you, Judge. No further
18 questions.

19 THE COURT: Anything on redirect?

20 MS. CORNWELL: No, Your Honor.

21 THE COURT: Thank you, Mr. Shuler. You may step
22 down.

23 Is the State ready to call its next witness?

24 MR. GIESE: Yes, Your Honor. The State calls
25 Johnny Elmore.

State v Jenkins Johnny Elmore - Direct 2/21/18 165

1 THE COURT: Mr. Elmore.

2 (WHEREUPON, Johnny Elmore was sworn
3 to tell the truth.)

4 JOHNNY ELMORE - DIRECT EXAMINATION

5 BY MR. GIESE:

6 Q Good morning, Mr. Elmore?

7 A Good morning.

8 Q Mr. Elmore, where do you live?

9 A [REDACTED] Craig Street.

10 Q Okay. And how long have you lived there?

11 A For about twelve years.

12 Q Okay. Is that near [REDACTED] Craig Street?

13 A Yes, sir.

14 Q Would you say that was on the same property as [REDACTED]
15 Craig Street?

16 A You can.

17 Q Who did you live with there?

18 A My mother.

19 Q Okay. And what's your mother's name?

20 A (Inaudible)

21 Q Okay. So were you living there in July of 2016?

22 A I was actually staying with my cousin Mel on [REDACTED]

23 Q Okay. And who's your cousin?

24 A Tramel Benjamin, Jr.

25 Q Do you have a nickname for him?

State v Jenkins Johnny Elmore - Direct 2/21/18 166

1 A Mel.

2 Q Mel? All right. So do you know why you're here?

3 A Yes, sir.

4 Q Do you remember an incident that happened on July 19th,
5 2016?

6 A Yes, sir.

7 Q What happened that day? What were you doing to start
8 the day?

9 A I was asleep before everything happened. And my
10 cousin, Tramel, Sr., came in the house was fussing at us
11 about Mel saying --

12 Q Okay, who is Tramel, Sr.?

13 A My other cousin.

14 Q Okay. And is he related to Tramel, Jr.?

15 A Yes, sir.

16 Q How is he related?

17 A That's his dad.

18 Q Okay. Continue?

19 A So we was just getting fussed about stuff that we was
20 doing around the house. So I woked up, went outside and we
21 was sitting outside and we was getting ready for the
22 cookout. We was in the shed. And as all of that was going
23 on, the black Buick pulled up slowly. And nobody knew who
24 it was until they got pulled up on the side. And that's
25 when the drive got out. And I knew who the driver was

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2/21/18

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1 because we went to school together.

2 Q And who was the driver?

3 A Zaquan Taste.

4 Q Okay.

5 A And he's actually my cousin so I knew him. So when he
6 got out everybody done been relieved because we knew who he
7 was. So he got out, he dap everybody up and then he
8 proceeded to leave. He got in his car. But he didn't leave
9 as soon as he got in his car. He sat there for about, I'd
10 say a good sixty seconds. And I was standing in front of
11 the car. Everybody was asking, like, what you about to do
12 for the rest of the day. But he just started to back out,
13 slow. So as I was walking back to the chicken shack, I stop
14 by the door. I didn't go all the way and I was just
15 standing in front of the door. So my other cousin, Damian
16 and Rico was standing on the other side of the chicken
17 shack. And as the car was pulling out, the car stopped and
18 the back doors opened. You could hear them say why they
19 opening up the back doors. So they took off running. The
20 shots started firing. So as they were shooting, I was
21 standing on the edge of the chicken shack where the was in.
22 I could see straight forward towards the car and I saw a
23 white shirt, a man with a gun. He had a bald head with a
24 beard. And as I was watching the shots for -- I'd say a
25 good millisecond, that's when my Uncle George ran out of the

State v Jenkins Johnny Elmore - Direct 2/21/18 168

1 chicken shack, pushed me. You know, he pushed me. I turned
2 around and that's when I ran toward the woods.

3 Q The bald man with the beard was that Mr. Taste?

4 A No, that was Treshawn.

5 THE COURT: Speak up.

6 Q I'm sorry. Who was the bald man with the beard?

7 A Treshawn.

8 Q Okay. Do you know him?

9 A I know -- I done heard of him. I don't know him
10 firsthand.

11 Q Who all was at the shack? First of all, can you
12 describe the shack for us?

13 A It's a square building with screen around it and it
14 didn't have no doors but it had two entrances you could go
15 through into it.

16 Q Okay. Would y'all hang out there from time to time?

17 A Yes, sir.

18 Q And that's near where you live, correct?

19 A Yes, sir.

20 Q Okay. Who all was in the shack or around the shack
21 when the shots were fired? Who can you remember that were
22 there?

23 A Me, my two cousins, Damian on the outside.

24 Q Damian Shuler?

25 A Yes, sir. Tramel Benjamin, Sr., Ms. Barbara. Our

State v Jenkins Johnny Elmore - Direct 2/21/18 169

1 cousin, was in there as well. And that's about it.

2 Q Okay. Was Jacqueline Wright there?

3 A Yes, ma'am.

4 Q Yes, sir?

5 A Yes, sir. I'm sorry.

6 Q Where was she?

7 A She was sitting -- as soon as you walked in there was a
8 chair right there as soon as you walked in and she was
9 sitting in the little plastic chair right there.

10 Q Okay. And so after the shooting happens, what do you
11 do?

12 A I came back through the woods after I heard everything
13 -- because once I got through the woods, they was still
14 shooting. And you could hear it stop for a brief second,
15 then they started back. So I backtracked through the woods,
16 came back through the back door of the house. And that's
17 when her son was sitting in the house. And we thought
18 everybody was okay. So we was talking about. So as we was
19 walking out the door going back to the shack, to make sure
20 everybody was okay, he walked in there first and he just
21 start crying, flipping out. So I walked in behind him, and
22 when I walked in behind him, as soon as I walked in, I
23 looked down and there where she was, laying in the ground.

24 Q Did she live there?

25 A Yes, sir.

State v Jenkins Johnny Elmore - Direct 2/21/18 170

1 Q Okay. What did you do at that point after you saw Ms.
2 Jacqueline?

3 A I called law enforcement.

4 Q Okay. Did you stick around at the scene?

5 A Yes, sir.

6 Q Did law enforcement arrive?

7 A Yes, sir.

8 Q Did you cooperate with them?

9 A Yes, sir.

10 Q Okay. Do you know a girl named Shy?

11 A Yes, sir.

12 Q Who is that?

13 A This girl I know from school.

14 Q Okay. And what school is that?

15 A (Inaudible)

16 Q Was she there when the shooting was going on?

17 A No, sir.

18 Q Had she been there earlier?

19 A Yes, sir.

20 Q About how long was she there?

21 A I'd say between twenty minutes before all that
22 happened.

23 Q She left twenty minutes before all that happened?

24 A Uh-huh. (Affirmative response)

25 Q How did she get home or how did she leave?

State v Jenkins Johnny Elmore - Direct 2/21/18 171

1 A We called a friend of her named Johnny.

2 Q Did Johnny come pick her up?

3 A Yes, sir.

4 Q Okay. When she was there, was she with anybody?

5 A Yes, sir.

6 Q Who was she with?

7 A One of her friends.

8 Q Do you know her name?

9 A I think her name was Keesha.

10 Q Okay. Before the shooting started -- well, let me ask
11 you this. You saw Mr. Taste get out of the vehicle and he
12 came to say hey to you, correct?

13 A Yes, sir.

14 Q Did you notice anyone else in the vehicle at that
15 point?

16 A No, sir. They had tinted windows.

17 Q So you thought it was just Mr. Taste?

18 A Yes, sir.

19 Q Were any threats made to Mr. Taste when he was out of
20 the vehicle?

21 A No, sir. Actually, I was the only one that he actually
22 verbally spoke to. He dapped everybody else up but when he
23 got out the car he came to me. And was like was Shy there?
24 And I was like, no. He just dapped everybody else up.

25 Q Okay. So at any point before the shooting started was

State v Jenkins Johnny Elmore - Direct 2/21/18 172

1 Mr. Taste or anyone in that vehicle threatened in any way?

2 A No, sir.

3 Q Did anyone pull out a weapon on those individuals?

4 A No, sir.

5 MR. GIESE: Give me one second, please, Your

6 Honor. I beg the Court's indulgence, Your Honor.

7 THE COURT: Yes, sir.

8 BY MR. GIESE:

9 Q Had Mr. Taste ever hung out there before?

10 A Yes, sir.

11 Q Okay. How many times, you think?

12 A I'd say maybe once.

13 Q Just once?

14 A Once or twice.

15 Q Okay. Are you aware of any beef between Rico and Mr.
16 Jenkins?

17 A No, sir.

18 MR. FARLEY: Objection. Speculation.

19 THE COURT: I'll let it go.

20 MR. GIESE: Nothing further, Your Honor. Thank
21 you.

22 THE COURT: All right. Mr. Farley, any questions
23 of this witness?

24 MR. FARLEY: Yes, sir. Thank you. Yes, Your
25 Honor.

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1 THE COURT: Yes, sir.

2 JOHNNY ELMORE - CROSS-EXAMINATION

3 BY MR. FARLEY:

4 Q So to your knowledge just about everybody knew your
5 cousin, Zaquan, that was there, right?

6 A Yes, sir.

7 Q And I think you just stated that nobody had a beef with
8 him, no one was --

9 A No, sir.

10 Q Do you remember on the day of the incident talking to
11 police officers?

12 A Yes, sir.

13 Q Do you remember making a statement to police officers?

14 A Yes, sir.

15 COURT REPORTER: This will be Defendant's 2.

16 (Defendant's Exhibit No. 2,
17 statement, was marked for ID)

18 BY MR. FARLEY:

19 Q Sorry about that. We have to get this document
20 stamped. We were talking about when you were there you made
21 a statement to police?

22 A Yes, sir.

23 Q And you made it right after that incident, correct?

24 A Yes, sir.

25 Q I'm going to show you what's been marked as Defendant's

State v Jenkins Johnny Elmore - Cross 2/21/18 174

1 2. If you would take a look at that? Do you remember --
2 have you seen that before?

3 A Yes, sir.

4 Q Can you tell the jury what that is?

5 A A statement from me.

6 Q A statement you wrote?

7 A Yes.

8 Q When did you write that statement?

9 A After the shooting.

10 Q About how long after the shooting?

11 A Let's see. Thirty minutes after they -- about thirty
12 to an hour after everything that could have got finished.

13 Q So it's your testimony that that is your statement that
14 you made to law enforcement?

15 A Yes, sir.

16 Q About half an hour after the incident?

17 A Yes, sir.

18 Q In that statement right after the incident, you tell
19 the police that you know Zaquan?

20 A Yes, sir.

21 Q But don't you also tell the officer that you saw the
22 back doors open?

23 A Yes, sir.

24 Q But you couldn't tell who it was?

25 A Yes, sir.

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1 Q Now, in court today, years later, you just testified
2 that you saw a bald-headed black man with a white tee shirt

3 --

4 A Yes, sir.

5 Q That you knew to be Treshawn Jenkins?

6 A Yes, sir.

7 MR. FARLEY: No further questions.

8 THE COURT: Anything on redirect?

9 MR. GIESE: Yes, sir. Briefly.

10 THE COURT: Okay.

11 JOHNNY ELMORE - REDIRECT EXAMINATION

12 BY MR. GIESE:

13 Q Mr. Elmore, the statement that Mr. Farley showed you,
14 is that the first statement you gave police?

15 A Yes, sir.

16 Q Did you ever give a verbal statement?

17 A Yes, sir. When I got to the -- when they came and got
18 me that night, the thing at Orangeburg.

19 Q Okay. The sheriff's office?

20 A Yeah. The sheriff's office.

21 Q Okay. I'm going to talk about this written statement
22 that Mr. Farley showed you. And you had mentioned, you said
23 I didn't know who was in the back?

24 A Yes, sir.

25 Q Was that -- did you not know who was in the back before

State v Jenkins Johnny Elmore - Recross 2/21/18 176

1 the shooting started?

2 A Yes, sir.

3 Q Like I asked you earlier, correct?

4 A Yes, sir.

5 Q But you knew who was in the back after the shooting
6 finished?

7 A Yes, sir. I saw the white shirt. Yes, sir.

8 Q Okay.

9 MR. GIESE: Thank you, Your Honor. Nothing
10 further.

11 THE COURT: Anything on recross?

12 MR. FARLEY: Yes, Your Honor.

13 JOHNNY ELMORE - RECROSS-EXAMINATION

14 BY MR. FARLEY:

15 Q So how long after you made that statement -- so thirty
16 minutes after the incident you made the statement?

17 A Yes, sir.

18 Q How long after that did you make the verbal statement?

19 A It was later on that night. I'd say around about 8:00
20 or 9:00 that night.

21 Q 8:00 or 9:00 that night?

22 A Yes, sir.

23 Q During that period of time, obviously you had time to
24 speak to friends and family?

25 A No, sir. We didn't get to speak to nobody.

State v Jenkins Johnny Elmore - Recross 2/21/18 177

1 Q So you didn't speak to anybody else that was at the
2 scene?

3 A Nobody but law enforcement. Nothing but law
4 enforcement.

5 Q All right. So you didn't talk -- you didn't call
6 anybody?

7 A No, sir.

8 Q You didn't text anybody?

9 A No, sir.

10 Q Well, where were y'all?

11 A We was outside together.

12 Q But not talking?

13 A Not about the situation.

14 MR. FARLEY: No further questions.

15 THE COURT: Okay. You may step down.

16 THE WITNESS: Thank you, sir.

17 THE COURT: Thank you, sir.

18 Is the State ready to call its next witness.

19 MR. GIESE: Yes, sir. Your Honor, may Mr. Elmore
20 be excused?

21 THE COURT: Any problems with Mr. Elmore being
22 excused?

23 MR. FARLEY: No, Your Honor. Yes, Your Honor, if
24 he could stay with us, please.

25 THE COURT: You want him to stay here?

State v Jenkins Tramel Benjamin, Sr - Direct 2/21/18 178

1 MR. FARLEY: Yes, sir.

2 THE COURT: Okay. All right. Mr. Elmore, you'll
3 need to stay here for a while. Okay. Thank you, sir. All
4 right.

5 MR. GIESE: The State calls Tramel Benjamin, Sr.

6 THE COURT: Tramel Benjamin, Sr.?

7 MR. GIESE: Yes, sir.

8 THE COURT: Mr. Benjamin, do you mind talking a
9 little louder? Can you talk louder?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay. Good. That'll help.

12 Okay. Mr. Giese.

13 MR. GIESE: Thank you, Your Honor. May it please
14 the Court?

15 THE COURT: Yes, sir.

16 (WHEREUPON, Tramel Benjamin, Sr.,
17 was sworn to tell the truth.)

18 TRAMEL BENJAMIN, SR. - DIRECT EXAMINATION

19 BY MR. GIESE:

20 Q Mr. Benjamin, how are you doing? Thanks for being
21 here. Where do you live?

22 A At [REDACTED] Craig Street, Eutawville.

23 Q Okay. How long have you lived there?

24 A I could say about twenty years.

25 Q Okay. Who lives there with you?

State v Jenkins Tramel Benjamin, Sr - Direct 2/21/18 179

1 A It's me, my kids, Barbara Lingard, my fiancé.

2 Q Okay. Were you living there back in July 2016?

3 A Yes, sir.

4 Q Were the same individuals living there?

5 A Yes, sir.

6 Q Okay. Can you kind of describe that property? I know
7 there's a lot of different homes on that property. Do you
8 mind describing that for the jury?

9 A Well, when you come in, it's my mother's house on the
10 left. It's my auntie house on the right. It's my
11 grandmother's house on the back where the shooting happened.
12 My brother house on the left with my house in front of his
13 house. My uncle house in the back and my son house in the
14 back.

15 Q Okay. So there's a lot of houses on that?

16 A Yeah.

17 Q There has been testimony about a place -- somewhere
18 called the shack. Can you describe what that is?

19 A It's a place where we hang out and just drink and have
20 fun.

21 Q Okay. What does it look like?

22 A It's a wooden building with screen around it.

23 Q Okay. On July 19th, of 2016, were y'all hanging out in
24 there?

25 A Yes, sir.

State v Jenkins Tramel Benjamin, Sr - Direct 2/21/18 180

1 Q What was the plan for that day?

2 A Well, it really wasn't no plan. When I got up, I went
3 back there and they was just about to have a cookout. So we
4 all was drinking and just talking and having fun.

5 Q Who all was there?

6 A It was me, my son, my nephew, my cousin --

7 Q And if you could, if you don't mind, can you identify
8 these people by their name?

9 A Well, it was me, Tramel Benjamin, Jr., Trey, my cousin
10 Damian, my cousin Cynthia Brown, Jacqueline Wright, my uncle
11 George Jenkins, and my cousin Rico and that was it.

12 Q Who is Jacqueline Wright in relation to you?

13 A That's my mother-in-law.

14 Q Your mother's aunt?

15 A My mother-in-law.

16 Q Mother-in-law?

17 A Yeah.

18 Q Okay. So at some point during that day does a black
19 Buick eventually pull up?

20 A Yes, sir.

21 Q What happens after that?

22 A Well, all I know we was sitting in there. We was
23 drinking and I was arguing with my son, fussing with them.
24 And then -- what's his name -- when the black car pulls up
25 everybody look like and was like, who's that? And he pulled

State v Jenkins Tramel Benjamin, Sr - Direct 2/21/18 181
1 on the side of the chicken shack.

2 Q Which side?

3 A the right-hand side.

4 Q Okay.

5 A So when he pulled on the side everybody looked. And
6 that when -- I can't recall his name --

7 Q Someone gets out? Does someone get out?

8 A Yes.

9 Q And what does he do?

10 A He got out and gave everybody a five and --

11 Q Had you ever seen him before?

12 A Yeah. I seen him. I seen him before. I mean, he used
13 to come there and they used to play basketball or whatever.

14 Q Okay. So what happens after he gets out and says hey
15 to everybody?

16 A He got back in the car and then he -- it was backing
17 out and then the doors opened and that's Jackie told me,
18 Jacqueline Wright she told me why they got their doors open?
19 So I just looked back and I was like, I ain't know. Then we
20 turn around and started talking. Then the next minute I
21 know, that's when shots was fired. So we all started to get
22 down. We all got it down. I thought everybody was safe and
23 then when the shots stopped, and then they started shooting
24 again. So everybody was running and, you know, scattering
25 out. And then the next thing I know, I walked back to the

State v Jenkins Tramel Benjamin, Sr - Direct 2/21/18 182

1 chicken shed and I saw my son laying there by the door. My
2 cousin ran passed me, Cynthia Brown. She tripped up over
3 the trash pile. So I asked her if she was shot? And she
4 was like, no, she wasn't shot. So we all was just talking
5 to make sure everybody was safe. So I thought everybody had
6 got out. And then my brother-in-law, he came he was saying,
7 where my mom? I was like, ain't she in the house. So we
8 went back in the chicken shack and then when we looked, we
9 looked from the ground and we went inside, she was laying by
10 the chair with a hole in her head. So that's when I -- I
11 got up and I went to get my fiancé to tell her that her mom
12 had got shot and her mom was dead.

13 Q Okay. Where were you when the shots were fired?

14 A I was inside of the chicken shed.

15 Q And you mentioned there were two separate firings. I
16 don't know how best to describe that. Were you in the shack
17 for both of those?

18 A Yes, sir.

19 Q And was Ms. Jacqueline in there too?

20 A Yes, sir.

21 Q What happened after you discovered Ms. Jacqueline?
22 What did you do next?

23 A Well, I told them to call 9-1-1.

24 Q Okay.

25 A And like that.

State v Jenkins Tramel Benjamin, Sr - Direct 2/21/18 183

1 Q Did law enforcement arrive?

2 A Yes.

3 Q Did you cooperate with law enforcement?

4 A Yes.

5 Q You mentioned the individual getting out and dapping up
6 everybody. Was he ever threatened?

7 A No, sir.

8 Q Did anyone ever pull a weapon on him?

9 A No, sir.

10 Q Were you aware of any disagreement or altercation
11 between Rico and Treshawn Jenkins?

12 A No, sir.

13 MR. GIESE: I beg the Court's indulgence.

14 BY MR. GIESE:

15 Q When you initially saw the Buick, did you notice if
16 anyone else was inside the car?

17 A No, sir, because they had dark tinted windows.

18 Q Okay. How long between the two sets of gunfire, do you
19 think?

20 A It wasn't that long. I mean, probably about ten
21 minutes right after.

22 Q So there's one reign of gunfire, correct?

23 A Yes, sir.

24 Q And then there's a break?

25 A And then there was another.

State v Jenkins Tramel Benjamin, Sr - Direct 2/21/18 184

1 Q And how long was the break in between?

2 A Probably about ten or twenty minutes between.

3 Q Between the two?

4 A Because it stopped and then it started again, just like
5 that.

6 Q Are you sure it wasn't ten or twenty seconds?

7 A About -- yeah, you could say that? I mean, everything
8 happened so fast. You know what I mean?

9 Q Okay.

10 MR. GIESE: Thank you, Your Honor. Nothing
11 further.

12 THE COURT: All right. Mr. Farley, any questions?

13 MR. FARLEY: No questions, Your Honor. He is free
14 to go unless he wants to sit with the other witnesses and
15 his family.

16 THE COURT: All right. Mr. Benjamin, you may step
17 down.

18 MR. FARLEY: And that's the same with Mr. Elmore.
19 Mr. Elmore can go if he doesn't want to sit with the rest of
20 the witnesses in the courtroom.

21 THE COURT: And Mr. Elmore, you're also relieved
22 of your subpoena. If you want to leave, as well, okay? And
23 you're welcome to stay.

24 Is the State ready to call its next witness?

25 MS. CORNWELL: We are, Your Honor.

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1 THE COURT: Will this be another short witness?

2 MS. CORNWELL: Yes, Your Honor.

3 THE COURT: Okay. All right.

4 MS. CORNWELL: The State calls Tramel Benjamin,
5 Jr.

6 (WHEREUPON, Tramel Benjamin, Jr.,
7 was sworn to tell the truth.)

8 TRAMEL BENJAMIN, JR. - DIRECT EXAMINATION

9 BY MS. CORNWELL:

10 Q I'm going to move this out of your way because you're
11 probably not as clumsy as I am, but I would end up knocking
12 this off.

13 Mr. Benjamin can you tell the jury -- we've heard a lot
14 -- but why are you here today?

15 A For the death of Jackie at the chicken shack.

16 Q Okay. Where are you currently living?

17 A I'm living in Santee, South Carolina now.

18 Q And in 2016, July 19th of 2016, to be specific, where
19 were you living at that time?

20 A [REDACTED] Craig Street.

21 Q Okay. And just very briefly, can you describe that
22 area?

23 A It's like a gated area. Like before you come in, it's
24 like two -- it's a gate. There's one way out. No way out.
25 You can basically say that.

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1 Q So it's a one-way in, one-way out?

2 A Yeah.

3 Q And towards the back of the property, what's back
4 there?

5 A My house.

6 Q And is there a hangout place back there as well?

7 A The chicken shack.

8 Q Tell the jury about the chicken shack. What do y'all
9 do back there? What does it look like?

10 A The chicken shack is just like a get together where
11 everybody get together and have cookouts and parties,
12 whatnot.

13 Q There's speakers, music, chairs?

14 A There's speakers, music, refrigerator.

15 Q A pretty cool spot to hang out when you're in your
16 twenties?

17 A Yeah.

18 Q The day that this happened, can you just tell the jury
19 from the beginning, from when you woke up that morning to
20 what happened that day?

21 A When I woke up that morning I basically was in my house
22 and they was saying -- well, Trey was telling me my dad was
23 calling me. So I woke up and I went outside to the chicken
24 shack. And there was me, Jackie and my dad in there talking
25 about having girls over there last night. And then before

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1 -- after that, that black Buick just pulled up.

2 Q Who were some of the girls that they were talking about
3 that were over?.

4 A A girl named Keisha (sp).

5 Q And at some point at the cookout, was there a girl
6 named Shy that came over as well?

7 A Yeah, she came with Keisha.

8 Q Okay. Was she there when the black Buick pulled up?

9 A No.

10 Q How had she left?

11 A Johnny, a friend named Johnny.

12 Q So he came and got her and took her?

13 A Uh-huh. (Affirmative response)

14 Q And prior to the black Buick driving up, about how many
15 minutes prior to that did she leave?

16 A Like -- it had been, I'd say about twenty, thirty
17 minutes.

18 Q Okay. And when the black Buick pulled up, where did it
19 pull up?

20 A On the left side of the chicken shack.

21 Q Did it park close to the chicken shack, did it park
22 kind of far away?

23 A It parked close.

24 Q Were you able to see who all was inside the car?

25 A No. When I was walking out, I was walking outside,

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1 that's when the Buick was pulling up. The only person I saw
2 that got out was Zaquan.

3 Q And was Zaquan driving the car?

4 A Yeah.

5 Q Do you know Zaquan?

6 A I know him from school, but I ain't never hang out with
7 him. I made a music with him, that's all.

8 Q Okay. So you've made some music with them before?

9 A Yeah. Just one time.

10 Q And was that at the Craig Street location?

11 A Uh-huh. (Affirmative response)

12 Q So Mr. Taste had been to Craig Street before?

13 A Uh-huh. (Affirmative response)

14 Q And when he got out -- I mean, did y'all have any beef?
15 I mean, had you ever had any fights or arguments with him?

16 A Nope.

17 Q What did he do -- I mean, did you speak to him or say
18 anything to him when he got?

19 A No, I ain't, I ain't got to see him. Like, I was
20 walking towards the chicken shack and he was dapping
21 everybody else. I ain't -- I just walked passed him.

22 Q About how long did Mr. Taste stay at the chicken shack?

23 A I say about thirty seconds. He didn't stay long.

24 Q So he went inside the chicken shack and then left?

25 A Uh-huh. (Affirmative response)

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1 Q And when he left the chicken shack, what did he do?

2 A Went back to the Buick.

3 Q And did he immediately get in the car and start driving
4 away?

5 A I don't know because I was with my dad.

6 Q Okay. About the girls?

7 A Yeah. Oh, yeah.

8 Q Okay. Well, what do you recall happening next?

9 A Jackie was sitting beside me and then I just heard
10 gunshots and like so I took a glimpse and like before I
11 could have took a glimpse a bullet drop in front of me so I
12 just got down. I just got down.

13 Q So when you heard the shots and took a glimpse, were
14 you able to see anything, see where the gunshots were coming
15 from?

16 A Yes.

17 Q Where were the gunshots coming from?

18 A From the top of the road from the black Buick.

19 Q Okay. Were you able to make out anybody that was
20 shooting?

21 A No. I only seen someone, a black person with a white
22 shirt and blue shorts.

23 Q And were you able to make out any of the weapons or
24 anything?

25 A Huh-uh. (Negative response)

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1 Q Okay. Approximately how many shots did you hear fired?

2 A I don't know. I got down. Like I heard shots. It'd
3 been like -- it'd been a lot. And then I got down. And
4 then it started again.

5 Q So there were two sets of shots?

6 A Yeah. It stopped and it started again.

7 Q Was it a long time between the sets of shots or was it
8 a real short time between sets of shots?

9 A A long time.

10 Q It felt like a long time?

11 A Yeah.

12 Q And after the shots were fired, what happened?

13 A After the shots were fired I got up and just started
14 running to the back of mom's, to see if every -- because
15 they may have been running back to mom's. So I was seeing
16 if they were mom's. They ain't even back there. They ran
17 to the woods, whatnot. So then I hear everybody in the
18 front, crying. So I went to the chicken shack. That when I
19 see Jackie right there dead. I ain't know she had got shot.
20 She was sitting right beside me.

21 Q And you said you saw Damian and them running back
22 towards where your house is?

23 A My house is.

24 Q Do you know who was running with Damian?

25 A Rico.

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1 Q Okay. And we heard Ms. Lingard speak about Mr. Jenkins
2 mom, that she was coming to pick up here grandchild. Do you
3 know Ms. Jenkins?

4 A Huh?

5 Q Do you know Ms. Jenkins that was at Ms. Lingard's
6 house?

7 A No. I didn't know she was over there at the time.

8 Q Do you know who she is?

9 A Yeah. I know who she is.

10 Q How do you know who she is?

11 A That's my baby mama, mama.

12 Q So you have a child -- how old is your child?

13 A One at the time, two.

14 Q And who is the mother of your child?

15 A Aubreanna Jenkins.

16 Q And is she related to the Defendant to your knowledge?

17 A Yes.

18 Q How are they related?

19 A Brother and sister.

20 Q And have you ever had any altercations with the
21 Defendant prior to this?

22 A No.

23 Q Have you and Aubreanna had problems prior to this?

24 A No.

25 Q So after this all occurred, after the shots were fired

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1 and everything, did law enforcement come to the scene?

2 A Yes.

3 Q And did you cooperate fully with law enforcement?

4 A Yes.

5 Q Did you tell them verbally when they came on scene what
6 all you saw?

7 A Yes.

8 Q And were you able to give them the name of the driver?

9 A Yes.

10 Q How long was law enforcement at the scene after all of
11 this happened?

12 A I'd say about two or three hours.

13 Q And after law enforcement left the scene --

14 A Yes.

15 Q -- did you go with law enforcement anywhere?

16 A Yes.

17 Q Where did you go?

18 A To the sheriff's office.

19 Q And did you give another statement at the sheriff's
20 department?

21 A Yes.

22 Q In between this time, did you talk to anybody on the
23 phone?

24 A Yes.

25 Q Who did you speak with?

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1 A Aubreanna.

2 Q And that's your baby's mama?

3 A (Nods head)

4 Q And what did y'all talk about on the phone?

5 MR. FARLEY: Objection. Hearsay.

6 MS. CORNWELL: He's allowed to say what his
7 conversation was.

8 THE COURT: Well, he can -- have you got Aubreanna
9 coming?

10 MS. CORNWELL: She's on our witness list.

11 THE COURT: Okay. All right. And --

12 BY MS. CORNWELL:

13 Q You don't have to say what Aubreanna said. What did
14 you ask Aubreanna when she called her?

15 A If she sent her brother and them back there.

16 Q Okay.

17 MR. FARLEY: I'm sorry. What did you say?

18 THE COURT: What he asked her. Would you repeat
19 what you asked her?

20 THE WITNESS: I asked her did she send her brother
21 and them back there.

22 BY MS. CORNWELL:

23 Q Okay. And did you inform law enforcement that you
24 asked her that question?

25 A Yes.

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1 Q So law enforcement knew that you had spoken to her as
2 well?

3 A Uh-huh. (Affirmative response)

4 Q When you were at the chicken shack and the black Buick
5 pulled up and Mr. Taste came out, did you ever hear anybody
6 threaten Mr. Taste?

7 A No.

8 Q Did you ever hear anybody pull a firearm on Mr. --

9 A No.

10 Q Did anybody at the cookout have firearms?

11 A No.

12 Q Did you ever hear anybody threaten anybody inside the
13 Buick?

14 A No.

15 Q Did you even see anybody go up to the Buick and see
16 anybody go up to the car or anything?

17 A No.

18 Q To your knowledge, did anybody at the cookout have any
19 problems with anybody or any fights with anybody?

20 A No.

21 Q And when Damian ran back in the woods, who was he
22 running with?

23 A Rico.

24 Q We talked about statements and I know that you gave two
25 written statements, I believe, correct?

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1 A Yes.

2 Q And those are statements that you gave after you had
3 talked to law enforcement and told them verbally what
4 happened?

5 A Yes.

6 Q So in written statements, are you writing down verbatim
7 everything you tell law enforcement or is that just kind of
8 quick synopsis of what you said?

9 A Of what I said --

10 Q And the written statements that you have, did you write
11 those statements or did somebody else write them for you?

12 A I write them.

13 Q Thank you, Mr. Benjamin. Please answer any questions
14 Defense counsel may have.

15 THE COURT: Mr. Farley, any questions for this
16 witness?

17 MR. FARLEY: Yes, sir.

18 THE COURT: He's your witness.

19 MR. FARLEY: Thank you.

20 TRAMEL BENJAMIN, JR. - CROSS-EXAMINATION

21 BY MR. FARLEY:

22 Q So the Defendant is your brother-in-law; is that
23 correct?

24 A Basically.

25 Q And y'all have never had any beefs or any problems; is

State v Jenkins Tramel Benjamin, Jr - Cross 2/21/18 196

1 that right?

2 A No, sir.

3 Q And there was a family member or friend at the cookout
4 named Trey; isn't that right?

5 A Yes, sir.

6 Q Now, correct me if I'm wrong, but I just heard you
7 testify that you didn't -- that obviously you're ducking. I
8 mean, it's got to be traumatic to be fired upon. But you
9 weren't able to see who was shooting but you were able to
10 see that they were wearing a white shirt and blue shorts?

11 A Yes, sir.

12 Q Why didn't you tell that to law enforcement the second
13 time you talked to them that night?

14 A (No response)

15 MR. FARLEY: May I approach the witness?

16 THE COURT: Yes, sir.

17 Q All right. I'm going to show you a couple of pieces of
18 paper. Will you take a look at that? Take your time.

19 A (Reviews document)

20 Q Do you know what that is?

21 A Uh-huh. (Affirmative response)

22 Q What is that?

23 A My statement.

24 Q Having looked at that statement do you remember not
25 being able to describe or not describing in that statement

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1 anyone with a white tee shirt and blue shorts?

2 A Yes, sir.

3 Q And certainly you weren't able to -- or you did not
4 identify your brother-in-law?

5 A Until they showed me the lineups.

6 Q Oh, until they showed me --

7 A From law enforcement.

8 Q So once they showed you the lineup you were able to
9 identify your brother-in-law?

10 A Yeah. In a picture.

11 Q So after the incident, which is obviously traumatic,
12 certainly you were talking to your friends and your family
13 members standing around you?

14 A Yes.

15 Q And you were calling friends and family members to let
16 them know what was going on?

17 A (Nods head)

18 Q You spoke to law enforcement?

19 A Yes.

20 Q Everyone was visibly upset, talking about what the
21 incident -- what they had seen?

22 A Yes, sir.

23 Q So you weren't isolated in a bubble. You weren't taken
24 inside for two hours and didn't talk and went radio silent;
25 isn't that correct?

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1 A Huh-uh. (Negative response)

2 MR. FARLEY: May I have a moment?

3 THE COURT: Sure.

4 MR. FARLEY: I have no further questions, Judge.

5 THE COURT: Thank you, sir. Anything on redirect?

6 MS. CORNWELL: Very briefly, Your Honor.

7 TRAMEL BENJAMIN, JR. - REDIRECT EXAMINATION

8 BY MS. CORNWELL:

9 Q So obviously you weren't in a bubble. You were able to
10 talk to others?

11 A Yeah.

12 Q Did you ever leave the scene at Craig Street before
13 going to the police station?

14 A Uh-uh. (Affirmative response)

15 Q So you were still with law enforcement that entire day?

16 A Yeah.

17 Q Until after you were at the police station?

18 A Yes.

19 MS. CORNWELL: That's all, Your Honor.

20 THE COURT: Anything on recross?

21 MR. FARLEY: No, sir.

22 THE COURT: All right. You may step down.

23 All right. We're going to take about a ten-minute
24 break. Y'all can stretch your legs and if you need to go to
25 the restroom, a hot cup coffee, whatever.. Remember -- whoa,

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1 whoa, whoa, whoa, whoa. I know y'all are anxious and I
2 appreciate y'all being anxious. Remember you cannot talk
3 about any of the testimony you've heard. You understand.

4 FOREMAN: Yes, sir.

5 THE COURT: Okay. Y'all go on back.

6 (Jury out at 10:50 a.m.)

7 THE COURT: All right. We're going to take about
8 a ten-minute break, stretching break.

9 (Court in recess for short break at
10 10:50 a.m.)

11 (Court in session after short break
12 at 11:04 a.m.)

13 THE COURT: Ms. Cornwell, is the State ready to
14 proceed?

15 MS. CORNWELL: We are, Your Honor.

16 THE COURT: Okay. Mr. Farley, is the Defense
17 ready?

18 MR. FARLEY: Yes, sir.

19 THE COURT: If you'd bring the jury on out.

20 THE BAILIFF: Yes, Your Honor.

21 THE COURT: Thank you, ma'am.

22 (Jury in at 11:04 a.m.)

23 THE COURT: All right. Ladies and gentlemen,
24 we're going to continue with the State's case. If you
25 cannot hear a witness like that, if you'll just kind of

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1 raise your hand like this, you know, so I can remind them to
2 speak up, any witness to speak up, I'd appreciate it, okay?
3 All right.

4 Is the State prepared to call its next witness?

5 MS. CORNWELL: We are, Your Honor.

6 THE COURT: Okay.

7 MS. CORNWELL: The State calls George Jenkins.

8 THE COURT: All right. Mr. Jenkins.

9 All right. And Mr. Jenkins, if you'd speak up. And if
10 you see anybody in the jury panel raise their hand, that
11 means you're not talking loud enough.

12 THE WITNESS: Okay.

13 THE COURT: Okay. I know you can talk loud.

14 THE WITNESS: Got you.

15 THE COURT: Okay. A little bit louder than that.

16 (WHEREUPON, George Jenkins was
17 sworn to tell the truth.)

18 GEORGE JENKINS - DIRECT EXAMINATION

19 BY MS. CORNWELL:

20 Q All right. Mr. Jenkins, I appreciate your being here.
21 Can you tell the jury where you live?

22 A [REDACTED] Craig Street.

23 Q Okay. How long have you lived there?

24 A Oh, about twenty-two years.

25 Q Now, [REDACTED] Craig Street, is that in the same -- on the

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1 same property as [REDACTED] [REDACTED]

2 A Yes.

3 Q You're in one of those houses that Mr. Benjamin, Sr.,
4 talked about?

5 A Yes, that's my yard.

6 Q Are you related to Mr. Benjamin, Sr.?

7 A Yeah, That's my nephew.

8 Q That's your nephew? All right. Now, which house is
9 your house on that property?

10 A The same yard as the chicken shack in.

11 Q So you're towards the back of the property?

12 A Yeah.

13 Q All right. And that chicken shack is on your property?

14 A Yes.

15 Q Can you describe the shack?

16 A It's tin to the bottom, board come up around there and
17 the screen come up around the rest, and the top is tin.

18 Q Did you build that?

19 A Yes.

20 Q Was it originally a chicken coop or is it always --

21 A No, it was originally built for my mother's birthday.

22 Q Oh, okay. So just a hangout place?

23 A Yep.

24 Q All right. And do you recall July 19th, 2016 hanging
25 out there?

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1 A Yes.

2 Q Can you tell the jury what was going on that day?

3 A Well, I just came out from cutting grass and I was in
4 the house taking a shower. When I came out, I didn't see
5 the car. So they got up and said what that car doing
6 slowing down out in the driveway. And I told them ain't
7 know what car it is because I ain't seen no car, because I
8 just came out to get me a cigarette after I took me a
9 shower. And on the way back out, I hear gunfire. So Trey
10 was standing up in the doorway, so I push him to the side
11 and run around the back of the house.

12 Q Okay. So you were inside when the car actually pulled
13 up the first time?

14 A No, I was not. I was in the house taking a shower?

15 Q No, I'm sorry. You were inside when the car pulled up?

16 A Yeah.

17 Q So you never saw the car pull up, never saw anybody get
18 out of the car?

19 A No.

20 Q Did you see the car as it was stopped at the driveway?

21 A That's when I saw it.

22 Q Okay. Can you tell the jury what the car looked like?

23 A A black Buick.

24 Q Okay. And when you saw the car at the driveway, did
25 you see anybody jump out of the car or anybody do anything?

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1 A No, because I was getting ready to go back out the door
2 and then Trey was standing in front of the door. Then I
3 heard the gunshot, then that's when I knocked Trey to the
4 side and run around the back of the house.

5 Q About how many gunshots did you hear?

6 A I forgot to count.

7 Q Okay. Was it one or two or was it a lot?

8 A It was a lot.

9 Q How many sets of gunshots did you hear?

10 A Well, when I first run around the house, they was
11 shooting, then it stopped for a few seconds, then it start
12 back again.

13 Q Okay. And after the shooting happened, what did you
14 do?

15 A I came from back from around the house and we all came
16 back in front of the chicken shack. And we was saying where
17 was Jackie at and everything. And Denard came and said I
18 bet you my mama in the house hollering now for me right now.
19 And we was laughing then. He walked inside. That's when he
20 found his mother laying on the concrete floor.

21 Q So Jackie Wright is Denard Reeves mother?

22 A Yes.

23 Q And once y'all found Ms. Wright, was law enforcement
24 called?

25 A Yeah.

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1 Q At any time when you came out of your house and saw the
2 Buick up the drive a little bit, did you ever see anybody
3 from the cookout pull a firearm or shoot at the car?

4 A No.

5 Q Did you ever hear anybody threaten anybody or was there
6 any fighting or yelling going on?

7 A No, because I ain't even know they was there.

8 Q And once law enforcement arrived on the scene, did you
9 stay on scene and cooperate with law enforcement?

10 A Yeah.

11 Q And did you tell them what you saw?

12 A Yep.

13 Q Did you have to go back to the police station that
14 night?

15 A No.

16 Q Did you ever give a written statement in this case?

17 A No.

18 Q Thank you, Mr. Jenkins. That's all the questions I
19 have.

20 A You're welcome.

21 THE COURT: Anything on cross?

22 MR. FARLEY: No, Your Honor.

23 THE COURT: You may step down. Thank you, sir.

24 Is the State prepared to call its next witness?

25 MS. CORNWELL: We are, Your Honor. The State

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1 would call Denard Reeves.

2 THE COURT: Okay.

3 (WHEREUPON, Denard Reeves was sworn
4 to tell the truth.)

5 DENARD REEVES - DIRECT EXAMINATION

6 BY MS. CORNWELL:

7 Q Okay, Mr. Reeves, can you tell the jury why you're here
8 today?

9 A For the murder of my mother.

10 Q And who is your mother?

11 A Jacqueline Wright.

12 Q And July 19th of 2016, where were you living at that
13 time?

14 A [REDACTED] -- at [REDACTED]

15 Q Is that Craig Street?

16 A Yeah, Craig Street.

17 Q So you were kind of staying at a couple of different
18 places on the property?

19 A Yeah. Because it's a family, you know.

20 Q Sure. And on that day on July 19th, 2016, tell the
21 jury from the time you woke up that morning, what happened
22 that morning?

23 A Well, Mel was fussing at everyone about -- basically,
24 he was just schooling us about certain things. And, you
25 know, us being young didn't want to hear it. And my

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1 mother's always in the amen corner. So she always amen,
2 amen, amen. So nobody wanted to hear that. So I went
3 inside the house I was staying in. And I realized I left my
4 grill on, which I can't. So it was just, just, you know,
5 shots start ringing and I'm in the house and I look outside.
6 It was so lit up that you couldn't really see what was what.
7 So that's when they -- when I guess they reload or whatever,
8 the second go round. That's when my break through to go out
9 there and -- because there was so much gunfire when I open
10 the door, the door shut back. But, you know, it was still
11 gunfire. So I went out there to try to see who all was out
12 there, to see if I could see who was shooting to be honest.
13 And I got a chance to see them.

14 Q Okay. And when we're talking about inside/outside, are
15 you talking about inside the shack?

16 A No, I was inside a mobile trailer.

17 Q A mobile trailer?

18 A I went to the shack.

19 Q Okay. And the mobile trailer that you went into, was
20 it the one right there at the back of the property, right
21 next to the shack?

22 A No, it was -- basically, yeah. Basically, yeah.

23 Q So you had a good view of everything that was going on?

24 A Yes, ma'am.

25 Q And when you were out there and y'all were fussing, did

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1 you ever see the car drive up?

2 A Yeah, I saw the car drive up.

3 Q Okay. And where did the car drive up?

4 A It depends on how you facing towards the chicken shack.

5 If you're inside it, it's like right by the entrance. So if

6 he was where we was he saw whoever was there, whatever.

7 They saw everything so they just -- they still decided to do

8 what they wanted to do.

9 Q Okay. So when the Buick first drove up, it was right

10 next to the shack?

11 A Yeah. Yes.

12 Q Was it next to the shack when the shooting happened?

13 A No, it wasn't.

14 Q Where was it when the shooting happened?

15 A It was in front of the shack.

16 Q Okay. Did you see the driver when he got out of the

17 car?

18 A Yes.

19 Q And did you know the driver?

20 A Yes.

21 Q Who was the driver?

22 A Zaquan Taste.

23 Q Okay. Had you known him before this incident?

24 A Yeah. We met.

25 Q So y'all were friends?

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1 A Uh-huh. (Affirmative response)

2 Q Did you have any trouble with him, any beef with him?

3 A Not at all.

4 Q All right. Were you able to see inside the Buick when
5 it first pulled up to see how many people were inside of it?

6 A No, not then.

7 Q All right. And you said you went back inside the house
8 and that's when you heard the gunshots?

9 A Yes, ma'am.

10 Q And when you heard the gunshots, did you look out of a
11 window? Did you look out of a door? How --

12 A Yeah, I was looking out the door and the door shut back
13 on me.

14 Q All right. Tell the jury exactly what you saw when you
15 looked out?

16 A When I looked out the door, it was like, it was a lot
17 of gunfire so I really couldn't too much see, you know. So
18 I kind of went -- when I went out there, everybody either
19 laying down or like -- if you'd have came out there you
20 would have thought everybody was already dead. So I was
21 just like wow, why am I not getting hit. I could see Trey
22 with no remorse just shooting his gun.

23 Q And you say Trey, are you referring to the Defendant
24 sitting --

25 A Uh-huh. (Affirmative response) the Defendant.

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1 Q And did you know him prior to this?

2 A No, ma'am.

3 Q Did you know of him?

4 A I knew of him.

5 Q Okay. Had you seen him?

6 A Around.

7 Q You'd seen him around. Are you aware of him having any
8 problems with anybody that was at the cookout prior to this?

9 A No, because everybody that was at that cookout, they
10 have a club called the Brass Elephant. And everybody been
11 in that same environment before the incident even happened.

12 Q Are you a part of the Brass Elephant?

13 A It's a club. Everybody go to it.

14 Q Okay. All right. So people in your group knew people
15 in his group?

16 A Uh-huh. (Affirmative response)

17 Q Okay. When you saw Mr. Jenkins shooting, were you able
18 to see what kind of gun he had?

19 A Yes.

20 Q What kind of gun was it?

21 A Like an assault rifle. I know it was a machine gun.

22 Q Did you get to see what colors it was or anything?

23 A It had the woodgrain and had the clip hanging out on
24 it.

25 Q Approximately how many shots did you hear fired?

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1 A Just shots.

2 Q Was it a few shots or a lot of shots?

3 A It was over -- it was over thirty.

4 Q Okay. And were those all in one succession of shots or
5 was there -- I think you said there was a break between
6 shots?

7 A Yeah. It was a break. It was a break.

8 Q How long was that break between shots?

9 A Enough to breathe. That's it.

10 Q And when you walked outside after the second shots were
11 fired, what did you see?

12 A After I walked outside the second time, it was just --
13 they didn't speed off afterwards. They just drove off.

14 Q Were they driving slow? Fast?

15 A Yeah, they just -- yeah, they kind of just medium drove
16 off because it's a lot of bumps so you'll tear your car up
17 if you come back there all willy nilly like the officers
18 did, yeah.

19 Q And when you walked outside after the shots, did you
20 see your mom?

21 A Yes.

22 Q Was she inside the shack or outside?

23 A Inside.

24 Q And I'm sorry that you have to answer those questions.
25 I know that those are hard. After you found your mom, did

State v Jenkins Denard Reeves - Direct 2/21/18 211

1 you check on her, did you touch her?

2 A I sat -- I just sat there.

3 Q Okay. All right. So you didn't move her too far from
4 anything?

5 A I didn't touch her.

6 Q Okay. All right. Was law enforcement called out to
7 the scene?

8 A Eventually.

9 Q And when law enforcement arrived, did you speak with
10 law enforcement?

11 A Eventually.

12 Q And told them what you saw?

13 A That's right.

14 Q And at some point were you able to give them Trey's
15 name?

16 A Yes, ma'am.

17 Q Did you know his full name at the time?

18 A Somewhat.

19 Q What is the name that you gave law enforcement?

20 A Trey Jenkins.

21 Q And based on that, a little while later, did they ever
22 show you a photo lineup?

23 A It was.

24 Q And I'm going to show you what's been marked as State's
25 Exhibit 1. Do you recognize this?

State v Jenkins Denard Reeves - Direct 2/21/18 212

1 A Yes, ma'am, I do.

2 Q And what is that?

3 A That's the lineup.

4 Q And is this a true and accurate copy of the lineup they
5 showed you at the scene that day?

6 A That's exactly it.

7 Q Okay. And there's some writing on that. Can you tell
8 me what that writing is?

9 A My initials circled around with the date and time.

10 Q And who did you circle in this photo lineup?

11 A Trey Jenkins.

12 Q And how did you identify Mr. Jenkins?

13 A Because I saw him shooting.

14 Q And did you tell that to law enforcement?

15 A Yes, I did.

16 Q After you circled and initialed and the date and time,
17 did they also have you write a statement about the photo
18 lineup?

19 A The reason why it's like that because they asked me
20 what was going on and then I agreed to write a statement and
21 that's how I wrote it out.

22 Q Okay. And in this you identify number four. Can you
23 tell us how you identified number four?

24 A He hopped out the car and started shooting.

25 Q Okay. And did you write that statement or did somebody

State v Jenkins Denard Reeves - Direct 2/21/18 213

1 write that?

2 A No, I wrote that.

3 Q Okay. And is that your signature?

4 A Yes, ma'am, it is.

5 Q And is this a true and accurate copy of the affidavit
6 that you filled out that day?

7 A Yes, ma'am.

8 Q Did you fill this out at the police station or on the
9 scene?

10 A On the scene.

11 MS. CORNWELL: Your Honor, at this time the State
12 would move State's Exhibit 1 into evidence.

13 MR. FARLEY: No objection, Your Honor.

14 THE COURT: Okay.

15 MR. FARLEY: At this time.

16 THE COURT: Okay. State's 1 is in without
17 objection.

18 (State's Exhibit No. 1, photo
19 lineup, was marked and entered.)

20 MS. CORNWELL: And may I publish to the jury?

21 THE COURT: You may.

22 BY MS. CORNWELL:

23 Q So the person that you saw shooting the semiautomatic
24 gun was number four?

25 A Yes, ma'am.

State v Jenkins Denard Reeves - Direct 2/21/18 214

1 Q And you identified as who?

2 A Trey Jenkins.

3 Q And were you also to identify and tell law enforcement
4 who the driver was that day?

5 A Yes, ma'am.

6 Q Were there any other names that you knew of or saw that
7 you were able to give law enforcement that day?

8 A Not to my knowledge.

9 Q Okay. All right. Did you also give a written
10 statement that day?

11 A Yes, ma'am, I did.

12 Q And in that statement you had mentioned the driver and
13 him coming up. Did you hear the driver say anything or ask
14 for anybody when he got out?

15 A No, ma'am.

16 Q I'm going to show you your statement and I'm going to
17 give you a chance to refresh your recollection because I
18 know it's been a little while.

19 A (Reviews statement) Yeah.

20 Q And in writing that statement, was that statement
21 written after you verbally spoke to law enforcement?

22 A Yes, ma'am.

23 Q So when you wrote that statement, were you writing
24 verbatim word for word what you told law enforcement or were
25 you summarizing what you told law enforcement?

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1 A I wrote down what happened.

2 Q Okay. And in that statement you mention Shy. Was Shy
3 at the cookout that day?

4 A Ma'am?

5 Q You mentioned Shy in your statement. Was Shy at the
6 cookout that day?

7 A She wasn't at the cookout itself, she was present
8 though.

9 Q Okay. When this incident happened, was she still
10 there?

11 A No, ma'am.

12 Q How long before this happened had she left?

13 A I had just started the grill before the grilling and
14 she left so it was like -- they probably passed each other
15 so it was probably twenty minutes, fifteen, twenty minutes.

16 Q Okay. And in your statement you also happened in
17 Winter of 2016.

18 MR. FARLEY: Objection, Your Honor. May we
19 approach?

20 THE COURT: You may.

21 (Off the record bench conference with counsel and the
22 Court.)

23 BY MS. CORNWELL:

24 Q In your statement you talk about something happening in
25 the Winter of 2016. Is that something that you have

State v Jenkins Denard Reeves - Direct 2/21/18 216

1 personal knowledge of?

2 A Yes, ma'am.

3 Q And what is that that was in the Winter of 2016?

4 MR. FARLEY: Objection, Your Honor. Hearsay.

5 THE COURT: He needs to explain how he has
6 personal knowledge of it. Was he involved in it or what?

7 BY MS. CORNWELL:

8 Q How do you have personal knowledge? Were you present?

9 A Aware, I was aware of it.

10 Q Were you present when it happened?

11 A No, ma'am.

12 Q So the only way you have personal knowledge is you've
13 heard of it?

14 A Uh-huh. (Affirmative response)

15 Q Okay. Well, we won't go into that then. But when you
16 identified Treshawn Jenkins in your written statement, is
17 that who you were referring to?

18 A As far as the shooter?

19 Q Yes?.

20 A Yes, ma'am.

21 Q That's all the questions I have. Thank you.

22 THE COURT: Anything on cross?

23 MR. FARLEY: Yes, Judge.

24 THE COURT: He's your witness, Mr. Farley.

25 MR. FARLEY: Thank you.

State v Jenkins Denard Reeves - Cross

2/21/18

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1 DENARD REEVES - CROSS-EXAMINATION

2 BY MR. FARLEY:

3 Q First of all, I'm sorry that you have to be here today,
4 especially under these circumstances but I've got to ask a
5 couple of questions. Did you know Treshawn before?

6 A I knew of him.

7 Q Had you hung out with him before?

8 A No.

9 Q When you say you knew of him, you could pick him out of
10 a lineup if someone said hey, that's Trey Jenkins?

11 A Yeah.

12 Q So the Solicitor was just referencing a statement that
13 you made to police. The incident happened twelve-ish,
14 around the middle part of the day. And you made that
15 statement at 2:09 in the afternoon; is that right?

16 A Yeah, that's right.

17 Q And at the time you made that statement, you did not
18 identify Treshawn in that statement, did you?

19 A As far as his name?

20 Q Yeah. As far as his name?

21 A No, I did not state his name.

22 Q But you did talk about that you saw two shooters?

23 A Yes.

24 Q When the police came with you at the name Treshawn and
25 handed you the lineup, obviously --

1 A I went to the officer with the name.

2 Q Oh, you went to the officer with the name?

3 A Yes.

4 Q You didn't put that in your statement

5 A No, I didn't put it in my statement.

6 Q So we talked a little bit about how the statement came
7 about. So basically, you talked to the police?

8 A Yes, sir.

9 Q And then they talked to you --

10 A Yes.

11 Q -- asked questions and things like that?

12 A Yes, sir.

13 Q And then you and the police came to an agreement about
14 writing this statement; is that right?

15 A Yes, sir. Because they couldn't get me right at the
16 moment because I was mourning.

17 Q But you did -- you did come up in agreement and talk to
18 the police?

19 A Yes.

20 Q And, you know, put down --

21 A Yes.

22 Q Obviously, while you're there your whole family was
23 talking to each other, shook up about what was going on?

24 A No, I went under a vow of silence. I didn't speak to
25 nobody the whole day.

State v Jenkins Denard Reeves - Cross 2/21/18 219

1 Q You didn't speak to a single person the whole day?

2 A No, but the officers because I was forced to be put
3 under because I had to say what I saw.

4 Q Did you speak to anybody the next day?

5 A Of course.

6 Q Have you spoken to anybody --

7 A Not about this?

8 Q I'm sorry?

9 A Not about this.

10 Q So you haven't talked about this case, this trial or
11 anything --

12 A No, sir.

13 Q You've never spoken to the Solicitor's office?

14 A No, sir.

15 Q You've never spoken to the Solicitor's office?

16 A Like when it happened?

17 Q Yeah.

18 A Of course.

19 Q Right. But between here -- between this terrible
20 incident --

21 A Yeah. Yeah.

22 Q -- and now, have you spoken to the Solicitor's office?

23 A Yes.

24 MR. FARLEY: May I have just a moment, Your Honor.

25 THE COURT: Sure.

State v Jenkins Denard Reeves - Redirect 2/21/18 220

1 MR. FARLEY: I don't have anything further of this
2 witness.

3 THE COURT: Anything on redirect?

4 MS. CORNWELL: Briefly, Your Honor.

5 DENARD REEVES - REDIRECT EXAMINATION

6 BY MS. CORNWELL:

7 Q You mentioned, and it was mentioned in your statement,
8 you actually did see two people shooting?

9 A Yes, sir [sic].

10 Q And the second shooter, were you able to see what type
11 of firearm he had?

12 A Like a -- either a -- I think it was most likely was a
13 handgun.

14 Q So it was not a big gun like you saw Mr. Jenkins shoot?

15 A No. No, ma'am.

16 Q The person with the handgun, did you know him? Were
17 you able to identify him?

18 A Yeah.

19 Q And who was he?

20 A Dwendell.

21 Q All right. And how did you know him?

22 A Because all of them kind of got their little group
23 together.

24 Q All right. And are you aware that other people have
25 been charged in this incident?

State v Jenkins Denard Reeves - Recross 2/21/18 221

1 A Yes, ma'am, I am.

2 Q All right. Do you know who Matthew Brown and Frank
3 Smoot are?

4 A Yes, ma'am.

5 Q And are they also in that group of people?

6 A Yes, ma'am.

7 Q The only guns you saw were the assault rifle and the
8 handgun?

9 A Yes, ma'am.

10 MS. CORNWELL: No further questions. Thank you,
11 Your Honor.

12 THE COURT: Anything on recross?

13 MR. FARLEY: Yes, sir.

14 DENARD REEVES - RECROSS-EXAMINATION

15 BY MR. FARLEY:

16 Q So you just told the jury that you saw two people with
17 guns?

18 A Yes.

19 Q And you knew the second person as well?

20 A I knew of the second person.

21 Q And what was that person's name?

22 A Dwendell.

23 Q What's his last name; do you know?

24 A I don't know it.

25 Q Dwendell. And then the other thing you just told the

State v Jenkins Rashad Moore - Direct 2/21/18 222

1 Solicitor is that it was a big gun that you saw, that you
2 allege Treshawn had; is that right?

3 A An assault rifle.

4 Q An assault rifle?

5 A Yeah.

6 Q So that's not something you can -- I can just put under
7 my coat, right?

8 A (No verbal response)

9 Q Would you agree that it's something that -- if I was to
10 put it under my coat --

11 A Yeah. If I get in your car, you know I'm getting in
12 your car with this gun.

13 Q Right. So -- thank you.

14 MR. FARLEY: Nothing further, Your Honor.

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

17 Is the State ready to call its next witness?

18 MS. CORNWELL: We are, Your Honor. The State
19 would call Sergeant Raschad Moore.

20 (WHEREUPON, Rashad Moore was sworn
21 to tell the truth.)

22 RASHAD MOORE - DIRECT EXAMINATION

23 BY MS. CORNWELL:

24 Q Good morning, Sergeant Moore?

25 A Good morning.

State v Jenkins Rashad Moore - Direct 2/21/18 223

1 Q Tell the jury approximately how long you've been in law
2 enforcement?

3 A Approximately thirteen years.

4 Q And were you serving in your capacity as law
5 enforcement on July 19th of 2016?

6 A Yes, ma'am.

7 Q And do you recall hearing over the radio of a shooting
8 incident that occurred at [REDACTED] Craig Street in Eutawville?

9 A Yes, ma'am.

10 Q All right. And what county is that in?

11 A It's Orangeburg County.

12 Q And tell the jury a little bit about what you were
13 doing in that area? Are you considered a patrol officer or
14 are you an investigator?

15 A I'm an investigator.

16 Q Normally, when calls come out of a dispatch, do
17 investigators respond or do patrol officers respond?

18 A If it's a -- I guess I would put if it's a major call,
19 the investigators will respond.

20 Q All right. And on the day of July 19th, 2016 and you
21 heard the call come out over the radio, how close were you
22 to that scene at the time?

23 A We were in Eutawville at the time.

24 Q All right. And what were you doing in Eutawville at
25 that time?

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1 A Ma'am, I couldn't hear.

2 Q What were you doing in Eutawville at that time?

3 A We was actually down investigating another case at the
4 time.

5 Q So once you heard the call come out over the radio, how
6 long did it take you, from the time you got the call until
7 the time you reached the incident location?

8 A It would have been within minutes.

9 Q And were you the first to arrive on the scene?

10 A Yes, ma'am.

11 Q And was any other officers with you when you arrived on
12 scene?

13 A Yes, ma'am. Myself, Investigator Davis, Lieutenant
14 Shumpert and Investigator Thrower was all riding together.

15 Q Okay. And kind of tell the jury what you saw when you
16 arrived on scene?

17 A When we got on scene, at first we didn't really see
18 anybody or a lot of people out. We got to the back of the
19 driveway and there was like a little shack, a little
20 building. And we got out, met a couple of people at the
21 trailer and they was kind of pointing us in the direction
22 that the victim was in. We went over there, saw the victim
23 laying on the floor in the shack, started getting some
24 information from the people that was out there, because they
25 started coming out as we pulled up. They kind of gave us

State v Jenkins Rashad Moore - Direct 2/21/18 225

1 the information about the black Buick that was there and
2 with some subjects in it that did the shooting. So as soon
3 as we was right there within minutes, Investigator Davis and
4 Investigator Thrower decided to go out and look for the
5 vehicle while myself and Lieutenant Shumpert stayed and
6 secured the scene.

7 Q Okay. And you said you walked in and saw the victim on
8 the ground?

9 A Yes, ma'am.

10 Q Was she -- had she already deceased by the time y'all
11 were there or were you able to render any assistance to her?

12 A She was deceased.

13 Q Did EMS ever respond and confirm?

14 A Yes, ma'am.

15 Q And while you were on the scene, you just talked about
16 getting information about a black Buick, were you given
17 information on who the driver of that vehicle was?

18 A We got a name of Taste that was the driver.

19 Q And I believe you said once you got that information
20 Investigator Thrower and Davis went to look for the vehicle?

21 A Yes, ma'am. She was right there in minutes.

22 Q And you and Lieutenant Shumpert stayed on the scene?

23 A Yes, ma'am, to kind of keep the crime scene secure and
24 take as much information as we could at the time.

25 Q And when there's a shooting incident that ultimately

State v. Jenkins Rashad Moore - Direct 2/21/18 226

1 results in a death, as law enforcement, is that kind of a
2 all hands on deck type situation?

3 A Yes, ma'am. Everybody available.

4 Q So did other officers arrive, other than you Lieutenant
5 Shumpert?

6 A Yes, ma'am.

7 Q And once they arrived, what did y'all do?

8 A Once they arrived we started separating everybody that
9 we could and started getting the statements. Making sure
10 the crime scene was secure for crime scene investigators.

11 Q At some point, did you hear anything over the radio
12 regarding the vehicle that y'all were looking for?

13 A Yes, ma'am. I heard that Investigator Davis and
14 Investigator Thrower spotted the vehicle and attempted to
15 conduct a traffic stop and the vehicle wouldn't stop. They
16 were chasing the vehicle.

17 Q Okay. And once y'all got that information, did anybody
18 else leave the scene at that time?

19 A Lieutenant Shumpert left the scene at the time to go
20 try to assist Investigator Davis and Investigator Thrower.

21 Q And did you remain on scene with the other officers?

22 A I did. Yes, ma'am.

23 Q And while you remained on the scene, I believe you just
24 testified to this, what was your primary role on the scene?

25 A Trying to get information, statements. I tried to get

State v Jenkins Rashad Moore - Direct 2/21/18 227

1 as much information I could so I could relay it to
2 Investigator Davis and Thrower.

3 Q Okay. And are you considered the case agent in this
4 case?

5 A No, ma'am.

6 Q Who is the case agent in this case?

7 A Sergeant Stokes.

8 Q Did Sergeant Stokes arrive on scene at some point?

9 A Yes, ma'am.

10 Q And the information that you had gathered from
11 witnesses, were you able to give that information to him?

12 A Yes, ma'am.

13 Q And without saying what anybody told you, the
14 information that you gathered, were you able to get the
15 identity of some suspects?

16 A Yes, ma'am.

17 Q And you gave those identities to --

18 A Sergeant Stokes.

19 Q Sergeant Stokes? Other than assisting with getting
20 witness statements and relaying information to the case
21 agent, have you had any further involvement in this case?

22 A No, ma'am.

23 Q I think that's all the questions I have. Thank you.

24 THE COURT: Anything on cross-examination?

25 MR. FARLEY: Yes, sir.

State v Jenkins Rashad Moore - Cross

2/21/18

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1 THE COURT: Your witness.

2 RASHAD MOORE - CROSS-EXAMINATION

3 BY MR. FARLEY:

4 Q How long did you say you had been a police officer?

5 A Going on thirteen years.

6 Q And you know as a police officer that when there's an
7 incident like this, it's extremely important to secure the
8 crime scene, right?

9 A Right.

10 Q And talk to people as soon as possible?

11 A Right.

12 Q In your experience, the reason that you -- and you took
13 statements, right?

14 A Yes, sir.

15 Q And as a trained law enforcement officer, you know the
16 reason why you've got to get those statements is because
17 that's what the witness has perceived at the time of the
18 incident?

19 A Yes, sir.

20 Q Memories fade, right?

21 A Somewhat.

22 MR. FARLEY: I don't think I have anything else,
23 Judge.

24 THE COURT: Anything on redirect?

25 MS. CORNWELL: No, Your Honor.

25 THE COURT: If you'd bring the jury back out,

State v Jenkins Craig Davis - Direct

2/21/18 230

1 please, ma'am.

2 THE BAILIFF: Yes, Your Honor.

3 (Jury in at 11:46 a.m.)

4 THE COURT: All right. Ladies and gentlemen,
5 we're going to continue with the State's case..

6 Are you prepared to call your next witness.

7 MR. GIESE: Yes, sir. May it please the Court?

8 THE COURT: Yes, sir.

9 MR. GIESE: The State calls Investigator Craig
10 Davis.

11 THE COURT: Investigator Davis.

12 (Investigator Davis comes forward)

13 THE COURT: If you'd stop right there. Put your
14 left hand on the Bible and raise your right hand.

15 THE COURT: Mr. Giese, he's your witness.

16 MR. GIESE: Thank you, Your Honor.

17 (WHEREUPON, Craig Davis was sworn
18 to tell the truth.)

19 CRAIG DAVIS - DIRECT EXAMINATION

20 BY MR. GIESE:

21 Q Mr. Davis, where do you work?

22 A With the Orangeburg County Sheriff's Office.

23 Q How long have you worked there?

24 A Thirteen years.

25 Q What are your duties there?

State v Jenkins Craig Davis - Direct

2/21/18 231

1 A I'm an investigator.

2 Q Okay. Were those duties in July -- on July 19th, 2016?

3 A Yes, sir.

4 Q Were you involved in an incident in Eutawville on that
5 date?

6 A Yes, sir.

7 Q What were you doing that day?

8 A We were out there investigating another matter when we
9 received the call overheard the call on the radio.

10 Q Who is we?

11 A Myself, Lieutenant Shumpert, Sergeant Moore and
12 Investigator Thrower.

13 Q Whose car were you in?

14 A We were in my vehicle.

15 Q Okay. And what kind of car is that?

16 A It's a 2014 Ford Taurus.

17 Q Were you driving?

18 A Yes, sir.

19 Q Okay. What kind of call came in?

20 A It was a shooting incident that occurred on Craig
21 Street.

22 Q Okay. And how far away were you from there?

23 A Maybe two or three miles. We weren't far at all.

24 Q Okay. So did you respond out there?

25 A We did.

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1 Q What happened when you got there?

2 A When we arrived, we all exited the vehicle, pretty much
3 made sure that the scene was secure. Some of investigators
4 in the vehicle spoke with some of the victims and we learned
5 that the suspects were driving a black Buick LaCrosse and
6 were from the Holly Hill area.

7 Q Okay. So what did you do when you discovered that?

8 A Sergeant Moore and Lieutenant Shumpert stayed at the
9 scene. Myself and Investigator Thrower, Thrower being
10 familiar with the area, we decided to travel to Holly Hill
11 to see if we can intercept the vehicle.

12 Q Okay. And did you get back in your vehicle?

13 A Yes, sir.

14 Q Were you able to track down the Buick?

15 A We did. We were traveling back to Holly Hill. We were
16 on Catamount when we observed a black Buick LaCrosse turn
17 onto Catamount off of Big Oak.

18 Q Okay. And what did you end up doing then?

19 A I turned around, activated my lights and sirens and
20 started to pursue the vehicle. It took off at a high rate
21 of speed.

22 Q Okay. And so did a chase ensue?

23 A It did.

24 Q About how long was that chase?

25 A Five, ten minutes.

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2/21/18 233

1 Q Did the chase eventually end?

2 A It did. The vehicle spun out on a dirt road. We were
3 unable to stop and we collided with the vehicle.

4 Q So the vehicle spun out on its own?

5 A It was coming around a curve. It was a dirt road and
6 it kind of slid out into the embankment.

7 Q Okay. And what happened after it spun out?

8 A We were unable to stop so we hit the left side of the
9 vehicle, driver's side of the vehicle. We both exited our
10 vehicle. Knowing that a shooting just occurred, we popped
11 the trunk and don our vest and set up a perimeter.

12 Q Did you see any of the individuals get out of the car?

13 A We did.

14 Q Okay. How many would you say?

15 A I think we saw about three or four, again, exit the
16 vehicle. They all exit from the right side and run into the
17 woods.

18 Q Okay. Were you able to catch any of those individuals?

19 A We did. I didn't personally catch anybody, but we did
20 assist in establishing a perimeter, which lead to -- I
21 think, they arrested of one or two that night and got the
22 rest later.

23 Q Okay. Did you -- what did you do after establishing
24 the perimeter?

25 A That's pretty much it. We waited for our K-9 units,

State v Jenkins Craig Davis - Direct 2/21/18 234

1 our tracking units and waited for -- I think there's several
2 other assisting agencies responded and we assisted with, you
3 know, establishing the perimeter, maintaining the perimeter
4 until all those efforts were exhausted.

5 Q Did crime scene report out there?

6 A Yes.

7 Q Did you observe the crime scene?

8 A At the Craig Street?

9 Q Yes? Oh, no, no, no, no. At the crash site?

10 A Yes.

11 Q Okay.

12 MR. GIESE: Your Honor, may I approach the
13 witness?

14 THE COURT: You may.

15 MR. GIESE: And I've shown this to Mr. Farley.

16 BY MR. GIESE:

17 Q I'm showing you what's been marked as State's Exhibit
18 2, 3, 4, 5, 6, and 7. Can you take a brief second to look
19 at all of those photos.

20 A (Witness complies)

21 Q Do you recognize these?

22 A Yes, sir.

23 Q Are these all fair and accurate representations of the
24 crime scene that day -- of the crash site that day?

25 A Yes, sir.

23 Q If you don't mind kind of going through one-by-one what
24 those are photos of. Let's start with State's Exhibit 2.
25 What is that a photo of?

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1 A This is a photograph of the Buick when it came to a
2 stop and the picture of our Ford Taurus when it came in
3 contact with the Buick.

4 Q So the car on the left is what car?

5 A The suspect vehicle.

6 Q And that's the Buick?

7 A Yes, sir.

8 Q And what's the car on the right?

9 A The Ford Taurus.

10 Q Okay.

11 MR. GIESE: May I publish for the jury, Your
12 Honor.

13 THE COURT: You may.

14 BY MR. GIESE:

15 Q All right. What about that next one?

16 THE COURT: What number?

17 Q State's Exhibit 3?

18 THE COURT: Thank you.

19 A The same vehicles, the Buick and the Ford Taurus.

20 BY MR. GIESE:

21 Q Okay. Just from a different angle?

22 A Yes, sir.

23 MR. GIESE: Your Honor, may I publish all of these
24 for the jury?

25 THE COURT: Yes, sir.

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1 BY MR. GIESE:

2 Q All right. What about State's Exhibit 4?

3 A A picture of the Buick and my Ford Taurus with the
4 Buick's passenger's side doors open, front and rear.

5 Q Okay. On all three of these photos, is this how they
6 were right after the crash? Have these cars moved at all?

7 A No, sir.

8 Q All right. State's Exhibit 5, what's that a picture
9 of?

10 A Just a picture of the Buick LaCrosse noting the South
11 Carolina license plate of

12 Q Okay. Is there anything else you notice in that
13 picture?

14 A Yes, sir. There was a brown shoe right outside the
15 rear passenger door, right there in the embankment, on the
16 dirt.

17 Q Okay. Was that there immediately after the crash
18 occurred?

19 A Yes, sir. Yes.

20 Q Okay. All right. What is State's Exhibit 6 a picture
21 of?

22 A A closeup of the same shoe.

23 Q Okay. What about State's Exhibit 7?

24 A This is the field that the suspects ran into after the
25 collision.

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1 Q Okay. When they start running -- you said you
2 immediately went and got your vest on?

3 A That's correct.

4 Q After you got your vest on, could you see any of them?

5 A I couldn't see any of them but we did hear brush
6 breaking.

7 Q Okay. Where did you hear brush breaking?

8 A To the right is --

9 Q And this is State's Exhibit 7, correct?

10 A Right. To the right is the wood line that they ran
11 into and you could hear -- well, I went back on the road to
12 secure that area. You could hear brush breaking, going into
13 the woods.

14 Q And you mentioned that crime scene came out to the
15 scene?

16 A Yes, sir.

17 Q Did they secure evidence at the scene to your
18 knowledge?

19 A To my knowledge, yes, sir.

20 Q Okay.

21 MR. GIESE: I beg the Court's indulgence.

22 THE COURT: Take your time.

23 BY MR. GIESE:

24 Q I think I touched on this earlier. When you put the
25 vest on, is that policy? Is that what you -- standard

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1 protocol to put the vest on instead of chasing the suspects
2 immediately?

3 A I don't know if it's policy or not, but I think it's a
4 smart thing to do when you're chasing someone that just
5 committed a shooting.

6 Q Okay. Other than what you just testified to, did you
7 have any other involvement in this case?

8 A No, sir.

9 Q All right. Thank you.

10 MR. GIESE: Thank you, Your Honor.

11 THE COURT: Thank you, sir.

12 Anything on cross-examination?

13 MR. FARLEY: Yes, Your Honor.

14 CRAIG DAVIS - CROSS-EXAMINATION

15 BY MR. FARLEY:

16 Q I fully support that policy. All right. So how long
17 after the incident, the murder happened did you -- did the
18 accident happen?

19 A It was just minutes because we didn't stay on scene
20 that long once we got to the Craig Street location. Again,
21 we received information that the suspects were possibly from
22 Holly Hill, what they were driving. And, again, being
23 familiar with that area, Investigator Thrower and I took off
24 after them and he indicated they would probably take the
25 back roads back to Holly Hill. And, in fact, that turned

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1 out to be accurate.

2 Q So when you say a few minutes, what do you mean on
3 that? Is that five minutes you get from, what Eutawville to
4 Holly Hill or are y'all --

5 A I really couldn't put a time on it. Again, things
6 happened kind of quickly. Once we left the Craig Street
7 location we just immediately headed towards Holly Hill. So
8 I wasn't really timing it. But, again, once we hit a major
9 road in Holly Hill at Catamount, we immediately came in
10 contact with the vehicle and the chase ensued immediately
11 after that.

12 Q How long does it normally take to go from Eutawville to
13 Holly Hill?

14 A I couldn't --

15 THE COURT: You need to speak up. You can to
16 speak up, too.

17 MR. FARLEY: Yes, sir.

18 BY MR. FARLEY:

19 Q How long does it take to get from the scene of the
20 accident to Sugar Hill?

21 A Ten, twenty minutes. I really couldn't tell you. I
22 don't travel that area often.

23 Q So you did not observe the car during that period of
24 time from the incident until you actually saw the car,
25 right?

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1 A That's accurate.

2 Q That's logical?

3 A Yes, sir.

4 Q So you don't know where the car was?

5 A No.

6 Q You don't know where it stopped?

7 A No.

8 Q You don't know who got out?

9 A No.

10 Q You don't know who got in?

11 A No, sir.

12 Q But you do know that when you looked in the car there
13 was not a single gun in that car?

14 A I didn't perform a search on the vehicle. All I know
15 is that the car fit the description of the vehicle that was
16 provided to us and once we came across that vehicle we
17 started to pursue it and it took off at a high rate of
18 speed.

19 Q But obviously after the crash you went and looked in
20 there, right?

21 A Right. We gave it a cursory, just a visual to see if
22 there was anything in plain view.

23 Q But you did not see anything in plain view?

24 A I did not.

25 Q You didn't see a giant machine gun in there, did you?

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1 A I did not.

2 Q Now, when people were exiting the vehicle, you say the
3 vehicle was facing this way, right?

4 A (Nods head)

5 Q You said all of them got out of one side of the car?

6 A Yes, sir.

7 Q Which side of the car was that?

8 A That'd be the passenger's side, the right side of the
9 vehicle.

10 Q So everybody, driver, passenger and maybe one, two --
11 you don't know how many people, right?

12 A I really don't. Again, it appeared to be at least
13 three in the vehicle when we passed them. And when we
14 caught up to the vehicle where we collided, the passenger
15 side doors were open and they were all running.

16 Q So it was more than one?

17 A Yes.

18 Q But less than six or seven?

19 A I would say at least three.

20 Q So this shoe that was found on the side of the road
21 that's represented in State's 6, was that a shoe belonging
22 to one of the occupants of the vehicle?

23 A We weren't sure but it was right outside the vehicle
24 where they exited.

25 Q Okay.

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1 MR. FARLEY: I don't have anything further.

2 THE COURT: Anything on redirect.

3 MR. GIESE: No, Your Honor. Thank you.

4 THE COURT: All right. Can I see y'all for just
5 one second.

6 MR. GIESE: May this witness be excused, Your
7 Honor.

8 THE COURT: Oh, yeah. Thank you, sir.

9 THE WITNESS: I don't want to be sitting there
10 while you talk.

11 THE COURT: No, you're free to go. Thank you,
12 sir.

13 (Off the record bench conference with counsel and the
14 Court.)

15 THE COURT: All right. All right. Ladies and
16 gentlemen, that was to discuss lunch. We didn't want y'all
17 to know what we were doing. All right. We're going to take
18 a break for lunch. There's some things that we've got to
19 take up outside of your presence so this is a perfect time
20 for us to be doing it. I'm going to give y'all a little bit
21 longer for lunch than normal. Again, let me tell you, you
22 cannot talk about this case with anyone or among yourselves
23 or do any investigation or anything like that. Do we all
24 understand that?

25 FOREMAN: Yes, sir.

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1 THE COURT: Okay. All right. Y'all need to be
2 back in the jury room at 1:30 then, okay? Thank you for
3 your attention. Y'all are doing well. Appreciate it.

4 (Jury out at 12:04 p.m.)

5 THE COURT: All right. We're going to be in
6 recess until 1:30. Thank y'all.

7 (Court in recess for lunch at 12:04
8 p.m.)

9 (Court in session after lunch at
10 1:18 p.m.)

11 THE COURT: All right. We're back on the record
12 in State versus Jenkins. We're going to take -- this is the
13 issue about whether Detective Ketcherside had anything to do
14 with the diagram that was admired by Defense counsel?

15 MS. CORNWELL: It's actually going to be all
16 evidence that was collected at the scene.

17 THE COURT: Okay. All right.

18 MS. CORNWELL: Investigator Ketcherside?

19 (WHEREUPON, William Ketcherside was
20 sworn to tell the truth.)

21 PROFFER

22 WILLIAM KETCHERSIDE - DIRECT EXAMINATION

23 BY MS. CORNWELL:

24 Q Investigator Ketcherside, since we're not in front of
25 the jury I'm going to cut right to the chase. Were you at

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1 the scene on July 19th of 2016 at Craig Street in Eutawville
2 regarding a shooting?

3 A I was.

4 Q Were you there as the crime scene investigator?

5 A I was there as the supervising crime scene
6 investigator.

7 THE COURT: I'm sorry. Say that one more time.

8 THE WITNESS: As the supervising crime scene
9 investigator.

10 MS. CORNWELL:

11 Q And the person listed on the reports as the crime scene
12 investigator is LaToya Dickey?

13 A Correct.

14 Q Was this her first murder investigation that she had
15 done as crime scene?

16 A Correct.

17 Q And so she was in a training capacity?

18 A Yes, ma'am.

19 Q And were you her training officer?

20 A That would be correct.

21 Q And you were also her supervisor?

22 A Correct.

23 Q Were you the first to arrive on scene?

24 A I was.

25 Q So you were first to arrive on scene. Were you with

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1 her when she did everything on the scene?

2 A Correct.

3 Q So you were with her when she took her photographs?

4 You were with her when she collected all the evidence. Were
5 you with her and did you assist her in tagging the evidence,
6 sealing it and marking it?

7 A That would be correct.

8 Q So everything that happened on scene you were with her
9 and supervising her and instructing her on what to do and
10 how to do it?

11 A That would be correct.

12 Q So all of the evidence collected, all the pictures
13 taken, you have personal knowledge of their collection and
14 placing them into evidence?

15 A That's correct.

16 Q And on the report, while it's in her name, I believe
17 there's a line beneath that says administrative review by.
18 Are those your initials on that report?

19 A That would be correct.

20 Q And that means that you reviewed and supervised every
21 aspect of this report and of her investigation?

22 A Correct.

23 Q So you've got personal knowledge of everything that is
24 in her investigation.

25 MS. CORNWELL: Your Honor, that would be the

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1 foundation for the State.

2 THE COURT: All right. Mr. Farley, any questions
3 you have of this witness?

4 MR. FARLEY: Yes, sir.

5 WILLIAM KETCHERSIDE - CROSS-EXAMINATION

6 BY MR. FARLEY:

7 Q So when you got the call were y'all riding together or
8 were y'all riding in separate --

9 A No, sir. We were in separate vehicles.

10 Q Who got there first?

11 A I did.

12 Q All right. And what did you do at that time?

13 A Just made an assessment of the scene until she arrived.

14 Q How does that work?

15 A How does?

16 Q What is that? I'm sorry?

17 A Well, the first thing I want to do is see what we have
18 before I start just photographing and marking things. I
19 need to do a walk-through and see what we have before we go
20 any further.

21 Q And how long -- and then I'm assuming, and I'm not
22 trying to put words in your mouth. I'll do that when the
23 jury's here --

24 THE COURT: He speaks honestly for the first time
25 since he's been here.

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1 Q So anyway, you secure the scene. Is that what happens?

2 A The scene is already secure when we arrive by the
3 officers, by deputies on scene and barrier tape, so.

4 Q Okay. So they like tape it off like you see on TV?

5 A Part of it. Yes, sir.

6 Q And they're logging who comes in and out?

7 A Should be.

8 Q You know, when you were there, did you see a log book?

9 A No, sir. I don't write the names down that come in the
10 scene.

11 Q So they didn't write it in this -- I'll move on. It's
12 a thick report so bear with me. I'm going to try to make it
13 as quick as possible. How long had Ms. Dickey been on the
14 crime scene. I mean, I know she was with the department for
15 a little while.

16 A She began in crime scene March, I believe it was the
17 22nd of 2016.

18 Q So like four months?

19 A Correct.

20 Q And she had prior law enforcement experience before
21 that?

22 A Correct, is my understanding.

23 Q She worked for the transportation department.

24 A I can't answer who she worked for and her experiences.

25 Q So if I was to tell you her resume, you would just know

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1 she started --

2 A I know she worked for the sheriff's office and she
3 worked in crime scene.

4 Q So when you've gone through the academy, there's
5 additional training you have to do to work on crime scenes?

6 A Not necessarily through the academy. It's through the
7 American Academy of Applied Forensics.

8 Q And tell me about that, how do you get qualified?

9 A It's an eighty hour two week course.

10 MS. CORNWELL: Your Honor, I'm not sure -- but for
11 purposes of this hearing I think we're just trying to
12 establish that he's allowed to testify to the evidence. I
13 don't know that we need to go into what training, experience
14 and everything else everybody has. He's collected the
15 evidence and he's just testifying as to his collection of
16 the evidence.

17 THE COURT: I understand that that's the purpose
18 that we're having this hearing for and Mr. Farley is taking
19 advantage of this and trying to get some discovery a little
20 ahead of time and I'm going to let him do it so long as he
21 doesn't drag this out too long.

22 MR. FARLEY: I will do my best.

23 THE COURT: Okay. I mean, really, I'll let you do
24 a little bit more, but --

25 MS. CORNWELL: I'm just going to object on record

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1 that he's had two years to talk to Investigator Ketcherside
2 and get this information from him. So for purpose of the
3 trial, I would ask for expedience.

4 THE COURT: All right.

5 BY MR. FARLEY:

6 Q So you said it's an eighty hour course. Do you all go
7 to Vegas and do that course?

8 A No, sir. They go to Charlotte, North Carolina.

9 Q You go to Charlotte and you do it all at one pop?

10 A Well, you do one week and then there's a break and then
11 you go back for a week.

12 Q Had she done that?

13 A Yes, sir.

14 Q So --

15 A Well, not at that point she had not been at that course
16 I don't think at that point.

17 Q Oh, so she was in the process?

18 A She was being trained. Yes, sir.

19 Q Okay. So she was not certified yet?

20 A Well, there's no particular certifications that require
21 you to be a crime scene investigator if that's what you're
22 asking?

23 Q Yeah, that's what I'm trying to ask. I just don't
24 know. All right. So basically, she gets there -- you get
25 there, you assess the scene. We've got a victim over here.

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1 There's a shooting. How does it go after that? Are you
2 over top of her the whole time?

3 A No, sir.

4 Q Were you there --

5 A I mean, I'm there. I'm in the presence. I'm in her
6 presence, but I'm not right there over her shoulder the
7 whole time.

8 Q But you follow her around to every single thing that
9 she did?

10 A Pretty much. Yes, sir.

11 Q Were you there -- this is probably one of the best
12 forensic reports I've seen. Were you there when she
13 collected item 1, cartridge casing from the yard?

14 A I was.

15 Q 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
16 18, 19, 20, 21, 22, 23, 24, 25, you were there when she
17 collected all of those?

18 A Correct.

19 Q And tell me what your participation in that collection
20 was?

21 A I didn't have any direct. I didn't pick the items up.
22 I was just there making sure that the process went based on
23 our procedures.

24 Q If you saw one you pointed it out?

25 A Yes, sir.

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1 Q Did she ever ask for your help or anything while --

2 A Not in actually collecting them, no, sir.

3 Q Brass knuckles, were you there for that?

4 A Correct. They were right there with the cartridge
5 cases.

6 Q Okay. Thank you. I'm bad about cutting you off.

7 Sorry. Bullet fragment from the wall stud on the screen,
8 you were there for that?

9 A Correct.

10 Q Bullet fragment from inside the screen, bullet laying
11 on the floor?

12 A Correct.

13 Q Brown in color shoe from the woods?

14 A I was on perimeter.

15 Q So you weren't there for the shoe?

16 A That was the one from the location where the vehicle
17 was at.

18 Q So you never collected any evidence at the vehicle?

19 A Not at the vehicle in the woods, no, sir.

20 Q She did it? Ms. Dickey --

21 A She went and collected that shoe.

22 Q So she collected all of the evidence from the car?

23 A Correct.

24 Q So DNA, all of that stuff?

25 A Correct.

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1 Q There's a gunshot residue kit, I think, performed on
2 the victim; is that correct? Were you there?

3 A That should have been done on scene. A lot of times it
4 depends on the circumstances as to when that gets done, but
5 that should have been done on the scene.

6 Q Do you have any knowledge of any gunshot residue kits
7 being performed on any other --

8 A On any other?

9 Q -- witnesses?

10 A No, sir. I wouldn't have had any knowledge of those.

11 Q Do you have a copy of this report?

12 A Not on me, no, sir.

13 MR. FARLEY: Can we get him a copy?

14 MS. CORNWELL: Yes.

15 THE COURT: You can approach him.

16 MR. FARLEY: Yeah.

17 BY MR. FARLEY:

18 Q So I'm going to show you some drawings that were
19 contained in the report?

20 A Uh-huh. (Affirmative response)

21 Q The first one was for the pretrial hearings marked as
22 Defendant's Exhibit 1 for identification. Are you familiar
23 with that?

24 A I am.

25 Q Did you draw that?

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1 A Yes, sir.

2 Q You did draw that?

3 A I drew that.

4 Q And this one right here, you drew that?

5 A Correct. It's got her name on it, correct.

6 Q And you had her sign it?

7 A Yes.

8 THE COURT: Would you identify that?

9 MR. FARLEY: Sorry. The second one -- in the
10 actual report it is placed after the one I just identified.
11 And for the record it looks like an illustration of the
12 house and the location of what are purported to be shell
13 casings from the scene.

14 THE COURT: Okay.

15 And you said you drew that; is that correct?

16 THE WITNESS: Correct. Yes, sir.

17 THE COURT: Okay. Thank you, sir.

18 BY MR. FARLEY:

19 Q So how does it work getting this physical evidence to
20 the lab? I'm talking mostly about the bullets and things
21 like that?

22 A Once we collect it on scene, it's photographed and
23 documented. Collected on scene. It's packaged and then
24 it's submitted into our evidence storage and then our
25 evidence storage submits it to SLED for processing.

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1 Q But just to be clear, with the DNA evidence that -- the
2 touch DNA swabs taken, you didn't have any role in obtaining
3 those?

4 A No, sir, not from the vehicles.

5 Q Did you have any role in logging them into evidence?

6 A No, sir.

7 Q Did you have any role with taking them up to SLED?

8 A No, sir.

9 Q So you have absolutely nothing to do with the DNA
10 found?

11 A No, sir.

12 MR. FARLEY: I have no further questions.

13 THE COURT: Okay. Anything on redirect?

14 MS. CORNWELL: No, Your Honor.

15 THE COURT: All right. Thank you, sir. You may
16 step down. All right. All right. Any other witnesses?

17 MS. CORNWELL: No, Your Honor.

18 THE COURT: Okay. All right. And so he's going
19 to testify as to what he collected at the crime scene at the
20 house?

21 MS. CORNWELL: Yes, Your Honor.

22 MR. FARLEY: Obviously, Judge, I want to ask him
23 some of those questions, I think he cleared up some. But
24 there's a problem with the chain on the DNA.

25 THE COURT: Well, right now he's apparently not

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1 going to testify to anything about the DNA. I don't know
2 how --

3 MS. CORNWELL: The only DNA that he's going to
4 testify to -- DNA was taken from the brass knuckles. The
5 brass knuckles were collected on the scene. He testified
6 that he was there for the collection. The brass knuckles
7 were sent to SLED where Verona Herrera, who is on our
8 witness list, swabbed them, submitted the swab to the
9 analyst and it was analyzed.

10 THE COURT: I think it's on that DNA at the crash
11 site.

12 MR. FARLEY: Yeah. The touch DNA.

13 MS. CORNWELL: We have labeled it, marked it but I
14 will withdraw those exhibits and we will not go into DNA
15 from the car.

16 THE COURT: Okay. All right.

17 MR. FARLEY: Thank you, Judge.

18 THE COURT: You're welcome. What else we got?

19 MS. CORNWELL: Are you going to object to the
20 submission of the shoes?

21 MR. FARLEY: Can I have just a minute. I'm so
22 sorry but I've got to explain to him where we're at.

23 THE COURT: Okay. All right.

24 MS. CORNWELL: On my list I'm going to withdraw
25 87.

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1 MR. FARLEY: As far as the shoes are concerned --
2 what the Solicitor is talking about is at the crash scene.

3 THE COURT: I remember the shoes.

4 MR. FARLEY: A house shoe was found.

5 THE COURT: Surprising that I was listening.

6 MR. FARLEY: You take very good notes. Let me
7 just look at the --

8 THE COURT: Yeah.

9 MS. CORNWELL: Your Honor, we are not planning on
10 introducing any of the DNA taken from the shoes or anything.

11 THE COURT: Okay.

12 MS. CORNWELL: I don't believe that there was any
13 -- it's 86, you're correct. I'm sorry, not 87, Your Honor,
14 that I'm going to withdraw.

15 COURT REPORTER: 86, okay.

16 THE COURT: You're going to withdraw what?

17 MS. CORNWELL: We're withdrawing 86 not 87. I
18 apologize.

19 THE COURT: 86, okay.

20 MS. CORNWELL: The DNA from the shoe, there were
21 four individuals that had DNA so they could not make a major
22 profile, so we would just submit it as part of the
23 photograph that Investigator Davis identified.

24 THE COURT: That he identified. Okay. All right.

25 MR. FARLEY: I don't think I have a problem with

1 it, unless --

2 THE COURT: Okay. All right.

3 MS. CORNWELL: Then we are ready to go, Your
4 Honor.

5 THE COURT: So we are about ready to start?

6 MS. CORNWELL: The State is.

7 THE COURT: Anything else we got to take up?

8 MS. CORNWELL: The State is ready.

9 MR. FARLEY: We're ready, Judge.

10 THE COURT: All right. Well, give me a second to
11 get a cup of copy so I can be alert, okay? And I'll be
12 right back. Thank y'all.

13 (Court at ease)

14 THE COURT: All right. Anything else?

15 MS. CORNWELL: I just realized one thing. I may
16 have to recall Investigator Ketcherside to the stand
17 tomorrow. The buccal swab that was collected and compared
18 last week -- generally, SLED sends all the evidence back --
19 Since it was just done within the last two weeks, SLED still
20 has that buccal swab. Investigator Ketcherside obviously is
21 the one that collected it, sealed it and he actually
22 personally took it to SLED. I could have him testify to it
23 today, but I can't -- I don't have the actual swab to move
24 into evidence today. So unless there's an objection -- I
25 mean, I could move it through Ms. Andrews who is the DNA

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1 analyst, unless there's an objection. And if there's an
2 objection Investigator Ketcherside can come back tomorrow
3 morning and identify that one piece to be moved into
4 evidence.

5 MR. FARLEY: You want me to stipulate that the
6 swab is the swab?

7 MS. CORNWELL: Yes.

8 MR. FARLEY: I can't do that.

9 MS. CORNWELL: Okay.

10 THE COURT: Okay. She'll just bring him back
11 tomorrow to identify that.

12 MR. FARLEY: Okay. I just don't --

13 MS. CORNWELL: And like I said I just -- out of
14 order and all of that.

15 THE COURT: Now, when he comes back it's just
16 going to be for that purposes unless something else --

17 MS. CORNWELL: Just that one question to move it
18 into evidence.

19 THE COURT: There's never been just one question.
20 I've always wanted it to be one question. I've heard that
21 before.

22 MR. FARLEY: I love the trials when they say
23 Judge, just briefly on cross-examination.

24 THE COURT: Yeah.

25 MR. FARLEY: I try not to do it.

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1 THE COURT: Yeah. Yeah. Yeah. Just one
2 question. That'll be fine.

3 Yeah, you can.. That's fine. Is he coming? Is he
4 coming? Okay. Fine.

5 MS. CORNWELL: Just for ease, I am going to open -
6 -

7 MR. FARLEY: I don't care about opening the stuff
8 beforehand as long as it's not --

9 THE COURT: Mr. Farley, anything else you need to
10 put on the record?

11 MR. FARLEY: No, sir.

12 THE COURT: Okay. All right. Are you ready to
13 proceed?

14 MR. FARLEY: Yes, sir.

15 THE COURT: Okay. Is the State ready to proceed?

16 MS. CORNWELL: Yes, Your Honor.

17 THE COURT: Would you be so kind as to bring the
18 jury back in, please?

19 THE BAILIFF: Yes, Your Honor.

20 THE COURT: Thank you, ma'am.

21 (Jury in at 1:42 p.m.)

22 THE COURT: All right. Ladies and gentlemen, I
23 hope y'all had a good lunch. We're getting ready to
24 continue with the State's case right now.

25 Is the State prepared to call its next witness?

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1 MS. CORNWELL: We are, Your Honor.

2 THE COURT: Okay.

3 MS. CORNWELL: The State would call Investigator
4 Ketcherside.

5 THE COURT: He's your witness.

6 MS. CORNWELL: Thank you, Your Honor.

7 (WHEREUPON, William Ketcherside was
8 sworn to tell the truth.)

9 WILLIAM KETCHERSIDE - DIRECT EXAMINATION

10 BY MS. CORNWELL:

11 Q Investigator Ketcherside, can you tell the jury a
12 little bit about yourself, where you work, how long you've
13 been in law enforcement, and what your current duties are?

14 A I am employed by the Orangeburg County Sheriff's
15 Office. I have been since May of 2005. I am currently the
16 Sergeant over forensic services.

17 Q And what is forensic services?

18 A It consist of our crime scene unit as well as our
19 evidence.

20 Q And what, if any, additional law enforcement training
21 is required to be a forensic investigator?

22 A I am a certified law enforcement officer, as well as I
23 have multiple trainings in forensic disciplines.

24 Q What are those forensic disciplines?

25 A Crime scene photography as well as basic crime scene

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1 academy training, also blood pattern analysis and

2 fingerprint analysis and so forth.

3 Q And were you working as a forensic investigator on July
4 19th, 2016?

5 A Correct.

6 Q Do you recall being dispatched to [REDACTED] Craig Street in
7 Eutawville that day?

8 A I do.

9 Q And what were you dispatched there in reference to?

10 A In reference to a shooting incident.

11 Q Was anybody else working with you as a crime scene
12 investigator on that day?

13 A Correct.

14 Q Who was that?

15 A Investigator LaToya Dickey.

16 Q And what was her role that day?

17 A She was the lead crime scene investigator and at that
18 time she was still under field training.

19 Q So under field training, was this -- how long had she
20 been in field training for forensic services?

21 A Since March of 2016 so roughly three, four months.

22 Q Had she completed all of the classes that generally
23 y'all send them to?

24 A No, ma'am.

25 Q So as her supervisor were you with her and assisting

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1 her in everything that she did on the scene that day?

2 A Correct.

3 Q And is Investigator Dickey still with Orangeburg County
4 Sheriff's Office?

5 A No, she is not?

6 Q Do you know where she is now?

7 A New York City, I believe.

8 Q Can you tell the jury a little bit about what you do
9 when you first respond to scene?

10 A The first thing we do is we kind of make an assessment
11 of the scene, speak with any deputies or investigators and
12 do a general walk-through. And I try to identify items that
13 we need to collect or look at further with other processes.

14 Q And when you're on the scene and you're making
15 assessments, do you photograph the scene as it appears when
16 you arrive?

17 A Correct.

18 Q And did you do that on that day?

19 A Yes, ma'am, we did.

20 Q I'm going to show you what's been marked as State's
21 Exhibits 9 through 18. Look through those and see if you
22 recognize those photographs?

23 A I do.

24 Q And are those photographs true and accurate depictions
25 of the scene when you arrived?

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1 A They are.

2 Q There haven't been any changes, alterations, no photo
3 shop or anything along that --

4 A No, ma'am.

5 MS. CORNWELL: Your Honor, at this time the State
6 would move State's Exhibits 9 through 18 into evidence.

7 THE COURT: Any objection?

8 MR. FARLEY: No, Your Honor.

9 THE COURT: State's 9 through 18 are in evidence
10 without objection.

11 (State's Exhibit No. 9, photo, was
12 marked and entered)

13 (State's Exhibit No. 10, photo, was
14 marked and entered)

15 (State's Exhibit No. 11, photo, was
16 marked and entered)

17 (State's Exhibit No. 12, photo, was
18 marked and entered)

19 (State's Exhibit No. 13, photo, was
20 marked and entered)

21 (State's Exhibit No. 14, photo, was
22 marked and entered)

23 (State's Exhibit No. 15, photo, was
24 marked and entered)

25 (State's Exhibit No. 16, photo, was

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1 marked and entered)

2 (State's Exhibit No. 17, photo, was
3 marked and entered)

4 (State's Exhibit No. 18, photo, was
5 marked and entered)

6 BY MS. CORNWELL:

7 Q Okay. I'm going to let you hold onto these.

8 MS. CORNWELL: May we publish to the jury.

9 THE COURT: Yes.

10 MS. CORNWELL: And were going to publish to the
11 jury, we've actually got them to where they're going to be
12 on the TV screen so you can see them.

13 BY MS. CORNWELL:

14 Q And looking at State's Exhibit 9, can you tell?

15 A This is a photograph depicting the mailboxes for the
16 address as well as other residents right there by it.

17 Q And in that -- I mean, we see about five different mail
18 boxes?

19 A Correct.

20 Q The property that this incident happened on, are there
21 multiple residents on that property?

22 A There are.

23 Q How many roads go in and out of that property?

24 A I think there's just one that goes in and out.

25 Q And looking at State's Exhibit 10.

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1 THE COURT: Hold on just one second. Turn that
2 just a little bit more. I want the Defendant to be able to
3 see it and the jury. Can you see -- Can you see it okay?

4 DEFENDANT JENKINS: Yes, sir.

5 THE COURT: All right. Okay. Can everybody in
6 the jury still see it?

7 JURY: (Unanimous affirmative response)

8 THE COURT: Okay. All right. If you'd do it like
9 that. Thank you. Okay. Please continue. Sorry to
10 interrupt.

11 MS. CORNWELL: That's okay.

12 BY MS. CORNWELL:

13 Q State's Exhibit 10?

14 A This is a general photograph and it depicts the drive
15 going back to the look cook shed and a house, and also kind
16 of a dirt and grass area.

17 Q Okay. And looking -- when you talk about the shed, is
18 this what you're talking about back here?

19 A Correct.

20 Q And is that where the incident scene?

21 A Yes, ma'am.

22 Q And the area of dirt before that, were there also items
23 of evidence in that area?

24 A There were.

25 Q And in looking at State's Exhibit 11?

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1 A 11 is a little bit closer, but it's a general shot of
2 the -- photograph of the house and the screened-in building.

3 Q And we're going to get to another photograph on that,
4 but this dirt area in the front, is that where a lot of the
5 evidence was collected?

6 A Correct.

7 Q And looking at State's 12?

8 A 12 is a general photograph of the front side and the
9 right side of the little cook shed or screened-in shed.

10 Q And about that one drive that you were talking about,
11 is that where it comes down, on the left side of this shack?

12 A Correct.

13 Q State's 13?

14 A 13 is also a general photograph of the shed as well as
15 -- you can see a camper in the background.

16 Q And State's 14?

17 A 14 is a general photograph of the back side, facing
18 back towards the road of the screened-in shed. You can also
19 see the doorway entering into the shed.

20 Q So the doorway and the way you enter the shed is not in
21 the front of the shed, it's from the back?

22 A Correct.

23 Q And looking at State's 15?

24 A 15 would be the same side, by the door. And there is a
25 couch to the right side of that doorway.

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1 Q And that's showing the back of the shed?

2 A Correct. Still the back of the shed.

3 Q And State's -- I just lost my number -- 16?

4 A 16 is a general photograph of the inside of the shed.

5 That's where you see a couch and some furniture and speakers
6 and stuff inside.

7 Q And State's 17?

8 A 17 is a general photograph of the inside. It's
9 straight from the doorway. If you were standing in the
10 doorway, you would take a photograph straight in.

11 Q And before we do 18, just -- if anybody needs to leave
12 it's fine.

13 MS. CORNWELL: And then State's 18, Your Honor.

14 A 18 is a general photograph of the inside also, from the
15 opposite -- what would be the front wall of the shed. And
16 you can see the couch and also the victim on the floor.

17 Q And is that the victim where you found her when you
18 arrived on scene?

19 A Correct.

20 Q And I notice that there are some white things on her
21 arm, on her back. Is that where EMS attempted --

22 A Correct.

23 Q And after you photograph the scene as it is, what is
24 the next step in your procedure?

25 A The next step would be to identify items of evidence

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1 and mark those items of evidence.

2 Q Okay. And did you do that in this case?

3 A Correct. We did.

4 Q I'm going to show you what's been marked -- I'm going
5 to show you a whole big group of them. State's 19 --

6 MR. FARLEY: Can I see that?

7 MS. CORNWELL: I'm going to let him see them and
8 then ask him some questions while I'm showing you.

9 MR. FARLEY: I'd like to see them before you show
10 them later.

11 MS. CORNWELL: You've seen them.

12 Q 19 through 53.

13 THE COURT: 19 through 63?

14 COURT REPORTER: 53.

15 MS. CORNWELL: 53, Your Honor.

16 THE COURT: Oh, 53.

17 MS. CORNWELL: And just for purposes of the
18 record, they're the same photos that were identified in
19 pretrial.

20 THE COURT: I understand. Okay. He's just double
21 checking.

22 A (Reviews photos)

23 BY MS. CORNWELL:

24 Q Do you recognize those photos?

25 A I do.

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1 Q Okay. What are these photos of?

2 A They are photos of the items of evidence that are
3 marked by number.

4 Q And are these true and accurate depictions of those
5 items of evidence that were marked?

6 A They are.

7 MS. CORNWELL: Your Honor, at this time the State
8 would move State's Exhibits 19 through 53 into evidence.

9 THE COURT: Any objection?

10 MR. FARLEY: No objections, Your Honor.

11 THE COURT: State's 19 through 53 are into
12 evidence without objection.

13 (State's Exhibit No. 19, photo, was
14 marked and entered)

15 (State's Exhibit No. 20, photo, was
16 marked and entered)

17 (State's Exhibit No. 21, photo, was
18 marked and entered)

19 (State's Exhibit No. 22, photo, was
20 marked and entered)

21 (State's Exhibit No. 23, photo, was
22 marked and entered)

23 (State's Exhibit No. 24, photo, was
24 marked and entered)

25 (State's Exhibit No. 25, photo, was

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1 marked and entered)

2 (State's Exhibit No. 26, photo, was

3 marked and entered)

4 (State's Exhibit No. 27, photo, was

5 marked and entered)

6 (State's Exhibit No. 28, photo, was

7 marked and entered)

8 (State's Exhibit No. 29, photo, was

9 marked and entered)

10 (State's Exhibit No. 30, photo, was

11 marked and entered)

12 (State's Exhibit No. 31, photo, was

13 marked and entered)

14 (State's Exhibit No. 32, photo, was

15 marked and entered)

16 (State's Exhibit No. 33, photo, was

17 marked and entered)

18 (State's Exhibit No. 34, photo, was

19 marked and entered)

20 (State's Exhibit No. 35, photo, was

21 marked and entered)

22 (State's Exhibit No. 36, photo, was

23 marked and entered)

24 (State's Exhibit No. 37, photo, was

25 marked and entered)

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1	(State's Exhibit No. 38, photo, was
2	marked and entered)
3	(State's Exhibit No. 39, photo, was
4	marked and entered)
5	(State's Exhibit No. 40, photo, was
6	marked and entered)
7	(State's Exhibit No. 41, photo, was
8	marked and entered)
9	(State's Exhibit No. 42, photo, was
10	marked and entered)
11	(State's Exhibit No. 43, photo, was
12	marked and entered)
13	(State's Exhibit No. 44, photo, was
14	marked and entered)
15	(State's Exhibit No. 45, photo, was
16	marked and entered)
17	(State's Exhibit No. 46, photo, was
18	marked and entered)
19	(State's Exhibit No. 47, photo, was
20	marked and entered)
21	(State's Exhibit No. 48, photo, was
22	marked and entered)
23	(State's Exhibit No. 49, photo, was
24	marked and entered)
25	(State's Exhibit No. 50, photo, was

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1 marked and entered)

2 (State's Exhibit No. 51, photo, was

3 marked and entered)

4 (State's Exhibit No. 52, photo, was

5 marked and entered)

6 (State's Exhibit No. 53, photo, was

7 marked and entered)

8 BY MS. CORNWELL:

9 Q And looking at State's 19?

10 A State's 19 would be the area of dirt or mulch that was
11 in the grassy area. And you could see items 1 through 26
12 are marked in that area.

13 Q And items 1 through 25 in that area?

14 A Yes, ma'am.

15 Q What were those items that you marked?

16 A Those were all cartridge cases.

17 Q And when you mark those -- how many photographs do you
18 take of the evidence?

19 A In general, we take multiple -- and it could range, but
20 multiple general photographs, mid-range, what we refer to as
21 mid-range, and then closeup photographs. It could be as
22 many as -- anywhere from three to five or six.

23 Q Okay. But in those photographs you generally take a
24 close range photo of each of item of evidence?

25 A Yes, ma'am. We do.

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1 Q And looking at State's 20, is that --

2 A That would be a closeup of item number 1.

3 Q And is that the cartridge casing you were referring to?

4 A Correct.

5 Q And you did that for items 2 through 25?

6 A Correct..

7 MS. CORNWELL: And, Your Honor, for reference
8 those will be State's 21 through 44. I'm not going to go
9 through each one individually.

10 BY MS. CORNWELL:

11 Q Investigator Ketcherside, would you agree that State's
12 21 through 44 would all be similar photographs of each
13 marker marking the evidence.

14 MR. FARLEY: Objection, Your Honor. May we
15 approach?

16 THE COURT: Sure.

17 (Off the record bench conference with counsel and the
18 Court.)

19 BY MS. CORNWELL:

20 Q I'm sorry, Investigator Ketcherside. I'm going to go
21 through each one of these with you individually. They're
22 not going to be on the screen.

23 THE COURT: You also have the tags for each one?

24 MS. CORNWELL: We're move in the actual cartridge
25 casings as well. This is just showing the photograph of

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1 where each one laid.

2 THE COURT: All right. Yeah, I was just going to
3 say as you do these pictures if you want to do each
4 cartridge? I didn't know if that's easier to do or not.

5 MS. CORNWELL: To be honest, Your Honor, the State
6 was intending on showing 54 and how that was collected and
7 then confirming that all of these were also collected as one
8 group.

9 THE COURT: Oh, that'll work.

10 MS. CORNWELL: Unless Defense counsel would like
11 for me to go through each one of those individually as well.

12 THE COURT: Well, I'll let you -- go the way you
13 planned to do it, okay?

14 MS. CORNWELL: Okay. Thank you, Your Honor.

15 THE COURT: Okay.

16 BY MS. CORNWELL:

17 Q So State's 21, that was evidence number 2 that you
18 picked up?

19 A Correct, item number 2.

20 Q And State's 22?

21 A Item number 3.

22 Q State's 23?

23 A Item number 4.

24 Q State's 24?

25 A Item number 5.

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- 1 Q State's 25?
- 2 A Item number 6.
- 3 Q State's 26?
- 4 A Item number 7.
- 5 Q State's 27?
- 6 A Item number 8
- 7 Q State's 28?
- 8 A Item number 9.
- 9 Q State's 29?
- 10 A Item 10.
- 11 Q State's 30?
- 12 A Item 11.
- 13 Q State's 31?
- 14 A Item 12.
- 15 Q State's 32?
- 16 A Item 13.
- 17 Q State's 33?
- 18 A Item 14.
- 19 Q State's 34?
- 20 A 15.
- 21 Q State's 35?
- 22 A Item 16.
- 23 Q State's 36?
- 24 A Item 17.
- 25 Q State's 37?

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1 A Item 18.

2 Q State's 38?

3 A Item 19.

4 Q State's 39?

5 A Item 20.

6 Q State's 40?

7 A Item 21.

8 Q State's 41?

9 A Item 22.

10 Q State's 42?

11 A Item 23.

12 Q State's 43?

13 A Item 24.

14 Q State's 44?

15 A And item 25.

16 Q All right. Now we know we can all count. All right.

17 And those are the photographs of the items that you take.

18 And looking at State's 54 through 78 -- I'm going to show

19 you item 54. Can you identify item 54?

20 A I can.

21 Q And what is that?

22 A It's a cartridge casing collected from the scene.

23 Q And you collected each cartridge casing individually

24 and packaged each one individually?

25 A Correct, we do.

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1 Q And looking -- I'm just going to hand you a whole box.

2 MR. FARLEY: Your Honor, actually she's failed to
3 lay the foundation for each and every one of those pieces of
4 items. I believe the officer has to testify that the item
5 that he's holding in his hand is the item that he took a
6 picture of or that Ms. Dickey took a picture of at the
7 scene.

8 MS. CORNWELL: I haven't moved it into evidence
9 yet. I'm letting him identify it right now so I can lay
10 that foundation for you.

11 THE COURT: She was just doing the first one but
12 she has been so cautioned.

13 MR. FARLEY: Thank you.

14 THE COURT: Thank you.

15 THE COURT: Okay. That was number 54?

16 MS. CORNWELL: 54.

17 THE COURT: And that was the --

18 MS. CORNWELL: One of the cartridge casings that
19 was collected on scene.

20 THE COURT: Is it marked with whatever the
21 identification number on the field is?

22 MS. CORNWELL: You're asking me to be very, very
23 organized.

24 THE WITNESS: It should be.

25 MS. CORNWELL: This is. Yes.

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1 THE WITNESS: It should be item number 22.

2 MS. CORNWELL: Okay.

3 THE COURT: That was item number 22 in the
4 pictures?

5 MS. CORNWELL: Yes.

6 THE COURT: Okay. All right.

7 MS. CORNWELL: And that is State's Exhibit 54.

8 THE COURT: If he can go through it that way,
9 it'll be great.

10 And you said that's 54 through what?

11 MS. CORNWELL: 54 through 78, I believe, Your
12 Honor.

13 COURT REPORTER: 54 through 78, Judge.

14 THE COURT: That's 24 items.

15 BY MS. CORNWELL:

16 Q And are you able to identify all of these items?

17 A Correct.

18 Q And are these items the actual cartridge casings that
19 were taken from the scene that are marked in these photos?

20 A They are.

21 MS. CORNWELL: Your Honor, at this time the State
22 would like to move State's 54 through 78 into evidence.

23 MR. FARLEY: I object on the prior grounds, Judge.
24 I believe --

25 THE COURT: If you don't mind just going through

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1 and identifying each one just so we -- he can just say this
2 is one, okay?

3 MS. CORNWELL: Can we go ahead and move State's 54
4 into evidence?

5 MR. FARLEY: Without objection.

6 THE COURT: Thank you. All right.

7 (State's Exhibit No. 54, cartridge
8 casing, was marked and entered)

9 BY MS. CORNWELL:

10 Q State's 54, is item 22?

11 A Correct.

12 THE COURT: It doesn't have to be in order.

13 MS. CORNWELL: Thank you, Your Honor.

14 BY MS. CORNWELL:

15 Q Looking at State's 71, can you tell me what that is?

16 A State's 71 is item number 3. It's a cartridge -- a
17 7.62 by 39 cartridge casing?

18 Q And just for -- to try to speed this up a little bit
19 more. You just want to say what number the cartridge casing
20 references in the photographs?

21 A Okay.

22 Q And just do it that way.

23 MS. CORNWELL: If that pleases the Court?

24 THE COURT: That'd be fine.

25 MS. CORNWELL: And I will just wait and move all

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1 of them into evidence at the end.

2 THE COURT: Yeah, that way you can just kind of
3 run through them.

4 MS. CORNWELL: Thank you, Your Honor.

5 THE COURT: That'd be fine.

6 BY MS. CORNWELL:

7 Q State's 78?

8 A Item number 11.

9 Q State's 60?

10 A Item number 24.

11 Q State's 61?

12 A Item number 20.

13 Q State's 67?

14 A Item number 2.

15 Q State's 58?

16 COURT REPORTER: 58?

17 MS. CORNWELL: 58, Yes, ma'am.

18 A Item number -- it looks like 25.

19 BY MS. CORNWELL:

20 Q State's 66?

21 A Item number 8.

22 Q State's 73?

23 A Item number 6.

24 Q State's 55?

25 A Item number -- it looks like 19.

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1 Q State's 65?

2 A Item number 12.

3 Q State's 77?

4 A Item number 7.

5 Q State's 63?

6 A Item number 17.

7 Q State's 69?

8 A Item number 5.

9 Q State's 72?

10 A Item number 16.

11 Q State's 70?

12 A Item number 4.

13 Q State's 75?

14 A Item number -- it looks like 10, maybe -- no, it's hard
15 to tell the tape's over it.

16 Q We'll hold this one out and just make sure. State's
17 76?

18 A Item number 9.

19 Q State's 74?

20 A That's item number 10.

21 Q State's 56?

22 A Item number 23.

23 Q State's 64?

24 A Item number 1.

25 Q State's 68?

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1 A Item number 18.

2 Q State's 62?

3 A Item number 14.

4 Q State's 57?

5 A Item number 21.

6 Q State's 59?

7 A Item number -- it looks like 15.

8 Q And looking back again at State's 75?

9 A Item number 16, I believe.

10 MR. FARLEY: Can I see that one?

11 COURT REPORTER: We've got a 16. Number 72 was
12 16.

13 THE WITNESS: That tape gets over it and it's hard
14 to read them.

15 MR. FARLEY: We can just not admit that one into
16 evidence.

17 MS. CORNWELL: No, Your Honor. I plan to get it
18 into evidence.

19 THE COURT: What number was that, Hilda?

20 COURT REPORTER: 75 is the number we can't -- but
21 the other one that was 16 was 72.

22 MR. FARLEY: Judge, I'm fine with opening it to
23 see what that number is.

24 THE COURT: Fine with me.

25 COURT REPORTER: We already have a 16.

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1 THE COURT: Do we have a pair of scissors or
2 something?

3 THE WITNESS: It could be 15.

4 THE COURT: Go ahead and open it just so we can --

5 COURT REPORTER: We've already got a 15.

6 THE WITNESS: Oh, we have.

7 (State's Exhibit No. 75, shell casing, opened by Solicitor)

8 A I can't make that one out.

9 MR. FARLEY: I think we can consent to try to pull
10 the tape off to look underneath it.

11 MS. CORNWELL: Whatever you need to do, Mr.
12 Farley.

13 A Well, if you pull this tape it's going to possibly
14 damage the box.

15 BY MS. CORNWELL:

16 Q You would agree that there were 25 markers and there
17 are 25 cartridge casing and each cartridge casing is marked
18 in a box. Those obviously had to be sent to SLED, so there
19 was different tapes and seals to mark numbers; is that
20 correct?

21 A Correct.

22 Q All of those items that are sealed, they have a date as
23 to when they are sealed on there?

24 A They do.

25 Q And do they have a date and time of when it was

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1 collected?

2 A They have a date, time and the initials of the person
3 that collected.

4 Q On this box, I understand that the number has been
5 taped over and it's going to be very difficult to see that
6 number. Can you tell me, the writing on that box, what is
7 written? What day and time it was collected?

8 A It was collected on July the 19th of 2016 at 14:44
9 hours, which would be 2:44 p.m.

10 Q And does it give any detail of where it was taken?

11 A From the yard.

12 Q And does it give any detail of what was collected?

13 A Yes, ma'am.

14 Q And what type of cartridge casing was collected?

15 A It's a 7.62 by 39 cartridge case.

16 MS. CORNWELL: Your Honor, at this time the State
17 would like to enter State's 54 through 78 into evidence.

18 COURT REPORTER: 7.36 --

19 THE WITNESS: 7.62 by 39.

20 COURT REPORTER: 7.62 by 39?

21 THE WITNESS: Yes, ma'am.

22 THE COURT: All right. Any objection?

23 MR. FARLEY: No, Your Honor. I think the State's
24 laid their foundation.

25 THE COURT: State's 54 through 78 are in evidence

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1 without objection.

2 MS. CORNWELL: Thank you, Your Honor.

3 (State's Exhibit No. 54, cartridge
4 casing, was previously marked and entered)

5 (State's Exhibit No. 55, cartridge
6 casing, was marked and entered)

7 (State's Exhibit No. 56, cartridge
8 casing, was marked and entered)

9 (State's Exhibit No. 57, cartridge
10 casing, was marked and entered)

11 (State's Exhibit No. 58, cartridge
12 casing, was marked and entered)

13 (State's Exhibit No. 59, cartridge
14 casing, was marked and entered)

15 (State's Exhibit No. 60, cartridge
16 casing, was marked and entered)

17 (State's Exhibit No. 61, cartridge
18 casing, was marked and entered)

19 (State's Exhibit No. 62, cartridge
20 casing, was marked and entered)

21 (State's Exhibit No. 63, cartridge
22 casing, was marked and entered)

23 (State's Exhibit No. 64, cartridge
24 casing, was marked and entered)

25 (State's Exhibit No. 65, cartridge

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1 casing, was marked and entered)

2 (State's Exhibit No. 66, cartridge

3 casing, was marked and entered)

4 (State's Exhibit No. 67, cartridge

5 casing, was marked and entered)

6 (State's Exhibit No. 68, cartridge

7 casing, was marked and entered)

8 (State's Exhibit No. 69, cartridge

9 casing, was marked and entered)

10 (State's Exhibit No. 70, cartridge

11 casing, was marked and entered)

12 (State's Exhibit No. 71, cartridge

13 casing, was marked and entered)

14 (State's Exhibit No. 72, cartridge

15 casing, was marked and entered)

16 (State's Exhibit No. 73, cartridge

17 casing, was marked and entered)

18 (State's Exhibit No. 74, cartridge

19 casing, was marked and entered)

20 (State's Exhibit No. 75, cartridge

21 casing, was marked and entered)

22 (State's Exhibit No. 76, cartridge

23 casing, was marked and entered)

24 (State's Exhibit No. 77, cartridge

25 casing, was marked and entered)

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1 (State's Exhibit No. 78, cartridge
2 casing, was marked and entered)

3 THE COURT: You want to put some tape over that or
4 something, just to --

5 MS. CORNWELL: It should be fine, Your Honor. And
6 these will go back into evidence for the jury to look at as
7 well.

8 THE COURT: Okay. All right.

9 BY MS. CORNWELL:

10 Q All right. And then looking at State's 45 --

11 THE COURT: State's 45?

12 MS. CORNWELL: Yes, Your Honor.

13 BY MS. CORNWELL:

14 Q Can you identify that photograph?

15 A I can.

16 Q And what is that photograph of?

17 A It's a photograph depicting number 26, which was a pair
18 of brass knuckles.

19 MS. CORNWELL: And, Your Honor --

20 BY MS. CORNWELL:

21 Q Is that a true picture of the item and where it was
22 found on scene that day?

23 A That's correct.

24 MS. CORNWELL: We'd move State's 46 [sic] into
25 evidence, Your Honor.

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1 THE COURT: 46 or 45 --

2 COURT REPORTER: 45.

3 THE WITNESS: 45.

4 MS. CORNWELL: I'm sorry, Your Honor. State's 45
5 into evidence.

6 THE COURT: Okay. Any objection?

7 MR. FARLEY: No, Your Honor.

8 THE COURT: State's 45 is in evidence without
9 objection.

10 (State's Exhibit No. 45, photo, was
11 marked and entered)

12 BY MS. CORNWELL:

13 Q And just to show the jury. So that would be -- and
14 looking at State's 79 --

15 MS. CORNWELL: And, Your Honor, I believe we can
16 stipulate on the record that we just opened this.

17 MR. FARLEY: Absolutely, Judge.

18 BY MS. CORNWELL:

19 Q I went ahead and untaped it for you and everything, but
20 can you look at that and tell me what those are?

21 A It's marked item number 26 and it's a pair of brass
22 knuckles.

23 Q And are those the brass knuckles that were collected on
24 the scene in that photograph?

25 A They are.

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1 MS. CORNWELL: And, Your Honor, the State would
2 move State's 46 into evidence -- 45 into evidence. I'm
3 sorry. I'm sorry. This is State's 79. The State would
4 move State's 79 into evidence.

5 MR. FARLEY: No objection, Judge.

6 THE COURT: State's 79 is into evidence without
7 objection.

8 (State's Exhibit No. 79, brass
9 knuckles, was marked and entered)

10 COURT REPORTER: And 45 is the photo of --

11 MS. CORNWELL: 45 was the photo 79.

12 COURT REPORTER: Okay.

13 THE COURT: Is the actual item.

14 MS. CORNWELL: Yes, sir.

15 BY MS. CORNWELL:

16 Q And Investigator Ketcherside, would item [sic] 79 when
17 you collected that, was that marked for any additional
18 testing to your knowledge?

19 A Yes, it was.

20 MR. FARLEY: Objection, Your Honor. Is he
21 testifying that he marked it or that someone else.

22 MS. CORNWELL: I was actually just going to ask --

23 THE COURT: Well, the question was, was it marked
24 for any other reason.

25 MR. FARLEY: Okay. I'm sorry.

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1 THE COURT: Yeah. Okay. All right. Go ahead.

2 BY MS. CORNWELL:

3 Q And when this was submitted into evidence, what reason
4 did you give for submitting it into evidence?

5 A For touch DNA or for DNA purposes.

6 Q Okay. And you would not have collected that?

7 A No, ma'am.

8 Q And looking at State's 46 through 53

9 THE COURT: Haven't we already done 46?

10 MS. CORNWELL: I think I kept saying 46, Your
11 Honor, when I meant 45.

12 THE COURT: No, but I mean -- haven't those -- are
13 those State's --

14 MR. FARLEY: 46 through 53?

15 THE COURT: They're already in. That's part of 19
16 through 53.

17 MS. CORNWELL: Oh, I apologize.

18 THE COURT: That's okay.

19 BY MS. CORNWELL:

20 Q Looking at State's 46?

21 A Yes.

22 Q What is that a photograph of?

23 A This is a closeup photograph of item number 27, which
24 would be a bullet fragment on the floor.

25 Q And looking at State's 81, do you recognize State's 81?

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1 A Yes, ma'am.

2 Q And what is --

3 A It's item number 27.

4 Q And is that the actual bullet fragment?

5 A Correct.

6 MS. CORNWELL: And, Your Honor, at this time, the
7 State would move State's 81 into evidence.

8 MR. FARLEY: Without objection.

9 THE COURT: State's 81 is into evidence without
10 objection.

11 (State's Exhibit No. 81, bullet
12 fragment, was marked and entered)

13 BY MS. CORNWELL:

14 Q And State's 47?

15 A 47 would be item number 37.

16 Q And what is that?

17 A That would be a bullet fragment on the floor inside of
18 the little screened-in porch.

19 Q And looking at State's 83, can you identify State's 83?

20 A I can.

21 Q And what is State's 83?

22 A Item number 37.

23 Q And is that the actual bullet fragment?

24 A Yes.

25 THE COURT: 37?

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1 THE WITNESS: Yes, that's 37.

2 MS. CORNWELL: Your Honor, at this time, the State
3 would move State's 83 into evidence.

4 THE COURT: Any objection?

5 MR. FARLEY: No, Your Honor.

6 THE COURT: State's 83 is in without objection.

7 (State's Exhibit No. 83, bullet
8 fragment, was marked and entered)

9 BY MS. CORNWELL:

10 Q And looking at State's 48?

11 A State's 48 is a photograph that depicts item number 38,
12 which is a bullet fragment against a wall, on the floor.

13 Q Okay. And in looking at State's 82, do you recognize
14 that?

15 A Yes. That's item number 38.

16 Q And is that what is depicted in that photo?

17 A Correct.

18 MS. CORNWELL: Your Honor, at this time, the State
19 would move State's 82 into evidence.

20 MR. FARLEY: Without objection.

21 THE COURT: State's 82 is in without objection.

22 (State's Exhibit No. 82, bullet
23 fragment, was marked and entered)

24 BY MS. CORNWELL:

25 Q State's -- now I've lost numbers again.

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1 A 49.

2 Q State's 49.

3 A State's 49 is a photograph that depicts trajectory rods
4 being used in the front of the -- in the front of the
5 screened building.

6 Q And what is the purpose of using the trajectory rods?

7 A When we have the area, an area like the front of a
8 building and we have bullet impacts to that area, and we
9 have cartridge casings a distance away, we want to be able
10 to tie those casings in with those bullet impacts.
11 Basically, we want to be able to show a bullet path of where
12 the bullet came from.

13 Q And in looking at the next photograph, State's 50?

14 A Number 50. That's also the same thing. That would be
15 to the -- if you're standing at the back of the -- at the
16 back of the -- by the door, going into the screened porch or
17 screened-in area, looking back towards the highway, that
18 would be the photograph that you're looking at there.

19 Q So in this photograph the door is from the back?

20 A Correct.

21 Q And looking at State's 51?

22 A 51 would be just a general closeup of a bullet fragment
23 that was found inside of a stud wall. The wall stud in the
24 screened porch.

25 Q And looking at State's 80, do you recognize that?

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1 A I do.

2 Q And what is that?

3 A That's item number 33, which would be the item number
4 that that bullet fragment was given.

5 Q And is that what's depicted in this photograph?

6 A Correct.

7 MS. CORNWELL: Your Honor, at this time the State
8 would move State's 80 into evidence.

9 THE COURT: Any objection?

10 MR. FARLEY: No objection, Judge.

11 THE COURT: Okay. State's 80 is in without
12 objection.

13 (State's Exhibit No. 80, bullet
14 fragment, was marked and entered)

15 BY MS. CORNWELL:

16 Q And looking at State's 52?

17 A 52 depicts a bullet impact to the couch inside of the
18 screened-in porch.

19 Q And looking at State's 53?

20 A 53 is where we cut trying to retrieve a bullet that had
21 entered that -- that bullet matter of fact had entered into
22 the couch cushion.

23 Q And looking back on State's 83, would be the fragment
24 that you found behind the couch?

25 A Correct.

State v Jenkins William Ketcherside - Direct 2/21/18 296

1 Q And after collecting all the evidence and marking it
2 and tagging it, what did y'all do with the evidence?

3 A Once it's marked and collected, tagged and
4 photographed, it's then submitted into our evidence. It's
5 sealed and submitted into our evidence storage.

6 Q And who has access to that evidence storage room?

7 A Kimberly Pugh, our evidence custodian.

8 Q Can anybody else get into that evidence storage room
9 besides Ms. Pugh?

10 A Other than myself.

11 Q And generally after you submit evidence to the evidence
12 locker, if you have marked that evidence for additional
13 testing, where does that usually go?

14 A It usually goes to SLED.

15 Q And with items -- all of the cartridge casings, the
16 bullet fragments and all of that, did you mark them for any
17 additional testing?

18 A Yes, ma'am.

19 Q And what was that testing that you marked them for?

20 A To go to SLED for firearms?

21 Q And to your knowledge, were the sent to SLED for
22 firearms?

23 A Yes, ma'am.

24 Q And to your knowledge were the brass knuckles sent to
25 SLED for DNA testing.

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1 A Yes, ma'am.

2 Q I mean, you don't perform any of those test?

3 A No, ma'am.

4 Q Were you also dispatched out later that day to an
5 incident location off Salisbury (sp) Road in reference to a
6 car accident?

7 A We were, yes.

8 Q And that was related to this incident as well?

9 A Correct.

10 MR. FARLEY: Objection to speculating at this
11 point.

12 THE COURT: Okay.

13 BY MS. CORNWELL:

14 Q Did you go to the scene on Salisbury Road?

15 A I went to that area, yes, ma'am.

16 Q And what was your -- what did you do while you were on
17 that scene?

18 A While I was at that area on that scene, I was on the
19 perimeter of a manhunt.

20 Q Okay. And while you were on the perimeter, were there
21 other items of evidence collected from that area?

22 A Yes, ma'am.

23 Q And I'm looking at State's 84 and 85. Are these the
24 items that were collected from that area?

25 A Yes, ma'am.

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1 Q And what are those?

2 A It would be item number 39 and item number 10.

3 Q And item number 39 is State's 85?

4 A Yes, ma'am.

5 Q And item number 10 is State's --

6 A 84.

7 Q And looking at State's 84, would you agree that --

8 MS. CORNWELL: Do you have the photos from this
9 afternoon?

10 BY MS. CORNWELL:

11 Q I'll move on to State's 85. Looking at State's Exhibit
12 8 --

13 A Yes, ma'am.

14 Q Do you recognize that photo?

15 MR. FARLEY: I have no objection with that item
16 coming into evidence, Judge.

17 THE COURT: Okay. So just for the record that's
18 item, which?

19 MS. CORNWELL: State's 85.

20 THE COURT: State's 85, which was item 39? No
21 objection.

22 MR. FARLEY: No objection.

23 THE COURT: It's in without objection.

24 (State's Exhibit No. 85, photo, was
25 marked and entered)

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1 BY MS. CORNWELL:

2 Q And that's what's depicted in this photograph?

3 A Correct.

4 MS. CORNWELL: And the State would also move
5 State's Exhibit 8.

6 MR. FARLEY: Without objection.

7 THE COURT: Okay.

8 (State's Exhibit 8, photo, was
9 marked and entered)

10 BY MS. CORNWELL:

11 Q And State's 84, I believe we saw a photograph earlier
12 today of a car accident scene and a shoe was identified.
13 Would that be State's 8?

14 MR. FARLEY: I'm not going to object to that
15 either for the purposes of expediency.

16 THE COURT: Okay. All right.

17 MS. CORNWELL: The State would move State's 84
18 into evidence as well, Your Honor.

19 THE COURT: State's 84 is into evidence as well,
20 without objection. Okay.

21 (State's Exhibit No. 84, photo, was
22 marked and entered)

23 BY MS. CORNWELL:

24 Q And after collecting those items for evidence and
25 clearing those scenes, are you aware that the Defendant

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1 Treshawn Jenkins was apprehended on July 20th of 2016?

2 A Yes, ma'am.

3 Q And did you perform any testing on the Defendant on
4 that day, gunshot residue testing or anything?

5 A I didn't personally.

6 Q With him being apprehended a full day later, would you
7 have -- would there have been a need for you to go and try
8 to collect GSR from his hands?

9 A No, ma'am.

10 MR. FARLEY: Objection. She's asking opinion
11 testimony and she's not established that he has special
12 training to be able to make such determination.

13 THE COURT: Well, he testified earlier that he had
14 some kind of -- some crime scene investigation. I don't
15 know whether that went into gun residue or not. She can ask
16 him about his knowledge of gun residue and go from there.
17 Okay.

18 BY MS. CORNWELL:

19 Q And you don't test the gunshot residue, correct?

20 A No, ma'am.

21 Q But do you have training in collecting gunshot residue?

22 A Correct.

23 Q Can you explain how you generally would collect gunshot
24 residue?

25 A Generally, if it's within four hours of that incident,

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1 we will collect from a living person. From deceased, we can
2 collect twenty-four hours or more, as long as the hands are
3 secure.

4 Q And based on your training, why can you not collect GSR
5 from a living person after four hours?

6 A Multiple reasons. They could be sweating, they could
7 wash their hands, they could shower, any reason where
8 moisture or water would be applied to the hands.

9 Q All right. And the skin also absorbs --

10 A Correct.

11 Q So protocol is after four hours you would not be able
12 to test for GSR?

13 A Correct.

14 Q And is that why you did not test for GSR on this
15 Defendant?

16 A Yes, ma'am.

17 Q Did you ever, during the course of your investigation,
18 collect any evidence from the person of this Defendant?

19 A Yes, ma'am, I did.

20 Q And what was that?

21 A A DNA sample.

22 Q And how do you collect those DNA samples?

23 A Two Q-tip swabs and it's collected -- for collecting
24 saliva and skin cells from the cheek and their gum.

25 Q And what is the forensic term for that?

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1 A A buccal swab.

2 Q Okay. And when you collect those buccal swabs, after
3 you swab the cheek, what do you do with it?

4 A It's allowed to dry. It's packaged and sealed and then
5 sent to SLED for comparison.

6 Q And is that what you did with this Defendant?

7 A Correct.

8 Q And did you take that item to SLED?

9 A It was submitted into our evidence and then carried to
10 SLED from there.

11 Q Okay. After you collected the swab, submit it into
12 evidence, collected all this evidence, submitted it into
13 evidence, have you had any further involvement in this
14 investigation?

15 A No, ma'am.

16 MS. CORNWELL: Your Honor, that'd be all the
17 questions we'd ask of this witness.

18 THE COURT: Anything on cross-examination?

19 MR. FARLEY: May I speak to my client briefly?

20 THE COURT: Sure.

21 MR. FARLEY: Judge, I won't have any questions for
22 this witness.

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

25 Is the State ready to call its next witness?

State v Jenkins John Stokes - Direct 2/21/18 303

1 MS. CORNWELL: We are, Your Honor.

2 THE COURT: Okay.

3 (WHEREUPON, John Stokes was sworn
4 to tell the truth.)

5 JOHN STOKES - DIRECT EXAMINATION

6 BY MS. CORNWELL:

7 Q Sergeant Stokes, can you please tell the jury a little
8 bit about yourself, how long you've been in law enforcement,
9 what your role is?

10 A I've been in law enforcement about sixteen years. My
11 current role is I'm a Sergeant in the Criminal Investigation
12 Division of the Orangeburg County Sheriff's Office.

13 Q And were you working in that capacity on July 19, 2016?

14 A I was.

15 Q Do you recall being dispatched to [REDACTED] Craig Street in
16 Eutawville that day?

17 A I was.

18 Q What county is that in?

19 A County of Orangeburg.

20 Q And what were you dispatched there in reference to?

21 A I was dispatched to a shooting incident.

22 Q And what was your role in the investigation?

23 A Case agent.

24 Q And when you arrived on the scene, what did you
25 observe?

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1 A Once I arrived on scene, I made contact with Sergeant
2 Moore. He was able to advise me there was several witnesses
3 that were on scene. And also I saw the victim, Ms.
4 Jacqueline. She was in the shed part of the yard.

5 Q And by the time you arrived on the scene, had any
6 suspects already been developed or any evidence already been
7 given to officers?

8 A Yes. At that time, a description of the vehicle, a
9 black Buick. Also the driver of the vehicle at the time was
10 identified as Zaquan Taste.

11 Q And through your investigation were you able to
12 identify any other potential suspects while you were on the
13 scene?

14 A While we were on the scene we were given the name of
15 Trey, a possible Trey Jenkins as a possible suspect that was
16 involved in this incident. Through the course of the
17 investigation, we were able to identify possibly a Treshawn
18 Jenkins.

19 Q And was Treshawn Jenkins mother on the scene at that
20 time?

21 A I believe so. Yes, ma'am.

22 Q And once you were able to obtain the name Treshawn
23 Jenkins, what did you do with that information?

24 A Once I was given the name Treshawn Jenkins, I went to
25 South Carolina DOT on-line. I was trying to get a driver's

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1 license number or driver's license photo for the suspect at
2 the time. Once I was able to gather that, I submitted the
3 photo lineup sheet to SLED for a six-pack photo lineup to be
4 generated.

5 Q And was SLED able to generate that photo lineup for
6 you?

7 A They were.

8 Q And when you received that photo lineup, were you able
9 to present it to witnesses or have an officer present it to
10 witnesses?

11 A Once I got the lineup, I was able to give it to Deputy
12 Dontre Staley. In cases like this being that I already know
13 who the suspect is, I gave it to a deputy that didn't know
14 who was actually in the six pack. So I gave it to him and
15 he presented it to the victim or one of the witnesses on the
16 scene.

17 Q Okay. And looking at State's Exhibit 1, is that the
18 photo lineup that was generated and presented to the
19 witness?

20 A It is.

21 THE COURT: What was that? State's what?

22 MS. CORNWELL: State's 1.

23 THE COURT: Okay. Thank you, ma'am.

24 BY MS. CORNWELL:

25 Q And the witness indicated he was able to identify the

State v Jenkins John Stokes - Direct 2/21/18 306

1 shooter in that photo. Do you remember what witness that
2 was?

3 A It was Denard Reeves.

4 Q And other than Treshawn Jenkins, were you able to
5 develop any information on any other suspects while you were
6 on scene?

7 A Yes, ma'am. While we were on scene we also were able
8 to identify another co-defendant, a Matthew Brown.

9 Q And how were you able to identify Matthew Brown on the
10 scene?

11 A Matthew Brown came through not a hundred percent sure
12 but it was a tip or something somebody called into our
13 dispatch office for a person that might have been involved
14 in the shooting.

15 Q And just for -- it's a small town.

16 A Yes.

17 Q Eutawville and Holly Hill. When incidents like this
18 happen, do you often get various people calling in and
19 giving you tips and telling you things?

20 A We do.

21 Q So while you were on scene you were able to develop
22 suspects in the name of -- what suspects were developed
23 while you were on the scene?

24 A Initially, it was Zaquan Taste was the driver of the
25 car, Treshawn Jenkins and lastly was Matt Brown, Matthew

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1 Brown.

2 Q And after gathering information from the scene, what
3 did you do?

4 A Once I gathered the information on the scene, I then
5 responded back to the offices in Orangeburg.

6 Q And did you have any witnesses also taken back to your
7 offices in Orangeburg?

8 A Yes.

9 Q And what was the purpose of having those witnesses
10 taken back?

11 A Well, a lot of the witnesses were real emotional at the
12 time of the incident, and then a couple of hours later so we
13 transferred them back to our office, get calmed down, in a
14 different environment.

15 Q And was that just to confirm statements and get further
16 information for your investigation?

17 A Correct.

18 Q And while they were at your office, did you have some
19 of them write statements?

20 A Yes, ma'am.

21 Q When you have witnesses write statements, do you talk
22 to them? I mean, do you get the information before you got
23 them to write the written statement?

24 A A lot of times when you're talking to witnesses, you
25 see first what he's talking about and secondly you give them

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1 the statement form and then they write the statement after
2 that.

3 Q And in this case the witnesses, were they all able to
4 write their own statements?

5 A They were.

6 Q So law enforcement did not write any statement for
7 them?

8 A No, ma'am.

9 Q And based on your experience in law enforcement, when a
10 witness gives a handwritten statement, are they putting down
11 verbatim everything that they tell law enforcement officers
12 or are they giving a synopsis of what happened?

13 A Normally, they seem to leave certain things out --

14 MR. FARLEY: Objection. He's generalizing way
15 beyond the scope of what's admissible.

16 THE COURT: Well, nothing's really -- he just
17 asking -- she just asked is the statement an exact rendition
18 of what the conversation was or was it a more generalized
19 statement.

20 MR. FARLEY: I'm assuming she going to follow up
21 with more specifics.

22 THE COURT: That's what I'm assuming, but I --

23 MR. FARLEY: I'll withhold my objection.

24 THE COURT: Okay. All right. Go ahead.

25 BY MS. CORNWELL:

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1 Q What is the reason for taking a written statement after
2 you've spoken to witnesses?

3 A Normally, a lot of times they don't put exactly -- you
4 know sometimes they don't put everything they tell you in
5 it.

6 Q All right. After you met with these witnesses and
7 gathered statements, at some point were you able to -- were
8 any suspects apprehended on the 19th?

9 A On the 19th just Zaquan Taste?

10 Q And was law enforcement able to meet with Mr. Taste
11 that day?

12 A We were.

13 Q And was Mr. Taste willing to speak with law enforcement
14 that day?

15 A He was.

16 Q And based on your conversation with Mr. Taste, were you
17 able to confirm any information that the witnesses gave you?

18 A I was.

19 Q Based on that information, what did you do?

20 A I was able to get arrest warrants on three suspects in
21 the case.

22 Q And what three suspects did you get arrest warrants on?

23 A It was on Matthew Brown, Zaquan Taste, and the
24 Defendant, Treshawn Jenkins.

25 Q And what warrants did you get on each of those?

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1 A We got one count of murder, a count of attempted murder
2 and also possession of a weapon during the commission of a
3 violent crime.

4 Q And the attempted murder, who was the victim in that?

5 A Damian Shuler.

6 Q Was he on scene when law enforcement arrived?

7 A He wasn't.

8 Q Do you know where he was when law enforcement arrived?

9 A He was at a hospital in Charleston, I believe.

10 Q Were you given any information on any injuries that he
11 may have sustained and why he was at the hospital?

12 A I was told he had possibly a gunshot wound to the
13 shoulder.

14 Q Okay. Once you got warrants on the Defendant, was he
15 eventually taken into custody?

16 A He was.

17 Q What day was he taken into custody?

18 A It was shortly -- it was on the 20th. It was shortly
19 after -- not exact time, but it was shortly after midnight.

20 Q Okay. And where was he when he was taken into custody?

21 A He was at the Red Roof Inn in Santee, South Carolina.

22 Q Was he with anybody when he was taken into custody?

23 A Frank Smoot.

24 Q And at some point during your investigation, did you
25 personally meet with the Defendant to get a statement from

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1 him?

2 A I did.

3 Q And when you met with the Defendant, did you advise him
4 of all his Miranda rights?

5 A I did.

6 Q And looking at State's Exhibit 88, are those the
7 Miranda rights that were given to him when you met with him?

8 A They are.

9 Q And what day did you meet with him?

10 A It was the 27th of July, 2016.

11 Q And after you gave him his rights, did he appear to
12 understand his rights?

13 A He did.

14 Q How do you know that he understood his rights?

15 A I advised him of his rights. He initialed beside all
16 five, and signed his signature where it says I understand my
17 rights. Also, I read him the statement of the waiver of
18 rights and he signed that also.

19 Q Okay. So not only did he initial that he understood
20 his rights, he also signed a statement that he was going to
21 waive his rights and speak with you?

22 A Correct.

23 Q And is that a true and accurate copy of the form that
24 he filled out on July 27 of 2016?

25 A It is.

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1 Q And is that your signature where you witnessed that?

2 A It is.

3 MS. CORNWELL: Your Honor, at this time, the State
4 would move State's 88 into evidence.

5 THE COURT: Any objection?

6 MR. FARLEY: Not at this time, Judge.

7 THE COURT: Okay. State's 88 is in without
8 objection.

9 (State's Exhibit No. 88, 7/27/16,
10 copy Miranda form, was marked and entered)

11 BY MS. CORNWELL:

12 Q And for purposes of the record, Sergeant, can you tell
13 the jury what the rights you gave the Defendant were and
14 what the waiver of rights were?

15 A Okay. Basically, it's a form. I tell him these are
16 you rights, please read them carefully. Before we ask you
17 any questions you understand your rights. Please initial
18 beside each sentence. You have a right to remain silent.
19 Anything you say can be used against in a court. You have
20 the right to talk to a lawyer for advice before we ask you
21 any questions and to have him or her with you during
22 questioning. If you cannot afford a lawyer, one will be
23 appointed for you before the questioning when, if you decide
24 to answer questions without a lawyer present, you still have
25 the right to stop answering at any time. You also have the

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1 right to stop answering at any time until you talk to a
2 lawyer. It's five. He initialed beside all five and he
3 signed where he said I understand my rights. There's also
4 of the waiver of rights. I've read the statement of my
5 rights and I understand what my rights are. I am willing to
6 make a statement and answer questions. I do not want a
7 lawyer at this time. I understand and know what I'm doing.
8 No promises or threats have been made to me or no pressure
9 or coercion of any time has been used against me. And,
10 again, he signed that he understood his waiver of rights and
11 also I signed as the witness.

12 Q And while you gave this Miranda and the waiver of
13 rights, was anybody else in the interview room with you?

14 A Lieutenant Shumpert.

15 Q And once he waived his rights, did you have a
16 conversation with him about the incident that occurred on
17 July 19th, 2016?

18 A We did.

19 Q And what did he tell you in regards to July 19th, 2016?

20 A Basically --

21 MR. FARLEY: Objection, Your Honor.

22 THE COURT: Okay.

23 MR. FARLEY: Obviously, this renewing my previous
24 objection.

25 THE COURT: Oh, okay. Well, and thank you for

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1 reminding me of that so I can make sure your objection is on
2 the record and so it'll be preserved into evidence, along
3 with my earlier decision on that matter.

4 MR. FARLEY: Thank you, Judge.

5 THE COURT: Thank you, Mr. Farley>

6 Go ahead. Continue.

7 BY MS. CORNWELL:

8 Q What did the Defendant tell you in regards to what
9 happened on July 19th, 2016?

10 A Basically, himself and Frank Smoot were together. They
11 got up with Zaquan Taste, also Matthew Brown and Dwendell
12 High. They went to the residence on Craig Street looking
13 for a female named Shy. At the time Zaquan exited the car.
14 He went out and he dapped up the people in the yard.
15 Shortly, he got back in the car. As they were driving
16 somebody said, the heck with this. So the car stopped, the
17 back doors flew open and started shooting. The Defendant
18 also stated that during the time of the incident his foot
19 got ran over, and the car was on. He had to tell Zaquan
20 move, move the car off his foot. So -- but he did admit
21 shooting and also the -- put several other co-defendants was
22 also shooting at that time.

23 Q And was that interview audio and video recorded?

24 A It was.

25 Q After taking a statement from him -- did he give a

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1 written statement on that or was it just an oral statement?

2 A Just oral.

3 Q After he gave the oral statement to you, did he also do
4 anything else in that interview?

5 A Yes. He also at that time identified the other co-
6 defendants that were with him. We showed him several photo
7 lineups and he identified them.

8 Q And is all of that audio and video recorded?

9 A It is.

10 Q After taking the Defendant's Statement on July 27th,
11 2016, other than coming to court, have you had any further
12 involvement or contact with this Defendant?

13 A I have.

14 MS. CORNWELL: That'd be all the questions that I
15 have for this witness, Your Honor.

16 THE COURT: Any questions on cross-examination?

17 MR. FARLEY: Yes, Your Honor.

18 THE COURT: All right. He's your witness, Mr.
19 Farley.

20 MR. FARLEY: Thank you, Your Honor.

21 THE COURT: Yes, sir.

22 MR. FARLEY: Just bear with me.

23 JOHN STOKES - CROSS-EXAMINATION

24 BY MR. FARLEY:

25 Q So you were the lead investigator on this?

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1 A I was.

2 Q And during the process of being the lead investigator
3 you made a report --

4 A Correct.

5 Q -- to memorialize the events as they happened?

6 A To my knowledge, yes.

7 Q All right. So the Solicitor started out with you
8 getting a six-pack photo lineup?

9 A Correct.

10 Q That's basically six individuals on one sheet of paper?

11 A It is.

12 Q And you basically said did you see anybody in that
13 lineup?

14 A Did I say it?

15 Q Is that generally the practice? Is that how it's done?

16 A Well, basically you say do you see anybody in there
17 that was involved in whatever the incident and just pick
18 them out.

19 Q And the only person -- correct me if I'm wrong, because
20 in your report the only person that was able to identify
21 anybody was -- I think Denard Reeves was the only person
22 that was able to or -- in a lineup. Is that right?

23 A That is correct. But Zaquan Taste also identified him.

24 Q Okay. And that's not in your report?

25 A It's on the photo lineup.

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1 Q So at the scene Zaquan Taste said that?

2 A Zaquan Taste identified him at our office.

3 Q Oh, at the office. Okay.

4 A Denard Reeves identified him at the scene.

5 Q So the only person at the scene identified him was
6 Denard Reeves?

7 A That's correct.

8 Q So no one gave you any information that they saw the
9 Defendant, Treshawn Jenkins. No one came to you at the
10 scene right after this and I saw Treshawn Jenkins?

11 A Well, like I said, when you're doing investigation, a
12 lot of times, there's a lot of moving parts in these
13 homicide investigations. And during the course, you know,
14 the name Trey kept coming up. Maybe Trey Jenkins, not
15 really sure.. But, you know, besides that, I was able to
16 identify Treshawn Jenkins and present the lineup to Mr.
17 Reeves.

18 Q You were in here earlier when Johnny Elmore testified,
19 weren't you?

20 A I was.

21 Q Did you hear him testify that he saw that that was
22 Treshawn Jenkins shooting?

23 A I did.

24 Q Is that information that you got on the day of the
25 incident?

1 A I didn't get it.

2 Q This is the first day you heard about it?

3 A Correct.

4 Q As the investigator, are you aware of any gunshot
5 residue kits being done besides the one from the --

6 A I'm not aware of -- I didn't really get Zaquan Taste
7 until probably about six or seven hours after the incident.
8 And Mr. Jenkins was taken into custody maybe twelve hours
9 after the incident took place. So they wouldn't have been
10 performing --

11 Q How about all those people at the scene of the
12 incident?

13 A The witnesses?

14 Q The witnesses?

15 A No.

16 Q So -- but that would be definitely within the time
17 window where the evidence would possibly still be present?

18 A It would of possible suspects, yes.

19 Q So we've got a bunch of people where there's a shooting
20 and they were within the time frame to get gunshot residue
21 test?

22 A That's correct.

23 Q And that wasn't done?

24 A That's correct.

25 Q The Solicitor talked about an interview on the 27th, I

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1 believe?

2 A Correct.

3 Q To your knowledge as the lead investigator, had there
4 been other attempts to talk to the Defendant?

5 A There were.

6 Q How many, do you know?

7 A There was two. Two.

8 Q Two?

9 A Two other besides mine.

10 Q Okay. And you told the Solicitor that during the
11 course of the third interview, the last interview, the 27th
12 interview, that the Defendant made some admissions; isn't
13 that correct?

14 A Correct.

15 Q But on the first interview, the Defendant denied all
16 involvement in this case; is that correct?

17 A He did.

18 Q And then y'all bring him back later. What does he do?
19 He denies all involvement with the incident?

20 A Correct.

21 Q And then on this third one after being brought in and
22 brought in, this third one, he admits everything?

23 A Correct.

24 Q Who all was in the jail at the same time as the
25 Defendant? Who had you arrested and who was being detained?

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1 A I don't remember the exact dates the other defendants
2 were taken in. Based on the dates that this Defendant was
3 interviewed, I can't really remember.

4 Q But I think you told me earlier that murder is a non-
5 bondable offense?

6 A Correct, for anyone.

7 Q You've got to go up to Circuit Court. So every time --
8 so basically everyone that was taken into custody from the
9 incident date until the 27th would have been in the county
10 jail?

11 A At some point.

12 Q And I don't expect you to know how they were housed,
13 you know?

14 A At some point, yes, sir.

15 Q They were in custody at the same time?

16 A At some point, yes.

17 Q And you don't have any knowledge of whether or not they
18 were able to communicate about this case, do you?

19 A I don't have first-hand knowledge they did.

20 Q Okay. So at some point your big break in the case was,
21 what -- obviously, just about everybody on the scene could
22 identify Zaquan Taste as being at the scene?

23 A Correct, as the driver. Yes, sir.

24 Q Being at the scene, being the driver?

25 A Yes, sir.

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1 Q So obviously, he's the first person y'all looked for?

2 A Correct. He's the first one identified.

3 Q And so you sit down and talk to him?

4 A I didn't.

5 Q Someone did?

6 A Someone did, yes, sir.

7 Q As, of course, as your role as lead investigator,
8 you're aware of what kind of things were said?

9 A Correct.

10 Q At first didn't he admit that -- what did he tell y'all
11 first?

12 MS. CORNWELL: I'm going to object to this at this
13 point.

14 MR. FARLEY: I understand --

15 THE COURT: Okay. Thank you, sir.

16 BY MR. FARLEY:

17 Q But through Zaquan Taste you were able to develop
18 Treshawn Jenkins?

19 A I didn't identify him through Zaquan.

20 Q You were able to develop him as a suspect.

21 A No, he was able to identify him in the lineup, Zaquan
22 was --

23 Q So you didn't -- Sorry. Go ahead.

24 A Zaquan didn't identify him. He identified him in the
25 lineup, but that's not where the name came from, no.

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1 Q Where did the name come from?

2 A On the scene.

3 Q So charged Zaquan with, Zaquan Taste with murder?

4 A Correct.

5 Q And attempted murder?

6 A Correct.

7 Q And the weapons enhancement?

8 A Correct.

9 Q And what's happened with his case? Is his case over?

10 A He pled.

11 Q Open and shut. He pled?

12 A Yes.

13 Q What did he get on murder?

14 MS. CORNWELL: Your Honor, I'm going to object.

15 May we approach?

16 THE COURT: Sure.

17 (Off the record bench conference with counsel and the
18 Court.)

19 BY MR. FARLEY:

20 Q So Zaquan Taste is charged with murder, attempted
21 murder and the weapons enhancement?

22 A Correct.

23 Q He pled guilty?

24 A He did.

25 Q He cooperated with y'all didn't he?

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1 A He did.

2 Q What did he plead to? He didn't plead to murder, did
3 he?

4 A He plead to accessory after the fact of murder and
5 ABHAN if I'm not mistaken.

6 Q Where is he now?

7 A I don't know.

8 MR. FARLEY: If I may have --

9 THE COURT: Yeah. Take your time.

10 MR. FARLEY: That's all I have.

11 THE COURT: Anything on redirect?

12 MS. CORNWELL: Yes, Your Honor.

13 JOHN STOKES - REDIRECT EXAMINATION

14 BY MS. CORNWELL:

15 Q Just to go over a couple of things. Mr. Farley
16 mentioned a statement and the information from Johnny
17 Elmore, where Johnny Elmore indicated that he was able to
18 identify Mr. Jenkins as one of the shooters?

19 A Correct.

20 Q When you're called out to a shooting scene, are there
21 only one or two officers on scene? How many officers
22 generally respond?

23 A In cases like -- probably more than five.

24 Q And as the case agent, do you speak personally with
25 each and every witness on the stand?

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1 A I don't.

2 Q So generally, as a case agent, do you have other
3 officers collect that information?

4 A I do.

5 Q And those officers bring that information back to you?

6 A Correct.

7 Q So when you're developing these suspects, that's based
8 on information that's been given to these other officers,
9 that officers give to you?

10 A Correct.

11 Q So while you personally didn't speak to Johnny Elmore
12 and get that information, another officer could have?

13 A It's possible. Yes, ma'am.

14 Q And in regards to testing for gunshot residue at the
15 scene, was there any information that was given to you at
16 any point in time during your investigation that indicated
17 that anybody that was on the scene at Craig Street at the
18 cookout ever possessed a weapon or fired a weapon?

19 A It wasn't.

20 Q While you were on scene and while other officers were
21 on the scene, were any firearms found or located?

22 A No, ma'am.

23 Q Afer you left the incident scene and continued your
24 investigation all the way through the 27th, at any point did
25 anybody that you spoke to ever indicate that anybody at the

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1 Craig Street location possessed a firearm, fired a firearm
2 or made any threats?

3 A No, ma'am.

4 Q You talked about the two prior interviews prior to the
5 interview that he gave you on July 27th. To your knowledge,
6 was the Defendant advised of his rights on each and every
7 one of those interviews as well?

8 A He was.

9 Q And were those interviews also audio and video
10 recorded?

11 A They were.

12 Q And have you had an opportunity to review those videos?

13 A I have.

14 Q And in those videos were the Miranda rights given in
15 those videos that we're able to see?

16 A They were.

17 Q And the rights that were given that we saw on the
18 interview, are those the same rights and is it the same form
19 that you used in State's 88?

20 A It is.

21 Q Is this the standard form that y'all use when giving
22 rights?

23 A It is.

24 Q And the prior interviews that were done, approximately
25 how long did each one of those last?

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1 A Probably about an hour.

2 Q At any time during those interviews was the Defendant
3 threatened?

4 A No, ma'am.

5 Q And during those first two interviews, one was done on
6 -- do you know the days that they were done?

7 A The first one was done on July the 20th, 2016. And the
8 second one was done on July 22nd.

9 Q And the first one on July 20th, would that have been
10 shortly after he was apprehended?

11 A It was.

12 Q And the one on the 22nd, would that have been done
13 after he was arraigned?

14 A Possibly.

15 Q And in both of those statements that he gave, was he
16 being truthful in either one of those?

17 MR. FARLEY: Objection. That's speculation.

18 THE COURT: Yeah.

19 BY MS. CORNWELL:

20 Q In either of those first two statements --

21 MR. FARLEY: Objection. What was --

22 THE COURT: I sustained your objection.

23 MR. FARLEY: Okay.

24 THE COURT: And so she's moving on, I think.

25 MS. CORNWELL: I am, Your Honor.

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1 BY MS. CORNWELL:

2 Q In either of those statements did he give -- was he
3 inconsistent with the final statement he gave on the 27th?

4 A He was.

5 Q And I'm going to show you what's been marked as State's
6 92 and 93. Are those the advisements of rights that were
7 given to him on each one of those dates?

8 A It is.

9 Q So each time that he has spoken to law enforcement, he
10 was fully advised of his rights and waived his rights every
11 time?

12 A He was.

13 Q Any of those interviews, including the last interview,
14 did any of them last more than a little over an hour?

15 A No.

16 MR. FARLEY: Asked and answered, Judge.

17 THE COURT: Okay. Well, I'll let them complete
18 their question and answer. I'll note your objection. Go
19 ahead.

20 BY MS. CORNWELL:

21 Q Were any of them over more than a little over an hour?

22 A No, ma'am.

23 Q And in the first interview statement and the second
24 interview statement, did the Defendant acknowledge any
25 involvement in this incident?

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1 A No, ma'am.

2 Q And did officers advise the Defendant of the evidence
3 that they had against him in the first two interviews?

4 A They did.

5 Q And did they make an offer to him that they would let
6 him think about things and asked if he was okay if they
7 brought him back over a third time?

8 A They did.

9 Q And did he agree with that?

10 A He did.

11 Q And is that when he was brought over on the 27th?

12 A It was.

13 Q And that was approximately five days later?

14 A Yes, ma'am.

15 Q And is that how many days that the officers advised
16 they would let him think about things?

17 A I believe it was three to five or something.

18 Q And it was during that third interview that he
19 confessed his involvement in this and being the shooter, one
20 of the shooters?

21 A Uh-huh. (Affirmative response)

22 MS. CORNWELL: That'd be all we have, Your Honor.

23 THE COURT: Anything on recross?

24 MR. FARLEY: Yes, Your Honor.

25 JOHN STOKES - RECROSS-EXAMINATION

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1 BY MR. FARLEY:

2 Q So the Solicitor asked you did you have any -- when you
3 said you saw no firearms at the scene?

4 A Correct.

5 Q Did you look for any?

6 A We did.

7 Q Did you look through the houses?

8 A Through the houses?

9 Q Yeah?

10 A I didn't say we went through every house.

11 Q So you didn't search the houses?

12 A The incident location was the shed.

13 Q The shed?

14 A Yeah.

15 Q But everyone in that area lived around the shed
16 essentially, correct?

17 A Correct.

18 Q So if someone had a gun on them, they could have easily
19 taken it to their house and hid it, right?

20 A Correct.

21 Q So basically you didn't find any guns?

22 A No, sir.

23 Q And you didn't look at any houses or anything to try to
24 find --

25 A At that time we had six witnesses, with six statements,

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1 stating that a black Buick came there with the suspects and
2 shooting. And we had consistent shell casings on scene.

3 Q I understand. The question was that you didn't look
4 for any?

5 A I answered that already.

6 Q And also the officer talked about those six people we
7 were just talking about. And the Solicitor said well, you
8 don't have time to talk to all of them, right? You never
9 know -- you're not going to get all of that information from
10 all of the officers at the scene of the crime all at once,
11 right? There's a lot of stuff going on, a lot of moving
12 parts, right?

13 A Correct.

14 Q Do you think that if a witness saw a shooter and knew
15 the shooter by name, do you think like the deputy or someone
16 would come up and tell you that?

17 A I would hope so.

18 Q And no one told you that Mr. Elmore had identified him?

19 A Here again, while we're on the scene the name Trey was
20 developed. I'm not really a hundred percent sure how. I
21 heard Denard Reeves say it. But here again, the name Trey
22 was developed and brought to me. Trey Jenkins possibly. As
23 we got more into the investigation and found out it was a
24 Treshawn Jenkins. That's how we developed the photo lineup.

25 Q So the only thing you know for certain that you've

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1 recorded in your report is that Denard Reeves was the person
2 -- the only person on the scene --

3 A On the scene, yes, sir.

4 Q So that testimony earlier was incorrect?

5 A I can't say that.

6 MS. CORNWELL: I object to that --

7 MR. FARLEY: I have no further questions, Your
8 Honor.

9 THE COURT: All right. You may step down. Thank
10 you.

11 All right. We're going to take a break for about
12 fifteen minutes.

13 MS. CORNWELL: Thank you, Your Honor.

14 THE COURT: Okay. Thank you. Ladies and
15 gentlemen, I've got to remind you one more time. What am I
16 going to tell you?

17 You can't talk about it. Okay. All right. Go back
18 there and have a break and we'll get you back in about
19 fifteen minutes, okay? Thank y'all.

20 (Jury out at 2:58 p.m.)

21 (Court in recess for a short break
22 at 2:58 p.m.)

23 (Court in session after short break
24 at 3:26 p.m.)

25 THE COURT: All right. Is the State ready to

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1 proceed?

2 MS. CORNWELL: Yes, Your Honor, I'm just trying to
3 find the exact place -- Mr. Stevens is trying to help me out
4 so that it might be -- I will tell Your Honor that the next
5 couple of witnesses, actually the next four witnesses that
6 the State will be calling were all co-defendants in this
7 case. So the State, you know the State is calling the
8 witness. They are adverse parties so we would ask for some
9 leniency in leading questions.

10 THE COURT: Okay.

11 MR. FARLEY: There's a procedure to go through in
12 an adverse witness and I'm sure she knows that.

13 THE COURT: Okay. Well, you know, when you call
14 them you can, you know, you can start out, make sure
15 everything goes okay before we have to do that, right?

16 MS. CORNWELL: Well, yes, Your Honor. I think any
17 party opponent can be identified as an adverse part under
18 the rules of evidence and the questioning allowed in court
19 is at the discretion of Your Honor. I do not think these
20 witnesses are going to fail to cooperate. However, given
21 some topics that may not be admissible. I need to tiptoe
22 around some of those things as far as inadmissible prior bad
23 acts and things like that, which is what I would ask for
24 leniency and --

25 MR. FARLEY: The only reason to declare a witness

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1 hostile is so that you can ask leading questions.

2 MS. CORNWELL: Well --

3 THE COURT: Well, first of all, until they show
4 some reluctance to answer truthfully, I think you just go
5 ahead and let them answer the questions, okay? And then if
6 it turns out -- if they start dragging their feet or giving
7 me or you the impression, you know, we can declare them a
8 hostile witness.

9 MS. CORNWELL: I'm not worried about them not
10 cooperating with me. My concern is when they start telling
11 their story if they say, yeah and we got guns from the same
12 place where we shot up a place five months ago, that's going
13 to be a problem.

14 THE COURT: I'm assuming you've talked with them?

15 MS. CORNWELL: I have met with them, yes.

16 THE COURT: And like with any other witnessed
17 cautioned to what areas we're going to get into and what
18 areas we will not get into.

19 MS. CORNWELL: In regards to their testimony, I
20 simply told them that they're just going to have to tell
21 what happened that day. And their attorneys are present. I
22 don't know what their attorneys instructed them on what to
23 say, but I --

24 THE COURT: Who's the first one we're calling?

25 MS. CORNWELL: Frank Smoot.

1 THE COURT: Okay. Who represents Mr. Smoot?

2 MS. CORNWELL: Mr. Mallard.

3 THE COURT: And where is Mr. Mallard.

4 MR. MELLARD: Right here.

5 THE COURT: Come on down, Mr. Mallard.

6 MR. MELLARD: Sure. Yes, sir.

7 THE COURT: Okay. Mr. Mallard, the only thing I
8 want your client to testify is to what he knows about this
9 incident.

10 MR. MELLARD: What I told him, Your Honor, is
11 tell the truth. That's what I told him to do.

12 THE COURT: Always a good thing. But I don't want
13 to get into any prior incidents, anything. To me, we
14 testify about this incident. Do you need to talk to him
15 before --

16 MR. MELLARD: I can tell him about that, Your
17 Honor. I can talk to him for two minutes.

18 THE COURT: Okay. Yeah, just take -- if you would
19 do that I want to just ensure we don't go off.

20 MS. CORNWELL: And, Your Honor, just for purposes
21 of the record, the Rule is 611(c), which states that
22 ordinarily leading questions should be permitted on cross-
23 examination. When a party calls a hostile witness or an
24 adverse party or a witness identified with an adverse party,
25 interrogation may be leading questions. We are not

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1 identifying these witnesses as hostile. However, they are
2 an adverse party or a witness identified with an adverse
3 party and that is why we would ask that we be given some
4 leniency on leading questions based on 611(c).

5 THE COURT: Okay. And, of course --

6 MS. CORNWELL: So it doesn't have to be hostile or
7 uncooperative. It can just be a party --

8 MR. FARLEY: Judge, I'm not going to object to
9 leading questions unless it's something ridiculously off the
10 track.

11 THE COURT: Okay. All right. Well, the good news
12 is, apparently it's not going to be an issue. But it's
13 always more effective not to ask leading questions.

14 MS. CORNWELL: And I understand. I just didn't
15 want to get into the middle of examination and have a bunch
16 of objections pop up --

17 THE COURT: Well, you know how -- I understand how
18 Mr. Farley is, but he's trying to earn his money, okay?

19 MR. FARLEY: There's a procedure and there's a
20 reason there's a procedure and we'll go with the procedure.
21 I'm not going to be overly -- I'm going to do my job.

22 MS. CORNWELL: I wasn't indicating that. I was
23 just giving a heads-up of what could happen.

24 THE COURT: I understand and I appreciate that.
25 Okay.

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1 Thank you, Mr. Mellard.

2 MR. MELLARD: Yes, sir.

3 THE COURT: Your assistance to the Court has
4 always been greatly appreciated.

5 Is the State ready to proceed?

6 MS. CORNWELL: We are, Your Honor.

7 THE COURT: Is the Defense ready?

8 MR. FARLEY: Yes, Your Honor.

9 THE COURT: Okay. Thank you, sir.

10 If you'll bring the jury on out.

11 THE BAILIFF: Yes, Your Honor.

12 (Jury in at 3:26 p.m.)

13 THE COURT: All right. I stand right here just so
14 I can see y'all's happy smiles when y'all come back out.
15 That's why I --

16 All right. Ladies and gentlemen, we're going to
17 continue with the State's case?

18 Is the State ready to call its next witness?

19 MS. CORNWELL: We are, Your Honor.

20 THE COURT: All right. Who's the next witness?

21 MS. CORNWELL: The State calls Frank Smoot.

22 THE COURT: All right. Mr. Smoot.

23 THE COURT: All right.

24 (WHEREUPON, Frank Smoot was sworn
25 to tell the truth.)

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FRANK SMOOT - DIRECT EXAMINATION

BY MS. CORNWELL:

Q Mr. Smoot, can you tell the jury, you're in jump suit and shackles, what are you currently being held in custody for?

A For the attempted murder, possession of a firearm.

Q And are those charges in connection to an incident that occurred on July 19th of 2016?

A Yes, ma'am.

Q And have you and I met before?

A Yes, ma'am.

Q And during that meeting did I make you any offers or grant you any immunity or make you any plea deals in regards -- in exchange for your testimony?

A No, ma'am.

Q So you are currently facing murder, attempted murder and possession of a weapon during the commission of a violent offense?

A Yes, ma'am.

Q And is it your understanding that after you finish testifying what are you going to be facing?

A Excuse me?

Q What charges are you going to be facing after you finish testifying today?

A I don't know.

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1 Q But I have never made you any promises --

2 A No, ma'am.

3 Q So to your knowledge the same charges are going to be
4 murder, attempted murder and possession of a weapon?

5 A Yes, ma'am.

6 Q Please tell the jury about what happened on July 19th,
7 2016? Start from when you woke up in the morning all the
8 way through that day?

9 A I woke up. Jenkins and another little kid was in the
10 hall, seeing where I was at, saying that one of our
11 relatives was missing. So we just left. I left. I walked
12 to my grandmother house to get me something to eat, but she
13 was on the phone and so I left and walked across the street,
14 got me some chips and a soda. That's when I got back over
15 to Jenkins and Jenkins on the phone with his sister. And we
16 went down -- he was like he about to walk to Taste's house
17 so I walked to Taste's house with him.

18 MR. FARLEY: Objection, Your Honor. This is
19 hearsay.

20 THE COURT: Well, I think he was just telling us
21 where he was going. Did he say something about what he --

22 MR. FARLEY: Yes, Judge. May we approach?

23 THE COURT: Sure.

24 (Off the record bench conference with counsel and the
25 Court.)

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1 BY MS. CORNWELL:

2 Q Please continue, Mr. Smoot.

3 A We was just like-- we was about to walk to Taste's
4 house, so we walked to Taste's house. I was in the back
5 yard messing with Taste's dogs and we was talking to Taste
6 behind the house and that's when we left. We went back to
7 Jenkins (sp) house.

8 Q I'm going to stop you for one second. You said that
9 when y'all were walking towards Taste's house, that Jenkins
10 was on the phone with somebody?

11 A No, it was before that.

12 Q It was before that?

13 A Yes, ma'am.

14 Q Do you know who he was on the phone with?

15 A His sister.

16 Q Did you overhear what he was saying to his sister?

17 A He just was asking his sister where was the address.

18 Q Okay. So he was looking for a specific address?

19 A Yes, ma'am.

20 Q Okay. And then once you got to Mr. Taste's house, you
21 said you went around back playing with dogs?

22 A Yes, ma'am.

23 Q And what happened after that?

24 A He -- Taste came out the front of the house and he was
25 talking to Taste.

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1 Q And did you ever hear that conversation?

2 A No, ma'am.

3 Q Once Taste came out and they were talking, what
4 happened next?

5 A Taste went back in the house, got his clothes, put his
6 clothes on, he came out and he left.

7 Q Okay. And did you get in the car and leave with them?

8 A Yes, ma'am.

9 Q And when y'all got in the car, where did y'all go?

10 A We went to Jessica's house.

11 Q And who is Jessica?

12 A That's a family member of mine.

13 Q And when you went to Jessica's house, what did you do?

14 A I got out the car and walked to my grandmama's house
15 and got my food.

16 Q And then what happened?

17 A I came back.

18 Q And what did you do then?

19 A And then that's when all us got in the car.

20 Q Who all got in the car with you?

21 A Me, High and Brown.

22 Q Was Mr. Jenkins in the car?

23 A Yes, ma'am.

24 Q Was Mr. Taste in the car?

25 A Yes, ma'am.

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1 Q Can you tell the jury where everybody was sitting in
2 the car when they got in?

3 A Taste was driving, I was on the passenger's side. I
4 was on the right passenger side. Brown was in the middle
5 and Jenkins was on the left driver's side.

6 Q Okay. And where did y'all go when you left Jessica's?

7 A Went to Eutawville.

8 Q Did you make any stops on the way?

9 A Yeah, we dropped this little guy off.

10 Q Before you got to Jessica's house when you left Mr.
11 Taste's house, between Taste and Jessica's house, did y'all
12 stop anywhere?

13 A No, ma'am.

14 Q When you got in the car to leave from Jessica's house
15 to go to Eutawville, did you see any guns in the car?

16 A No, ma'am.

17 Q Okay. What happened when you went over to Eutawville?

18 A We pulled up, Taste got out of the car asked was Shy
19 back there. They said no. But Taste said he was a leaving
20 a old school fellow back there had a weapon. He was like
21 don't come back here. You'll get hurt.

22 Q When y'all drove up there and Taste got out of the car,
23 did you stay in the car or were you outside the car?

24 A Stayed in the car.

25 Q Did the car have the windows rolled up or rolled down?

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1 A Rolled up.

2 Q Okay. So did you personally hear anybody say anything
3 to Taste?

4 A I mean, I couldn't hear nobody.

5 Q So the only way that you know of anybody saying
6 anything or having anything is based on what somebody else
7 told you?

8 A What Taste said.

9 Q So you didn't see anybody with a gun?

10 A I mean, I couldn't see.

11 Q You didn't hear anybody make any threats?

12 A No, ma'am.

13 Q All right. And after Mr. Taste got out and got back in
14 the car, what happened?

15 A We was leaving.

16 Q Okay. And when you were leaving, what happened?

17 A Somebody was yelling, stop them.

18 Q Who was yelling?

19 A I don't know we was going forward.

20 Q They were yelling in the car or outside the car?

21 A It was outside the car.

22 Q And what happened then?

23 A And that when the car stop.

24 Q And the car stop what happens?

25 A Treshawn foot got ran over.

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1 Q Did Mr. Jenkins have anything in his hands when he
2 jumped out?

3 A Yes, ma'am.

4 Q What did he have in his hands?

5 A An assault rifle.

6 Q Can you tell me what it looked like?

7 A It was black.

8 Q And was it a big gun, little gun?

9 A It weren't too big.

10 Q But you said it was an assault rifle?

11 A Yes, ma'am.

12 Q And when you say not too big, was it bigger than, say,
13 a handgun?

14 A Yes, ma'am.

15 Q And I know you've got cuffs on. Can you show about how
16 big you would say the gun was?

17 A I can't show too big with these cuffs on.

18 Q This is one of the end of the gun. Where would the
19 other end of the gun be?

20 A Probably about right here.

21 Q So you would say the gun was about that big?

22 A Yes, ma'am.

23 Q And when he jumped out of the car with that gun, what
24 did he do with the gun?

25 A He let out two -- his foot got ran over and he let off

1 two shot.

2 Q And when his foot got run over, then what happened?

3 A Then he let off two shot.

4 Q Okay. And what did you do during that time?

5 A I got out and let off a shot in the air.

6 Q So you got out of the car and you also had a gun?

7 A Yes, ma'am.

8 Q What kind of gun did you have?

9 A A revolver.

10 Q And you fired your gun as well?

11 A Yes, ma'am.

12 Q Where did you fire your gun?

13 A In the air.

14 Q Can you kind of show how you fired your gun?

15 A (Indicating)

16 Q Okay. And in what direction was Mr. Jenkins firing his
17 gun?

18 A Like towards the shed.

19 Q And you say he fired off two shots and his foot got ran
20 over. What happened after his foot got ran over?

21 A More shooting start.

22 Q Who did the more shooting.

23 A Trey.

24 Q About how many shots would you say Mr. Jenkins fired in
25 total?

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1 A It was a good bit.

2 Q A good bit?

3 A Yes, ma'am.

4 Q So more than five shots?

5 A Yes, ma'am.

6 Q More than ten shots?

7 A Yes, ma'am.

8 Q And the whole time he was firing, he was firing in the
9 direction of the shed?

10 A Yes, ma'am.

11 Q At any time while he was firing that, did you ever see
12 anybody from the cookout with a weapon or shooting at y'all?

13 A No, ma'am.

14 Q So to your knowledge, your direct knowledge, nobody at
15 that cookout had a firearm, nobody at that cookout shot at
16 y'all and nobody at that cookout threatened you?

17 A No, ma'am.

18 Q After Mr. Jenkins fired the more than ten shots, what
19 happened next?

20 A We left.

21 Q Okay. And where did y'all go?

22 A We went back to Sugar Hill.

23 Q And when you say Sugar Hill, where is that?

24 A In Holly Hill.

25 Q Did you go back to anybody's house specifically? Where

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1 did you go?

2 A We went back to Jessica's house and then I left.

3 Q What did you do with your gun after you left?

4 A Throw it in the trash.

5 Q And do you know what Mr. Jenkins did with his gun?

6 A No, ma'am.

7 Q And you said y'all went back to Jessica's house and you
8 left.

9 A Yes, ma'am.

10 Q What did you do after you left?

11 A Went to my auntie house.

12 Q Okay. And is that where you threw the gun away.

13 A Threw it in the trash near by.

14 Q Okay. All right. After you went to her house, what
15 did you do?

16 A Got back up with Brown.

17 Q And how did you meet up with Brown.

18 A He was coming down the road.

19 Q And was he in a car? Was he walking?

20 A He was driving.

21 Q And what was he driving?

22 A A Buick.

23 Q Okay. And was that the same car that y'all had driven
24 to Eutawville in?

25 A Yes, ma'am.

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1 Q And did you get in the car with him?

2 A Yes, ma'am.

3 Q What seat did you get into?

4 A Back in the back seat.

5 Q Who else was in that car?

6 A Jenkins and High.

7 Q And where were y'all going at that point?

8 A We was going all over.

9 Q Just driving around?

10 A Yes, ma'am.

11 Q Okay. And while you were driving around at any point
12 did you encounter law enforcement?

13 A Yes, ma'am.

14 Q And what happened when you encountered law enforcement?

15 A They was coming toward us, like they were about to hit
16 us.

17 Q Okay. Did they turn on blue lights and try to pull you
18 over?

19 A No, ma'am.

20 Q What did you do after you passed them?

21 A We just took them on a chase.

22 Q So you took them on a chase?

23 A Yes, ma'am.

24 Q So they turned around and followed you?

25 A Yes, ma'am.

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1 Q And when they turned around to follow you at that
2 point, did they turn on their blue lights?

3 A Yes, ma'am.

4 Q And did Mr. Brown pull over and stop to speak with law
5 enforcement at that time?

6 A He tried, but he kept going.

7 Q When you say he tried but kept going, what do you mean
8 by that?

9 A He was about to stop but Jenkins didn't want him to
10 stop.

11 Q So what did Jenkins tell Brown?

12 A Keep going.

13 Q Okay. And so did Brown continue driving at that point?

14 A Yes, ma'am.

15 Q Did Jenkins threaten Brown in any way to get him to
16 keep driving?

17 A Not to my knowledge.

18 Q And so when y'all were going on that chase, where all
19 do y'all drive in that chase?

20 A We took them like straight down -- I ain't know. Like
21 all of sudden we stopped.

22 Q About how long did the chase last?

23 A It was about fifteen minutes.

24 Q Okay. And at some point did you end up on a dirt road?

25 A Yes, ma'am.

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1 Q And what happened on that dirt road?

2 A When we got on the dirt road. Took them down the dirt
3 road a little farther then we just hop out.

4 Q Did you spin out hit a dirt embankment or anything?

5 A Yes, ma'am.

6 Q And is that what caused y'all to stop?

7 A No,, ma'am. They kept going.

8 Q But eventually, you came to a stop and jumped out?

9 A Yes, ma'am.

10 Q What side of the car did you jump out of?

11 A The right side.

12 Q And that'd be the passenger's side?

13 A Yes, ma'am.

14 Q And when you jumped out of the car, what did you do?

15 A Ran in the woods.

16 Q Were you apprehended in the woods?

17 A Yes, ma'am.

18 Q Were you caught in the woods?

19 A No, ma'am.

20 Q Did law enforcement catch you?

21 A No, ma'am.

22 Q How did you get out of the woods that day?

23 A Someone picked me up.

24 Q Who picked you up?

25 A Travis.

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1 Q Okay. Was anybody with you when Travis picked you up?

2 A Yes, ma'am.

3 Q Who was with you?

4 A Jenkins.

5 Q What about Mr. Brown and Mr. High?

6 A They wasn't with me.

7 Q So they went in a different direction?

8 A Yes, ma'am.

9 Q So when y'all ran you and Mr. Jenkins ran one way and
10 Mr. Brown and Mr. High ran another way?

11 A Yes, ma'am.

12 Q When you and Mr. Jenkins got in the car with Travis,
13 where did he take y'all?

14 A He took us to go get a car.

15 Q And where did y'all go get that car?

16 A From (inaudible).

17 Q Okay. And once y'all got that other car, where did
18 y'all go?

19 A Santee.

20 Q Where in Santee?

21 A At the motel.

22 Q Okay. And after you arrived at the hotel, what did
23 y'all do?

24 A We just sat there.

25 Q AT some point, did law enforcement come to the hotel?

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1 A Yes, ma'am.

2 Q And were you taken into custody at that time?

3 A Yes, ma'am.

4 Q And once you were taken into custody, were you advised
5 of all your Miranda rights?

6 A Yes, ma'am.

7 Q Were you advised of your waiver of rights?

8 A Yes, ma'am.

9 Q At that time did you give any statements to law
10 enforcement regarding your involvement in this case?

11 A No, ma'am.

12 Q Were you detained in custody that night?

13 A No, ma'am. They let me go.

14 Q At some point later on, were you taken into custody
15 again?

16 A Yes, ma'am.

17 Q And is that when you found out what you were being
18 charged with?

19 A Yes, ma'am.

20 Q And at any point after you were taken into custody the
21 second time, did you meet with law enforcement and give them
22 a statement about what happened?

23 A I met with them out there and talked to them.

24 Q All right. So the only person that you've talked to
25 about this incident, as far as law enforcement goes, would

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1 have been me?

2 A Yes, ma'am.

3 Q And when did we meet?

4 A Like last week.

5 Q And did advise you of your rights when we met?

6 A Yes, ma'am.

7 Q And did I make you any promises? Did I threaten you or
8 coerce you into speaking with me?

9 A No, ma'am.

10 Q Was your attorney present when we spoke?

11 A Yes, ma'am.

12 Q And did I make you any deals or negotiations or offers
13 in regards to your current charges?

14 A No, ma'am.

15 Q Can you tell the jury, how do you know Treshawn
16 Jenkins, the Defendant?

17 A I know him from my friend, Matthew Brown.

18 Q How long have you known Mr. Jenkins?

19 A A couple years.

20 Q And your friend, Mr. Brown, how long have you known
21 him?

22 A All my life.

23 Q And how know Dwendell High?

24 A My friend too.

25 Q Okay. And is that from Matthew Brown?

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1 A Yes, ma'am.

2 Q And how do you know Zaquan Taste?

3 A Just a friend in our neighborhood.

4 Q And all four of those guys were with you when the
5 shooting happened in Eutawville?

6 A Yes, ma'am.

7 Q And the person that you said jumped out of the car with
8 an assault rifle and fired more than ten shots, do you see
9 him in the courtroom today?

10 A Yes, ma'am.

11 Q Can you identify him for the jury, tell the jury what
12 he's wearing?

13 A Blue shirt.

14 MS. CORNWELL: Your Honor, let the record reflect
15 the Defendant is identified, Treshawn Jenkins.

16 THE COURT: The record will so reflect.

17 BY MS. CORNWELL:

18 Q Other than Mr. Jenkins and you firing shots, did
19 anybody else in that vehicle fire shots?

20 A No, ma'am.

21 Q Did anybody else in that vehicle have a gun to your
22 knowledge?

23 A No, ma'am.

24 Q So the only people who fired shots that day were you
25 and Mr. Jenkins?

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Frank Smoot - Cross

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1 A Yes, ma'am.

2 MS. CORNWELL: That'd be all the questions I have,
3 Your Honor.

4 THE COURT: Anything on cross-examination?

5 MR. FARLEY: Yes, sir.

6 THE COURT: He's your witness then, Mr. Farley.

7 FRANK SMOOT - CROSS-EXAMINATION

8 BY MR. FARLEY:

9 Q And I'm going to try to go through a little bit slower
10 so we can see exactly what's going on. I want to take you
11 back when you met up with some people in the morning,
12 earlier in the day. And you said something about
13 (inaudible).

14 A I don't know him.

15 Q He was just in the car?

16 A He was in the car when we came back to my grandmother
17 house.

18 Q Okay. But what happened to him?

19 A He got dropped off.

20 Q Where did he get dropped off?

21 A Somewhere on the outskirts in Holly Hill.

22 Q You don't really know?

23 A No, ma'am. No, sir.

24 Q Okay. I've been called worse.

25 A My bad.

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1 Q And you were in the back seat?

2 A Yes, sir.

3 Q Behind the passenger?

4 A Yes, sir.

5 Q So why are you going over there?

6 A I mean, I didn't have a reason to go, I was just
7 riding.

8 Q You were just riding to ride?

9 A Yes, sir.

10 Q In a car with five people?

11 A Yes, sir. We ride like that.

12 Q So you're just riding around in the country with five
13 people in the car?

14 A I mean, that's what we do. We just ride around like
15 that.

16 Q Listen to music?

17 A Yes, sir.

18 Q Smoke a weed?

19 A We wasn't smoking no weed but, yeah, I smoke weed.

20 Q So you get to the scene of this crime and at some point
21 Taste tells you that someone there had a gun?

22 A Yes, sir.

23 Q Can you slowly tell us what he said?

24 MS. CORNWELL: I'm going to object to that, Your
25 Honor. It's hearsay.

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1 MR. FARLEY: It came in under her direct so I
2 think I get to recross on it.

3 THE COURT: I'm trying -- That's what he said
4 happened at the very first. Is that correct?

5 MS. CORNWELL: He indicated that Taste got back in
6 the car and told them something. I don't believe that we
7 were allowed to get into statements that other people made
8 because of the hearsay rule.

9 THE COURT: I understand the hearsay, but you can
10 follow back up with was that what he was told by Taste just
11 because that's already gone in, so --

12 BY MR. FARLEY:

13 Q So did Taste tell you some old school fellow had a gun?

14 A Yes, sir.

15 Q And that was your testimony to the Solicitor?

16 A Yes, sir.

17 Q And that's your testimony still?

18 A Yes, sir.

19 Q So your impression, your present sense impression, your
20 impression at the time is someone over there's got a gun?

21 A Yes, sir.

22 Q And that kind of piques your interest. That makes you
23 alert right?

24 A Yes, sir.

25 Q And you didn't have any problems with any of those

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Frank Smoot - Cross

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1 people, right?

2 A No, sir.

3 Q You don't have any reason to hate them and not like
4 them, anything like that?

5 A No, sir.

6 Q And then so Smoot's [sic] back in the car then y'all
7 start backing up. Is that -- Smoot [sic] starts -- I mean
8 Taste starts backing up?

9 A He didn't back up. He just turn around like --

10 Q He turned around?

11 A Yes, sir.

12 Q And so if this is the shed and all of that, is he
13 walking away from it? Is he driving away from it or is he
14 driving toward it?

15 A Driving away.

16 Q And then you said you heard someone yelling?

17 A Yes, sir.

18 Q Was that coming from the shed and the people out there?

19 A Yes, sir.

20 Q You couldn't hear what they said?

21 A No, sir.

22 Q Can you characterize what it sounded like? Did they
23 say like, hey, how you doing or did it sound -- would you
24 say it sounded mean, threatening? Is there -- can you
25 characterize it?

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1 A No, I can't.

2 Q But you just heard yelling?

3 A Yes, sir.

4 Q So I think your testimony was is that you shot and Mr.
5 Jenkins shot; is that correct?

6 A Yes, sir.

7 Q Who shot first?

8 A Jenkins.

9 Q Okay. So I think you described Mr. Jenkins -- well,
10 let's go back just a little bit. So you had a gun?

11 A Yes, sir.

12 Q What kind of gun did you have?

13 A A revolver.

14 Q What kind of revolver?

15 A A 380 revolver.

16 Q So you had a 380 revolver. Did anybody else know that
17 you had a revolver?

18 A No, sir.

19 Q Just you?

20 A Yes, sir.

21 Q And you said that Mr. Jenkins was shooting with an
22 assault rifle; is that right?

23 A Yes, sir.

24 Q And he was sitting in the back seat with you, right?

25 A Yes, sir.

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1 Q But you never saw that assault --

2 A No, sir.

3 Q We're talking a rifle, right? We're not talking about
4 a sawed off shotgun or anything like that, are we?

5 A No, sir.

6 Q I know Buicks have a lot of leg room, but where was it?
7 Where did he pull it out?

8 A Off his side, beside his legs.

9 Q Can you describe that to me? I'm just having a hard
10 time picturing how an assault rifle --

11 A On the side of his leg.

12 Q So y'all riding around town for all this period of time
13 and he's just got this assault rifle on the side of his leg?

14 A We wasn't riding around town..

15 Q You got in the car together?

16 A Yes, sir.

17 Q To ride around?

18 A We went straight there.

19 Q Where did you start out?

20 A We start out in Sugar Hill.

21 Q And where did you end up?

22 A Ended up at Eutawville.

23 Q And that takes how long?

24 A Don't take that long.

25 Q How long do you think?

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Frank Smoot - Cross

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1 A Probably like ten minutes at the most.

2 Q So in the ten minutes that you were in the car, you
3 never saw this long rifle?

4 A No.

5 Q Because it was tucked on the side of his leg?

6 A Yes, sir.

7 Q So is the first time you see the assault rifle when he
8 jumps out of the car?

9 A Yes, sir.

10 Q And starts shooting?

11 A Yes, sir.

12 Q You said something about his foot getting run over by
13 the car. So he jumps out, a couple of rounds get popped off
14 or he just -- a long barrage of bullets are fired?

15 A Couple shots went off.

16 Q And then his foot's run over?

17 A His foot was run over when the shots were going off.

18 Q Okay. So the car -- so he gets out of the car with
19 this assault rifle that's, you know, somehow haphazardly
20 placed around him. His foot gets run over and then he just
21 fires a barrage of bullets?

22 A He fired two shots. It wasn't a barrage of bullets.

23 Q Okay. It wasn't a barrage of bullets?

24 A No, sir.

25 Q So two shots. And then his foot is no longer run over?

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1 A No, sir.

2 Q And then ten or so shots or how many shots did he fire?

3 A It was a good many.

4 Q A good many? Now, you're in the car and tell me how
5 you fire your shot?

6 A In the air.

7 Q So you get out of the car?

8 A Halfway out.

9 Q So you open the door halfway, you step -- like get one
10 leg out and you just fire up in the air?

11 A Stand up a little bit.

12 Q But you didn't have any problems with these people,
13 right?

14 A No, sir.

15 Q Well, why did you fire your gun?

16 A So they could have got low.

17 Q So they could have got low?

18 A Yes, sir.

19 Q Well, tell the jury what that means?

20 A I mean, when shots -- when somebody hear a gunshot,
21 what they do, they get further -- they do get low.

22 Q And that's what you were doing?

23 A Yes, sir.

24 Q And you only fired that one shot?

25 A Yes, sir.

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Frank Smoot - Cross

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1 Q And it wasn't at the people there?

2 A No, sir.

3 Q You shot in the air. I wanted to talk a little bit
4 about why you're here to testify. Initially, you didn't
5 speak to law enforcement -- with law enforcement; is that
6 correct?

7 A No, ma'am. No, sir.

8 Q So they wouldn't have had any evidence or confessions
9 against you, right?

10 A Will you say it again?

11 Q Did you confess to law enforcement before you confessed
12 to the Solicitor?

13 A No, sir.

14 Q And your attorney was with you?

15 A With the Solicitor?

16 Q Uh-huh? (Affirmative response)

17 A Yes, sir.

18 Q And did you just do that on -- did you just do that
19 because you wanted to help the State?

20 A Yes, sir.

21 Q You had no other motive whatsoever than to do the right
22 thing and tell the truth?

23 A Yes, sir.

24 Q So when you get out of court you realize that this will
25 be another confession that you've made to committing a

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1 crime, right?

2 A Yes, sir.

3 Q So they've got double the amount of evidence on you
4 that they didn't have before; is that right?

5 A Yes, sir.

6 Q And so do you think that they're going to use that to
7 convict you of murder?

8 A They can't convict me of murder.

9 Q You just admitted -- I'm not going to go into the
10 nuances of the law. So you do not think that you will be
11 convicted of murder?

12 A I didn't kill nobody.

13 Q Do you think that you'll get your charges reduced?

14 A I can't tell you that. I don't know.

15 Q Did your co-defendants get their charges reduced?

16 A I don't know.

17 Q You didn't hear over at the jail what happened to
18 Taste?

19 MS. CORNWELL: I'm going to object to that, Your
20 Honor.

21 THE COURT: I'm going to sustain that objection
22 and let you go on with other things.

23 MR. FARLEY: Okay.

24 BY MR. FARLEY:

25 Q So your testimony is just on your own freewill, out of

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1 the kindness of your heart, you're risking being convicted
2 for murder, and implicating yourself twice, both on the
3 stand and under Miranda. That's the only reason you're
4 doing this?

5 A Yes, sir.

6 Q So you're charged with a crime that carries a mandatory
7 minimum of thirty years, up to life in prison, the murder,
8 and attempted murder --

9 MS. CORNWELL: I'm going to object again, Your
10 Honor.

11 MR. FARLEY: Your Honor, this is motivation. This
12 is --

13 THE COURT: Okay. I'll let you go a little bit
14 with this. He's already kind of answered it before, you
15 know, one of those asked and answered things. I'll let you
16 go for a little while longer on this. Okay.

17 MR. FARLEY: Okay.

18 BY MR. FARLEY:

19 Q So you're charged with a crime that carries a mandatory
20 minimum of thirty years to live, murder?

21 A Uh-huh. (Affirmative response)

22 Q And then you're charged with attempted murder, which
23 carries up to thirty years?

24 A Uh-huh. (Affirmative response)

25 Q And then a gun charge as well?

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1 A Yes, sir.

2 Q And so by testifying you realize that you're opening
3 yourself wide open to going to prison for thirty years,
4 right?

5 A Yes, sir.

6 Q Do you think that you're going to go to prison after
7 cooperating with the State?

8 A I think so.

9 Q But you also think that you're going to get a better
10 plea deal?

11 A (No response)

12 MS. CORNWELL: Your Honor, I'm going to object.
13 He just answered the previous question.

14 THE COURT: I think you've gone over that enough,
15 okay.

16 MR. FARLEY: I'll move on.

17 THE COURT: Thank you, sir.

18 MR. FARLEY: May I have just a moment?

19 THE COURT: Oh, yeah. Take your time.

20 BY MR. FARLEY:

21 Q You're obviously not out on bond; is that right?

22 A No, sir.

23 Q Did any of the -- to your knowledge, did any of the co-
24 defendants get out on bond?

25 MS. CORNWELL: Objection, Your Honor. Relevance.

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1 THE COURT: Well, I'm going to let him -- if he
2 knows, he can answer.

3 MR. FARLEY: Thank you, Judge.

4 THE COURT: Okay.

5 BY MR. FARLEY:

6 Q Do you have any idea, do you have any knowledge if any
7 of the co-defendants got out on bond?

8 A Yes, sir.

9 Q Do you have any idea or knowledge if those co-
10 defendants that got out on bond cooperated with the State?

11 A Yes, sir.

12 Q And so they did cooperate with the State?

13 A Yes, sir.

14 Q So the ones that are out on bond cooperated, but the
15 people that initially didn't cooperate are still in jail?

16 A Yes, sir.

17 THE COURT: Okay.

18 MR. FARLEY: No further questions.

19 THE COURT: All right. Anything on redirect?

20 MS. CORNWELL: No, Your Honor.

21 THE COURT: All right. You may step down.. Thank
22 you, sir.

23 Do we need to take another break or are we ready to go
24 for the next one?

25 MS. CORNWELL: The State's ready, Your Honor.

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1 THE COURT: Okay. All right. Call your next
2 witness.

3 MS. CORNWELL: It may take a minute for him to get
4 out. The State's going to call Matthew Brown.

5 THE COURT: Okay.

6 (Off record discussion between
7 court and court reporter)

8 THE COURT: We're trying to keep our numbers
9 straight, how many we've called today.

10 MR. FARLEY: Okay.

11 THE COURT: That's what our conversation is about.

12 All right. Ladies and gentlemen, just let me tell you
13 we are now on witness number thirteen. Y'all have been
14 doing a great job paying attention. Please continue, okay?
15 Y'all are doing a great job. Is this going to be our last
16 witness or do you think we've got another one.

17 MS. CORNWELL: No, Your Honor, this will be the
18 last witness for the day.

19 THE COURT: Okay. All right. All right.

20 MS. CORNWELL: The State would call Matthew Brown.

21 THE COURT: Okay. Come on, Mr. Brown.

22 THE COURT: All right. Now, Mr. Brown, you need
23 to speak loudly, please, sir.

24 THE WITNESS: Matthew Brown.

25 THE COURT: No, no, I was just reminding you to

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1 speak loudly.

2 THE WITNESS: All right.

3 THE COURT: Okay. Thank you, sir. I'm sorry for
4 the confusion.

5 Go ahead, Ms. Cornwell.

6 MS. CORNWELL: Thank you, Your Honor.

7 THE COURT: Okay.

8 (WHEREUPON, Matthew Brown was sworn
9 to tell the truth.)

10 MATTHEW BROWN - DIRECT EXAMINATION

11 BY MS. CORNWELL:

12 Q Mr. Brown, how old are you?

13 A Twenty-two.

14 Q And where did you go to school?

15 A Lake Marion High School.

16 Q Did you graduate from Lake Marion High School?

17 A No, ma'am.

18 Q What grade did you leave Lake Marion High School?

19 A Twelfth.

20 Q Twelfth grade. And were you taking regular classes or
21 were you taking remedial classes at Lake Marion High School?

22 A Regular.

23 Q And have you and I had an opportunity meet before?

24 A Yes, ma'am.

25 Q When did we meet?

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1 A Last week sometime.

2 Q And you're currently in your suit and your handcuffs.

3 Can you tell the jury what you're currently charged?

4 A Murder and attempted murder.

5 Q And when we met did I make you any promises, any
6 offers, any deals or agreements --

7 A No.

8 Q -- in exchange for your talking to me?

9 A No, ma'am.

10 Q Have I made you any offers or anything in exchange for
11 your testimony today?

12 A No.

13 Q So when you finish testifying here today, is it your
14 understanding that you are still going to be facing murder,
15 attempted murder?

16 A Yes, ma'am.

17 Q Can you tell this jury about what happened on July
18 19th, of 2016? Start from when you woke up to what happened
19 throughout that day?

20 A When I woke up, got my day started. I met with my home
21 boys, my cousins.

22 Q And I'm going to stop you there. Number one, I'm going
23 to ask you to speak up and try to speak kind of clearly.
24 Who are your cousins? Who all did you meet up with? Can
25 you give the names?

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1 A I met with Dwendell High first.

2 Q And how do you know Dwendell High?

3 A He's my cousin.

4 Q And once you met up with Dwendell High, what did y'all
5 do?

6 A We just chill for a little second, then we ended up at
7 the police station in Holly Hill.

8 Q And what did you end up at the police station in Holly
9 Hill for?

10 A Because my little cousin didn't report to home so we
11 was trying to find her.

12 Q And what's her name?

13 A (Inaudible)

14 Q Does she go by any other names?

15 A Yeah, her nickname Shy.

16 Q Her nickname is Shy. So Shy didn't come home that
17 night and y'all were looking for her so y'all went to the
18 police station to file a missing person report?

19 A Yes, ma'am.

20 Q And that was you and Dwendell High. Was anybody else
21 with y'all?

22 A Her mother and her little sister.

23 Q Okay. And after y'all went to Holly Hill and filed
24 that report, what did you and Mr. High do?

25 A Went back to Sugar Hill.

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1 Q And what did you do back at Sugar Hill?

2 A Met up with Jenkins and Taste and some --

3 Q And where did y'all meet up with them?

4 A At my cousin's house.

5 Q And who is your cousin?

6 A Jessica.

7 Q And when y'all met up with them, what happened? What
8 did y'all do?

9 A They said they knew where Shy was at and everybody go
10 get her. So me and Dwendell jumped in the car. We was
11 originally supposed to go to get his car.

12 Q To get -- When you said to get his car, whose car?

13 A Dwendell car.

14 Q Okay. And when you hopped in did you think y'all were
15 going to get his car or did they say -- what was the
16 conversation?

17 A I mean, we was supposed to go get -- me and Dwendell
18 was supposed to go and get his car. They was supposed to go
19 get Shy and come back.

20 Q Okay. All right. Tell the jury where everybody was
21 sitting in the car?

22 A Dwendell was in the passenger seat, Taste was driving.
23 I was in the middle, Smoot was on my left and Jenkins -- I
24 mean, Smoot was on my right and Jenkins was on my left.

25 Q So Jenkins was behind the driver, Smoot was behind the

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1 passenger and you were in the middle?

2 A Yeah.

3 Q And while you were in the car while y'all were driving,
4 where did y'all drive to?

5 A We went straight to Eutawville.

6 Q Okay. Was there anybody else in the car at some point
7 that y'all dropped off?

8 A Yeah.

9 Q Who was that?

10 A I don't know.

11 Q Okay. Did he go all the way to Eutawville with y'all?

12 A No.

13 Q Where was he seated in the car originally?

14 A in between everybody. Right there by like in between.

15 Q So in the back seat he was sitting in between who?

16 A I can't remember who?

17 Q Okay. But you were in the middle so he's obviously by
18 you at some point?

19 A Yeah.

20 Q And after y'all dropped him off where did y'all go?

21 A We went to Eutawville.

22 Q While you were driving to Eutawville, did you see any
23 guns in the car?

24 A I mean I wasn't driving.

25 Q While were you riding to Eutawville, did you see any

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1 guns in the car?

2 A Yeah.

3 Q Who had guns in the car?

4 A Just Jenkins. I seen Jenkins gun.

5 Q Okay. And what kind of gun did Jenkins have in the
6 car?

7 A Some little -- little rifle type gun.

8 Q Okay. Do you know what color it was?

9 A Huh-uh. (Negative response)

10 Q Where did he have that gun in the car?

11 A On his left in the door -- by his leg.

12 Q Okay. So he had the gun on his left between his leg
13 and the door?

14 A Yeah.

15 Q And then you were sitting beside him on his right side?
16 And Mr. Smoot was all the way on the other side?

17 A Uh-huh. (Affirmative response)

18 Q And when y'all got to Eutawville, what happened?

19 A I mean, Taste was supposed to go get my little cousin.

20 Q And when Taste got out of the car, did he shut the
21 door?

22 A Yeah.

23 Q Were the windows up or down?

24 A I can't remember.

25 Q Okay. When he got out of the car, did you see where

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1 Mr. Taste went?

2 A No.

3 Q At some point, did he get back in the car?

4 A Yeah.

5 Q And once he got back in the car, what did y'all do?

6 A He said my little cousin wasn't there and that he spoke
7 to somebody and they had words or something. We left.
8 Anyway, we was beginning to leave.

9 Q And then what happened?

10 A I can't remember who shot first, but I know I just
11 heard gunshots.

12 Q Okay. Where did those gunshots come from, your car or
13 did they come from the cookout?

14 A I mean, now I know they came from our car. I wasn't
15 sure at first.

16 Q So as you're backing out the driveway or driving out of
17 the driveway, who jumps out of the car?

18 A I mean, Mr. Taste was trying to get out but he ended up
19 getting caught up under the car?

20 Q Mr. Taste who was driving the car tried to get out of
21 the car?

22 A I mean not Mr. Taste, Mr. Jenkins. My bad.

23 Q So Mr. Jenkins tried to jump out of the car. And then
24 what happened to Mr. Jenkins when he tried to jump out of
25 the car?

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1 A I mean, I found out his foot got caught up under the
2 tire.

3 Q And is that the time that you heard the gunshots?

4 A No, that was before.

5 Q That was before. Okay. So you heard the gunshots
6 after he tried to jump out of the car and got his foot run
7 over?

8 A Uh-huh. (Affirmative response)

9 Q Approximately how many shots did you hear?

10 A Probably like ten.

11 Q And Mr. Jenkins jumped out. What did Mr. Smoot do?

12 A I don't know. When the shots start firing, I know Mr.
13 Smoot opened his door and shot.

14 Q Okay. And what kind of gun did you see Mr. Smoot with?

15 A Like a little revolver type gun.

16 Q Okay. And when Mr. Jenkins jumped out and started
17 firing, what direction was he firing in?

18 A I ain't too sure.

19 Q Do you know what direction Mr. Smoot was firing in?

20 A No.

21 Q So when the shots started firing, what did you do?

22 A I be like duck my head down between the driver's seat
23 and the passenger's seat.

24 Q And you said you heard at least ten shots be fired?

25 A Yes, ma'am.

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1 Q Could it have been more?

2 A Maybe.

3 Q Okay. And once the shooting stopped, what did y'all
4 do?

5 A Jenkins got back in and we left, went back to Sugar
6 Hill.

7 Q Okay. At any time while you were in Eutawville, did
8 you personally see or hear anybody from the cookout threaten
9 anybody in your car?

10 A I mean, no.

11 Q Okay. Did you see anybody at the cookout with a
12 weapon?

13 A No.

14 Q And did you see anybody at the cookout fire any weapons
15 at y'all?

16 A No.

17 Q So the only people that you saw and that you know fired
18 weapons are Mr. Jenkins and Mr. Smoot?

19 A Yeah.

20 Q And when you say Mr. Jenkins, the first one you saw
21 jump out of the car and fired the assault rifle, is he in
22 the courtroom here today?

23 A Yeah.

24 Q Where is he?

25 A Sitting over there.

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1 Q What's he wearing?

2 A A blue shirt.

3 MS. CORNWELL: And, Your Honor, again if the
4 record reflect the witness identified the Defendant as the
5 person who shot the assault rifle.

6 THE COURT: And the record will so reflect.

7 MS. CORNWELL: Thank you, Your Honor.

8 THE COURT: Yes, ma'am.

9 BY MS. CORNWELL:

10 Q Once y'all left Eutawville, where did you go?

11 A Went back to Sugar Hill.

12 Q Where in Sugar Hill?

13 A Went back to my cousin's house.

14 Q And what did you do when you went back to your cousin's
15 house?

16 A Everybody went their separate ways.

17 Q Where did you go?

18 A I went up to my grandmother's house, down the street.

19 Q And after you went to your grandma's house what did you
20 do?

21 A I end up going back to my cousin house.

22 Q And when you went back to your cousin's house what did
23 you do?

24 A I rode with Jenkins -- I mean, I rode with Taste. He
25 wanted to go home.

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1 Q So you rode with Taste back to his house?

2 A Uh-huh. (Affirmative response)

3 Q And then once Taste got back to his house, what did
4 y'all do?

5 A I left there.

6 Q So were you driving the Buick when you left --

7 A Yeah.

8 Q -- Mr. Taste's house?

9 A Yes, ma'am.

10 Q And where were you driving the Buick back to?

11 A I was going to town.

12 Q Okay. Did you see anybody while you were driving
13 towards town?

14 A Yeah.

15 Q Who did you see?

16 A Mr. High, Mr. Taste -- no. Mr. High, Mr. Smoot, and
17 Jenkins.

18 Q And did you pick them up?

19 A Yeah.

20 Q They all got back in the car?

21 A Uh-huh. (Affirmative response)

22 Q And while y'all were all four in the car riding, at
23 some point did you encounter law enforcement?

24 A Yeah.

25 Q And did law enforcement put on their blue lights and

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1 try to stop you?

2 A Yeah.

3 Q And what happened when they turned on the blue lights
4 and tried to pull you over?

5 A I kept going.

6 Q Why did you keep going? Why didn't you stop for
7 police?

8 A Well, the first thing they didn't have their blue
9 lights on.

10 Q Once they turned the blue lights on?

11 A I don't know.

12 Q Did anybody tell you not to stop in the car?

13 A No.

14 Q How long did police follow you and try to pull you
15 over?

16 A Wasn't but a couple minutes.

17 Q And ultimately did y'all end up on a dirt road?

18 A Yeah.

19 Q And what happened when y'all were on that dirt road?

20 A I mean, I stopped the car and jumped out.

21 Q And when you jumped out, what did you do?

22 A I ran.

23 Q Who ran with you?

24 A I mean me and Mr. High ended up together.

25 Q Okay. And where did y'all run in to?

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1 A We ran to some friends -- well, some people he know
2 house.

3 Q How did you get there? What did you have to run
4 through?

5 A Ran through the woods.

6 Q So you ran through the woods and ran to a friend's
7 house. Do you know where Mr. Jenkins and Mr. Smoot went
8 when they ran?

9 A No.

10 Q When you got to your friend's house, what did y'all do?

11 A We just sat there for a little minute.

12 Q All right. Did police come in the house that day and
13 talk to you?

14 A No, ma'am.

15 Q At some point were you placed under arrest?

16 A No, ma'am. I mean, after I turn myself in.

17 Q So you ultimately found out that you had warrants out
18 for your arrest and you turned yourself in?

19 A Yes, ma'am.

20 Q When you turned yourself in, did you meet with law
21 enforcement?

22 A Yes, ma'am.

23 Q Did they advise you of your rights at that time?

24 A Yes, ma'am.

25 Q Did you give any law enforcement any statements about

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1 what happened that day?

2 A No, ma'am.

3 Q So the only person that you've talked to about this
4 incident in law enforcement would be my office?

5 A Yes, ma'am.

6 Q And when you and I met, did I give you your Miranda
7 warnings?

8 A Yes, ma'am.

9 Q And was your attorney with you when we met?

10 A Yes.

11 Q While you were in the car, did you have a gun?

12 A No, ma'am.

13 Q Did you ever jump out of the car in Eutawville?

14 A No, ma'am.

15 Q Did you ever see -- other than Mr. Jenkins and Mr.
16 Smoot, did you see anybody else inside your car with a gun?

17 A No.

18 Q Did you see anybody else inside the car jump out and
19 fire a gun?

20 A No.

21 Q When you saw Mr. Smoot jump out and fire his weapon,
22 approximately how many shots did Mr. Smoot fire?

23 A Maybe one.

24 Q So the majority of the shots came from Mr. Jenkins'
25 gun?

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1 A Yes, ma'am.

2 Q From the time that you've been in custody now, has
3 anybody made you any promises, threatened you or coerced you
4 in any way to come and testify here today?

5 A No, ma'am.

6 Q Are you testifying as to what actually happened that
7 day or what you heard happened that day?

8 A What I seen.

9 MS. CORNWELL: That'd be all the questions I have,
10 Your Honor.

11 THE COURT: All right. Mr. Farley, any questions
12 for this witness?

13 MR. FARLEY: Yes, sir. Thank you.

14 THE COURT: All right. He's yours.

15 MATTHEW BROWN - CROSS-EXAMINATION

16 BY MR. FARLEY:

17 Q How are you?

18 A I'm all right.

19 Q I'm going to try to go through this slowly. You've had
20 back to back to back questions. So I'm going to try to go
21 slowly. Take your, okay? I'm not trying to trip you up or
22 scare you or anything?

23 A Uh-huh. (Affirmative response)

24 Q So you woke up in the morning, I think you said at
25 Jessica's house?

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1 A Yes, sir.

2 Q And you found out that Shy was missing?

3 A Uh-huh. (Affirmative response)

4 Q And then you decide to go down to the Holly Hill Police
5 Department?

6 A Yeah.

7 Q To make that report?

8 A Yes, sir.

9 Q Do you remember the officer you talked to at the place,
10 at the police department?

11 A I remember Officer Boone.

12 Q Officer Boone?

13 A Uh-huh. (Affirmative response)

14 Q Can you describe Officer Boone? Is that a man or a
15 woman?

16 A A woman.

17 Q Is she black or white?

18 A She's black.

19 Q Do you know if she -- how do you know her name, Officer
20 Boone? Is she someone around town that everyone knows?
21 Hey, that's Officer Boone?

22 A Yeah.

23 Q And so you filed a report. And did Officer Boone give
24 you some paperwork back?

25 A I mean, I stayed up front.

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1 Q Oh, you stayed up front?

2 A Yeah. My cousin -- and -- went back.

3 Q So once this report is filed, you go back to your
4 house, that's right or Jessica's house?

5 A Yeah.

6 Q And what happens next? I think -- who drives off? Who
7 picks you up? Somehow you get from your house somewhere
8 else. Who comes and picks you up?

9 A I mean, I stooped somebody who was coming past the
10 police station. That's how we got back to Sugar Hill.

11 Q Okay. So who did you ride back with from the police
12 station?

13 A It's a friend.

14 Q At some point you've admitted that you got into a car
15 with all the other co-defendants that you know. Where did
16 that happen?

17 A At Jessica's house.

18 Q At Jessica's house. And what did you think that y'all
19 were going to do when you got in that car?

20 A Me and Dwendell was supposed to go get his car. I know
21 they was supposed to go get Shy and come back.

22 Q So Dwendell High and you were going to go get your car
23 and then the other people were going to go get Shy?

24 A Yeah.

25 Q Well, why was High's car?

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1 A In town. In Holly Hill.

2 Q So you're in Holly Hill, his car's in Holly Hill, but
3 you don't go get his car. Why don't you go get his car?
4 Why do you end up in Eutawville?

5 A We was going to get another car instead of being with
6 the person we was with.

7 Q All right. So you get in the car in Holly Hill. You
8 originally going to go get a car that's over in Holly Hill,
9 but you for some reason decide to go to Eutawville to get a
10 car? I'm sorry. I'm just trying to understand why you
11 didn't go get the car that was right down the street from
12 you?

13 A I mean, the car was broke down so we was just going to
14 get another car so we would be like, kinder like on our own
15 time.

16 Q And where were you going to get that other car?

17 A Say what?

18 Q Where?

19 A From Sugar Hill.

20 Q From Sugar Hill?

21 A Uh-huh. (Affirmative response)

22 Q Which is in Holly Hill essentially?

23 A Yeah.

24 Q But you didn't go to Sugar Hill did you?

25 A Yeah.

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1 Q Now I'm very confused. So what car did you get from
2 Sugar Hill?

3 A We didn't go get the car. We was going to get the car.

4 Q But you never did?

5 A No.

6 Q My question is -- so you never went to get the car from
7 Sugar Hill or Holly Hill. You went to Eutawville, right?

8 A Yeah.

9 Q And why didn't you go get the car?

10 A We just ended up riding with them to go get my cousin.

11 Q You don't have anything else to do so you just go out
12 to ride around in the country?

13 A (No response)

14 Q So I think you testified and please stop me if I'm
15 wrong. I don't want to put words into your mouth. But I
16 believe what happened is you were sitting in the middle of
17 the back seat, right? You had somebody over here and
18 somebody over here?

19 A Yeah.

20 Q And you pull up to the house where this shooting
21 happened?

22 A Uh-huh. (Affirmative response)

23 Q And to your knowledge, what was the reason y'all were
24 there?

25 A Just to get my cousin.

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1 Q Was the only reason to go. And Taste gets out of the
2 car. Do you see what Taste does when he goes out of the
3 car?

4 A No.

5 Q What are you doing at that time?

6 A We just sitting in the car, waiting on him to come.

7 Q And so Taste gets back into the car and y'all start
8 backing up?

9 A No, we drive forward.

10 Q Drive forward. Why you drive forward, so you can turn
11 around?

12 A Well, like, when we pulled in we was already like slant
13 to turn out.

14 Q Okay. So you just kind of completed a loop?

15 A Yeah.

16 Q Okay. So -- and once again, correct me if I'm wrong.
17 You're sitting in the middle. The Defendant just, without
18 saying anything just jumps out of the car and starts
19 shooting?

20 A No.

21 Q Well, what was said?

22 A Well, I think he said somebody was trying to stop us or
23 something.

24 Q He said someone was trying to stop us?

25 A Yeah.

1 Q What do you take that to mean?

2 A Somebody was trying to stop us. I guess he heard
3 somebody, somebody -- I don't know.

4 Q Did you hear yelling or anything?

5 A I didn't hear it.

6 Q Did Taste say anything to you?

7 A No.

8 Q He said someone's trying to stop us and then he hops
9 out of the car while the car's moving?

10 A Yeah.

11 Q And the car runs over his foot?

12 A Uh-huh. (Affirmative response)

13 Q How do you know it ran over his foot?

14 A He ended up telling me on the way back.

15 Q Okay. At some point gunshots get started, start
16 firing, correct.

17 A Uh-huh. (Affirmative response)

18 Q And you're in the middle and you're just putting your
19 head down. Isn't that what you testified to?

20 A (Nods head affirmatively)

21 Q And I think you -- I'm sorry. I'm just trying to do
22 this step-by-step.

23 A All right.

24 Q So your head's down, then you hear a lot of firing.
25 The Solicitor asked you about any shots coming from the

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1 house. You said now you know there were not shots coming
2 from the house but at the time you didn't know that for
3 sure, correct?

4 A Correct.

5 Q And now you know -- now you're able to testify that you
6 didn't have any shots from the house because of what
7 evidence you've been presented?

8 A Yeah.

9 Q But at the time, your present state of mind was that it
10 could have been coming from the house. It could have been
11 coming from the woods. You don't know?

12 A Yeah.

13 Q So I think you said at some point Taste had words with
14 some people at the place, when he was going out and talked
15 to them. What does that mean had some words? Like, hey,
16 how you doing? Shaking hands? Or was there arguing or
17 something?

18 A When he got back in the car, he just told us that
19 somebody told him not to come back there.

20 Q Did he tell you anything about somebody having a gun?

21 A No.

22 Q So what he told you was don't come back there anymore?
23 They weren't inviting you to a barbeque or anything; is that
24 right?

25 A Yeah, basically.

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1 Q So in that ride between Holly Hill or Sugar Hill,
2 whatever and then you went into Eutawville, when was the
3 first time that you saw guns?

4 A Like when we dropped the little dude off.

5 Q So when you initially got in the car, there were
6 already three people in the back and one person -- two
7 people in the front?

8 A Yeah.

9 Q Okay. Now, I'm understanding. And then when you get
10 in there's four people in the back seat and two people in
11 the front?

12 A Yeah.

13 Q And then you -- one of those people, the little guy, as
14 everyone called him, got dropped off somewhere?

15 A Uh-huh. (Affirmative response)

16 Q So after he's dropped off that's when you first see the
17 assault rifle?

18 A Yeah.

19 Q At what point do you first see the pistol?

20 A After he shot it.

21 Q After he shot it? And did you see a gun on High?

22 A No.

23 Q Does High own any guns to your knowledge?

24 A No.

25 Q Just because you didn't see it, could he have had a

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1 gun?

2 A Maybe.

3 Q How about Taste?

4 A Taste?

5 Q Did you see him with a gun?

6 A No.

7 Q Have you ever seen him with a gun before?

8 A No.

9 Q But he could have had one?

10 A Yeah.

11 Q So after the incident eventually we get to a car chase;
12 is that right?

13 A (Nods head affirmatively)

14 Q And that -- during that car chase did you see anybody
15 with a gun?

16 A No.

17 Q Do you know where the guns were?

18 A No.

19 Q So in that brief interlude between the time that you
20 got picked back up, you never saw the guns?

21 A Huh-uh. (Negative response)

22 Q How long have you been in jail?

23 A About twenty months. Twenty months now.

24 Q And you never made bond, did you?

25 A No.

1 Q Did other people in your case get bond?

2 A Yeah.

3 Q To your knowledge did they cooperate with the police?

4 A Yeah.

5 Q Have you heard about Zaquan Taste plea deal?

6 A No.

7 Q You're facing thirty years to life, you know that?

8 A Uh-huh. (Affirmative response)

9 Q Just on the murder alone.

10 A Yeah.

11 Q Thirty years on the attempted murder. And then you've
12 got a gun charge to boot. You hadn't testified -- you
13 didn't make any statements to the police before this trial,
14 had you?

15 A No, sir.

16 Q And so why did you decide to make the statement?

17 A Just to let everybody know the truth about what
18 happened.

19 Q So out of the goodness of your heart?

20 A Yeah.

21 Q So you don't expect to be rewarded by the State
22 whatsoever?

23 A No.

24 Q You don't think they're going to give you a plea offer?

25 MS. CORNWELL: Your Honor, I'm going to object.

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1 This is pure speculation. We've already gone over this in
2 direct.

3 THE COURT: I realize, but even though you went
4 over it in direct, he gets to cross. But he was answering
5 the question. Let him finish answering the question.

6 MR. FARLEY: Yes, sir.

7 THE COURT: And, again, we don't need to beat this
8 horse too long, okay?

9 MR. FARLEY: Thank you, Judge.

10 THE COURT: Thank you, sir. Go ahead.

11 BY MR. FARLEY:

12 Q So I think we left off -- in your mind, do you think
13 you're going to get a better deal if you cooperate or a
14 better deal if you don't cooperate?

15 A Either way it go, I just came in here today to tell the
16 truth about what happened.

17 Q To your knowledge, there was no, like, plan to go down
18 there -- all you knew was that they were going down there to
19 find Shy, right?

20 A Yeah.

21 Q And then all of a sudden in the heat of the moment,
22 this gun fire starts?

23 A Uh-huh. (Affirmative response)

24 Q And you got your head down?

25 A (Nods head affirmatively)

1 THE COURT: Is that it?

2 MR. FARLEY: Just a moment.

3 THE COURT: Oh. Go ahead.

4 MR. FARLEY: I don't have anything further, Judge.

5 THE COURT: All right. Anything on redirect?

6 MS. CORNWELL: No, Your Honor.

7 THE COURT: All right. Thank you, sir. You may
8 step down.

9 Can I see y'all up here for just one second.

10 (Off the record bench conference with counsel and the
11 Court.)

12 THE COURT: All right. Ladies and gentlemen,
13 y'all have been incredibly attentive today. I've got to
14 tell you, we're making -- the attorneys have done a great
15 job on both side of moving this case along. So we are going
16 to start back tomorrow morning at 9:00 again, okay? Now,
17 again -- I know y'all are going to get tired of me saying
18 this, but I've got to say it every time, okay? You cannot
19 talk to anyone about this case. You cannot read anything
20 about this case. I know there's probably -- well, there may
21 be something in the T&D about it, but you cannot read
22 anything about it. You can't go into your computer, your
23 cellphone. Everything you need to know you're going to find
24 out right here in the courtroom. So y'all go home. Y'all
25 have a good evening. Okay, I'm going to watch the

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1 basketball for South Carolina in hopes that we get lucky and
2 win another basketball game. I don't know if you're fans.
3 But anyway, y'all have good evening but don't talk to
4 anybody and I'll see y'all at 9:00 in the morning, okay?
5 Thank y'all so much. You're doing a great job. Thank you.

6 (Jury out at 4:49 p.m.)

7 THE COURT: All right. Anything from the State
8 before we break today?

9 MS. CORNWELL: Your Honor, just in regards to
10 sentencing on Mr. Zaquan Taste --

11 THE COURT: Uh-huh. (Affirmative response)

12 MS. CORNWELL: -- the State would maintain its
13 objection on any testimony regarding to what he's actually
14 sentenced to. I don't think there's a problem with him
15 saying the State agreed to reduce his charges. However, we
16 made no negotiations or recommendations in regards to
17 sentencing. Sentencing is purely up to the Judge. And the
18 way that he is trying to make it sound and the way the jury
19 would interpret that is that the State offered to give him
20 probation in exchange for his testimony.

21 THE COURT: Well, we've got the record right here
22 to show that that's not what happened if that becomes an
23 issue.

24 MS. CORNWELL: Perhaps we should have let them
25 plead in front of the entire jury to begin with. We've

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1 never allowed sentencing to be presented as testimony in
2 front of a jury in any case that I've ever been aware of and
3 known of.

4 THE COURT: Okay.

5 MS. CORNWELL: We don't let it come into testimony
6 when --

7 THE COURT: Are you planning on calling him as a
8 witness?

9 MS. CORNWELL: Mr. Taste?

10 THE COURT: Yeah?

11 MS. CORNWELL: Yes.

12 THE COURT: Okay. Well, then --

13 MR. FARLEY: We'll take it up.

14 THE COURT: Yeah. I'll take it up. We'll talk
15 about it. We ain't got to talk about it now, okay?

16 MS. CORNWELL: Okay.

17 THE COURT: I mean, you can give me a case or
18 something like that. I've got a case -- we found some case
19 that said that you can ask the Defendant if he's testifying
20 what kind of sentence he received.

21 MS. CORNWELL: I believe if there's a
22 recommendation or a negotiation that the State worked out or
23 a deal that the State worked out, but in this case --

24 THE COURT: I'll be glad to instruct them that I
25 did it.

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1 MS. CORNWELL: Okay, Your Honor, I just was --

2 THE COURT: Okay? But I don't know. I mean if
3 you've got a case you want me to read it, I'll be glad to
4 read it. I'm just not -- I don't want to argue it right
5 now, okay? All you've got to do is give me a case.

6 MS. CORNWELL: Yes, sir.

7 THE COURT: Okay. I can listen and Mr. Farley, if
8 you've got a case I'll be glad to. I've got it, you know.
9 We've been going all day. Last week I had a rape trial, I
10 ain't -- I'm tired.

11 MS. CORNWELL: Well, we understand, Your Honor.

12 THE COURT: And I know y'all ought to be tired.
13 So if you've got something for me, just give me something to
14 read, I'll be glad to hear it. I'll be glad to read it, you
15 know. Okay? So y'all have a good evening and I'll see
16 y'all at 9:00 in the morning, okay?

17 MR. FARLEY: Yes, sir.

18 THE COURT: Thank y'all.

19 (Court in recess February 21,
20 2016 at 4:55 p.m.)

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25

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1 (Court in session February 22,
2 2018 at 9:00 a.m.)

3 THE COURT: Juror No. 91 -- breathing problems.
4 He was already disabled. She brought me the initial report
5 from the hospital -- I mean, initial report from the
6 hospital where he was placed in the hospital. As a result,
7 we need to pick one of the three alternates. The three
8 alternates names were placed in a basket after discussing
9 the matter with counsel for the State and the Defendant and
10 one of the three alternates was chosen randomly. That would
11 be Juror No. 97 who was the alternate chosen. Is that
12 correct?

13 MS. CORNWELL: Yes, Your Honor.

14 THE COURT: Is that correct?

15 MR. FARLEY: Yes, Judge.

16 THE COURT: And just so you know we'll save that
17 as a Court's Exhibit just so we'll have it.

18 (Court's Exhibit No. 2, Note, Juror
19 No. 97 alternate moved to jury.)

20 THE COURT: When the jury comes out I will explain
21 to them what has taken place. And DeLaine I need to talk to
22 you about --

23 THE BAILIFF: Yes, Your Honor.

24 MR. FARLEY: And let me make sure my client is
25 here.

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1 THE COURT: Go ahead.

2 (Court at ease)

3 THE COURT: All right. Is the State ready to
4 proceed?

5 MS. CORNWELL: We are Your Honor.

6 THE COURT: Is the -- oh, where's Mr. Jenkins.

7 MR. FARLEY: He'll be here. He's coming.

8 (Court at ease)

9 THE COURT: All right. Defense ready now?

10 MR. FARLEY: Yes, Your Honor.

11 THE COURT: Okay. If you'd bring the jury on out,
12 please, ma'am.

13 THE BAILIFF: Yes, Your Honor.

14 (Jury in at 9:36 p.m.)

15 THE COURT: All right. Just so y'all have -- I
16 hope y'all did have a good even. Okay, just so y'all will
17 know one of the jurors had to leave because her husband went
18 into the hospital last night and she brought me some of that
19 information so that's why one of y'all has moved up into the
20 jury panel, okay? All right. Now, we're ready to continue
21 with the State's case.

22 Y'all ready to call your next witness?

23 MS. CORNWELL: We are, Your Honor.

24 THE COURT: Okay.

25 MS. CORNWELL: The State would call Dwendell High.

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1 THE COURT: He's yours.

2 MS. CORNWELL: Thank you, Your Honor.

3 (WHEREUPON; Dwendell High was sworn
4 to tell the truth.)

5 DWENDELL HIGH - DIRECT EXAMINATION

6 BY MS. CORNWELL:

7 Q Mr. High, I know that this is not a place you want to
8 be, but if you could speak as loudly as you can, speak into
9 the microphone. That way everybody can hear you. Mr. High,
10 can you tell the jury what you are currently charged with in
11 this case?

12 A Murder, attempted murder, possession of a weapon during
13 a violent crime.

14 Q And you and I have met a few times, correct?

15 A Correct.

16 Q And during those meetings have I ever made you any plea
17 offers? Have I offered to reduce or drop your charges or
18 give you any immunity or any benefit in speaking with me or
19 testifying here today?

20 A You haven't.

21 Q So when you get off the stand after you've testified,
22 what charges are you still going to be facing?

23 A Murder, attempted murder, possession of a weapon during
24 a violent crime.

25 Q Now, yesterday we met with some of your co-defendants .

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1 and they were obviously still in custody. You're not in
2 custody. Can you tell the jury how you got out of being in
3 custody?

4 A A bond hearing, my lawyer and -- you --

5 Q And during that bond hearing did I consent to a bond?
6 Did I want you to get out on bond?

7 A You didn't. You ask that my bond be revoked.

8 Q And that was after you met with me?

9 A That was after I met with you.

10 Q And when you and I met, did I reach out to you and ask
11 you to come talk to me or did you reach out to me and you
12 wanted to come talk to me?

13 A I reached out to you.

14 Q Why did you reach out to me and want to come talk to
15 me?

16 A Because the charges I was against was falsely accused
17 and I wanted --

18 Q And you wanted to tell me what actually happened?

19 A Yes.

20 Q Let's talk about how you became arrested in this case.
21 Did you get caught by police? Were you on the run?

22 A No. Me and my mother went and turn myself in when the
23 warrants was out for me.

24 Q Okay. And after you turned yourself in, did you give a
25 statement to law enforcement explaining that the charges

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1 against you were false?

2 A I didn't.

3 Q Why did you not give a statement to law enforcement?

4 A Because I didn't have a lawyer present at the time and
5 I wanted my lawyer with me anytime I speak.

6 Q Was your lawyer with you when you spoke with me?

7 A He was.

8 Q And were your rights given to you when you spoke to me?

9 A It was.

10 Q When we spoke -- how many times did we speak?

11 A About -- a couple times, about three or four, maybe
12 five.

13 Q And the reason we had to keep on speaking was because I
14 didn't think that you were being completely honest with me,
15 did it?

16 A Correct.

17 MR. FARLEY: Objection, Your Honor. She's been
18 leading and it just keeps --

19 THE COURT: Yeah. If you'll just ask him --

20 BY MS. CORNWELL:

21 Q Why did we have to meet so many times?

22 A Because I wasn't being, like you said, honest.

23 Q And can you tell the jury what you weren't being honest
24 about?

25 A I wasn't honest about my co-defendant having a weapon,

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1 and firing a weapon.

2 Q Are you going to testify truthfully today?

3 A I will.

4 Q Let's talk about July 19, 2016. Tell the jury starting
5 from when you woke up to when you turned yourself in and
6 let's go through everything that happened?

7 A That morning, me and my cousin, Matthew Brown, was the
8 Holly Hill Police Station filing a missing report for our
9 cousin Shy.

10 Q How did you know Shy was missing?

11 A Her mom just came to the residence and let us know.

12 Q And whose house were you at when she came to the
13 residence?

14 A We was at Jessica house, Jessica Jacques.

15 Q And so you went to the Holly Hill Police Station with
16 Matthew Brown?

17 A Shonda Jacques and Jessica Jacques and her daughter.

18 Q What did you do while you were at the police station?

19 A Just waiting to file a missing report. A missing
20 report couldn't go out because it wasn't long enough to file
21 a missing report.

22 Q What did you do after that?

23 A We went back to check on my car. My car was still
24 messed up so we went back to go get the Buick. Me and
25 Matthew Brown -- fix my car. And getting me back to Jessica

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1 house and that's when we got inside the Buick.

2 Q Okay. And when you back to Jessica's house and got
3 inside the Buick, was there anybody else already in the
4 Buick? How did y'all --

5 Q When I went inside the Buick, Butter(sp) was driving,
6 Zaquan Taste. Trey and Smoot and Brown was already in the
7 vehicle and I got in the front seat.

8 Q And you said Butter, that's -- who were you referring
9 to?

10 A Zaquan Taste.

11 Q And when you got back in the car, was there anything
12 said about where y'all were going, what y'all were doing?

13 A No.

14 Q Where did you think y'all were going to be going?

15 A They did say that we was going to do something -- pick
16 up Shy, you know, go meet Shy. That was it.

17 Q And you were okay with that?

18 A Yeah. I told them after I didn't get my car that was
19 fine.

20 Q All right. When you got in the car, did you see any
21 weapons in the car?

22 A I didn't.

23 Q After y'all left Jessica's house, did y'all make any
24 stops on the way or --

25 A We made one stop and that was to drop one of Zaquan

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1 Taste friend off. And then we just went straight to the
2 house and he talked to them.

3 Q Okay. And tell the jury about what happened when you
4 got to the house and you talked to them?

5 A He got out -- Butter got out and dapped everyone up and
6 got back in the car. He put the car in reverse. And as he
7 was living, driving slow, Butter stopped the car. Trey got
8 out the car and started shooting and Poo Bear, Smoot, starts
9 firing in the air.

10 Q And when Mr. Taste got back in the car and started
11 leaving, was there any conversation that you heard between
12 him and Mr. Jenkins?

13 A No. When he got in the car and started leaving towards
14 the house or when he started backing up?

15 Q When he started backing out?

16 A He just told Trey an old boy, old boy over there
17 (inaudible).

18 Q Okay. And --

19 THE COURT: Did you hear that?

20 MR. FARLEY: No, I'm sorry.

21 THE COURT: Would you mind repeating your answer
22 please, sir, a little louder?

23 THE WITNESS: He told Jenkins that he seen Old
24 Boy. I don't know which one of them guys he was referring
25 to. He just mentioned Old Boy.

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1 BY MS. CORNWELL:

2 Q And after he said he'd seen Old Boy, is that when
3 Jenkins jumped out of the car and started firing?

4 A Yes.

5 Q And I believe you also said that Smoot start firing as
6 well?

7 A Yes.

8 Q Did you see the guns that they had at that time?

9 A Yes.

10 Q What kind of gun did Mr. Jenkins have?

11 A An assault rifle.

12 Q And so was that a little gun, a big gun?

13 A It's not as big as an assault rifle is supposed to be,
14 but it's like a medium sized gun.

15 Q Bigger than a handgun?

16 A Yes.

17 Q Can you with your hands show about how big it --

18 A (Indicating)

19 Q Okay. What kind of gun did Mr. Smoot have?

20 A A revolver.

21 Q Okay. So just a little handgun?

22 A Yes.

23 Q And approximately how many shots would you say Mr.
24 Jenkins shot?

25 A A clip.

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1 Q And for those of us that aren't familiar with a clip,
2 about how many is that?

3 A About thirty-five to forty rounds.

4 Q Okay... I probably should have gone over this in the
5 beginning, but you've got some knowledge of firearms. Can
6 you tell the jury, where did you grow up?

7 A I grew up in Eutawville.

8 Q And do you also have family --

9 A I also have family in Eutawville and Holly Hill.

10 Q Okay. So you have family members in both Eutawville and
11 Holly Hill.

12 A I do.

13 Q Where did you graduate from high school?

14 A I graduated from Cross High School.

15 Q And after you graduated from high school, what did you
16 do?

17 A I went into the military.

18 Q What branch of the military?

19 A The Army.

20 Q Did you serve overseas?

21 A I did, Afghanistan.

22 Q Okay. So you're pretty familiar with firearms?

23 A I am.

24 Q Once you got back from overseas, where did you live?

25 A I was staying in Virginia for a while and then I moved

1 to Columbia.

2 Q Okay. And while you were living in Columbia, where
3 were you working?

4 A I was working on base and I was also (inaudible).

5 Q Okay. And the base in Columbia, what is that?

6 A Ft. Jackson.

7 Q And is that where you were working when this incident
8 occurred?

9 A It was.

10 Q Were you living here when this incident occurred?

11 A I was not living in the Holly Hill area. I was in
12 Columbia and I moved back to Summerville.

13 Q So what were you doing in town that weekend?

14 A Family.

15 Q Visiting family?

16 A I was.

17 Q So you can identify pretty easily what type of guns
18 each person had?

19 A Yes.

20 Q And Mr. Jenkins had --

21 A He had assault rifle.

22 Q And Mr. Smoot had a revolver?

23 A A revolver.

24 Q After the shooting started, what happened?

25 A After the shooting we left and went back to Jessica

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1 house. They got the car and they got into an argument,
2 Jenkins and --

3 Q Before we get into that, let me take you back a little
4 bit. When Mr. Jenkins fired, was it one consistent round of
5 consecutive shots or was there a pause in between any of the
6 shots?

7 A It was like two and then came a burst of fire.

8 Q Okay. So he shot about two shots first, and then there
9 was a burst of fire?

10 A Uh-huh. (Affirmative response)

11 Q Did anything happen to Mr. Jenkins after the first two
12 shots?

13 A His foot got ran over.

14 Q And when the shooting started, did they shoot from
15 inside the window, did they jump out of the car? How did
16 that shooting happen?

17 A Outside the car.

18 Q When Mr. Taste first pulled up beside the shed. When
19 he got out of the car, did he shut his car door?

20 A I believe he did.

21 Q Were the windows in that car up or down?

22 A They were up.

23 Q So were you able to hear anything that was said inside
24 the shed?

25 A I did not.

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1 Q Did you ever hear anybody threaten Mr. Taste inside
2 that shed?

3 A I never heard it.

4 Q Okay. Did anybody come to the car and threaten anybody
5 inside the car?

6 A No.

7 Q Did you ever see anybody at that cookout with a
8 firearm?

9 A No.

10 Q Did you ever see anybody pull a firearm or threaten
11 anybody with a firearm?

12 A No.

13 Q So the only firearm that you saw at Craig Street that
14 day were the guns inside your car?

15 A Correct.

16 Q Did you have a firearm that day?

17 A I did not.

18 Q So after the shots are fired, how did y'all leave? I
19 mean, did you speed out of there, what --

20 A No, it wasn't a speed pace, it was slow pace.

21 Q And did everybody seemed surprised at what had happened
22 in the car?

23 A Me and Brown.

24 Q You and Brown were surprised?

25 A Yes.

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1 Q On the way over to Eutawville, was there any
2 conversation in the car --

3 A Nothing.

4 Q -- about what the plan was, what was going on?

5 A Music was being played.

6 Q And then after y'all left out, you said you went back
7 to Jessica's house?

8 A Right.

9 Q Was there any conversation about what happened on the
10 way to Jessica's house?

11 A No, no conversation.

12 Q What happened when y'all got back to Jessica's house?

13 A An argument between Jenkins and Brown, AB, and Butter.

14 Q Who is AB?

15 A Roberto Brown.

16 Q And how is he in -- I mean, what's his relationship to
17 everybody?

18 A That's Zaquan Taste uncle.

19 Q Okay. Does he have any relation to Jessica?

20 A Yeah. That's the mother of his child.

21 Q Okay. So they're in a relationship?

22 A Correct.

23 Q So when we talk about Jessica's house is that also AB's
24 house?

25 A Right.

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1 Q Okay. So y'all went back there and you said there was
2 an argument between who?

3 A Jenkins, Smoot and Zaquan and AB.

4 Q Okay. And did you hear that argument?

5 A I heard a little bit of it.

6 Q And what was that argument about?

7 A Y'all supposed to went down there. Everything --

8 MR. FARLEY: Objection, Your Honor. This is
9 hearsay.

10 MS. CORNWELL: I'll move on.

11 THE COURT: If you'll move on, Thank you.

12 BY MS. CORNWELL:

13 Q While they were arguing, what did you do?

14 A I left. Me and Brown had left. We had nothing to do
15 with it, so we left.

16 Q Okay. How did Brown initially leave?

17 A Brown left in the car with Zaquan.

18 Q And you were in the car with them?

19 A I left on foot.

20 Q You left on foot? And do you know where Mr. Jenkins
21 and Mr. Smoot went?

22 A I don't know. I don't know.

23 Q Do you know what happened to the guns after y'all got
24 back to Jessica's house?

25 A No idea.

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1 Q So where were you walking to when you left?

2 A To go to Margie's house.

3 Q Did you make any phone calls or anything when you left?

4 A I didn't.

5 Q And at some point, did you meet back up with Mr. Brown?

6 A I did.

7 Q Where did you meet up with him?

8 A At the paved road at the top of the dirt road?

9 Q And was he in the car at that time?

10 A He was.

11 Q Who was driving the car when you met up with him?

12 A Brown.

13 Q Okay. And was anybody else in the car?

14 A Jenkins was in the passenger's side. I was in the back
15 and Smoot was in the back.

16 Q So y'all all kind of met up at the dirt back and they
17 had gotten back in the car with Mr. Brown?

18 A And where were y'all going?

19 Q They was going to drop me off. I don't know where they
20 was going, but they were going to drop me off. And before
21 we could even pull out, blue lights came on from the police.

22 Q Okay. And when the blue lights came on from the
23 police, did y'all immediately pull over, stop and talk to
24 law enforcement?

25 A No, Brown stop -- he wanted stop. Trey made him go.

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1

Jenkins.

2

Q Jenkins made him go?

3

A Yeah. He wanted to stop.

4

Q What was Mr. Jenkins saying to him?

5

A Drive.

6

Q What was Matt's reaction to that?

7

A Matt was scared, nervous.

8

Q And so Matt doesn't stop. How long would you say that

9

law enforcement followed y'all?

10

A Six minutes, seven.

11

Q And were y'all driving on different roads?

12

A We was.

13

Q At some point did y'all end up on a dirt road?

14

A We did.

15

Q And what happened when y'all ended up on the dirt road?

16

A We hit a dirt pile, lost control of the car.

17

Q And once y'all hit a dirt pile and lost control of the

18

car, what happened?

19

A Everyone dismounted the car.

20

Q When you say dismounted the car?

21

A Everyone left the car, got out the car.

22

Q What door did you jump out of?

23

A The back door.

24

Q Do you know what doors everybody else jumped out of?

25

A Jenkins and Smoot jump out the right side and Brown and

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1 I jump out the left side.

2 Q And where did y'all start running to?

3 A I ran to a friend house.

4 Q Let me ask you this. If you didn't know what was going
5 to happen, didn't have a firearm, you were surprised about
6 what happened, why are you running from the police?

7 A I ran. I was scared and nervous. I didn't want to get
8 caught.

9 Q And when you ran from police, did you have your
10 cellphone with you?

11 A No.

12 Q Where was your cellphone at that time?

13 A In the car in the back seat.

14 Q Okay. And when you ran, who ran with you?

15 A Brown.

16 Q And did y'all run in the same direction as Mr. Jenkins
17 and Mr. Smoot?

18 A No.

19 Q Where did you and Mr. Brown run to?

20 A We ran to a friend house.

21 Q How did y'all get to that friend's house?

22 A It was right through the woods.

23 Q And I've got a photograph. So that would have been --

24 MR. FARLEY: Can I see that?

25 MS. CORNWELL: I'm sorry --

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1 BY MS. CORNWELL:

2 Q -- State's Exhibit 7 and then also in State's Exhibit

3 3. So State's Exhibit 3, this would be --

4 A The side me and Brown got out.

5 Q Okay. And is that the field and the woods across from
6 where y'all ran?

7 A No, it's the opposite way.

8 Q So who ran this way?

9 A Jenkins and Smoot.

10 Q And then you and Mr. Brown ran this way, back across --

11 A Towards, yes.

12 Q And when you got to your friends house what did you do?

13 A Start calling my mother to get in contact with a lawyer
14 and let her know what was going on.

15 Q So you immediately called your mom, told her what
16 happened --

17 A Uh-huh. (Affirmative response)

18 Q -- and told her to call a lawyer for you?

19 A Call a lawyer, yes.

20 Q And why did you need a lawyer?

21 A Because I didn't shoot anybody and what happened was so
22 many polices, just protect myself.

23 Q Okay. Why didn't you just call law enforcement?

24 A I don't know. At the time just was scared and nervous.

25 Q Okay. And after all this happened, did law enforcement

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1 ever reach out to you? Did they find you? Did they call
2 you, how did --

3 A I didn't have a warrant until like a week later. And
4 that's when me and my lawyer turned myself in.

5 Q How did you find out that you had a warrant?

6 A Facebook.

7 Q And as soon as you found out you had a warrant?

8 A I contacted Mr. Charlie and my mother and he contacted
9 Orangeburg and turned myself in.

10 Q Okay. So it was an entire week later --

11 A Yes.

12 Q -- that you ended up turning yourself in?

13 A Yes.

14 Q I think you've already told us you got contacts out of
15 state.

16 A Yes. I mean, I don't have contact, I just been
17 military.

18 Q So why didn't you run?

19 A I didn't -- I reckon because I didn't do anything
20 wrong. I didn't put myself in position to get in trouble.

21 Q And let's talk about some of the relationship with the
22 people in the car. How do you know the Defendant, Treshawn
23 Jenkins?

24 A My cousin.

25 Q And how do you know Matthew Brown?

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1 A He's my cousin.

2 Q How do you know Frank Smoot?

3 A Friend of the family.

4 Q How long have you known Frank Smoot?

5 A Ten years maybe.

6 Q How do you know Zaquan Taste?

7 A Friend of family.

8 Q And how long have you known Mr. Taste?

9 A A couple years.

10 Q And how old are you Mr. High?

11 A I'm twenty-six. I'll be twenty-six next month.

12 Q Do you know how old Mr. Taste is?

13 A Around eighteen, nineteen.

14 Q Okay. So you're a good bit older than him?

15 A Right.

16 Q How about Mr. Jenkins?

17 A Around twenty-one, twenty-two.

18 Q And Mr. Brown?

19 A Shoot, just turned twenty-one.

20 Q And Mr. Smoot?

21 A Same.

22 Q So you're a good bit older than all of these people?

23 A Yes.

24 Q Other than visiting on the weekends with your family,
25 are you associated with them? Do you hang out with them,

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1 party with them?

2 A When we go to parties or something.

3 Q Did you know anybody at the cookout?

4 A I didn't.

5 Q Had you ever been to Craig Street before?

6 A No.

7 Q And are you and Mr. Jenkins first cousins?

8 A We are.

9 Q So a pretty close relationship?

10 A Yeah.

11 Q Tell the jury a little bit about y'all's relationship?

12 A He's basically my little cousin.

13 MR. FARLEY: Objection. Relevance.

14 THE COURT: I'm going to overrule the objection.

15 I'm going to let her go into the relationship unless we get

16 into some -- unless we go too far afield. Okay. Okay.

17 BY MS. CORNWELL:

18 Q Tell the jury a little bit about your relationship with
19 Mr. Jenkins?

20 A He's my little cousin. I've just been, you know,
21 looking out for him, you know. Help him get jobs, stay with
22 me a couple of times. Try to keep him out of trouble.

23 Q So he's lived with you before?

24 A Yes.

25 Q Would you say that it's easy to come up here and

1 testify against him?

2 A It's not.

3 Q Have you gotten any calls or threats from any family
4 members regarding your testimony here today?

5 A Yes.

6 Q And can you tell the jury a little bit about that?

7 MR. FARLEY: Objection, Your Honor. This is
8 hearsay.

9 THE COURT: Well, now he can't get into what
10 specifically was said. He can say if has received threats.

11 MS. CORNWELL: This is what's said to him about
12 what he's doing.

13 THE COURT: No, I understand that. I understand
14 that. What I wanted to make sure -- he can testify as to
15 who made the threats to him and things like that. What I
16 don't want to get into is what they actually said.

17 MS. CORNWELL: Okay.

18 THE COURT: Okay. All right.

19 BY MS. CORNWELL:

20 Q Who all has contacted you about your testimony?

21 A Family, aunts, cousins, friends.

22 Q Is it safe to say they wanted you testify against him
23 or they didn't want you to testify against him?

24 A They don't.

25 Q Okay. So why are you here testifying against him

State v Jenkins Dwendell High - Direct 2/22/18 421

1 today. I haven't made you any promises?

2 A You haven't. But, like I said, I've been accused. I
3 got charged for something that I haven't done and the truth
4 got to be told.

5 Q So the person that you saw with an assault rifle --

6 A That's Treshawn.

7 Q Is he in this courtroom today?

8 A He is.

9 Q And I know it's hard. Can you point him out for the
10 jury?

11 A (Indicating)

12 Q Can you tell me what he's wearing?

13 A He's wearing a purple shirt.

14 MS. CORNWELL: Your Honor, let the record reflect
15 that the witness identified the Defendant.

16 THE COURT: The record will reflect that the
17 witness has identified the Defendant.

18 BY MS. CORNWELL:

19 Q Thank you, Mr. High. Please answer any questions
20 Defense counsel may have.

21 THE COURT: Mr. Farley, any questions of this
22 witness?

23 MR. FARLEY: Yes, sir.

24 THE COURT: All right. He's your witness, Mr.
25 Farley.

State v Jenkins	Dwendell High - Cross	2/22/18	422

DWENDELL HIGH - CROSS-EXAMINATION

BY MR. FARLEY:

Q So at the time of this you were twenty-seven years old?

A No, at the time of this I was twenty-five.

Q Twenty-five. And everybody else was, I think she said, significantly younger, with the youngest one being at least five years younger than you?

A Yes.

Q And so I think you said your car had broken down; is that right?

A That's correct.

Q And where was it broken down?

A It was broken down in front of the Holly Hill car wash.

Q And when you started this whole expedition, you said you were going to the Holly Hill Police Department to make a report, right?

A Correct.

Q So Holly Hill Police Department is in Holly Hill?

A Correct.

Q And you get in the car with all of these people and end up going to Eutawville?

A Correct.

Q Why didn't you go pick up your car?

A Because the person that was driving the car said they
had to go to Eutawville first.

had to go to Eutawville first.

State v Jenkins Dwendell High - Cross 2/22/18 423

1 Q So you're in Holly Hill. Holly Hill's not a big place,
2 is it?

3 A It's not.

4 Q You just testified your whole family's from Holly Hill,
5 right?

6 A No, I said half my family's from Holly Hill.

7 Q I'm sorry. Half your family's from Holly Hill. You
8 had just got out of the car from going to the police
9 department, right?

10 A Right.

11 Q You could have caught a ride with them, right?

12 A I wanted to go get the Buick.

13 Q So you wanted to get the Buick?

14 A I had to do something to get my car.

15 Q But you can't do it in the red -- was it an Explore or
16 a Jeep?

17 A They stayed at the police department.

18 Q Oh, okay. So did the Buick pick you up at the police
19 department?

20 A No.

21 Q Well, where did the Buick pick you up?

22 A The Buick picked me up from the house.

23 Q How did you get from the police to --

24 A A friend.

25 Q That friend couldn't take you to get your car?

State v Jenkins Dwendell High - Cross 2/22/18 424

1 A Well, technically he did. And then my car wouldn't
2 crank so that's when we went to Jessica house.

3 Q That's a missing piece of information I just got. So
4 anyway, you get in this car and you initially don't see any
5 weapons?

6 A No.

7 Q You don't see this assault rifle, I think you said this
8 big. Is that --

9 A Right.

10 Q You didn't see that anywhere in the car?

11 A No.

12 Q You didn't have a gun?

13 A I did not.

14 Q You didn't fire any shots?

15 A I never had a gun.

16 Q So you just -- there was no conversation on the way
17 from, I think Jessica's house --

18 A There was not.

19 Q -- to the incident?

20 A No.

21 Q Not a single word?

22 A No, nothing.

23 Q You know, we're going to go shoot this place up?

24 A I just said, I was in the car, nothing was said.

25 Q And so you're just sitting in the car waiting, you

State v Jenkins Dwendell High - Cross 2/22/18 425

1 know, just along for the ride until you can go get your car
2 and Zaquan just, without saying anything, just gets out of
3 the car and goes talks to these people?

4 A That's what happened.

5 Q And then he just gets back in the car?

6 A Correct.

7 Q Did he say old boy had a gun?

8 A No, he never said that.

9 Q Just something about old boy?

10 A Correct.

11 Q And then I think you said Smoot got out of the car to
12 shoot when he shot?

13 A I seen him shoot in the air.

14 Q In the air, but was he inside the car or outside?

15 A When I seen him shoot, he was in the car. So I don't
16 know if he had gotten back in. When I seen him shooting he
17 was in the car.

18 Q And then you said that Trey got out of the car and his
19 foot got run over?

20 A Yes.

21 Q And then there was shooting?

22 A Yes.

23 Q You said you heard thirty or forty shots; is that
24 right?

25 A It sounded like.

State v Jenkins Dwendell High - Cross 2/22/18 426

1 Q Well, you tell me. You were there?

2 A Yes.

3 Q You think thirty or forty shots? And what were you --
4 you're sitting in the car just listening to music. All of a
5 sudden thirty forty rounds go off. Are you looking around?
6 Are you like, oh, what's going on? Tell me what was in your
7 mind at that time?

8 A We ducked. At that time, we didn't know where the
9 shots were coming from at the time.

10 Q So you couldn't tell who was shooting with what?

11 A No. Yeah, I seen the shooting. But when the first
12 shot went off it just scared us, so. But I seen him
13 shooting the gun. I seen him -- He started shooting. He
14 started shooting.

15 Q And so you get back into the car?

16 A I never got out the car.

17 Q I mean, then everyone gets back into the car?

18 A Yes.

19 Q And you slowly drive away?

20 A Yes.

21 Q And between this shooting and getting dropped off, no
22 one says anything?

23 A No.

24 Q You just turn the radio up and keep going?

25 A I didn't turn the radio up.

State v Jenkins Dwendell High - Cross 2/22/18 427

1 Q If you didn't know what was happening and you didn't
2 know that this was going to go on, why didn't you say Oh, my
3 god, what did you do? Why did that happen?

4 A I mean that was said at the house when they got into an
5 argument but I was just shocked. I don't know.

6 Q How long is that ride from Eutawville back to the
7 house?

8 A Not long.

9 Q So the shooting that you didn't know was going to
10 happen, you're just sitting there listening -- all of a
11 sudden out of nowhere with no plan or anything, gunshots
12 start firing, lots of gunshots fire, right?

13 A (Nods head affirmatively)

14 Q They get back in the car and you don't say anything
15 from the incident location back to the house?

16 A I mean --

17 Q Yes or no?

18 A I didn't say nothing, no. I mean --

19 Q Did they say something?

20 A -- everybody -- I mean, it was -- they was saying lie
21 what the fuck going on. Basically, like that.

22 Q Well, why didn't you tell the jury that the first time?

23 A I didn't say it. It was --

24 Q If I told you there's been testimony that everybody
25 when that car wrecked got out on one side, would you agree

State v Jenkins Dwendell High - Cross 2/22/18 428

1 or disagree with me?

2 A Got out on one side?

3 Q Instead of people getting out on the passenger side,
4 people getting out on the drivers side, everybody got out on
5 one side?

6 A I would disagree because I got out on the left side and
7 when I got back -- I was the first one out the car, so --

8 Q So everybody got out of their respective doors?

9 A (Nods head affirmatively)

10 Q I believe you testified that you spoke to, I think the
11 Solicitor. You never spoke to police?

12 A No.

13 Q You had a lawyer by the time they wanted to come talk,
14 to you?

15 A That's correct.

16 Q So you spoke to the Solicitor three, four or five
17 times?

18 A That's correct.

19 Q And that's just because you just wanted to get it off
20 your chest?

21 A Yes.

22 Q And at the time you spoke to the Solicitor, had you
23 seen the discovery in your case, the evidence the police had
24 against you?

25 A Yes.

State v Jenkins Dwendell High - Cross 2/22/18 429

1 Q So you knew what the accusations were, correct?

2 A Yes..

3 Q You knew what the accusations for each individual co-
4 defendant were, right?

5 A Yes.

6 Q So you meet with the Solicitor the first time, tell her
7 a little bit about it. Second, third, as the case goes
8 forward and she keeps asking you over and over for certain
9 things. You keep -- you weren't a hundred percent honest, I
10 think you said, but you kept getting more and more honest?
11 And then today you're being a hundred percent honest?

12 A That's not true. I was always honest. I just missed
13 one part about my co-defendant firing a weapon. I was
14 always ninety-five percent honest.

15 Q So you're being ninety-five honest today or are you --

16 A No, I'm being a hundred percent honest.

17 Q And so you didn't cooperate at first?

18 A I cooperated. I turned myself in when I had a warrant.

19 Q Right. But you didn't say I did. I was there. I want
20 to clear my chest?

21 A I had a lawyer and I waited until the appropriate time.

22 Q So you were detained. You had a lawyer and then you
23 get a bond?

24 A That's correct.

25 Q Was it thirty thousand or thirty-five; I can't

State v Jenkins Dwendell High - Cross 2/22/18 430

1 remember.

2 A It wasn't that. It was eighty thousand.

3 Q Eighty thousand?

4 A That's correct.

5 Q And everybody else, to your knowledge that didn't
6 cooperate didn't get a bond?

7 A (No response)

8 Q If you don't know, you don't know? That's correct.
9 And you're still charged with murder, attempted murder, with
10 weapons enhancement, right?

11 A Uh-huh. (Affirmative response)

12 Q And I'm sure you've been told that murder carries a
13 mandatory minimum of thirty years, day for day?

14 A Yes.

15 Q Up to life in prison?

16 A Yes.

17 Q And on down the line. So after having discovery, after
18 meeting with the Solicitor and giving her more, getting more
19 and more honest as we go, telling her more and more of what
20 you knew about the case, you think that -- can you tell the
21 jury that you think that you are going to go to prison for
22 thirty years?

23 A To tell you the truth --

24 Q You think you're going to prison for thirty years?

25 A That's what I'm charged with, with murder.

State v Jenkins Dwendell High - Cross 2/22/18 431

1 Q My question is do you think you're going to prison for
2 thirty years?

3 A I don't know.

4 Q But you've prepared yourself for it?

5 A I'm still charged with it with these charges?

6 Q Have you prepared yourself for that?

7 MS. CORNWELL: Your Honor, I'm going to object --

8 THE COURT: Let him answer the question.

9 MS. CORNWELL: -- at this time. He's facing
10 charges. He doesn't know what's going to happen to him.

11 THE COURT: I understand that, but he's allowed to
12 ask the question. You're only allowed to ask your question
13 and let him answer it and then we don't keep going over it,
14 okay?

15 MR. FARLEY: Yes, sir.

16 BY MR. FARLEY:

17 Q So, the last time I'm going to answer [sic] the
18 question. Sitting here today, are you prepared to go to
19 prison for thirty years?

20 A For a murder I haven't done, no. I haven't done
21 nothing wrong.

22 Q Well, if you hadn't done it, you shouldn't be charged
23 with it?

24 A That's correct. And that's why the truth is being
25 told.

State v Jenkins Dwendell High - Redirect 2/22/18 432

1 MR. FARLEY: I don't think I have anything else,
2 Judge.

3 THE COURT: Anything on redirect?

4 MS. CORNWELL: Yes, Your Honor.

5 DWENDELL HIGH - REDIRECT EXAMINATION

6 BY MS. CORNWELL:

7 Q Let's talk about this bond that you got, it was eighty
8 thousand dollars. How long were you in jail before you got
9 a bond?

10 A Almost a year.

11 Q And at your bond hearing, and I think we went over
12 this, did I agree with bond or consent to a bond?

13 A No, you told him you don't want me to have a bond.

14 Q And while you were in custody who else was in custody
15 with you?

16 A Jenkins, Brown and Smoot.

17 Q And to your knowledge, did they also try to get a bond?

18 A They also went up for the bond and they was denied.

19 Q Did y'all talk about the case while y'all were over
20 there or anything that happened?

21 A I hadn't, no.

22 Q Did Mr. Jenkins ever try while you were over there --
23 were y'all in the same area being held?

24 A Yes, C Pod.

25 Q And while y'all were over there, did Mr. Jenkins try to

State v Jenkins Dwendell High - Redirect 2/22/18 433

1 talk to you about this case?

2 A My co-defendants?

3 Q And what was the conversations that you were having
4 about this incident in jail?

5 A My co-defendants they had conversations.

6 Q Okay.

7 A My co-defendants, they was sending kites and trying to
8 come up with some kind of alibi.

9 Q Okay. And when you met with me, did you provide me
10 with those kites?

11 A I did.

12 Q Tell -- and when we're saying kites, you --

13 MR. FARLEY: Your Honor, may we approach?

14 THE COURT: Sure..

15 (Off the record bench conference with counsel and the
16 Court.)

17 BY MS. CORNWELL:

18 Q Mr. High, without saying anything about -- can you just
19 tell the jury, what is a kite?

20 A A letter you pass through mail, I mean through jail,
21 you know, something dealing with the case or whatever.

22 Q So it doesn't go through the U.S. Mail, it's --

23 A No, it goes to hand-to-hand, inside the jail.

24 Q Okay. And other than that, have you ever personally
25 spoke to Mr. Jenkins about what happened?

State v Jenkins Dwendell High - Recross 2/22/18 434

1 A No.

2 Q Did you ever ask him why he did what he did?

3 A No, I didn't.

4 Q Now, when you were in custody, did you ever receive any
5 threats about testifying or cooperating?

6 A Not in custody, no.

7 Q Once you got out of custody, prior to coming here today

8 --

9 MR. FARLEY: Judge, we've asked and answered this.

10 THE COURT: WE have. You've already gone over --
11 he's already testified that he'd gotten threats from family.

12 MS. CORNWELL: If you will let me ask --

13 MR. FARLEY: Judge, this is also beyond the scope
14 of redirect -- from cross. I'm sorry.

15 BY MS. CORNWELL:

16 Q Outside of Mr. Jenkins, has any other co-defendant in
17 this matter attempted to threaten you?

18 A No other co-defendants, no.

19 MS. CORNWELL: That'd be all I have, Your Honor.

20 THE COURT: Okay. All right.

21 Anything on recross?

22 MR. FARLEY: Yes, Judge. Briefly.

23 DWENDELL HIGH - RECROSS-EXAMINATION

24 BY MR. FARLEY:

25 Q So when you were in custody about a year, you didn't

2 A I never talked to them about my case, no, because we
3 all charged with the same charge. I never talked to them.

6 A No. I was told not to.

8 A After my lawyer took me up. I forgot the date.

10 A It was before my bond.

12 MR. FARLEY: No further questions.

15 Is the State ready to call its next witness?

16 MS. CORNWELL: We are, Your Honor.

17 THE COURT: Okay.

18 MS. CORNWELL: The State would call Zaquan Taste.

19 THE COURT: There, that's where you need to be,

20 Mr. Taste. Okay?

21 THE WITNESS: All right.

22 THE COURT: All right. Ms. Cornwell, he's your
23 witness.

24 MS. CORNWELL: Thank you, Your Honor.

25 (WHEREUPON, Zaquan Taste was sworn

State v Jenkins Zaquan Taste - Direct 2/22/18 436
1 to tell the truth.)

2 ZAQUAN TASTE - DIRECT EXAMINATION

3 BY MS. CORNWELL:

4 Q Mr. Taste, can you tell the jury how old you are?

5 A Twenty.

6 Q And where did you go to school?

7 A Lake Marion High School.

8 Q Did you graduate?

9 A No, ma'am.

10 Q How do you know the Defendant, Treshawn Jenkins?

11 A From the neighborhood.

12 Q How long have you known him?

13 A I could say all my life.

14 Q And do you know Matthew Brown?

15 A Yeah, that my cousin.

16 Q That's your cousin? And what about Frank Smoot, do you
17 know Frank Smoot?

18 A I know him from the neighborhood.

19 Q How long have you known him?

20 A I think about ten years.

21 Q And what about Dwendell High?

22 A I've known him for a few years, I say about six, six
23 years.

24 Q Okay. All right. Can you tell me how you became
25 involved in this incident. Let's talk about July 19th of

State v Jenkins Zaquan Taste - Direct 2/22/18 437

1 2016. And I want you to start from when you woke up that
2 day to when you made contact with law enforcement.

3 A Well, I was asleep in my bed. I heard my mama yelling
4 and I heard somebody outside my window, so I really wasn't
5 paying no attention because I thinking it's like my brother.
6 So when I really got up and look out the window, it was
7 Frank and Trey. I came outside and they was like Boy, Shy's
8 missing. We got to get Shy. We got to get Shy. I'm like,
9 all right, hold up. Let me get my pants. And I changed my
10 clothes because I had shorts on and a shirt. I got -- went
11 in the house, changed, come outside with my shirt, got in
12 the car. I'm trying to see if Black -- I ain't remember if
13 Black was in the car with us, that was in the house or at my
14 home boys house or whatever, if Black was in the car. I
15 can't remember that.

16 Q And who is Black?

17 A My home boy, my friend.

18 Q So that's not Mr. Smoot or Mr. Jenkins?

19 A No, that ain't him.

20 Q When Mr. Smoot and Mr. Jenkins came and got you at your
21 house, other than saying we got to go get Shy, did they know
22 where Shy was at the time?

23 A Yes.

24 Q Okay. And did they say anything else about who she may
25 be with?

State v Jenkins Zaquan Taste - Direct 2/22/18 438

1 A They was saying like a man named Rico. I'm saying like
2 I know them. I done been over there a couple of times
3 before that, before the incident happened.

4 Q And so you had been to Craig Street before?

5 A Yes, ma'am.

6 Q And you knew Tromel Benjamin, Jr.?

7 A Yes, ma'am.

8 Q Denard Reeves?

9 A Yes, ma'am.

10 Q And when you say Little Rico, was that Ricardo Lee?

11 A I guess so.

12 Q Little Johnny?

13 A Yes, ma'am.

14 Q And would that be Johnny Elmore.

15 A Yes, ma'am.

16 Q Why had you been over to Craig Street with them before?

17 A Chilling with them, hanging with them.

18 Q Playing music, playing basketball?

19 A We was playing baskets.

20 Q So did you have any beef or any problems with anybody
21 at that house?

22 A No, ma'am.

23 Q So when Mr. Jenkins was talking to you about going to
24 that house and who all was there --

25 A Uh-huh. (Affirmative response)

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1 Q -- did he have any concerns about who was there?

2 A Rico.

3 Q Why was he concerned about whether Rico was there?

4 A Because I think him and Rico got into it at a party. I
5 can't say I really think. I know this for a fact because I
6 was there.

7 Q You know it for a fact because you were there?

8 A Yeah. I was there.

9 Q So Mr. Jenkins and Rico had problems with each other?

10 A Yeah, that right.

11 Q And did you tell him when he was talking about Rico,
12 whether or not you thought Rico would be there?

13 A I was like, yeah. I mean, yeah, because he live there.
14 I done been over like --

15 Q So after you told Mr. Jenkins that Mr. Rico was
16 probably going to be there and y'all left your house, where
17 did you go first?

18 A Uncle AB house.

19 Q And when you went to Uncle AB's house, and your Uncle
20 AB, who's his girlfriend?

21 A Jessica.

22 Q And they live in the same house?

23 A Yes, ma'am.

24 Q So when you went to Uncle AB's house, what happened
25 there?

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1 A I was in the car texting somebody and then I seen
2 Dwendell and Matt walking up. And there was Frank and Trey
3 walked behind his back and was talking to AB or whatever and
4 Smoot and Trey come got in the car. Matt got in the car,
5 Dwendell got in the front seat, like said, and we follow AB
6 and another person to his other house.

7 Q Okay. What did you do at the other house?

8 A I stayed in the car, they went in the house and grabbed
9 the guns.

10 Q So who all did you see with guns coming from that
11 house?

12 A Trey.

13 Q Did you ever see Mr. Brown with a gun?

14 A No, ma'am. Not from that house, no, ma'am.

15 Q Did you see Mr. High with a gun?

16 A No, ma'am. Not from the house.

17 Q What kind of gun did Mr. Jenkins have?

18 A Uh --

19 Q Do you know guns?

20 A Not really. I know certain guns.

21 Q Okay. Was it a small gun or a big gun?

22 A It was about this big here.

23 Q Okay. Do you know more what colors it was?

24 A Brown and black.

25 Q And what about Mr. Smoot, did you see what kind of gun

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1 he had?

2 A Revolver.

3 Q Is that a little gun?

4 A (No response)

5 Q So you know that they were bringing guns in the car?

6 A Not like -- I know like but it's a every day think,
7 like, you know.

8 Q And did you have a gun?

9 A No, ma'am.

10 Q Did they try to give you a gun?

11 A They tried to give me one.

12 Q And why didn't you take one?

13 A For what? It wasn't like -- I'm going to their house.
14 Like, I done been over there. I didn't have no problem with
15 nobody over there. What do I need a gun for. We going to
16 get Shy. That's what I was told.

17 Q So the reason that you drove there -- why did you drive
18 there? Why did you go --

19 A To get Shy.

20 Q And are you related to Shy?

21 A Yes, ma'am.

22 Q How are you related to Shy?

23 A I think that's my grandmama niece or something. A
24 great niece or something.

25 Q Okay. Have you known her all your life?

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1 A Yes, ma'am. I grew up with her.

2 Q And how old is Shy? How old was she --

3 A Same age. Same age as me, seventeen.

4 Q Okay. So you were seventeen when all of this happened?

5 A Yes, ma'am.

6 Q And so after everybody gets back in the car, does AB go
7 with y'all?

8 A No, ma'am.

9 Q So y'all leave that house. Where do you go from that
10 house?

11 A From that house to Uncle AB house.

12 Q So you went back to Uncle AB's house?

13 A Uh-huh. (Affirmative response)

14 Q And let me ask you this, Mr. High and Mr. Brown, were
15 they with you when you went to the first house or when did
16 they get in the car?

17 A They all went the first time.

18 Q When you went the first time?

19 A Yeah.

20 Q So y'all went back to your Uncle AB's house.

21 A You talking about when we left the big house?

22 Q Uh-huh? (Affirmative response)

23 A No, ma'am. We left and we went from the first house to
24 the second house and we went to Eutawville.

25 Q So you went from Uncle AB's house --

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1 A AB house. And went to Eutawville.

2 Q Then went to Eutawville?

3 A (Nods head affirmatively)

4 Q When you left the other house to Eutawville, what did
5 AB do?

6 A I guess he went home. Like, I ain't seen him after
7 that.

8 Q So he didn't follow you? Y'all didn't go --

9 A No.

10 Q And were there any conversations about what everybody
11 was going to do when they go to the house?

12 A It was like -- Trey was like he hope Rico wasn't there.
13 There was some other words that was said but I can't
14 remember because after it happened, like my whole mind just
15 blank after it happened. That happened. When I got in jail
16 I just started realizing what everything happened, like what
17 everything was said, all of that, because they trying to get
18 me for something I didn't do.

19 Q Okay. But the only specific thing you remember, other
20 than going to get Shy is Mr. Jenkins specifically talking
21 about Rico?

22 A Yes, ma'am.

23 Q And you drove to Eutawville. When you got to Craig
24 Street, can you kind of describe that property that you
25 drove onto?

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1 A I pull up to the same place I pull up every time I come
2 there.

3 Q Okay. Are there multiple ways to get back to that
4 place or is it one way in and one way out?

5 A There's about four or five different ways.

6 Q To get to the house at Eutawville?

7 A Uh-huh. (Affirmative response)

8 Q When you're going on the property to get back to the
9 shed where you saw everybody --

10 A Uh-huh.

11 Q -- is there one driveway going out of there?

12 A That one that we went in. Yes, ma'am.

13 Q And when you pulled up, did you park far away from the
14 shack or did you go right up to the shack?

15 A Straight up, just right to it.

16 Q And when you got out of the car, did you shut your
17 door?

18 A Yes, ma'am.

19 Q Were all the windows rolled up?

20 A Yes, ma'am.

21 Q You walked around. Did you speak to anybody when you
22 got out of the car?

23 A I just dapped everybody up, talked to everybody out in
24 the yard.

25 Q Did you get in any arguments with anybody?

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1 A No, ma'am. One dude say you can get shot like that. I
2 never say nothing to him. All I did was back up. He said
3 that after I was backing up.

4 Q Okay. And did you perceive him as saying that as
5 threatening you or was that kind of --

6 A Right. Not really, like, for what? I done been over
7 here. What are you threatening me for?

8 Q So you didn't take it as a threat?

9 A (Shakes head negatively) No, ma'am.

10 Q Did you ever see anybody at that cookout with a gun?

11 A (Shakes head negatively) No, ma'am.

12 Q Did anybody ever try to pull a gun on you?

13 A No, ma'am.

14 Q Anybody ever threaten to shoot you or kill you for
15 coming up there?

16 A No. Like I say, no, ma'am.

17 Q Did you see anybody ever go up the car, threaten the by
18 the car?

19 A (Shakes head negatively)

20 Q All right. So when you got out and you dapped
21 everybody up, what did you say to everybody?

22 A I was like Shy here? Johnny was like, no, she just
23 left with a taxi cab. I was like nah, man. We was like --
24 my cousin come to get him. Then he told me someone else had
25 been with them. I think it was Aiesha or something.

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1 Q So she was with her friend Aiesha and they had already
2 left by the time you got there?

3 A Yes, ma'am.

4 Q So after you found out that she wasn't there, what did
5 you do?

6 A Got back in the car. I was like Shy ain't here no
7 more. And I was like Old Boy was there, though, like --
8 because he was talking about him. And then --

9 Q And when you said Old Boy who were you referring to?

10 A Rico.

11 Q And were you saying this kind of as you were backing
12 out?

13 A Yes, ma'am.

14 Q Okay. And who did you tell Old Boy was there too?

15 A Really, everybody in the car, but I was looking back.

16 Q Okay. Where was everybody seated in the car?

17 A Mont was right here. Trey was behind me. Matt was in
18 the middle and Smoot was on the other side.

19 Q Okay. And let me ask you this. Going back a little
20 way. When Black was in the car, where was he seated?

21 A Right there to -- I think it was Trey. Right there --
22 and it was Smoot and Trey and Matt, right between them.

23 Q Okay. All right.

24 A Yeah. Because when we let him out they came out.

25 Q Did you let him out before you went to Eutawville after

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1 you had met at the first house?

2 A Before we went to Eutawville. Like when we going to
3 Eutawville, his house is like right on the side. And so I
4 let him out and went straight down the road.

5 Q Okay. So he wasn't there?

6 A No, ma'am.

7 Q So you got back in the car. You're backing out.
8 You're kind of talking to everybody, but you looked over
9 your shoulder specifically at --

10 A No, not this way. I look straight this way. Everybody
11 face that was on this side.

12 Q Okay. And said Old Boy is there. And by Old Boy
13 you're referring to Mr -- Rico?

14 A Yes, ma'am.

15 Q And once you said that, what did Mr. Jenkins do?

16 A Well, he jumped out -- Mont said we in Eutawville, I
17 ain't going to do nothing.

18 Q So you keep Mont. Who is Mont?

19 A (Inaudible) boy.

20 Q And do you know his real name?

21 A I don't know his real name. No, ma'am.

22 Q Okay. Would it have been the gentleman that was up
23 here testifying?

24 A Yes, ma'am.

25 Q And that would be Mr. High?

1 A Yes, ma'am.

2 Q And so as y'all were backing out what did he say?

3 A He was like y'all don't do nothing. Old boy, here,
4 y'all don't do nothing here.

5 Q And then you said Old Boy is there to Mr. Jenkins?

6 A No, I said it before he said that. That's when it
7 happened.

8 Q Okay. So you said that and that's when Mr. Jenkins
9 jumped out?

10 A Yeah.

11 Q Okay. And when MR. Jenkins jumped out, what did he do?

12 A Started shooting. But I run over his foot and I kept
13 on going forwards, but I had to back up. Once I back up,
14 shoot, shoot, shoot.

15 Q Okay. And did he shoot once consistently or did he
16 shoot, stop and then start shooting again?

17 A I think it was like -- as a matter of fact, I ain't
18 going to say I think. This is exactly what happened. When
19 I was driving Iran over his foot and he wasn't shooting at
20 all. That was Frank Smoot shoot first. And then when I
21 back up and got off his foot, that when he starts.

22 Q Okay. And approximately how many times did you hear
23 Frank Smoot shoot?

24 A I think it was like, two, three.

25 Q And then how many times did you hear Mr. Jenkins shoot?