

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANEISHA SHAIRES YOUNG,

APPELLANT

APPELLATE CASE NO 2018-000525

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

State's Exhibit 1 (DVD of 911 Call)
State's Exhibit 29 (DVD of Interview)

STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF JASPER
COURT OF GENERAL SESSIONS
CASE NUMBERS 2016-GS-27-00241, 2016-GS-27-00251
2016-GS-27-00569

STATE OF SOUTH CAROLINA , PLAINTIFF

VERSUS

MARCH 12, 13, 14, 15, 2018

**PRETRIAL HEARING AND TRANSCRIPT OF TRIAL
JASPER COUNTY, RIDGELAND, SOUTH CAROLINA**

ANEISHA SHAIRE YOUNG

DEFENDANT

BEFORE

HON. CARMEN T. MULLEN, JUDGE

AND A JURY

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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3-12-18 STATE V YOUNG

VOIR DIRE

1 that, ladies and gentlemen, that you would believe their
2 testimony over someone else's, just because of the
3 nature of the relationship you have? Just because you
4 know someone doesn't mean you are disqualified as a
5 juror. It depends on the nature of your relationship.
6 All right?

7 So with that said, if any of these witnesses are in
8 the courtroom -- and I see some law enforcement back
9 there, So when I do call your name, if any of those
10 witnesses are here, I'd ask you to stand so the jury
11 panel can see you. Okay?

12 So the first one is Lieutenant Joey Ginn from the
13 Ridgeland Police Department. Thank you, sir.

14 Lieutenant Daniel Litchfield of the Ridgeland
15 Police Department. Thank you, sir.

16 Sergeant Chris McIntosh of the Ridgeland Police
17 Department. Rusty Wells, Jasper County Emergency
18 Services. Thank you, sir.

19 Matthew -- is it Fraleigh or Fraleigh? Does anyone
20 -- Fraleigh?

21 SOLICITOR HOLLEN: It's Fraleigh.

22 THE COURT: Fraleigh? Yes, that would be the
23 Jasper pronunciation. Thank you. Of the Jasper County
24 Dispatch. If So please stand.

25 Alex Inniss of Jasper County EMS. James Green of

1 SLED. Eric Grabski of SLED. Andrew Garinger of the
2 Beaufort County Sheriff's Office. Dr. Marie Lee Tormos
3 from MUSC, or formerly from MUSC. Captain Harry Orr.
4 Investigator Dylan Hightower. Marie Powell of
5 Ridgeland, South Carolina. Debbie Spann Of Ridgeland,
6 South Carolina.

7 Shelby Simmons of Ridgeland, South Carolina.
8 Taylor Simmons of Ridgeland, South Carolina. Paige
9 Noonan of Ridgeland. Antonio Watson of Ridgeland, South
10 Carolina. Demitria, or also known as Mimi Rochelle
11 Williams of Richland -- or I'm sorry -- Ridgeland, South
12 Carolina. Thank you, ma'am.

13 Stephanie Self of Ridgeland, South Carolina.
14 Joshua Lafler of Ridgeland, South Carolina. Matthew
15 Hatchell of Ridgeland, South Carolina. William Malphrus
16 of Ridgeland, South Carolina. Michelle Foulton of
17 Ridgeland, South Carolina. Keith Horton of Ridgeland,
18 South Carolina. Bernard Seabrooks, formerly of
19 Ridgeland, South Carolina.

20 Wrenshad Anderson, formerly of Ridgeland, South
21 Carolina. Lashanda Renee Beaton -- excuse me -- Beaton-
22 Darien of Ridgeland, South Carolina. Cedric Riley of
23 Hardeeville, South Carolina. Derrick Riley of
24 Ridgeland, South Carolina. Thomas Riley of Ridgeland,
25 South Carolina. Tynisha Jones of Ridgeland, South

1 THE COURT: Your client has no priors that are
2 useable?

3 MR. PLEXICO: They're not.

4 THE COURT: Good.

5 MR. PLEXICO: Yes, your Honor. All right. I also
6 have, and it just might be premature, I gave it to you
7 this morning, I have two motions to exclude. The text
8 messages is what I filed first, but I also have a 702
9 motion to exclude all cell phone location data, because
10 I don't believe it's a proven science. He says that he
11 has a --

12 THE COURT: We're turning around. Let's back up a
13 second. We came in at 8:00 a.m. this morning so we'd
14 have plenty of time before 9:30 when the jury comes in.
15 Let's first talk about the text messages. As you all
16 know, I come in figuring out what's going on. Who sent
17 text messages to whom? I know that there was, on the
18 witness list, someone listed from Verizon Wireless. So
19 what text messages are we talking about specifically?

20 MR. PLEXICO: Well, he has twenty he has not -- I
21 don't have the twenty or so that he says -- I have two.
22 One around 12:30 that I think he's talking about; one
23 about 1:30 or 2:00 o'clock.

24 THE COURT: Between who?

25 MR. PLEXICO: Between Peanut and my client.

1 THE COURT: Between Peanut and your client. Okay.

2 MR. PLEXICO: That's what he's alleging.

3 THE COURT: Okay. Okay.

4 MR. PLEXICO: But my motion to exclude the --

5 THE COURT: Can I see them? What text messages do
6 you have?

7 SOLICITOR HOLLEN: Your Honor, I have --

8 THE COURT: I assume a Verizon person is going to
9 authenticate them?

10 SOLICITOR HOLLEN: Yes, your Honor.

11 THE COURT: Okay.

12 SOLICITOR HOLLEN: Let me find them. I'm sorry.
13 There are -- the text messages that came from Verizon,
14 there are about thirty pages of them.

15 THE COURT: What do you plan on using?

16 SOLICITOR HOLLEN: I plan on using -- there are a
17 number of text messages I planned on using. Hold on.
18 And the text messages specifically that I wanted to get
19 into are between the phone numbers that were given for
20 Darien and Ms. Young, specifically to show, in her
21 statement, that she says that she doesn't even know him;
22 that she's seen him; that he gave her a beer; that's the
23 only time they know each other. Well, on the day of the
24 incident, there are text messages back and forth. There
25 are almost thirty phone calls back and forth.

1 THE COURT: Between Peanut and Ms. Young?

2 SOLICITOR HOLLEN: Between -- yes.

3 THE COURT: And what's Peanut's real name?

4 SOLICITOR HOLLEN: Eric Darien. So the text
5 messages between the two of them are the ones that I
6 plan on using most. However, there are other text
7 messages, and I haven't gotten into this because we
8 haven't -- I didn't even think about it, really. There
9 are text messages where she's telling people she's going
10 to North Carolina, so. I didn't do a pretrial, but I
11 certainly plan on getting that in and arguing flight.
12 There are text messages --

13 THE COURT: Okay. Did she actually go to North
14 Carolina?

15 SOLICITOR HOLLEN: According to her text messages,
16 she did.

17 MR. PLEXICO: I have no clue about any of this.

18 SOLICITOR HOLLEN: I provided the records.

19 THE COURT: Okay. I'm going to presume you did a
20 Rule 5 *Brady* discovery motion, and I'm going to presume
21 Mr. Hollen turned them over to you. Did he, or did he
22 not?

23 MR. PLEXICO: Your Honor, I got this mess last
24 week, okay? and that's -- it's just -- you've seen, I
25 think, this kind of stuff before, and I've identified

1 two.

2 THE COURT: Those text messages?

3 MR. PLEXICO: Yes, your Honor.

4 THE COURT: Okay. Well, you should be able to read
5 them. Can you?

6 SOLICITOR HOLLEN: Yes, your Honor. It's not my
7 job to organize them for them. I gave them exactly what
8 I got from Verizon. I had to go through them as well.

9 THE COURT: Okay.

10 MR. PLEXICO: Your Honor, this is a two-year-old
11 case. Why am I getting stuff at the beginning of last
12 week?

13 THE COURT: Are you asking for a continuance, Mr.
14 Plexico?

15 SOLICITOR HOLLEN: Be careful what you're saying,
16 Mr. Plexico. Are you saying I sent this last week?

17 MR. PLEXICO: That's -- I'll have to look on my
18 computer.

19 SOLICITOR HOLLEN: Okay. You might want to check
20 again.

21 MR. PLEXICO: Okay. What date did you send them?

22 SOLICITOR HOLLEN: I don't recall, but I sent them
23 the day I got them.

24 MR. PLEXICO: You know, I just want to know what he
25 plans on using. Does he plan on using thirty pages?

1 We're going to have to go through each and every one of
2 these to see if it's relevant. I mean, there's
3 something saying somebody, I don't know, sent a message
4 saying, *I hear you bustin fire on them nigs welcome to*
5 *the club.*

6 Now, does he plan on using that? And I don't -- I
7 didn't know anything in here about her going to North
8 Carolina. I mean, it would take days to sit down and
9 figure out whose phone number is what and go through all
10 this. So I mean, he said he had a small number of
11 messages he was going to put in. I expected to get
12 them. I'm asking for them now. What is it we're
13 arguing about? Are we arguing about each and every one
14 of these, which would take two days of hearings? What
15 is it he wants to bring in?

16 THE COURT: Mr. Hollen, what do you plan on using?

17 SOLICITOR HOLLEN: Your Honor, I'm happy to pass up
18 to you the ones that I pulled out that I plan to use. I
19 gave him everything. It's not my job to narrow
20 everything down and organize the documents for him.

21 THE COURT: So what other text messages do you plan
22 on using?

23 MR. PLEXICO: Can I have a copy of what he plans to
24 put in so I can argue with --

25 THE COURT: He's already turned over discovery to

1 you, is what I'm hearing him say.

2 MR. PLEXICO: I don't know which ones we're talking
3 about. Do we need to do each one for relevance?

4 THE COURT: Well, I don't think these look all that
5 complicated to me. If you just look at the text
6 messages, they're in blocks. And if you go to the part
7 that says *message, text*, I think that's what we're
8 looking for to start with. Where it says, *yo call me*
9 *asap*. And then, it will tell you where the originating
10 phone number is. It will also tell you, then, where the
11 terminating phone number is. Is that something that you
12 requested in discovery, so we know who these people are
13 to and from? Mr. Hollen?

14 SOLICITOR HOLLEN: The majority of them, yes, your
15 Honor. There are a couple of those phone numbers that
16 we couldn't get subscriber information on. I'm not
17 necessarily interested -- I'm interested in her response
18 to a couple of those text messages, because there will
19 be information, I believe, that'll come out that she's
20 agreeing to what's being said. So those are the things
21 that -- but as far as the main text messages there
22 between Mr. Darien, whose number was identified as 338-
23 3234, and Ms. Young, whose number was identified as 842-
24 3731. Those are the ones that I'm mainly interested in,
25 and her text messages about going to North Carolina.

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PRETRIAL - MOTIONS

1 THE COURT: Show him what two those are.

2 MR. PLEXICO: Your Honor --

3 THE COURT: Show him what two those are, the two
4 you're presenting.

5 SOLICITOR HOLLEN: The numbers, the phone numbers?

6 THE COURT: Yes.

7 MR. PLEXICO: Could I get a copy of what he plans
8 to introduce. That's all I'm asking for.

9 THE COURT: I don't mind giving it to him. That's
10 fine. Okay. He gave it to you already.

11 MR. PLEXICO: No, he gave me hundreds of them, not
12 the twenty that he has. So it's unfair for him not to
13 give me what he -- what his case-in-chief, what he plans
14 to introduce, and not mix it with all this other stuff.

15 THE COURT: Margaret, can you have someone make a
16 copy of what he's got right there.

17 SOLICITOR HOLLEN: I'll gladly turn it over, your
18 Honor. I don't believe it's required, but I'll do it.

19 THE COURT: How, Mr. Hollen, do you intend on
20 getting these in? Who --

21 SOLICITOR HOLLEN: Your Honor, Ms. Milbrodt from
22 Verizon Wireless will testify as to the records being
23 kept in the ordinary course of business.

24 THE COURT: Okay.

25 SOLICITOR HOLLEN: Additionally, to tie this phone

1 number to Ms. Young, someone asks, well, what's your
2 email address. She responds, *aneishay@gmail.com*. I
3 think that's sufficient to show that this was her phone.

4 THE COURT: Okay. And that was Ms. Young who
5 answered that question, right?

6 SOLICITOR HOLLEN: Yes. And she also gives --
7 she's asking her --

8 THE COURT: What is your cell phone number?

9 SOLICITOR HOLLEN: What's your cell phone number.
10 She says that was my number; it broke; when did it
11 break; after the murder; So at the time of the murder,
12 this was your phone; and she avoids the question. But
13 that's for the jury.

14 THE COURT: Okay.

15 SOLICITOR HOLLEN: Ms. Bostick, can I --

16 THE COURT: I'm sorry, Margaret. Right here. The
17 bailiff's right back there. Thank you, ladies. I
18 appreciate it. Okay. Okay. So you're going to get a
19 copy of that, and you can look it up. And at that
20 point, you can determine whether or not they're
21 relevant. What time is the Verizon lady coming? I know
22 she had a small window. She was supposed to be
23 elsewhere.

24 SOLICITOR HOLLEN: She can be here this afternoon.
25 We can proffer her testimony then.

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PRETRIAL - MOTIONS

1 THE COURT: Okay. So we can take it up at
2 lunchtime, then.

3 SOLICITOR HOLLEN: Yes, your Honor.

4 THE COURT: That will give Mr. Plexico some time to
5 look at it. Can we go ahead with the *Jackson v. Denno*?

6 SOLICITOR HOLLEN: Absolutely.

7 THE COURT: I mean, I see an officer here, and
8 actually, I see Fraleigh, so let's start with the
9 *Jackson v. Denno* and go from there.

10 MR. PLEXICO: Your Honor, we also have an issue of
11 the pages on --

12 THE COURT: I understand that issue, but I'd like
13 to do the *Jackson v. Denno* to start with, so we're going
14 to go ahead and do the *Jackson v. Denno* to begin with.
15 Okay?

16 SOLICITOR HOLLEN: Thank you, your Honor.

17 MR. PLEXICO: Just for --

18 THE COURT: And let me ask you, which officer, I
19 apologize, was the one that was in the interview where
20 Mr. Anderson wrote the statement?

21 SOLICITOR HOLLEN: Lieutenant Litchfield.

22 THE COURT: Okay. I think that we're going to have
23 to ask him questions about that as well. I went through
24 that video and looked at it, and saw how, when he turned
25 the page, like the first page, it was -- at first it was

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1 VIOLATION OF SCRE 702

2 MARKED COURT'S EXHIBIT NUMBER 7

3 BY THE COURT:

4 So with that said, I'm ready to bring the jury in.
5 Anything else?

6 MR. PLEXICO: We just have the two motions to
7 exclude all the cell phone location data and the cell
8 phone texts.

9 THE COURT: Okay. We aren't getting into that
10 until this afternoon, correct? So we can take that up
11 at lunchtime. Am I correct in that, Mr. Hollen?

12 SOLICITOR HOLLEN: Yes, your Honor.

13 THE COURT: And we're not going to talk about it in
14 opening statements, correct, Mr. Hollen?

15 SOLICITOR HOLLEN: Correct, your Honor.

16 THE COURT: Thank you. All right. Anything else?

17 MR. PLEXICO: I don't have anything further at this
18 time.

19 THE COURT: All right. Ladies and gentlemen, we're
20 going to bring the jury in. For those of you -- hold on
21 a second. For those of you that are here, when the jury
22 is in here, we don't like people coming in and out of
23 the courtroom. So please just understand that if a
24 witness is on the stand and the jury is in here and you
25 are in here, you need to keep your seats and stay there.

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1 .Ladies and gentlemen, at this time, in order to
2 preserve everyone's rights, I'm going to ask if the
3 State or the Defense has any objection to my opening
4 comments. If not, we're going to go ahead and begin the
5 trial of this case with the opening arguments from the
6 lawyers. All right. Any exceptions from the State?

7 SOLICITOR HOLLEN: No, your Honor.

8 THE COURT: From the Defense?

9 MR. PLEXICO: None, your Honor.

10 THE COURT: Ladies and gentlemen, very good. We
11 will begin the trial of this case.

12 Mr. Hollen, whenever you're ready, sir, the floor
13 is yours.

14 SOLICITOR HOLLEN: Thank you, your Honor. May it
15 please the Court.

16 THE COURT: Yes, sir.

17 SOLICITOR HOLLEN: Mr. Plexico.

18 OPENING STATEMENT ON BEHALF OF

19 THE STATE BY SOLICITOR HOLLEN:

20 SOLICITOR HOLLEN: Good morning.

21 RESPONSES FROM JURORS.

22 SOLICITOR HOLLEN: On April 29th and April 30th of
23 2016, Aneisha Young, sitting over there behind her
24 lawyer, and her co-defendant, a gentleman named Eric
25 Darien, had a plan. They saw an opportunity, they

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1 plotted, they schemed, and unfortunately for Devonte
2 Freeman, that plan worked. Devonte is no longer with
3 us. Wrenshad Anderson, who is sitting right over there
4 in the blue jacket, got lucky, I guess, if you want to
5 call it that. He just had to see his brother shot in
6 front of him, and a short time later, pass away.

7 So how did this all start? What was the reason for
8 that defendant and Mr. Darien to scheme and plot to kill
9 Devonte Freeman and Wrenshad Anderson? Well, you guys
10 are going to hear a lot about Devonte. You're going to
11 hear from Wrenshad. Devonte wasn't perfect. He, like
12 some of us, he had some issues. And a few months before
13 this, he had taken some money from the defendant,
14 Aneisha Young, and she'll tell you that in her
15 statement.

16 Wrenshad had a run-in with Mr. Darien and took
17 something from him. There's your motive. Devonte
18 Freeman is dead for \$400.00. He didn't deserve that.

19 So guys, let's fast-forward a little bit to the
20 night of April 29th. Everybody's hanging out at the
21 Siesta Motel, which, some of you might know where it is,
22 just over not even a mile from here. And so, they're
23 hanging out there. Devonte Freeman is there. Wrenshad
24 is there. Ms. Young's co-defendant, Eric Darien, who
25 you're going to hear most people refer to as Peanut.

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1 That's his name. That's his street name. That's what
2 people call him. They're hanging out, and who shows up
3 at the Siesta Motel but Ms. Young? She comes over from
4 Hilton Head. She's wearing all black clothing. Mr.
5 Darien changes into all black clothing.

6 Well, after she gets there, a guy named Keith
7 Horton gets a phone call. Mr. Horton is the manager at
8 the Siesta Motel, and that phone call is from a female
9 on a blocked number who gives him just a little bit of
10 information; said Devonte Freeman is here; he's not
11 supposed to be here. There's a fight, and you need to
12 get up here. So that's what Mr. Horton does. He goes
13 up. Devonte had a no trespass at -- he had a no
14 trespass notice from Mr. Horton at the Siesta, so he
15 wasn't supposed to be there. Everybody knew that, that
16 night.

17 So Mr. Horton comes up. He talks to Devonte. They
18 have what I think I'll tell you is a civil conversation,
19 and Devonte and Wrenshad leave. Well, the evidence is
20 going to show you that just before Devonte and Wrenshad
21 walked off, Ms. Young and Mr. Darien leave. There's
22 your opportunity. So Wrenshad and Devonte are walking
23 the way they always walk. There's a trail that goes
24 behind Logan Lane Apartments. Everybody calls it the
25 cut. It comes out right there on Adams Street, right

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1 behind the KFC in that strip mall. Well, this is where
2 the final step of the plan takes place, because as soon
3 as they get there, two shooters, dressed in all black,
4 opened up on them.

5 Like I said, Devonte is no longer with us. He was
6 shot once, in the back of the head. Wrenshad wasn't
7 hit. He picks up Devonte and drags him around the
8 corner and gets him out of harm's way, and immediately
9 calls 911. You're going to hear the 911 call. You'll
10 hear how distraught he is. The officers arrive, and
11 that's when the investigation starts.

12 Now, I'll tell you guys that the Ridgeland Police
13 Department investigated this, and I'll tell you and
14 they'll tell you, at least they should, that there were
15 some mistakes made right off the bat here. The shell
16 casings that they eventually found weren't found that
17 night. They looked, couldn't locate them, found some of
18 them the next day, in the daylight. A couple more of
19 them were found a day after that, so that's not ideal.
20 And if that's all the evidence we had in this case,
21 there's no way that I'd be standing up here in front of
22 you asking you to find that defendant guilty. But it's
23 not the only evidence we have. It's not even close.

24 A lot of that is going to come from Ms. Young's own
25 statement. And there in her statement lies the story.

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1 And I say lies quite literally, because that's what she
2 does, and the evidence is going to show that. You guys
3 are going to see plenty of evidence to disprove most of
4 what she tells Lieutenant Litchfield when he talks to
5 her.

6 So when you watch the video, I want you to just be
7 aware. Listen to what she says. Listen to what is
8 plausible, watch her demeanor, that kind of thing, and
9 make up your own mind.

10 Now, you all, I do want to talk to you just briefly
11 about the law in the case. The Judge, as she told you,
12 is the law of -- the judge of the law, and you guys are
13 the judge of the facts. So if she tells you something
14 differently than I do, listen to her. But Ms. Young is
15 charged with murder, which is pretty simple. It's the
16 killing of another person with malice aforethought. And
17 malice aforethought just means that you have to have
18 hatred or ill will in your heart at the time you commit
19 the crime. I don't know what shows that more than lying
20 in wait for someone, for two people, and gunning them
21 down.

22 She's charged with the attempted murder of Wrenshad
23 Anderson, so all that means is that she tried to kill
24 him, with malice aforethought, hatred in her heart. And
25 she's charged with possessing a weapon during a violent

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1 crime. Well, attempted murder and murder are both
2 violent crimes. If you find they had a weapon, then,
3 there you go.

4 You all, there are going to be some people in this
5 trial that may not want to testify. It's hard to get
6 people to come in here and take the stand. So you have
7 to understand that maybe there's some people testifying
8 against their will. They don't want to be here. Okay.
9 Take that for what it's worth, and you can decide if
10 they're telling the truth. As the Judge said, that's
11 your responsibility. The credibility of the witnesses
12 is up to you.

13 So there's going to be a lot evidence coming out of
14 this case. This is not a smoking gun where one piece is
15 going to just -- just, there it is. You're going to
16 have to put the pieces together, but the pieces are all
17 there, I promise. So you guys just pay attention to the
18 witnesses, listen to the evidence, and probably most
19 importantly in this case, you need to use the common
20 sense that you brought with you when you came in the
21 courtroom, because that is just as important in deciding
22 guilt or innocence as anything else.

23 So if you all will do that, I am confident that at
24 the end of this case, you will find that Aneisha Young
25 is guilty. She is guilty of the murder of Devonte

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1 Freeman, she's guilty of the attempted murder of
2 Wrenshad Anderson, and she's guilty of the possession of
3 a deadly weapon during the commission of a violent
4 crime. And at the end, I'll come back here and we'll
5 talk again, and I'll ask you to find her guilty. Thank
6 you.

7 THE COURT: Mr. Plexico.

8 OPENING STATEMENT ON BEHALF OF

9 DEFENDANT BY MR. PLEXICO:

10 MR. PLEXICO: Your Honor, Mr. Solicitor, ladies and
11 gentlemen, my name is Steve Plexico. I've been a public
12 defender, and it's been a privilege to work here in
13 Jasper County. I've been here since around 1990. It's
14 always a pleasure to address the jury.

15 I want you all to understand that my client is on
16 trial today, and that this is her only day in court.
17 You all have a great responsibility as jurors. You all
18 decide what, in fact, happens. You're the judges, in a
19 sense, of the facts, individually and collectively.
20 You'll work together and you'll talk to each other and
21 share ideas.

22 This case has a lot of room for reasonable doubt,
23 and I'll get to that in a minute. Judge Mullen is the
24 judge of the law, and what she says as far as the law
25 goes, those rules, and that cannot be questioned. If

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1 she makes an error, which I don't think I've seen her
2 make an error, then that can be appealed, and the
3 appellate courts can fix that error. But there are no
4 errors when it comes to a decision of fact that a jury
5 makes. In other words, when you sit down in good
6 conscience and you all to make a decision, that can't be
7 appealed. There's no such thing as appealing a factual
8 finding of a jury. That's all you do is find the facts.
9 What are the facts? And it's the State's burden to put
10 up all the facts. They have to prove -- if this is a
11 hundred percent to the end, they have to start at zero,
12 and they have to prove any defendant in America guilty
13 beyond a reasonable doubt, a doubt that you can give a
14 reason for and just don't trust this evidence.

15 This evidence isn't strong enough for many other
16 reasons that I'm not going to go into. But they have
17 the burden. The Defense has no burden, no duty to put
18 up evidence. You cannot consider the fact that the
19 defendant, for instance, in the case, didn't testify.
20 You can't discuss it, you aren't even supposed to think
21 about it, because it's not their burden to prove to you
22 all that the defendant is guilty beyond a reasonable
23 doubt. That's nonsensical, and who could ever prove
24 that you're not guilty beyond a reasonable doubt? That
25 would be almost impossible to put the burden on us, so

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1 don't allow any burden shifting here. This isn't why
2 somebody didn't put in evidence, because we don't have a
3 duty. They have to put in competent evidence to prove
4 their case of guilt on each charge beyond a reasonable
5 doubt. This is their job, and it can't be shifted to
6 us. Why was the -- why is that? Well, we have one man
7 against the power of the State. They have the taxing
8 power, all the policing power. The State actually owns
9 the birds. I knew -- I knew that how powerful the State
10 was when I noted in the *Constitution* that the State owns
11 the birds in the air and the fish in the sea. It owns
12 everything. And when you have something that is -- or
13 that when you have something that powerful, there is no
14 way one individual can go -- can go against it. We just
15 don't have the same resources as that State has
16 available to it. So fairly, the burden is on the State
17 to prove the defendant guilty beyond a reasonable doubt.

18 Not that way in all countries. And you know, we
19 have a lot to be proud of in the system. It's lasted
20 for hundreds of years. Other countries, India, they are
21 -- they want to keep what's worked for 200 years and
22 keep it working. When the bottom line is the State can
23 allege anything that it wants and put a hodgepodge of
24 evidence together, but the bottom line goes to you.
25 You're the check on the prosecutorial power of the

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1 government. When the government has done its duty, you
2 cannot be politicized for saying you didn't prove your
3 case. You needed to prove it beyond a reasonable doubt.
4 And that's a criminal standard, not a civil standard.
5 You get into a car wreck, well that's not -- sure, it's
6 important, but it's not as important as the possibility
7 of taking someone's freedom. So the standard of a car
8 wreck is more likely than not. It's just, you know,
9 that is the balance of the scales of justice is just a
10 little bit more. It's more likely than not that you're
11 the one who ran the red light. Well, what happens?
12 Well, you pull out your wallet and wrote a check for
13 that defendant. Okay? You know, nobody goes to jail.
14 There's no threat of a loss of freedom. Okay? And
15 that's why the standard is not in the middle here.
16 Okay? It's all the way toward the end, because they
17 have to prove the guilt beyond a reasonable doubt
18 because so much is at stake.

19 And we have twelve jurors, and you all have to work
20 together. You have a conscience, and you don't have to
21 give up your conscience ever in regards to this. I want
22 you all to listen to the evidence and what I think was a
23 lack of it, while he says he has no *smoking gun*, I
24 believe is the way the Solicitor has it, in other words,
25 they don't have a solid case.

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1 And here's what you're going to hear. You're going
2 to hear from, I believe, Ridgeland Police Officer Wells,
3 who arrived on the scene. He pulls up. This is where
4 the KFC is. You all local. Everybody's been over to
5 the Subway and Huddle House and Kentucky Fried Chicken,
6 and along over in there, and you all are familiar with
7 the town in which you live. That's another thing.
8 Don't leave your common sense at home. You all have
9 unique skills and training and experiences that you're
10 going to bring and mix together. Okay? If you were a
11 chemist, you would bring that skill of chemistry. If
12 you work with children, you would bring that skill of
13 working with children. Whatever it is you do. Okay?
14 You have all these great skills that you're not expected
15 -- it's common sense. What goes toward making good
16 common sense is the experiences of life, which are so
17 great. And all these things are going to help you.

18 But you're going to hear where Deputy Wells pulls
19 up. He has a video camera. He sees the body near the
20 KFC trash cans. There is Mr. Anderson there. He
21 interviews Mr. Anderson. Mr. Anderson says that this
22 Peanut and Dre. Mr. Wells, you're going to hear, gets
23 on the radio. He radios to Ridgeland police officer
24 that, look for -- go back to the Siesta Hotel and look
25 for Peanut and Dre. Peanut is somebody who is Eric

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1 Darien, who is charged with this crime, as the Solicitor
2 has said. Okay. And Dre is another male. All right?
3 Now, it's noted in the reports that he says it's Peanut
4 and Dre several times. Okay. Well, if you know who did
5 it, what do you tell the police when they go, wow, who
6 shot your brother? You would say who did it. Okay?

7 Now, you can tell from his video that he is there
8 and they're communicating. Mr. Wrenshad Anderson is on
9 his cell phone constantly. You can look and see his
10 demeanor. His demeanor is described as the officer as
11 unsteady on his feet and his speech slurred. So that
12 might give you an indication to watch out for that sort
13 of thing. And what would do that? And that affects
14 witness credibility, as the Solicitor has pointed out to
15 you.

16 Then, when Ginn returned, Lieutenant Ginn returns
17 and helps set the scene, he says you know, he says it's
18 Peanut and Dre. Then a couple days later, I believe
19 that it's -- that it could fairly be said that
20 Lieutenant Litchfield is telling people that the -- that
21 Mr. Anderson, the survivor of that shooting, says that
22 it's Peanut and Dre. So then, you have to figure out
23 how to it became that Aneisha Young, who is not a black
24 male about the size of six feet, five-ten or so, but
25 barely five feet, if that. Four-something. And how you

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1 can go from seeing someone, which is what you want to
2 look for evidence of, and then all of the sudden, that's
3 the person becoming shorter and a different sex. And
4 you'll have to look at the reliability of the witnesses
5 and part of what they're trying to tell you. They have
6 to prove in the case as the identification of my client
7 as the person taking shots. So that's going to be the
8 only on-scene identification. That sounds a bit
9 frightening to me, okay? as great evidence.

10 I have -- there are statements that are made.
11 There's a lot of back-and-forth allegations, as I
12 understand it. That'll come out. You all have to hear
13 this evidence, and they're going to have to prove that
14 my client, not that it happened, obviously, the man was
15 shot, not that it happened, but that my client was
16 shooting and killed him beyond a reasonable doubt, and
17 was also shooting at Mr. Anderson. It's not something,
18 an idea, that was figured out later on, because that's
19 not -- eyewitness means I myself saw it and witnessed
20 it. I. Okay? With my eyes.

21 So I want you all to look for who put my client at
22 that scene, just some hodgepodge of circumstances, and
23 see if they're proving their case beyond a reasonable
24 doubt. You all have a great duty here. I want you all
25 to listen. That might be unusual for a defense lawyer

1 to say. And you all take this very -- this is my
2 client's one day in court, and you all are going to make
3 the decisions today, and I expect tomorrow. And we just
4 want you to do what is fair. And I don't believe the
5 State can show that they have proved their case beyond a
6 reasonable doubt, above suspicion. And I think the only
7 verdict that you're going to be able to return is one of
8 not guilty. Thank you.

9 THE COURT: Thank you, Mr. Plexico. The State will
10 call their first witness.

11 SOLICITOR HOLLEN: Thank you, your Honor. The
12 State calls Matthew Fraleigh.

13 THE COURT: Come on forward, sir.

14 MADAM CLERK: Raise your right hand. Place your
15 left hand on the *Bible*. Is the testimony you're about
16 to give the truth, the whole truth, and nothing but the
17 truth, so help you God?

18 MATTHEW FRALEIGH: I do.

19 MADAM CLERK: Come on around, have a seat in the
20 witness chair.

21 THE COURT: Whenever you're ready, Mr. Hollen.

22 SOLICITOR HOLLEN: Thank you.

23 MATTHEW FRALEIGH

24 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

25 Q. Good morning, Mr. Fraleigh. How are you?

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MATTHEW FRALEIGH - DIRECT - HOLLEN

1 A. Good morning. I'm good. How are you?

2 Q. Good. Thank you. Who do you work for?

3 A. I work for the Jasper County Communications
4 Center.

5 Q. And what is your position with the Jasper County
6 Communications Center?

7 A. I'm an on-call or part-time telecommunications
8 officer.

9 Q. All right. And what are your duties as when you're
10 working there as a communications officer?

11 A. It ranges from answering 911 calls, to
12 administrative calls. We do traffic stops, send Fire
13 and Rescue, law enforcement to calls for services.

14 Q. Okay. And in your position there, do you have
15 knowledge about how records are kept, how calls are
16 recorded, that sort of thing?

17 A. Yes, sir.

18 Q. How are calls recorded in the 911 center?

19 A. We have an automatic call recording system that,
20 from the time the call, 911 call, is placed, the call
21 begins recording, so even before we answer the call.
22 And that way, you know, anything before. And it's kept
23 indefinitely until, you know, we need to pull it for any
24 reasons.

25 Q. So records, I think we're saying they're recorded

1 sort of contemporaneously as they come in?

2 A. Correct.

3 Q. And after they are recorded, is there any way that
4 they can be manipulated or changed?

5 A. No, sir.

6 Q. And those records you know are kept in the
7 ordinary course of your business?

8 A. Yes, sir.

9 Q. All right.

10 SOLICITOR HOLLEN: Court's indulgence, your Honor.

11 BY SOLICITOR HOLLEN:

12 Q. In just a second, Mr. Fraleigh, I'm going to
13 approach and hand you something that is marked for
14 identification as State's Exhibit 1. I'd like you to
15 take a minute and let me know if you recognize it.

16 Okay?

17 A. Okay.

18 SOLICITOR HOLLEN: Your Honor, may I approach the
19 witness?

20 THE COURT: You may.

21 SOLICITOR HOLLEN: Thank you.

22 BY SOLICITOR HOLLEN:

23 Q. Very good, Mr. Fraleigh. Can you take a look at
24 that.

25 A. This is a 911 call transcript that I verified as

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MATTHEW FRALEIGH - DIRECT - HOLLEN

1 being accurate, on 3/18 of 2018 at 1446.

2 Q. All right. So you're a step ahead of me. How do
3 you recognize that?

4 A. It's got my signature on it.

5 Q. All right. And did you review that at my request?

6 A. Yes, sir.

7 Q. Is that 911 call that came into the Jasper County
8 Communications Center on April 30th of 2016 in this
9 case?

10 A. Yes, sir.

11 Q. Is that a full and accurate copy of the call? Has
12 it been changed or altered in any way?

13 A. No, sir.

14 Q. I asked you two separate questions.

15 A. Oh, I'm sorry.

16 Q. The first, is it fair and accurate?

17 A. Yes.

18 Q. Has it been changed or altered?

19 A. No, sir.

20 Q. All right. Thank you.

21 SOLICITOR HOLLEN: Your Honor, at this time I would
22 offer State's Exhibit 1 into evidence.

23 THE COURT: Any objection?

24 MR. PLEXICO: I have no objection.

25 THE COURT: Without objection, it's in evidence.

1 SOLICITOR HOLLEN: Thank you.

2 ITEM IDENTIFIED AS DVD OF

3 911 CALL

4 MARKED STATE'S EXHIBIT NUMBER 1

5 ADMITTED AS EVIDENCE.

6 BY SOLICITOR HOLLEN:

7 Q. All right. We're going to go ahead and play that.

8 Thank you, Mr. Fraleigh.

9 PLAYING ITEM IDENTIFIED AS STATE'S EXHIBIT

10 NUMBER 1, DVD OF 911 CALL.

11 PAUSE PLAYING ITEM IDENTIFIED AS STATE'S

12 EXHIBIT NUMBER 1, DVD OF 911 CALL.

13 OFF-THE-RECORD DISCUSSION.

14 CONTINUE PLAYING ITEM IDENTIFIED AS

15 STATE'S EXHIBIT NUMBER 1, DVD OF

16 911 CALL.

17 END PLAYING ITEM IDENTIFIED AS DVD OF

18 911 CALL.

19 BY SOLICITOR HOLLEN:

20 Q. All right. Mr. Fraleigh, is there anything else

21 to that call, or is that it?

22 A. That is it.

23 Q. All right. Thank you, Mr. Fraleigh.

24 SOLICITOR HOLLEN: Your Honor, I don't have any

25 further questions.

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1 MATTHEW FRALEIGH

2 CROSS-EXAMINATION BY MR. PLEXICO:

3 Q. Did he say he didn't know who it was on that, or
4 did I mis-hear that?

5 A. I do not recall that.

6 Q. Okay. He did say somebody's shooting at us?

7 A. Yes.

8 Q. But he didn't say who it was?

9 A. No, sir.

10 Q. All right.

11 MR. PLEXICO: I don't have anything further.

12 THE COURT: Anything further for this witness?

13 SOLICITOR HOLLEN: No, your Honor.

14 THE COURT: All right. Any objection to this
15 witness being excused?

16 SOLICITOR HOLLEN: I would ask that he be excused.

17 THE COURT: All right. Officer, you're excused,
18 sir.

19 A. Thank you, your Honor.

20 THE COURT: Thank you. The State will call their
21 next witness.

22 SOLICITOR HOLLEN: Officer Rusty Wells.

23 MADAM CLERK: Would you raise your right hand,
24 please, and place your left hand on the Bible. Is the
25 testimony you're about to give the Court will be the

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1 truth, the whole truth, and nothing but the truth, so
2 help you God?

3 DUSTY WELLS: So help me God.

4 MADAM CLERK: Go right around, have a seat in the
5 witness chair.

6 OFFICER RUSTY WELLS

7 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

8 Q. Good morning, Mr. Wells.

9 A. Good morning.

10 Q. Who do you work for?

11 A. I work for Jasper County Emergency Services as
12 deputy director. I also am a reserve law enforcement
13 officer for the Town of Ridgeland.

14 Q. All right. So you work for Emergency Services
15 full time; you say as a reserve officer for Ridgeland.
16 How long have you been a reserve police officer with the
17 Ridgeland Police Department?

18 A. Since 2011.

19 Q. And so, as a reserve police officer, what kind of
20 training do you have? Is it standard?

21 A. It was a sanctioned course through the South
22 Carolina Criminal Justice Academy.

23 Q. Okay. So you're a trained law enforcement
24 officer?

25 A. Yes.

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1 Q. How often do you work as a reserve officer? How
2 often have you worked in the past as a reserve officer
3 for Ridgeland?

4 A. Twenty hours a month.

5 Q. Twenty hours a month? All right.

6 A. Yes, sir.

7 Q. And were you working as a reserve officer for the
8 Ridgeland Police Department on April 30th of 2016?

9 A. Yes, sir.

10 Q. Did you respond to a scene behind the KFC here in
11 Ridgeland?

12 A. Yes, sir, I did.

13 Q. And do you know what county that's in?

14 A. Jasper.

15 Q. All right. Can you describe for us what you found
16 when you got there.

17 A. I arrived on scene. I found two individuals
18 sitting on the ground. One was holding another
19 individual.

20 Q. And were you able to later determine who those
21 individuals were?

22 A. Yes.

23 Q. And who were they?

24 A. Wrenshad Anderson. He provided me his South
25 Carolina I.D., and then he identified Mr. Devonte

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1 Freeman as the other victim.

2 Q. All right. So was -- you said *victim*. So someone
3 had an injury in this case?

4 A. Yes, sir.

5 Q. Were you able to determine where the injury was
6 when you responded?

7 A. It appeared that Mr. Freeman had what appeared to
8 be a possible gunshot wound to the upper portion, back
9 part of his head.

10 Q. All right. So you work for Jasper County
11 Emergency Services full time. Is that right?

12 A. Yes, sir.

13 Q. And so, are you a trained first responder as well?

14 A. I am.

15 Q. When you responded to this scene, what were you
16 focusing on?

17 A. Scene security. Making sure that there were no
18 assailants on the scene that could have continued an act
19 of aggression.

20 Q. So when you usually respond to scenes, in your
21 main duties, you have a little bit different
22 responsibility. Is that right?

23 A. Yes, sir.

24 Q. In this case, however, you had to put on the
25 police hat instead of the EMS hat?

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1 A. Yes, sir.

2 Q. So what did you do after you got there and saw
3 that there was an injured victim? Did you call anybody?

4 A. I did. I advised Dispatch that the scene was
5 secured and EMS could arrive.

6 Q. And did they do that?

7 A. Yes, sir, they did.

8 Q. Was anyone transported away from the scene?

9 A. Yes, sir.

10 Q. And who was that?

11 A. Mr. Freeman.

12 Q. So Mr. Freeman was transported from the scene.

13 Did Mr. Anderson stay on scene?

14 A. He did.

15 Q. And what was his demeanor like? How was he
16 acting?

17 A. He was very upset.

18 Q. Did he appear to you to be under the influence so
19 much that he didn't understand, or was he stumbling or
20 anything like that, that you noticed?

21 A. Not that I can recall.

22 Q. Okay. Did you see any suspects around?

23 A. No, sir.

24 Q. Did you look for suspects?

25 A. I did.

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1 Q. Okay. And you weren't able to locate any?

2 A. No, sir.

3 Q. Did you contact any other law enforcement when you
4 got on scene?

5 A. My initial contact with Mr. Anderson, I asked him
6 did he know who did it, what were -- what were the
7 suspects wearing, does he know where they went. All of
8 that information, I immediately relayed out over the
9 radio to the other officer on duty, which would be
10 Lieutenant Ginn.

11 Q. All right. And I think you can go ahead and tell
12 us what he said when you first got there. Do you recall
13 what you asked him and what his response was?

14 A. I asked him if he knew who did it. He indicated
15 it was Peanut and Dre.

16 Q. Okay.

17 A. That they were dressed in all black.

18 Q. All right.

19 A. And he believed that they were going back to the
20 Siesta.

21 Q. Okay. So did you relay that information to
22 Lieutenant Ginn?

23 A. I did.

24 Q. And where did Lieutenant Ginn go as a result of
25 that information?

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1 A. I believe he went to the Siesta.

2 Q. All right. And while he went to the Siesta, what
3 did you do at the scene?

4 A. I continued to maintain scene security to make
5 sure that there was no potential for assailants to
6 return, while the paramedics tended to Mr. Freeman and
7 got him loaded, and departed the scene. At which point
8 in time, I also spoke with Mr. Anderson, and tried to
9 keep him on the scene as well.

10 Q. Okay.

11 A. He, again, was very excited. He was upset. At
12 one point in time, he attempted to try and walk away. I
13 had to bring him back in front of the patrol car.

14 Q. He tried to walk away? Do you know where he was
15 headed?

16 A. He walked around back toward the direction of the
17 Siesta.

18 Q. Okay. Like he wanted to go back that way?

19 A. Yes, sir.

20 Q. All right. So you kept him on scene. Do you know
21 about how long or how much later after you initially got
22 there Lieutenant Ginn left the Siesta to go over the
23 scene of the shooting?

24 A. If I -- if I recall --

25 Q. Approximately.

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1 A. -- about ten minutes.

2 Q. Okay.

3 A. Give or take.

4 Q. So after Lieutenant Ginn gets there, what do you do
5 next?

6 A. I turned command and control of the incident over
7 to Lieutenant Ginn.

8 Q. All right. So was Lieutenant Ginn, I guess for
9 lack of a better term, the ranking officer on the scene?

10 A. Yes, sir.

11 Q. So he would have been in charge of the crime
12 scene?

13 A. Yes, sir.

14 Q. All right. After he gets there, do you guys --
15 what do you do next? Did you talk to Mr. Anderson some
16 more?

17 A. I -- I -- I had a voluntary statement. I asked
18 Mr. Anderson to provide a voluntary statement, which he
19 did.

20 Q. Okay.

21 A. It was written out on the -- on the hood of the
22 patrol car and signed.

23 Q. All right. Now, at any point when you're sitting
24 there talking to Mr. Anderson, in addition -- let me
25 back up. So you're speaking with him. Does he have any

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1 information, further information, about Peanut and Dre
2 that he gives you?

3 A. He indicates that he has contact numbers for
4 Peanut and Dre in his cell phone. And then, he also
5 identified Aneisha --

6 Q. Okay.

7 A. -- as -- as somebody else.

8 Q. All right. So he ended up, before leaving the
9 scene, he identified three individuals?

10 A. Yes, sir.

11 Q. You didn't ask him -- did you ask him, I mean, I
12 don't want to put words in your mouth. Did you ask him
13 to clarify about what he meant by naming the three
14 people?

15 A. No, sir.

16 Q. Did he tell you how many shooters he saw?

17 A. Two.

18 Q. He saw two shooters? All right. Did you and
19 Lieutenant Ginn attempt to locate evidence when you were
20 on scene?

21 A. Yes, sir, we did.

22 Q. Where did you look to locate evidence?

23 A. We walked behind the business along Adams Street.
24 We proceeded back toward Logan Lane. At the corner of
25 the business complex, we attempted to look for any type

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1 of evidence from where Mr. Anderson indicated that he
2 believed the shots to come from. We were unable or
3 unsuccessful in finding any evidence that we could see.

4 Q. All right.

5 SOLICITOR HOLLEN: Court's indulgence, your Honor.

6 BY SOLICITOR HOLLEN:

7 Q. Mr. Wells --

8 SOLICITOR HOLLEN: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 BY SOLICITOR HOLLEN:

12 Q. I'm going to hand you what's been marked for
13 identification as State's Exhibit Number 2. I'm going
14 to ask you to take a look at that, if you don't mind.

15 A. Okay.

16 Q. Do you recognize the area in that photo?

17 A. Yes, sir.

18 Q. Where is it?

19 A. That would be the incident location where Mr.
20 Anderson and Mr. Freeman were engaged.

21 Q. Okay.

22 A. And that wasn't taken the night of the incident,
23 was it?

24 Q. I'm sorry, I didn't hear what he said. They were
25 engaged? I didn't hear that.

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1 A. Where the incident -- the location of the
2 incident.

3 Q. So that was taken after the fact, correct?

4 A. Yes, sir.

5 Q. Is it still a fair and accurate depiction of the
6 crime scene? I mean, I know a couple things may have
7 changed, but as far as where everyone was, has anything
8 changed?

9 A. I'm pretty sure the area -- yes, sir.

10 Q. All right.

11 SOLICITOR HOLLEN: Your Honor, at this time, I
12 would ask to admit State's 2 into evidence.

13 MR. PLEXICO: I don't have any objection.

14 THE COURT: Without objection, it's in evidence.

15 ITEM IDENTIFIED AS PHOTOGRAPH

16 MARKED AS STATE'S EXHIBIT NUMBER 2

17 ADMITTED AS EVIDENCE.

18 SOLICITOR HOLLEN: All right. Now, -- your Honor,
19 may I ask Mr. Wells to step down, just so he can --

20 THE COURT: You may.

21 BY SOLICITOR HOLLEN:

22 Q. Mr. Wells, can you come over here? And this is
23 probably the easiest thing.

24 MR. PLEXICO: May I approach just over there.

25 THE COURT: You may.

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1 SOLICITOR HOLLEN: Yeah, that's fine.

2 BY SOLICITOR HOLLEN:

3 Q. Do you mind going over there. And can you tell
4 the jury -- you may not be able to see it exactly, but
5 about where Mr. Anderson and Mr. Freeman were when you
6 arrived on scene?

7 A. About right here.

8 Q. Okay. And the direction that Mr. Anderson
9 indicated they were coming from, what about that?

10 A. They were traveling here.

11 Q. Okay. So they were coming down behind the strip
12 mall there?

13 A. Yes, sir.

14 Q. And were you able to locate any sort of blood
15 spots or anything like that, where it was indicated Mr.
16 Freeman was hit?

17 A. There was a small blood pool somewhere back in
18 this area.

19 Q. So sort of on the other side of that palm tree
20 there?

21 A. Give or take.

22 Q. And I know it's hard to tell, but you said that
23 you looked for evidence, you and Lieutenant Ginn. Can
24 you just sort of indicate on that picture where you guys
25 were, looking for evidence?

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1 A. We -- we walked all up and down through here; and
2 then got all the way back up to this side; and
3 subsequently, this side.

4 Q. Okay. Did you look on the other side of the road
5 or anything like that, or just there?

6 A. The best of my recollection, no, sir.

7 Q. And you were not able to locate any evidence at
8 the time?

9 A. No, sir.

10 Q. All right. I think that's all I have for that
11 picture. Will you take the stand again for me.

12 You said you asked Mr. Anderson to write a written
13 statement before leaving the scene. Is that correct?

14 A. A voluntary statement, yes, sir.

15 Q. A voluntary statement. And did he do that?

16 A. Yes, sir, he did.

17 Q. And was that statement preserved?

18 A. Yes, sir, it was.

19 Q. In that statement, does he -- do you recall him
20 seeing it recently? Did he write any names? If you
21 don't remember, just --

22 A. If I could see it.

23 Q. I'm not going to worry about that right now.

24 A. Okay.

25 Q. But he did write a voluntary statement. About how

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1 long after this, how long after the shooting did he
2 write the statement?

3 A. The time is on the -- the written statement. My
4 guess would be maybe within an hour or less.

5 Q. Okay. So within an hour you've got him writing a
6 voluntary statement on what he saw and what happened?

7 A. Yes, sir.

8 Q. Was he -- I'm going to withdraw that. Hold on.
9 All right. So after Lieutenant Ginn gets there, you
10 speak with Mr. Anderson. About how long do you remain
11 on scene? Do you know?

12 A. I don't recall, sir.

13 Q. Do you get a call to go somewhere else at some
14 point?

15 A. Yes, sir.

16 Q. And where was that, or what was that?

17 A. I believe it was a person with a gun.

18 Q. So you get a call while you're on scene about a
19 person with a gun. And what do you do as a result of
20 that?

21 A. We leave that scene and attempt to locate the
22 person with a gun.

23 Q. Do you know how many people were on duty for the
24 Ridgeland Police Department at the time the shooting
25 happened?

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WELLS - CROSS - PLEXICO

1 A. It was just myself and Lieutenant Ginn.

2 Q. So there were two officers on duty. What about at
3 the time you got the call for the person with the gun?

4 A. Just myself and Lieutenant Ginn.

5 Q. Two officers on duty?

6 A. There was a -- a third officers, but he was
7 indisposed on a transport of a prisoner to Columbia.

8 Q. Okay. So you had two officers available?

9 A. Yes.

10 Q. All right. Officer Wells, I don't have anymore
11 questions for you. Please answer anything Mr. Plexico
12 has.

13 A. Okay.

14 OFFICER DUSTY WELLS

15 CROSS-EXAMINATION BY MR. PLEXICO:

16 Q. All right. Do you have your narrative with you in
17 your files, sir?

18 A. No, sir, I don't have it.

19 Q. Okay. All right.

20 MR. PLEXICO: May I approach the witness and allow
21 him to review --

22 THE COURT: You may, sir.

23 BY MR. PLEXICO:

24 Q. Could you review this, and tell me what that is?

25 A. Yes, sir. That would be the narrative that I

1 entered into the -- the report.

2 Q. Okay. All right. And in that, you put down that
3 the suspects that Wrenshad Anderson told you was Peanut
4 and Dre, correct?

5 A. Yes, sir.

6 Q. All right. Then you have a -- and do you know a
7 Nisha Jones, who was -- would that be Dre's girlfriend,
8 Nisha Jones?

9 A. I don't know any of them prior to this incident.

10 Q. Okay.

11 A. Have no idea.

12 Q. Do you know a Tynisha Jones, T/Y-neisha [sic]
13 Jones?

14 A. No, sir.

15 Q. Okay. All right. But you only put down in there
16 that Neisha. Okay?

17 A. Yes, sir.

18 Q. Now, you never put in that statement -- you may
19 have mentioned the word Neisha one time, correct?

20 Toward the bottom.

21 A. Yes, sir.

22 Q. And what context is that in?

23 A. If I may read the last paragraph?

24 Q. Read the sentence. The last sentence, yes.

25 A. The last paragraph of my -- my narrative indicates

1 that:

2 Anderson, at some point in time during
3 his excited state, indicated that he had in
4 his cell phone the contact numbers for Peanut
5 and Dre. He also included a third name of
6 Aneisha. He further indicated several times
7 that Peanut and Dre were the suspects.

8 Anderson also indicated that Freeman and Peanut
9 had a beef all day. I obtained a written --
10 voluntary written statement from Anderson.

11 Anderson was provided a copy of the statement.

12 MR. PLEXICO: Judge, may I approach, please.

13 THE COURT: You may.

14 BY MR. PLEXICO:

15 Q. All right. So you didn't know who Nisha was at
16 this point?

17 A. No, sir.

18 Q. Correct?

19 A. No, sir.

20 Q. And you didn't know it was Dre's girlfriend or
21 whoever, as far as Nisha, you just don't know?

22 A. I do not know, sir.

23 Q. Okay. So when you all got the call for -- the
24 additional call for the -- another person with a gun,
25 would it be fair to say that you and Lieutenant Ginn

1 were certain about who the perpetrators were that did
2 the shooting at the scene that night, before you left?
3 You all knew who you were looking for?

4 A. Based on the information that was conveyed to us
5 from a witness, that's the information I had, yes, sir.

6 Q. And Mr. Wrenshad Anderson, is he the only
7 eyewitness to the shooting?

8 A. From my perspective, an encounter, yes, sir.

9 Q. Okay. You don't know of anything else, any other
10 person, who witnessed that shooting, aside from you
11 [sic].

12 A. No, sir.

13 Q. Okay. All right. And he repeatedly said in front
14 of you and Lieutenant Ginn that Peanut and Dre were the
15 shooters?

16 A. Yes, sir.

17 Q. And that's Keandre Frazier. Is that correct? Dre
18 is Keandre Frazier?

19 A. I do not know the suspects past the street names
20 that were given to me from Mr. Anderson.

21 Q. Clearly, he never said Aneisha was the shooter
22 while you were there on that night, correct?

23 A. To the best of my recollection, no, sir.

24 Q. Okay. All right. So and did he indicate that he
25 -- well, I looked at your video, and you came up, and on

1 the picture that -- well, you see the picture that's in
2 -- do you all have the picture that was introduced?

3 Thank you. All right. Thank you, sir.

4 Now, did you see any evidence of any drag marks on
5 -- this is a little dirt path that starts here and ends
6 here, correct?

7 A. Yes, sir.

8 Q. This well-worn dirt path.

9 A. Very well.

10 Q. Okay. And did you see any drag marks in that dirt
11 when you arrived?

12 A. I do not recall.

13 Q. Okay. All right. But, so this is about parallel
14 with the edge of the building, the palm tree.

15 A. Yeah.

16 Q. Correct?

17 A. Yeah.

18 Q. And did you find the blood spot in between these
19 two?

20 A. It was in that area. A little bit further back.

21 Q. Pretty close, though.

22 A. Behind the building.

23 Q. About here?

24 A. I think a little further bit back.

25 Q. Where the dark spot is here?

- 1 A. Possibly.
- 2 Q. Okay. Around that area?
- 3 A. Yes, sir, around that area.
- 4 Q. And that's what? about six feet from the corner,
- 5 then?
- 6 A. If I did -- if I'm making the presumption, yes,
- 7 sir.
- 8 Q. I mean, to be fair, I'm not going to hold you
- 9 exactly to it. Okay.
- 10 A. Give or take, yes, sir.
- 11 Q. All right.
- 12 A. I believe so.
- 13 Q. So if Devonte's about six feet tall, the person
- 14 you saw on the ground who had been shot was about six
- 15 feet tall, correct?
- 16 A. Yes, sir.
- 17 Q. So he was just a body's length, almost, from the
- 18 edge of the building, on the brick part?
- 19 A. I'm sorry?
- 20 Q. He was a body's length away from the edge of the
- 21 building and the brick part?
- 22 A. Possibly, yes, sir.
- 23 Q. All right. And you went back here with -- you went
- 24 all the way past this road here, on that side?
- 25 A. To the cluster of trees.

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WELLS - CROSS - PLEXICO

1 Q. Is that correct?

2 A. Yes, sir.

3 Q. And you all used augmented light?

4 A. The flashlights that we have, yes, sir.

5 Q. Okay. And those are good police flashlights?

6 A. Yes, sir.

7 Q. And you all had normal batteries in them, and
8 there weren't any problems, and they were working
9 properly?

10 A. Yes, sir.

11 Q. Okay. Where did he say that the -- is this the
12 cut beside this building --

13 A. About --

14 Q. -- this building that goes to the mailbox here?

15 A. Yes, sir.

16 Q. Is there a cut that goes back to Logan Lane around
17 that way?

18 A. Yes, sir.

19 Q. And that's pretty heavily wooded?

20 A. It is, but it also has very worn paths.

21 Q. Okay. All right. But it's a wooded area,
22 correct?

23 A. Yes.

24 Q. All right. And I was noticing as I was watching,
25 you had -- your car was parked about here?

1 A. Yes, sir.

2 Q. And you were shining light through this gap here,
3 correct? So you could see --

4 A. My vehicle was staged more toward the front of the
5 building.

6 Q. Okay. And I looked at your dashcam video and it
7 appeared dark back there, correct?

8 A. It would appear, on the video, yes, sir.

9 Q. And in fact, it was dark back there?

10 A. Yes, sir. There was a functioning street light on
11 the back corner of the building.

12 Q. Where is that?

13 A. Do you see the second power pole?

14 Q. This one?

15 A. On the inside. Yes, sir.

16 Q. That was functioning?

17 A. Yes, sir.

18 Q. Okay. All right. So that's the only functioning
19 back light that you saw?

20 A. And then the parking lot lights.

21 Q. And that's over here somewhere?

22 A. Yes.

23 Q. Okay. So it's dark over in here?

24 A. Yes.

25 Q. Because this light is being cast this way,

1 correct?

2 A. Yes.

3 Q. You can see it in there, and that's surrounded by
4 transformers, which block the light, and that made this
5 area pretty dark, actually. Is that why you all didn't
6 find the cartridges?

7 A. Quite possibly, yes.

8 Q. Okay. All right. Now, did he say where the
9 shooters were?

10 A. He indicated back in that -- that particular area.

11 Q. Back in this area in the trees here, or on the
12 other side of the road?

13 A. To the best of my recollection, it was just in
14 that area.

15 Q. Did he -- was he able to specifically say where
16 they were standing?

17 A. No, sir, not to my recollection.

18 Q. So he couldn't remember where they were staying --
19 standing?

20 A. To the best of my recollection, he could not.

21 Q. Okay. All right. And you all found no evidence,
22 no shell casings, or anything that evening?

23 A. No, sir.

24 Q. Okay. All right. And that's what, seventy to
25 eighty yards back there, from this point to back here,

1 is about seventy or eighty yards?

2 A. Possibly.

3 Q. Okay. All right. Is it a fair estimation?

4 A. I would say that that could be a fair estimate,
5 yes, sir.

6 Q. Okay. All right. Now, so you were so sure of the
7 suspects, I guess they call it a APB on television, but
8 what did you do, and what did you relay to Lieutenant
9 Ginn to do?

10 A. As -- as Mr. Anderson is giving me the
11 information, I was immediately relaying that, via the
12 radio, in an attempt to try and get resources in that
13 area to potentially intercept them.

14 Q. Okay. And did you say it was Peanut and Dre;
15 they're heading toward the Siesta?

16 A. Yes, sir.

17 Q. And did Lieutenant Ginn inquire if they were on
18 foot, and did you respond *on foot, on foot*?

19 A. Possibly. Yes, sir.

20 Q. Okay. Do --

21 A. I haven't heard the radio traffic to the recall,
22 but quite possibly.

23 Q. But were you --

24 THE COURT: Okay. If you'd ask one question, let
25 him answer, and then go ahead.

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WELLS - CROSS - PLEXICO

1 MR. PLEXICO: Okay.

2 BY MR. PLEXICO:

3 Q. Did Wrenshad Anderson tell you on the scene that
4 night that Dre and Peanut were on foot, and they were
5 headed toward the Siesta?

6 A. Yes, sir.

7 Q. Okay. All right. So nobody said anything about
8 hearing a car leaving, correct?

9 A. No, sir.

10 Q. Okay. All right. And that's the reason you could
11 not find the shell casings, is because it was so dark
12 back there. Is that correct?

13 A. I believe so, sir.

14 Q. Okay. So he said it was Peanut and Dre a total of
15 at least four times, correct?

16 A. That's fair, yes, sir.

17 Q. All right. And you all just simply -- you could
18 have called SLED, you could have called the Sheriff's
19 Department. But at that point in time, you all kind of
20 thought who you were looking for and who you were going
21 to arrest and charge, and that would have been Peanut
22 and Dre, right?

23 A. I believe so.

24 Q. Okay. And you were looking for two black males.
25 And did you get a description of them, aside from all

1 black?

2 A. Dressed in all black, on foot.

3 Q. Okay.

4 A. Peanut and Dre.

5 Q. And you all were there well over an hour before
6 you got called away?

7 A. I believe so.

8 Q. And nothing changed during that hour on the
9 suspects that Wrenshad Anderson told you to look for.

10 A. Other than just whatever his statement is, and
11 what I documented in my report.

12 Q. Okay.

13 A. It was only a three- or four-line statement, but
14 he never said in that statement it was Aneisha, because
15 he didn't waiver on the scene, correct?

16 A. No, sir.

17 Q. All right. And the statement doesn't say it was
18 Aneisha was involved, either?

19 A. No, sir.

20 Q. Unless you really twist it around, it doesn't
21 fairly say that, now, does it?

22 A. The statement is whatever -- document.

23 Q. Okay. All right. And you read it, and it didn't
24 -- you didn't go out looking for Aneisha, did you?

25 A. No, sir.

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RUSTY WELLS - RE-DIRECT - HOLLEN

1 Q. Or Aneisha? Okay. All right.

2 MR. PLEXICO: I don't have anything further for
3 this witness.

4 THE COURT: Anything? Okay.

5 SOLICITOR HOLLEN: Yes, your Honor.

6 OFFICER DUSTY WELLS

7 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

8 Q. Officer Wells, you didn't go looking for anybody
9 that night, did you?

10 A. No, sir.

11 Q. In fact, after this, you got called to a scene.
12 What did you do after you went to the scene with the
13 person with the gun?

14 A. I went back to the -- the station and completed my
15 report, and subsequently ended my tour.

16 Q. Okay.

17 SOLICITOR HOLLEN: Court's indulgence, your Honor.

18 BY SOLICITOR HOLLEN:

19 Q. Officer Wells, I'm going to now hand you in just a
20 second what has been pre-marked for identification as
21 State's Exhibit Number 3, and I'm going to ask that you
22 take a look at it. Okay?

23 A. Okay.

24 SOLICITOR HOLLEN: Your Honor, may I approach the
25 witness?

1 THE COURT: You may.

2 BY SOLICITOR HOLLEN:

3 Q. You recognize that?

4 A. Yes, sir.

5 Q. What is it?

6 A. That's the written statement Mr. Anderson provided
7 to me on the scene.

8 Q. What's the time on that?

9 A. 1:30 a.m.

10 Q. And is that -- he read that completely on video.
11 Is that right?

12 A. Yes, sir.

13 Q. Is that a full and accurate statement that he
14 wrote at that night?

15 A. Yes, sir.

16 SOLICITOR HOLLEN: Your Honor, I'd ask that we
17 enter State's 3 into evidence at this time.

18 THE COURT: Any objection?

19 MR. PLEXICO: I have no objections to it being
20 entered just by -- as far as the truthfulness of it,
21 Judge. I would have a -- I have no objection to that
22 being entered for the purpose that is the statement of
23 Wrenshad Anderson.

24 THE COURT: Okay. It's in evidence, ladies and
25 gentlemen.

1 ITEM IDENTIFIED AS DOCUMENT TITLED
2 VOLUNTARY STATEMENT (WRENSHAD ANDERSON)
3 MARKED STATE'S EXHIBIT NUMBER 3
4 ADMITTED AS EVIDENCE.

5 BY SOLICITOR HOLLEN:

6 Q. Is it legible enough for you to read?

7 A. Yes, sir.

8 Q. Can you read it to the jury, please.

9 SOLICITOR HOLLEN: May I publish, your Honor?

10 THE COURT: You may.

11 BY SOLICITOR HOLLEN:

12 Q. Go ahead.

13 A. *We just left the Siesta. Weekly rentals.*
14 *Talking to Mr. Horton. And we was walking to*
15 *Econo Lodge. When we got close to KFC path,*
16 *that's when we heard shots.*

17 I'm sorry. I'm trying to decipher this.

18 *Vonte got into it with Peanut earlier*
19 *today, and we saw Neisha and her friend.*

20 *That's when we was ordered to leave. That's*
21 *when we left walking, and they sneak up behind*
22 *us and started shooting.*

23 Q. Does that statement say Aneisha?

24 A. Yes, sir.

25 Q. Okay. So you were given that name Aneisha by Mr.

1 Anderson Less than 45 minutes after the shooting. Is
2 that right?

3 A. Somewhere around there, yes, sir.

4 Q. All right. What time does that statement say?

5 A. 1:30 a.m.

6 Q. Do you know what time you got on scene of the
7 shooting?

8 A. I do not recall, sir.

9 Q. If I were to hand you a call detail report, would
10 you be able to determine what time you got on the scene?

11 A. Yes, sir.

12 Q. And this is just to refresh your recollection, Mr.
13 Wells.

14 SOLICITOR HOLLEN: May I approach, your Honor?

15 THE COURT: You may.

16 BY SOLICITOR HOLLEN:

17 Q. Will you take a look at that. Based on that --
18 well, look at it first.

19 A. Okay.

20 Q. Now, does that have things like call signs or
21 related to specific officers and things like that?

22 A. Yes, sir.

23 Q. And what time did the call come in?

24 A. The call was created at 12:47:15 a.m.

25 Q. And what time did you get on scene?

1 A. It says that I was in the area at 12:49:04 a.m.

2 Q. So you were there in about two minutes after the
3 call was created.

4 A. Yes, sir.

5 Q. Where were you that you were so close to the
6 scene?

7 A. Actually, I had just left Dispatch; was coming
8 over to Third Street Bridge, Railroad Bridge, when the
9 call went out.

10 Q. And so, you went straight there?

11 A. Yes.

12 Q. Mr. Plexico asked you a lot about this dashcam
13 video. You were driving a car that was equipped with
14 dashcam, right?

15 A. Yes, sir.

16 Q. Now, there is a problem with that video, isn't
17 there?

18 A. Yes, sir.

19 Q. Not necessarily with the video, but is there any
20 audio on it?

21 A. No, sir, there is not.

22 Q. So you can't hear anything; it's just a picture of
23 kind of what's going on. And what does it show? Just
24 in front of your car?

25 A. Just the front view of the car, yes.

1 Q. Why isn't there any audio?

2 A. The previous call for service, I had gotten into a

3 foot chase, and subsequently, ran into a ditch filled

4 with water up to about my chest.

5 Q. So you were with a suspect?

6 A. Yes.

7 Q. Did you catch him or her?

8 A. Caught one of them, yes.

9 Q. Okay. Well, that's good. Did you know at the

10 time that your -- you were wearing a body microphone.

11 Is that right?

12 A. Yes, sir.

13 Q. And did you know when you got on the scene of the

14 shooting that it wasn't working?

15 A. No, sir, I did not.

16 Q. So as far as you knew, it was recording everything

17 that was being said?

18 A. Yes, sir.

19 Q. All right. But that's not the case, is it?

20 A. No, sir.

21 Q. Do you know how long that dashcam video is?

22 A. I honestly do not know.

23 Q. Is it hours long, possibly?

24 A. I turned it on probably coming off of Third

25 Avenue, making a right-hand turn onto Jacob Smart. And

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1 then, I wouldn't have stopped it until either it ran out
2 or I formally cleared the scene.

3 Q. All right. But there's no audio, and it just
4 shows directly in front of the car?

5 A. Yes, sir.

6 Q. All right. I don't think I have anything further
7 for you, Mr. Wells. Please answer the --

8 THE COURT: Anything further?

9 MR. PLEXICO: Yes, your Honor.

10 THE COURT: Okay.

11 OFFICER DUSTY WELLS

12 RE-CROSS EXAMINATION BY MR. PLEXICO:

13 Q. And you've already testified about what could see
14 on the video and how dark it was back where the shooting
15 happened.

16 A. I believe so.

17 Q. It was very dark. Is that correct?

18 A. I believe so.

19 Q. All right. Do you still have the statement in
20 front of you that he just introduced?

21 A. No, sir. I just --

22 THE COURT: May I approach the court reporter, your
23 Honor, and retrieve the statement?

24 SOLICITOR HOLLEN: Mr. Plexico.

25 MR. PLEXICO: Thank you.

1 BY MR. PLEXICO:

2 Q. And I believe that's State's Exhibit 3 in front of
3 you. Is that correct, sir?

4 A. Yes, sir.

5 Q. All right. The first sentence of this statement
6 says -- I'm going to break it down by sentence. It's
7 only about four or five. It says:

8 *We just left the Siesta weekly rentals,*
9 *talking to Mr. Horton, and we was walking to*
10 *Econo Lodge.*

11 A. Yes, sir.

12 Q. Is that the first sentence?

13 A. Yes, sir.

14 Q. Is the next sentence:

15 *When we got close to KFC path, that's*
16 *when we heard shots.*

17 Is that the next sentence?

18 A. Yes, sir.

19 Q. Then, the next sentence is -- sentence is:

20 *Vonte got into it with Peanut early*
21 *today, and we saw Neisha and her friend.*

22 Is that the next sentence? Joined by the end.

23 Then he starts with another sentence with *that's*.

24 A. Possibly. I mean, the grammatical -- I mean, the
25 punctuations aren't there, but.

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RUSTY WELLS - RE-CROSS - PLEXICO

1 Q. Okay. But then, the next sentence, could it be:
2 *That's when we was ordered to leave.*

3 A. Okay.

4 Q. Doesn't he appear to begin his sentences with
5 that?

6 A. Fair enough.

7 Q. Is that correct?

8 A. I can't speak to his grammatical, but that would
9 be possible, yes, sir.

10 Q. Is that a fair reading of the statement?

11 A. I believe so, yes, sir.

12 Q. All right. And then, the next sentence is:

13 *That's when we left walking, and they*
14 *sneak up behind us and started shooting.*

15 Correct?

16 A. Yes, sir.

17 Q. So has -- no way identifies Neisha as shooting.
18 Is that correct?

19 A. I -- I believe that you could correlate that, yes,
20 sir.

21 Q. Okay. And that's a fair reading of the statement,
22 correct?

23 A. Yes, sir.

24 Q. All right. And you didn't have anything else to
25 do with this case afterwards, aside from your -- what

1 you've testified to and what you did that night?

2 A. Correct.

3 MR. PLEXICO: I don't have anything further.

4 BY THE COURT:

5 THE COURT: Anything further?

6 SOLICITOR HOLLEN: No, your Honor. I'd ask that he
7 be excused.

8 THE COURT: All right. Officer Wells, step down,
9 sir. Thank you.

10 Ladies and gentlemen of the jury, we're going to
11 take a very brief recess. We typically like to run
12 until roughly 1:00 o'clock for lunch, but that's my
13 anticipation right now, give or take a few minutes or
14 so.

15 I need to remind you, and I'm going to do this
16 every time I send you back to your jury room, refresh
17 yourselves, get a cup of coffee if you need to, do not
18 discuss this case with each other. Again, you haven't
19 heard all the evidence, and it would be inappropriate
20 for any of you to talk about it. All right? We'll
21 bring you back shortly, and again, you can look to go to
22 lunch around 1:00-ish. Okay? So we'll be right back.
23 We'll bring you right back.

24 Mr. Foreperson, as soon as you all are ready,
25 knock on the door and let me know you're ready. Okay?

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1 THE COURT: I know. Sometimes we're freezing
2 people out, but sometimes it can be hot as an oven in
3 here, so. I apologize. We'll work on that. Is
4 everyone okay?

5 Madam Foreperson, is everyone all right on the
6 jury?

7 MADAM FOREPERSON: Far as I know.

8 THE COURT: Well, okay. Well, ladies and
9 gentlemen, you need to let her know if there are any
10 issues.

11 At this time, we're going to go ahead and continue
12 with our witnesses. If you'd call the next witness, Mr.
13 Hollen.

14 SOLICITOR HOLLEN: Thank you, your Honor. Alex
15 Inniss.

16 MADAM CLERK: Raise your right hand, please, and
17 place your left hand on the Bible. Do you swear the
18 testimony you're about to give the Court be the truth,
19 the whole truth, and nothing but the truth, so help you
20 God?

21 ALEX INNISS: Yes.

22 MADAM CLERK: Go right around and have a seat in
23 the witness chair.

24 ALEX INNISS

25 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

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- 1 Q. Good morning, Mr. Inniss. How are you?
- 2 A. I'm all right. How are you?
- 3 Q. Good. Thank you. Who do you work for?
- 4 A. I work with Jasper County Fire and Rescue.
- 5 Q. And what's your position with Jasper County Fire
- 6 and Rescue?
- 7 A. I am a Firefighter III, nationally registered
- 8 paramedic.
- 9 Q. What does that mean, I know, in compared to other
- 10 forms of first responders?
- 11 A. That means that I provide a dual service to the
- 12 citizens of Jasper County, and I'm a firefighter, as
- 13 well as being a paramedic. So I transport, treat the
- 14 sick and injured out of Jasper County ambulances.
- 15 Q. Is there a difference between a paramedic and an
- 16 EMT?
- 17 A. Yes. Their level of care and their available
- 18 skills.
- 19 Q. Okay. And so, are you licensed to provide a
- 20 higher level of care than an EMT?
- 21 A. Yes.
- 22 Q. So paramedic is kind of an extra grade of an EMS
- 23 worker, sort of?
- 24 A. Yes. I provide the highest level of care the
- 25 state allows.

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1 Q. Okay. Did you respond to the call of a gunshot --
2 possible gunshot wound, that you recall, on April 30,
3 2016?

4 A. Yes.

5 Q. Do you remember where you responded?

6 A. Not exactly.

7 Q. Would it help if I were to give you the Fire and
8 Rescue report? Could you refer to that?

9 A. Yes.

10 SOLICITOR HOLLEN: Your Honor, may I approach the
11 witness?

12 THE COURT: Of course you may.

13 BY SOLICITOR HOLLEN:

14 Q. Mr. Inniss, can you take a look at that for me?
15 Could you just look over it for a second?

16 A. Okay.

17 Q. Does that refresh your recollection a little bit
18 about what you did that night and where you responded?

19 A. Yes.

20 Q. So where did you end up going?

21 A. Up to behind the KFC.

22 Q. And is that here in Jasper County?

23 A. It is.

24 Q. Do you remember what you found when you got there,
25 as far as a victim that you treated or helped treat?

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1 A. Yes.

2 Q. And what did you find?

3 A. In accordance to the report, I found a early
4 twenties male, unresponsive, lying supine, breathing,
5 with -- pulseless.

6 Q. So you're referring to your report a lot. You go
7 to a lot of calls, don't you?

8 A. Yes.

9 Q. So you have a lot of independent recollection of
10 this, or just based mostly on what you're seeing in that
11 report?

12 A. Based mostly on the report.

13 Q. Okay. So you say you found him supine. What does
14 that mean?

15 A. That means on his back.

16 Q. All right. So he was laying down. Was he
17 responsive?

18 A. No, he was not responsive.

19 Q. Unresponsive. Was he breathing? Did he have a
20 pulse?

21 A. Yes, he was breathing, with a pulse.

22 Q. All right. So he had a pulse. All right. What
23 did you do when you first get there? What's the
24 response?

25 A. After being requested by law enforcement, we took

1 final precautions, placing a C-collar and long spine
2 board is to protect any further injuries that are in the
3 unknown, and loaded him into the ambulance where we
4 provided more assessment and further treatment.

5 Q. All right. Did you notice any wounds on him when
6 you got there?

7 A. Yes. We noticed a penetrating wound to the right
8 occipital lobe, which is right here.

9 Q. So back of his head? for lack of a better term.

10 A. Yes.

11 Q. What about -- you said he was breathing with a
12 pulse. Does that report indicate what type of
13 breathing? Is there any specific symptom that you
14 noticed?

15 A. It does. It names Cheyne-Stokes type of
16 respirations, which is indicative of a neurological
17 damage.

18 Q. So can you describe in layman's terms what that
19 means? Was he -- were they short breath, deep breath?

20 A. It was a pattern of breathing which -- which is
21 quickly deep exhalations and inhalations, followed by
22 short and rapid exhalations and inhalations.

23 Q. Okay. And you said that's indicative, in your
24 experience, of a neurological disorder?

25 A. Correct.

1 Q. Do you see that frequently with gunshot wounds to
2 the head?

3 A. Not frequently, but then, again, the situation
4 dictates.

5 Q. All right. So you load him into the ambulance,
6 and where do you take him?

7 A. I take him to Memorial Medical Center in Savannah.

8 Q. So you didn't take him -- what's the closest
9 hospital to here in Jasper County?

10 A. The closest hospital to Jasper County is Coastal
11 Carolina.

12 Q. All right. So you didn't take him there. Why?

13 A. Because they're not capable to handle such
14 injuries. Part of our job as a paramedic is to take
15 people to the appropriate places, where they can be best
16 treated, and that was the closest place I could take him
17 where he could be best treated.

18 Q. Okay. Do you know if there was any attempt to
19 airlift him or anything like that to Savannah? Would
20 that have been -- let me ask you that first. Do you
21 know?

22 A. Not in accordance to my report.

23 Q. Okay. Are people airlifted sometimes from Jasper
24 County to Savannah?

25 A. Absolutely.

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1 Q. What are the situations where someone can't be
2 airlifted?

3 A. Mostly due to weather and availability at the time
4 for the helicopter to be here.

5 Q. All right. So as you're taking him to Savannah,
6 what do you do working on him?

7 A. I secured his airway with an OPA, which is a
8 device that goes in the mouth and removes the tongue out
9 of the throat. I breathed for him using a valve mouth
10 mask, and secure a large part of his left and right
11 A.C.s. I attempted to secure an advanced airway,
12 unsuccessfully, due to him having a clenched jaw.

13 Q. Okay. So his jaw is clenched. Is that indicative
14 of anything to you?

15 A. A neurological issue.

16 Q. So a brain injury?

17 A. Right.

18 Q. And does he ever regain consciousness on the way
19 to Savannah?

20 A. No.

21 Q. Did he ever say anything to you guys in the
22 ambulance?

23 A. I don't have a record of that.

24 Q. And does this agonal breathing, or this Cheyne-
25 Stokes breathing, continue all the way to Savannah?

1 A. It continued up until the point where I started
2 breathing for him.

3 Q. Okay. So you were having to breathe for him?

4 A. Yes.

5 Q. All right. I don't have any further questions for
6 you. Let me get that report back from you. Please
7 answer anything Mr. Plexico has.

8 THE COURT: Mr. Plexico.

9 ALEX INNISS

10 CROSS-EXAMINATION BY MR. PLEXICO:

11 Q. Savannah is what? about an hour and fifteen,
12 thirty minutes away?

13 A. I don't have an exact time.

14 Q. I mean, what's your estimation of it?

15 A. My best estimation, it's about thirty minutes.

16 Q. Thirty minutes?

17 A. Yes, sir.

18 Q. Okay. All right. Now, you said that it could be
19 because of the weather. Wasn't there some fog that
20 night?

21 A. Sir?

22 Q. Wasn't there some fog that evening?

23 A. I don't recall the weather.

24 Q. Okay. All right. And if you look at Page 1 of
25 your report? Do you have that report in front of you?

1 A. I do not.

2 Q. Okay. You have already testified his mental
3 status was unresponsive, meaning he wasn't speaking or
4 saying anything, correct? All right. May I approach
5 the witness, your Honor?

6 THE COURT: You may.

7 BY MR. PLEXICO:

8 Q. Having reviewed the first page on that, is that
9 marked that you -- Devonte Freeman has been using
10 alcohol? Is that correct?

11 A. No, sir. I said I smelled it.

12 Q. You smelled alcohol?

13 A. Yes, sir.

14 Q. And then, generally that smell, that's beer, or
15 the smell of alcohol, indicated beer or liquor?

16 A. Correct.

17 Q. In your training, you would want to be able to
18 tell the E.R. doctor that when you got there?

19 A. Right.

20 Q. Okay.

21 MR. PLEXICO: May I approach and retrieve that?

22 BY MR. PLEXICO:

23 Q. So there's no question in your mind you actually
24 filled out the report?

25 A. Right.

1 Q. All right. Did you watch the video, or did you
2 remember this man in the blue over-shirt being there?

3 A. I do not.

4 Q. You don't recall was there a lay witness there, a
5 layperson there, aside from the officers and the EMS
6 response team?

7 A. I do not recall.

8 MR. PLEXICO: Okay. I don't have anything further.

9 THE COURT: Anything further?

10 SOLICITOR HOLLEN: No, your Honor. I'd ask that he
11 be excused.

12 THE COURT: All right. Mr. Inniss, you are
13 excused, sir. Thank you. Call your next witness.

14 SOLICITOR HOLLEN: Lieutenant Joey Ginn.

15 MADAM CLERK: Raise your right hand and place your
16 left hand on the *Bible*. Do you swear the testimony
17 you're about to give to the Court be the truth, the
18 whole truth, and nothing but the truth, so help you God?

19 LIEUTENANT JOEY GINN: Yes.

20 MADAM CLERK: Go right around and have a seat in
21 the witness chair.

22 LIEUTENANT JOEY GINN

23 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

24 Q. Good morning, Lieutenant Ginn.

25 A. Good morning.

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JOEY GINN - DIRECT - HOLLEN

- 1 Q. It is still morning. Who do you work for?
- 2 A. Ridgeland Police Department.
- 3 Q. And what's your position at the Ridgeland Police
- 4 Department?
- 5 A. I'm a lieutenant in charge of patrol division.
- 6 Q. All right. So you're a supervisor, for lack of a
- 7 better term?
- 8 A. Correct.
- 9 Q. Okay. And how long have you been with the
- 10 Ridgeland Police Department?
- 11 A. Since August the 1st of 2007.
- 12 Q. What about before that? Any law enforcement
- 13 experience before you --
- 14 A. Yes. I was previously with the Hampton Police
- 15 Department and the Sheriff's Office in Hampton County.
- 16 Q. Okay. Were you working with the Ridgeland Police
- 17 Department on April 30, 2016?
- 18 A. Yes, I was.
- 19 Q. And did you respond or receive a call, let's start
- 20 there, about a possible shooting behind the KFC?
- 21 A. Yes.
- 22 Q. Is that here in Jasper County?
- 23 A. Yes.
- 24 Q. As a result of getting that call, what's the first
- 25 thing that you do?

1 A. It depends on each situation, because each
2 situation is different. I had -- I had received
3 information from an officer that was on scene very
4 shortly after the call came out, and I was checking the
5 area for suspects, based on the description given to me.

6 Q. Okay. So you looked around the area for suspects.
7 And did you go somewhere after that?

8 A. Yes, I went to the Siesta Hotel.

9 Q. You went to the Siesta Hotel. All right. What
10 did you do when you got to the Siesta Hotel -- or Motel?

11 A. I checked the area and made a contact with
12 suspects or anyone matching that description. And I
13 made contact with Keith Horton, the owner. He was
14 there.

15 Q. Okay. So you spoke with Keith Horton, who is the
16 owner, that night?

17 A. Um-hmm.

18 Q. And how long were you on scene at the Siesta?

19 A. I'm guessing ten minutes.

20 Q. And you were looking for suspects on foot. Is
21 that right?

22 A. Yes. That's what -- based on what was told to me,
23 yes.

24 Q. Was there any particular area of the Siesta you
25 were focusing on you thought they might be coming from?

1 A. Yes. There's a hole in the fence at the rear of
2 the complex, and it is known for people to go through
3 both ways, leaving and coming back on that property
4 because of the hole in the fence.

5 Q. Gotcha. So that's a common shortcut people use?

6 A. Yes, yes.

7 Q. All right. So you waited around, you said
8 looking, searching for suspects for about ten minutes?

9 A. Correct.

10 Q. And where did you go after that?

11 A. I went to the scene, the incident location.

12 Q. All right. What did you see when you get to the
13 scene.

14 A. I immediately observed Officer Wells and a subject
15 who was later identified as Wrenshad.

16 Q. Okay. Wrenshad Anderson?

17 A. Yes.

18 Q. Was Mr. Anderson acting in any sort of way? What
19 was his demeanor?

20 A. He was very confused, excited, delirious at times.
21 I thought he may have been impaired on something.

22 Q. Okay.

23 A. Because just the way he was acting.

24 Q. Right.

25 A. A lot of his statements, the things he was

1 saying, were either inaudible or I couldn't comprehend
2 what he was saying, based upon how he was saying it.

3 Q. Gotcha. So you put, in fact, in your report that
4 you believed he was intoxicated, based on what you saw?

5 A. Yes.

6 Q. Okay.

7 A. I think impaired may have been better.

8 Intoxication is -- generally, if I put intoxication,
9 intoxication is usually based on alcoholic beverage. I
10 never smelled any alcoholic beverage on this person.

11 Q. Oh, okay. So when you get there, is -- you said
12 Wrenshad Anderson was excited, he's upset, everything.
13 What do -- do you try to speak with him?

14 A. Yes. I try to calm him down first.

15 Q. Okay. So you try to calm him down. Does he
16 finally calm down enough for you to talk to him?

17 A. Yes, he does.

18 Q. How long does that take?

19 A. Three or four, five minutes.

20 Q. Okay.

21 A. It takes a little bit because I'm -- I'm -- I'm
22 still allowing him to talk on the phone, because he --
23 well, I say allow. I don't think I'd have been able to
24 stop him, so I continued to let him do so.

25 Q. Gotcha. So when you get there, he's on the phone,

1 and he's speaking with people. Was he calling -- you
2 don't know who he was talking to?

3 A. No, I don't.

4 Q. But he is on the phone?

5 A. Yes.

6 Q. Pretty much the whole time when you get there for
7 that period?

8 A. First five minutes or so, yes.

9 Q. All right. After that, you -- what do you do next
10 when he finally calms down?

11 A. When we were able to get him calmed down, --

12 Q. Um-hmm.

13 A. -- and he was showing us where things had
14 happened.

15 Q. Okay. When you say where things have happened, do
16 you walk the scene with him?

17 A. Yes, yes, yes.

18 Q. Okay. So he walks you to where he says he
19 believes the shooters were?

20 A. Correct.

21 Q. And when he does that, where do you -- you go with
22 him and you start looking for any kind of evidence?

23 A. Correct.

24 Q. Were you able to identify any location where Mr.
25 Freeman may have been hit? Were there blood spots or

1 anything like that?

2 A. Yes, yes. Around the corner. I cannot remember
3 the name of the nail salon, but behind that store there
4 were three large spots of blood, one being pretty close
5 size of a basketball. I'd describe a fairly large
6 circular spot and two other spots of blood, and that was
7 where the deceased later -- the deceased fell.

8 Q. Okay.

9 A. I can imagine.

10 SOLICITOR HOLLEN: May I approach the witness, your
11 Honor?

12 THE COURT: You may.

13 BY SOLICITOR HOLLEN:

14 Q. I'm going to hand you, Lieutenant Ginn, what's
15 already been entered into evidence as State's Exhibit
16 Number 2, and I'm going to ask if you recognize that.
17 So take a look at that for me.

18 A. Yes, I do.

19 Q. Now, is that the scene, or picture of the scene
20 from some point later?

21 A. Yes, yes.

22 Q. Okay. So you get there, he's showing you -- he
23 finally calms down, he walks to show you where he
24 believes the shooters were coming from, or where they
25 shot from? Do you mind --

1 SOLICITOR HOLLEN: Your Honor, may I ask him to
2 step down just briefly?

3 THE COURT: You may step down, sir, if you'd like.

4 A. Thank you.

5 BY SOLICITOR HOLLEN:

6 Q. Tell you what. Here's the pointer for you. Can
7 you --

8 MR. PLEXICO: Can I move, your Honor, so --

9 THE COURT: Of course, sir.

10 BY SOLICITOR HOLLEN:

11 Q. All right. So when you get there, where --

12 MR. PLEXICO: May my client come over and see
13 where he's pointing at? She can just stand here so she
14 can see.

15 THE COURT: She can come stand next to you.

16 BY SOLICITOR HOLLEN:

17 Q. All right. When you get there, where is Mr.
18 Anderson standing, and is he speaking with Mr. Wells
19 when you get there?

20 A. I think Mr. -- Officer Wells is trying to calm him
21 down, but he's very nervous. But they were in this area
22 here.

23 Q. Okay.

24 A. Best I can remember.

25 Q. Right. Okay. And is there -- did you notice a

1 blood spot somewhere further behind that building?

2 A. It was somewhere around in here.

3 Q. When he's -- when you're asking him to show you
4 where the shooters were coming from, you walked the
5 length of that building and a little bit further?

6 A. About to the end of the building. I don't ever
7 recall going to both sides of the roadway over here.

8 Q. Yeah.

9 A. But we did search this area here.

10 Q. Okay.

11 A. We walked this area around. And if I'm correct, I
12 believe this is the trail here. May be further up.

13 That's it right here. Yeah. Yeah.

14 Q. Okay. So he indicated --

15 A. I was off a little bit, but yeah.

16 Q. So he indicated that the shooting was coming from
17 the area of the trail?

18 MR. PLEXICO: That's leading, your Honor. I
19 object.

20 SOLICITOR HOLLEN: Okay.

21 THE COURT: Sustained. Don't lead him.

22 BY SOLICITOR HOLLEN:

23 A. He was -- he was uncertain. He said he heard
24 rustling leaves, and he couldn't tell what side of the
25 road it came from.

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JOEY GINN - DIRECT - HOLLEN

1 Q. Gotcha.

2 A. So he was unsure what side.

3 Q. All right. He indicated -- how many shooters
4 did he indicate?

5 A. At the time, he kept saying two people.

6 Q. Two people.

7 A. All right.

8 A. And eight to ten shots is what he was saying.

9 Q. Okay. So he said eight ten shots. Thank you.
10 You may take the stand.

11 All right. Were you able to locate any shell
12 casings or any other evidence that night?

13 A. No, sir.

14 Q. And did you communicate that to anyone?

15 A. Lieutenant Litchfield.

16 Q. When you weren't able to locate any shell casings,
17 did you make any assumptions?

18 A. Yes, I did. Obviously, the first one that would
19 be logical was that a revolver was used, because shell
20 casings would not have been spent from the weapon. And
21 secondly, that if the shooter was further in the roadway
22 than what he originally thought, the shell casings would
23 have went further into the woods or the tall grass, and
24 I wouldn't be able to see them anyway.

25 Q. Okay. Did some family members arrive on scene?

1 A. Yes.

2 Q. Family members of who?

3 A. Davonte.

4 Q. Davonte. And did you speak to them?

5 A. I spoke to just about every one of them.

6 Q. And did you speak again with Wrenshad Anderson?

7 A. Yes.

8 Q. Did you do anything about marking off or putting
9 up crime scene tape at the scene?

10 A. No, I did not.

11 Q. And is there a reason you didn't do that?

12 A. I cannot remember at what point I had -- not long
13 after I got on the scene of this, we actually had
14 another call come out where someone was alleging that a
15 firearm had been presented at them. Actually, at a gas
16 station just a couple hundred yards away from our
17 current location.

18 Q. Okay. So you got a call while you were out there.
19 Did you communicate -- you said you spoke to Lieutenant
20 Litchfield. Is that right?

21 A. Yes.

22 Q. All right. Did you communicate any information to
23 him before going to this other call?

24 A. Yes.

25 Q. And so, did you leave the scene before he got

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JOEY GINN - DIRECT - HOLLEN

1 there? After he got there? At what point did you leave
2 the scene?

3 A. Before, before.

4 Q. So you left before he got there. Did you have any
5 information that he was on his way to that scene?

6 A. Once he was on his way, yes, I did.

7 Q. Okay. And did you -- let me ask you this. How
8 many people, how many officers were on duty for the
9 Ridgeland Police Department that night?

10 A. At 7:00 o'clock that night, we have three. One at
11 the time of this incident was actually on the way to
12 transport juveniles that were involved in an incident
13 prior to this one to Columbia. And so, there was two
14 more after that one.

15 Q. So two available officers at the scene when this
16 happened?

17 A. Correct.

18 Q. Did you, after you went to the scene of the
19 pointing the firearm, did you go back to the scene of
20 the shooting?

21 A. Yes, I did.

22 Q. And what did you do when you got back there?

23 A. I continued to look again, and found nothing of
24 evidentiary value.

25 Q. Were any other --

1 A. There was no -- no -- there was no other people
2 there.

3 Q. Okay.

4 A. And then I left after that, immediately
5 afterwards.

6 Q. You said -- I'm sorry, I didn't mean to interrupt
7 -- you said there were no other people there. Were
8 there any other officers on the scene when you got back
9 there?

10 A. No -- or I think Wells was still there. I can't
11 -- I can't recall, because I left a couple of times.

12 Q. Okay. Because of that other call being in close
13 proximity, I went and checked on it at one point, and
14 came back and left again, and actually tried to make
15 contact with the complainant at their residence.

16 Q. Of the pointing?

17 A. Yes.

18 Q. The firearm?

19 A. Yes.

20 Q. All right. So did you see Lieutenant Litchfield
21 that night

22 A. Yes.

23 Q. You did see him. At that scene of the shooting?

24 A. Um-hmm. Yes.

25 Q. Did you explain to him where Mr. Anderson --

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JOEY GINN - CROSS - PLEXICO

1 A. Yes, I did.

2 Q. -- indicated where the shots came from? Is there
3 anything that probably that you should have done at the
4 scene as far as securing it or anything differently,
5 your protocol?

6 A. Oh, yes, yes.

7 Q. Why didn't you do it?

8 A. Unlike most scenes, this one was very calm. I
9 think everyone there was trying to provide information
10 instead of causing a problem for us.

11 Q. Okay.

12 A. Everyone knew to stay here, don't go here, and we
13 did not have any problems at all with anybody on the
14 scene.

15 Q. So basically, what you saw that night, people were
16 listening to your instructions?

17 A. Very much so.

18 Q. All right, Lieutenant. I don't have anything
19 further for you right now. Answer anything Mr. Plexico
20 has. Okay?

21 A. Yes, sir.

22 LIEUTENANT JOEY GINN

23 CROSS-EXAMINATION BY MR. PLEXICO:

24 Q. Okay. Your first involvement in this case was you
25 got a radio message from Officer Wells, correct?

- 1 A. Part of that was from Dispatch.
- 2 Q. Okay. All right. What were you requested to do?
- 3 A. As with any call we get, the dispatchers respond
- 4 because some -- some incident has occurred.
- 5 Q. Okay. And did you, as a result of that, were you
- 6 looking for Peanut and Dre at the Siesta?
- 7 A. I was looking for two unknown people dressed in
- 8 all black at this point.
- 9 Q. Okay. You have listened -- did you -- this case
- 10 is about two years old, correct?
- 11 A. (NO VERBAL RESPONSE.)
- 12 Q. All right. Did you review --
- 13 COURT REPORTER: I'm sorry, a verbal?
- 14 A. I'm sorry. Yes.
- 15 THE COURT: Thank you.
- 16 BY MR. PLEXICO:
- 17 Q. Did you review the case notes? You knew the trial
- 18 was coming up this week, correct?
- 19 A. Yes, sir.
- 20 Q. And did you review your case notes in preparation
- 21 for the trial to refresh your memory?
- 22 A. Yes, sir, I did.
- 23 Q. Okay. Did you look at any of the video in regards
- 24 to refreshing your memory, to bring it back to you so
- 25 you could testify?

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JOEY GINN - CROSS - PLEXICO

1 A. Some. Some I didn't.

2 Q. All right. So there was -- are you saying there
3 was not a call and you were not told to look for Peanut
4 and Dre?

5 A. Once I was on scene, I was given those two names.
6 And I say scene, at the Siesta.

7 Q. All right. Were you -- did you review any of the
8 Dispatch transcripts to prep for this trial?

9 A. No, sir, I did not look at those.

10 Q. Okay. All right. So who were you looking for
11 over at the -- over at the Siesta?

12 A. I was instructed by Officer Wells that it was two
13 unknowns dressed in all black.

14 Q. Okay. So they could have been Asian, they could
15 have been Hispanic, they could have been white, they
16 could have been black. Is that correct?

17 A. Yes.

18 Q. Did you radio back for a better description of who
19 to look for?

20 A. No, not at that time.

21 Q. Okay. Were you looking for someone on foot?

22 A. That's what I was told, yes.

23 Q. Okay. And as a matter of fact, the transmission
24 was on foot, on foot, when you require -- when you
25 inquired. Is that correct?

1 A. Yes. And headed to the location that I went to,
2 eventually got to.

3 Q. So when you arrived at the KFC, were any family
4 members there already by the time you got there?

5 A. I don't recall, but I think there was a couple at
6 this point.

7 Q. How large did the crowd grow to?

8 A. I'm thinking around fifteen people at the -- at
9 the most.

10 Q. Okay. So --

11 A. I didn't take an exact count, but you know, just
12 to guess, more or less, it probably could have been a
13 little less. Probably not more than fifteen.

14 Q. All right. And you only got the name of one
15 person who was there, correct? One of those family
16 members. Is that correct?

17 A. I don't recall if it -- I don't know which one it
18 was.

19 Q. Okay. Do you have a list of those fifteen family
20 members who were there?

21 A. No, I do not.

22 Q. Okay. When you arrived, wasn't Wrenshad Anderson,
23 the individual seated right here in the blue over-shirt,
24 wasn't he talking on his cell phone and talking to these
25 other people?

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JOEY GINN - CROSS - PLEXICO

1 A. I don't know who he was talking to.

2 Q. Okay. He was talking to a lot of people. Is that
3 correct?

4 A. He made several calls. I think his phone rang,
5 and he made calls at that point.

6 Q. Okay. All right. You wrote that you felt as if
7 Anderson was impaired as he spoke on the phone, based on
8 his slurred speech, his unsteadiness, and you said
9 delirious was the way he was behaving?

10 A. Yes.

11 Q. Okay. All right. And in front of you, he said it
12 was Peanut and Dre. Is that correct? Who were the
13 suspects you all were looking for?

14 A. If that's what it says in my narrative.

15 Q. Well, I'm asking you what do you remember, since
16 you refreshed yourself?

17 A. Yes.

18 Q. Okay. All right. You said you did not have a
19 list of the fifteen people who were there?

20 A. No.

21 Q. Okay. All right. Did some of them actually
22 refuse to give you their name?

23 A. Yes.

24 Q. Okay. So they were not exactly being cooperative,
25 correct?

1 A. They did not want to be involved.

2 Q. Okay.

3 A. But they were being cooperative because they
4 stayed back as I asked.

5 Q. When you go to a crime scene, particularly a
6 murder scene, and you're law enforcement, correct?
7 Correct?

8 A. What's that?

9 Q. When you go to a murder scene, of law enforcement,
10 you're in charge, correct?

11 A. Yes.

12 Q. All right. When you go to that scene, you take
13 charge, correct?

14 A. Yes.

15 Q. And if you see particularly a serious crime, such
16 as murder, you gather data which may, at some point in
17 time, help the State solve that particular serious
18 crime, correct?

19 A. Yes.

20 Q. All right. Now, as part of your duty to take
21 charge and preserve evidence, do you normally get the
22 names of all of the people who are on the crime scene?

23 A. I felt as if just the people there were not on the
24 crime scene, because where they were located was not --
25 had anything to do with where the incident occurred.

1 Q. Well, some of them were discussing the matter with
2 Wrenshad Anderson, correct?

3 A. Like I said, I -- I couldn't understand what he
4 was saying, and I did not know who he was speaking to.

5 Q. Okay. All right. And people on the scene were
6 talking to him, correct?

7 A. I don't recall.

8 Q. All right. Was it pretty chaotic at times
9 controlling the crowd?

10 A. It could have been, yes.

11 Q. Okay. Was it pretty chaotic -- that would be a
12 yes or a no -- at times controlling the crowd?

13 A. No, because like I said, once I told them what I
14 needed them to do, they listened.

15 Q. So you mean fifteen people showed up, none of them
16 talked to him?

17 A. I don't know. I couldn't keep my eyes on him at
18 all times, obviously.

19 Q. Okay. All right. Okay. So you don't know is the
20 answer. Okay. All right. Do you have a dashcam on
21 your car? Did you have a dashcam on your car?

22 A. The vehicle I was in, yes.

23 Q. Okay. All right. Did you get any recordings off
24 of that that had audio?

25 A. I don't recall.

1 Q. Okay. All right. Now, you described Mr. Anderson
2 as delirious and impaired. Is that correct?

3 A. I think I stated earlier he was delirious.

4 MR. PLEXICO: May I approach the witness and
5 retrieve an exhibit? Okay. Could I get you all to turn
6 it up?

7 THE COURT: Yes.

8 MR. PLEXICO: Display it on this Exhibit 2.

9 BY MR. PLEXICO:

10 Q. All right. And you were saying that he said the
11 shots came from over here somewhere. Is that correct?

12 A. I think you're pointing a little further back.

13 Q. All right.

14 A. It would've been about even with the rear of the
15 building.

16 Q. About here is where he said -- you saw those
17 shells there.

18 A. No, sir.

19 Q. Okay. All right. And the path going to the
20 apartments is right here, approximately right there?

21 A. Yes, approximately.

22 Q. Okay. So either -- so the person -- the
23 assailants could have come off the path and then fired?

24 A. Anything is possible.

25 Q. All right. And when did the firing start? What

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1 did Wrenshad Anderson say? Were they halfway up, three-
2 quarters of the way up? When did the firing start?

3 SOLICITOR HOLLEN: Your Honor, I'm going to
4 object. Mr. Anderson is the one. That's hearsay.

5 MR. PLEXICO: Well, I mean, they're going to put
6 him up, and this is what -- the accuser.

7 THE COURT: To see if he remembers, he can tell
8 you.

9 BY MR. PLEXICO:

10 Q. All right. He gave you a statement. Wrenshad
11 Anderson gave you a statement that he was being shot at?

12 A. Um-hmm. Yes.

13 Q. He was walking along from here, headed toward this
14 point, correct?

15 A. Yes.

16 Q. At what point did he tell you that he was being
17 shot at? Halfway? Three-quarters?

18 A. I -- I don't remember the exact moment or the
19 exact point, whether halfway, three-quarter, but it was
20 between the trail and the corner of the building that
21 was nearest us in the picture.

22 Q. That would be this trail?

23 A. No, the trail that he came out of.

24 Q. No, this trail. That trail.

25 A. What is referred to as Ho Chi Minh Trail.

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JOEY GINN - CROSS - PLEXICO

1 Q. The what?

2 A. It's called the Ho Chi Minh Trail.

3 Q. The Ho Chi Minh Trail?

4 A. Well, whatever it's --

5 Q. From Vietnam.

6 A. Yes.

7 Q. Thank you. All right. Suffice it to say, that
8 would be a danger, the Ho Chi Minh Trail in Vietnam
9 would be a dangerous trail to be on, particularly if you
10 were being bombed by the Americans, correct?

11 A. I wasn't there. I don't know.

12 Q. Well. So you're kind of taking your life in your
13 own hands if you're running arms and ammunition on the
14 Ho Chi Minh Trail over here.

15 SOLICITOR HOLLEN: Objection, your Honor.
16 Speculation.

17 THE COURT: Let's just ask him a specific question.

18 BY MR. PLEXICO:

19 Q. So there is a lot of crime that originates back in
20 this area. Wouldn't that be fair to say that's a high-
21 crime area back along that trail?

22 A. We -- we get very few reports about that trail.

23 Q. You've gotten shootings back there before, haven't
24 you?

25 A. I don't know. I'd have to go back and look.

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JOEY GINN - CROSS - PLEXICO

1 Q. All right. But that's a well-known, well-worn
2 path, correct?

3 A. Yes. People use it to go from the apartments to
4 Adams Street.

5 Q. And this is practically a ditch dug, it's so deep,
6 right? I mean, it's notably worn down, it's well-worn?

7 A. There's -- well, there's no grass growing on it.
8 How worn it is I don't know.

9 Q. All right. But you found no forensic evidence or
10 anything of value. Is that correct?

11 A. Yes.

12 Q. No footprints that you wanted to record?

13 A. No.

14 Q. There was no physical evidence you wanted to keep?

15 A. No, sir.

16 Q. Okay. All right. And you all used your
17 flashlights so you could see well out there?

18 A. Yes, sir.

19 Q. Okay. All right.

20 MR. PLEXICO: I don't have anything further.

21 SOLICITOR HOLLEN: And I don't have anything
22 further. I'd ask that he be excused.

23 THE COURT: Lieutenant Ginn, you may be excused,
24 sir. Thank you. And I think now is a very good time
25 for lunch, ladies and gentlemen. By the clock in the

1 that chair.

2 DEMITRIA WILLIAMS

3 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

4 Q. Good morning, Ms. Williams, for another minute.

5 A. Good morning.

6 Q. Ms. Williams, where are you from?

7 A. Tarboro, South Carolina.

8 Q. Tarboro, South Carolina. Okay. And Ms. Williams,
9 did you know the victim in this case, Devonte Williams?

10 A. Yes, sir.

11 Q. How did you know him?

12 A. That's my child father.

13 Q. He's the father of your child?

14 A. Yes, 'sir.

15 Q. How old is your child?

16 A. My son is one years old.

17 Q. One year old at the time of this incident, doing
18 my math, you were pregnant?

19 A. Yes, sir. Two months.

20 Q. You were two months pregnant at the time this
21 happened. Okay. Ms. Williams, do you remember being
22 interviewed awhile back, or shortly after this incident,
23 by Lieutenant Litchfield of the Ridgeland Police
24 Department?

25 A. Yes, sir.

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DEMITRIA WILLIAMS - DIRECT - HOLLEN

1 Q. Let me ask you this. Were you at the Siesta Motel
2 or at the scene of this shooting, either one, on the
3 night that this happened?

4 A. When he got killed, no, sir.

5 Q. So you weren't at the Siesta?

6 A. No, sir.

7 Q. And you weren't behind the KFC?

8 A. No, sir.

9 Q. Do you remember talking about an incident that you
10 witnessed between Mr. Freeman and the defendant, Aneisha
11 Young?

12 A. Yes, sir.

13 Q. Do you know Aneisha Young?

14 A. Yes, sir.

15 Q. How do you know her?

16 A. We went to school together.

17 Q. What kind of school? High school, grade school?

18 A. High school.

19 Q. You went to high school together.

20 A. Yes, sir.

21 Q. So you have known her for awhile, then?

22 A. Yes, sir.

23 Q. Do you remember talking about that incident?

24 A. Yes, sir.

25 Q. Can you tell us just a little bit? Do you know

1 what it was about?

2 A. Yes, sir.

3 Q. What was it about?

4 A. It was about she thought that Devonte Freeman --

5 MR. PLEXICO: Your Honor, unless she has personal
6 knowledge of what it was about, I would object to that.

7 THE COURT: Okay. You can testify to what you
8 know.

9 BY SOLICITOR HOLLEN:

10 A. Okay. She came to my house one morning. I forgot
11 about what time it was. She knocked on my door when me
12 and Devonte Freeman was living together at Siesta. She
13 knocked on my door, I opened my door, put a crack in my
14 door. She bulge her way in my house. Her and Devonte
15 Freeman was wrestling and tumbling and whatever, and I
16 had my uncle's son in the house with me. I ran to
17 Thomas Riley to get Thomas Riley. And Thomas Riley came
18 in the house, he broke the fight up, and then she dapped
19 Thomas Riley up, and said, don't worry about it, I got
20 it any -- I'll handle it. And she was going to kill
21 Davonte.

22 Q. Okay. When she came in, was she saying anything?

23 A. She was just like, oh, wake up, you p/u/s/s/y, get
24 him up, you know.

25 Q. Where was Devonte?

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DEMITRIA WILLIAMS - DIRECT - HOLLEN

1 A. In the bed asleep.

2 Q. He was in the bed asleep?

3 A. Yes, sir.

4 Q. Did she do anything when she came in?

5 A. She tried going through his pants pockets on the
6 -- on the floor by the bed.

7 Q. Did she say anything while she was picking up his
8 pants or anything?

9 A. She was just like, that N has some of her money.

10 Q. So this was about money?

11 A. Yes, sir.

12 Q. Okay. Do you remember about how long before
13 Devonte was killed that this took place?

14 A. I would say like a couple of weeks, or -- I'm not
15 sure. I think about a couple weeks or a month, I'd say
16 around.

17 Q. Okay. So a couple weeks to a month before is when
18 this happened?

19 A. Yes, sir.

20 Q. Now, Ms. Williams?

21 A. Yes, sir.

22 Q. Do you have any other information? Did you see
23 anything else? You weren't at Siesta, right?

24 A. That's all that I know of what I seen when she
25 came to the house.

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DEMITRIA WILLIAMS - CROSS - PLEXICO

1 Q. That's all you saw?

2 A. Yes, sir.

3 Q. Okay. That's all I have for you, Ms. Williams.

4 A. Okay.

5 Q. Thank you.

6 A. Thank you.

7 DEMITRIA WILLIAMS

8 CROSS-EXAMINATION BY MR. PLEXICO:

9 Q. All right. Did the police come and investigate --
10 did the police come and investigate that?

11 A. I'm sorry?

12 Q. Did the police come and talk to Devonte about the
13 stealing?

14 A. No, sir.

15 Q. Okay. But they have talked to him about stealing
16 before. Is that correct?

17 SOLICITOR HOLLEN: Objection, your Honor.

18 MR. PLEXICO: This is about the decedent, your
19 Honor.

20 SOLICITOR HOLLEN: It's the character of the
21 decedent.

22 MR. PLEXICO: He's open game.

23 THE COURT: Okay. If she has any knowledge of it,
24 she can testify to it.

25 BY MR. PLEXICO:

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- 1 A. What was the question?
- 2 Q. Had the police talked to him about stealing
- 3 before?
- 4 A. Not to my knowledge.
- 5 Q. Okay. Did he ever use any drugs?
- 6 A. No, sir. As -- he used to smoke weed.
- 7 Q. Excuse me?
- 8 A. He smoked -- he smoked reefer.
- 9 Q. I cannot understand. Say it again.
- 10 A. He used to smoke reefer.
- 11 Q. He used to smoke -- that would be marijuana?
- 12 A. Right.
- 13 Q. Okay. All right. Now, and you have never known
- 14 him to do any other drug at all? Is that correct?
- 15 A. Not in front of me.
- 16 Q. All right. Now, do you know -- you know -- you
- 17 know Dre?
- 18 A. I do.
- 19 Q. And who is Dre?
- 20 A. He's a friend, was a friend to Devonte and
- 21 Wrenshad.
- 22 Q. Okay. Is that Keandre Frazier?
- 23 A. Yes, sir, it is.
- 24 Q. Okay. And Dre, does Dre date Tynisha?
- 25 A. Excuse me?

- 1 Q. Who does Dre date?
- 2 A. Nobody.
- 3 Q. Doesn't he have a Tynisha that he dates and sees?
- 4 A. No. They was friends, never dated.
- 5 Q. Okay. All right. What is her name? Who was the
- 6 friend that you're referring to?
- 7 A. I mean, he was cool with all the family. He was
- 8 friends with all the family. Are you talking about
- 9 Tynisha Jones?
- 10 Q. Yeah.
- 11 A. Oh, they was friends.
- 12 Q. Okay. All right. And did they ever live
- 13 together, have children together?
- 14 A. No, sir, they don't.
- 15 Q. Okay. But Tynisha Jones?
- 16 A. Yeah, that's her name.
- 17 Q. Okay. All right. And Devonte was involved with
- 18 or knew about several murders, correct?
- 19 A. Okay.
- 20 SOLICITOR HOLLEN: Objection, your Honor. I don't
- 21 know how -- I don't know whether this is -- how it's
- 22 relevant.
- 23 THE COURT: Okay. I don't either.
- 24 MR. PLEXICO: Well, she's trying to say -- he's
- 25 trying to say that my client had a motive, and I'm

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1 trying to point out that other people had a motive, to.

2 THE COURT: And you don't need to argue in front of
3 the jury, sir. You can ask her a question, and she can
4 answer whether or not she knows the answer.

5 BY MR. PLEXICO:

6 Q. Was he involved in other murders?

7 A. He wasn't.

8 Q. Okay. Did he know about other murders?

9 A. Not of my knowledge. I mean, what are you trying
10 to get at?

11 Q. How long have you known him?

12 A. I've known him since I was sixteen.

13 Q. Okay. How long have you had a close, personal
14 relationship?

15 A. Since we was sixteen. Since I was sixteen.

16 Q. And you know of no others. Do you know any reason
17 anybody would have dislike Devonte?

18 A. I mean, plenty of people disliked him, but what
19 are you trying to get at with this? That's a question
20 to ask.

21 Q. I'm asking why they disliked him.

22 A. The question is why didn't they?

23 Q. You don't know.

24 A. I don't.

25 Q. Oh, okay. All right. So he was just a fine,

1 upstanding guy, as far as you know?

2 A. As far as I know. What are you trying to get at?

3 Q. Excuse me. I don't --

4 A. What are you trying to get at?

5 Q. I don't understand what you're talking about.

6 A. I said, what are you trying to get at with this,
7 with the question you're asking me.

8 Q. What did you say before that?

9 TALKING OVER EACH OTHER.

10 COURT REPORTER: I'm sorry, one at a time, please.

11 A. I'm asking you, what are you trying to get at with
12 this? That don't have nothing to do with this murder
13 case.

14 Q. Okay. I'm trying to find out why other people
15 didn't like him.

16 THE COURT: Is there a question to that, Mr.
17 Plexico?

18 MR. PLEXICO: Yes, yes.

19 THE COURT: What is it?

20 MR. PLEXICO: Well, she says she doesn't know. I
21 don't guess I have anything else to ask her, Judge.

22 BY MR. PLEXICO:

23 A. Okay. Thank you.

24 THE COURT: Mr. Hollen? Anything?

25 SOLICITOR HOLLEN: Very briefly, your Honor.

1 DEMITRIA WILLIAMS

2 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

3 Q. Ms. Williams, who is Tynisha Jones?

4 A. That's his -- they call each other sisters, but
5 they're really cousins. She's back there.

6 Q. Okay. So she was a close family to Devonte?

7 A. Yes, sir.

8 Q. All right. So that's clear. You said something
9 about a dap? You said dap. Somebody dapped? What's
10 that?

11 A. Yeah. He -- that's right. She dapped him. Yes.
12 Yes, sir.

13 Q. Okay. I just wanted to make sure that was clear.

14 A. Yes, sir.

15 Q. Now, what did Ms. Young say when she was -- and
16 who did she dap?

17 A. Thomas Riley.

18 Q. She dapped Thomas Riley?

19 A. Yes, sir.

20 Q. And what did she say to him?

21 A. She said, don't worry about it, I'll handle it.

22 Q. Okay.

23 A. Yes, sir.

24 Q. Thank you, Ms. Williams. That's all I've got.

25 A. Okay. Thank you.

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1 THE COURT: Anything else?

2 MR. PLEXICO: Just briefly.

3 DEMITRIA WILLIAMS

4 RE-CROSS EXAMINATION BY MR. PLEXICO:

5 Q. When every did this -- could this happen months
6 before? A number of months?

7 A. A couple weeks or a month. I don't reco -- I
8 don't recommend when it happened, but it happened around
9 that time he got killed on April 30th.

10 Q. Okay. But it was a week? Weeks to a month before
11 that?

12 A. I don't recall when it was. I didn't look at the
13 date when it happened, sir.

14 Q. Did you report it to the police?

15 A. Did I report it to the police?

16 Q. Yes.

17 A. We did not call the police.

18 Q. Oh.

19 A. Okay.

20 THE COURT: Anything else?

21 MR. PLEXICO: I don't have anything further.

22 THE COURT: Mr. Hollen?

23 SOLICITOR HOLLEN: No, your Honor.

24 THE COURT: All right. Any objection to this
25 witness being excused?

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1 SOLICITOR HOLLEN: None, your Honor.
2 MR. PLEXICO: None, your Honor.
3 THE COURT: Ms. Williams, you're excused.
4 A. Thank you.
5 THE COURT: Call your next witness.
6 SOLICITOR HOLLEN: Next call Bernard Seabrooks.
7 MADAM CLERK: Come right around.
8 THE COURT: Come on forward, sir.
9 MADAM CLERK: Raise your right hand and place your
10 left hand on the *Bible*. Do you swear the testimony
11 you're about to give the Court to be the truth, the
12 whole truth, and nothing but the truth, so help you God?
13 COURT REPORTER: I'm sorry, I didn't hear your
14 answer. I didn't hear your answer to her question.
15 BERNARD SEABROOKS: Yes, ma'am.
16 COURT REPORTER: Thank you.
17 BERNARD SEABROOKS: Yes, ma'am.
18 THE COURT: Come on around, sir.
19 MADAM CLERK: You can adjust that chair and the
20 mic.
21 BERNARD SEABROOKS
22 DIRECT EXAMINATION BY SOLICITOR HOLLEN:
23 Q. Good afternoon, Mr. Seabrooks.
24 A. How are you doing?
25 Q. Good. How are you?

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1 A. I'm okay.

2 Q. Good. Mr. Seabrooks, where are you from,
3 originally?

4 A. I'm originally from South -- South Carolina, right
5 here.

6 Q. This area.

7 A. Ridgeland.

8 Q. Okay. Where were you living in April of 2016?

9 A. Siesta.

10 Q. You were living out at Siesta Motel?

11 A. Yes, sir.

12 Q. How long did you live there?

13 A. Oh, about a -- about a year.

14 Q. You lived there about a year?

15 A. About a year.

16 Q. And you were living there, you said, April 2016?

17 A. Yes, sir.

18 Q. Do you know the victim in this case? Did you know
19 Davonte Freeman?

20 A. Yes, I did.

21 Q. Did you know Eric Darien?

22 A. I know of him.

23 Q. Peanut? You know of him?

24 A. Yeah, yeah.

25 Q. Okay. So were you at the Siesta on the night of

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1 April 29th and April 30, 2016, the night that Davonte
2 was killed?

3 A. Yes, sir.

4 Q. You were? Okay. What were you doing at the
5 Siesta that night? You were living there, but what were
6 you doing?

7 A. Just playing cards.

8 Q. So you were hanging out playing cards?

9 A. Yes, in my house.

10 Q. You're at your house.

11 A. In my house.

12 Q. Who all was in your house hanging out that night?

13 A. See, that -- see, that, I can't tell you.

14 Q. Right.

15 A. Because it was just open.

16 Q. So were there a lot of people inside and out?

17 A. Yes. Yeah.

18 Q. Did Davonte come and go?

19 A. Yes, he did.

20 Q. Did Wrenshad Anderson come and go?

21 A. Who is that?

22 Q. Wrenshad. Wrenshad Anderson, Kwame.

23 A. Oh, yeah, he came in.

24 Q. Davonte's brother?

25 A. Yeah.

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1 Q. You know him?

2 A. Yes.

3 Q. Okay. So you all were hanging out at your house.
4 At some point, did you see Mr. Keith Horton?

5 A. Yes, later on that night.

6 Q. Okay. So when you're in your house, how did you
7 come into contact with Keith Horton?

8 A. Someone came out and told me that he wanted to see
9 me.

10 Q. Okay. And what did you do then?

11 A. I came down and saw him.

12 Q. And you talked to Mr. Horton?

13 A. Yes, I did.

14 Q. Did he ask you to do anything?

15 A. He asked me was he -- Davonte up in my house.

16 Q. Gotcha. And was Davonte up in your house?

17 A. Yes, he was.

18 Q. So what did you do?

19 A. I went and told Davonte to come, he want to see
20 me.

21 Q. Okay. So you went up and sent Davonte down to see
22 Mr. Horton?

23 A. Yes, sir.

24 Q. Mr. Horton, did he ever get out of his car?

25 A. No, he didn't.

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- 1 Q. Do you know what he drove, Mr. Horton?
- 2 A. Pickup truck, Chevy pickup.
- 3 Q. Pickup truck?
- 4 Q. So he sat in his car?
- 5 A. Um-hmm.
- 6 Q. What did he do when he was sitting in his car?
- 7 A. He was just talking.
- 8 Q. Talking to Davonte?
- 9 A. Yes, sir.
- 10 Q. Did anyone else, when Davonte went down to talk to
- 11 Mr. Horton, did anybody go with him that you saw?
- 12 A. No. No.
- 13 Q. Did you see at any point Eric Darien or Peanut
- 14 talking to Mr. Horton?
- 15 A. Well, they -- well, he went down there, and they
- 16 was down there together, you know.
- 17 Q. Okay. So --
- 18 A. But I don't know who they were talking with, but
- 19 they was down there. He went downstairs.
- 20 Q. Peanut did?
- 21 A. Yeah.
- 22 Q. Did he go down with Davonte?
- 23 A. No. I can't say they went together, no.
- 24 Q. All right. But that he went down. Did you see
- 25 Peanut or Eric Darien talking to Mr. Horton with

1 Davonte?

2 A. No. No, sir.

3 Q. All right. But you saw them go down about the
4 same time?

5 A. Yeah, yeah, that's right.

6 Q. Anybody else that you saw that was hanging out in
7 your house that night? What are the names of some other
8 people that were there?

9 A. Well, see, it was just --

10 Q. Just in and out?

11 A. Yeah, right. And I'm playing cards, so I'm not
12 really paying attention, so.

13 Q. Gotcha. So the only thing you really know is that
14 Davonte went and talked to Mr. Horton. Is that right?

15 A. Yes.

16 Q. And you said that Peanut went down about the same
17 time?

18 A. Yeah.

19 Q. All right. I don't have anything further for you,
20 Mr. Seabrooks.

21 A. Okay.

22 Q. Answer anything that Mr. Plexico has. Okay?

23 A. All right.

24 BERNARD SEABROOKS

25 CROSS-EXAMINATION BY MR. PLEXICO:

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SEABROOKS - CROSS - PLEXICO

1 Q. You did say he went down about the same time. You
2 really don't know when Peanut went down. They were just
3 both down there together, you think, at some point?

4 A. Yes.

5 Q. They both left. And you don't know what they were
6 doing? You don't know if he talked to Mr. Horton or he
7 went down the road or?

8 A. No. Talking to Mr. Horton.

9 Q. You saw Davonte talking to Mr. Horton.

10 COURT REPORTER: One at a time, please. Would you
11 answer again? You saw Davonte what?

12 A. Talking to Mr. Horton.

13 Q. Okay.

14 Q. Okay. And you don't know what happened to Peanut.

15 A. No, sir.

16 Q. Okay.

17 A. No, sir.

18 MR. PLEXICO: I don't have anything further.

19 THE COURT: Anything further?

20 SOLICITOR HOLLEN: No, your Honor. I'd ask he be
21 excused.

22 THE COURT: Mr. Seabrooks, you're excused, sir.

23 Thank you.

24 BERNARD SEABROOKS: Thank you, ma'am.

25 THE COURT: Okay. Call your next witness.

3-13-18 STATE V. YOUNG KEITH HORTON - DIRECT - HOLLEN

1 SOLICITOR HOLLEN: Keith Horton.

2 MADAM CLERK: Raise your right hand and place your
3 left hand on the *Bible*. Is the testimony you're about
4 to give the Court the truth, the whole truth, and
5 nothing but the truth, so help you God?

6 KEITH HORTON: I do.

7 MADAM CLERK: Come right around and have a seat in
8 the witness chair. You can adjust that chair and the
9 mic.

10 KEITH HORTON

11 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

12 Q. Good afternoon, Mr. Horton.

13 A. Good afternoon.

14 Q. Mr. Horton, what do you do for a living?

15 A. Real estate agent and property manager for Siesta
16 and Palms Motel.

17 Q. So you are a property manager for the Siesta
18 Hotel. Do you recall the evening/morning hours of April
19 30, 2016?

20 A. Yes.

21 Q. For lack of a better term, you may not know the
22 date, but do you remember the Day Davonte Freeman was
23 killed?

24 A. Yes.

25 Q. Did you know Davonte Freeman?

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1 A. Yes.

2 Q. How did you know him?

3 A. From coming up to the Siesta. He had rented from
4 us at times, and he had been a regular up there.

5 Q. So you knew him?

6 A. Yes, sir.

7 Q. The night that Davonte was shot and killed, did
8 you get a phone call?

9 A. Yes, sir. I was at home, received a phone call
10 probably around 11:00-ish, around that time.

11 Q. Okay.

12 A. Somewhere in that neighborhood. That something --
13 they were telling me that Davonte was on trespass notice
14 up there. He wasn't supposed to be up there. Received
15 a call that he was there and on the property. So I went
16 up there at that time.

17 Q. Okay. So Davonte was on trespass notice?

18 A. Yes.

19 Q. Is that something you took out?

20 A. Yes.

21 Q. Do you remember why?

22 A. There was an incident where he had got in trouble
23 a couple weeks ago with having a gun on the property.

24 Q. Okay. And so, you took out a no trespass where he
25 wasn't allowed up there?

1 A. Yes.

2 Q. Did he have family members that lived up there at
3 the time?

4 A. He had cousins, I think, that was up there, and
5 that's when he would always try to sneak in to go see
6 them.

7 Q. Gotcha.

8 A. It was a regular for him trying to sneak in.

9 Q. Okay. This call you got, what kind of phone did
10 you receive it on?

11 A. It was on my cell phone.

12 Q. And is that a number that's known to a lot of
13 people at the Siesta?

14 A. Everybody. That's their emergency contact number.

15 Q. Okay. So what hours can they contact you on that
16 phone?

17 A. Twenty-four hours a day.

18 Q. Twenty-four hours a day. So you received a phone
19 call on your cell phone. Was there a number or anything
20 that popped up on that call?

21 A. I think it was -- it was a blocked number -- it
22 was a blocked -- it wasn't a number with it, but it was
23 a female on the other end.

24 Q. So it was a female from a blocked number. And do
25 you recall what it said, what the phone call said?

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1 A. She told me that Davonte was up at the Siesta, and
2 I believe -- I can't remember exactly, but I believe she
3 told me which room he was in, which was Seabrooks'.

4 Q. All right. So what do you do as a result of that?

5 A. I got ready and rode up there. And when I pulled
6 up to the Siesta, I pulled up there in front of the
7 apartment where I was told he was at. I was met -- like
8 three people came up to the truck. One was female, one
9 was a male, and I'm -- I'm not sure if it's Seabrooks or
10 if it was somebody else came and he told me where he was
11 at. And I asked them if they'd go get him and have him
12 come and talk to me. He knew me. He was, you know,
13 wasn't going to be no issue with him coming to talk to
14 me.

15 Q. Gotcha. So you get up there, and you see a female
16 and a male, and maybe Mr. Seabrooks?

17 A. Yes, sir.

18 Q. Do you remember what the female or the male looked
19 like?

20 A. Pretty much the female, I do, she was a shorter
21 lady.

22 Q. Do you recognize her? Did you see her -- the
23 person you saw that night, do you see her in the
24 courtroom?

25 A. Yes, sir.

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1 Q. Can you point her out for us.

2 A. Her hair's different, but that's her.

3 Q. All right. So that is the female. What? You
4 said you saw her? Did she come and talk to you?

5 A. She came up to the truck and, like I said, three
6 of them, and she was the one walked up next to my truck.
7 There was like three or four of them when I pulled up
8 there, to let me know what was going on.

9 Q. Okay. And did she indicate anything about where
10 Davonte was?

11 A. They told me he was upstairs.

12 Q. They told you he was upstairs, so he comes down
13 and talks to you? Was he rude to you? Was he mean?

14 A. No, sir. Davonte was always very polite. We've
15 had our dealings. He was on trespass, but he was always
16 very polite. Yes-sir, no-sir person. I just explained
17 to him, we actually talked for probably hour, hour and a
18 half at least before about that he needed to straighten
19 up, that I wasn't going to be letting him up there.

20 Enough, enough. I realize his family was up there. He
21 wanted to see them, but a trespass notice is a trespass
22 notice. Had to stop or else, you know, we would have to
23 call the law and get him put in jail for it.

24 Q. All right. Did you start to call the police that
25 night?

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1 A. No, because he was -- Davonte was -- like I say,
2 he was always super nice, and he gave no -- it was yes,
3 sir, I realize I'm wrong, I will leave, and there was no
4 -- there was no disturbance or anything. He was willing
5 to leave. He knew he was in the wrong; he admitted he
6 was in the wrong; said he would leave; said he wouldn't
7 come back and everything, so.

8 Q. So did you see Davonte Freeman leave the Siesta
9 that night?

10 A. Yes, he left with his brother.

11 Q. Which way did they go?

12 A. When they went to the parking lot, if you're
13 facing out, mostly turn to the right, like you're
14 heading towards Main Street, downtown red light.

15 Q. All right. Did you see -- let me ask you this.
16 They were on foot?

17 A. They was on foot, yes, sir.

18 Q. Okay. Did you see -- you said you saw -- you
19 pointed out the defendant, Aneisha Young. Did you see
20 her leave that night?

21 A. Yeah, they left a little bit before Davonte. It
22 was her, and I believe two -- I know one gentleman. I
23 believe it was two gentlemens inside of the car that
24 left shortly before Davonte and his brother left.

25 Q. So Aneisha Young and a couple of other people that

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1 you couldn't recognize, you said gentlemen?

2 A. Yeah.

3 Q. But you don't know names or anything like that?

4 A. No, sir.

5 Q. So they left shortly before Davonte and Wrenshad
6 did?

7 A. Yes, sir.

8 Q. Do you remember what -- did they leave on foot?

9 A. No, they left in a car.

10 Q. Do you remember anything about the car?

11 A. It was a -- I believe it was a four-door car when
12 they left, and memory -- it was like a silver-grayish-
13 car thing, I believe.

14 Q. All right. Do you remember anything about the
15 sound of the car?

16 A. No, sir.

17 Q. Okay.

18 A. I was still sitting in my car, so I couldn't hear.

19 Q. You're still sitting in your car, and you saw --
20 do you see the person in the courtroom you saw leaving
21 in that car?

22 A. Yes. It's the same lady.

23 SOLICITOR HOLLEN: All right. Let the record
24 reflect he's identified the defendant, Ms. Young.

25 BY SOLICITOR HOLLEN:

3-13-18 STATE V. YOUNG KEITH HORTON - DIRECT - HOLLEN

1 Q. Anything else about this case that you know, Mr.
2 Horton?

3 A. No, sir, not really. Like I say, I was still up
4 there when we got the call that he was -- that somebody
5 had been shot behind the KFC and everything, and I went
6 and hung around. I was still on site whenever we got
7 the call from the police. I think the police department
8 came back over there.

9 Q. So you were at the Siesta when the call came in?

10 A. Yes, sir. I think the police came back up there,
11 and they were the one that told me that.

12 Q. So you spoke --

13 A. After he was shot.

14 Q. I'm sorry? You spoke with an officer that came to
15 the Siesta?

16 A. They send -- sent a police officer over.

17 Q. And he informed you of the situation?

18 A. Yes, sir.

19 Q. Anything you did after that, or did you go home?

20 A. I went around the shopping center, which is --
21 went on where he was shot. I went around there and I
22 spoke with his brother and family and stuff.

23 Q. Okay. So about, do you know how many people were
24 on scene, on the scene of that shooting, when you got
25 there?

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KEITH HORTON - CROSS - PLEXICO

1 A. Probably at least fifteen, twenty.

2 Q. Okay.

3 A. There was a good little crowd hanging around in
4 the front parking lot.

5 Q. Were there officers on that scene when you got
6 there?

7 A. Yes, sir. An ambulance was leaving when I got
8 there, and it just pulled off..

9 Q. Okay. All right. I believe that's all I have for
10 you. Answer anything Mr. Plexico has. Okay?

11 THE COURT: Mr. Plexico?

12 MR. PLEXICO: Court's indulgence.

13 KEITH HORTON

14 CROSS-EXAMINATION BY MR. PLEXICO:

15 Q. All right. So you believe that -- you said the
16 person you identified as my client left in a four-door
17 car with two gentlemen. Is that correct?

18 A. Yes, sir.

19 Q. All right.

20 A. I said I believe it was two gentlemen. I know it
21 was one gentleman. I believe it was two gentlemens.

22 Q. Okay. All right. Thank you.

23 SOLICITOR HOLLEN: Nothing further, your Honor. I
24 ask to be excused.

25 THE COURT: You're excused, Mr. Horton, sir.

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CEDRIC RILEY - DIRECT - HOLLEN

1 A. Thank you.

2 THE COURT: Your next witness.

3 SOLICITOR HOLLEN: Cedric Riley.

4 MADAM CLERK: Raise your right hand and place your
5 left hand on the *Bible*. Do you swear the testimony
6 you're about to give the Court be the truth, the whole
7 truth, and nothing but the truth, so help you God?

8 CEDRIC RILEY: Yes, ma'am.

9 MADAM CLERK: Come right around and have a seat in
10 the witness chair. You can adjust that chair and the
11 mic.

12 CEDRIC RILEY

13 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

14 Q. Good afternoon, Mr. Riley.

15 A. Yes, sir.

16 Q. You all settled in?

17 A. Yes, sir.

18 Q. Okay. Mr. Riley, where -- are you from this area?
19 Where are you from?

20 A. I'm from Ridgeland. I grew up on Logan Lane.

21 Q. Okay. And where did you live in April of 2016?

22 A. Siesta's Apartment.

23 Q. So do you recall the night that Davonte Freeman
24 was shot and killed?

25 A. Yes, sir.

1 Q. All right. Mr. Riley, what were you doing on the
2 night that Davonte Freeman was shot and killed?

3 A. Playing cards with my cousin and her boyfriend.

4 Q. So you were playing cards that night?

5 A. Um-hmm.

6 Q. Where were you at the Siesta? Whose apartment
7 were you in?

8 A. I was at my cousin's apartment.

9 Q. And who is your cousin?

10 A. Tynisha.

11 Q. Okay. Let's clarify. Not Aneisha, over there.
12 Not the defendant.

13 A. No.

14 Q. What's her last name? Do you know?

15 A. Jones.

16 Q. So is that Tynisha Jones?

17 A. Uh-huh.

18 Q. And she was Davonte's cousin, also?

19 A. Yes.

20 Q. Mr. Riley, you knew Davonte Freeman. Is that
21 right?

22 A. Yeah, that's my cousin.

23 Q. Do you know Eric Darien?

24 A. Yeah.

25 Q. Or -- did he go by Peanut?

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CEDRIC RILEY - DIRECT - HOLLEN

1 A. Yes, sir.

2 Q. Do you know the defendant, Aneisha Young?

3 A. I done seen her before, but I don't know her like
4 that.

5 Q. Gotcha. So at the Siesta that night, who all was
6 playing cards?

7 A. Me, Tynisha Jones, her boyfriend, and one of my
8 friends.

9 Q. Okay. Which friend?

10 A. Name Dre. Keandre.

11 Q. Keandre Frazier?

12 A. Yes, sir.

13 Q. All right. So just the four of you all playing
14 cards?

15 A. Um-hmm.

16 Q. Do you remember seeing Davonte that night?

17 A. Yeah, I seen him one time.

18 Q. All right. Do you remember seeing Eric Darien
19 that night?

20 A. Yeah, I seen him.

21 Q. Mr. Riley, when you first saw Eric Darien, do you
22 remember what he was wearing?

23 A. Some green pants.

24 Q. Okay. At some point that night, did Eric Darien
25 change his clothing?

- 1 A. He had some black pants on.
- 2 Q. All right. So you say he had gray pants first?
- 3 A. Like some grayish/greenish looking. Like they
- 4 were like collards.
- 5 Q. And so, he changed into black pants? What color?
- 6 A. Well, earlier, like a little bit before, you know,
- 7 before the incident happened. But it was early.
- 8 Q. Okay. So before the incident happened, he changed
- 9 clothes?
- 10 A. Um-hmm.
- 11 Q. What color --
- 12 A. It was -- it was probably before the argument, but
- 13 he did change clothes.
- 14 Q. Okay. What argument?
- 15 A. I guess they had a argument out there.
- 16 Q. Okay. Do you remember what color shirt he was
- 17 wearing?
- 18 A. He always had on a black shirt.
- 19 Q. Black shirt, black pants.
- 20 A. Um-hmm.
- 21 COURT REPORTER: Yes, no?
- 22 A. Yes, ma'am.
- 23 Q. Do you remember the defendant, Aneisha Young,
- 24 showing up that night?
- 25 A. Yeah, she came up. She came up to get him.

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CEDRIC RILEY - DIRECT - HOLLEN

1 Q. She came to get him?

2 A. Yeah, to take him home, I guess. That's what he
3 say, he was on his way home.

4 Q. Do you know what kind of relationship, and I don't
5 mean romantic, but do you know what kind of relationship
6 Mr. Darien and Ms. Young have?

7 A. I mean, he call her his sister, but you know.

8 Q. He called her his sister? So they were pretty
9 tight?

10 A. Yeah. I guess so. That's what he said.

11 Q. You see them hanging out before this?

12 A. I seen them one time before.

13 Q. All right. Did Mr. Darien ever live with you?

14 A. Yeah.

15 Q. Did he -- you saw him with Ms. Jones, then?

16 A. Yeah, she came one time. She came to see him one
17 time.

18 Q. I mis-spoke. Ms. Young, right? Sorry. Not Ms.
19 Jones.

20 A. Yeah.

21 Q. Okay. So you remember seeing Ms. Young that
22 night?

23 A. Yeah.

24 Q. Do you remember what she was wearing?

25 A. She had on like a black shirt. I couldn't really

1 -- I know it was short pants. I couldn't really tell
2 you.

3 Q. Gotcha.

4 A. Because I don't remember, you know. It was a
5 minute ago.

6 Q. What color were the clothes she was wearing?

7 A. Her shirt was black.

8 Q. Okay.

9 A. Her pants, they might have been gray, black. I
10 don't know. I know it was shorts.

11 Q. Okay. Do you remember Keith Horton coming up to
12 the Siesta?

13 A. Yeah, he came and talked to me.

14 Q. He came to talk to you?

15 A. Yeah.

16 Q. And did you speak with him?

17 A. Yes, sir.

18 Q. And did he --

19 A. He asked me was Davonte in my apartment, and I
20 told him no. He said somebody called and told him
21 Davonte was in my apartment at the time. Davonte wasn't
22 in my apartment at the time. So I told him he can go up
23 there and look. Me and him was talking, and --

24 Q. Did he find Davonte at some point?

25 A. Yeah, he found him.

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CEDRIC RILEY - DIRECT - HOLLEN

1 Q. He talked to Davonte. Do you know how long he
2 spoke with him?

3 A. I don't know exactly how long.

4 Q. All right.

5 A. I was --

6 Q. Did you see Davonte leave that night?

7 A. No, sir. I was in the back, still playing cards.

8 Q. All right. Did you see Eric Darien leave that
9 night?

10 A. Yeah, I seen him pull off.

11 Q. All right. Who was in the -- how did Eric Darien
12 leave that night?

13 A. He left with Aneisha and whoever the other person
14 was. I don't know the other person.

15 Q. So there was the third person. Do you know if it
16 was a male or a female?

17 A. It looked like a female.

18 Q. Okay.

19 A. But it could have been a male.

20 Q. All right. So did you see Peanut and Aneisha
21 together that night?

22 A. Um-hmm.

23 COURT REPORTER: Yes, no?

24 THE COURT: Yes or no.

25 A. Yes, ma'am. Yes.

- 1 Q. So when they left, how did they leave?
- 2 A. A little, small, black car.
- 3 Q. A little, small car? Do you remember if it was a
- 4 two-door or four-door?
- 5 A. I think it was a four-door.
- 6 Q. You think it was a four-door. Do you remember
- 7 anything about that car?
- 8 A. It was like a loud muffler.
- 9 Q. A loud muffler on it.
- 10 A. It had a loud muffler on it.
- 11 Q. When did you see the defendant, Aneisha Young;
- 12 Peanut, or Eric Darien; and this third person leave? Do
- 13 you remember what time?
- 14 A. I was talking to Mr. Horton at that time.
- 15 Q. You were talking to Mr. Horton at that time?
- 16 A. Um-hmm.
- 17 Q. About how long before -- let me back up. Do you
- 18 remember when the shooting happened?
- 19 A. I got a call -- we got a call saying Davonte got
- 20 shot.
- 21 Q. People started getting phone calls when Davonte
- 22 got shot?
- 23 A. Um-hmm.
- 24 Q. About how long before he got shot do you remember
- 25 them leaving?

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CEDRIC RILEY - DIRECT - HOLLEN

1 MR. PLEXICO: I'm unclear about who he's talking
2 about. He said *them*.

3 BY SOLICITOR HOLLEN:

4 Q. The defendant, Ms. Young; and Eric Darien; and
5 this third person.

6 A. I say about twenty minutes.

7 Q. About twenty minutes. All right. Did you hear
8 the shots?

9 A. Not really, no, sir.

10 Q. You know where it occurred, though?

11 A. Um-hmm.

12 Q. How far is it from the Siesta? You know?

13 A. It's not that far. Probably like ten -- walking,
14 five minutes, ten minutes at the most.

15 Q. So you all did not -- didn't hear the shots?

16 A. No, because we had music on. We was playing cards
17 and making a lot of noise, too.

18 Q. Okay. Mr. Riley, in that car, do you remember
19 where people were sitting?

20 A. I remember the person, I don't know, she was
21 driving.

22 Q. Okay.

23 A. Aneisha got on the passenger side, Peanut got on
24 the back driver's side.

25 Q. So unknown person driving, the defendant in the

1 front passenger seat?

2 A. Yeah, passenger.

3 Q. And Mr. Darien in the back?

4 A. Um-hmm.

5 Q. Now, Mr. Riley, do you see the person in the
6 courtroom today that you know as Aneisha Young?

7 A. Right there.

8 Q. Is that the same person you saw get in the car
9 with Eric Darien and this unknown person and leave?

10 A. Yes, sir.

11 Q. All right.

12 SOLICITOR HOLLEN: Court's indulgence, your Honor.

13 THE COURT: Yes, sir.

14 BY SOLICITOR HOLLEN:

15 MR. HOLLON: All right, Mr. Riley. I don't have
16 anything further. Please answer any questions Mr.
17 Plexico has.

18 THE COURT: Mr. Plexico?

19 MR. PLEXICO: Thank you.

20 CEDRIC RILEY

21 CROSS-EXAMINATION, BY MR. PLEXICO:

22 Q. You said you were talking to Mr. Horton. Is that
23 correct? At some point during that night?

24 A. Yes, sir.

25 Q. Okay. And Mr. Horton was there awhile, and he

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CEDRIC RILEY - CROSS - PLEXICO

1 talked to Davonte Freeman, correct?

2 A. Yes.

3 Q. All right. And when you saw the person you
4 identified as my client leaving, okay, Mr. Horton was --
5 had he yet talked to Mr. Davonte Freeman?

6 A. No, he was talking to me.

7 Q. He was talking to you. Then he talked to Davonte?

8 A. Um-hmm.

9 Q. And while he was talking to -- when Davonte came
10 down, you went back to playing cards and listening to
11 music. Is that correct?

12 A. He went to the front to find -- really, to find
13 out which apartment he was in.

14 Q. Okay.

15 A. Because he really didn't know which apartment. I
16 guess he came down to talk to him.

17 Q. Okay. And that's when you saw the people you have
18 identified as my client leaving with two other people?

19 A. No, when I was talking to Mr. Horton, they was
20 leaving.

21 Q. Okay. All right. So then, when Mr. Horton went
22 about his business of finding Davonte and seeing what
23 apartment?

24 A. Yeah. Yes, sir.

25 Q. And then, they had a chat, and that's -- and then

1 he left at some point? Okay. All right. Now, this was
2 about two years ago, correct?

3 A. Yes, sir.

4 Q. All right. And this was -- what was this, a
5 Saturday night or a Friday night? Do you recall?

6 A. I don't remember what night it was.

7 Q. Were you all drinking beer?

8 A. Were we drinking beer?

9 Q. Were you drinking alcohol?

10 A. No, no.

11 Q. Consuming alcoholic beverages?

12 A. We was playing cards.

13 Q. Okay.

14 A. They might have been drinking alcohol, but we
15 wasn't drinking alcohol. We was out there just playing
16 cards and having fun.

17 Q. Okay. All right. Did you get a call from
18 Wrenshad Anderson that night?

19 A. Yes.

20 Q. And was it shortly after the shooting?

21 A. Yes.

22 Q. Okay.

23 A. And I didn't get the call; we got the call.

24 Q. Who's we?

25 A. His cousin, which is my cousin, Nisha or Tynisha.

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CEDRIC RILEY - CROSS - PLEXICO

1 Not that Neisha.

2 Q. Aneisha -- Tynisha Jones.

3 A. Jones.

4 Q. Okay. So he would call a Nisha Jones. Is that
5 correct?

6 And how much -- how shortly after --

7 COURT REPORTER: He didn't answer. *So he would*
8 *call a Nisha Jones. Is that correct?*

9 A. Yes, ma'am.

10 Q. How shortly after the shoot -- was it almost
11 immediately he called Nisha after the shooting?

12 A. Yes. Like five or ten minutes, five, he probably
13 called -- then called her.

14 Q. All right. And that's right after the shooting?

15 A. Um-hmm. Yes, sir.

16 Q. And Dre was playing cards with you and Nisha
17 Jones?

18 A. Yes, sir.

19 Q. And okay. All right. And so, he believed that
20 Dre, at that point, until he talked to Nisha, had shot
21 him. Is that correct?

22 A. Yes, sir.

23 Q. All right. Then he changed his mind.

24 A. No, had something to do with it. He didn't say he
25 shot him. He thought we had -- he thought we had

1 something to do. He thought we was with them.

2 Q. Okay. So he thought that you --

3 A. Yes. At that time, he was just saying anybody
4 that associated with them had something to do. He was
5 mad. He was upset. He didn't know what was going on.

6 Q. Because he didn't know who shot him. Is that
7 correct?

8 A. No, he knew who shot -- he knew who shot him,
9 because he went to call back there. So obviously, he
10 knew what happened.

11 Q. He called the names of Peanut and Dre that shot
12 him?

13 A. He didn't say Dre shot him. He said you had
14 something to do with it.

15 Q. Okay. All right. Now, you've got -- you weren't
16 -- were you using any drugs that night?

17 A. No.

18 Q. And you've got a drug conviction for distribution
19 of cocaine?

20 A. That don't have nothing -- that don't have nothing
21 to do with this.

22 Q. Do you have drug conviction of distribution of
23 cocaine?

24 A. Yes, I -- yes, I do.

25 Q. You got a failure to stop for a blue light?

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CEDRIC RILEY - CROSS - PLEXICO

1 A. Yes, I do.

2 Q. All right. Did you call the police and relay
3 anything that you knew to them? Did you deal with the
4 police?

5 A. You said did I deal with the police?

6 Q. Yes. Did you call the police and relay anything
7 about the phone calls?

8 A. No.

9 Q. Okay. All right. And you don't sell drugs. Is
10 that correct?

11 A. No.

12 Q. All right. You've never sold drugs. Is that
13 correct?

14 A. No, sir.

15 Q. All right. But you've got a conviction for it?

16 A. I plead guilty to it.

17 Q. Okay.

18 THE COURT: Anything further?

19 MR. PLEXICO: No, Judge.

20 THE COURT: Anything further, Mr. Hollen?

21 CEDRIC RILEY

22 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

23 Q. Mr. Riley, at some point, did you voluntarily go
24 and give a statement?

25 A. Yes, sir.

1 Q. And do you remember giving that statement to
2 Lieutenant Litchfield?

3 A. Yes, sir.

4 Q. Okay. And you did that on your own, correct?

5 A. Yes, sir.

6 Q. All right. Did you tell them everything at that
7 time that you knew about this?

8 A. Yes, sir.

9 Q. And you're still telling us everything you know
10 about this?

11 A. Yes, sir.

12 SOLICITOR HOLLEN: I don't have anything further,
13 Mr. Riley. Thank you.

14 MR. PLEXICO: Court's indulgence, your Honor,
15 please.

16 THE COURT: Okay.

17 MR. PLEXICO: I have nothing further, your Honor.

18 THE COURT: Okay. Mr. Hollen, anything?

19 SOLICITOR HOLLEN: No, your Honor.

20 THE COURT: All right. Sir, you may step down.

21 Thank you. Do we have another short witness, or is the
22 next witness going to be a long?

23 SOLICITOR HOLLEN: Unless -- your Honor, may I have
24 a brief moment to check on a witness?

25 THE COURT: Sure. Why don't you run on out and see

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1 if they're there.

2 SOLICITOR HOLLEN: Thank you.

3 THE COURT: Yes, sir. Sit tight, ladies and
4 gentlemen.

5 SOLICITOR HOLLEN: Your Honor, I have a short
6 witness I can call before lunch.

7 THE COURT: Very good. Let's do that, and then.
8 break for lunch.

9 SOLICITOR HOLLEN: William Malphrus.

10 MADAM CLERK: Raise your right hand and place your
11 left hand on the Bible. Do you swear the testimony
12 you're about to give to the Court to be the truth, the
13 whole truth, and nothing but the truth, so help you God?

14 WILLIAM MALPHRUS: Yes, ma'am.

15 MADAM CLERK: Come on around. You can adjust that
16 chair and the mic.

17 WILLIAM MALPHRUS

18 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

19 Q. Good afternoon, Mr. Malphrus. How are you today?

20 A. Thank you. I'm well.

21 Q. Mr. Malphrus, where did you live in April of 2016?

22 A. [REDACTED]

23 Q. And is that right near or right behind the KFC?

24 A. Yes, within a rock's throwing distance of it.

25 Q. Okay. So you lived there in April 2016. Do you

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1 remember speaking to officers about something you heard
2 on a night in April of 2016?

3 A. Vaguely, but I do.

4 Q. So you were living in the area behind KFC. Can
5 you tell us what you heard and what you saw when you
6 were living on East Adams Street?

7 A. Well, to the best of my ability, I kind of
8 remember hearing some gunshots.

9 Q. Okay.

10 A. And then I walked out on the porch.

11 Q. Um-hmm.

12 A. Then the next road over from us is the main drag,
13 main road.

14 Q. Right.

15 A. And I heard what sounded like one of them small
16 *Fast and Furious* cars taking off up the road.

17 Q. Okay.

18 A. I really can't tell how many gunshots. I just
19 know I heard a couple gunshots, and went out on the
20 porch, and this little car was taking -- you could hear
21 it taking off up the road. That's really about the best
22 I can say for that.

23 Q. All right. So you weren't unable to see, or you
24 don't recall, or do you recall, a tag number or a car
25 color or anything else?

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1 A. No, sir.

2 Q. So you really just heard it.

3 A. Right.

4 Q. Did you hear gunshots out there a lot?

5 A. Yes, sir. A couple weeks prior and a couple of
6 months after. It seemed like every other week or so
7 somebody was out there shooting.

8 Q. Okay. Tell you what, Mr. Malphrus --

9 SOLICITOR HOLLEN: Your Honor, may I approach?

10 THE COURT: You may.

11 BY SOLICITOR HOLLEN:

12 Q. I'm going to hand you what has already been
13 entered into evidence as State's Exhibit Number 2, and
14 it's going to be -- let me hand you that. Can you take
15 a look at it for me.

16 A. Yes, sir.

17 Q. Is that a familiar area to you?

18 A. Yes, sir.

19 Q. And can you see your house on that picture? Is
20 it --

21 A. Almost. You can just barely see the piece of the
22 front porch right there, but you can almost see it, yes,
23 sir.

24 Q. I tell you what, you mind stepping down briefly?

25 SOLICITOR HOLLEN: Your Honor, may I have him step

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1 off?

2 THE COURT: Certainly.

3 BY SOLICITOR HOLLEN:

4 Q. All right. Take that. Can you just about
5 identify where your house is in relation to --

6 A. This is my front porch right here.

7 Q. All right.

8 A. No, wait a minute. This is my front porch. This
9 is my -- actually, it's my little small house, a rental
10 property. This is where I live, right here. That's a
11 big magnolia tree in my front yard.

12 Q. Okay. Do you still -- that's all I needed from
13 you. Thank you. Go ahead and take your seat. Mr.
14 Malphrus, do you still live on [REDACTED]?

15 A. No, sir, I don't. Back in the latter part of
16 December, I moved out to Great Swamp Baptist Church
17 area.

18 Q. Okay. Mr. Malphrus, in one second, I'm going to
19 hand you this. And let me mark it. It's marked for
20 identification as State's Exhibit Number 4.

21 A. Okay.

22 Q. And I'd ask you to just take a look at it and see
23 if that area is familiar to you. Without showing it to
24 the jury yet.

25 A. Yes, sir.

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1 SOLICITOR HOLLEN: Your Honor, I don't believe I'm
2 going to enter this into evidence. I would use it for
3 demonstrative purposes only. May I publish it to the
4 jury?

5 MR. PLEXICO: If he publishes it, it is introduced
6 to the jury, and it would be an exhibit.

7 THE COURT: Actually, it's not, but you can do it
8 either way you would like. So again, you can publish.

9 SOLICITOR HOLLEN: All right. Let me offer State's
10 4 into evidence this time.

11 THE COURT: Any objection?

12 MR. PLEXICO: Without objection.

13 THE COURT: Without objection, it's in evidence.

14 ITEM IDENTIFIED AS POSTER BOARD PHOTO

15 MARKED STATE'S EXHIBIT NUMBER 4

16 ADMITTED AS EVIDENCE.

17 BY SOLICITOR HOLLEN:

18 Q. Mr. Malphrus, I'm going to turn this around. And
19 do you mind -- I tell you what, step down again for me,
20 if you will.

21 A. Okay.

22 MR. PLEXICO: May I come around?

23 THE COURT: Of course.

24 BY SOLICITOR HOLLEN:

25 Q. All right. Don't worry about any of this. Can

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1 you identify where your house is on there?

2 A. Should be right here.

3 Q. All right. And where -- what was the street where
4 you saw the loud or heard the loud car?

5 A. It sounded like it was running up Main Street,
6 right here.

7 Q. Okay. Which direction was it traveling? Do you
8 recall?

9 A. I don't really recall. I just remember hearing
10 the car. Like I say, them little small cars, you got
11 that little varooooom sound in them when they take off.
12 And it took off within -- I had just enough time to get
13 off the couch and open the front door when I heard the
14 car take off after the shots.

15 Q. Okay.

16 A. So it was very soon after the shots took place I
17 heard the car take off.

18 Q. All right. Okay. You can take your seat. Mr.
19 Malphrus, I don't have anything further for you. Answer
20 anything Mr. Plexico has. Okay?

21 A. No problem.

22 WILLIAM MALPHRUS

23 CROSS-EXAMINATION, BY MR. PLEXICO:

24 Q. Thanks for being here today.

25 A. No problem.

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1 Q. Now, you said that you hear -- you heard, when you
2 lived in that area, shots on a regular basis there?

3 A. Yes, sir. For a short period of time there, it
4 seemed like every time you turned around somebody was
5 back there shooting.

6 Q. Okay. I'm going to hold this up over here,
7 State's Number 5. Now, is this a pretty accurate
8 depiction of everything that's here?

9 A. Yes, sir.

10 Q. Okay. And your house is --

11 A. About where you just had your finger.

12 Q. About here?

13 A. Yes, sir.

14 Q. And it's almost covered up with all the growth
15 around here?

16 A. Right. We've got a bunch of big trees there.

17 Q. Okay. All right. And there's some kind of path
18 that goes through this wooded area here?

19 A. Yes, sir.

20 Q. And it starts about here and goes down this way.

21 A. Yes, sir. About right where your finger is, yes,
22 sir.

23 Q. Okay. All right. And there's a lot of activity
24 and a lot of things going -- a lot of crime going on
25 back there?

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- 1 A. Yes, sir.
- 2 Q. Okay.
- 3 A. Unfortunately.
- 4 Q. Okay. I'm sorry, yes, but thank you. And you
- 5 heard a car coming -- going, you believe, this way,
- 6 about here?
- 7 A. Yes, sir.
- 8 Q. With a loud -- it sounded like a loud sports car?
- 9 A. Yes, sir.
- 10 Q. Okay. All right. And you didn't see any vehicles
- 11 along here, correct?
- 12 A. No, sir, not that I can remember.
- 13 Q. All right. So you were in your living room. Are
- 14 there any obstructions going through the front door?
- 15 A. Plastic on the windows. Oh, no, to get to the
- 16 front door? No, sir.
- 17 Q. You just walk up and open it, and you stood on
- 18 your porch to look and see what --
- 19 A. It's from here to the lady right there with the
- 20 jacket on. It's not -- it's a old, small house.
- 21 Q. So you heard the gunshots, you immediately got up,
- 22 and you were outside on your porch within seconds?
- 23 A. Yes, sir. Because it sounded like it was right in
- 24 front of the house.
- 25 Q. Okay. All right. So and you saw no one?

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BY THE COURT

1 A. No, sir.

2 Q. Okay. All right. And you heard a car on the main
3 road?

4 A. Yes, sir.

5 Q. All right.

6 MR. PLEXICO: I don't have anything further.

7 THE COURT: Okay.

8 SOLICITOR HOLLEN: Nothing further from the State,
9 your Honor. I would ask that Mr. Malphrus be excused.

10 THE COURT: All right. You are excused, Mr.
11 Malphrus. Thank you, sir.

12 BY THE COURT:

13 WILLIAM MALPHRUS: Thank you, ma'am.

14 THE COURT: Ladies and gentlemen, I'm ready for
15 lunch now. By the clock in the back, it is a quarter to
16 1:00. I am going to ask that you be back in your jury
17 room at 2:05, if that's all right, you all. I normally
18 don't like to have an odd number, but 2:05 sounds about
19 good enough time to go grab a bite to eat. Please
20 understand, ladies and gentlemen, I can't start until
21 all fourteen of you are here. So if you run into
22 problems or you're running a little late, call into the
23 Clerk's Office, please, and let us know that you're here
24 or getting here.

25 Again, you are not to discuss this case with

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1 trust you all got a bite to eat. Yes?

2 RESPONSES BY JURORS.

3 THE COURT: All right. Mr. Hollen, call your next
4 witness.

5 SOLICITOR HOLLEN: Wrenshad Anderson.

6 THE COURT: Come on forward, Mr. Anderson.

7 MADAM CLERK: Raise your right hand and place your
8 left hand on the Bible. Do you swear the testimony you
9 give to the Court is the truth, the whole truth, and
10 nothing but the truth, so help you God?

11 WRENSHAD ANDERSON: Yes, ma'am.

12 MADAM CLERK: Come right around, have a seat.
13 Adjust that chair, pull up this mic.

14 WRENSHAD ANDERSON

15 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

16 Q. Mr. Anderson, how are you doing?

17 A. Doing fine.

18 Q. Mr. Anderson, how do you know Davonte Freeman?
19 How did you know Davonte Freeman?

20 A. He's my brother. A year apart.

21 Q. A year apart?

22 A. Um-hmm.

23 Q. You all close?

24 A. Yeah, we real close.

25 Q. Okay. Where are you from? Are you from here?

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1 A. I'm from Ridgeland.

2 Q. From Ridgeland? Lived here your whole life?

3 A. Most of it.

4 Q. Okay. Mr. Anderson, I'm going to take you back a
5 little bit. Do you remember the night of April 29th and
6 30th, 2016, the night your brother got killed?

7 A. Yes, sir.

8 Q. Can you tell me a little bit -- well, I tell you
9 what. Before this, you had a little run-in with the co-
10 defendant, Eric Darien, also known as Peanut. Is that
11 correct?

12 A. Yes, sir.

13 Q. Can you tell us about that, tell us what happened.

14 A. It wasn't really nothing that serious. Just
15 something like, you know, we was friends. We was cool.
16 Like look out for this guy, like give him clothes,
17 shoes, food, so it wasn't really -- it was like a big
18 misunderstanding. He just took it wrong.

19 Q. I gotcha. What happened?

20 A. Well, I took some stuff from him. That's what
21 happened.

22 Q. Okay. All right. And did he like that?

23 A. I mean, he took some stuff from me, but no, he
24 didn't like it.

25 Q. Okay. So if we go forward to the night of the

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1 29th and 30th, what were you doing? What were you all
2 doing? What did you do the day before you went to the
3 Siesta?

4 A. Well, I was doing some -- I was working all Day
5 'til about 6:00 or 7:00.

6 Q. Okay. Where were you working?

7 A. Well, I was working on a car, building the engine
8 in a car.

9 Q. Okay. So at some point that day, did you go to
10 the Siesta?

11 A. Once I got off, I contact my brother to see where
12 he's at, and he let me know he was out at Siesta. So I
13 guess I walked around for about two hours. I didn't
14 feel right. I didn't even want to go out there, so I
15 kind of walked around for like two hours, and I
16 eventually went out there, because, I didn't want to, I
17 mean.

18 Q. Okay. So when you get to Siesta, where do you go?

19 A. I went straight to Mr. Seabrooks' room.

20 Q. Okay. You went to Mr. Seabrooks' room and --

21 A. I went straight there because --

22 Q. What was going on in there?

23 A. Well, Mr. Darien was walking around with his
24 pistol in his -- like walking around, and when he see
25 me, he stop, like, open his shirt.

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1 Q. Okay. What was everybody else doing? So you saw
2 Mr. Darien?

3 A. Well, they was just looking at me like they know
4 what was going on 'fore I even know what was going on.
5 I was kind feeling funny.

6 Q. All right. So who was there when you got there?

7 A. It was my brother, Mr. Seabrooks, me, and like two
8 other people. We was just playing cards. We just meet
9 up playing cards at Mr. Seabrooks' house. That's
10 something we do like every Friday, just meet up and play
11 cards and shoot some crow.

12 Q. So this was a normal Friday night?

13 A. It's a normal routine.

14 Q. Do you see that night the defendant, Aneisha
15 Young?

16 A. Yeah, I seen her that night. I talked to her.

17 Q. In Mr. Seabrooks' room?

18 A. In Mr. Seabrooks' room.

19 Q. Okay.

20 Q. When I seen her, it was like I felt funny, kind of
21 eye contact, what she doing in here.

22 Q. Why'd it feel funny?

23 A. Because she wasn't supposed to be there.

24 Q. She wasn't? When you say she wasn't supposed to
25 be there, was it unusual?

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1 A. It was unusual. That's not her spot. She wasn't
2 supposed to be there.

3 Q. Gotcha. Did you happen to notice what she was
4 wearing?

5 A. She was wearing all black. Black hoodie, black
6 pants.

7 Q. Do you know what time she got there?

8 A. I wasn't really looking at the time. I was just,
9 you know, you had Darien walking around with his pistol,
10 so I was looking at him most of the time. And then,
11 when she popped up, it really got awkward, like kind of
12 like what are you doing here.

13 Q. Do you know how she got there?

14 A. No, I wasn't really looking outside to see how she
15 got there. She just walked up and came in the house,
16 sat down, and then staring at my brother the whole time.

17 Q. Did you know about the history between your
18 brother and Ms. Young?

19 A. Yeah, I know everything. He tell me everything.
20 I know everything that he had going on. They had a
21 little competition, you know. In the past, they got
22 into it. Like me and Neisha a little closer than what
23 she was with my brother, so she didn't really know him
24 like that. Me and her was closer, so.

25 Q. You talking about the defendant?

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1 A. The defendant.

2 Q. You mean close in age close like --

3 A. No, just like closer than -- she wasn't friends
4 with my brother. Like she didn't know that was my
5 brother, but me and her had a history together, like you
6 know.

7 Q. Okay. What about Ms. Young and Mr. Darien?

8 A. I didn't know they was cool. They was like
9 another generation, so I didn't know they was cool.

10 Q. Okay.

11 A. Everybody know everybody in Ridgeland, you know,
12 so.

13 Q. Right. Okay. So you're hanging out at Mr.
14 Seabrooks. What happens next? At some point, did
15 somebody come up there?

16 A. Well, we was playing cards, and it got well into
17 the night. So was going to like spend the night with
18 Mr. Seabrooks, because, you know, we didn't want to walk
19 because we felt funny the whole night, so. When Mr.
20 Keithie came, asked me things, like getting serious,
21 because I know -- we knew my brother wasn't supposed to
22 be there. So I was like, man, somebody had called him.
23 So that's when he ran out and talked to Mr. Keithie.
24 Mr. Keithie told us 12:30, and you got thirty minutes,
25 12:30 I got to leave. So once he finished talking, we

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1 left.

2 Q. So Mr. Keithie, is that Keith Horton?

3 A. Mr. Horton.

4 Q. Mr. Horton. And he's the property manager at the
5 Siesta?

6 A. Property manager.

7 Q. All right. So your brother talks -- did your
8 brother talk to Mr. Horton for a little while?

9 A. He talked to him a good while.

10 Q. Did he?

11 A. They was shaking hands and laughing, you know.

12 Q. Did you see anybody else talk with Mr. Horton with
13 your brother?

14 A. Well, I seen Peanut just walking around the truck.
15 He was -- he was making a statement about big dude can't
16 go to jail, big dude can't go to jail.

17 Q. Okay. All right. So after Mr. Horton talks to
18 your brother, what do you all do next?

19 A. Well, we had to leave. We had to leave, so we was
20 like, walking, our normal routine. And once we got
21 through the path, we start feeling funny, and you know,
22 start talking the whole -- the whole way walking. We be
23 like, man, something going on, something going on, we
24 don't feel right, we don't feel right. And we was out
25 in the open, so that's what we was kind of discussing

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1 the whole way. Then, once we got on the path,
2 everything really started feeling fishy, because we was
3 like, you know, like the hair standing up on the back of
4 your neck? So I was like, man, let me go get -- too
5 dark, anyway. So we start walking and we got on the
6 road, and we got halfway by the light post.

7 Q. When you're talking about the road, are you
8 talking about Adams' street?

9 A. Yeah, Adams Street.

10 Q. Okay.

11 A. Because we left out the path.

12 Q. Where the path comes out.

13 A. Yeah. So we got there. We got halfway to the
14 light post, and we heard like dry leaves, and I was
15 like, you hear dry leaves. Chh, chh, chh, chh, pow,
16 pow, pow, pow, pow, pow, pow. We really didn't know we
17 was the one getting shot at 'til -- it was like too loud
18 and too close, so we took off running.

19 Q. Okay.

20 A. We started running shoulder to shoulder. And I
21 was looking at my brother in his eyes, like, we was,
22 like, man, them guys come really -- come shooting at us
23 and stuff like that. So once we -- like, we was
24 running. He was looking at me like this. We was
25 looking at each other, and when the bullet hit him, we

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1 was looking at each other in the eyes, and I see him, he
2 was like, and fell down hard, because he fell. He fell
3 down, and they kept shooting. I ran over to him. I ran
4 over, you know, kind of crawl over there to him. And I
5 had to pick him up. Once they stop shooting, I pick him
6 up. I was dragging. He was -- he was like, limp. I
7 had to pick him up and just drag him around the corner.
8 And I didn't know if they was coming back or whatever
9 situation was. I just want to get him out of harm's
10 way.

11 Q. Okay. Mr. Anderson, I'm going to show you what
12 has already been entered into evidence as State's
13 Exhibit Number 2. I want you to look at it. Okay?

14 SOLICITOR HOLLEN: Your Honor, may I approach the
15 witness?

16 THE COURT: You may.

17 BY SOLICITOR HOLLEN:

18 Q. That, what is that?

19 A. This right here is the path. This is the normal
20 path everybody takes in Ridgeland, like, especially if
21 you live in around the area, you walk on that back road
22 to go to the path.

23 Q. You mean like Adams Street, this --

24 A. It was like a normal routine for us like that
25 ways. Adams Street is a normal routine. This is --

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1 this is the way I walk. This is the way I pick my girl
2 up from work at. Like this is the normal road I'm
3 always on.

4 Q. So you all took that all the time?

5 A. All the time. And defendant, them know that.
6 They know that.

7 Q. Where were you all headed this night?

8 A. We was going to get a hotel room. We was kind of
9 like -- we was going through some things at the time, so
10 we was kind of like homeless. So we was kind of like
11 bouncing around hotel to hotel. It was kind of hard for
12 us, so we was going to buy a hotel room.

13 Q. Okay.

14 A. I just had worked that day. I wanted to go lay
15 down and relax. I thought that what I was going to do,
16 me and my brother, but it didn't happen like that.

17 Q. Mr. Anderson, looking at that picture, you said
18 when you got halfway to the light post --

19 A. Um-hmm.

20 Q. -- is when you heard something and started
21 running. Are you talking about the closest light post
22 to us in that -- in State's Exhibit --

23 A. The closest one to us, not the one by this road
24 here. It's another road that can take you right to the
25 main road, you know, Ridgeland, where that light post

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1 at. It's the second one.

2 Q. All right. I'll tell you what.

3 SOLICITOR HOLLEN: Your Honor, may I have him step
4 down?

5 THE COURT: You may.

6 BY SOLICITOR HOLLEN:

7 Q. I just want to make sure we're all clear.

8 MR. PLEXICO: May I step over, your Honor?

9 THE COURT: Of course.

10 BY SOLICITOR HOLLEN:

11 COURT REPORTER: I'm sorry, I can't -- speak up
12 just a little.

13 SOLICITOR HOLLEN: I tell you what, turn a little
14 bit this way when you talk and kind of point back so she
15 can -- so the court reporter can hear you.

16 BY SOLICITOR HOLLEN:

17 A. We was coming out the path right here. And we
18 know to look down this road right here, you know, just
19 to make sure everything was clear. So we was coming up
20 the path, we didn't really see nothing. So when we got
21 start walking side-by-side, just talking like normal
22 brothers do, time we got right here, that's when we hear
23 pow, pow. So we start running. We start running, came
24 this way. My brother fell right here. I picked him up,
25 and I dragged him around the corner until right here.

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1 Q. Okay. And -- all right. That's all I need from
2 you on that. Go take a seat. Okay?

3 All right. So you dragged him around the corner?

4 A. Yes, sir.

5 Q. When you get around the corner, what do you do
6 next?

7 A. Well, once I got him around the corner, like, I
8 already knew he was dead from me -- like, when I seen
9 him on the ground --

10 Q. Um-hmm.

11 A. -- I knew he was dead. Like, he wasn't moving,
12 And so, I kind of picked him up, trying, you know -- I
13 pick him up and drag him around the corner, and we fell,
14 because I was doing -- running so fast. I had fallen
15 right here by that trash can, right here where EMS find
16 us at --

17 Q. Um-hmm.

18 A. -- and my brother was just sitting on my lap. And
19 his head was right here.

20 Q. Yeah.

21 A. I was just holding him. So I had the phone in one
22 hand, trying to hold him and keep him up, trying to call
23 -- call the ambulance.

24 Q. Yeah.

25 A. Call our family members that we just left. I was

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1 like, man, this guy's so crazy, so I just been calling
2 everybody and --

3 Q. All right. Okay.

4 A. You know, I wait on the cops. Cops came.

5 Q. So you were in here earlier. That's you on the
6 911 call we heard?

7 A. That's me.

8 Q. All right. And how long -- you don't know, but
9 how long after that did help show up? Was it pretty
10 fast?

11 A. It was pretty -- it was pretty fast. Even the
12 shooting and everything that happened, it was boom,
13 boom. It was pretty fast. Like, soon, as I called them,
14 like, they was right there. Like, they came, like, two
15 officers came and the ambulance came, and I helped them
16 put my brother on a gurney. I tried to leave in the
17 ambulance with him, but they won't let me leave, so I
18 had to stay on the scene. So I was on the scene, you
19 know, going through it.

20 Q. Okay. Mr. Anderson, you've been in the courtroom;
21 you've heard all this testimony.

22 A. Yes, sir.

23 Q. Do you remember talking to Officer Wells and
24 telling him, when he asked you who the shooters were, do
25 you remember saying Peanut and Dre?

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1 A. Well, I was delusional. Something like that
2 happened to you and you almost got your life taken from
3 you, and these people shooting at you --

4 Q. Um-hmm.

5 A. And you just -- you don't know what's happening
6 with your brother. You just know they haul him off
7 somewhere, and yeah, I was a little delusional. Like,
8 yeah, I was delusional, so.

9 Q. Okay. At some point before leaving the scene you
10 wrote a statement. You remember that?

11 A. Yeah. I told them I didn't want to write a
12 statement that night, because I was so delusional, but
13 he made me write one anyway. So that's --

14 Q. So you wrote that statement. I'm going to hand
15 you what's been marked as State's Number 3. I want you
16 to take a look at it. Okay?

17 SOLICITOR HOLLEN: Your Honor, may I approach?

18 THE COURT: Yes.

19 BY SOLICITOR HOLLEN:

20 Q. Do you recognize that, Mr. Anderson?

21 A. Yeah, this is my short statement I wrote. That's
22 all I could wrote.

23 Q. You remember writing it?

24 A. Yeah, I remember writing on the hood of the car.
25 It was so hot. I remember.

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1 Q. So you wrote it on the hood of the car and it was
2 hot?

3 A. It was hot.

4 Q. Was the car still on?

5 A. The car still was on.

6 Q. Okay. In that statement you say Neisha. You
7 talking about your cousin's sister, Tynisha? You
8 talking about that --

9 A. No, I'm talking about Aneisha.

10 Q. You're talking about that Neisha.

11 A. Talking about Aneisha.

12 Q. I just want to make it clear. All right. So you
13 remember saying that to Officer Wells? You remember
14 walking with him, trying to show him where you saw the
15 shooters?

16 A. Um-hmm.

17 COURT REPORTER: Yes, no?

18 A. Yes, ma'am.

19 THE COURT: Thank you.

20 BY SOLICITOR HOLLEN:

21 Q. Were you hanging out with them while they were
22 looking for the shell casings?

23 A. I took them to where I seen them standing at.

24 Q. Okay.

25 A. And the next Day, he went to the same spot and

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1 found the shell casings.

2 Q. Right. Okay.

3 A. And how much stuff. And I told him that -- and I
4 heard --

5 Q. I gotcha. Okay. So that night, you saw two
6 shooters. Is that right?

7 A. Two shooters.

8 Q. Okay. Before you left the scene, did you -- you
9 wrote that statement.

10 A. Um-hmm.

11 Q. And you remember telling Officer Wells, Peanut,
12 Dre, and then throwing in the name Neisha?

13 A. Well, I -- only reason I said Dre, to be honest
14 with you, is because I think he set it up, but those
15 were the two shooting at us, Peanut and Aneisha.

16 Q. Okay.

17 A. Those were the two.

18 Q. All right, now you say that --

19 A. I just thought he had something to do with it at
20 the time, or he set everything up.

21 Q. All right. Well, talk to me and the jury about
22 what you saw that night. When you saw two shooters,
23 tell me what you saw.

24 A. Basically, the reason I -- that I saw them because
25 when I went to go pick my brother up, I had to face the

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1 shooters, because at the time, you know, me seeing my
2 brother get killed like that, I really didn't care no
3 more. I said, man, got to kill me, too, I guess. You
4 know, I got to make sure he's free, so I was facing
5 them. And I seen -- you know, it's dark, so I seen the
6 little reflection off their guns. When they was
7 blasting, I seen them, and they had all black on all
8 night, so it was like, man, it's not rocket scientist,
9 you all had a beef like that. The only two people I had
10 a beef with. She had a beef with my brother, so they
11 got together, set up a plan, and tried to kill us.

12 Q. So based on what you're telling me -- don't let me
13 put words in your mouth -- you saw two shooters wearing
14 all black.

15 A. Shooters, all black. And I just left two people
16 wearing all black. They been walking around with they
17 pistol all day.

18 Q. Okay. Were they standing on the same side of the
19 road?

20 A. Yeah, they standing on the same side. Same side.

21 Q. Same side of the road. Were they on the side of
22 the road close --

23 A. No, on the left side. On the left side. So they
24 had to seen -- they had to seen us come out the path.
25 They be looking at us like, seeing what -- like coming

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1 out of the path. They been looking right at us, they
2 been there waiting on us. They got there before us, so
3 they was just waiting on us to come through the path.
4 When they seen us come through the path, I think what
5 saved my life was, I had a black tee-shirt on and some
6 black shorts because I was working that day, and my
7 brother had his khaki pants on and a white shirt. So I
8 think that saved my life a little bit, too.

9 Q. Now, we've seen a couple pictures at the scene.
10 It looks like -- you tell me, are there lights back
11 there, street lights?

12 A. Oh, yeah. It's a light back there on that back
13 road, yes, sir.

14 Q. Okay.

15 A. It's just that -- the light right here, this
16 little poles that we was walking up on. See, somebody
17 keep knocking it out, whatever, you know, with a rock or
18 whatever, so.

19 Q. Um-hmm.

20 A. The city got -- he come and put the light's out,
21 so they ain't put the light bulb in that light yet, but
22 it would normally be light back there. But at the time,
23 it was nothing but that back light on.

24 Q. Okay. So is that the one in the picture we saw?

25 SOLICITOR HOLLEN: Can we bring up State's Exhibit

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1 2 again?

2 BY SOLICITOR HOLLEN:

3 Q. It looks like there are two --

4 A. Yeah, they two light posts out there. The back
5 one, like you -- they have lights on the back of this
6 H&R -- this H&R Block and -- and the Chinese restaurant,
7 So you know, they have security lights on the other
8 side. So you know that side will light up for all the
9 employees to come out of H&R Block, so that whole row
10 light up right there, you know.

11 Q. And is that on the far side of this picture that
12 we can't see? Is that where we're talking about?

13 A. Yeah, that's on the other side where this first
14 light post at, that's on the other side. And that road
15 right there can take you straight to the main road, like
16 it's a straight shot past the barbeque place, and take
17 you straight on the main road, you going to make a quick
18 getaway.

19 Q. All right. This might help, okay? Mr. Anderson.
20 I'm going to show you what's been entered into evidence
21 as State's Number 4. Just to clarify for the jury, do
22 you mind stepping down here so we can show them what
23 you're talking about? All right. So this is what
24 you're talking about, right?

25 A. This is the road. This is the road, yeah. This

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1 is the road.

2 MR. PLEXICO: May I approach, your Honor.

3 THE COURT: Of course.

4 BY MR. HOLLEN:

5 Q. What road are you talking about that cuts through
6 the main road?

7 A. This road right here cut to the main road right
8 here. It's the road. It's a little business, KFC.
9 That road go straight to the main road.

10 Q. Gotcha. And so, which one of those lights on the
11 back was working?

12 A. These lights, the back.

13 Q. Those lights, and then the ones in that picture?

14 A. Yeah. Yeah, these lights always work. Always
15 work.

16 Q. All right. So it was lit up back there?

17 A. Yeah, that's right.

18 Q. Okay.

19 A. But this side right here, you know, the light bulb
20 blow, so.

21 Q. All right. You can take a seat.

22 A. Okay.

23 SOLICITOR HOLLEN: Court's indulgence, your Honor.

24 BY MR. HOLLEN:

25 Q. All right. So Mr. Anderson, I just want it to be

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1 clear. That night, tell me what you saw. Did you see
2 -- could you see the faces of the people that were
3 shooting at you?

4 A. I couldn't see their faces, but I seen the clothes
5 these guys had on. I been around them all day. They
6 got a beef with us. I don't really have no problem with
7 nobody else. Like, you -- my criminal record, I don't
8 have no record, so. I don't have no beef with nobody
9 else like that. To come at me like that, and I'm not
10 even that type person. So only person that have a
11 problem with us is she had a problem with my brother.
12 She never had a problem with me. They want to get
13 together and take them two brothers out.

14 Q. Okay. Did you hear or see a car or anything?

15 A. Man, I was so delusional. I was so delusional at
16 the time when that happened, like, I ain't never been
17 shot at. I was delusional. I wasn't looking -- I
18 wasn't even looking for no car. I was just worried
19 about my brother, trying to get him out of harm's way
20 and get him help.

21 Q. Right.

22 A. Because he got hurt real bad, the way the
23 situation is. And we just been walking and talking. We
24 had just been walking and talking and laughing all day,
25 so me seeing that right there, that's like, that messed

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1 my life up, man. That's all I had. I ain't had my mama
2 or my daddy. That's all I had. We all we had. So them
3 doing that to -- to me right now, and they know me,
4 that's kind of crazy.

5 Q. So after this, you're calling a bunch of people,
6 right?

7 A. Yeah. I called Niesha and I called Peanut. First
8 I called ambulance. I called the cops, you know, 911,
9 to get my brother help. And I was on the scene. When
10 the cops come in, he say I was on the phone. I was on
11 the phone. I talked to Mr. Darien. I said, man, I know
12 you was the one come shooting us. I know you was the
13 one shooting us. He sound like he was out of breath,
14 and go talking about he was in -- he in country. I just
15 left the Siesta. Ain't no way he got in the country
16 that fast.

17 Q. All right.

18 A. Then I called Ms. Neisha.

19 Q. Okay.

20 A. Hey, dude, you know. And she blow my phone up the
21 next day.

22 Q. So you had phone numbers in your phone for Ms.
23 Young and for Mr. Darien?

24 A. Well, I got her number from somebody. I didn't
25 have her number. It was awhile since we talked and we

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1 talked it up, so I ain't even have her number. I had
2 Peanut number, you know.

3 Q. Um-hmm.

4 A. Because he stayed at Siesta. I always see him.
5 So I had to get her number from somebody else.

6 Q. Okay. But you got it and you called her?

7 A. I got it and I called her.

8 Q. All right. She answer?

9 A. She answer. She denied it.

10 Q. Okay.

11 A. She called people up, trying to get people on her
12 side, talking about, oh, hey, dude, hey, dude. If you
13 ain't did it, why you keep blowing my phone up, why you
14 keep, you know, in denial about stuff? She did it.

15 Q. So did you see Keandre Frazier shoot at you?

16 A. No, I ain't see Keandre Frazier shoot at me. What
17 I'm saying, two guys out there in all black. Dre had a
18 white shirt on, some blue jeans, designer book bag, long
19 dreads. He ain't been out there. It was those two guys
20 right there. They got together, set up a plan, tried to
21 kill me and my brother. They killed my brother. I
22 don't know how I made it out. I guess I'm blessed or
23 whatever you could call it, you know. So I'm just glad
24 to be here.

25 Q. Do you know where Keandre Frazier was when the

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1 shooting happened?

2 A. Well, he was at --

3 MR. PLEXICO: I object, your Honor. That's not --
4 it would be hearsay, your Honor.

5 A. Well, he was --

6 THE COURT: He can say if he knows.

7 SOLICITOR HOLLEN: If he knows.

8 BY SOLICITOR HOLLEN:

9 A. I said I know -- I know where he was at. He was
10 playing cards around the back at Nisha. That's my
11 sister.

12 MR. PLEXICO: That's hearsay, your Honor, because
13 he couldn't know that if he's being shot at. He wasn't
14 there.

15 BY SOLICITOR HOLLEN:

16 A. I knew that because he wasn't -- he wasn't -- he
17 wasn't in --

18 Q. That's all right.

19 A. -- at Seabrooks' house at that time.

20 THE COURT: He can say where he wasn't, if he was
21 there and he knows.

22 BY SOLICITOR HOLLEN:

23 Q. Did you call --

24 A. I know he was at. I know -- I know where
25 everybody was at. I wasn't drunk, I wasn't high, I

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1 wasn't on nothing. Like, I was watching everybody,
2 everybody that night.

3 Q. All right. Do you know if this -- was there
4 another person with Aneisha Young that night? Did you
5 see that -- another person? Do you remember?

6 A. Yeah, I seen her. She came in Mr. Seabrooks'
7 house and sat on the couch. My brother was up there
8 playing cards, so she was like -- like a feet away from
9 him. And then, when he seen her, he start apologizing
10 to her, because he knew he done whip her behind or
11 whatever and took her money and all that. But he was
12 past that, because he was having kids, so he was trying
13 to, you know, turn a new leaf in life, so when he seen
14 her he started apologizing to her. He was like, man,
15 I'm sorry, doing you like that; I'll eventually pay you
16 back later on. She was like, yeah, yeah, yeah, it's
17 okay, it's okay, it's okay. And when she start doing
18 all that, I kind of felt funny. I was like man, stop
19 apologizing, because she ain't come down here for that.
20 My exact -- my exact words to him.. I wanted him to stop
21 talking to her. She didn't come down here for nothing
22 else but do some crazy stuff. That's why she's down
23 here this time of night, cause she ain't here with him.
24 She at the Siesta at this time of night.

25 Q. All right. So you're talking -- you're talking

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1 about the defendant, Ms. Young?

2 A. Ms. Young.

3 Q. The other person, this girl that other people have
4 talked about, did you see her?

5 A. Yeah, she came in. The girl named Lisa.

6 Q. Okay.

7 A. I know the girl.

8 Q. All right. Did you know her or no?

9 A. I know her, like, I knew of her. I don't know her
10 like.

11 Q. Okay.

12 A. I don't live in Hilton Head, so I know of her. I
13 don't know her.

14 Q. Okay. All right. Mr. Anderson, I believe that's
15 all I have for you right now. Answer anything Mr.
16 Plexico has. Okay?

17 A. Yes, sir.

18 WRENSHAD ANDERSON

19 CROSS-EXAMINATION, BY MR. PLEXICO:

20 Q. So you were with -- you were with Davonte Freeman
21 from 6:00 o'clock on, correct?

22 A. 6:00 o'clock what?

23 Q. That evening of the 30th -- or the 29th.

24 A. No, I don't think it was 6:00 o'clock. I think it
25 was later than that. I was kind of like putting in some

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1 extra hours to make some money because of the situation
2 that we was in, so it was kind of like late. It was
3 dark by the time I got to my brother.

4 Q. Okay. All right. And so, you never left his side
5 that evening. Is that correct? After you got with him?

6 A. I didn't hear you.

7 Q. You didn't leave his side that evening?

8 A. No, I didn't leave his side that evening.
9 Actually, I went to the Siesta because he called me out
10 there, and I felt funny. I said, I can't leave him out
11 there like that, so that's why I went out there. We
12 don't never leave each other's side. We always close.

13 Q. Okay. And when -- and when Davonte apologized to
14 her --

15 A. Um-hmm.

16 Q. -- she said it was okay, and she actually gave him
17 a hug, right?

18 A. She didn't give him no hug. No, wrong.

19 Q. All right. But she said it was okay, correct?

20 A. She -- it was like some nonchalant-type okay,
21 like, I got you, like, bitch, laughing.

22 Q. But she didn't say that; she said it's okay,
23 correct?

24 A. Man, how she said it. This is how she said it.
25 It wasn't okay, it wasn't okay.

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1 Q. All right. But there weren't any problems with
2 her there, correct?

3 A. She ain't made it like it was a problem, but she
4 was -- she was around just, you know, just scoping stuff
5 out, to see what my brother had on, probably to see what
6 I had on.

7 Q. This is what you think?

8 A. It ain't what I think; it's what I know.

9 Q. Okay. All right. Now, so there were no problems
10 between Davonte Freeman and my client or you that
11 evening?

12 A. Yes, there was a problem. There was a problem
13 between her and Davonte.

14 Q. Okay. All right. Now, and that was a problem
15 Davonte caused, correct?

16 A. Actually, if you want to be technical, they both
17 caused it.

18 Q. Okay. All right. Now, that happened months
19 before this, correct?

20 A. It wasn't months before this. It was like at
21 least -- at least like three weeks before this, two
22 weeks. It was right -- it was right after he did that,
23 she claim, oh, she going to kill him, she going to kill
24 him. Two weeks later, they set that up, and it's down.

25 Q. Okay. All right.

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1 A. It's like a back-to-back situation.

2 Q. Now, Davonte had a lot of enemies, didn't he?

3 A. No, my brother ain't had no -- that much enemies.

4 Q. Well, he's been shot at twice before, correct, in
5 the same location?

6 A. Well, yes, he was shot at before.

7 SOLICITOR HOLLEN: Your Honor, may we approach?

8 THE COURT: You may.

9 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
10 HEARING OF JURORS. PRESENT: THE COURT,
11 MR. HOLLEN, MR. PLEXICO.

12 END BENCH CONFERENCE.

13 BY MR. PLEXICO:

14 Q. So those prior shootings happened pretty much in
15 the same place, correct?

16 A. No, sir.

17 Q. Is that correct?

18 A. Well, they happened in the same place, but
19 different -- different situations. That have nothing to
20 do with what's going on now.

21 Q. Okay. So there are other people that don't like
22 Davonte, correct?

23 A. No, sir.

24 Q. So people just shoot at him when they don't like
25 him?

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1 A. No, sir.

2 Q. Okay. All right. So you were not on any drugs
3 that day. Is that correct?

4 A. No, sir.

5 Q. And were you drinking that day?

6 A. No, sir. I don't drink.

7 Q. Were you smoking any marijuana?

8 A. No, sir.

9 Q. Were you on any kind of intoxicants at all?

10 A. No, sir. No, sir.

11 Q. Okay. Did you see your brother take any
12 intoxicants?

13 A. Well, it was like, they were playing cards. Yeah,
14 he had a little beer or whatever. I was straight. We
15 look out for each other. I see him kind of, you know,
16 get a little tipsy, you know, I'm going to watch
17 everything, sit back and watch it. That's how close we
18 is.

19 Q. Okay. All right. So he was only drinking beer
20 that night and not doing anything else.

21 WITNESS INTERRUPTING.

22 COURT REPORTER: I'm sorry, I didn't -- let him
23 finish his question.

24 Q. So he was only drinking beer that night and not
25 taking any other kind of intoxicants? Is that correct?

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1 A. Yes, sir.

2 Q. All right. Did he appear to be under the
3 influence to you?

4 A. Not at the time, no. No.

5 Q. Okay. All right. You do remember talking to
6 Officer Wells and Officer Ginn that night, correct?

7 A. Yes, sir.

8 Q. All right. And you did tell them repeatedly when
9 they asked you who did the shooting that it was Peanut
10 and Dre?

11 A. Well, I just seen my brother got shot in the head,
12 and I had to drag my brother from around the business,
13 so I was kind of delusional and out of it. That's why I
14 didn't want to make no statements to him or nothing,
15 because --

16 THE COURT: Sir, just -- you need to answer the
17 question yes or no, and then you can explain it all you
18 want.

19 A. Yeah.

20 THE COURT: But you need to answer the question
21 first. Okay?

22 A. Yes, ma'am.

23 THE COURT: So go ahead and ask the question, and
24 then, I'm going to allow him to explain it.

25 BY MR. PLEXICO:

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1 Q. You did -- all right. We'll start over. Did you
2 talk to Officer Wells that night?

3 A. Yes, sir.

4 Q. Did you talk to Lieutenant Ginn that night?

5 A. Yes, sir.

6 Q. Did you tell them repeatedly that when they asked
7 you who the shooters were that it was Peanut and Dre?

8 A. Yes, sir, I told them that, but it wasn't -- it
9 wasn't Peanut, though. It wasn't Dre. It was Aneisha.

10 Q. Was it -- okay.

11 A. It was Aneisha. It wasn't -- it wasn't Dre. Dre
12 set everything up, that's how I felt at the time. So I
13 just be telling them how I felt at the time. They asked
14 me what happened, and that's how I felt at the time.

15 Q. But you couldn't see the faces of who is was. Is
16 that correct?

17 A. I been around them all day. They had all black
18 on.

19 Q. Sir?

20 A. They had all black on.

21 Q. Okay. But you could not -- you just said you
22 couldn't see the faces?

23 A. That's why they had all black on, so I won't see
24 their face.

25 Q. So this is, on State's Exhibit 4, okay, this is

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1 where the trash can is, correct?

2 A. Yes, sir.

3 Q. All right. So you're saying the shooters were
4 back along here?

5 A. They was a little closer to the path entrance on
6 the left-hand side, a little closer. They -- they was
7 somewhere -- they was closer than that, like right
8 there. Go back some. Go back. Right --

9 Q. This way?

10 A. On the left side of the path. You coming out the
11 path, they was on the left side, on the front side of
12 it.

13 Q. On this side of the street?

14 A. Um-hmm.

15 Q. On the left side of the path, headed this way.

16 A. Um-hmm.

17 THE COURT: That's a yes for the record?

18 A. Yes.

19 THE COURT: Okay.

20 BY MR. PLEXICO:

21 Q. Okay. All right. And when you all heard the
22 gunshots, you all started running? Looked at each other
23 and started running toward the trash can, correct?

24 A. Yes, sir.

25 Q. And you weren't certain, because it was so loud,

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1 you weren't certain where the gunshots were coming from?

2 Is that right?

3 A. Well, I knew -- I knew I was getting shot at
4 because it wasn't no far shot. It was like, down the
5 road. It was like, close, like, you all don't want to
6 get shot. We knew that. When we first heard the first
7 gunshot, we was like, oh, man, so we start running. I
8 mean, we ain't have nothing on us that night.

9 Q. Okay. And Dre is about -- is just a little bit
10 shorter than you, correct? And you're a tall guy.

11 A. Well, he -- he's a tall kind of guy, too. Kind of
12 like me. You know what I'm saying?

13 Q. Dre is tall, like you?

14 A. Not tall like me. A little shorter.

15 Q. But he's close to your size?

16 A. Well.

17 Q. How tall are you, sir?

18 A. I'm six-two.

19 Q. You're six-two?

20 A. Um-hmm.

21 Q. And Ms. Young's what, about four feet-something?

22 A. I don't know.

23 Q. But she's a short person, correct?

24 A. Yeah, she a short girl.

25 Q. Okay. All right. So you repeatedly told the

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1 officers on the scene that the shooters were Peanut and
2 Dre. That's what you actually told them verbally,
3 correct?

4 A. Yes, sir.

5 Q. All right. Are you aware of your duty to tell the
6 truth to the officers when they're investigating a
7 felony?

8 A. Well, at the time, Mr. Plexico, I was delusional.
9 I just lost my brother, and I didn't know what was going
10 on. I was confused, so.

11 Q. Do you have any mental health problems?

12 A. No, sir.

13 Q. Okay. All right. So in your statement, you said
14 that -- did you say that Mr. Horton talked to your
15 brother about an hour?

16 A. Yes, sir.

17 Q. Okay. All right. So now, why did you all stay at
18 a place that -- now I'm -- I'm going to withdraw that.
19 Did you do a robbery with Peanut and some other people
20 and get some money and Xanax?

21 A. No, sir.

22 Q. Okay. Did you put Xanax in Peanut's drink and
23 steal his pistol?

24 A. No, sir.

25 Q. Did you steal a pistol from Peanut?

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- 1 A. Yes, sir. That started the beef.
- 2 Q. Okay. And what was his state of consciousness
- 3 when you took that pistol?
- 4 A. I don't know what his state of consciousness was.
- 5 I wasn't there. I just heard.
- 6 Q. Was he asleep?
- 7 A. Was he asleep?
- 8 Q. Well, I'm asking you. Was he asleep when you took
- 9 the pistol?
- 10 A. No, he wasn't asleep, he was under the influence
- 11 of Xanax.
- 12 Q. He was under the influence of Xanax?
- 13 A. He was under the influence of Xanax, so he was
- 14 sitting there like a zombie, like.
- 15 Q. So you didn't -- you didn't -- so you didn't -- so
- 16 you all take -- this is over at Seabrooks' place?
- 17 A. I don't take drugs, sir.
- 18 Q. Okay.
- 19 A. He was taking drugs, he was under the influence.
- 20 Q. Okay. This was over at Seabrooks' place?
- 21 A. No. This is at Mr. Cedric Riley's house, where
- 22 Peanut stayed at.
- 23 Q. Okay. All right. So he's walking around with a
- 24 gun and he's upset with you. Is that correct?
- 25 A. Are you asking me was he walking around with the

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1 gun? I wasn't --

2 Q. That evening on the 29th, was this Peanut
3 character, Eric Darien, walking around with a gun?

4 A. Yeah, he was walking around -- he was walking
5 around with a gun like all day. He kept telling my
6 sister he coming back for her. Making lies.

7 Q. Okay. That's all. That's all.

8 A. Why are we messing with him. We wasn't saying
9 nothing to him.

10 Q. Okay. So why would you all stay there?

11 A. That's a good question, Mr. Plexico.

12 Q. Okay. All right. Davonte Freeman was not
13 supposed to be over there. Is that correct? At those
14 apartments?

15 A. Well, we was -- we was going through -- we was
16 going through -- we was going through some stuff at the
17 time. We was kind of homeless, so we was trying to
18 find, you know.

19 Q. What's the answer to my question? Was Davonte
20 Freeman supposed to be at those apartments?

21 A. No, sir. No, sir, he wasn't supposed to be out
22 there.

23 Q. Okay. And he was forbidden to be out there
24 because of an incident that he had involving a gun,
25 correct?

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1 A. He shot hisself, yeah.

2 Q. All right. So was he high when he shot himself?

3 A. I don't know.

4 Q. Okay. So you don't know if your brother takes
5 drugs?

6 A. I was at work. I wasn't with him all day that
7 day. I was working. I don't know.

8 MR. PLEXICO: Court's indulgence.

9 THE COURT: Okay.

10 BY MR. PLEXICO:

11 Q. And you told the officers, Officer Wells, on the
12 scene that the shooters had left on foot. Is that
13 correct? That they were not in a car; that they were on
14 foot?

15 A. I don't remember. I don't remember.

16 Q. Is it fair to say your memory of that night is --
17 is --

18 A. No, it's not. It's not fair to say that. I
19 remember the night vividly. Just because I don't
20 remember if they was running or getting in a car after
21 that happened. After that, I was dragging my brother
22 around the corner. That's what I was concerned with,
23 and that's what I was dealing with at the time.

24 Q. So you weren't paying attention to anything aside
25 from your brother?

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1 A. Yeah, I see him on the ground and I be looking at
2 him, I see him.

3 Q. What's the answer to my question? Yes or no?
4 Were you paying attention to anything aside from your
5 brother, or just your brother?

6 A. No, sir. I was paying attention to everything,
7 but I was trying to make sure my brother got help.

8 Q. Okay. Now, you went to the police station and
9 wrote a statement, correct?

10 A. Yes, sir.

11 Q. With Lieutenant Litchfield was there?

12 A. Yes, sir.

13 Q. And he left you in the room to write the statement
14 by yourself, correct?

15 A. Yes, sir.

16 Q. You started writing on one page. Is that correct?

17 A. Yes, sir.

18 Q. And then, you stopped writing on that page?

19 A. Yes, sir.

20 Q. Okay. Then you started on another page?

21 A. Yes, sir.

22 Q. Then you finished on a third page?

23 A. Yes, sir.

24 Q. Okay.

25 MR. PLEXICO: May I look at the exhibits, your

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1 Honor?

2 Could I see the exhibits that are with --
3 Court's indulgence.

4 I don't have anything further.

5 THE COURT: Mr. Hollen?

6 SOLICITOR HOLLEN: Your Honor, I don't believe I
7 have anything further for Mr. Anderson.

8 THE COURT: You may step down, sir. Thank you.
9 Call your next witness.

10 SOLICITOR HOLLEN: Dr. Marie Tormos.

11 THE COURT: Okay.

12 MADAM CLERK: Raise your right hand and place your
13 left hand on the *Bible*. Do you swear to tell the truth,
14 the whole truth, and nothing but the truth, so help you
15 God?

16 DR. LEE MARIE TORMOS: Yes.

17 MADAM CLERK: Come on around.

18 DR. LEE MARIE TORMOS

19 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

20 Q. Good afternoon, Dr. Tormos.

21 A. Hi. Good afternoon.

22 Q. I'll ask you this first. Where do you work,
23 currently?

24 A. Let me start. My name is Lee Marie Tormos,

1 T/o/r/m/o/s. I am a doctor. I currently work in
2 Florida in the Palm Beach County Medical Examiner
3 Office.

4 Q. And where did you work previously?

5 A. Up until last summer, I worked at MUSC up in
6 Charleston.

7 Q. And what did you do at MUSC?

8 A. I was a forensic pathologist at MUSC.

9 Q. And can you explain a little bit to the jury about
10 what a forensic pathologist does.

11 A. Yes. A forensic pathologist is a doctor that
12 performs external examinations on the body and internal
13 examinations on the body to determine how and why a
14 person died.

15 Q. And can you tell us about your -- I'm doing this
16 backwards -- but a little bit about your education and
17 your training, that sort of thing, to be a forensic
18 pathologist.

19 A. Absolutely. In order to become a doctor, one must
20 do a bachelor's degree in science at the university,
21 followed by four years of medical school. Then you have
22 to do four years of specialty training in the field of
23 pathology, and then one year of sub-specialty training
24 in the field of forensic pathology.

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1 Q. And have you testified in state court before?

2 A. Yes, I have.

3 Q. Have you ever been qualified as an expert in state
4 court?

5 A. Yes.

6 Q. Do you know approximately how many times?

7 A. Over thirty.

8 Q. So over thirty times you've been qualified as an
9 expert.

10 SOLICITOR HOLLEN: Your Honor, at this time we
11 would offer Dr. Tormos as an expert in the field of
12 forensic pathology.

13 THE COURT: Any objection?

14 MR. PLEXICO: None, your Honor. She's imminently
15 qualified.

16 THE COURT: Ladies and gentlemen, in this case Dr.
17 Tormos is being qualified in the area of forensic
18 pathology. That allows her to give her opinion and the
19 reason for her opinions. Again, that's for you to use
20 as you see appropriate, and as compared to other
21 evidence in the case.

22 SOLICITOR HOLLEN: Thank you, your Honor.

23 BY SOLICITOR HOLLEN:

24 Q. Dr. Tormos, did you perform an autopsy, or assist

1 in performing an autopsy, in this case that we're here
2 for today?

3 A. Yes.

4 Q. Can you tell us a little bit about that, what date
5 it occurred and where.

6 A. Okay. The information that we got, we get from
7 the coroner. The coroner for Jasper County called MUSC
8 to notify us of a death that had occurred the day
9 before, on April 30th. He told us that a person had
10 been found, and ultimately transferred to the hospital,
11 and they had been pronounced around noon on April 30th.
12 And so, we scheduled the autopsy for first thing the
13 next morning, which was 9:00 o'clock, on May the 2nd.

14 On that day, I was on service, and I was
15 supervising the doctor doing the sub-specialty training,
16 Dr. Phillips, and she and I directly collaborated at
17 this autopsy, which we did that day.

18 Q. Do you have the victim's name that you performed
19 that autopsy on?

20 A. We have the name as Davonte Freeman.

21 Q. When you started the autopsy on Mr. Freeman, Dr.
22 Tormos, did it appear that he had had some prior medical
23 treatment? For instance, were there signs of intubation
24 or breathing or anything like that?

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1 A. Yes. Consistent with the history that was
2 provided to us that he was transported to the hospital,
3 when he got to our facility, he had a breathing tube
4 into his mouth, another tube that was going down into
5 his stomach. He had some catheters into the subclavian
6 artery, so in the upper chest; and I.V. catheters into
7 the -- right at the ventricular foci, right wrist and
8 left ventricular foci; one of those pulse oximeters on
9 the finger; and a skin puncture and a Foley catheter
10 into the -- into the bladder.

11 Q. Dr. Tormos, I'm going to hand you in just a second
12 what has been pre-marked for identification as State's
13 Exhibits 5 and 6. I'm going to ask you if you'd could
14 take a look at them, please.

15 SOLICITOR HOLLEN: Your Honor, may I approach the
16 witness?

17 THE COURT: You may.

18 BY SOLICITOR HOLLEN:

19 Q. I'm going to hand you those. Then we can go --
20 I'll let you look at them first.

21 A. Okay.

22 Q. Do you recognize them?

23 A. Yes. State Exhibit 5 is an Xray that we took as
24 part of the autopsy examination. And State Exhibit 6 is

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1 a photograph that we took showing the injury.

2 Q. And are those, State's 5 and 6, fair and accurate
3 depictions of both the MRI, and then the picture of the
4 injury?

5 A. Yes, the Xray and the photograph are accurate
6 representations of what we saw on the autopsy.

7 Q. Okay. Do they appear to be changed or altered in
8 any way?

9 A. No.

10 SOLICITOR HOLLEN: Your Honor, at this time I
11 would offer State's 5 and 6 into evidence in this case.

12 THE COURT: They're in evidence.

13 SOLICITOR HOLLEN: Thank you.

14 MR. PLEXICO: No objection.

15 ITEM IDENTIFIED AS XRAY TAKEN AS
16 PART OF AUTOPSY EXAMINATION
17 MARKED STATE'S EXHIBIT NUMBER 5
18 ADMITTED AS EVIDENCE..

19 ITEM IDENTIFIED AS PHOTOGRAPH
20 OF INJURY

21 MARKED STATE'S EXHIBIT NUMBER 6
22 ADMITTED AS EVIDENCE.

23 BY SOLICITOR HOLLEN:

24 Q. Dr. Tormos, can you describe a little bit about

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1 the injury that you observed with Davonte Freeman.

2 A. Yes. Upon external examination, we saw a
3 relatively thin, young, black male. He did a have a
4 medical introduction that I just described previously.
5 He didn't have any other significant findings. He did,
6 however, have an entrance gunshot wound to the back of
7 the head. This is just to the right of mid-line, and
8 there is no soot or stippling on the scalp, meaning
9 that, very likely, the weapon was not close to the skin
10 at the time that it was discharged.

11 When we examined the body internally, all the
12 organs from the neck on down were pretty unremarkable,
13 you know, healthy young man, but the brain was disrupted
14 by the bullet. We recovered the bullet within the
15 brain, and obviously, there's hemorrhage and destruction
16 associated to the bullet pathway.

17 Q. Okay. And Dr. Tormos, you've got State's 5 up
18 there, which you described as the MRI. Can you describe
19 for the jury what we're looking at there. Can you see
20 it?

21 A. Yes.

22 Q. Would you like to step down?

23 A. May I, please?

24 Q. Absolutely, yes, yes.

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1 SOLICITOR HOLLEN: Your Honor, may she step down?

2 THE COURT: She may.

3 BY SOLICITOR HOLLEN:

4 Q. Would this be helpful?

5 A. Yes.

6 Q. All right. Thank you.

7 A. Okay.

8 MR. PLEXICO: May I, your Honor?

9 THE COURT: Of course.

10 BY SOLICITOR HOLLEN:

11 A. Can everyone see?

12 Q. Yes, thank you.

13 A. This is a lateral Xray of the -- of the head. As
14 you can see here, the face would be up here. These are
15 the teeth. Here's the back of the scalp. That's the
16 neck. You can see here a fragment, a projectile that --
17 that broke off from the bullet, and the bullet is
18 recovered here. Now, on the lateral Xray of the head,
19 you are not able to see whether it's to the right or
20 left of mid-line. This is just to the right of mid-
21 line. So the bullet went straight, back to front,
22 horizontally across the head. There's no left or right
23 deviation, no up and down deviation. It just went
24 straight in. And this piece fell off, and when it hit

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1 the bone. And the rest of the projectile is recovered
2 here. We recovered all these pieces.

3 Q. So there are multiple pieces of the bullet,
4 basically. You recovered some from the scalp, and the
5 main projectile from inside?

6 A. Yes, the main projectile is this one here. It's a
7 non-jacketed projectile, so it's only made of lead.
8 Lead is a soft metal, so it's bound to break off into
9 little pieces when it hits a hard object such as a
10 skull. So these fragments belong to this projectile.

11 Q. Could you pull up State's Exhibit 6. Can you just
12 tell the jury what we're looking at.

13 A. So this is the back of the head. And as you can
14 see, that little hole right there, that is the entrance
15 gunshot wound on the scalp. It's really small. It has
16 an abrasion border, but we don't see any soot or
17 gunpowder residue to indicate that the -- that the
18 weapon was very close to the -- to the scalp at the time
19 that it was discharged. However, he does have thick,
20 curly hair, and the burning gunpowder particles may have
21 been in the hair, but we didn't see them grossly. So
22 more likely, the weapon was not really close to the
23 scalp at the time that it was discharged. And again, it
24 enters here, and it just goes straight forward, just to

1 the right of mid-line.

2 Q. So Dr. Tormos, you performed -- at some point, you
3 have to actually go in and retrieve the projectile. Is
4 that right?

5 A. Yes.

6 Q. And did you do that?

7 A. Yes, we did.

8 Q. Were you able to retrieve all of the pieces that
9 you talked about with the jury?

10 A. Yes.

11 Q. Now, you're not a firearms expert, are you?

12 A. I am not.

13 Q. All right. I'm going to hand you what's been
14 marked as State's 7 and 8, if you don't mind taking a
15 look at those. Do you recognize those?

16 A. Yes. These are pictures of the bullet, and bullet
17 and bullet fragments that we took after we retrieved
18 them.

19 Q. Are those fair and accurate depictions of the
20 bullet that you took out?

21 A. Yes, they are.

22 Q. Have they been changed or altered in any way?

23 A. No.

24 SOLICITOR HOLLEN: Your Honor, I'd offer State's 7

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1 and 8 into evidence at this time.

2 MR. PLEXICO: No objection.

3 THE COURT: Without objection.

4 ITEM IDENTIFIED AS PHOTOGRAPH OF

5 BULLET AND FRAGMENTS

6 MARKED STATE'S EXHIBIT NUMBER 7

7 ADMITTED AS EVIDENCE.

8 ITEM IDENTIFIED AS FRAGMENTS

9 OF BULLETS

10 MARKED STATE'S EXHIBIT NUMBER 8

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR HOLLEN:

13 Q. Dr. Tormos, this is simply -- this is State's
14 Exhibit Number 8. What are we looking at?

15 A. So this fragment, the large fragment, where you
16 can see the bullet base and it's a deformed mushroom
17 projectile, that is the main piece that was in the
18 frontal aspect of the brain. And the two little --
19 little pieces right here are the pieces that broke off
20 when the bullet first went through the skull, and we
21 recovered those under the scalp.

22 Q. And 9?

23 A. And then the --

24 Q. It says 10 on there, but I think it's marked as

1 State's 9.

2 A. So this is the envelope. That's my handwriting on
3 the label. It says bullet and fragments. And we put
4 the bullet and the fragments in the envelope and sealed
5 it.

6 Q. All right. Now, Dr. Tormos, as a forensic
7 pathologist, what is really, as far as criminal cases,
8 what is your main job that you usually testify to in
9 court? As far as the purpose in a homicide case, what
10 do you generally testify to? What are you trying to get
11 to?

12 A. Basically, the objective of -- of my work and the
13 work that we all do as pathologists is to determine the
14 cause and manner of death. So what brought upon the
15 death and what the circumstances are surrounding the
16 death?

17 Q. So what is the cause of death, exactly?

18 A. The cause of death in this case is a gunshot wound
19 to the head.

20 Q. And what about the manner of death in this case?

21 A. The manner of death in this case is a medical
22 definition of a death brought about by the action of an
23 action of another individual. So we ruled this a
24 homicide, based on the circumstances.

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1 Q. So you determined that Davonte Freeman was killed
2 by another person. Is that correct?

3 A. Based on the information we had, we determined
4 that, yes.

5 Q. You don't know who shot him; you don't have any
6 facts about the case?

7 A. I don't.

8 Q. I'm going to approach one more time and hand you
9 what's been marked as State's Exhibit Number 11. I ask
10 if you could take a look at that, if you don't mind. Do
11 you recognize that?

12 A. Yes. This is the envelope, the sealed envelope,
13 with my handwriting. That contains the bullet and the
14 bullet fragments, and the same one that's pictured.

15 Q. All right. So that's the bullet and the fragment
16 that you removed from Davonte Freeman?

17 A. Yes, sir.

18 SOLICITOR HOLLEN: Your Honor, I'd ask to admit
19 State's 11 at this time.

20 THE COURT: State's 11 into evidence.

21 ITEM IDENTIFIED AS ENVELOPE

22 CONTAINING BULLETS AND FRAGMENTS

23 MARKED STATE'S EXHIBIT NUMBER 11

24 ADMITTED AS EVIDENCE.

1 SOLICITOR HOLLEN: And I have no further questions
2 for Dr. Tormos. Thank you. Please answer anything Mr.
3 Plexico has.

4 DR. LEE MARIE TORMOS

5 CROSS-EXAMINATION, BY MR. PLEXICO:

6 Q. Okay. Thank you for coming today, ma'am. Now,
7 you understand, you were talking about soot and
8 stippling from gunshots. That's part of your studies?

9 A. Yes.

10 Q. Okay. What's -- what's a general distance to have
11 soot on a -- on a -- on a wound? What would that
12 indicate to you as a forensic pathologist?

13 A. Okay. When a bullet exits a weapon, there are
14 other things that are coming out of the muzzle besides
15 the bullet. Soot is -- is a very fine particulate, and
16 it doesn't fly very far. So when we see soot on the --
17 on the skin surface, we think that the bullet is within
18 a couple of inches from the -- from the surface of the
19 skin, based on the presence of soot. Stippling, which
20 are the burning gunpowder particles, may travel a little
21 bit faster -- further, because they have a little bit
22 more mass. And so, they can, depending on the type of
23 weapon and the ammunition, they can fly within inches,
24 or -- and sometimes a weapon is up to a foot, or even
25 two feet. But in this case, we didn't see any, so I

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1 really cannot say whether the gun was three feet away,
2 thirty feet away, or three hundred feet away.

3 Q. So it could have been as close as three feet away?

4 A. It could have, yes.

5 Q. Now, do you all do a toxicology as a part of your
6 all's report?

7 A. Yes, we do standard toxicology on everybody.

8 Q. Do you have that report with you?

9 A. Yes, I do.

10 Q. I have a Page 1 of four, from AIT Laboratories?

11 A. Yes.

12 Q. Was this something that you all ordered?

13 A. I'm sorry?

14 Q. Was this a test that you all ordered.

15 A. We ordered, yes.

16 Q. All right. And does it say it's positive for
17 cannabinoids? You can pronounce that.

18 A. Cannabinoids.

19 Q. Cannabinoids. All right. There you go, ma'am.

20 A. There is marijuana in the system.

21 Q. Okay. And cocaine metabolites?

22 A. Yes, there's benxoylecgonine in the system.

23 Benxoylecgonine is the breakdown product of cocaine.

24 There's no parent cocaine, so he wasn't immediately

25 using it, but he used it some time before he died.

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DR. TORMOS - CROSS - PLEXICO

1 Q. Do you have any idea how closely to when he died?

2 A. No, I cannot say.

3 Q. Okay. What about stimulants? On Page 2 of four?

4 A. Yes, he has an anti-epileptic medication called
5 Levetiracetam. A physician had prescribed medication.
6 It's not abuse. It's for -- it's an anti-seizure
7 medication.

8 Q. Okay. What is the, on the stimulants, it says
9 positive of --

10 A. Cotinine. Cotinine is a breakdown of nicotine, so
11 he smoked a cigarette. But nicotine is not there, so he
12 smoked a cigarette, but not close to the time that he
13 died.

14 Q. Okay. So you said the bullet went -- hit the
15 skull and went straight in?

16 A. Straight and forward, yes.

17 Q. Okay. And just straight in where it was, and then
18 it just came to a stop? Whatever slowed it down and it
19 stopped?

20 A. Yes, sir.

21 Q. Okay. All right. Did he have tattoos on his
22 body?

23 A. Yes, sir.

24 Q. Laugh now, die now?

25 A. Yes, sir.

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BY THE COURT

1 Q. What's the effect of cocaine? Does that -- is
2 that -- that's a stimulant?

3 A. Yes, it is.

4 Q. It would make you run faster. Is that correct?

5 A. Yes.

6 Q. Could it cause psychosis or delusion if you're
7 abusing it?

8 A. It's hard to say the effect that cocaine will have
9 on someone, and he didn't have any parent cocaine. What
10 he has signs of is metabolite.

11 Q. Do drugs make you perceive reality differently
12 than you would without them?

13 SOLICITOR HOLLEN: Your Honor, I'm going to object
14 to that question. I don't know -- yes, she's an expert,
15 but everyone processes drugs differently. I don't know
16 how she can say.

17 THE COURT: Okay.

18 MR. PLEXICO: I mean, you know, he's given a
19 medical opinion. I don't think they're supposed --

20 THE COURT: Okay. I'm sorry. She's a forensic
21 pathologist. That's what she's here testifying to. I
22 think you're getting outside of the scope of what she
23 has been called for.

24 MR. PLEXICO: I don't have anything further, Judge.

25 BY THE COURT:

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1 next witness up, and it may be a little more than that,
2 if possible. But if not, I want to make sure you all
3 are okay. And as I told you yesterday, when we started
4 this, I respect and understand how difficult it is to be
5 in your seat. I have plenty of friends who have sat on
6 juries, and they say that, you know, we're not used to
7 sitting here and not being able to say or do anything,
8 and I understand that. So I appreciate it, you all.
9 Let's go ahead and call our next witness, and let's see
10 how far we get.

11 SOLICITOR HOLLEN: Daniel Litchfield, your Honor.
12 Lieutenant Daniel Litchfield.

13 MADAM CLERK: Raise your right hand and place your
14 left hand on the Bible. Is the testimony you're about
15 to give the Court the truth, the whole truth, and
16 nothing but the truth, so help you God?

17 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

18 LIEUTENANT DANIEL LITCHFIELD

19 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

20 Q. Good afternoon, Lieutenant Litchfield. I'm
21 calling you Lieutenant. Who do you work for?

22 A. The Ridgeland Police Department.

23 Q. And what's your position, other than lieutenant,
24 for the Ridgeland Police Department?

25 A. I'm also an investigator.

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1 Q. Okay. Were you involved in the investigation into
2 the death of Davonte Freeman?

3 A. Yes, sir.

4 Q. And what was your position in that investigation?

5 A. I was called by the other lieutenant on the scene,
6 on patrol, to come out and investigate, and take over as
7 a lead investigator.

8 Q. So you were the lead investigator on this case.
9 Is that correct?

10 A. Yes, sir.

11 Q. All right. Lieutenant Litchfield, as a lead
12 investigator -- let me back up. How long have you been
13 with the Ridgeland?

14 A. Since 2005.

15 Q. And where were you before that? You have any
16 other experience?

17 A. Yes, sir. I was a Hampton City Officer from 1997
18 to 2005.

19 Q. So you've been a police officer since at least
20 1997?

21 A. Yes, sir.

22 Q. All right. All right. When you got the call
23 about a shooting, where were you on April 30th?

24 A. I was at my house in Brunson.

25 Q. And so, you were on call. Is that --

- 1 A. Yes, sir.
- 2 Q. All right. What were you told when you got the
3 call?
- 4 A. I was told that Davonte Freeman was shot while
5 walking with this brother, Wrenshad Anderson.
- 6 Q. Okay.
- 7 A. On the street behind KFC area, Adams Street.
- 8 Q. And did you know exactly where that was?
- 9 A. Yes.
- 10 Q. Is that in Jasper County?
- 11 A. It's in Jasper County.
- 12 Q. Did you know Davonte Freeman?
- 13 A. I did.
- 14 Q. Do you know Wrenshad Anderson?
- 15 A. I do.
- 16 Q. You know Eric Darien?
- 17 A. I did not.
- 18 Q. Oh, okay. Do you know the defendant, Ms. Young?
- 19 A. I did not, at the time.
- 20 Q. Okay. All right. So where do you go after
21 getting the call in Brunson?
- 22 A. I go out to the scene, which was the road, Adams
23 Street, behind the strip mall/KFC area.
- 24 Q. All right. What do you find when you went there?
- 25 A. Actually, when I got there, law enforcement were

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1 gone, EMS were gone, and all parties as far as victim
2 were gone. I did see on the ground remnants of a scene,
3 which was medical tape and some blood.

4 Q. Okay. You've been in the courtroom as the
5 investigator. I'm going to hand you what has been pre-
6 marked for identification as State's Exhibit 9, 10, and
7 then we're going to skip to 16. I need to mark these,
8 too.

9 All right. Lieutenant Litchfield, I'm going to
10 hand you State's 9, 10, 16, 17, and 18, and ask you to
11 take a look at those if you don't mind.

12 A. Yes, sir.

13 Q. Do you recognize those?

14 A. I do.

15 Q. What are they? Are those all fair and accurate
16 pictures?

17 A. Yes, sir. These are photos that I took of the
18 crime scene when I arrived.

19 Q. So those are fair and accurate?

20 A. Yes, sir.

21 Q. Have they been changed or altered in any way?

22 A. No, sir.

23 SOLICITOR HOLLEN: Your Honor, at this time I would
24 offer State's 9, 10, 16, 17, 18 into evidence.

25 MR. PLEXICO: I've already seen them. I have no

1 objection.

2 THE COURT: Without objection.

3 ITEMS IDENTIFIED AS PHOTOGRAPHS

4 MARKED STATE'S EXHIBIT NUMBERS

5 9, 10, 16, 17, AND 18, RESPECTIVELY

6 ADMITTED AS EVIDENCE.

7 BY SOLICITOR HOLLEN:

8 Q. All right. Let's start with -- you've got them up
9 there. We're going to pull them up on the screen. This
10 is State's Exhibit Number 9. Can you describe for us
11 what we're seeing.

12 A. Yes, sir. That's a little cut trail that is
13 behind the little nail salon, little shopping area, that
14 goes towards KFC. It comes off of Adams Street.

15 Q. Okay. It's kind of hard to see.

16 A. It's hard to see on there.

17 Q. But that is a picture you took that night?

18 A. Yes.

19 Q. Let's go to State's 10. All right. That one is
20 very hard to see. Do you want to step down to --

21 SOLICITOR HOLLEN: May he step down, your Honor?

22 THE COURT: Certainly.

23 BY SOLICITOR HOLLEN:

24 Q. And can you point out to the jury kind of what
25 we're looking at here?

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1 A. Yes. Ladies and gentlemen, what actually -- this
2 is, in the very first picture, you notice there was a
3 concrete block wall surrounding some dumpsters. At the
4 base of that dumpster was a brass jacket and lead on a
5 bullet that struck that concrete wall and fell down.

6 Q. So that's right there near where --

7 MR. PLEXICO: I would object, your Honor. He has
8 not been qualified as a firearm's expert. He would not
9 be able to say what damage there was to the wall, if
10 any. Or if the concrete got struck.

11 THE COURT: Okay. You can ask him, in all the
12 investigations that he has done, and what he has and
13 appears and what his background is.

14 SOLICITOR HOLLEN: Okay.

15 BY SOLICITOR HOLLEN:

16 Q. How long have you been an investigator?

17 A. Since 2006.

18 Q. How many crime scenes have you worked; do you
19 know?

20 A. I can estimate, three or four hundred.

21 Q. In that time, have you seen bullets that have
22 struck concrete walls?

23 A. Yes, sir.

24 Q. Okay. Are you familiar with what happens to them?

25 A. Yes, sir.

1 Q. Are you familiar with what happens to different
2 calibers when they strike concrete walls?

3 A. Yes, sir. I've got some at the house that I've
4 done tests on.

5 Q. And you carry a gun every day, right?

6 A. Yes, sir.

7 Q. How often do you shoot a gun?

8 A. Probably every two weeks.

9 Q. Okay. Are you familiar with .9-millimeter
10 ammunition?

11 A. Yes, sir.

12 Q. What's your duty weapon?

13 A. I carry two different calibers. One's a .45 cal.,
14 which is a shorter version of the ACP, which is a full-
15 size .45. And I also carry a .380. Before that, we
16 carried .40 calibers, and I actually own a .9
17 millimeter.

18 Q. Okay.

19 A. And a .22 and a .12 gauge.

20 SOLICITOR HOLLEN: I don't think, you know --

21 THE COURT: I think he can go ahead and testify.
22 Obviously, Lieutenant Litchfield, you can only testify
23 to what you know, so.

24 LIEUTENANT DANIEL LITCHFIELD: Yes, your Honor.

25 THE COURT: So again, if you don't know, I need you

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1 to say you don't know. Okay?

2 BY SOLICITOR HOLLEN:

3 Q. I don't know that I asked, but looking at that
4 that -- or actually, you picked that stuff up, right?

5 A. Yes, sir.

6 Q. So you've looked at it since then?

7 A. Yes, sir.

8 Q. In looking at it after you collected it, what
9 caliber do you believe it was?

10 A. I believe it to be a .9 millimeter.

11 Q. All right. Let's go on to the next picture. All
12 right. What are we looking at there? And this is
13 State's, for the record, 16.

14 A. This is the separate picture of just the -- yeah,
15 the jacket that covers the lead core.

16 Q. And you are not a firearm's expert, Lieutenant,
17 but what is the jacket? What are you referring to
18 there?

19 A. A lot of times, when a bullet's put into the
20 casing, it's got a -- a brass covering that holds the
21 lead. A lot of times, how hollow points are filled,
22 they'll do that.

23 Q. So when, in the previous pictures, we saw two
24 separate things, and in that one as well, what are the
25 two portions that we're looking at?

1 A. In the picture prior to that was both of them, the
2 lead and the jacket. And then, what I did was, I moved
3 it closer to take a picture of just the jacket.

4 Q. So it's the lack of -- the lead is the center, and
5 the jacket's the outside?

6 A. Yes, sir.

7 Q. Okay. Like an M&M kind of?

8 A. Very much so.

9 Q. All right. Go to the next picture.

10 A. And this is the lead.

11 Q. And that's what you collected that night?

12 A. Yes.

13 Q. What is in State's --

14 A. Exhibit 18?

15 Q. 18. What are we looking at?

16 A. Once again, the very first picture showed you a
17 wide view of the dumpster and behind the building, that
18 little cut path. This is some blood where I -- I would
19 assume that he fell.

20 Q. All right. So there's some blood right there.

21 Can you zoom in on that? There we go. Is that the
22 blood you're talking about?

23 A. Yes, sir.

24 Q. Go back to the stand, please.

25 A. Yes, sir.

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1 Q. All right. So Lieutenant Litchfield, as far as
2 evidence that night, did you recover anything besides
3 that jacket and lead core?

4 A. Later on during the Day, I recovered some .9
5 millimeter shells.

6 Q. Okay. So you were on the scene that night. Did
7 you look for the shells in the area where they said --
8 where Lieutenant Ginn showed you Wrenshad Anderson
9 identified the shooters being?

10 A. I did not.

11 Q. Okay. So you took -- why didn't you do that?

12 A. Because when I arrived on scene, Lieutenant Ginn
13 and Officer Wells told me that they had already
14 canvassed the area for evidence and none were found.

15 Q. Okay. So you took their word for it instead of
16 going and looking?

17 A. Yes.

18 Q. All right. What else did you do that night on the
19 scene, anything?

20 A. No, I just took some notes, took some photos,
21 picked that stuff up.

22 Q. So you go back to the scene at some point the next
23 Day?

24 A. Yes, during the daytime.

25 Q. Do you recall about what time you went?

1 A. I believe it was around 11:00, 11:30, somewhere
2 around in there.

3 Q. Okay.

4 A. It may have been earlier. It was a long night.

5 Q. Did you -- how long were you on the scene when you
6 got there that night?

7 A. I got there 2:00 -- 1:30, 2:30-ish in the morning.
8 I left probably 12:00, 3:00, to 3:00 in the afternoon,
9 and it was on a Saturday, so. And then, I took Sunday
10 off and came back in Monday morning.

11 Q. Okay. So you go back to the scene the next Day.

12 A. Um-hmm.

13 Q. When you go back to the scene, what is Davonte
14 Freeman's status? Do you know?

15 A. During that -- that initial incident, he was alive
16 when he left the scene. I didn't find out until much
17 later that he had passed away.

18 Q. Okay. So you're, at this point, investigating
19 what you believe is an attempted murder?

20 A. Yes, sir.

21 Q. So when you go back to the scene the next day,
22 what do you do?

23 A. I canvassed the area for anything I may have
24 missed. That's what I do. And I also try and knock on
25 neighbors' doors and see if they saw or heard anything.

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1 Q. All right. You said you located .9 millimeter
2 shell casings?

3 A. Correct.

4 SOLICITOR HOLLEN: Okay. One second. Court's
5 indulgence, your Honor.

6 BY SOLICITOR HOLLEN:

7 Q. I'm going to hand you, Lieutenant Litchfield,
8 what's been marked as State's 19, 20, 21, 22, and 23 and
9 24, and ask you to take a look at those if you don't
10 mind.

11 A. Yes, sir.

12 Q. Thank you.

13 A. Yes, sir.

14 Q. Do you recognize them?

15 A. I do.

16 Q. What are they?

17 A. They are pictures of the shell casings that I
18 found later that day.

19 Q. All right. And you were able to -- in your
20 experience, are you able to determine the caliber of a
21 shell casing by looking at it?

22 A. Yes, sir.

23 Q. Does that require any special expertise?

24 A. No, sir. Typically, just read the back of the
25 casing.

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1 Q. Okay. So it says on the case what it is.

2 A. Yes, sir.

3 Q. And what shell casings did you find when you went
4 out there the next Day? What caliber were they?

5 A. .9 millimeter.

6 Q. And I'm going to ask you to step down here, if you
7 don't mind, to show the jury what we're looking at.

8 A. Yes, sir.

9 Q. Let's start with State's Exhibit 19.

10 A. It's very hard to see. These little things here
11 are shell casings.

12 THE COURT: Lieutenant, can you speak up just a
13 little bit?

14 A. I'm sorry.

15 BY SOLICITOR HOLLEN:

16 A. It's very hard to see on the screen, but these are
17 shell casings before I put down the -- the markers.

18 Q. So there are shell casings in that photo?

19 A. Yes, sir.

20 Q. And all right. Let's go to the next one. Be
21 State's 20.

22 A. And obviously, you start looking closer, you can
23 see them.

24 Q. When you were there the night before, did
25 Lieutenant Ginn come back to the scene?

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1 A. He did.

2 Q. Did he tell you where Wrenshad Anderson had
3 pointed out the shooter's location?

4 A. He did, a roundabout area.

5 Q. And the area where you found those casings, was it
6 on the other side of the road? Was it -- how close was
7 it?

8 A. It was a few feet away, but it was on the other
9 side of the road.

10 Q. Okay. I don't -- I don't think this requires any
11 expertise, but in very general terms, Lieutenant, what
12 direction does a -- do most firearms eject cases?

13 A. Right-handed would go up and to the right.

14 Q. So up -- up and to the right? Straight to the
15 right, or back and to the right? What direction? Hard
16 to tell?

17 A. It's hard to tell.

18 Q. All right. Okay. Let's go to the next picture.
19 What are we looking at here?

20 A. After I'd marked where all the shell casings were,
21 it's a lot easier to pick out with the little white
22 marks or whatever that I put on the road and in the yard
23 where the shell casings were at.

24 Q. So those are the shell casings, Lieutenant? You
25 said you did not look in that area the night before,

1 correct?

2 A. No.

3 Q. Are those shell casings in the area where
4 Lieutenant Ginn indicated to you they had worked?

5 A. Yes.

6 Q. Are they on the same side of the road?

7 A. No.

8 Q. So they're on a different side of the road?

9 A. Yes.

10 Q. Okay. All right. Let's go to the next picture.

11 A. Like I said, I'm redundant. I took a bunch of
12 pictures of it, but these were just closer pictures of
13 the -- these are pictures of the shell casings on the
14 side of the road and leading into the yard where the --
15 that one car was parked.

16 Q. All right. What's next? What exhibit do you have
17 there, State's 23?

18 A. Once again, this picture is similar to the one
19 before it. Markers beside the shell casings.

20 Q. All right, Lieutenant. How many .9 millimeter
21 shell casings did you find?

22 A. I don't recall. Roughly, I think it was nine.

23 Q. Okay. What's the next exhibit you have?

24 A. 6. It's a wider view from the roadway to the
25 Monte Carlo, where the shell casing.

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1 Q. Okay. Now, all right. That's -- I don't need
2 anything else. Go take the stand, if you don't mind.

3 A. Yes, sir.

4 Q. On the map that's been previously introduced as
5 State's Exhibit Number 4, can you identify where you
6 found those shell casings?

7 A. Yes, sir.

8 MR. PLEXICO: May I come around there?

9 SOLICITOR HOLLEN: Yes, I'm sorry, Mr. Plexico.

10 BY SOLICITOR HOLLEN:

11 A. Obviously, this is a wider view of the area. This
12 is Adams Street. This is where the incident took place,
13 right in this area, and the shell casing was right
14 there.

15 Q. Okay. So is that at the entrance to this trail
16 we've been hearing about, or near the entrance to this
17 trail?

18 A. Fairly close.

19 Q. All right. I just wanted to make that clear.
20 Thank you. All right, Lieutenant, you did not find any
21 .22 caliber shell casings when you went back to the
22 scene the next day. Is that correct?

23 A. I did not.

24 Q. At what point did you find the .22 caliber shell
25 casings?

1 A. I took Sunday off. I came back out Monday to look
2 around, and a little bit further up I found the shell
3 casings.

4 Q. All right. When you say *a little further up*, what
5 do you mean by that?

6 A. Um-hmm. Probably eight feet from where the .9
7 millimeter shell casings were, on the left side of the
8 road, which is where Lieutenant Ginn and them did look,
9 there was two shell casings. And then, a few feet
10 further on the right side, which is the same side the .9
11 millimeters were, there were two more shell casings, and
12 they were off the roadway.

13 Q. All right. Do you remember how many of each
14 caliber shell casing you found? Can you refer to your
15 report?

16 A. Yes. I believe it was four .22 shells. And I
17 want to say six. I don't have it in here. Just a
18 second, hang on. Ten .9 millimeter shell casings on the
19 road portion, and four .22 shell casings.

20 Q. Okay. Now, Lieutenant, I'm going to next hand you
21 what has been marked for identification as State's 25,
22 26, and 27. I'm going to ask if you recognize these?

23 A. Yes, sir.

24 Q. And what are they?

25 A. This is the pictures that I took once I located

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1 the .22 shells, and also a picture of the cut.

2 Q. Okay. Are those pictures fair and accurate
3 depictions of the scene as you saw it?

4 A. Yes.

5 Q. Have they been changed or altered in any way?

6 A. No, sir.

7 SOLICITOR HOLLEN: Your Honor, I'd offer State's
8 25, 26, and 27 into evidence at this time.

9 MR. PLEXICO: I have no objection, your Honor.

10 ITEMS IDENTIFIED AS PHOTOGRAPHS

11 MARKED STATE'S EXHIBIT NUMBERS 25,

12 26, AND 27, RESPECTIVELY

13 ADMITTED AS EVIDENCE.

14 BY SOLICITOR HOLLEN:

15 Q. Step on down here. All right. What are we
16 looking at in State's 25?

17 A. This is an evidence bag that I sat out there where
18 I was going to collect the .22 shell casings. I don't
19 know if I took pictures close up or not of those, but
20 there's, I want to say, one here and one right there.
21 It's very hard to see in this.

22 Q. Okay. 26?

23 A. This is the cut, and the house where the .9
24 millimeters were found were right here.

25 Q. Is there anything in that picture as far as the

1 marker?

2 A. I believe there's one right there.

3 Q. That's a .22?

4 A. Yes.

5 Q. All right. 27? What are we looking at in State's
6 27?

7 A. This is the cut. That's the house where the Monte
8 Carlo and .9 millimeters were at.

9 Q. And are there any casings in that photo?

10 A. I can't tell if there are.

11 Q. What about the house on the left? Anybody live
12 there?

13 A. No, this is abandoned. It's been abandoned for
14 several years.

15 Q. So that house was abandoned at the time of this
16 shooting. Was there someone living in the house to the
17 right?

18 A. Yes, a female. Last name's Luther.

19 Q. Did she see or hear anything?

20 A. She did not.

21 Q. Okay. All right. I think that's everything. All
22 right. So you located the bullet core and jacket the
23 first night; went back and found the cases the next day.
24 And what was the next thing, after you found the cases,
25 what was the next thing you did in your investigation?

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1 A. I did -- I did talk to, you know, did my canvas of
2 some people living on the street. One was Ms. Luther,
3 and then further up was Mr. Malphrus.

4 Q. All right. Did you end up going to the Siesta
5 Motel to interview some people?

6 A. I did.

7 Q. And do you recall who you spoke with when you got
8 out there?

9 A. I could be more accurate reading it from here, but
10 I talked to several people out there, and the first one
11 I met was Shelby Simmons. She lives at the front of the
12 complex area. And she said if I go back there in the
13 back, a lot of people, friends and relatives, stuff like
14 that, of Davonté may be back there. So I walked back
15 there, and I did talk to Cedric Riley, Derrick Riley,
16 Mimi Wrenshad, Angela Bennett, and Unique -- I can't
17 remember what Unique's last name is.

18 Q. At the time that you went to the Siesta, did you
19 have any suspects in this case? Had you developed
20 suspects?

21 A. Yes, I did. I did. Based on Officer Ginn --
22 Lieutenant Ginn and Officer Wells, I did have an idea
23 that maybe Eric Darien, who is Peanut; Aneisha; and I
24 was looking at Dre, which is Keandre Frazier, as being
25 involved in it.

1 Q. Did you get some information about Keandre
2 Frazier's whereabouts at the time of the shooting?

3 A. Yes. Tynisha Jones and somebody else said that he
4 was actually playing cards, and they knew where he was
5 at during the time.

6 Q. Okay. So for lack of a better term, he had an
7 alibi?

8 A. Yes.

9 Q. When you were out canvassing and speaking to
10 people at the Siesta, were you provided with any phone
11 numbers?

12 A. I did, actually. I got the phone numbers for
13 Peanut and Aneisha -- excuse me, Eric Darien and Aneisha
14 from Cedric Riley.

15 Q. Okay. What point did you interview Wrenshad
16 Anderson?

17 A. We had another incident at that Siesta a couple
18 days later, and he came back to the police department
19 and gave me an interview. I want to say it was May 3rd.
20 Yes, May 3rd.

21 Q. Okay. Did you attempt to contact Aneisha Young at
22 any point?

23 A. Yes.

24 Q. How did you attempt to contact her?

25 A. I talked to Tameka Bailey and asked her to get a

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1 message to her that the -- to call me and talk to me.

2 Q. And who is Tameka Bailey?

3 A. She's a deputy for the Jasper County Sheriff's
4 Office.

5 Q. Did you attempt to call the phone number you were
6 given for Ms. Young?

7 A. I believe so.

8 Q. And did you have any luck with that?

9 A. I did not.

10 Q. At some point, did Ms. Young come in and give you
11 an interview?

12 A. She did.

13 Q. Did Mr. Darien come in and give you an interview?

14 A. He did.

15 Q. At the time you interviewed them, did you do
16 anything before you interviewed them? For instance, had
17 you already gotten warrants in this case?

18 A. Oh, yes.

19 Q. So when they came in to give you an interview, is
20 it safe to say that they were under arrest?

21 A. Yes.

22 Q. They were not free to leave?

23 A. They were not.

24 Q. Did you provide them with their *Miranda* warnings?

25 A. I did.

1 Q. Did you advise them that they had a right to speak
2 with a lawyer?

3 A. I did.

4 Q. And did they wish to speak with you?

5 A. Yes.

6 Q. Both Ms. Young and Mr. Darien gave you interviews?

7 A. Yes.

8 Q. What day did Aneisha come in to speak with you?

9 A. On May 5th.

10 Q. Had you been -- you had been -- had you been
11 trying to get her in to speak with you before that?

12 A. Yes.

13 Q. And did you have any luck?

14 A. I did not.

15 Q. But she did finally come in of her own free will?

16 A. She did.

17 Q. All right. When you interviewed Ms. Young --

18 actually, I'm going to withdraw that. Lieutenant

19 Litchfield, I'm going to hand you what's been marked for

20 identification as State's Exhibit 29. I'm going to ask

21 if you recognize it.

22 A. Yes, sir, I do.

23 Q. And what is it?

24 A. The copy of the interview with Aneisha Young.

25 Q. That's a copy of Aneisha Young's interview?

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1 A. Yes.

2 Q. And did you make any marks on it?

3 A. I wrote the date and my initials on it.

4 Q. Did you review it at my request?

5 A. I did.

6 Q. And is it -- other than a transcript that was
7 added and a couple of other things, is it fair and
8 accurate?

9 A. Yes.

10 Q. Okay.

11 SOLICITOR HOLLEN: Your Honor, at this time, I
12 would offer Staté's 29 into evidence.

13 MR. PLEXICO: With my prior objection, your Honor.

14 THE COURT: Subject to your prior objection, it's
15 in evidence.

16 ITEM IDENTIFIED AS DVD OF 5-2-16

17 INTERVIEW OF ANEISHA YOUNG

18 MARKED STATE'S EXHIBIT NUMBER 29

19 ADMITTED AS EVIDENCE.

20 SOLICITOR HOLLEN: Your Honor, may I approach?

21 THE COURT: You may.

22 BY SOLICITOR HOLLEN:

23 Q. Again, this is your interview with Aneisha Young
24 on May 5, 2016.

25 A. Yes, sir.

1 Q. All right.

2 DVD OF 5-5-16 INTERVIEW OF ANEISHA

3 YOUNG, STATE'S EXHIBIT NUMBER 29, PLAYING.

4 END PLAYING STATE'S EXHIBIT NUMBER 29.

5 BY SOLICITOR HOLLEN:

6 Q. All right. Lieutenant Litchfield, is that the
7 interview she gave you?

8 A. Yes.

9 Q. Is there anything else that we didn't see at the
10 end there?

11 A. No, sir. Did you -- when you met with her, before
12 you put her on -- before you put her on camera, did you
13 try to intimidate her into giving you a statement?

14 A. No, sir.

15 Q. Did she appear to be under the influence of
16 alcohol or drugs when you talked to her?

17 A. No, sir.

18 Q. Did she appear to know what she was doing?

19 A. Yes, sir.

20 Q. Did anybody threaten her or coerce her in your
21 presence?

22 A. No, sir.

23 Q. Okay. She gave you a lot of information, didn't
24 she?

25 A. She did.

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LTD. LITCHFIELD - DIRECT - HOLLEN

1 Q. So did you follow up on that information?

2 A. I did.

3 Q. All right. What did you do in regards to that
4 phone number that you asked about in the video?

5 A. I called the number and got a voice mail.

6 Q. Well, hold on. I'm talking about the phone number
7 that she said her phone broke. Her phone number.

8 A. Oh. Actually, I send that information to Dylan
9 Hightower, who works for the Solicitor's Office, to try
10 and get some information about the phone number.

11 Q. Did you do anything in trying to get some records
12 or anything?

13 A. I did get a search warrant.

14 Q. Okay. You sent that off?

15 A. I did.

16 Q. Did you try and retrieve any records from a phone
17 belonging to Eric Darien?

18 A. I did, search warrant, same.

19 Q. And what was that phone number?

20 A. I don't have it.

21 Q. Is it in your report?

22 A. Let's see. 803-842-3731.

23 Q. That's the phone number belonging to the
24 defendant, Aneisha Young?

25 A. I believe so, yes.

- 1 Q. Okay. What about Eric Darien?
- 2 A. Let's see. 843-338-3234.
- 3 Q. Okay. So you sent search warrants on those phone
- 4 numbers?
- 5 A. I did.
- 6 Q. She tells you in that interview about an alibi?
- 7 A. She did.
- 8 Q. Who was it that she gave you?
- 9 A. Deshonda Washington.
- 10 Q. Did you ever speak with Deshonda Washington?
- 11 A. I called the number. The first time, I got a
- 12 voice mail. Didn't leave a message. The second time, a
- 13 female answered it, and I told the female who I was and
- 14 why I was calling, and asked her to come into the police
- 15 department and give me some information. She said okay,
- 16 and hung up.
- 17 Q. All right. And so, Deshonda Washington came in
- 18 and gave you an interview?
- 19 A. No. I've never met Deshonda Washington. She did
- 20 not come in.
- 21 Q. So to this day, has Deshonda Washington ever come
- 22 in to tell you --
- 23 A. No, sir.
- 24 Q. -- she was with Aneisha Young? Anybody else see
- 25 anybody named Tashonda, Shonda, anything like that that

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LTD. LITCHFIELD - DIRECT - HOLLEN

1 night?

2 A. No.

3 Q. People did give you the name Lisa. Is that right?

4 A. Yes.

5 Q. How about the relationship between Aneisha Young
6 and Eric Darien? Did you learn about that?

7 A. Yes, I did. Apparently, according to Eric Darien,
8 Peanut, they were very close, very tight.

9 Q. Okay.

10 A. He actually called her his sister.

11 Q. All right. Before I go any further, I'm going to
12 hand you what's been marked for identification as
13 State's Exhibit 12 and 13. I just need to know if you
14 recognize those. I don't need to put them into evidence
15 right now.

16 A. I do recognize them.

17 Q. And are those -- what are they?

18 A. Six .22 shell casings that I collected from Adams
19 Street, and ten .9 millimeter shell casings found in
20 front of 1742 Adams Street.

21 Q. What did you do after you collected those?

22 A. I turned them over to Sergeant McIntosh to be sent
23 to the lab.

24 Q. And were they sent for testing?

25 A. They were.

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LTD. LITCHFIELD - DIRECT - HOLLEN

1 Q. All right. Let me get those back from you. And
2 I'm going to hand you what's marked for identification
3 as State's Exhibit 14 and 15. Do you recognize those?

4 A. Yes, sir.

5 Q. What are they?

6 A. State's Exhibit 14 is the lead and jacket from the
7 scene.

8 Q. Those were the first pictures that we saw?

9 A. Correct. And State's Exhibit 15 is the shell
10 casing from the ten that was sent to SLED.

11 Q. In that interview, Ms. Young tells you about there
12 was a police report from Davonte taking her money. Did
13 you ever have a chance to look into that?

14 A. I did not.

15 Q. Okay. So you weren't able to verify that, but it
16 could be true, you don't know?

17 A. It could be.

18 Q. Okay. What about -- she indicated she talked to
19 someone named Tameka Bailey. Who is that?

20 A. She's a deputy.

21 Q. Were you able to verify that she spoke with Ms.
22 Bailey?

23 A. Yes.

24 Q. Okay. So she did speak with Ms. Bailey? That was
25 true.

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LTD. LITCHFIELD - DIRECT - HOLLEN

1 A. She did.

2 Q. All right. At some point, Lieutenant Litchfield,
3 were you contacted by someone indicating that there was
4 an individual in the jail that wanted to speak with you?

5 A. Yes, sir, I did.

6 Q. And who was that individual in the jail that
7 wanted to speak with you?

8 A. A female by the name of Marie Powell, one of
9 inmates of the jail.

10 Q. Did she come speak with you?

11 A. She did, several times.

12 Q. Okay.

13 SOLICITOR HOLLEN: Court's indulgence, your Honor.

14 BY SOLICITOR HOLLEN:

15 Q. Lieutenant Litchfield, you said you sent -- you
16 know what? Never mind. I'm not going to ask that right
17 now. I withdraw that question. Lieutenant, you know
18 what? I don't have any further questions for you.
19 Answer anything that Mr. Plexico has. Okay?

20 THE COURT: Mr. Plexico?

21 MR. PLEXICO: It's going to be -- it's going to be
22 awhile, Judge.

23 THE COURT: Do you want to come and talk to me
24 about scheduling?

25 OFF-THE-RECORD BENCH CONFERENCE, OUT OF

3-14-18 STATE V YOUNG

BY THE COURT

1 HEARING OF JURORS. PRESENT: THE COURT,
2 MR. HOLLEN, MR. PLEXICO.
3 END BENCH CONFERENCE.

4 BY THE COURT:

5 THE COURT: How you all doing? Tired? All right.
6 This is what we're going to do. This is a good breaking
7 point. My understanding of who Defense Counsel is, is
8 he's going to be probably a good 45 minutes or so on
9 cross-examination. So based on the hour, let's go ahead
10 and break for the evening.

11 I'm sorry, I forgot to ask the attorneys one other
12 question. Come here for a second, just as far as
13 scheduling is concerned.

14 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
15 HEARING OF JURORS. PRESENT: THE COURT,
16 MR. HOLLEN, MR. PLEXICO.
17 END BENCH CONFERENCE.

18 BY THE COURT:

19 THE COURT: All right. Ladies and gentlemen, we
20 were just talking scheduling. There's a couple of
21 matters that we need to take up. I'm going to get them
22 done before you even get here tomorrow. What I am
23 asking you, Madam Foreperson and members of the jury, if
24 you will be here at 9:45 tomorrow morning, we should be
25 wrapped up with what we need to and be ready for you.

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BY THE COURT

1 Is that acceptable? You all okay with that? Okay.

2 Ladies and gentlemen, I have to tell you again, do
3 not discuss this case. It wouldn't be appropriate to do
4 so. Do not do any independent research, do not do any
5 drive-by's. Ladies and gentlemen, I remind you again,
6 you are going to have everything you need to decide this
7 case right here in this courtroom. Also, again, if
8 there happens to be anything in the newspaper, the news,
9 the radio, or the Internet on this case, you are not to
10 read it or look at it. Okay? Get a good night's sleep.
11 I anticipate, excuse me, tomorrow is going to be a long
12 Day. I can tell you that I think there's a good
13 possibility we will be finish this case tomorrow, so I
14 am just letting you all know that.

15 What I will need to know, though, from my
16 foreperson, if someone has to be somewhere at a specific
17 time tomorrow night, I need to know. I obviously cannot
18 dictate how long you deliberate. As long as you go, you
19 go. I have often had juries that will want to stay late
20 that night to be able to finish, or they'll say may we
21 break our deliberations and come back in the morning and
22 continue to deliberate. Either way, that is completely
23 up to you. We're here, the Court's here. We're going
24 to keep working. As you all know, I have another case
25 to try right after this one. So we are here, and we are

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BY THE COURT

1 fine. That will be up to you.

2 So 9:45 tomorrow morning. And Madam Foreperson,
3 if you would, talk to all the jurors before you leave
4 tonight, and just see if anyone has an absolutely
5 unavoidable conflict tomorrow evening they have to be
6 somewhere. Okay? And if you would just relay that to
7 the bailiff, I would appreciate it before you leave
8 tonight. Okay?

9 Goodnight, you all. You've been wonderful. Thank
10 you.

11 JURORS LEAVE COURTROOM 5:22 P.M.

12 THE COURT: Detective, you can get down. All
13 right. I know you're not going to talk about your
14 testimony overnight. You're still on the stand. I know
15 you know that, but we're just going to remind you for
16 the record.

17 A. Yes, ma'am.

18 THE COURT: For the attorneys, 9:00 o'clock
19 tomorrow morning. Anyone that needs to be proffered or
20 witnesses put up, they need to be here at 9:00 o'clock,
21 for everybody else. 9:45 is when the jury is coming
22 back. We'll continue at that point. Okay? Anyone need
23 anything else put on the record? You all have worked
24 hard today. I appreciate it. Okay? Everyone okay?
25 All right. Goodnight, you all.

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BY THE COURT

1 MR. PLEXICO: Thank you so much, Judge.

2 THE COURT: Absolutely. Thank you.

3 END DAY TWO, TUESDAY, MARCH 13,

4 2018, 5:23 P.M.

5 BEGIN DAY THREE, WEDNESDAY,

6 MARCH 14, 2018, 9:51 A.M.

7 OFF-THE-RECORD, IN-CHAMBERS CONFERENCE.

8 BY THE COURT:

9 THE COURT: Mr. Hollen, give me your proposed
10 witness list for today. Who do we have left?

11 SOLICITOR HOLLEN: Your Honor, I intend to call --
12 we have to finish, obviously, with the cross-examination
13 of Lieutenant Litchfield. I would call Karen Milbrodt
14 from Verizon; Eric Grabski from SLED; two quick
15 witnesses and Special Agent Jamie Greene from SLED's
16 firearms; and DNA testimony from Andrew Garinger of
17 Beaufort County Sheriff's Office. We intend to call
18 Marie Powell and Debbie Spann. And possibly Harry Orr
19 from the Detention Center, Captain Harry Orr.

20 THE COURT: Okay. Well, let's take up the first
21 issues that we discussed back in chambers. We first
22 spoke about Debbie Spann, who, my understanding is the
23 State's been trying to locate, and my understanding was
24 she was housed in the Detention Center with Ms. Young.
25 And it's my understanding that the substance of her

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BY THE COURT

1 testimony is that she admitted that she did do this
2 killing. Is that correct?

3 SOLICITOR HOLLEN: That's correct, your Honor.

4 THE COURT: All right. And you were unable to
5 locate her until today, is that correct? Or she came in
6 on her own will today? Is that correct?

7 SOLICITOR HOLLEN: Yes, your Honor. She was served
8 a subpoena this morning when we found her.

9 THE COURT: Okay. All right. Well, I thought
10 about this a little more since we talked back in
11 chambers. I am slightly concerned about the late hour
12 in finding her. You put her on the witness list. You
13 obviously knew she had information from Ms. Young,
14 because you knew she was housed with her, so. Pardon?

15 SOLICITOR HOLLEN: Go ahead, your Honor. I'm
16 sorry.

17 THE COURT: I think under, you know Rule 5, it's a
18 statement by a defendant against her interests, so it's
19 Ms. Young's own statement admitting to having killed the
20 victim in this case. It wasn't written or recorded, so
21 it wasn't something that the State had access to, so it
22 wouldn't have been turned over necessarily in discovery,
23 because there was nothing to turn over. At this point,
24 if she testifies, she will take the stand; Mr. Plexico
25 will have the opportunity to cross-examine her; and

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BY THE COURT

1 obviously, you know, be able to question her for bias or
2 prejudice. It's my understanding that somehow she is
3 related to the victim in this case. Is that correct?

4 SOLICITOR HOLLEN: I think he was a cousin, your
5 Honor.

6 THE COURT: Somehow related. I don't know of any
7 rule, Mr. Plexico, that prohibits her from testifying.

8 MR. PLEXICO: Well, your Honor, I believe it's a
9 due process question. I would have to interview
10 everybody who was over at the jail with them during that
11 period of time to -- and find out what exactly happened
12 with my client. I am caught complete -- this is the
13 third -- we started -- we pulled the jury on Monday,
14 this is Wednesday morning. We're about to finish the
15 case. I'm completely surprised. We can't stop. I
16 don't anticipate --

17 THE COURT: Well, you saw her name on the witness
18 list. I called it out to the jury.

19 MR. PLEXICO: But it was meaningless to me, because
20 I have no discovery or no indication or nothing at all
21 about what this witness was going to say. So if they're
22 going to call a witness, they're supposed to give me
23 witness statements.

24 THE COURT: There is no witness statements, though.
25 My understanding is at the point is the only thing they

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BY THE COURT

1 knew was potentially that there was a statement that Ms.
2 Young, your client, made against interests. I mean,
3 basically, this woman's a jailhouse snitch is what she
4 is, and that's what Debbie Spann is. And so, show me
5 somewhere in the rule where a jailhouse snitch can't
6 come up and testify.

7 MR. PLEXICO: I asked for a synopsis of any
8 statement they're going to use against my client, and
9 they could have provided me with a synopsis, which is in
10 Rule 5, and they failed -- and by Rule 5, they failed to
11 do that.

12 THE COURT: Okay. Tell me what you did, Mr.
13 Hollen.

14 SOLICITOR HOLLEN: Your Honor, Rule 5 specifically
15 excludes statements by prosecution witnesses until after
16 they have testified. It says, and I quote:

17 *Information not subject to disclosure --*
18 *-- and if you scroll down --*

19 *Statements made by prosecution*
20 *witnesses or prospective prosecution witnesses*
21 *provided that after --*

22 Sorry, I lost my place.

23 *-- provided that after the prosecution witness*
24 *has testified on direct-examinations, the*
25 *Court shall, on motion of the defendant,*

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BY THE COURT

1 order the prosecution to produce any
2 statement of the witness in possession
3 of the prosecution which relates to the
4 subject matter as to which the witness
5 has testified.

6 That is a specific exclusion of this exact thing.
7 Furthermore, I don't have any statements from her. I
8 never did. I can't give Mr. Plexico conjecture and
9 rumors to go by. I had no idea what she was going to
10 say. If we'd have met with her back there and she'd
11 have said, yeah, she told me she didn't do it, I would
12 have had to turn that over as exculpatory, and I would
13 have gladly done so.

14 As I said, I don't like this, this is not ideal.
15 But I don't have any choice but to attempt to call her.
16 She corroborates the testimony of another jailhouse
17 snitch. And I do believe that if there is a remedy
18 here, the remedy is not to exclude her testimony, but to
19 give Mr. Plexico a little bit of time to do what he
20 needs to do. I just don't think exclusion is proper.
21 There was just nothing for me to turn over until I spoke
22 with her today, and did it as soon as I knew.

23 Again, I -- this is not ideal. I'm not pleased
24 with it, but I don't think I have any choice but to
25 attempt to call her.

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BY THE COURT

1 MR. PLEXICO: I think he's confused about what Rule
2 5 requires. A(1) specifically states, *statement of the*
3 *defendant*. Okay? And it says that:

4 *The existence of which is known or by*
5 *due -- or by the exercise of due diligence*
6 *may become known to the attorney for the*
7 *prosecution, the substance of any oral*
8 *statement which the prosecution intends to*
9 *offer in evidence at the trial made by the*
10 *defendant, whether before or after arrest,*
11 *in response to any person known to be a*
12 *prosecution agent.*

13 Well, that's not exactly on point, Judge, but you
14 know, this is just a due process. I'm completely caught
15 by surprise. I can't do an effective cross-examination.
16 That violates her right to confront witnesses. She has
17 a right. That's meaningless unless I can do --

18 THE COURT: This woman is not a prosecution agent.
19 She is a jailhouse snitch.

20 MR. PLEXICO: I agree, Judge, but it's also --

21 THE COURT: I mean, that's where your problem lies
22 under Rule 5(a)(1)(a). I mean, that's where your
23 problem lies.

24 MR. PLEXICO: Well, if I had -- then it becomes
25 *Brady* if I don't have the -- a *Brady* violation if I

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BY THE COURT

1 don't have time to investigate it, and show that the
2 State's piling on these untruthful witnesses because I
3 couldn't go and investigate.

4 THE COURT: Well, I mean --

5 MR. PLEXICO: You just -- you just don't announce
6 you've got somebody that says my client confessed on the
7 third day of trial. I mean, that's just -- that's just
8 a blatant --

9 THE COURT: Well, the question I don't understand
10 is, when you saw Debbie Spann's name on the witness list
11 and you know who she is, why didn't you inquire? Why
12 didn't you say who is this? You know, attorneys do
13 that. I have no idea who this person is, where they
14 came from, and what they're going to testify to.

15 MR. PLEXICO: Well, your Honor, they -- they load
16 their -- I only got it last week.

17 THE COURT: Okay. Well, that's before the trial.

18 MR. PLEXICO: Well, I mean. Well.

19 THE COURT: I can tell you, I don't see where -- I
20 mean, I think it comes in. I think it goes to what it
21 is, which is, again, a jailhouse snitch. You know? I
22 don't know what her motivation is. You know, I already
23 understand she's coming saying she just doesn't want to
24 go to jail.

25 MR. PLEXICO: It's trial by ambush, Judge. That's

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1 what it comes down to.

2 THE COURT: Okay. Okay. Well, let's, right now,
3 because she won't be called in 'til later, let's not
4 deal with it right now, and let's see if we can have an
5 opportunity, possibly, for you to talk to her, Mr.
6 Plexico, to see if that might cure it.

7 MR. PLEXICO: Absolutely.

8 THE COURT: And we'll find out ahead of time what
9 she's going to say, and that might help you. Let's go
10 to the next issue this morning because the jury is back
11 there and ready to go. What is the next issue you have?

12 SOLICITOR HOLLEN: Your Honor, I think we need to
13 proffer the testimony of Special Agent Eric Grabski from
14 SLED who has plotted the --

15 THE COURT: Okay. Come on up.

16 MADAM CLERK: Is the testimony you're about to give
17 the Court the truth, the whole truth, and nothing but
18 the truth, so help you God?

19 AGENT ERIC GRABSKI: Yes.

20 MADAM CLERK: Go right around to the witness chair.

21 AGENT ERIC GRABSKI, PROFFER

22 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

23 Q. Good morning, Agent Grabski. I'm referring to you
24 as agent. Who do you work for?

25 A. I work for SLED.

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1 Q. Okay. And what do you do for SLED?

2 A. I'm a special agent, assigned to the state
3 surveillance and intelligence unit.

4 Q. Okay. And what does that mean?

5 A. That means that we're are based in the South
6 Carolina Information and Intelligence Center, otherwise
7 known as the Fusion Center. And our main goal in SSI is
8 to go after violent fugitives.

9 Q. All right. Before you worked in the Fusion Center
10 for SLED, did you have any law enforcement experience?

11 A. I did. I worked for two years at the University
12 of South Carolina Police Department.

13 Q. And how long have you been in the SSI with SLED?

14 A. It'll be two years next month.

15 Q. Okay. You said you mostly go after violent
16 fugitives. Is that right?

17 A. That's correct.

18 Q. Okay. How do you do that? What methods do you
19 use to find violent fugitives?

20 A. My team specializes in the analysis of historical
21 cellular phone data.

22 Q. Okay. So that's -- this is -- historical cellular
23 phone data, would you say, is one of your main duties?

24 A. That's right.

25 Q. All right. Now, when you're tracking violent

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1 felons, do you use, generally, historic cell phone data,
2 or do you use something else?

3 A. We use all the data we can get, which includes
4 historical cell phone data.

5 Q. All right.

6 A. Usually, we will begin our investigation once we
7 receive the records from the carrier, we'll go on ahead
8 and map out as far back as we can. Usually, it's up to
9 thirty days previous so that we can establish, you know,
10 movements, patterns, that kind of thing.

11 Q. All right. And using that information, you then
12 try to determine where a violent fugitive is?

13 A. That's correct. You know, we'll compare, you
14 know, type of information, DMV addresses, and
15 corroborate C.I.'s and things like that.

16 Q. So the information that you use to map out cell
17 phone data for violent fugitives, is it different than
18 what you use to map out the cell phone data in this
19 case, or is it the same?

20 A. No, it's the same.

21 Q. It's the same data? Could you estimate
22 approximately how many times you have used historical
23 cell phone data to map out locations?

24 A. Somewhere around the range of 200.

25 Q. Okay. So about 200 times. In your -- sorry.

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1 A. Cases, number of cases. That's cases. Sometimes
2 there's multiple phones, you know, that we use, numbers
3 that we look into on cases.

4 Q. All right. Have you, in your position with SLED,
5 received any specialized training in cell phone location
6 data?

7 A. I have.

8 Q. Can you describe a little bit about that for us.

9 A. Sure. So I received training from the FBI
10 Cellular -- Cellular Analysis Survey Team. I took a
11 sixteen-hour course. They have developed a program that
12 makes it quite simple to map out historical cell phone
13 data, particularly cell site data.

14 Q. Um-hmm.

15 A. And so, that's what I use to actually create the
16 maps, and to look into the historical cell phone records
17 as far as the geographical locations of the towers and
18 the possible locations of the -- of the device. I've
19 also received training, wireless communications, the
20 training put on by a company called ETS. That was a
21 two-week-long training. It was just a basics on how
22 cell phone towers work. How, you know, the different
23 theories and technologies behind it. I've also received
24 Pen Registered Track and Trace training put on by
25 PenLink, I believe.

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1 MR. PLEXICO: I'm sorry. I didn't hear. What's
2 the last training? I didn't hear that.

3 A. Pen Registered Track and Trace. As far as -- it's
4 put on by PenLink. That's the -- that's the company
5 that runs it, and that's mostly for live collection.

6 Q. And you use live collection in tracking fugitives
7 as well?

8 A. That's correct.

9 Q. Okay. Go ahead. I'm sorry.

10 A. And that's about, oh, gee, I would estimate about
11 32 hours' training there.

12 Q. Okay. So you have specific knowledge about how
13 cellular data networks and things like that work?

14 A. That's correct.

15 Q. Can you, and this is a broad question, but can you
16 sort of explain in broad terms exactly how a cell phone
17 works, how it picks a tower and the sectors, that sort
18 of thing?

19 A. Sure. So cell phone -- cell phones operate off of
20 cell phone towers. I think we're all aware of that. A
21 cell phone tower is divided into -- usually it's divided
22 into three different sectors. When you place a call.
23 there is a radio frequency that your phone is attached
24 to, basically, and it will go out. It will send a
25 signal to the nearest tower, and usually, the nearest

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1 tower and sector is going to pick it up. And that's how
2 you'll be able to use your phone.

3 Q. Right. And you say *usually*. Are there some
4 factors that may change that?

5 A. There's a lot of factors that change that, yes.

6 Q. All right. Can you go into some of those and what
7 they are.

8 A. The main one is just signal -- basically the
9 degrading of signals.

10 Q. Um-hmm.

11 A. So when you are in a basement, let's say, the
12 signal on your phone, I think, as we all know, is not as
13 strong. And that's because the walls and being
14 underneath, you know, somewhat underneath the ground,
15 it's going to degrade the signal to tower that you can
16 -- that your phone can reach out and see. So clearly,
17 the best case scenario is you're out in the middle of an
18 open field, and there is a tall cell phone tower, you
19 know, just a couple hundred yards away. You're going to
20 get a great signal there because, obviously, the line of
21 site is there. So trees, woods, homes, cars, that kind
22 of thing, a wall, cannot factor into degrading the
23 signal.

24 Q. Um-hmm. How about sectors of -- can you explain
25 what a sector of a cell phone tower is.

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1 A. So a sector is -- basically, think of a pie. And
2 if you think of a circular pie that's cut into three
3 pieces, each of those pieces is a sector. So you have
4 Sector 1, Sector 2, and Sector 3, and each one is
5 pointing in a different direction.

6 Q. All right. So when a cell phone utilizes a tower,
7 does it also utilize a specific sector of that tower?

8 A. That's correct.

9 Q. Okay. Now, how do you -- first of all, where do
10 you get the information that you map? When you say
11 historical software data, where does your information
12 come from?

13 A. All that information comes from the carrier.

14 Q. Okay. So that would be Verizon, AT&T?

15 A. Sprint, T-Mobile.

16 Q. Whatever. Okay. And where do you get the
17 location about the towers that you put on the maps?

18 A. So each carrier publishes -- they update their
19 tower list. Cell site list is another name for it. And
20 we have a -- we have access to -- the Department of
21 Justice has something called the National Domestic
22 Communications Assistance Center. We call it MDCAC.
23 And on there, they publish all of -- they have records
24 dating back years of cell site listings for each
25 individual carrier. It's usually about three -- every

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1 three to six months that they update their cell -- cell
2 tower listings. And mostly, they're -- they're all very
3 -- especially if they're recent, they're all mostly
4 pretty -- pretty similar, but occasionally, they'll have
5 a new tower, you know. And we can actually go directly
6 through the carrier as well to obtain those cell site
7 records, and that's some general cell site listing. For
8 the actual cell phone records of the target phone,
9 that's going to come directly from the carrier.

10 Q. Okay. And let's talk specifically about the type
11 of information that you use to analyze records in this
12 case. Can you explain basically what the information
13 that you plotted can show and what its limitations are.

14 A. I'll try to answer that. So --

15 Q. Are you trying to put the phone in a two-foot
16 radius?

17 A. No.

18 Q. Or even a --

19 A. No. No, this -- the map that I created is purely
20 a tower and sector --

21 Q. Okay.

22 A. -- in relation to what the phone used. So the
23 only time that you're going to see a tower and sector on
24 this map is when the phone actually used that tower and
25 sector, not just driving by it, you know. These maps

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1 that we create are based on phone calls, incoming and
2 outgoing phone calls, which means that the phone
3 actually has to have a transaction with the tower. And
4 usually it's going to be the closest tower.

5 Q. So is this different than what you commonly hear
6 referred to as like real-time tracking or something like
7 that? Can you explain the difference.

8 A. Right. So are you talking about RTT data?

9 Q. RTT. Yeah, whatever. I don't even know what it's
10 called.

11 A. That's fine. There's a couple of, you know,
12 acronyms that they use for that.

13 Q. Okay.

14 A. So it's a real-time tool --

15 Q. Okay.

16 A. -- a lot of times what we, I guess, in the
17 business call it. But basically, what RTD is going to
18 do, is it's going to show you the tower and the sector,
19 but then it's going to attempt to also go further and
20 give you an estimated latitude and longitude of the
21 device.

22 Q. Okay.

23 A. In my experience, I've found that the sector and
24 the tower are correct. However, the estimated -- they
25 call it estimated for a reason, because it's -- not even

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1 the carrier is able to say, hey, this phone is
2 definitely as this you know, intersection or wherever.

3 Q. Um-hmm.

4 A. So basically, the technology behind that is, the
5 tower times how long it takes, when the phone connects,
6 it'll time how long the signal takes to go out and then
7 come back. And based on that timing, it'll give an
8 estimated distance from the tower, or -- and any clue to
9 latitude and longitude. But we -- I did not map those
10 -- those records on this. I found that it's -- it's not
11 reliable, especially with -- when you're dealing with
12 mapping cases, it only serves to just give us more data
13 to look at, usually.

14 Q. All right. So just because a phone is utilizing a
15 tower doesn't necessarily mean that that is the closest
16 tower to the phone. Is that fair to say?

17 A. That's correct. That is correct.

18 Q. What are -- let me think about how to ask this.
19 What are -- so when a phone -- when you pick up a phone
20 to make a call, how does the carrier determine which
21 tower it goes to? Is there --

22 A. There's a lot of factors involved with that.

23 Q. Okay.

24 A. It's all geographical.

25 Q. Okay.

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1 A. It's going to be, essentially, the path of least
2 resistance.

3 Q. All right.

4 A. So when you make a phone call, like, let's say you
5 bought a cell phone in Charleston. You're going to be
6 assigned the Charleston switch, as they say. So a
7 switch is basically the ZIP code, or your home ZIP code,
8 right there. There's a Columbia switch, there's an
9 Asheville switch, you know, Charlotte switch. So when
10 you move into a different switch and you actually have a
11 transaction at a tower, it's going to pop up on those
12 records and say, hey, I'm in a different ZIP code, this
13 is where I'm at. And then, it's going to, as you make
14 calls in that, within that switch, it's going to choose
15 towers that have the best signal near you for what
16 you're attempting to do, text or call.

17 Q. Okay. So can you -- can you next explain what
18 sort of science is behind how you created this map.
19 What are you utilizing as far as a cell phone and a
20 signal and that kind of thing? Does that make any
21 sense?

22 A. Um.

23 Q. No?

24 A. Incoming -- incoming --

25 THE COURT: Let me ask you this. Let's back up

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1 for a second. Number one, I need to see whatever it is
2 you're referring to. What is he ultimately going to
3 testify to, though? I mean, what is his purpose,
4 because I certainly understand the science behind it,
5 and I know, but what is he here for and what is the
6 purpose of him?

7 SOLICITOR HOLLEN: Your Honor, the purpose of this
8 testimony is that the cell phone attributed to the
9 defendant --

10 THE COURT: Right.

11 SOLICITOR HOLLEN: In her statement, she says that
12 she arrives in Ridgeland at 9:00 o'clock and leaves at
13 10:30 or 11:00.

14 THE COURT: Okay.

15 SOLICITOR HOLLEN: Before -- we know, according to
16 these records, that she was utilizing a Hilton Head
17 tower up until about 10:00 o'clock on that night.

18 THE COURT: Okay.

19 SOLICITOR HOLLEN: Then we're able to track the
20 towers that that cell phone is using, all the way to
21 Ridgeland --

22 THE COURT: Okay.

23 SOLICITOR HOLLEN: -- where she stays until the
24 last time she utilizes, or that phone utilizes, the
25 Ridgeland tower is 12:54 a.m. About eight, seven, eight

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1 minutes after this murder. We're then able to track
2 that cell phone all the way back to the first switch,
3 that it utilized on Hilton Head.

4 THE COURT: Okay.

5 SOLICITOR HOLLEN: That's what I'm trying to get
6 at. We're not trying to put her even at the scene of
7 the crime.

8 THE COURT: Okay.

9 SOLICITOR HOLLEN: I'm just trying to put her in
10 Ridgeland to show that she was there at the time of the
11 murder, because she says she wasn't.

12 THE COURT: Okay. Okay.

13 SOLICITOR HOLLEN: I'm happy to pass this up to
14 your Honor. This is what he created.

15 THE COURT: Okay.

16 SOLICITOR HOLLEN: And this is very generalized
17 testimony, as far as I'm concerned.

18 THE COURT: Okay. All right. Do you need to ask
19 him some questions, Mr. Plexico?

20 MR. PLEXICO: Sure, your Honor.

21 AGENT ERIC GRABSKI, PROFFER

22 CROSS-EXAMINATION, BY MR. PLEXICO:

23 Q. Just because the -- let's get to the quick of it.
24 Because her phone is, let's say, pinging off the
25 Ridgeland tower, that's because of where the switch sent

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1 it, correct? The switch sent -- detected the phone and
2 sent it to the Ridgeland tower. Is that what they're
3 saying?

4 A. No, that is not what I'm saying.

5 Q. Okay. All right. You were --

6 A. What I'm saying is --

7 Q. You did say the switch determined which tower that
8 phone should use?

9 A. No, that is not correct. So the switch is the ZIP
10 code. The ZIP code contains many, many towers, and the
11 phone, the signal on the phone, is going to choose the
12 tower that looks most appealing for the strongest
13 signal. And usually, that is due to proximity of the
14 phone to the tower.

15 Q. All right. So there are other factors that can
16 affect that, correct?

17 A. Certainly.

18 Q. It's usually proximity. Okay. So there's no
19 guarantee or assurance that, in fact, because it was
20 used when the Ridgeland tower, that she, in fact, was in
21 Ridgeland? There could have been other factors that
22 chose that tower?

23 A. I can tell you that that cell phone used that
24 tower in Ridgeland at those times, because it was
25 initiated -- those calls are initiated by the cell phone

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1 in question or by another cell phone, which routes it to
2 that tower that that cell phone is closest to, to
3 receive a phone call.

4 Q. Okay. But you can't say where that phone is?

5 A. I can say that that phone was on Tower 208 in
6 Ridgeland. I believe 208, Sector 3.

7 Q. All right. But you can't -- but you can't say
8 that with a hundred percent certainty.

9 A. I can say that with a hundred percent certainty
10 that that phone used that tower at that time.

11 Q. Okay. All right. So you are trained in the
12 technology, correct?

13 A. Yes.

14 Q. You were trained in how to use the technology to
15 come up with your data.

16 A. That's right.

17 Q. Okay. All right. You've had 32 hours of
18 training?

19 A. Definitely more than that. That 32 hours just
20 pertained to pending PenLink training that I mentioned
21 earlier.

22 Q. That was third-party training, 32 hours. You've
23 had other training at work?

24 A. That's correct. I would -- I would estimate about
25 120 hours of training, based on the different companies.

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1 I didn't -- earlier, I didn't go into each -- how long
2 each training was, I suppose.

3 Q. Were you part of developing the theory of how to
4 determine where a phone could be with the tools you were
5 given in training? Were you part of that development
6 process?

7 A. When you say *development*, what do you mean?

8 Q. Were you part of the -- were you part of
9 developing the theory that this can actually be done,
10 and that it is -- can be done reliable?

11 A. Are you asking me if I developed the --

12 Q. I mean, right.

13 A. -- the radio frequency behind the usage of the
14 cell phone tower and everything?

15 Q. Right.

16 A. No. No, I'm not an engineer.

17 Q. All right. So you can't attest that this is a
18 valid process; you can just attest to how you use that
19 process, correct?

20 A. Based on what is given to me from the carrier,
21 that is what I'm analyzing.

22 Q. Correct.

23 A. So as far as the carrier goes, the engineer is the
24 carrier. So when they build a cell phone tower and put
25 the transmitters on, that's out of my realm of

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1 expertise.

2 Q. So if there's something wrong with the whole
3 theory behind this, you would not be trained to detect
4 that, correct?

5 A. When you say *theory*, what do you mean?

6 Q. Well, the whole process that you did not develop,
7 you're using somebody else's process. You didn't go
8 test that process and have a -- within the scientific
9 community --

10 A. That's right.

11 Q. -- and determine that it's accurate, correct? You
12 didn't do that.

13 A. That's right.

14 Q. Okay. All right. So if there is a mistake in
15 that process, you wouldn't know that, correct? If the
16 process itself is flawed, you would not know that,
17 correct?

18 A. That's right. I would see probably something
19 different on the -- on the call records. I wouldn't be
20 able to see, you know, a certain tower being used if
21 that tower was down, that kind of thing.

22 Q. You wouldn't know if your data was accurate if the
23 process itself was flawed. So you're assuming the
24 process is --

25 A. That's right.

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1 Q. -- works.

2 A. Is operating normally. That's right.

3 Q. Okay. All right. And it actually does what it
4 says, because you don't know, you didn't create it, and
5 you can't vouch for it's reliability, correct? Just for
6 the reliability of your work is what you vouch for. Is
7 that correct?

8 A. That's right.

9 Q. All right. So are there any factors where someone
10 who might not, who is in Ridgeland, might not use the
11 Ridgeland phone, according to your training and
12 expertise?

13 A. I'm sorry, I don't think I understand the
14 question.

15 Q. Say, if someone's in Hilton Head --

16 A. Um-hmm.

17 Q. -- are there some factors that could turn up that
18 would have that person using the Ridgeland -- appear to
19 be using the Ridgeland tower?

20 A. It's highly improbable, in my training.

21 Q. But it is probable?

22 A. It is not probable.

23 Q. Highly improbable, or is it not probable?

24 A. It's not probable.

25 Q. Okay. All right. You can say what you do you

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1 believe works, but you don't know the process behind it,
2 and you cannot vouch for that, correct?

3 A. The process behind?

4 Q. The cell phone location theory that you're doing
5 and saying that it should be in this area.

6 A. Theory is different than seeing a phone register
7 to a tower.

8 Q. Correct.

9 A. The theory is the science behind it.

10 Q. That's what I mean, the science.

11 A. Radio frequency. Gotcha, yes. No, I'm not a
12 scientist.

13 Q. So you can say that the phone used the tower, but
14 not that the phone was in Ridgeland, correct?

15 A. If the phone used the tower, that tower, it's
16 going to be in proximity to that tower.

17 Q. And what's the proximity you're talking about in
18 this case with that tower?

19 A. Within the line of sight of that tower. Within
20 the -- a tower is emitting energy, right?

21 Q. Correct.

22 A. So the phone would have to be within that energy
23 field in order to gain access to that tower.

24 Q. From the base of the tower out, in miles, how far
25 is that?

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1 A. We you estimate, usually. We just give it about
2 three miles, but I -- I don't know how far that tower
3 goes out.

4 THE COURT: And he's not going to testify to that
5 here today. That's what I understand. You have not
6 done, as far as vector and what the nearest tower was
7 and where this location is, you haven't done any of that
8 in this case. Is that correct?

9 A. That's right.

10 THE COURT: Okay.

11 A. As far as the signal strength, that's correct.

12 THE COURT: Exactly. Okay. Okay, I can tell you
13 this, Mr. Plexico, the science is good in this. I've
14 admitted it in many cases. There's always a question
15 of, if you've got one signal versus if you've got a
16 triangulation, the strength. Typically, the argument is
17 whether or not how close you can place that phone to the
18 incident location, but that's not what he's trying to do
19 here. What my understanding is, is that he is trying to
20 use this to show her movement from Hilton Head to
21 Ridgeland, and then back to Hilton Head, which the
22 science of what he's talking about is good, and he can
23 say that.

24 Now, again, it's the science of -- it's the cell
25 phone that's moving, obviously not her. So if someone

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1 else had the cell phone, then, and was using her cell
2 phone, that would mean she wasn't there. But again,
3 that is just part of the argument. But the science, I
4 think, is fine. I think to the extent he's testifying,
5 he's certainly is not going too far. I find you
6 qualified, certainly, to testify to it, so I don't have
7 a concern about that. What else, you all?

8 SOLICITOR HOLLEN: Your Honor, I think that's all.

9 MR. PLEXICO: We need a formal ruling on the text
10 messages.

11 THE COURT: Well, I need to talk about that,
12 because I haven't heard anyone from the text messages
13 here are from, who they're from, and who they are.

14 MR. PLEXICO: Your Honor, I'm going to give you --
15 your Honor, I am going to move my motion to exclude all
16 cell phone data as a violation of Rule 702, and to make
17 it a part of the Court's record.

18 THE COURT: Sure. Mr. Hollen, he's not testifying
19 as to specific text messages, correct? He's just saying
20 that there were text messages from this phone, or phone
21 calls, whichever it may be, correct? From Hilton Head
22 to here.

23 SOLICITOR HOLLEN: He's not going to testify at all
24 to the text messages. That will be Karen Milbrodt.

25 THE COURT: Okay. I just want to know if we're

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1 going to have the time to do a proffer, or if she can
2 tell me whose phone number is what, and --

3 SOLICITOR HOLLEN: No, she can't do that. All she
4 knows is that she can give the numbers back, the number
5 sent, the number received, the time, the date, and the
6 content. That's all she testify to.

7 THE COURT: Okay.

8 SOLICITOR HOLLEN: Not -- she clearly can't say
9 that this was her phone or the number that she's texting
10 was Eric Darien's phone or --

11 THE COURT: I thought you had a phone number that
12 the defendant admitted to in her interview that matches
13 the phone number that Verizon or whomever the carrier is
14 from?

15 SOLICITOR HOLLEN: Exactly. Ms. Milbrodt wasn't
16 here for that testimony. She doesn't know.

17 THE COURT: Okay.

18 SOLICITOR HOLLEN: So she'll just testify to the
19 number and then, yeah, that's it.

20 THE COURT: Okay. Okay. That's what I needed to
21 understand. Okay. So I don't think we need a ruling
22 yet as to what Mr. Plexico is asking me for. I think
23 you can have him testify as to we understand that this
24 is her phone number because this is what was told in the
25 interview, and he can give his testimony, correct?

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1 SOLICITOR HOLLEN: Yes, your Honor. But it would
2 be --

3 THE COURT: After Litchfield?

4 SOLICITOR HOLLEN: After Litchfield and Karen
5 Milbrodt. Then we would get to --

6 THE COURT: That's fine. Okay. All right. So are
7 we good?

8 SOLICITOR HOLLEN: I believe so, your Honor.

9 THE COURT: So would like to bring the jury out
10 here and get Litchfield at least finished, and maybe go
11 ahead and get at least that part of it done.

12 SOLICITOR HOLLEN: Sure.

13 THE COURT: Mr. Plexico yesterday said he'd be 45
14 minutes to an hour with him, and then we'll probably
15 take a break. And then, and we can get Ms. Milbrodt up,
16 and then we will get to you. Okay?

17 SOLICITOR HOLLEN: Thank you, your Honor.

18 THE COURT: Thank you, sir. Okay. Step on down,
19 sir. Okay. Are we ready to go? Litchfield, do you
20 want to come back up and take a seat?

21 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

22 THE COURT: I'm going to have Ms. Bostick swear you
23 in, just because it's a new Day. Okay?

24 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

25 THE COURT: Let's bring the jury in.

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1 JURORS ENTER COURTROOM 10:27 A.M.

2 THE COURT: Good morning.

3 RESPONSES FROM JURORS.

4 THE COURT: All right, ladies and gentlemen. Thank
5 you for being patient with us this morning. We've just
6 been working on a few matters. And I will tell you that
7 I had a time this morning with a sick child. So I was
8 working a bit late as well, so I apologize.

9 At this time we're going to go ahead and continue
10 with Lieutenant Litchfield's testimony. And because
11 it's a new day I'm going to have Ms. Bostick just place
12 him under oath again, just out of an abundance of
13 caution. Okay?

14 MADAM CLERK: Stand up.

15 THE COURT: So if you would, you can stand right
16 there, sir.

17 MADAM CLERK: Is the testimony you're about to give
18 to the Court the truth, the whole truth, and nothing but
19 the truth, so help you God?

20 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

21 MADAM CLERK: Thank you.

22 THE COURT: Thank you, Lieutenant. I appreciate
23 it.

24 LIEUTENANT DANIEL LITCHFIELD: Yes, your Honor.

25 THE COURT: Okay. Mr. Plexico.

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1 MR. PLEXICO: Thank you, your Honor.

2 LIEUTENANT DANIEL LITCHFIELD

3 CROSS-EXAMINATION, BY MR. PLEXICO:

4 Q. You're the lead investigator in regards to this
5 matter, correct?

6 A. Yes, sir.

7 Q. All right. So you got a call and you arrived.
8 About what time did you arrive?

9 A. I would say a little after 2:00.

10 Q. Okay. All right. Did you interview multiple
11 people in regards to this?

12 A. I did.

13 Q. Okay. As a matter of fact, you started the next
14 morning. I think you stayed up there and kept working
15 on that, right?

16 A. Yes, sir.

17 Q. All right. Did you meet with Officer Wells or
18 Ginn?

19 A. I did.

20 Q. All right. As part of that, did you ask them to
21 show you where Peanut and Dre were at when they were
22 shooting at Wrenshad Anderson, based on his prior
23 statement?

24 A. I asked them where this took place, and they
25 showed me in the general area, yes, sir.

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1 Q. Okay. All right. And you have an April 30th
2 report. Do you have that?

3 A. I've got most of it, yes, sir.

4 Q. All right. So they both -- they both told you --
5 they had -- and Wrenshad Anderson showed them where
6 Peanut and Dre shot from?

7 A. They did.

8 Q. Is that what Dre told you?

9 A. Yes, sir.

10 Q. Okay. And the theory, then, of the Department is
11 that Peanut and Dre shot at Wrenshad Anderson and
12 Davonte Freeman, correct?

13 A. The theory at the time was that they were shot at,
14 and they believed that Peanut and Dre were involved.

15 Q. Well, this says, *where Peanut and Dre shot from.*

16 A. Correct.

17 Q. So they think their involvement was they were
18 shooting at Wrenshad Anderson and Davonte Freeman?

19 A. Yes, sir.

20 Q. Okay. And you had no other -- that was your
21 theory at the time, too, correct?

22 A. Yes, sir.

23 Q. All right. And on down a few paragraphs, it says
24 you found four .22 caliber shells, two on the north side
25 of Adams Street, two on the south side.

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1 A. Correct, sir.

2 Q. When you went back to look. And you also said
3 that you had ten .9 millimeters?

4 A. Correct.

5 Q. Okay.

6 A. At different dates.

7 Q. All right. And you spoke with William Malphrus,
8 who we've heard from, correct?

9 A. Yes, sir.

10 Q. And you went to the Siesta?

11 A. Yes, sir.

12 Q. Okay. While at the Siesta, you were trying to
13 gather information, right?

14 A. Yes, sir.

15 Q. All right. On that -- that was video recorded and
16 audio recorded?

17 A. Yes, sir.

18 Q. Okay. On it, you're heard to say that you need
19 somebody to say he pulled the trigger, somebody to say
20 he did it. Is that accurate?

21 A. Yes, sir.

22 Q. And later, toward the end, did you say, I've got
23 to have somebody say he did it or I saw him do it?

24 A. Yes, sir. I can explain that, if you'd like.

25 Q. Okay. All right. But you told all -- there were

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1 a lot of people out there hanging out there at the
2 Siesta that you all were talking to.

3 A. Yes, sir, after our interaction. Like I say, I
4 can explain it, if you'd like me to.

5 Q. Okay. All right. Now, so people knew you wanted
6 statements, correct?

7 A. Yes, sir.

8 Q. All right. Do you know Alisa Raines?

9 A. Alisa Raines. I -- I don't remember, no, sir.

10 Q. Okay. Do you know a Marie or a Cristine Kramer?

11 A. I don't believe so.

12 Q. Okay. Do you know a Lisa Lloyd?

13 A. I'm not familiar, no, sir.

14 Q. Erica Raines?

15 A. No, sir.

16 Q. Okay. Do you know Marie Powell?

17 A. Yes, sir.

18 Q. Could those be aliases that -- would you --

19 MR. PLEXICO: May I approach the witness?

20 THE COURT: You may.

21 BY MR. PLEXICO:

22 Q. Could you examine those first two pages.

23 A. Yes, sir.

24 Q. Okay. Could they both be aliases that Marie
25 Powell uses?

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- 1 A. Very possible, yes, sir.
- 2 Q. Okay. All right. And what is this booklet that
- 3 I'm holding here?
- 4 A. It looks like a criminal history sheet.
- 5 Q. Okay. Would this be the criminal history sheet of
- 6 Marie Powell?
- 7 A. It appears to be, yes, sir.
- 8 Q. Okay. All right. And it's quite lengthy?
- 9 A. Yes, sir.
- 10 Q. And there's a huge number of fraudulent acts and
- 11 theft, correct?
- 12 A. Yes, sir.
- 13 Q. Did you review -- did you interview Marie Powell
- 14 in regards to this case?
- 15 A. I did, sir.
- 16 Q. And did you review this before you interviewed
- 17 her?
- 18 A. No, sir.
- 19 Q. Okay. But you were aware of her criminal record?
- 20 A. No, sir.
- 21 Q. You had a series of three interviews with her,
- 22 correct?
- 23 A. Yes, sir.
- 24 Q. And one of those was on 7/20?
- 25 A. I believe so, yes, sir.

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1 Q. Okay. All right. And you had another -- two more
2 -- another, at least, in August. When was the last one?

3 A. I don't have that as far as the dates in my
4 paperwork, but I do know I interviewed her several
5 times.

6 Q. All right. Did you interview -- did you interview
7 the mother of Matthew Hatchell and Matthew Hatchell's
8 brother?

9 A. I did not.

10 Q. Okay. Do you have notes on your summary in here
11 about your interviews?

12 A. I do have some notes.

13 Q. You do have. You did not interview them?

14 A. No, sir. Sergeant McIntosh did.

15 Q. Okay. All right. Did you read Sergeant
16 McIntosh's report?

17 A. Some of it.

18 Q. Okay. Did you follow up on reading Sergeant
19 McIntosh's report?

20 A. I don't believe I did. I believe I left Sergeant
21 McIntosh to do that.

22 Q. Okay. All right. Did Matthew Hatchell and his
23 brother Joshua Lafler report two males about twenty
24 minutes before the shooting, at the path, the cut, the
25 scene of the shooting, and that they were harassed by

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1 them?

2 A. I cannot remember if it was two males or a male
3 and a female.

4 Q. Well, wasn't one of them Peanut?

5 A. Possibly.

6 Q. Okay.

7 MR. PLEXICO: May I approach the witness?

8 THE COURT: You may.

9 BY MR. PLEXICO:

10 Q. Is that -- is that what Matthew said in his
11 interview?

12 A. This is Sergeant McIntosh's report.

13 Q. Does he make accurate reports?

14 A. To my knowledge, yes, sir.

15 Q. Okay.

16 SOLICITOR HOLLEN: Your Honor, objection. He's
17 asking about another -- I know he's lead case officer,
18 but can we approach?

19 THE COURT: You may.

20 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
21 HEARING OF JURORS. PRESENT: THE COURT,
22 MR. HOLLEN, MR. PLEXICO.
23 END BENCH CONFERENCE.

24 BY MR. PLEXICO:

25 Q. Okay. So you've had a chance to review that?

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1 A. Yes.

2 Q. Okay. And in that statement, it was learned that
3 Peanut was behind with a male. And by that, twenty
4 minutes prior to the shooting --

5 A. Yes, sir.

6 Q. -- Peanut was on that path with a male. Is that
7 correct?

8 A. According to Matthew Hatchell's statement to
9 Sergeant McIntosh, yes, sir.

10 Q. Okay. Thank you. Can I return that? Now, he was
11 even showed a lineup of Aneisha Young and said, no,
12 that's not her, correct?

13 A. Yes, sir.

14 Q. Okay. So she wasn't back there with Peanut twenty
15 minutes before the shooting, correct?

16 A. I don't know if she was or not.

17 Q. Okay. According to Matthew, that's not who he
18 saw?

19 A. Correct.

20 Q. And he was with his brother Joshua Lafler, who
21 said the same thing. Is that correct?

22 A. Possible. Like I said, I didn't take any
23 impression from --

24 Q. But did you read the -- you're the lead case
25 officer.

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1 A. Yes, sir.

2 Q. You've read the report?

3 A. Yes, sir, I read the report.

4 Q. And okay. And that he said that was -- he did not
5 see Aneisha Young back there, correct?

6 A. Do you have -- do you have that so I could look
7 over it, sir?

8 Q. Yes.

9 A. Thank you.

10 Q. That would be in the middle.

11 A. Yes, sir. It states here there was only one
12 person.

13 Q. Okay. All right. But not my client, correct?

14 A. No, sir.

15 Q. It was a male, correct? What he saw. All right.
16 And this is twenty minutes before, correct?

17 A. Yes, sir.

18 Q. All right. And you didn't follow up on it,
19 correct?

20 A. Sergeant McIntosh did.

21 Q. All right. Now, you interviewed a lot of people,
22 correct?

23 A. Yes, sir.

24 Q. All right. On May 2nd, did you interview Shona
25 Jinks, and she had a black male with her? She's a black

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1 female. On 5/2? Do you recall that interview?

2 A. I believe so.

3 Q. Okay. You talked with them about the case,
4 correct?

5 A. If I'm not mistaken, that would be the guardians
6 of Davonte Freeman.

7 Q. Okay. All right. Now, you told them that he was
8 actually killed with a .22 caliber, correct?

9 A. I may have.

10 Q. All right. You don't deny that?

11 A. No, I do not.

12 Q. Okay. All right. So you talked to Demitria
13 Rochelle Williams, I believe.

14 A. Yes, sir.

15 Q. Also on 5/2, correct?

16 A. Yes, sir.

17 Q. And you said that Wrenshad Anderson was saying
18 that Peanut and Dre did it, and that was on 5/2,
19 correct?

20 A. Yes, sir.

21 Q. All right. You interviewed my client on 5/10,
22 right?

23 A. I believe it was on 5/5.

24 Q. When did you serve her the warrant?

25 A. 5/5.

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1 MR. PLEXICO: May I approach the witness?

2 THE COURT: You may.

3 BY MR. PLEXICO:

4 Q. This warrant ending in 72 for the murder of --
5 concerning the murder of Davonte Freeman by Aneisha
6 Young? Defendant's Aneisha Young.

7 A. Yes, sir.

8 Q. And it was served -- at the bottom left, it says
9 it was served on my client on 5/10. Is that correct?

10 A. I'm not sure what this is.

11 Q. On the bottom left. It's the service of the
12 warrant.

13 A. Yes, sir, but I didn't serve this warrant.

14 Q. Okay.

15 A. Is what I'm saying. The warrant I served on the
16 interview is 5/5.

17 Q. All right. Now, your warrant on 5/5 --

18 MR. PLEXICO: May I approach the witness again?

19 THE COURT: You may.

20 BY MR. PLEXICO:

21 Q. Does this say that defendant was positively
22 identified as one of the shooters by eyewitness to the
23 incident?

24 A. Yes, sir.

25 Q. Okay. Who was that eyewitness?

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1 A. Wrenshad Anderson.

2 Q. But that's not true, is it?

3 A. You'd have to ask Wrenshad.

4 Q. Well, you heard his testimony.

5 A. Yes, sir.

6 Q. That's not true, is it?

7 A. Like I said, it was two years ago. You'd have to
8 ask Mr. Wrenshad.

9 Q. You all got a lot of criticism over this, and the
10 Department was under a lot of pressure, wasn't it, in
11 regards to this matter?

12 A. We are always under pressure to solve crimes, sir.

13 MR. PLEXICO: May I approach the witness?

14 THE COURT: You may.

15 BY MR. PLEXICO:

16 A. Okay.

17 Q. That refers to a shooting 45 days before and two
18 years before at Davonte at the same location?

19 A. General area, yes, sir.

20 Q. Okay. Now, there was a public outcry. They were
21 talking about --

22 SOLICITOR HOLLEN: Objection, your Honor. Can we
23 approach?

24 THE COURT: You may.

25 OFF-THE-RECORD BENCH CONFERENCE, OUT OF

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1 HEARING OF JURORS. PRESENT: THE COURT,
2 MR. HOLLEN, MR. PLEXICO.

3 END BENCH CONFERENCE.

4 BY MR. PLEXICO:

5 Q. Your department was under pressure in regards to
6 this matter, correct?

7 A. I can only answer for the personal pressure I put
8 on myself to solve crimes. I -- I don't -- our chief
9 always tells us to do our job and don't handle the
10 political side of it.

11 Q. Was your chief under pressure about this matter?

12 A. I don't believe so.

13 THE COURT: It's pure speculation. I mean, that is
14 not an appropriate question. You need to move on.

15 BY MR. PLEXICO:

16 Q. Okay. Did the Solicitor's Office put you under
17 pressure?

18 SOLICITOR HOLLEN: Objection, your Honor.

19 A. No, sir.

20 SOLICITOR HOLLEN: I don't know how we can --

21 THE COURT: Again, that would be speculation as
22 well.

23 MR. PLEXICO: Well, they have a -- may I -- may I
24 approach, your Honor? I can show you what I have.

25 THE COURT: Mr. Plexico, you just need to move on.

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1 You just need to move on.

2 BY MR. PLEXICO:

3 Q. All right. So okay. Now, did you know Marie
4 Powell had a giving false information conviction?

5 A. I do not. At the time of my interview, no, sir.

6 Q. Okay.

7 A. I was getting any information I could, and then
8 sorting it out.

9 Q. Dre is Keandre Frazier, correct?

10 A. Yes, sir.

11 Q. And that's Deputy's Bailey's son, correct?

12 A. Yes, sir.

13 Q. And you interviewed Cedric Riley in regards to
14 whether or not Dre was involved. Is that correct?

15 A. I may have. I don't remember.

16 Q. All right. And weren't you told that Dre, at the
17 time of the shooting, was with Cedric Riley and his
18 girlfriend?

19 A. I believe so, yes.

20 Q. Okay. And you didn't pursue that anymore?

21 A. No, sir.

22 Q. Okay. And did you look at Cedric Riley's record
23 and realize that he had a distribution of cocaine?

24 A. I did not.

25 Q. Okay. All right.

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1 A. My understanding was Keandre was with one of
2 Davonte's relatives.

3 Q. Okay. And that's his girlfriend?

4 A. Yes.

5 Q. Okay. And do they have a child together?

6 A. I do not know.

7 Q. All right.

8 MR. PLEXICO: May I approach again, your Honor?

9 THE COURT: You may.

10 BY MR. PLEXICO:

11 Q. All right.

12 A. Yes, sir.

13 Q. That has the height of my client. Is that 4-11?
14 My client's a short girl.

15 A. Yes, sir.

16 Q. Okay. All right. Then, that's correct?

17 A. Yes, sir.

18 Q. All right. 4-11? Yes, sir? Is that --

19 A. Yes.

20 Q. Okay. All right. And you told other people that
21 Davonte Freeman was killed with a .22 caliber, correct?

22 A. I possibly did.

23 Q. All right. Now, when you interviewed my client --
24 let me ask you this. When you interviewed Peanut, Eric
25 Darien --

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1 A. Um-hmm.

2 Q. -- did he say my client had anything to do with
3 the murder?

4 A. I don't remember him saying anything like that.

5 Q. Okay. And the fact is, he didn't, correct?

6 A. Okay.

7 Q. All right. So you actually lied to my client,
8 didn't you? Didn't you lie to my client during her
9 interview?

10 A. I did not.

11 Q. Okay. Well, weren't you trying to pit her against
12 Peanut by saying that's not what he said?

13 A. Yes, sir. Definitely.

14 Q. Okay. All right.

15 A. It's an interview interrogation tactic.

16 Q. That's an interrogation tactic, but it's not a
17 lie. It's simply untrue. But it's an interrogation
18 tactic.

19 A. No, my actual statement was, *that's not what he's*
20 *saying.*

21 Q. Okay.

22 A. I can explain, if you would like me to.

23 Q. I'm sure you can. That's fine.

24 A. Yes, sir.

25 Q. All right. And Dre and his -- excuse me. Dre

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1 only had his girlfriend and Cedric took cover for him,
2 to provide an alibi?

3 A. I believe so. And like I said, I'm not sure if
4 that's Cedric's girlfriend or not. I just knew it was a
5 relative of Davonte's.

6 Q. Okay. Now, you talked to -- did you talk to Marie
7 Powell at one time and, you know, take her out of Judge
8 Scoggins' court?

9 A. Yes, sir.

10 Q. Okay. And did you go back and tell Judge -- asked
11 Judge Scoggins to give her whatever help he could on
12 whatever time she was looking at, at the end of that
13 interview on --

14 A. I don't remember if I did or not.

15 Q. Sounds like something you would do for her.

16 A. I have done it for people in the past, yes, sir.

17 Q. Okay. Did you do that for her?

18 A. I don't recall if I did or not.

19 Q. Okay. Do you recall getting her out of the
20 courtroom to interview her?

21 A. Yes, sir.

22 Q. Okay. And you can't remember if you tried to help
23 her on her charges after you talked to her and got
24 another statement from her?

25 A. Not on her charges, no, sir.

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1 Q. Okay. Do you remember her during the first
2 interview, where she was saying that she had -- she had
3 outstanding charges with Judge Nancy?

4 A. I don't remember what judge, but I remember it was
5 --

6 SOLICITOR HOLLEN: Objection, your Honor. This is
7 the stuff that Marie Powell is telling him. He can ask
8 her.

9 MR. PLEXICO: He's the lead investigator, and he
10 made decisions based on --

11 THE COURT: If he's learned it in his investigation
12 or knows it, then he can testify to it.

13 BY MR. PLEXICO:

14 A. I knew that she had -- she told me she had some
15 charges with the county, magistrate charges?

16 Q. Okay. She was expecting help from you, correct?

17 A. I don't know what she was expecting.

18 Q. Okay. All right. And but you can't recall if you
19 actually did anything for her. Is that your testimony?

20 A. On her charges with the magistrate's office, I
21 know I did not.

22 Q. Okay. You didn't tell Judge Scoggins to give her
23 what help he could give her?

24 A. I don't remember doing that, because a lot of
25 times with bench warrant stuff, we don't have any say-so

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1 on how many days they get or don't get. In other words,
2 if I talk to somebody before they're charged, I can help
3 them, but afterwards, I have no way of helping them.

4 Q. Okay. Well, she stays in trouble, correct?

5 A. She's been in trouble before.

6 Q. All right. It's a long history of trouble?

7 A. I don't use that against her.

8 Q. Okay. All right.

9 A. People make mistakes, sir.

10 Q. She's made a booklet of mistakes.

11 A. I'm not familiar with how much, but.

12 Q. All right. Now, --

13 A. It's kind of like the old saying, you can't get a
14 preacher, but I'll do it for you.

15 MR. PLEXICO: Court's indulgence, your Honor.

16 BY MR. PLEXICO:

17 Q. Now, Marie Powell stayed with Anthony Austin. Is
18 that correct?

19 A. I believe so. I believe that was her boyfriend.

20 Q. Anthony Austin dated Davonte and Wrenshad's
21 mother, and then she passed away. And then, he hooked
22 up with Marie Powell, correct?

23 A. I don't know the history on that.

24 Q. Well, they were staying over at Marie's house,
25 Davonte Freeman and Anthony and Wrenshad Anderson?

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1 A. Okay.

2 Q. Okay? All right. So there's a -- Anthony Austin
3 is practically a step-father to those two boys, Wrenshad
4 Anderson and Davonte Freeman?

5 A. Yes, sir.

6 Q. Okay. All right. Now, and you talked to a lot of
7 the family members in regards to this?

8 A. Several, yes, sir.

9 Q. In early May?

10 A. Yes, sir.

11 Q. Okay. Well, you talked to everybody who was over
12 at -- wasn't there a wake going on, so to speak, at the
13 Siesta when you were over there?

14 A. I wouldn't call it a wake.

15 Q. Well, there were a bunch of people over there,
16 including Wrenshad Anderson.

17 A. The majority of them lived there, yes, sir.

18 Q. And they were cooking out and drinking some beer,
19 and they were --

20 A. When I went over there and interviewed them, no,
21 sir.

22 Q. Okay. Well, didn't they say that Wrenshad didn't
23 want to talk about what happened to you that day?

24 A. Yes. He was obviously emotionally distraught.

25 Q. Okay. And there were a lot of family members of

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1 his over there?

2 A. Several, yes, sir.

3 Q. Okay. All right. And people that knew him were
4 over there?

5 A. Yes, sir.

6 Q. All right. And you sign a -- you all sign a --
7 when you sign a warrant, that is an affidavit subject to
8 the penalties of perjury. When you sign a warrant on a
9 defendant --

10 A. Um-hmm.

11 Q. -- that is an affidavit before the Court?

12 A. Yes, sir.

13 Q. And that is subject to the penalties of perjury,
14 correct?

15 A. Yes, sir.

16 Q. All right. Now, were you all criticized for
17 improper evidence collection in regards to this matter?

18 A. I was not criticized by the public. Obviously,
19 our department, we could have done it differently and
20 better.

21 Q. Okay. It was not a professionally done. Is that
22 the criticism?

23 A. Like I said, I don't have any criticism from the
24 public or anything of that nature, but we wish it would
25 have been done better.

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1 Q. Okay. And you all have SLED, you all can call
2 SLED in at any time, you can ask the Sheriff's
3 Department for help. Is that true?

4 A. Yes, sir.

5 Q. You can ask Hardeeville for help. Is that true?

6 A. Yes, sir.

7 Q. Or do the Ridgeland Police Department, do you all
8 have bad relations with the Beaufort County Sheriff's
9 Department or the Beaufort or Port Royal Police
10 Departments?

11 A. No, sir.

12 Q. Would they be willing to come over and help you if
13 you all were short-staffed?

14 A. I would hope so.

15 Q. Could you all help maintain the integrity of that
16 crime scene if you had called those other people over
17 there to assist you?

18 A. Yes, sir.

19 Q. Okay. You all knew you were short-handed that
20 night, you were already short a staff member. Is that
21 correct?

22 A. Yes, sir.

23 Q. All right. Did you all do any of those things?

24 A. We did not. Would you like me to explain?

25 THE COURT: You can explain if you'd like. Go

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1 ahead.

2 BY MR. PLEXICO:

3 A. Typically -- and I'm not downplaying any crime
4 scene whatsoever -- but typically, at the time, it was
5 assault and battery, high and aggravated.
6 Unfortunately, Mr. Freeman passed away several hours
7 later. Initially, when I got on the scene, the officers
8 that were there, to include Lieutenant Ginn, he stated
9 that he had looked for evidence, and I trusted the fact
10 that he did. Before he could get crime scene tape or
11 anything of that nature up, apparently had another call.
12 They were stretched thin. It's not an excuse, and
13 obviously, we wish it was done better and differently.
14 But we normally would not call SLED or any other agency
15 for a assault and battery or anything of that nature.

16 Q. Did you all get any DNA from over -- did you
17 attempt to get any DNA?

18 A. I think the shell casings were sent off for maybe
19 DNA.

20 Q. Did you all preserve any footprints?

21 A. No, sir.

22 Q. And that's generally has a -- kind of a -- could
23 you call that a high-crime area?

24 A. No, sir, I wouldn't call that a high-crime area.
25 It's definitely a high foot-traffic area.

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1 Q. Okay. But you all didn't rope it off and protect
2 what was there, the fresh footprints?

3 A. No, sir."

4 Q. Okay. Is another reason, because the perpetrators
5 of the crime had already been identified as Peanut and
6 Dre, that you all didn't do that?

7 A. No, sir. I don't think that came into play.

8 Q. Did you all guard the crime scene that night?

9 A. No, sir.

10 Q. Did you put a guard there? Okay. Didn't, during
11 one of her meetings with you, Marie Powell claimed to
12 talk to my client, correct?

13 A. Yes, sir.

14 Q. And she told you that my client, Peanut, and Donte
15 Frost were together during the shooting. Is that what
16 Marie Powell said?

17 A. I don't remember Davonte Frost.

18 Q. No, Donte Frost.

19 A. Donte Frost? I don't remember that.

20 Q. Davonte Frost. Did she say there were three
21 people there at any time?

22 A. I don't remember.

23 Q. Okay.

24 A. I believe she testifying, if you want to ask her,
25 sir.

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1 Q. All right. Didn't you think it was odd that my
2 client would pick out somebody so close, practically a
3 blood relative, to talk to about any possible
4 involvement she had in a murder case? Why would she
5 talk to Marie Powell, who is practically the adopted mom
6 now of Wrenshad Anderson and Davonte? Did that make any
7 sense to you? ~

8 A. I can't vouch for the mentality of people.

9 Q. Okay.

10 A. We see a lot of weird stuff in this line of work,
11 sir.

12 Q. And Marie Powell hangs out over at the Siesta?

13 A. I've never seen her out there.

14 Q. Okay. Well, she lives over just two -- she lives
15 just two blocks away.

16 A. I understand. Like I say, I've never seen her at
17 the Siesta or heard about her being there.

18 Q. All right. But she knows everybody over there.
19 Do you agree?

20 A. Probably so. Yes, sir.

21 Q. Okay. All right.

22 MR. PLEXICO: Court's indulgence, please?

23 THE COURT: Yes.

24 BY MR. PLEXICO:

25 Q. When Wrenshad -- that night, Wrenshad was making a

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1 ton of phone calls to people.

2 A. Okay.

3 Q. And you were aware of that, right?

4 A. No, sir.

5 Q. The night of this -- the night this happened?

6 A. No, sir. I never saw Wrenshad that night or spoke
7 to him.

8 Q. Okay. Did you read Officer Wells' and Lieutenant
9 Ginn's basic report that started the incident in your
10 duty as a lead investigating officer?

11 A. Yes, sir.

12 Q. Okay. Did that indicate to you that he was
13 talking incessantly on the phone as the officers were
14 there?

15 A. Yes, sir, he was on the phone.

16 Q. Okay. All right. And one of those people he
17 called was Aneisha Young. Are you aware of that?

18 A. Yes, sir.

19 Q. Okay. And he's very mad at Aneisha Young, isn't
20 he?

21 A. I would assume so.

22 Q. He's threatening Aneisha Young.

23 A. Okay.

24 Q. correct?

25 A. I don't know that.

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1 Q. Do you imagine he said anything nice to her?

2 A. I would suspect not.

3 Q. Okay. All right. Now, do you all typically allow
4 a witness when you -- do officers take charge of a crime
5 scene, especially a serious crime scene, a felony, when
6 they arrive?

7 A. Yes, we do. And we also do that with, obviously,
8 regards to the victim's brother being killed at the time
9 -- excuse me -- shot at the time.

10 Q. All right. So you all should have came there and
11 preserved evidence, correct?

12 A. Yes, sir.

13 Q. That's part of controlling the crime scene?

14 A. If they'd have seen some, I'm sure they would.

15 Q. Okay.

16 A. They missed it, which is unfortunate.

17 Q. But also talking to the witnesses and getting a
18 statement from them while their memories are fresh is
19 also important. Is it not?

20 A. Actually, it's been found that under a high-stress
21 situation, it's better to wait several hours to get a
22 more accurate memory of what actually went on.

23 Q. You mean, good police work involves, in a murder
24 case where somebody is lying dead and another man is
25 alleged to have been shot at, there is only one

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1 eyewitness, that you wait hours to talk to that
2 eyewitness?

3 A. No, sir. We typically try to do several
4 interviews.

5 Q. Okay.

6 A. In other words, it's shown that you actually
7 remember more several hours later, once you've calmed
8 down.

9 Q. Okay. But you talk to them to start with, right?

10 A. Yes, sir.

11 Q. All right. And the best statement is one that is,
12 not polluted by the influence of others?

13 A. Yes, sir.

14 Q. Is that correct? So part of taking charge would
15 be police come over here and said, let's not use the
16 cell phone, let's not be texting, can we talk to you,
17 right?

18 A. It's my understanding that an officer did that,
19 tried that.

20 Q. But he just didn't take control?

21 A. Well, like I said, it is very hard to make
22 somebody who's not a suspect do something, and you got
23 to understand the high-stress situation of seeing his
24 brother get shot. I'm sure he was -- the officer -- I
25 can only suspect that the officer was trying his best to

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1 be as accommodating as he can under the situation.

2 THE COURT: Okay. Ladies and gentlemen, we're
3 going to take a real quick break at this time. Do not
4 discuss this case. It wouldn't be appropriate to do so.
5 I'm going to send you back to your jury room. Grab a
6 cup of coffee, ladies and gentlemen, I'll be right back
7 with you. Thank you.

8 JURORS LEAVE COURTROOM 11:05 A.M.

9 THE COURT: All right. I just needed to take a
10 five-minute break. I've got to tell you, your
11 questioning is so speculative. You can ask this
12 investigator as a lead investigator what was done in the
13 investigation. He can say what was and what wasn't
14 done, but you're starting to try to get him to speculate
15 why something is done. That's not reliable information.
16 I mean, he can say in his experience he can assume x, y,
17 and z. But again, we're getting so far south of what
18 really is going on. So yes, you can explain what you're
19 saying, but again, if you don't know, you need to say, I
20 don't know, I can't speak for him. And he already
21 testified. So again, that person can be asked.

22 A. Yes, ma'am.

23 THE COURT: So again, for you to do this at this
24 point, and again, to speculate when you don't know, is
25 getting us way into left field.

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1 A. Yes, your Honor.

2 THE COURT: That's it. We're going to take five
3 minutes. You're welcome to step down, sir. And we'll
4 be right back with you all. All right?

5 OFF THE RECORD 11:07 A.M.

6 BACK ON THE RECORD 11:19 A.M.

7 THE COURT: All right. You ready to go? Let's
8 bring the jury in. Thank you.

9 JURORS ENTER COURTROOM 11:19 A.M.

10 THE COURT: All right. Welcome back, ladies and
11 gentlemen. Mr. Plexico, please continue with Mr.
12 Litchfield.

13 CONTINUE CROSS-EXAMINATION

14 BY MR. PLEXICO:

15 Q. Okay. Did Marie Powell ever tell you differently
16 from what she said earlier, that it was her, Peanut, and
17 Dre, is what my client told her was involved in the
18 shooting?

19 A. I'm sorry, could you repeat the question.

20 Q. Did Marie Powell --

21 A. Um-hmm.

22 Q. -- tell you that my client ever said that it was
23 -- in a different interview --

24 A. Okay.

25 Q. -- that it was herself, Dre, and Peanut who were

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1 involved in the shooting?

2 A. I don't recall.

3 Q. Do you recall on 7/20 --

4 A. Okay.

5 Q. -- the 7/20 interview with Marie Powell that you
6 told Marie Powell that the .22 caliber killed Davonte
7 Freeman?

8 A. Yes, sir.

9 Q. Okay. All right. So you talked to her about some
10 of your other interviews, correct, and what you had
11 learned at that point and what you needed? Is that
12 correct?

13 A. I don't remember exactly putting it that way, but
14 I did tell her he was killed with a .22, because I
15 believe she thought it was a .9 millimeter.

16 Q. Okay. Matter of fact, in a later interview, she
17 came back and said that Aneisha Young said that she shot
18 him with a .22, correct?

19 A. I don't remember.

20 Q. Did she -- did Marie Powell ever tell you that my
21 client said, in a second or third interview, did Marie
22 Powell ever tell you that my client said that she shot
23 her with a .22 caliber?

24 A. I actually don't remember what caliber she said,
25 but I remember saying that your client did shoot him.

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1 Q. Well, you remember telling her that Peanut had the
2 .9 millimeter, because that's what he was seen with
3 earlier, correct?

4 A. I probably did, yes, sir.

5 Q. All right. So that leaves you telling Marie
6 Powell, on July 20th, that Davonte Freeman was shot with
7 a .22, correct?

8 A. I did tell her that, yes.

9 Q. She came back and told you in a later interview
10 she said she shot her with a .22 caliber. Is that
11 correct?

12 A. She may have. I don't remember.

13 Q. Do you deny that?

14 A. I do not.

15 Q. Okay. So you were feeding her information about
16 the case, correct? Marie Powell?

17 A. I wouldn't use the term feeding, but yes, sir.

18 Q. You were giving her information about the case?

19 A. I was correcting her on the assumption it was a .9
20 millimeter that killed him.

21 Q. But that would give her information that she came
22 back and regurgitated to you in a different form,
23 correct?

24 A. Yes, sir.

25 Q. All right. And did she come back and also tell

1 you that it's just like what you said? You remember her
2 saying that?

3 A. She did, yes, sir.

4 Q. Okay. So you told her and she repeated it, except
5 she put Aneisha Young as the guilty party, with what you
6 said, correct?

7 A. I would not use the term *repeated*. I believe she
8 gave me information that matched up with what we believe
9 happened.

10 Q. Okay.

11 MR. PLEXICO: I don't have anything further.

12 THE COURT: Yes, sir.

13 LIEUTENANT DANIEL LITCHFIELD

14 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

15 Q. All right. Lieutenant Litchfield, I'm going to
16 try and be brief here. How did you get in touch with
17 Marie Powell?

18 A. She actually asked one of our officers to get them
19 information she needed to talk to me.

20 Q. So you didn't go looking for her?

21 A. No, sir.

22 Q. And you did speak with her, that's right?

23 A. Yes, sir.

24 Q. And you met with her three different times?

25 A. Yes, sir.

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LITCHFIELD - RE-DIRECT - HOLLEN

1 Q. Okay. So there were three interviews. When she
2 came to you, without giving her any information, what
3 was the first thing she told you? Do you recall? Do
4 you have your notes in front of you?

5 A. Yes, I do.

6 Q. Of that interview. Will you refer to those,
7 please.

8 A. Yes, sir.

9 Q. All right. When she came in, what did she tell
10 you?

11 A. She told me that -- she told me that Aneisha Young
12 was incarcerated with her; their bunks are beside each
13 other. Ms. Powell stated after some time together, Ms.
14 Young finally told her that Davonte had robbed her and
15 Peanut, and they had decided to kill Davonte and Kwame.

16 Q. And what did she tell you about a gun? Was that
17 the only information that she had about a gun in that
18 interview?

19 A. In that interview?

20 Q. Yeah.

21 A. She stated that Aneisha found out that her
22 boyfriend, was Anthony Austin. She stated that -- well,
23 I don't want to get into all that. I don't see anything
24 about a gun in that first interview.

25 Q. Okay. She didn't tell you about a .9 millimeter

1 in that interview?

2 A. As according to my notes, no, but I do have a
3 video of it.

4 Q. All right. You know, we're going to ask her. I
5 handed you this yesterday to identify. Can you look at
6 it again and make sure it's still fair and accurate.

7 A. Yes, sir, it is.

8 Q. What is that?

9 A. This is casing and lead found at the crime scene,
10 .9 millimeter, believed to be.

11 Q. And that's State's Exhibit 14?

12 A. Yes, sir.

13 SOLICITOR HOLLEN: Your Honor, I'd ask to enter
14 State's Exhibit 14 at this time.

15 MR. PLEXICO: No objection.

16 THE COURT: Without objection, they're in evidence.

17 SOLICITOR HOLLEN: Okay.

18 ITEM IDENTIFIED AS CASING AND LEAD

19 FOUND AT THE CRIME SCENE

20 MARKED STATE'S EXHIBIT NUMBER 14

21 ADMITTED AS EVIDENCE.

22 BY SOLICITOR HOLLEN:

23 Q. There was some talk about interrogation. You
24 started to explain something about interrogation
25 technique. Can you go ahead and tell the jury about

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LITCHFIELD - RE-DIRECT - HOLLEN

1 that.

2 A. Yes. Ladies and gentlemen, whenever we interview
3 somebody, it's less aggressive, if you will. I hate
4 using that term, but when you interrogate somebody, you
5 get to the point in an interview where you believe
6 they're not being truthful for you, so you get a little
7 more aggressive, and you tell them stuff like, you're
8 lying to me, I know you know more stuff. You can
9 actually -- according to the Supreme Court, you can lie
10 to a suspect to see if they'll open up and tell you more
11 information. It's a ploy that we use in law enforcement
12 to break that barrier of somebody who just doesn't want
13 to talk to you.

14 Q. Okay. Did you ever find a .22 caliber gun that
15 you believe was used in this case?

16 A. No.

17 Q. Did you ever find a .9 millimeter that you believe
18 may have been used in this case?

19 A. Yes, we did.

20 Q. As a result of getting a .9 millimeter gun, was
21 anything sent to SLED to be tested?

22 A. Yes. We took a shell casing from the scene and
23 sent it to SLED to be compared to the weapon that we
24 believe possibly was involved in this.

25 Q. Did you send all the shell casings?

- 1 A. No, we just sent one.
- 2 Q. What caliber did you send?
- 3 A. .9 millimeter, to compare it to the .9 millimeter
- 4 gun.
- 5 Q. Why didn't you sent the .22 caliber shells?
- 6 A. We didn't have a gun to compare it to.
- 7 Q. Okay. So is there any reason to send it?
- 8 A. We didn't think so.
- 9 Q. Okay. There's some talk about Cedric Riley and
- 10 Nisha Jones. Do Cedric Riley and Nisha Jones date?
- 11 A. I have no idea.
- 12 Q. How is Nisha Jones related to Davonte Freeman?
- 13 A. My understanding was it was his sister.
- 14 Q. Okay. And is that who Keandre Frazier was
- 15 supposedly with at the time of this?
- 16 A. Yes.
- 17 Q. All right. And the other person there was Angela
- 18 Bennett. Is that right?
- 19 A. Angela Bennett, yes.
- 20 Q. And who is that?
- 21 A. A friend or cousin of Davonte. I'm not real sure.
- 22 Q. How is he -- how is he connected to Nisha Jones?
- 23 Do you know?
- 24 A. I have no idea.
- 25 Q. All right. Real quick. In that interview, do you

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LITCHFIELD - RE-DIRECT - HOLLEN

1 have any idea how many times Ms. Young she said she
2 doesn't know that boy or doesn't know Peanut?

3 A. I have no idea how many. It was several, though.

4 Q. Okay. In that interview, do you recall her saying
5 what time she left Ridgeland?

6 A. 10:30 or 11:00.

7 Q. Okay.

8 SOLICITOR HOLLEN: Court's indulgence, your Honor.

9 BY SOLICITOR HOLLEN:

10 Q. Matthew Hatchell, Joshua Lafler were mentioned,
11 and they were interviewed in this case. Is that right?

12 A. Yes, sir.

13 Q. According to the notes that you look at, what did
14 Matthew Hatchell say he saw?

15 A. I have to review it again.

16 Q. Okay.

17 A. I don't even know if I have it on there. I don't
18 have it with me. That was the one that Plexico gave me.

19 Q. I believe the testimony was that Matthew Hatchell
20 saw two males. Is that right?

21 A. One of the two did. I believe it was Hatchell.

22 Q. And Joshua Lafler saw one person?

23 A. Yes.

24 Q. And they were together?

25 A. Yes.

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LITCHFIELD - RE-CROSS - PLEXICO

1 Q. Okay. That's a little bit conflicting, isn't it?

2 A. Yes, sir.

3 Q. Okay.

4 SOLICITOR HOLLEN: Lieutenant Litchfield, I don't
5 have anything further for you. Thank you.

6 A. Yes, sir.

7 THE COURT: Anything, Mr. Plexico?

8 MR. PLEXICO: Yes. Just briefly.

9 LIEUTENANT MATTHEW LITCHFIELD

10 RE-CROSS-EXAMINATION, BY MR. PLEXICO:

11 Q. On 7/20, Marie Powell told you that my client
12 allegedly told her, she, Peanut, and Dre were there when
13 Davonte Freeman was shot. Is that correct? Is that
14 what she originally -- that's what she told you my
15 client's said originally? Now, okay?

16 A. Okay.

17 Q. All right. And then, it was --

18 SOLICITOR HOLLEN: Objection, your Honor, he's
19 testifying. If he wants to -- Mr. Plexico needs to be
20 put under oath to testify. Does he have a question?

21 MR. PLEXICO: He said yes. He answered.

22 THE COURT: It's fine, go ahead. This is cross-
23 examination, go ahead.

24 BY MR. PLEXICO:

25 Q. And she also said that Davonte Frost, she, and

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MILBRODT - DIRECT - HOLLEN

1 Peanut is what Aneisha Young told her at another
2 interview.

3 A. Okay.

4 Q. You don't deny that?

5 A. I don't deny it, but I don't remember.

6 MR. PLEXICO: I don't have anything further.

7 THE COURT: Okay. You may step down. Thank you.
8 Can you call your next witness?

9 SOLICITOR HOLLEN: Karen Milbrodt.

10 MADAM CLERK: Please raise your right hand and
11 place your left hand on the *Bible*. Is the testimony
12 you're about to give the Court the truth, the whole
13 truth, and nothing but the truth, so help you God?

14 KAREN MILBRODT: So help me God.

15 MADAM CLERK: Come right around, have a seat in the
16 chair. You can adjust that chair and the mic.

17 KAREN MILBRODT: Yes, ma'am.

18 KAREN MILBRODT

19 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

20 A. Good morning.

21 Q. Good morning, Ms. Milbrodt. Who do you work for?

22 A. Verizon Wireless.

23 Q. What's your position with Verizon Wireless?

24 A. My title is I'm a senior analyst in executive
25 relations. And one of the responsibilities as a senior

1 analyst is I'm a records custodian for the business.

2 Q. And so, as a records custodian, do you have
3 knowledge of how Verizon prepares and keeps its records?

4 A. I do.

5 Q. And so, what kind of duties does your job include?
6 What do you do on a daily basis?

7 A. Well, I kind of have like a two-part job. When
8 I'm in the office, I, you know, assign cases that
9 consumers have filed with government agencies, like FCC,
10 Attorney General, PUC, PFC, various consumer advocate
11 agencies. I investigate the complaint, try to resolve
12 it, and then send back the agency a written response of
13 our position. I do our small claims. I handle abusive
14 term -- customers, and so that's office work.

15 When I'm doing my records custodial portion, I
16 travel around the Southeast. I testify to records that
17 we keep, authenticate them, and answer questions that
18 either party may have about them.

19 Q. So as part of Verizon's record, do you keep --
20 does Verizon keep call logs for cell phones?

21 A. Absolutely.

22 Q. And what would those include? Just in general,
23 what kind of information could you gather from those?

24 A. Sure. It would be the date and time of the call,
25 the telephone number that made the call, the telephone

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1 number of the recipient. The switch, which is the
2 market that the device was in when the call was made;
3 the cell tower that was in use when the call began; the
4 cell tower that was in use when the call ended; and the
5 antennae; how long the call lasted in seconds.

6 Q. So you can get the tower location of the cell
7 phone tower that the phone was utilizing from those
8 records?

9 A. Yes, sir.

10 Q. Did you receive a request to pull some records for
11 the case we're here on today?

12 A. Verizon Wireless received a subpoena.

13 Q. All right. If I may, I'm going to hand you what's
14 been marked for identification as State's Exhibit Number
15 28, and ask you if you recognize it.

16 SOLICITOR HOLLEN: May I approach the witness, your
17 Honor?

18 THE COURT: You may.

19 BY SOLICITOR HOLLEN:

20 Q. There you are.

21 A. I do recognize it.

22 Q. And what are you holding in your hand?

23 A. This is called a call detail report, or our
24 internal, it's called a CDR. So it's a record of
25 incoming and outgoing call logs for a specific phone

1 number.

2 Q. Okay. And what is the phone number that those
3 records relate to?

4 A. Area Code 803-842-3731.

5 Q. 803-842-3731. Is that right?

6 A. Yes, sir.

7 Q. Okay. Now, have those records, have you reviewed
8 them?

9 A. Several times.

10 Q. Okay. And have they been changed or altered in
11 any way since you sent them?

12 A. To my knowledge, no.

13 Q. All right. So are those a full and accurate -- I
14 can't say full, but are those an accurate copy of some
15 call detail records from this phone number?

16 A. Yes, sir. Those are a printed record of the
17 records that we sent you.

18 Q. And those records are kept in the ordinary course
19 of Verizon's business?

20 A. They are.

21 SOLICITOR HOLLEN: Your Honor, at this time I would
22 offer State's 28 into evidence.

23 THE COURT: Subject to your prior objection. And I
24 need to see this, because I haven't seen this list.

25 Any objection, Mr. Plexico?

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MILBRODT - DIRECT - HOLLEN

1 MR. PLEXICO: I --

2 THE COURT: Have you seen this one?

3 MR. PLEXICO: I haven't seen it.

4 THE COURT: Let him take a look at it.

5 MR. PLEXICO: He showed it to me briefly.

6 THE COURT: Okay.

7 MR. PLEXICO: I've examined this, your Honor.

8 THE COURT: Thank you. All right.

9 ITEM IDENTIFIED AS CALL DETAIL REPORT

10 MARKED STATE'S EXHIBIT NUMBER 28

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR HOLLEN:

13 Q. Ms. Milbrodt, from these records is it possible
14 for someone to take them and create a map or an exhibit
15 showing the tower location that this phone was utilizing
16 at specific times?

17 A. Using that record, and then the other record that
18 we sent that has the cell tower address location log,
19 with those two combined, you can absolutely create a map
20 of where our cell towers are located.

21 Q. And that other document that you're referring to,
22 is that something that's available to law enforcement or
23 certain agencies? Or is it something that you send with
24 every record that you --

25 A. Both, both.

1 Q. Both.

2 A. When we receive a subpoena that asks for cell
3 tower record information, we send along the cell tower
4 address key. I've testified in courts where law
5 enforcement has retained a copy themselves from previous
6 cases.

7 Q. Got it.

8 A. So both. Some obviously already have it. Some --
9 and we always send a record with the records that we
10 send.

11 Q. Were you also asked to pull some subscriber
12 information, or attempt to pull subscriber information,
13 for this phone number that we're referring to?

14 A. We were.

15 Q. And is there any subscriber information available
16 for 803-842-3731?

17 A. Not for this mobile number during this time frame.

18 Q. All right. Why is that?

19 A. That is because this subscriber is -- purchased
20 their phone from what's called a reseller.

21 Q. Um-hmm.

22 A. So a reseller is Cricket Wireless, Virgin Mobile,
23 Smart Wireless. These are companies that sell service,
24 but they do not have a network. So in order for their
25 customers to be able to make and receive phone calls or

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MILBRODT - DIRECT - HOLLEN

1 text messages or data sessions, those resellers will
2 lease time on our tower. And we are the party that's
3 allowing their calls to complete, but the billing party
4 is Smárt Wireless, Virgin Mobile, one of the third-party
5 resellers.

6 Q. Right.

7 A. So they are the billable party. They would have
8 the relationship of who they're sending their bills to.

9 Q. Right.

10 A. We would not be party to that.

11 Q. So do you have any information about how a
12 TracFone, Cricket, or anything like that, what kind of
13 information they require for cell phone subscribers, if
14 any?

15 A. I have no knowledge of their business practices,
16 sir.

17 Q. Now, utilizing what's been introduced into
18 evidence as State's Exhibit Number 28, when we spoke
19 previously, I asked you to look up some information. Do
20 you recall that?

21 A. I do.

22 Q. And do you recall that I asked -- do you recall
23 what I asked you, actually?

24 A. We've had several conversations.

25 Q. Let me hand you this.

1 A. Yes.

2 Q. Now, you previously looked at that, and were you
3 able to determine how many phone calls were made, either
4 from or received from a phone number 843-338-3234,
5 between 8:00 p.m. on April 29, 2016 and 3:00 a.m. on
6 April 30, 2016?

7 A. Yes, I recall that conversation.

8 Q. How many phone calls were made back and forth in
9 that seven-hour period?

10 A. There were 24 calls to and from between the
11 subscriber and the number you mentioned.

12 Q. Okay. And those two numbers, just for the record,
13 are ending in this phone -- the target number is 842-
14 3731, and the other number ends in 3234. Is that
15 correct?

16 A. That is correct.

17 Q. All right. Did you also or do you, when you're
18 sending cell phone records, does Verizon keep a record
19 of text messages that are sent or received from a phone?

20 A. We do.

21 Q. And is that something that Verizon keeps in its
22 ordinary course of business?

23 A. Yes, sir.

24 Q. What is the purpose of that? What does Verizon do
25 with text messages?

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MILBRODT - DIRECT - HOLLEN

1 A. Well, we keep a log of the incoming and outgoing
2 so we have accurate billing. We test our network to
3 make sure text messages are being facilitated in a
4 timely fashion. The content itself, we don't do a lot
5 with it. But we do, from time to time, personally, in
6 my office, like I say, because I manage customers that
7 are abusive or harassing, we can compile their text
8 messages they may have sent employees, abusive or
9 harassing messages, and we use those records to get
10 restraining orders and terminate their service. Things
11 like that, so.

12 Q. So were you asked to pull text messages in this
13 case?

14 A. We were.

15 Q. And were you able to get text messages in this
16 case?

17 A. We were.

18 Q. And did you provide the text messages to law
19 enforcement in this case?

20 A. We did.

21 Q. All right. I'm going to hand you what's been
22 marked for identification as State's Exhibit Number 30.
23 I'm going to ask you to take a look at that, if you
24 don't mind.

25 A. Yes, sir, I'm familiar with it.

1 Q. What are you looking at there?

2 A. This is a text message content log, so this is a
3 log of text messages from our target number to other
4 various numbers; and it includes date, time, and the
5 actual content of what was said in the message.

6 Q. All right. And are those text messages accurate
7 as they were provided to law enforcement?

8 A. They are.

9 Q. Have they been changed or altered in any way?

10 A. Not possible.

11 Q. And again, those text messages are kept in the
12 ordinary course of Verizon's business?

13 A. Yes, sir.

14 SOLICITOR HOLLEN: Your Honor, at this time, I
15 would offer State's Exhibit 30 into evidence.

16 MR. PLEXICO: I do have objections, your Honor. It
17 was not created by the business. They're all in my
18 motion. They're not created by the business, for the
19 purpose for the business; they're created by an unknown
20 third party. We don't know who did it.

21 THE COURT: Who created them?

22 SOLICITOR HOLLEN: The actual text messages
23 themselves are created by the user.

24 THE COURT: No, with the printout that you're
25 putting in, how did that --

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BY THE COURT

1 SOLICITOR HOLLEN: Oh, those are all straight from
2 Verizon.

3 THE COURT: Okay. I'm going to let them into
4 evidence.

5 ITEM IDENTIFIED AS TEXT MESSAGES
6 MARKED STATE'S EXHIBIT NUMBER 30
7 ADMITTED AS EVIDENCE.

8 BY SOLICITOR HOLLEN:

9 Q. Ms. Milbrodt, have you reviewed --

10 MR. PLEXICO: Your Honor, I also have further about
11 relevance and undue prejudice in regards to he's putting
12 in the text messages now.

13 THE COURT: Is that what we're doing at this point?

14 SOLICITOR HOLLEN: I was going to put them in, your
15 Honor. I was going to publish them through Ms.
16 Milbrodt. She's the one -- she's the records custodian
17 and the one with knowledge.

18 THE COURT: Okay. Ladies and gentlemen of the
19 jury, there is a matter I need to take up with the
20 attorneys. I'm going to send you back to your jury
21 room. Again, do not discuss this case. It would not be
22 appropriate to do so. We'll be back with you. Okay?
23 Thank you.

24 JURORS LEAVE COURTROOM 11:43 A.M.

25 THE COURT: Okay. So we need to touch base about

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BY THE COURT

1 these text messages. To begin with, I can tell you that
2 it's my understanding that we have established, through
3 her interview, when I say her, the defendant, Ms.
4 Young's interview that was videotaped and played,
5 obviously, for the jury, that her phone number was the
6 842-3731 number. So I can tell you that anything that
7 she texts --

8 MR. PLEXICO: Can I --

9 THE COURT: Listen to me. Anything that allegedly
10 comes from her that she texts comes in. Again, you can
11 argue someone else did it, someone else took her phone,
12 but again, that is from her phone that she's admitted.
13 It's an admission against interest on some of these, and
14 they're her words. So it's an admission by a defendant.

15 The question then becomes the other text messages
16 that are coming and going back and forth.

17 MR. PLEXICO: Could I have my copy back, please.

18 LAW CLERK SWINFORD: I sat it on your desk.

19 SOLICITOR HOLLEN: And your Honor, I can narrow --

20 THE COURT: Hold on a second.

21 SOLICITOR HOLLEN: Sorry.

22 THE COURT: Okay. Okay. So Mr. Hollen, let me
23 hear from you.

24 SOLICITOR HOLLEN: I'm sorry?

25 THE COURT: Let me hear from you.

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BY THE COURT

1 SOLICITOR HOLLEN: First of all, your Honor, in
2 relation to the text messages, I'm taking out everything
3 after her response when someone asks her email address,
4 she responds *aneishay@gmail.com*.

5 THE COURT: Okay.

6 SOLICITOR HOLLEN: That is on May 2nd, 9:53 p.m.
7 That's the last text message I plan to enter.

8 THE COURT: But it's going to include all of this
9 to there?

10 SOLICITOR HOLLEN: Yes. Now, in relation to the
11 very first text message you see is sent from the number
12 that was identified as belonging to Eric Darien, 338-
13 3234, at 9:55 p.m., those text messages are not offered
14 for the truth of the matter asserted; they are not
15 hearsay. They are simply to refute -- first of all, she
16 specifically says in her interview when asked the phone
17 number, *I was not texting that boy*. Well, here's the
18 text. She also sends some later. Those are not for the
19 truth of the matter asserted. They're simply to
20 establish that she knows Eric Darien, and that she lied
21 to the police when she told them she didn't know him.

22 THE COURT: Okay.

23 SOLICITOR HOLLEN: The next text she sent -- well,
24 it said text from her, fine, so.

25 THE COURT: Keep going. I'm sorry.

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BY THE COURT

1 SOLICITOR HOLLEN: Yes, ma'am. Someone sends her a
2 text message from 912-247-2615.

3 THE COURT: Hold on a second. Give me a second so
4 I can find it.

5 SOLICITOR HOLLEN: Yes, ma'am.

6 THE COURT: 2615. Okay. I see -- that's the one
7 that says, *I see you hitting niggas what that fire*. Is
8 that fire?

9 SOLICITOR HOLLEN: Yes, ma'am.

10 THE COURT: *Welcome to the family fool*. And that's
11 send from 2615 to Ms. Young's alleged phone or number.

12 SOLICITOR HOLLEN: Yes, your Honor. I'm more
13 interested in her response to that text. There is no
14 denial. There is no qualification. It's simply,
15 *already....delete this text NOW*.

16 THE COURT: And then, the next text says, she says
17 back to the number 2615, *who told u?*

18 SOLICITOR HOLLEN: *Who told u*. Exactly, your
19 Honor. Then we have text messages between -- it's the
20 next one on there.

21 THE COURT: It's 4393. Whose number is that?

22 SOLICITOR HOLLEN: I do not know, your Honor.

23 THE COURT: And it says, *the next bus leaves at*
24 *5:50 a.m. on 5/1; get it now*.

25 SOLICITOR HOLLEN: Yes, your Honor.

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BY THE COURT

1 THE COURT: And that's to Ms. Young, her phone.

2 SOLICITOR HOLLEN: You know -- you know, I can take
3 that out. I don't necessarily need it, but there are
4 some texts in here where she responds to people.
5 They're asking where she is. She says, *I'm on my way to*
6 *North Carolina*. Then she says -- well, that's -- I'm
7 getting ahead of myself.

8 MR. PLEXICO: I want to be clear, he's taking out
9 the 4393 numbers that sent a message?

10 SOLICITOR HOLLEN: Yeah, I'll take that out.

11 THE COURT: That's the bus one, and that's just the
12 one, right?

13 SOLICITOR HOLLEN: There are two in a row, and then
14 the next one says, *don't* --

15 THE COURT: So you're taking those out? Is that
16 what you're telling me?

17 SOLICITOR HOLLEN: Yes, your Honor, I'll take those
18 out.

19 THE COURT: Okay. So those are coming out.

20 SOLICITOR HOLLEN: And because those two are coming
21 out, I'll take it on the next one from her saying she
22 couldn't get no ride.

23 THE COURT: Couldn't get no ride, okay.

24 SOLICITOR HOLLEN: Because it doesn't make any
25 sense.

3-14-18 STATE V YOUNG

BY THE COURT

1 THE COURT: And then, the next one is from Ms.
2 Young's phone, 3234.

3 SOLICITOR HOLLEN: That's Eric Darien.

4 THE COURT: And it says, *Mimi just hmu?*

5 SOLICITOR HOLLEN: Hit me up.

6 THE COURT: Okay. *Talking bout u told her I did*
7 *that s/h/i/t....smh* means shaking my head.

8 SOLICITOR HOLLEN: Yes, your Honor.

9 THE COURT: Okay.

10 SOLICITOR HOLLEN: So she's texting Eric Darien,
11 who I don't know he got it, but did tell Mimi that she
12 did it. Then there are people texting her. Then start
13 the, you know, *where are you*. And she says I'm *not*
14 *around kuzzo*.

15 THE COURT: What is that kuzzo?

16 SOLICITOR HOLLEN: It just means -- it just means
17 she's not -- in my opinion, I'm offering that that she's
18 not in town.

19 THE COURT: Okay.

20 SOLICITOR HOLLEN: And then, the next text is *Wyd*.
21 What are you doing, I guess. And she responds, *on my*
22 *way to nc*. And now, we're getting into play.

23 THE COURT: Okay.

24 SOLICITOR HOLLEN: Somebody says, *why*. She's says,
25 *chillout fo uh minute*. And then the next text she says,

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BY THE COURT

1 *mane I aint gonna lie bruh I been hiding out they tryna*
2 *pin me to uh "M" delete this.*

3 THE COURT: Okay.

4 SOLICITOR HOLLEN: You know what, I'll take out the
5 next one, too, from 338-8361. Because I don't know that
6 it's relevant. *That's the man. Just lose my number.*

7 THE COURT: Okay.

8 MR. PLEXICO: That is from 8361?

9 THE COURT: Yes.

10 SOLICITOR HOLLEN: Yes, sir. So I'll take that
11 out. And then, I think the next one's relevant, *what's*
12 *your email.* And she responds, *aneishay@gmail.com.*

13 THE COURT: And that's where you're ending?

14 SOLICITOR HOLLEN: Yes, your Honor, that's it.

15 THE COURT: Okay. Okay. And again, tell me, Mr.
16 Hollen, you are using these for what purpose, to say
17 that she is not where she said she was? Is that
18 correct?

19 SOLICITOR HOLLEN: Well, they're to establish,
20 first of all, that she not only knows Eric Darien,
21 they're communicating.

22 THE COURT: Yes.

23 SOLICITOR HOLLEN: I think you can infer from a
24 text that's sent sixteen minutes -- oh, wait a minute.
25 That was in there, yeah. Said, *shawty's trippin.what's*

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BY THE COURT

1 the move? I'm certainly going to argue that that's the
2 -- that puts the plan in motion here. So they're
3 offered to prove, first, that she knows Eric Darien; and
4 second, they're a business record; these are not
5 testimonial statements. That's where the courts have
6 all decided this. I gave you yesterday *U.S. versus*
7 *Alvarado; U.S. v. Jordan; U.S. v. Azor*. All of those,
8 while they don't address text messages specifically, the
9 Court has determined that statements made to a friend in
10 a, for lack of a better term, an informal environment,
11 are not testimonial statements, and therefore, they
12 don't violate the confrontation clause. Therefore, we
13 go to hearsay. We need an exception. The business
14 record, I think, is what they fall under. And so, I
15 would offer those as -- under the business record
16 exception to the hearsay rule.

17 And then, your Honor, I -- I --

18 THE COURT: I can tell you, the only question I
19 have on that one is that, I mean, I can tell you courts
20 have found that the contents of text messages are not a
21 business record. And it just goes on to say that the
22 important reason why is because they're not created in
23 the ordinary course of business or regular course of
24 business.

25 SOLICITOR HOLLEN: Which case is that, your Honor?

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BY THE COURT

1 THE COURT: I guess my concern -- I think the
2 concern is they don't have the normal amount of
3 reliability, and one of the reasons is because it's
4 because it is, in fact, a mobile phone that can be taken
5 and used by someone else.

6 SOLICITOR HOLLEN: Exactly, your Honor.

7 THE COURT: And that's part of the problem.

8 SOLICITOR HOLLEN: And therein -- that's why that
9 text message, *what's your email address,*
10 *aneishay@gmail.com*, that proves that she has ownership
11 of the phone. And --

12 THE COURT: Yes. Again, though, we've already said
13 that, though. But that doesn't get us past the ones to.
14 That's still where the problem lies. We've already said
15 we agree. I agree, anything she has said in a text
16 message.

17 SOLICITOR HOLLEN: Um-hmm.

18 THE COURT: And I would agree that helps
19 authenticate when she gives her email address, that is a
20 pretty good indication that that email came -- or that
21 text message came from her. I don't think there's any
22 question what she is saying out or to anyone comes in.
23 I don't have a problem with that.

24 SOLICITOR HOLLEN: Gotcha.

25 THE COURT: I don't have a problem with that.

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BY THE COURT

1 SOLICITOR HOLLEN: It's the text messages to her?

2 THE COURT: It's the text messages to her that we
3 don't know where they're coming from, other than you've
4 established the one that's coming from Darien. I think,
5 again, you have to get past the it's not for the truth
6 of the matter asserted of what that text message is
7 saying; it's what her response is to it.

8 SOLICITOR HOLLEN: That's correct. I think her
9 response, *already....delete this NOW*, could be construed
10 as an admission.

11 THE COURT: Who is going to test -- just who do you
12 know -- who is going to testify that's going to be able
13 to say that *already* means something in response to, *I*
14 *see you hitting niggers what that fire welcome to the*
15 *family fool*. And then, it says, *already*. Who's going
16 to testify that that is --

17 SOLICITOR HOLLEN: Your Honor, I failed to ask my
18 witness yesterday. I was a little bit hairy, and I take
19 full responsibility about that. It was going to be
20 Wrenshad Anderson. I don't know that there would be any
21 prejudice if I recalled him for the sole purpose of
22 asking him that question. I mean, he's the victim.
23 He's been in here the whole time. So I would, with your
24 Honor's permission, attempt to do that. Again, just ask
25 him the one question.

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BY THE COURT

1 THE COURT: Let me ask you. Do you also not have
2 any other witness that you're putting up here that would
3 know that that is a --

4 SOLICITOR HOLLEN: I asked my two lay witnesses
5 this morning.

6 THE COURT: And they do not know?

7 SOLICITOR HOLLEN: No.

8 THE COURT: Okay.

9 SOLICITOR HOLLEN: I can tell you that there --
10 there are a few people that I've asked that know what
11 that means, but not a lot.

12 THE COURT: Okay.

13 SOLICITOR HOLLEN: And Mr. Anderson's the only one
14 that I was able to find on the witness list.

15 THE COURT: Okay.

16 SOLICITOR HOLLEN: And I don't know that he even
17 knew the content of the text message until just now.
18 All I asked him is, *already*.

19 THE COURT: Okay. Well, again, I think you can
20 use, certainly, the ones from Eric Darien to her, and
21 back and forth, to establish that they knew each other.

22 SOLICITOR HOLLEN: Okay.

23 THE COURT: And that they had lots of
24 communication. I think you can definitely use that to
25 show that. I am more concerned about the one where it's

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BY THE COURT

1 from Number 2615, where it says, again, *I see you*
2 *hitting niggers what's that, you know, fire, welcome to*
3 *the family fool.* And you've not been able to locate who
4 that is from at all?

5 SOLICITOR HOLLEN: No, your Honor. We ran
6 subscriber information for just about all these phone
7 numbers, and most of them have none.

8 THE COURT: All right. Mr. Plexico, let me hear
9 from you.

10 MR. PLEXICO: All right, your Honor. I think they
11 indicate an absolute, a lack -- there's an absolute lack
12 of trustworthiness under 8036, your Honor. I just don't
13 understand. And furthermore, I don't see how they are
14 -- what someone's opinion, as far as there's 2615 about
15 *I see you hitting N's what with that fire welcome to the*
16 *family fool.* I mean, that is -- there's no purpose in
17 that, and I would have to be able to cross-examine it;
18 and this is obviously some kind of hearsay on hearsay or
19 whatever. I mean, there's just no basis, no basis to
20 find there's any trustworthiness that's related to this
21 statement, your Honor. And my client's response, as
22 she's already remembers, her testimony is, she's already
23 been called by Wrenshad Anderson and harassed and
24 accused, apparently, and she's going already, delete
25 this, I don't want to -- I don't want to hear it. And

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BY THE COURT

1 that was one of the other statements was, you know, I'm
2 just tired of people, you know, like, you know, shaking
3 my head, meaning I'm disgusted. That's what -- that's
4 what her responses are. And I just -- I just -- nobody
5 knows whose phone Eric Darien was using that night,
6 because apparently, he used a lot of phones.. And
7 there's nobody -- my client said during her statement,
8 which they introduced, that she had lost her phone, and
9 she said she had broken it several days after this, in
10 frustration over being accused. So they haven't
11 established that phone was in my client's possession on
12 that night of the 29th through the 30th.

13 THE COURT: I think she said it in her interview
14 she had it.

15 MR. PLEXICO: She said she had lost her phone in
16 her interview, and she broke it later. She said that
17 was my phone number, I lost it, I broke it several days
18 after this in frustration. They left that part out. So
19 there's no indication of trustworthiness that these
20 messages are coming from her. Furthermore, the one
21 about North Carolina, there's no evidence that she went
22 to North Carolina. Talking about something is not doing
23 it, and they want to be able to argue flight as an
24 indication of guilt, when all it is, is trying to get
25 away from a bunch of, you know, she's just talking out

3-14-18 STATE V YOUNG

BY THE COURT

1 of her mouth, trying to get away from a bunch of crazy
2 people that are accusing her of killing someone. I
3 mean, they're calling her in the middle of the night,
4 all delirious, witness's own statement of his state of
5 mind. I can only imagine what was said.

6 THE COURT: Okay. I can tell you that, based on
7 everything I've heard, and in looking at the totality of
8 it, and reading it into context, I think it comes in,
9 particularly the part where we have from this number
10 2615 to her number, to Ms. Young's number, *I see you*
11 *hitting the N's what that fire welcome to the family.*
12 That person then says *Witness* back to her. She, back to
13 that person, again says, *already....delete this text*
14 *NOW.* But most importantly, back from her right after
15 that was, *who told u.*

16 So I think the jury can hear that. I think they
17 can infer whatever they want from that. She could have
18 absolutely said they're lying on me. And it isn't that
19 it's not admissible because it's evidence of flight;
20 it's her statement. Whatever she said as her
21 statement's coming in. I mean, that's an admission by a
22 defendant. Anything she says is coming in. So I think
23 for the whole thing in context for what the jury wants
24 to surmise from it, they can.

25 I do want to say this, though. This witness

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BY THE COURT

1 obviously is going to literally be reading the text
2 messages. She is not here to interpret in any way,
3 shape, or form. So Mr. Plexico, I anticipate what
4 you're going to say is you have absolutely no idea what
5 any of that means, do you?

6 MR. PLEXICO: No, your Honor.

7 THE COURT: You have no context? You have --

8 MR. PLEXICO: I am not a text user. And also, if
9 he brings up Wrenshad Anderson, that would be Anderson's
10 opinion testimony on what these little abbreviations
11 mean, and there's nothing that makes Wrenshad Anderson
12 an expert translator, and we're back to having a 702
13 problem in what these things mean and based on what kind
14 of expertise.

15 THE COURT: Okay. Well, I certainly can ask him,
16 but I do think there's been plenty of time. So we have
17 had -- I hate to use the word *young people*, but they are
18 young people compared to the rest of us in this room,
19 and that there are certain slang terms used, meaning
20 certain things out in the community. And again, your
21 question is it could also mean something else. You
22 know, isn't there five words for hitting someone or
23 whatever, and yes, but it can be one.

24 MR. PLEXICO: Your Honor --

25 THE COURT: It's for the jury to use how they see

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BY THE COURT

1 appropriate.

2 MR. PLEXICO: I've already done -- I've already my
3 -- we've already done my cross and re-cross, your Honor.
4 I don't think it's appropriate for them to be allowed
5 back on a new matter --

6 THE COURT: Okay.

7 MR. PLEXICO: -- that could not have been -- he
8 could not have asked that on re-cross. Therefore, after
9 my cross, he could have not asked that on re-direct,
10 because that would have been against the court rules.
11 His re-direct is limited to my cross, so there's no way
12 he can come back and re-direct.

13 THE COURT: Okay. Well, let's do this. Let's have
14 her read the text messages. Let me do a little bit of
15 research before he ever calls Mr. Anderson back up
16 again, we'll do a little. Okay?

17 All right. So let's bring the jury back in.

18 Let's bring the jury back in. Let's finish with
19 this witness and get her out of here. Okay?

20 JURORS ENTER COURTROOM 12:06 P.M.

21 THE COURT: Welcome back, ladies and gentlemen. We
22 are still working hard, I assure you.

23 All right. At this time, Mr. Hollen, go ahead and
24 continue with this witness if you would, sir.

25 SOLICITOR HOLLEN: Thank you, your Honor. And I

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BY THE COURT

1 cannot remember if those were entered into evidence. If
2 not, I would offer them at this time.

3 THE COURT: Okay. And they were subject to your
4 objection. I am allowing them into evidence.

5 MR. PLEXICO: Yes, your Honor.

6 SOLICITOR HOLLEN: Thank you, your Honor.

7 THE COURT: Thank you.

8

9 BY SOLICITOR HOLLEN:

10 Q. All right. Ms. Milbrodt --

11 A. Yes, sir.

12 Q. -- you've got those text messages. What is the
13 first text message that you're looking at, the date and
14 the time?

15 A. It is 4/29/2016, and it was delivered at 21:55.2
16 or 21:55:02 and point two seconds.

17 Q. Which is -- is that military?

18 A. Pardon?

19 Q. Military time; is it not?

20 A. Yes, that's military time, so that's 9:55.

21 Q. And is that Eastern time?

22 A. Eastern time.

23 Q. All right. And what's the number that it was sent
24 from?

25 A. The sending party is 843-338-3234.

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BY THE COURT

1 Q. And that's the number you've previously testified
2 to as belonging to Eric Darien.

3 MR. PLEXICO: I object, your Honor. She didn't
4 testify to that.

5 THE COURT: Okay. She didn't testify to that. I
6 understand if you want to somehow put numbers up so the
7 jury understands where it's going back and forth.

8 SOLICITOR HOLLEN: Okay. I'll do that in closing,
9 your Honor.

10 THE COURT: Okay.

11 BY SOLICITOR HOLLEN:

12 Q. And what was the number it was sent to?

13 A. The subscriber 803-842-3731.

14 Q. And that is the target number that you were asked
15 about, right?

16 A. That was the records that we produced for.

17 Q. Okay. What does the content say?

18 A. In brackets or what was sent in the text, so this
19 would be, *yo call me asap*.

20 Q. All right. And is there another text from that
21 number to -- from 3 -- the last four, 3234 to 3731, a
22 few minutes later? It'll be the next one in your --

23 A. I have that going to another number other than the
24 target number. The 803-842 -- I'm sorry. The last four
25 are 2373. Forgive me. When this copy was made, it's --

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BY THE COURT

1 they've cut off the back portion of this.

2 Q. Oh, okay.

3 A. So it is coming from the 3731, but my copy is
4 missing a small piece of it.

5 MR. PLEXICO: Sir?

6 BY SOLICITOR HOLLEN:

7 Q. Oh, okay.

8 A. You can see like *delivered* with a D is on here.
9 But if you turn -- the D is missing. So there's a small
10 portion that's missing.

11 Q. Got it.

12 A. And it's 3731. It's just the one is missing off
13 of this particular copy.

14 Q. Okay. So it's 803-842-373, and then they're
15 missing the last number?

16 A. Correct.

17 Q. Okay.

18 A. But we can infer because these records are related
19 to the number ending in 3731, that this last digit
20 that's missing is the 1.

21 Q. All right. And what time was that sent?

22 A. That is 9:58 and 17.

23 Q. And what was the context of it?

24 A. *Come on sis.*

25 Q. Okay. Next -- thank you. Next, is there a text

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BY THE COURT

1 message at 12:31 a.m., on April 30th?

2 A. Yes.

3 Q. And is that -- what number is it from and to?

4 A. May I shorten it and just add the last four
5 numbers, or do you want the whole number?

6 Q. Please, let's just go by the last four.

7 A. Okay. So this text was sent from 3731, and was
8 sent to the number 3234. Again, it was at 12:31, and
9 the message was, *shawty trippin.what's day move?*

10 Q. Okay. And next, you have text messages sent at
11 2:02 a.m., on April 30th?

12 A. Yes, sir.

13 Q. And what was the number to and from and the
14 content?

15 A. The sending number is 3731, the recipient is 3234.
16 And the message itself is, *you good bro?*

17 Q. Okay. And does that 3234 number respond a short
18 time later?

19 A. Yes, sir.

20 Q. And what time is that?

21 A. That is 2:06.

22 Q. And what is the response?

23 A. Yea.

24 Q. Okay. Next, you have a text at 12:32 p.m., on
25 April 30th. Is that correct?

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BY THE COURT

1 A. Yes, sir. Yes, sir.

2 Q. What is the number from and to?

3 A. Sure. The sending party's number is 912-247-2615.
4 And the recipient's number is the number ending in 3731.

5 Q. Okay. What's the content?

6 A. *I see you hitting niggas what -- what the fire*
7 *welcome to the family fool.*

8 Q. All right. And then, there's a followup to that
9 just a few seconds later, it looks like. What does it
10 say?

11 A. I have the sending number as 912-247-2615 sent to
12 the target number, 3731. And the content is *WITNESS*.

13 Q. Okay. And then, is there a response to that text
14 message just a short time later?

15 A. Yes, sir.

16 Q. And what is the content of that?

17 A. *Already....delete this text capital NOW.*

18 Q. And then, is there another text sent from 3731 to
19 that 912 area code number a short time later?

20 A. Yes, sir.

21 Q. And what time was that sent?

22 A. That is 14:24, so 2:24.

23 Q. And what is the content of that message?

24 A. It is, *who told u?*

25 Q. All right. Next is a text at looks like May 1st,

3-14-18 STATE V. YOUNG

BY THE COURT

1 at 7:57 a.m. And do you have that?

2 A. I do have a text at 7:57 and 57 seconds.

3 Q. Okay. And what's the to and from number and the
4 content?

5 A. The sending party is 3731. The recipient is the
6 telephone number ending 3234.

7 Q. Okay. And what's the content?

8 A. Content says *Mimi just hmu talking bout u told her*
9 *I did that shit....smh.*

10 Q. Okay. Next, on May 1st at 20:20 hours and 27
11 seconds.

12 A. Yes, sir.

13 Q. Do you have that?

14 A. I do.

15 Q. What's the from and to number?

16 A. The sending party is 3731, and the recipient is
17 843-226-9186.

18 Q. And what's the content?

19 A. *Not around kuzzo.*

20 Q. Next, is there a text on May 1st at 9:26 p.m.?

21 A. Yes, sir.

22 Q. And what's the sending number and receiving number
23 there?

24 A. The sending number is 843-384-7615. The recipient
25 is a number ending 3731.

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BY THE COURT

1 Q. Okay. And what's the content?

2 A. *Wyd.*

3 Q. Is there a response to that text a few minutes
4 later, at 9:30 p.m. on May 1st?

5 A. Yes, sir.

6 Q. And what is the content of that message?

7 A. *On my way to nc.*

8 Q. And do they respond back, the receiving number
9 from the *on my way to nc* text to the 3731 number?

10 A. Yes.

11 Q. And what's the content there?

12 A. *Why?.*

13 Q. Okay. And does the 3731 telephone respond a
14 minute later?

15 A. Yes.

16 Q. And what's the content of that text message?

17 A. *Chillout for uh minute.*

18 Q. Is there a text in there on May 1st at 5:51 p.m.?

19 A. Yes.

20 Q. And what is the sending number and the receiving
21 number there?

22 A. The sending number is the number ending 3731

23 Q. Okay.

24 A. The recipient's number is 757-239-1340.

25 Q. What's the content?

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BY THE COURT

1 A. Mane I aint gone lie bruh I been hiding out they
2 tryna pin me to this "M" delete this.

3 Q. Okay. Is there a text message on May 2nd at 9:53
4 p.m.?

5 A. Yes, sir.

6 Q. And what is the sending and receiving number and
7 the content?

8 A. The sending number is 843-226-5549. The receiving
9 party is the 3731 number.

10 Q. And what is the content?

11 A. What's your email?

12 Q. And is there a response to that text message
13 seconds later?

14 A. Yes, sir.

15 Q. And what is the content of that message?

16 A. I may mispronounce this, but aneishay@gmail.com.

17 Q. So a/n/e/i/s/h/a/y@gmail.com?

18 A. Yes, sir.

19 Q. Ms. Milbrodt, you were able to testify to the
20 content of those text messages. You have no idea who
21 had that phone as they were sent, do you?

22 A. I do not.

23 Q. You don't have any subscriber information from
24 this phone number, do you?

25 A. We do not.

3-14-18 STATE V YOUNG

MILBRODT - CROSS - PLEXICO

1 Q. And you're not able to say where the phone was or
2 who sent those or who even received them or anything
3 else, are you?

4 A. No.

5 Q. And you don't know what -- do you know what a lot
6 of this means?

7 A. It's English and I do, and I'm familiar with
8 acronyms that people use.

9 Q. Okay.

10 A. So yes and no.

11 Q. Okay. But you haven't been asked to interpret
12 what they mean, have you?

13 A. No.

14 SOLICITOR HOLLEN: Court's indulgence, your Honor.

15 Ms. Milbrodt, please answer any questions Mr. Plexico
16 has. Okay?

17 A. Sorry? Oh.

18 THE COURT: Answer any questions defense counsel
19 has.

20 SOLICITOR HOLLEN: I'm done.

21 A. Yes, sir.

22 THE COURT: Thank you.

23 KAREN MILBRODT

24 CROSS-EXAMINATION, BY MR. PLEXICO:

25 Q. Again, not to be repetitive, but you don't have a

1 clue who sent these messages, right?

2 A. No, we just have the telephone numbers.

3 Q. You don't know anything about the content, aside
4 from what it just says?

5 A. Correct.

6 Q. You don't know anything about what the content --
7 where -- what situation this came from, correct?

8 A. I do not. I have no knowledge.

9 Q. Because it could have multiple meanings. Is that
10 correct? Most of this?

11 A. Certainly.

12 Q. Okay. All right.

13 MR. PLEXICO: Court's indulgence.

14 BY MR. PLEXICO:

15 Q. SMH, is that an acronym for shaking my head?

16 A. That is commonly used acronym for shaking my head.

17 Q. Disgust, shouldn't be doing that, shaking my head?

18 A. Shaking my head could be viewed several different
19 ways.

20 Q. It could be used that way.

21 A. So that would be one.

22 Q. Okay. So there are multiple meanings here?

23 A. Yes.

24 Q. And you would have to have the original sender to
25 question to know what they meant?

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MILBRODT - CROSS - PLEXICO

1 A. As a records custodian, I don't know how to answer
2 that. Do I need the -- the sender? I don't --

3 Q. Well, all right. No, that's okay. I'll withdraw
4 that question. And you have no idea about the
5 truthfulness of any of these statements since the
6 business did not create them, correct?

7 A. The business created and stored them, but we were
8 not the sender or the recipient of either party. But we
9 created this document from the information that was sent
10 through our network.

11 Q. All right. But you didn't send the information
12 that it prints out, which is called a text.

13 A. The content itself, we are not the creators of the
14 content, but the document and the log of it, we are the
15 creators.

16 Q. All right. And the text itself, you can no way
17 verify for the trustworthiness of any of them, correct?
18 Because you didn't -- the business didn't create it.

19 A. Of the content inside the --

20 Q. You only recorded it?

21 A. Correct. That is correct.

22 Q. Okay. And you all have no clue who sent it, who
23 actually used the device to send it?

24 A. No, sir.

25 THE COURT: Anything further, Mr. Hollen?

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MILBRODT - CROSS - PLEXICO

1 SOLICITOR HOLLEN: No, your Honor.

2 THE COURT: All right. You are excused. Thank
3 you.

4 KAREN MILBRODT: Thank you, your Honor. Thank you,
5 jury.

6 THE COURT: Okay.

7 A. I will leave these here?

8 THE COURT: Leave those right there. Thank you.
9 For Wanda, the court reporter. I appreciate it. All
10 right?

11 SOLICITOR HOLLEN: Eric Grabski.

12 THE COURT: While Mr. Grabski's coming, everyone
13 stand up and take a stretch. Really, stand up.

14 I anticipate that this will be our last witness
15 before the lunch break, ladies and gentlemen. Okay? So
16 come on up, sir.

17 MADAM CLERK: Do you swear the testimony you're
18 about to give the Court is the truth, the whole truth,
19 and nothing but the truth, so help you God?

20 ERIC GRABSKI: Yes.

21 MADAM CLERK: Come right around and have a seat.

22 THE COURT: All right. Mr. Hollen, whenever you're
23 ready, sir.

24 SOLICITOR HOLLEN: Thank you, your Honor.

25 AGENT ERIC GRABSKI

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GRABSKI - DIRECT - HOLLEN

1 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

2 Q. Mr. Grabski, Agent Grabski, who do you work for?

3 A. I work for SLED.

4 Q. And is that the South Carolina Law Enforcement
5 Division?

6 A. That's correct.

7 Q. How long have you been with SLED?

8 A. I've been with SLED two years next month.

9 Q. And what do you do there?

10 A. I am on the State Surveillance and Intelligence
11 team.

12 Q. Okay. State Surveillance and Intelligence. What
13 does that entail?

14 A. So we're housed in the South Carolina Information
15 Intelligence Center, otherwise known as the Fusion
16 Center, and pretty much our main M.O. is we go after
17 fugitives, my team in particular being an intelligence-
18 led policing team. We kind of -- our area of expertise
19 lies in historical analysis of cell phone records.

20 Q. So you basically use cell phone records to
21 apprehend fugitives? Or assist in apprehending.

22 A. Yeah, to assist. That's correct. Yes, sir.

23 Q. Got it. Were you sent some records in this case
24 that we're here for today?

25 A. Yes.

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GRABSKI - DIRECT - HOLLEN

1 Q. All right. We're going to get there in a second,
2 but as a member of the Special Surveillance Intelligence
3 Center, have you received any kind of special training
4 or experience in cell phone records and location data?

5 A. I have.

6 Q. Can you tell us a little bit about that.

7 A. Sure. So for what I used today, or for what
8 you'll see today, I used an application called CAST Viz.
9 It was created by the FBI, and it was actually created
10 by their CAST team, which is an acronym for their
11 Cellular Analysis Survey Team. I attended a sixteen-
12 hour training class where they tell us how to map
13 records within their program that will basically analyze
14 the tower cell site listing, as well as the call detail
15 records of the target device, and put it more cleanly
16 out into a -- into a map. It helps me from doing that
17 by hand.

18 I've also attended training put on by PenLink,
19 which they run a pen register track and trace software.
20 So that's more for -- more for a live, realtime tracking
21 of analysis of cell phone calls. I've also attended a
22 two-week training by a company called ETS, which was a
23 basic foundation and the theory behind how, you know,
24 the technology of cell phones.

25 Q. Can you just briefly explain in layman's terms a

1 proper, you know, how a cell phone system works.

2 A. So there's a network of towers. Cell phones use
3 towers in order to communicate. So when you make a call
4 on your cell phone, it is going to send out a signal,
5 and the nearest tower, usually the nearest tower, the
6 tower with the best signal, the best, you know,
7 reception for that signal, is going to pick up that
8 signal from your phone; and then send it out to another
9 -- to whatever phone number you're calling or texting,
10 and vice-versa. So there's constantly signals being
11 sent out by the tower, analyzing that area, and
12 constantly by your phone, whenever you make any
13 transactions or any actual phone calls or text messages.

14 Q. So what about in your everyday job? Approximately
15 how many times have you used information like this in
16 order to map cell phone data?

17 A. Somewhere around 200.

18 Q. All right. And that's 200 cases?

19 A. That's correct.

20 Q. Have you ever testified in state court to this
21 before?

22 A. No.

23 Q. Has your team testified in state court about cell
24 phone data, location data, that sort of thing?

25 A. Yes, sir.

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GRABSKI - VOIR DIRE - PLEXICO

1 Q. And have people on your team been qualified as
2 experts in state court?

3 A. Yes, sir.

4 Q. Have you ever been qualified as an expert in state
5 court?

6 A. I have not.

7 Q. So this will be your first time?

8 A. That's correct.

9 SOLICITOR HOLLEN: Your Honor, at this time, I'd
10 offer Eric Grabski as an expert in cell phone location
11 data analysis.

12 THE COURT: You want to do any voir dire of him,
13 sir?

14 MR. PLEXICO: Yes. Yes, sir.

15 THE COURT: Go ahead, please.

16 ERIC GRABSKI, VOIR DIRE

17 BY MR. PLEXICO:

18 Q. We spoke briefly earlier, if you recall. You use
19 a program that's been provided to you either by a
20 business or law enforcement to do your job, correct?

21 A. To map this, correct. I use an application that
22 was developed by the FBI.

23 Q. Okay. All right. Did you develop that program
24 yourself?

25 A. No, I did not.

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GRABSKI - VOIR DIRE - PLEXICO

1 Q. Okay. Have you -- have you -- are you aware of
2 this program -- do you even know the names of the people
3 who created it?

4 A. No.

5 Q. Okay. Do you -- have you have any knowledge of it
6 ever being subjected to scientific peer review?

7 A. The application itself?

8 Q. The application itself.

9 A. So in --

10 Q. Has it been turned over to other scientists and,
11 say, with a hypothesis that we believe you can actually
12 project a map, for instance, of where a device is; would
13 you scrutinize this and test it in the general
14 scientific community to validate my theory? Has that
15 ever been done?

16 A. No. It's not a scientific application. It merely
17 digests the data that is -- that it's provided and puts
18 it out into a readable format. So the data is already
19 there. The science is already there. But it's just
20 taking the CDR, which is the Call Detail Record, the
21 information that's on there; and then it's taking the
22 cell site listing, which is all the towers in the area;
23 and it's saying, okay, when this tower was hit at this
24 time, this is the location of that tower, for the lat
25 and long of the carrier.

1 Q. You went to college to work for SLED, correct?
2 You're a college graduate, sir?

3 A. Correct.

4 Q. You didn't get a doctorate in mathematics,
5 correct?

6 A. Correct.

7 Q. You did a doctorate in engineering, correct?

8 A. Correct.

9 Q. All right. And then, you're on the scientific
10 league, generally, when you're at that level, correct?

11 A. Correct. I'm not sure how this pertains.

12 Q. All right. So my point is, you have -- so you're
13 assuming there is no flaws in the collection of the data
14 that you're using to make this projection. Is that
15 correct?

16 A. The collection of the data, what you mean is by
17 what -- what --

18 Q. What you're provided with.

19 A. What I'm provided by the carrier?

20 Q. Correct. And you're relying on their accuracy and
21 lack of any flaws in their procedure in the way they
22 record?

23 A. That's correct.

24 Q. Okay. But you don't know that their procedure is
25 flawless, do you?

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GRABSKI - VOIR DIRE - PLEXICO

1 A. No.

2 Q. You don't have any way of knowing that.

3 A. It's recorded. That's all I can say, is that it's
4 recorded. Every time you make a transaction on your
5 phone, it's going to be recorded with the tower, and
6 that's it.

7 Q. Has it ever been -- is it recorded by a computer?

8 A. I believe so.

9 Q. Do computers get bugs and have problems and
10 transfer information back and forth sometimes between
11 programs, and that's why you've got to take them and get
12 the fixed and de-bugged?

13 A. Computers, certainly. Again, I'm not sure how
14 this pertains to call record analysis.

15 Q. You just said -- okay. But you're relying on
16 something that's stored in a computer program, correct?

17 SOLICITOR HOLLEN: Your Honor, I'm sorry. I'm
18 going to have to object. This is about his
19 qualifications, nothing else. We're in cross-
20 examination at this point.

21 THE COURT: Okay. You all, I'll let you go a
22 little further, but you need to get back to his
23 qualifications.

24 BY MR. PLEXICO:

25 Q. But you're relying on what's stored in a computer

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GRABSKI - DIRECT - HOLLEN

1 and provided to you?

2 A. That's correct.

3 MR. PLEXICO: Your Honor, I have to object to his
4 being qualified as an expert in this field.

5 THE COURT: Okay. Ladies and gentlemen, I am
6 finding Agent Grabski as an expert in the area of cell
7 phone location data analysis. That allows him to give
8 his opinion and the reasons for his opinion, and that,
9 again, is for you to use as you see appropriate as
10 compared to other evidence. You can accept it or reject
11 it. It's just to assist you, if you believe and need to
12 use it in some way. Okay?

13 A. Thank you, your Honor.

14 SOLICITOR HOLLEN: Thank you, your Honor.

15 AGENT ERIC GRABSKI, CONTINUE

16 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

17 Q. Okay. Agent Grabski, you were given call detail,
18 records in this case that have already been entered into
19 evidence as State's Exhibit Number 28.

20 SOLICITOR HOLLEN: May I approach and hand him
21 this, your Honor?

22 THE COURT: You may.

23 BY SOLICITOR HOLLEN:

24 Q. Do you recognize that?

25 A. I do.

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GRABSKI - DIRECT - HOLLEN

1 Q. And are those the records you used to create your
2 information here?

3 A. Yes.

4 Q. And I just want to be clear. Did you actually
5 create this information?

6 A. No, I did not.

7 Q. So you, for lack of a better term, are
8 interpreting what Verizon has given you?

9 A. That is correct.

10 Q. And you said you chase down violent felons. Is
11 that right?

12 A. That's correct.

13 Q. Does this information often help you find violent
14 felons?

15 A. Certainly.

16 Q. Okay. Now, you were given the information. What
17 was the target number that you were given?

18 A. The target number is 803-842-3731.

19 Q. And given that number and those records, did you
20 create maps based on the cell phone tower that number
21 was using at specific times?

22 A. Yes.

23 Q. I'm going to hand you what's been marked for
24 identification as State's Exhibit Number 31. I'm going
25 to ask you to take a look at it and if you recognize it.

1 A. I do. This looks like I map I made.

2 Q. And is that a full and accurate copy of the maps
3 that you made?

4 A. Let me be sure and look through here. Yes, this
5 is the entire map that I made.

6 Q. Has it been changed or altered in any way?

7 A. No.

8 SOLICITOR HOLLEN: Your Honor, at this time I would
9 offer State's 31 --

10 A. 31.

11 SOLICITOR HOLLEN: -- into evidence. That is the
12 --

13 A. Did you want to look at it?

14 THE COURT: Okay. It's what I saw already, before.
15 Typically, I would allow him to publish this. I think
16 -- you're objecting, obviously, to this coming into
17 evidence?

18 MR. PLEXICO: I don't think I've seen that, Judge.

19 THE COURT: I think this is what you and I both
20 looked at and I handed it to you.

21 MR. PLEXICO: Okay. There's a lot of things, and I
22 would object to them. And I'd object to it under 5(b),
23 your Honor. I don't recall getting an email about that.

24 SOLICITOR HOLLEN: I sent it, your Honor.

25 THE COURT: Yes, but when did you send it to him?

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GRABSKI - DIRECT - HOLLEN

1 SOLICITOR HOLLEN: I sent it to him soon as I knew
2 I was going to put this into evidence, which was
3 yesterday.

4 MR. PLEXICO: Well, I didn't check my email because
5 I had so much other stuff to do.

6 THE COURT: This was yesterday?

7 SOLICITOR HOLLEN: Yes, ma'am.

8 THE COURT: All right. What I am going to do is
9 this. I am going to allow you to use it, to publish it,
10 but it is not going to go back to the jury as evidence.
11 Okay?

12 SOLICITOR HOLLEN: No problem, your Honor. Thank
13 you.

14 THE COURT: Thank you.

15 BY SOLICITOR HOLLEN:

16 Q. So this would be a demonstrative. Can you step on
17 down, Agent Grabski, and go through what you created.

18 A. Yes.

19 Q. And what you were able to determine from this.
20 And I do want to ask you this. Are you able to pinpoint
21 within, I don't know, any certain period or any certain
22 area where this phone was?

23 A. A general area, yes.

24 Q. A general area, yes. But that's all you can give
25 us? You can't say exactly where something was located?

1 A. Correct. I won't be able to tell you exactly
2 where the phone was located.

3 Q. All right. Let's go through it. First, can you
4 explain how a three-sector cell phone tower and what
5 that is?

6 A. So think about a pie. It's 360 degrees. It's a
7 circle. Okay? And if the pie is cut into three pieces,
8 right? each of those pieces represents a sector. All
9 right? So it's going to kind of come out like a cone
10 and look like that. You'll see here in a second. Each
11 of those is facing in a different direction on the
12 tower, and what it does is, it allows a tower to see in
13 different directions around it as to where,
14 geographically, that phone is in relation to the tower.

15 Q. Okay. So scrolling through, were you given a
16 location of interest in this case?

17 A. Yes.

18 Q. All right. And what location of interest were you
19 given?

20 A. The address here at 8146 East Main Street,
21 particularly this area where it says incident location,
22 that's the -- I was told that's the dumpster behind, I
23 believe that's a KFC.

24 Q. Yes, sir. All right. Go to the next one. And is
25 that just a further-out view?

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GRABSKI - DIRECT - HOLLEN

1 A. Correct. I wanted to show that Adams Street is
2 the street that -- that it backs up to.

3 Q. Okay. And with the analysis, you said you used
4 the call detail records. What else did you use to
5 create this?

6 A. To create the map?

7 Q. To create the maps, yeah.

8 A. So I used GooglePro. It's the satellite image
9 that you're seeing. What CAST Viz does is we use the
10 cell site, incoming/outgoing data list, which is called
11 detail records. They're called call detail records. We
12 -- we upload that into CAST Viz, along with the tower
13 listing for that area, or for that -- well, for the
14 whole state, but specifically to this area. And what it
15 does is it produces something that I can open using
16 Googler's Pro, and it will show me tower location, as
17 well as the sector with that spacing for every time that
18 number, the target phone, made a call or received a
19 call.

20 Q. Okay. So -- and I'm going to ask you while you're
21 over here to speak up a little bit so we can make sure
22 Madam Court Reporter can hear us.

23 A. Oh, yes, I'm sorry.

24 Q. Going to the call detail records, what time did
25 your analysis -- or what was the first time period that

1 you started your analysis on this phone?

2 A. I started my analysis at 9:54 p.m. on August 29th
3 -- I'm sorry -- April 29, 2016.

4 Q. And do you recall how long, how far out your
5 analysis went?

6 A. How far out?

7 Q. Yeah, the time.

8 A. Previous?

9 Q. No, forward.

10 A. Until -- forward? Until, I believe 4:31 p.m. the
11 next day.

12 Q. All right. So you used phone records from 9:54
13 p.m. April 29th, to 4:00 p.m. some time on -- around
14 4:00 p.m. on April 30th?

15 A. Correct.

16 Q. All right. When you first looked at these records
17 at 9:54 p.m. on April 29th, what tower and sector were
18 you able to determine the phone was utilizing for the
19 data it had? So what are we looking at, as we speak?

20 A. We're looking at the call detail records here. So
21 these are the call detail records, which show the
22 incoming and outgoing calls for the target number, and
23 that target number, you can see, is right here.

24 Q. Okay. All right. The map example slide, what are
25 we looking at?

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GRABSKI - DIRECT - HOLLEN

1 A. So this is the overview of what I will -- I see in
2 CAST Viz when I upload it to Google or opening Google.
3 So this blue or blip here represents -- it's the cell
4 phone tower. And the green area here, those lines, as
5 well as that curve there, represents the sector of the
6 tower and where it's facing. Okay? So each sector has
7 a beam width of 120 degrees, and that's what splits it
8 into three different sectors. You'll see these other
9 little blips around here. Those are other towers in the
10 area that are not being utilized. So only the sector
11 for that particular tower will show like this. So if it
12 was on this side, this sector would be facing this way,
13 but the phone was situated somewhere in this area and
14 was contacting the tower on that sector.

15 Q. Okay. So there are a number of -- phones, as far
16 as towers go, generally, in very general terms, utilize
17 the closest tower. Is that fair to say?

18 A. It's fair to say. It's not always true.

19 Q. I'm sorry. What are the other factors?

20 A. So there's a lot of factors that get involved.
21 Obviously, if you're in a basement somewhere, it's going
22 to degrade the signal of you being able to call out. I
23 don't know if you guys have ever been in an elevator and
24 tried to send a text message. You know, sometimes it
25 doesn't really work. So that's going to affect the

1 ability of you to be able to contact a tower. Another
2 thing is just the traffic on the tower. If there's not
3 a lot of towers in the area, and there's a lot of people
4 using it, it might send you to a tower that's a little
5 further away. And you might not -- you still might not
6 be able to get great signal, but you'll still be able to
7 connect to that tower. So if you've ever been to any
8 kind of sporting event or large event, a lot of times,
9 you know, again, the cell phone, your service is going
10 to degrade a little bit because those towers are just so
11 overloaded.

12 Q. So it can take you to a tower that's -- that's not
13 necessarily right by you if that tower is overloaded
14 with traffic. Is that what you're saying?

15 A. It can, yes. As long as that -- the tower that it
16 sends you to is able to have the energy to reach where
17 you're at.

18 Q. Okay. Well, let me ask you this about sectors.

19 A. Yes.

20 Q. Do sectors generally indicate the direction from
21 the tower that the phone is located?

22 A. Yes.

23 Q. Is that a rule, or is it just a -- I mean, is that
24 something you can say with any reasonable degree of
25 certainty?

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GRABSKI - DIRECT - HOLLEN

1 A. Yes, that is how it works, so to speak. So as I
2 said before, if the phone is utilizing a tower in this
3 sector, that's the direction of where the phone is going
4 to be in relation to the tower. So if a phone call was
5 made over here in Jenkins Island, it's likely that it
6 would be off of this tower here. But if the phone call
7 -- if you're looking at this as the actual sector that
8 was used, a call made in this area is most like -- is
9 not -- not most likely -- is not going to show up on
10 this side of the -- of the tower.

11 Q. So while it may not -- I think we're just saying
12 the sector will indicate which direction the phone is
13 from the tower.

14 A. That's correct.

15 Q. Always?

16 A. Always.

17 Q. Okay. All right. Let's go to the next little
18 slide. And is this where you start your analysis?

19 A. That's correct.

20 Q. And what was the tower and the sector that that
21 phone number, phone itself, was utilizing when you first
22 started your analysis?

23 A. Tower 253, Sector 3.

24 Q. Okay. And where is that tower located?

25 A. It's located on Hilton Head Island.

1 Q. All right. Next slide. At some point, does that
2 phone begin utilizing a separate tower?

3 A. It does, yes. Tower 282, shown here, Sector 3, at
4 10:20 p.m.

5 Q. And you -- looking at the sector there, Sector 3,
6 you can say that that phone was on that -- is that map
7 directionally accurate?

8 A. Yes. North is going to be straight up.

9 Q. Okay. So which side of the tower was that phone
10 on?

11 A. It looks like the northern side, northwestern side
12 of the tower.

13 Q. All right. Let's go to the next slide. What
14 tower and sector is that phone utilizing at 10:49 p.m.
15 on April 29th?

16 A. At 10:49, you're seeing Tower 290, Sector 3.

17 Q. And where is that tower located?

18 A. That tower is located somewhere between, I
19 believe, Switzerland and Mitchellville. Mitchellville
20 here, closer to Ridgeland than -- than to Hilton Head.

21 Q. All right. Let's go to the next slide. And after
22 utilizing that tower, where does the phone -- what tower
23 is the phone utilizing after that?

24 A. The phone uses licenses Tower 208, Sector 3, which
25 is located right there in Ridgeland.

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GRABSKI - DIRECT - HOLLEN

1 Q. So you can't say that the phone was closest to
2 that tower. What can you tell us about where the phone
3 was in relation to the tower, however?

4 A. To the tower, it's certainly to the westerly side
5 of the tower, because the sector here -- if you guys
6 can't see, I know it's a little bit grainy here -- but
7 the sector is facing out toward the left of the screen
8 here.

9 Q. So what other towers, other than Tower 208 Sector
10 3 -- let me ask you this. Is that the closest tower to
11 the incident location you've provided?

12 A. Yes.

13 Q. So what other towers was that phone utilizing
14 between 10:53 p.m. and 12:34 a.m. on April 29th and
15 30th?

16 A. No other towers.

17 Q. It doesn't hit off any other towers?

18 A. No, that's the only other tower it hits on between
19 that time frame.

20 Q. / Okay. All right. Let's go to the next slide. Is
21 that just a closer view of what we just saw?

22 A. That's correct. That's just to show the incident
23 location, just to give you a little bit more of an
24 overview of what we were just seeing.

25 Q. So again, you can't say exactly where the phone

1 was in relation to that tower, can you?

2 A. That's correct, I cannot.

3 Q. What can you tell us -- well, that's the same
4 thing. Never mind. Let's go to the next slide. Is
5 that just a further-out view?

6 A. Yeah, this just to show the towers in the area of
7 the incident location during the time frame that we have
8 the target device hitting on the -- the tower that's
9 closest to the incident location here. We have no tower
10 out here toward Tillman. A tower just south, a tower
11 just north, and a tower just east. So that's just for
12 reference.

13 Q. But does the phone utilize any other towers at
14 that time?

15 A. At that time, no. The only tower that's used is
16 Tower 208, and it's only on Sector 3. It's not on any
17 other sectors.

18 Q. Okay. So let's go to the next line. What is this
19 showing?

20 A. This is showing the progression of the -- of the
21 morning, I suppose, here on April 30th at 12:54, the
22 target device is going back, it looks like, back toward
23 here on Tower 291, Sector 1, which would be a northern
24 direction facing towards Ridgeland.

25 Q. Now, based on what you've told us so far, can you

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GRABSKI - DIRECT - HOLLEN

1 say that that phone actually moved from there?

2 A. No, I can't say the phone actually moved from
3 there.

4 Q. Okay.

5 A. Just based on this right here, it is possible that
6 this tower could reach that area up here toward the
7 incident location --

8 Q. Right.

9 A. -- where it overlapped where Sector 3 on Tower
10 208. There could be some overlap in this area,
11 certainly.

12 Q. So there is a twenty-minute gap between 12:00
13 clearly, 12:34 a.m. and 12:54 a.m. Why can't we see
14 anything between that?

15 A. Because there are no calls made during that time.
16 This is -- the next call after 12:34 is at 12:54, and
17 that call was made on this tower, Tower 290, Sector 1.

18 Q. Gotcha. So you can only pinpoint a phone when
19 it's actually making a phone call?

20 A. For this map, yes.

21 Q. For this map. Okay. All right. Let's go to the
22 next slide. And what's changed between those two?

23 A. The sector has changed now. So in the previous
24 slide we saw Tower 290, Sector 1, which was northerly-
25 facing direction. But now, two minutes later, at 12:56

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GRABSKI - DIRECT - HOLLEN

1 a.m., we have Tower 290, Sector 3, which is now facing
2 away from the incident location, in the opposite -- not
3 the opposite direction, but a more southern direction
4 than Sector 1 on the same tower.

5 Q. Okay. And let's go to the next slide. What are
6 we looking at here?

7 A. This is to show the progression. This, to me,
8 would indicate, in my expert opinion, would indicate
9 movement of the phone. So when you pass towers and
10 they're not being utilized, and then you have another
11 tower down here, and as you can see, the time
12 progression, 12:34 and 12:54, two [sic] minutes later
13 it's on the other end of this tower. And then, you have
14 a few minutes later coming back down. What is that six
15 minutes later? coming back down to Tower 252, Sector 1.
16 So to me, that shows me that this phone is likely moving
17 on I-95 in a southern direction.

18 Q. All right. Let's go to the next slide. And what
19 are we looking at here?

20 A. Again, the progression of the phone of where the
21 phone was hitting these towers or connecting to these
22 towers during the progression. Here, we have 1:02 a.m.,
23 Tower 252, Sector 1. This is I-95 right here, headed
24 toward -- headed toward Hardeeville. And then, at 1:11
25 a.m., we have Tower 299, Sector 3, and it's -- now, it

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1 looks to be off of 95.

2 Q. Let's go to the next slide. And again, this is
3 just progression of the phone? Is that right?

4 A. Yes.

5 Q. And where is Tower 219 located? Is that in --

6 A. 219? Somewhere near Okatie, right here. We have
7 a little area, but that's going to be between Hilton
8 Head and Ridgeland.

9 Q. Okay. Let's go to the next slide. And what are
10 we looking at there?

11 A. Again, just another progression, just kind of bit
12 by bit here. I wanted to leave the last tower used and
13 then the next tower used just in the same frame just so
14 we can, you know, a little easier to look at, I suppose.
15 But 1:16 a.m. Tower 219, Sector 2. And then, 2:06,
16 nearly an hour later here at 291, Sector 2 coming down
17 out of Okatie, it looks like, and then back toward
18 Hilton Head Island.

19 Q. All right. And the next slide, please. And
20 again, this is -- you can show the sector utilized.
21 What does this indicate to you?

22 A. So this is a great example of how a cell phone
23 can, you know, if it's in the same area as another
24 tower, okay, it could use different towers. So as you
25 see here, 2:06 to 2:10 a.m., we have Tower 291, Sector

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1 2. At 2:12, we have Tower 223, Sector 1 utilized. And
2 then, back again, 291 Sector 2, at 2:13. So it went
3 from 291 here, down to 212 -- or sorry -- 223, and then
4 back to 291. That's very common, especially when
5 there's a lot of towers in the area. You know,
6 sometimes when you make a call, as I mentioned before,
7 the traffic or the signal can be stronger to another
8 tower, and it's going to be the path of least
9 resistance, whichever tower is most available at the
10 time.

11 Q. Okay. Go to the next slide. And again, that's
12 just the same thing. Let's skip that one and go to the
13 next one. And where is that tower located?

14 A. That tower is -- is closer toward Bluffton here.

15 Q. All right. Go to the next slide, please. And
16 that's, again, time period showing. At what point does
17 this cell phone begin utilizing Tower 253, which you
18 already testified to is on Hilton Head?

19 A. Let's see. 2:38 a.m. is the first connection that
20 I -- that is seen on that cell site, the CDR, the
21 records.

22 Q. Okay. And looks like that's where you end your
23 analysis. How long is that phone utilizing that tower?

24 A. Until 4:31 p.m. the following Day -- or that Day.

25 Q. All right, Mr. Grabski. Thank you. Go ahead and

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1 take a seat one more time for me.

2 A. Thank you.

3 Q. Now, again, can you say exactly where that phone
4 was located in relation to a tower?

5 A. I cannot say exactly where it was, just based on
6 the -- it's all based on the sector of the tower.

7 Q. And you have no idea who had that phone in their
8 possession, do you?

9 A. That's correct. I do not.

10 Q. You don't know who that phone belonged to, do you?

11 A. No. At that time, I could have been in anybody's
12 possession.

13 Q. All you can say is that the phone is utilizing
14 certain towers at certain times?

15 A. That's absolutely right.

16 Q. Let me ask you this. In your expert opinion, is
17 there any reasonable explanation that a phone could be
18 utilizing a Hilton Head -- stop. Back up. I'm going to
19 withdraw that question. Do you know approximately how
20 many towers there are between Hilton Head and Ridgeland?

21 A. Approximately, I would say upwards of fifteen to
22 twenty towers. Again, the further you pan out over, the
23 more towers there's going to be, so.

24 Q. Okay. So there are fifteen to twenty towers, you
25 believe, between Hilton Head and Ridgeland. In your

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GRABSKI - CROSS - PLEXICO

1 expert opinion, is there any possible way, or is there
2 any way, that a cell phone in Ridgeland can utilize a
3 Hilton Head tower?

4 A. No. Not based on that analysis, with as many
5 towers there between. No, that's not possible.

6 Q. How about vice-versa? Could a phone on Hilton
7 Head utilize the Ridgeland tower?

8 A. No. I -- I don't believe so.

9 SOLICITOR HOLLEN: I don't have anything further
10 for you, Mr. Grabski. Answer any questions Mr. Plexico
11 has.

12 THE COURT: Mr. Plexico.

13 AGENT ERIC GRABSKI

14 CROSS-EXAMINATION, BY MR. PLEXICO:

15 Q. Okay. They could use a nearby tower, correct?

16 A. Certainly. When you say *nearby*, nearby to the
17 phone.

18 Q. Nearby tower. Instead of the one they keep
19 harping on, it could have used one of the other towers
20 around?

21 A. Around --

22 Q. Is that not correct? I understand Hilton Head
23 Island's a good distance away.

24 A. Certainly.

25 Q. But once you decrease that distance, then it could

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GRABSKI - CROSS - PLEXICO

1 become -- could have been transferred from one of the
2 other towers, if they had a problem accepting calls,
3 correct, because they're not all up and functional one
4 hundred percent?

5 A. Yes, yeah.

6 Q. Okay.

7 A. So within a short distance, yes.

8 Q. All right. And Ridgeland is not New York City,
9 correct?

10 A. That is correct.

11 Q. And we're a small little southern town?

12 A. That's right.

13 Q. Okay. And what's it, about a mile, a mile and a
14 quarter in circumference, something like that?

15 A. I didn't measure it, but I trust it. I would
16 trust that.

17 Q. Okay. You don't have any doubts about that?

18 A. Certainly not.

19 Q. Okay. All right. All right. So it wouldn't hard
20 -- wouldn't be hard not to be in Ridgeland, correct?

21 A. When you say that, physically --

22 Q. To use your phone and to not physically be in
23 Ridgeland. You may be using the Ridgeland tower, but it
24 would be quite easy not to be in Ridgeland, right?

25 A. When we say Ridgeland tower, again, I -- I don't

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GRABSKI - CROSS - PLEXICO

1 really base my towers on the city or the town. It's the
2 tower number and the sector.

3 Q. I mean, but you understand what my point is?

4 A. I understand what your point is. Yeah, you could
5 be outside town limit and still utilize Tower 208. Yes,
6 you could be outside of the town limits, and still
7 utilize Tower 208.

8 Q. Easily, correct?

9 A. I don't know how easy that would be, but yes, it
10 is possible.

11 Q. If you have a small town, and that covers more
12 than the town, then, that would be easy. Okay. And it
13 does cover more than the town?

14 A. I can't -- I can't testify to that. I don't know
15 exactly how -- I -- I didn't measure the energy of the
16 tower, so I can't testify to that.

17 Q. Okay.

18 MR. PLEXICO: I don't have anything further.

19 THE COURT: Anything further?

20 SOLICITOR HOLLEN: Nothing further, your Honor.

21 THE COURT: All right. Ladies and gentlemen, now
22 is a very good time -- you may step down, sir. Any
23 objection to this witness being excused?

24 SOLICITOR HOLLEN: None from the State, your Honor.

25 THE COURT: Mr. Plexico?

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GARINGER - DIRECT - HOLLEN

1 MADAM CLERK: Go around and have a seat in the
2 witness chair.

3 ANDREW GARINGER

4 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

5 Q. Good afternoon, Mr. Garinger.

6 A. Good afternoon.

7 Q. Who do you work for?

8 A. I work for the Beaufort County Sheriff's Offices,
9 Forensic Services Laboratory.

10 Q. And what do you do in the Forensic Services
11 Laboratory for the Beaufort County Sheriff's Office?

12 A. I'm a forensic DNA analyst.

13 Q. What does your job entail as a forensic DNA
14 analyst?

15 A. So we accept evidence, analyze it for DNA, write
16 reports on our findings, and then sometimes testify in
17 court.

18 Q. Does your job require you to have any specialized
19 training or experience?

20 A. Quite a bit, yes.

21 Q. Can you just describe a little bit about that for
22 us. For instance, how long have you been a DNA analyst?

23 A. A little over eleven years now. I've been with
24 the Beaufort County Sheriff's Office for a little over
25 three years, and I previously worked for the Illinois

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GARINGER - VOIR DIRE - PLEXICO

1 State Police for about eight years.

2 Q. Okay. And what about training in DNA or your
3 educational background?

4 A. I've got a bachelor of science in biochemistry and
5 molecular biology. I have a master's in forensic
6 science and quite a bit of training that went into all
7 of that. And a year and a half with the Illinois State
8 Police. And then, another four to five months with
9 Beaufort County lab..

10 Q. Have you ever been qualified in state court as an
11 expert in DNA?

12 A. I have. I've been qualified in Cook County,
13 Illinois, and I've testified a number of times in
14 Beaufort County as well.

15 SOLICITOR HOLLEN: Your Honor, at this time State
16 would offer Mr. Garinger as an expert in the field of
17 DNA analysis.

18 THE COURT: Any voir dire?

19 MR. PLEXICO: Briefly, your Honor.

20 ANDREW GARINGER, VOIR DIRE

21 BY MR. PLEXICO:

22 Q. How many times have you testified in court, sir?

23 A. The last time I looked I believe it was seventeen
24 in total.

25 Q. And you have been in this field working for law

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GARINGER - DIRECT - HOLLEN

1 enforcement for how many years?

2 A. A little over eleven.

3 Q. And you said you testified fifteen times?

4 A. Seventeen, I believe.

5 Q. Okay.

6 MR. PLEXICO: I don't have any -- I believe he's
7 qualified, your Honor.

8 THE COURT: Ladies and gentlemen, in this case Mr.
9 Garinger has been qualified as an expert in the field of
10 DNA analysis. That allows him to give his opinion and
11 the reasons for his opinion. Again, that's for you to
12 use as you see appropriate, and as compared to other
13 evidence in the case.

14 SOLICITOR HOLLEN: Thank you, your Honor.

15 AGENT ANDREW GARINGER

16 CONTINUE DIRECT EXAMINATION

17 BY SOLICITOR HOLLEN:

18 Q. Mr. Garinger, I'm about to hand you what's been
19 marked for identification as State's Exhibit 12 and 13,
20 previously identified by Lieutenant Litchfield.

21 SOLICITOR HOLLEN: Your Honor, may I approach the
22 witness?

23 THE COURT: You may.

24 BY SOLICITOR HOLLEN:

25 Q. Can you take a look at this for me.

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GARINGER - DIRECT - HOLLEN

1 A. Thank you.

2 Q. Mr. Garinger, do you recognize those items?

3 A. I do.

4 Q. And what are they?

5 A. These are the casings that I analyzed for this
6 case.

7 Q. When you received those casings, cases, what
8 condition were they in? Were they still sealed?

9 A. They were.

10 Q. Would you have tested them if they weren't in a
11 sealed condition?

12 A. No, I would not.

13 Q. All right. And did you subsequently perform tests
14 on those items?

15 A. I did.

16 Q. All right. And does it look like they've been
17 tampered with, or were they tampered with before you did
18 anything with them?

19 A. I mean, I can see my seals on them and the
20 stickers that I added, but otherwise, it doesn't appear
21 that they've been changed.

22 Q. Okay.

23 SOLICITOR HOLLEN: Your Honor, at this time I would
24 ask to admit State's 12 and 13 into evidence.

25 MR. PLEXICO: I have no objection, your Honor.

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GARINGER - DIRECT - HOLLEN

1 THE COURT: Without objection.

2 ITEM IDENTIFIED AS SIX .22 SHELL CASINGS
3 MARKED STATE'S EXHIBIT NUMBER 12
4 ADMITTED AS EVIDENCE.

5 ITEM IDENTIFIED AS TEN SHELL CASINGS
6 MARKED STATE'S EXHIBIT NUMBER 13
7 ADMITTED AS EVIDENCE.

8 BY SOLICITOR HOLLEN:

9 Q. Okay. So Mr. Garinger, you've identified those
10 items. What would you have done when you received
11 those?

12 A. So with firearm casings, usually what I'll do is
13 I'll group them, depending on how they're found, what
14 the caliber and make are. I'll group them in similar
15 groups, and then all of the casings that are similar, I
16 will swab the exterior of them with a wet swab in order
17 to pick up any DNA that might have been left behind on
18 them.

19 Q. And is it, in your position, do you frequently
20 examine shell casings for DNA?

21 A. Yes.)

22 Q. In regards to those specific cases, were you able
23 to extract any DNA that could be used for analysis?

24 A. I was not.

25 Q. And when I say that, does that mean there's no DNA

1 on them? Can you explain that a little bit.

2 A. Not necessarily. I don't recall specifically what
3 the amount was that -- that was found in this case, but
4 there's definitely a threshold between zero and some
5 number that we know we're not going to get a usable
6 result out of. I want to say two nanograms. I'm sorry,
7 not two nanograms. Twenty peak grams or so is roughly
8 where we know we're just going to get noise and nothing
9 useful. In this case, I was not able to get enough that
10 it would be useful for our processes.

11 Q. Okay. So you said you fairly frequently, I guess,
12 examine shell casings for DNA. Is it common for you to
13 be able to extract usable DNA from a shell case?

14 A. It's not common. It happens every once in awhile,
15 but it -- it's uncommon enough to be remarkable when it
16 does happen.

17 Q. So it is remarkable when you're able to get DNA
18 off a shell case, what you just said?

19 A. Correct.

20 Q. What is it about shell cases that make them
21 difficult for you to extract DNA or any kind of useful
22 material from?

23 A. There's a couple different features of them that
24 make them more difficult than a typical item. First of
25 all, we're looking for touch DNA, which is always hit or

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GARINGER - DIRECT - HOLLEN

1 miss, no matter what type of item we're talking about.
2 You never know how much DNA is going to be left behind
3 through just casual contact. Additionally, shell
4 casings are small, not working with much surface area,
5 even when you group a bunch of them together. So you
6 know, there can only be so much DNA there. They're non-
7 porous, meaning they're smooth metal, so what DNA may or
8 may not have been deposited there isn't likely to stick.

9 And then, in the process of firing a casing, they
10 are usually heated up, and then ejected out into, sort
11 of, the controlled environment. So that heating process
12 of firing and then falling to the ground and sitting out
13 in the sun and humidity, if there was DNA there, a good
14 deal of it ends up getting destroyed.

15 Q. Gotcha. Let me ask you this. Have you read any
16 studies, are you familiar with any scientific analysis
17 about the properties of the shell cases that are made
18 out of brass?

19 A. I have not read the study myself. I was recently
20 told about a study where someone looked into whether
21 casings made out of different metals retained more or
22 less DNA. And I -- the finding that I was told about
23 was that brass specifically tends to hold onto less DNA
24 than other materials that make up shell casings.

25 Q. And that's just because, and just as far as you

1 know, the property of brass itself?

2 A. Yeah. I'd have to speculate on that, but yeah.
3 It's probably because of the metal. Some metals tend to
4 exhibit -- are known to exhibit antibacterial
5 properties. I would imagine that holds true of human
6 cellular material as well.

7 SOLICITOR HOLLEN: Court's indulgence, your Honor.
8 Mr. Garinger, that's all I have for you. Please answer
9 questions from Mr. Plexico.

10 THE COURT: Mr. Plexico.

11 ANDREW GARINGER

12 CROSS-EXAMINATION, BY MR. PLEXICO:

13 Q. And you never examined any DNA from my client,
14 correct?

15 A. No, I didn't examine standards from anyone.

16 Q. Okay. And you have no -- there's no DNA that you
17 have discovered that's useful in this case?

18 A. Correct.

19 Q. Okay.

20 MR. PLEXICO: I don't have anything further.

21 THE COURT: Okay. Anything further?

22 SOLICITOR HOLLEN: He may be excused, your Honor.

23 THE COURT: Sir, you may be excused. Thank you.

24 A. Thank you.

25 THE COURT: Call your next witness.

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MARIE POWELL - DIRECT - HOLLEN

1 SOLICITOR HOLLEN: Marie Powell.

2 MADAM CLERK: Raise your right hand and place your
3 left hand on the *Bible*. Do you swear the testimony
4 you're about to give the Court is the truth, the whole
5 truth, and nothing but the truth, so help you God?

6 MARIE POWELL: Yes, ma'am.

7 MADAM CLERK: Adjust your chair and this mic.

8 MARIE POWELL

9 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

10 Q. Ms. Powell, you okay?

11 A. Um-hmm.

12 Q. You're moving a little slow. Are you feeling all
13 right?

14 A. Yeah, I'm okay.

15 Q. Are you injured in some way?

16 A. Yeah, I just had a back surgery a couple weeks
17 ago.

18 Q. Okay. You're not in any pain? Are you in any
19 pain right now?

20 A. No, I'm okay.

21 Q. Marie, you know why you're here today, right?

22 A. I do.

23 Q. Do you know the defendant in this case, Aneisha
24 Young?

25 A. I do.

1 Q. How do you know her?

2 A. I was incarcerated with her in Jasper County
3 Detention Center.

4 Q. Do you know about how long the two of you were
5 incarcerated together?

6 A. On two separate occasions. One for about forty-
7 five days, and then a separate one for about three
8 months.

9 Q. During your time incarcerated with Ms. Young, did
10 you have the opportunity to speak with her?

11 A. I did.

12 Q. And at some point, how did you get in contact with
13 the Ridgeland Police Department?

14 A. I talked to Lieutenant -- or Detective Litchfield.

15 Q. All right. Now, did Detective Litchfield reach
16 out to you and find you?

17 A. No, I reached out to him.

18 Q. Okay. Why did you do that?

19 A. Because I had some information that I thought was
20 relevant to what was going on.

21 Q. And you subsequently met with him on a few
22 occasions. Is that right?

23 A. I did.

24 Q. And did you provide him with this information?

25 A. I did.

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MARIE POWELL - DIRECT - HOLLEN

1 Q. Okay. Marie, how did you know Davonte Freeman?

2 A. I met him. He lived in some apartments that I
3 used to stay in.

4 Q. Okay.

5 A. And we all kind of knew each other from like the
6 neighborhood area.

7 Q. So is it safe to say that you were friendly with
8 Davonte?

9 A. Yeah.

10 Q. Were you pretty close to him?

11 A. We weren't like best friends, but we knew each
12 other. We were cordial. We spoke, you know. We
13 wouldn't hang out just us, but like a group of people we
14 would both be kind-of-there type thing.

15 Q. All right. Is there any other connection you have
16 to him? For instance, did you used to date a person
17 named Anthony Austin?

18 A. I did.

19 Q. Did Anthony Austin have any connection with Mr.
20 Freeman; do you know?

21 A. He did. He used to date Davonte's mother.

22 Q. Okay. So before he dated you, he dated Davonte's
23 mother?

24 A. He did.

25 Q. All right. So you knew Davonte, you had seen him

1 around, you'd lived in the same apartment.

2 A. Um-hmm. Yes.

3 Q. Did he ever -- did he ever stay with you in your
4 apartment?

5 A. Yes. We -- a guy named Eric, I lived there, and
6 then Davonte and his girlfriend moved in there.

7 Q. Um-hmm.

8 A. So we were all kind of dwelling there together for
9 a few weeks, maybe a month or so.

10 Q. Who's Eric?

11 A. Eric Orr. He was a guy that lived in the
12 apartment.

13 Q. Okay. I just want to make sure, because there was
14 a co-defendant named Eric.

15 A. No.

16 Q. All right. Ms. Powell, when you were incarcerated
17 with Ms. Young, was she aware initially of your
18 connection to Davonte Freeman? Do you know?

19 A. I don't believe she knew right away. I used to
20 talk to Anthony Austin on the phone, because he was my
21 boyfriend at the time.

22 Q. Gotcha.

23 A. And I believe she overheard conversations, and
24 approached me, you know, about some things, you know,
25 that was -- Anthony didn't have the best reputation, so

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MARIE POWELL - DIRECT - HOLLEN

1 I was approached about Anthony maybe doing something for
2 her.

3 Q. All right. Okay. So you got some information.
4 Tell me about how this whole thing started. How did you
5 start talking to Ms. Young and how did all this come
6 out?

7 A. We were -- at that time, were in an open pod. We
8 were in B-5. It wasn't the single cells; it was just a
9 big open area.

10 Q. Um-hmm.

11 A. So I mean, it wasn't -- I mean, you could visit.
12 It wasn't like, you know, you had to go into a cell. I
13 mean, your bed was there. And at the time, I was three
14 beds down from her.

15 Q. Okay.

16 A. And once she realized who I was and who I knew, we
17 just kind of started speaking back and forth about the
18 situation. As she got more comfortable with me, we
19 talked more and got more in-depth about things.

20 Q. So did all of the information that you learned
21 come out at one time, or was -- did this take --

22 A. No, it was over the course of a few days. It
23 wasn't like, you know, a-spill-your-guts-all-at-one-
24 time, no.

25 Q. Okay. So you requested to speak to Lieutenant

1 Litchfield. Is that right?

2 A. Yes, sir.

3 Q. Why did you specifically request Lieutenant
4 Litchfield?

5 A. Because I -- I was told that he was the detective
6 on the case.

7 Q. All right. So you informed someone that got in
8 touch with Lieutenant Litchfield, and you went and spoke
9 to him?

10 A. I did.

11 Q. And did you provide him with the information that
12 I'm about to ask you about relating to Ms. Young and the
13 murder of Davonte Freeman?

14 A. I did.

15 Q. Okay. So let's just jump into it, Marie.

16 A. Um-hmm.

17 Q. What is the first information that you were
18 approached with from Ms. Young, and -- well, let's just
19 start there.

20 A. Kind of about the -- the night at Siesta, the
21 night that everything happened. I was not there, so.
22 It was kind of, you know, about Kwame, which was the
23 brother, and Davonte coming to this guy named Seabrooks'
24 apartment.

25 Q. Um-hmm.

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MARIE POWELL - DIRECT - HOLLEN

1 A. Her being there. Kwame, not really being
2 responsive to her; she wasn't sure why. And it just
3 kind of went into the series of events that night. And
4 basically, I guess, the owners of the property came and
5 asked Davonte to leave, and that's when Davonte and
6 Kwame, I guess, said they were going to go to the store.

7 Q. Um-hmm.

8 A. And so.

9 Q. And so, you learned that the owners of the Siesta
10 came and asked Davonte to leave. Do you know how that
11 came about? Did you guys discuss that at all?

12 A. I believe someone called. I'm not sure.

13 Q. Okay.

14 MR. PLEXICO: This is hearsay, your Honor. Not
15 going to my client, I would object as hearsay, your
16 Honor.

17 SOLICITOR HOLLEN: Your Honor, I'm asking --

18 THE COURT: If she knows.

19 SOLICITOR HOLLEN: And I'm asking her what she's
20 told her. If this is what she told her, this is not
21 hearsay; this is statements from --

22 THE COURT: From Defendant?

23 SOLICITOR HOLLEN: Yes.

24 THE COURT: Okay.

25 SOLICITOR HOLLEN: That's why I'm --

1 BY SOLICITOR HOLLEN:

2 Q. You were not at the Siesta that night?

3 A. I was not.

4 Q. Do you have any independent information about
5 anything you saw with your own eyes that happened that
6 night?

7 A. I do not.

8 Q. So any information you have, where did it come
9 from?

10 A. Aneisha Young.

11 Q. Okay. I should say, at the time that you spoken
12 to Lieutenant Litchfield.

13 A. Um-hmm. Right.

14 Q. I don't know what information you've gained since
15 then. But all right. So when you guys were talking
16 before the first time you went and spoke to Lieutenant
17 Litchfield, did she indicate to you anything about a
18 weapon or a caliber or anything like that? Do you
19 remember?

20 A. On the first time?

21 Q. Yes. The first -- before you went the first time,
22 did you know anything about a gun that was used?

23 A. Not at that time, no.

24 Q. You didn't know anything at that time?

25 A. No. It was the next.

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MARIE POWELL - DIRECT - HOLLEN

1 Q. Was it the next time?

2 A. Yeah.

3 Q. What did she tell you about a .9 millimeter
4 handgun?

5 A. That is the gun that Eric possessed.

6 Q. Okay. And at the time you gained that
7 information, according to Ms. Young, was she under the
8 impression that that was the gun that killed Davonte
9 Freeman?

10 A. Yes.

11 MR. PLEXICO: That's leading. I'll object, your
12 Honor.

13 THE COURT: Don't lead.

14 SOLICITOR HOLLEN: Okay. I'll rephrase the
15 question, if you like.

16 BY SOLICITOR HOLLEN:

17 Q. What did she tell you about the .9 millimeter
18 handgun and who had it?

19 A. That Eric was the one who possessed the .9
20 millimeter handgun.

21 Q. Okay. And with that information, did you pass it
22 on to Lieutenant Litchfield?

23 A. I did.

24 Q. And what did he tell you in response? Did he give
25 you some information in response?

1 A. Right. That it was actually the .22 handgun that
2 killed Davonte, which is the gun that she possessed.

3 Q. All right. And at that point, did you know
4 anything about a .22?

5 A. No.

6 Q. Okay.

7 A. No.

8 Q. So --

9 A. It was later whenever I had found out that
10 information about the .22. That was the one that
11 actually killed Davonte.

12 Q. Okay.

13 A. Her not knowing I was speaking to Lieutenant
14 Litchfield, I went back, and that's how I gained the
15 information about the .22 handgun.

16 Q. Okay. Now, you indicated that Ms. Young
17 approached you. What did she do in asking you about
18 Anthony Austin?

19 A. How much would Anthony Austin charge to take out
20 Kwame, because he was the only eyewitness.

21 Q. When you say *take out*, what did you take that to
22 mean?

23 A. Kill Kwame.

24 Q. All right. Why would she approach you and ask you
25 about Anthony Austin killing someone?

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MARIE POWELL - DIRECT - HOLLEN

1 A. Anthony Austin doesn't have the best reputation.

2 Q. Okay. What would have given her the impression
3 that you -- well, you were dating Anthony Austin at the
4 time, right?

5 A. Um-hmm.

6 Q. So she approached you with this, and what did you
7 do?

8 A. I -- I kind of used it to my benefit --

9 Q. Okay.

10 A. -- and kind of got more in-depth about what
11 happened that night at the Siesta.

12 Q. What do you mean *use it to your benefit*?

13 A. I basically made it seem like that Anthony didn't
14 really care for Kwame, just to see why I could get her
15 to go with the information.

16 Q. Okay.

17 A. Like, to see where she would go as far as what
18 happened that night, and how far she would go.

19 Q. And it was after that that she asked about Anthony
20 Austin taking out Kwame?

21 A. Yes.

22 Q. All right. So had spoke with Lieutenant
23 Litchfield, you said?

24 A. I did.

25 Q. And he gave you some information about a .22?

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MARIE POWELL - DIRECT - HOLLEN

- 1 A. He did.
- 2 Q. You went back?
- 3 A. Yes.
- 4 Q. Into jail?
- 5 A. I did.
- 6 Q. Did you continue -- where did -- where did Ms.
- 7 Young -- where'd you tell her you were?
- 8 A. I told her I was up front with Medical.
- 9 Q. So armed with the information about the .22, what
- 10 did you do next when you went back? Did you continue to
- 11 speak with her?
- 12 A. Yes, I continued to speak with her. I didn't
- 13 like, go back and immediately -- you know, it was kind
- 14 of like the course of a couple days, just kind of
- 15 hinting around asking questions.
- 16 Q. All right. And at some point, did she talk to you
- 17 about a .22 caliber gun that was used?
- 18 A. Yes, that she possessed that gun.
- 19 Q. Okay. Did she indicate to you what happened to
- 20 that gun after Davonte Freeman's murder?
- 21 A. No. It was said that it was sold to another guy.
- 22 Q. Did she tell you that?
- 23 A. Yes.
- 24 Q. Did she tell you who?
- 25 A. It's a nickname, Tome. I don't know the real

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1 name.

2 Q. Okay. So she indicated to you that she -- what
3 did she do with the gun? Gave it to him? Sold it to
4 him?

5 A. Sold it to him was the terms that she used.

6 Q. So she indicated she sold the gun to a guy named
7 Tome?

8 A. Um-hmm.

9 Q. At that point, did she indicate to you that she
10 was aware that it had murdered Davonte Freeman?

11 A. No.

12 Q. No? So all right. So she sold the gun to Tome.
13 Did you go back and talk to Lieutenant Litchfield after
14 that?

15 A. I did.

16 Q. And did you relay any information to him?

17 A. I did.

18 Q. Did you relay to him that she had sold the gun to
19 a guy named Tome?

20 A. I did.

21 Q. Okay. The second time you spoke to him, where
22 were you? Do you recall?

23 A. We were at the Mag -- I think it's at the
24 Magistrate building. It's that like a water building
25 and a courthouse together in one.

- 1 Q. Were you in court that day?
- 2 A. Yes, I had court that day.
- 3 Q. All right. So what happened? How did that come
- 4 about? How did -- how did you talk to him the second
- 5 time?
- 6 A. Because he was -- Detective Litchfield was there.
- 7 Q. Okay.
- 8 A. Yeah. And he asked the judge that was presiding
- 9 that day if I could speak with him in that judge's
- 10 office.
- 11 Q. Okay.
- 12 A. And that's how him and I got to speak that time.
- 13 Q. All right. Did you request to speak with him, or
- 14 did he request to speak with you that time?
- 15 A. He requested to speak with me at that time.
- 16 Q. And so, you provided him with that little bit of
- 17 information about the gun?
- 18 A. Yes.
- 19 Q. Okay. That day, do you recall Lieutenant
- 20 Litchfield speaking on -- speaking to the judge on your
- 21 behalf?
- 22 A. Yes.
- 23 Q. What did he do for you?
- 24 A. Nothing. He just asked the judge to give me time
- 25 to pay my tickets.

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MARIE POWELL - DIRECT - HOLLEN

1 Q. And did you get that time?

2 A. I did.

3 Q. All right. Did you end up paying your tickets?

4 A. I did not.

5 Q. So what happened to you after that?

6 A. I ended up -- that's when I spent the three months
7 in jail.

8 Q. Were you incarcerated at that point for that whole
9 three months in the Jasper County Jail?

10 A. No, they moved us to the Beaufort County Jail,
11 because the Jasper County Jail ran out of room for the
12 males, so they housed the females in the Beaufort County
13 Detention Center.

14 Q. Gotcha. So you were in jail in Beaufort County?

15 A. I was.

16 Q. For three months?

17 A. I was.

18 Q. All the females from Jasper County were moved?

19 A. We were.

20 Q. And was Ms. Young moved as well?

21 A. Yes.

22 Q. Okay. So you were in jail for awhile. At some
23 point, did you request to speak to Lieutenant Litchfield
24 again?

25 A. Yes.

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MARIE POWELL - DIRECT - HOLLEN

1 Q. And did you speak with him again at a later date?

2 A. I did. It was the last time I spoke with him.

3 Q. That was the last time you spoke with him. Had
4 you learned a little bit more information in this case?

5 A. I did.

6 Q. And do you remember what that information was?

7 A. That one of the guard's brothers was roommates
8 with Ms. Young's co-defendant.

9 Q. Okay. So is that a guard at the Jasper --

10 MR. PLEXICO: That would be hearsay, your Honor,
11 because, if she's in jail, she has no way of knowing
12 that, and I object to that. That's hearsay. I move to
13 strike and ask for a curative instruction.

14 BY SOLICITOR HOLLEN:

15 Q. And who -- where did you get that information?

16 A. Aneisha Young.

17 Q. Okay. So.

18 SOLICITOR HOLLEN: Can I continue, your Honor?

19 THE COURT: You may.

20 SOLICITOR HOLLEN: Thank you.

21 BY SOLICITOR HOLLEN:

22 Q. Did she indicate to you that anything about Peanut
23 or Eric Darien? Do you remember?

24 A. Just that she was -- he was the roommate of the
25 brother. And I believe she had been corresponding with

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1 Peanut through the guard's brother.

2 MR. PLEXICO: That's speculation. I object to
3 that. That's not proper, your Honor. That's not what
4 my client said.

5 SOLICITOR HOLLEN: I'll withdraw the question.

6 MR. PLEXICO: I'd ask for a curative instruction,
7 your Honor.

8 THE COURT: All right. Ladies and gentlemen, just
9 strike that last question and answer. It wasn't
10 appropriate.

11 BY SOLICITOR HOLLEN:

12 Q. Did Ms. Young tell you that she planned on
13 talking?

14 MR. PLEXICO: That's leading, your Honor. I
15 object.

16 SOLICITOR HOLLEN: *Did Ms. Young tell you, that's*
17 *leading?*

18 BY SOLICITOR HOLLEN:

19 Q. Did Ms. Young tell you that she planned on talking
20 to law enforcement?

21 A. Yes.

22 Q. And what did she --

23 SOLICITOR HOLLEN: Can I continue?

24 THE COURT: You may.

25 SOLICITOR HOLLEN: Thank you.

1 BY SOLICITOR HOLLEN:

2 Q. Did she -- what did she tell you she planned on
3 talking to law enforcement about?

4 A. About Mr. Darien.

5 Q. And what was she going to tell them?

6 A. About his role in the murder.

7 Q. Was she going to tell him that she knew something?
8 Do you remember?

9 A. Right. That -- basically, that he was the one at
10 fault.

11 Q. At some point, did she mention someone named
12 Davonte Frost? Do you remember that?

13 A. Yes.

14 Q. What did she say about him?

15 A. He was there the night that everything happened at
16 the Siesta.

17 Q. Okay. Did she tell you that -- did she tell you
18 what -- if he had any role in this?

19 A. That he was there, but he never fired a weapon.

20 Q. Did she say why?

21 A. He just chickened out.

22 Q. Okay. When you all were talking, did she indicate
23 that she was in -- what state of mind did she say she
24 was in on the night of the shooting?

25 A. She was high.

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MARIE POWELL - DIRECT - HOLLEN

1 Q. Was she under the influence of drugs?

2 A. Xanax and Molly.

3 Q. What else did she say about that? Do you
4 remember?

5 A. That she was high on Xanax and Molly.

6 Q. Okay.

7 A. And I mean, that basically that -- well, that
8 would just telling you what I think, but yeah, she was
9 high on Xanax and Molly.

10 Q. Ms. Powell, I got to ask you about this. It was
11 brought up before.

12 A. Um-hmm.

13 Q. It was brought up be. You have a -- do you have a
14 lengthy criminal record?

15 A. I do.

16 Q. So you've got convictions for a number of things.
17 What are most of your convictions for?

18 A. Drug-related charges.

19 Q. Have you ever written a bad check?

20 A. Yes.

21 Q. Shoplifted?

22 A. Shoplifted.

23 Q. How about forgery?

24 A. Yes.

25 Q. All right. Ms. Powell, a lot of these are crimes

1 of dishonesty. Why should we believe you?

2 A. About what I'm saying?

3 Q. Yes, ma'am.

4 A. Everybody deserves -- deserves justice. He made a
5 lot of mistakes. He might not have been the most honest
6 person. I may not be the most honest person, but he
7 didn't deserve that. He had a baby on the way. He
8 didn't deserve it. No matter what he's done to people,
9 he didn't deserve that.

10 Q. Ms. Powell, so you weren't at Siesta that night.
11 Where were you the night of this murder? Do you
12 remember?

13 A. I was in Hardeeville.

14 SOLICITOR HOLLEN: Court's indulgence, your Honor.

15 THE COURT: Yes.

16 BY SOLICITOR HOLLEN:

17 Q. Ms. Powell, do you remember -- do you know the
18 dates you were incarcerated?

19 A. July of 2016.

20 Q. And do you know about how long after the murder of
21 Davonte Freeman these conversations started?

22 A. That's when I was -- that's when I was arrested
23 was July, so.

24 Q. Okay.

25 A. Maybe a little bit over a year.

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MARIE POWELL - CROSS - PLEXICO

1 Q. Was this 2016 or 2017 when you were incarcerated?

2 A. 2016.

3 SOLICITOR HOLLEN: Okay. So -- never mind. All
4 right. Ms. Powell, I don't have anything further for
5 you right now. Please answer Mr. Plexico's questions.
6 Okay?

7 A. Yes, sir.

8 MARIE POWELL

9 CROSS-EXAMINATION, BY MR. PLEXICO:

10 Q. Okay, ma'am. So you remember telling Lieutenant
11 Litchfield my client said that Davonte Frost, her, and
12 Peanut is what my client said were involved in the
13 shooting. Is that correct?

14 A. Yes, but Davonte Frost never fired a weapon.

15 Q. Okay. All right. Now, you spoke with -- you
16 arrived in early July in jail, correct?

17 A. I did.

18 Q. All right. So you spoke with Lieutenant
19 Litchfield on July 20th. Isn't that right?

20 A. I believe so.

21 Q. And you had been free from the time of -- now, you
22 knew Anthony Austin, correct?

23 A. I did.

24 Q. And he used to date Davonte Freeman's mother,
25 correct?

1 A. Right.

2 Q. Okay. And so, you were close to Anthony Austin,
3 right?

4 A. I was.

5 Q. And he was like a step-father to Davonte Freeman,
6 wasn't he?

7 A. He was.

8 Q. Okay. And Davonte Freeman had a brother, Wrenshad
9 Anderson, correct?

10 A. I'm not sure about Wrenshad Anderson.

11 Q. You don't know Wrenshad Anderson at all?

12 A. I do not.

13 Q. Okay. Did you ever live in the house over here,
14 down here, down near the intersection of 278 and Jacobs
15 Park Boulevard? Did you live on that side of town ever?

16 A. No, sir.

17 Q. Okay. All right. Did you -- you said you felt
18 sorry for Davonte Freeman. He had a hard time, right?

19 A. No, sir. I never said I felt sorry for him. No,
20 sir.

21 Q. Okay. All right. Didn't he actually stay with
22 you and Anthony sometimes?

23 A. No, he never stayed with me and Anthony. He
24 stayed in the house when I lived there with Mr. Orr.

25 Q. Okay. And he wasn't ever around his brother?

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MARIE POWELL - CROSS - PLEXICO

1 A. Not a Wrenshad. I don't know any brother by that
2 name.

3 Q. Okay. All right. And you -- this was recently --
4 well, as far as 2016, this was 2015, 2016 we're talking
5 about, before April 30th, when he was staying over there
6 with Eric.

7 A. Right. This was before, this was 2015.

8 Q. Okay. All right. Now, when you first talked with
9 Detective Litchfield --

10 A. Um-hmm.

11 Q. -- he told you that the young man, Davonte
12 Freeman, had been killed with a .22 caliber?

13 A. No, the first time I spoke with him, he did not
14 tell me that, no, sir.

15 Q. You're saying he absolutely did not tell you that?

16 A. No, sir, not the first time I spoke with him, he
17 did not.

18 Q. Did he tell you that the second time?

19 A. The second time, yes, sir.

20 Q. Okay. All right. And now, so he helped you
21 understand -- he told you he was looking for help on the
22 case, correct? He wanted a witness?

23 A. No, sir, he didn't tell me he was looking for help
24 on the case.

25 Q. So all right. So you're out on the street from

- 1 April 30th, from the -- okay, until July, correct?
- 2 A. Yes, sir.
- 3 Q. And you know all these characters that are
- 4 involved because you've been in town for awhile, right?
- 5 A. I was in Hardeeville.
- 6 Q. Okay. But you know some of the guys up here.
- 7 They hang out back and forth, right?
- 8 A. Yes, sir.
- 9 Q. Okay. So you know these characters, and you're
- 10 saying that you didn't talk to any -- and you knew
- 11 Anthony Austin, right?
- 12 A. I did.
- 13 Q. And you had a relationship with Anthony Austin?
- 14 A. I did.
- 15 Q. And that was like, almost his stepson that got
- 16 killed, correct?
- 17 A. Yeah, he had dated his mother probably ten years
- 18 previous to this, so there was no -- it wasn't like he
- 19 dated the mother and then dated me a month or two later.
- 20 There was a big time span in between the two times.
- 21 Q. Okay. But he's like his stepson? That was my
- 22 question. Please answer it.
- 23 A. I don't know.
- 24 Q. Okay.
- 25 A. I don't know what relationship him and Davonte

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1 had.

2 Q. All right. But he knew about Davonte being
3 killed?

4 A. He did.

5 Q. He was not happy about that, correct?

6 A. He was not.

7 Q. He knew a lot about it, didn't he?

8 A. He was not happy, no.

9 Q. Okay. And he knew a lot about it, and he knew
10 Davonte's family and all, right?

11 A. He knew Davonte's family, yes.

12 Q. Okay. All right. And he knew what the family
13 knew, didn't he?

14 A. I don't know what Mr. Austin knew.

15 Q. Okay. But he associated with the family of
16 Davonte Freeman, because he was almost part of it,
17 correct?

18 A. He associated with them as far as I know, yes,
19 sir.

20 Q. Okay. All right. So you're saying you never
21 discussed any details that Anthony Austin knew about the
22 crime that happened to Davonte with you? }

23 A. No, sir.

24 Q. Okay. And you did not talk to -- you never talked
25 to Lieutenant Litchfield the first time, with him

- 1 telling you that he was killed with a .22 caliber?
- 2 You're positive that didn't happen?
- 3 A. I'm positive.
- 4 Q. Okay. Now, when she, my client, was talking to
- 5 you, was anybody else around?
- 6 A. Yeah, there was -- all -- all the females are
- 7 housed in one area, so there's always people around.
- 8 But as far as in direct earshot of us, no, not that I'm
- 9 aware of.
- 10 Q. So she's talking about being -- now, she's aware
- 11 of the relationship of -- because she grew up here,
- 12 she's aware of the relationship with Anthony Austin and
- 13 Davonte Freeman and Wrenshad Anderson, correct?
- 14 A. I'm not sure what relationship she knew about.
- 15 Q. Okay. right. So you're telling the jury that
- 16 she asked you, and you needed -- you were asking for
- 17 favours. Let me ask this first. You were asking for
- 18 favours with Judge Nancy down in Hardeeville during your
- 19 interviews, for instance, with Lieutenant Litchfield,
- 20 right?
- 21 A. That is incorrect. I never asked for anything
- 22 from Judge Nancy in Hardeeville.
- 23 Q. You didn't mention that?
- 24 A. No, sir.
- 25 Q. Okay. All right. You did ask for other things,

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MARIE POWELL - CROSS - PLEXICO

1 you say, correct?

2 A. The only thing I received was Lieutenant
3 Litchfield let me -- I was let out of jail. I posted my
4 bond on my other charges. The -- Lieutenant Litchfield
5 allowed me to get out of jail, and I had to pay the
6 restitution on those tickets. So that is the only thing
7 that I received was time to pay the tickets.

8 Q. All right. And did he have anything to do with --
9 you have a lengthy criminal record, correct?

10 A. I do.

11 Q. All right. And that doesn't bode well for you
12 when you go back to General Sessions court, does it?
13 This court, big court?

14 A. I don't have any General Sessions charges pending.

15 Q. Pending?

16 A. I do not have any, no.

17 Q. Did he have anything to do with you getting
18 probation on your General Sessions forgery?

19 A. I received nothing from the Solicitor's Office or
20 anything else in reference to my General Sessions
21 charges.

22 Q. Okay. Now, so you're saying that my client wanted
23 you to get Anthony Austin to kill his stepson. Is that
24 correct?

25 A. Yes, because after I got off the phone with her --

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MARIE POWELL - CROSS - PLEXICO

1 I -- with Mr. Austin, I told her that, because Anthony
2 and Kwame had had a little run-in. So at the time she
3 did not believe that Mr. Austin was happy with Kwame.

4 Q. Okay. So but, isn't -- no, isn't, okay. So he'd
5 kill him. He'd kill his stepson. A reasonable person
6 would expect him to kill his stepson because he's a
7 little upset with him?

8 A. Maybe reasonable. I don't know. I don't know
9 what her thinking is. I can only speak for myself.

10 Q. Okay. All right. Well, let's talk about you.

11 A. Absolutely.

12 Q. Are you Erica Raines, too?

13 A. No.

14 Q. Are you Brittany Raines?

15 A. No.

16 Q. Are you Lisa Lloyd?

17 A. No.

18 Q. Well, have you used those names before?

19 A. No. Brittany Raines used my name in a ticket that
20 she received.

21 Q. So you never used any aliases before?

22 A. I have one time.

23 Q. Okay. So sometimes you're a person that you're
24 not today? Is that correct?

25 A. Only one time I have used a different name for a

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MARIE POWELL - CROSS - PLEXICO

- 1 ticket that I've received.
- 2 Q. Have you -- have you had three -- do you have
- 3 three different Social Security numbers?
- 4 A. I do not; I have one.
- 5 Q. Do you have three associated with your arrest?
- 6 A. No, I have one.
- 7 Q. Have you turned up other different Social Security
- 8 numbers on arrests?
- 9 A. No, sir.
- 10 Q. Okay. All right. Now, let's see. Do you
- 11 remember 2010?
- 12 A. I do.
- 13 Q. All right. Did you have a conviction for
- 14 attempted conspiracy for getting drugs by fraud and
- 15 deceit?
- 16 A. Yes, I remember that.
- 17 Q. Okay. So you had a -- 2011, you had a financial
- 18 identity fraud?
- 19 A. I did.
- 20 Q. You got convicted?
- 21 A. I did.
- 22 Q. Okay. So that was identity. You were somebody
- 23 else. You were pretending to be something, somebody
- 24 else, right? Financial identity fraud?
- 25 A. Right. I used my grandmother's credit card.

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MARIE POWELL - CROSS - PLEXICO

1 Q. Okay. All right. 2013, you had another obtaining
2 drugs by fraud and deceit, right?

3 A. I believe so.

4 Q. All right. Now, you were arrested in 2012, and
5 convicted in 2013, okay? Is that correct?

6 A. That is correct.

7 Q. All right. Let's see here. You had a fraudulent
8 check, 2013, in January, correct?

9 A. Yes, sir.

10 Q. Number 293. I'm looking at the end of the warrant
11 number.

12 A. Okay.

13 Q. So you had another one in 2013, another fraudulent
14 check?

15 A. I don't dispute that. I'm not sure, but I don't
16 know.

17 Q. Did you have another one, too, in 2013?

18 A. It's possible. I'm not looking at it, but it's
19 possible.

20 Q. Do you have a fourth one, fraud, fraudulent check?

21 A. I'm not -- I don't know. I'm not sure. I can't
22 say no. I can't say yes. I don't know.

23 Q. Well, did you have five, six, seven, eight, nine,
24 ten, eleven, twelve, thirteen, fourteen --

25 A. Okay. That was not --

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MARIE POWELL - CROSS - PLEXICO

1 Q. Excuse me. Fifteen, sixteen, seventeen, did you
2 have those other ones, also that you were convicted of
3 in 2013?

4 A. Those were not fraudulent checks. Those were
5 written out of my own bank account. That was nothing --
6 no identity fraud. That was out of my own personal bank
7 account that those were written out, and it was
8 insufficient funds. It wasn't anything about fraud or
9 deceit.

10 Q. So when you give somebody money and the money's
11 not in the account, that's not fraudulent? That's okay?

12 A. No, it's not. It's not okay by any means.

13 Q. That's why you went to jail, right?

14 A. Right.

15 Q. You had a shoplifting in 2013? Yes?

16 A. Yes.

17 Q. So you had another fraudulent check in 2013, and
18 another drug conviction in 2013?

19 A. I may have, sir. I don't dispute it. I'm not
20 sure. I may have, yes. I have had no recent charges
21 since 2015, though.

22 Q. Well, you had -- also had -- you had no recent
23 charges since 2015?

24 A. No.

25 Q. Okay. You also have receiving stolen goods,

3-14-18 STATE V YOUNGMARIE POWELL - CROSS - PLEXICO

1 correct, in October of 2015. In the city of Ridgeland,
2 you got a fine. Criminal and financial transaction card
3 fraud. They called it criminally receiving goods.

4 A. In 2015? I think I have, yes.

5 Q. Okay. And you had -- let's -- you had one, two,
6 three, four of those in October of 2015, correct?

7 A. 2015, yes, sir.

8 Q. Okay. So you weren't straight in 2015 for sure,
9 right? Correct?

10 A. Right, but I'm saying since 2015.

11 Q. You've been -- you've been lawfully acting,
12 correct? You've behaved and been lawfully acting,
13 correct?

14 A. Yes.

15 Q. Well then, how come you got a conviction for
16 giving false information in 2017? That's true, isn't
17 it?

18 A. In 2017?

19 Q. Giving false information, you got a conviction for
20 that.

21 A. In the town of Hardeeville, it was a ticket that I
22 received in 2015. All those tickets were from then.

23 Q. Okay. Did you get a giving false information, and
24 you were found guilty of it in 2017? Yes or no?

25 A. Not that I'm aware of.

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MARIE POWELL - CROSS - PLEXICO

1 SOLICITOR HOLLEN: Objection, your Honor. He's
2 asking the question; she's answering it differently.

3 MR. PLEXICO: She can answer and explain.

4 SOLICITOR HOLLEN: She's trying to.

5 THE COURT: She can answer and explain. Let's just
6 get through this.

7 MR. PLEXICO: Okay.

8 BY MR. PLEXICO:

9 Q. So in 2016, you had another shoplifting, correct?

10 A. No, sir.

11 MR. PLEXICO: May I approach the witness?

12 THE COURT: You may.

13 BY MR. PLEXICO:

14 Q. Shoplifting in 2016. Is that a conviction?

15 A. I believe that was the one where Brittany arranged
16 to use my identity. It was for Summerville, but that's
17 the one.

18 Q. So you got put on probation in 2017, correct?

19 A. I did.

20 Q. Okay. For more forgery, correct?

21 A. For a forgery, yes, sir, from 2015.

22 Q. Okay. All right. So you weren't telling the
23 truth since you said you had been good since 2015,
24 correct? That was completely untrue?

25 A. The probation -- that is not. The probation I'm

1 on now is from charges in 2015, a forgery charge, yes,
2 sir.

3 Q. All right. Now, so she told you a different
4 story? Is that what you're -- is that what you pretty
5 much told Lieutenant Litchfield?

6 A. No, sir.

7 Q. Okay. Well, didn't you tell him on another date
8 that my client had said that Peanut and she were going
9 to kill Davonte and Wrenshad Anderson?

10 A. On a different -- I don't understand the question.

11 Q. Well, one time you said my client said Davonte
12 Frost was involved. The next time, another time you
13 talked to him, you said it was just the two of them. So
14 was this a change in story?

15 A. No, sir. Davonte Frost was there from the
16 beginning, but he didn't -- he wasn't an active
17 participant.

18 Q. Now, do they record the jail phone calls?

19 A. I believe they do. I'm not sure.

20 Q. Okay. All right. Now, so. So you never --
21 you're saying that Litchfield never told you at all that
22 the .22 was what killed Davonte Freeman?

23 A. No, he did tell -- I didn't say he didn't tell me
24 that. He did not tell me that initially. It was not
25 until the second time that I spoke with him that I was

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MARIE POWELL - CROSS - PLEXICO

1 aware of the .22 killing Davonte.

2 Q. Okay. All right. Did you ever make a statement
3 to him during your second interview: *what she says is*
4 *just like what you said?* Isn't that what you were
5 talking to him? You remember that conversation with him?

6 A. I don't understand that question.

7 Q. Well, you all were talking, and you explained what
8 you told me happened is just like what she said.

9 A. No, sir.

10 Q. Your car was shot up?

11 A. My truck, yes, sir.

12 Q. Okay. All right. Now, so there's all these
13 ladies in the female barrack, correct?

14 A. Yes, sir. It's a big area. It's not small. It's
15 big.

16 Q. And she's choosing to speak to you about her
17 murder case?

18 A. Right, because I --

19 Q. You had a close relationship with Anthony Austin,
20 Davonte Freeman's stepfather, correct?

21 A. I did. He wasn't the stepfather, though. He
22 dated their mother.

23 Q. That was putative, almost stepfather.

24 A. I'm not sure they extend their relationship.

25 Q. But he spent ten years with their mother?

1 A. I don't know how long he spent with her, sir.

2 Q. Was it quite awhile, would you say that, from your
3 knowledge?

4 A. I'm -- I'm not sure, sir.

5 Q. Now, did Litchfield, Lieutenant Litchfield, ever
6 get you to say to get Aneisha Young to say that Peanut
7 did it? Do you remember that statement?

8 A. No, sir.

9 Q. You don't remember that request?

10 A. No, sir.

11 Q. You know all these were recorded, right?

12 A. I'm sure they were, but no, I don't remember that
13 request, no.

14 Q. But he wanted you to bring him information. Is
15 that correct?

16 A. He never asked me to bring him information, no.

17 Q. And you're saying you didn't learn anything about
18 the killing from any community members from April 30th
19 until your arrest in July?

20 A. No, sir, because I was living in Hardeeville. I
21 was residing in Hardeeville at the time, not Ridgeland.

22 Q. Okay. But it's not very far apart.

23 A. Right, but I didn't have a vehicle, so I wasn't
24 over in Ridgeland. I was in Hardeeville.

25 Q. Did anybody else hear my client? I mean, did you

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MARIE POWELL - CROSS - PLEXICO

1 all have fifteen, twenty conversations or what about
2 this?

3 A. I think just a few, because where my -- where my
4 bed was, like I said, they were free-standing beds, so
5 that you could walk and stand at my bed, and I would be
6 right here in my bed, and you could be right there. So
7 unless you were right there on top of us, you probably
8 wouldn't have heard anything that we talked about.

9 Q. And nobody heard any of this?

10 A. Not that --

11 Q. Only you. Nobody heard a single mention of this?

12 A. She wasn't speaking to anyone but me, so I don't
13 believe that they did. Not that I'm aware of.

14 Q. So she shunned everybody else?

15 A. I wouldn't say she shunned them, no.

16 Q. She just didn't speak to them, correct?

17 A. I mean, she spoke to them cordially. They -- and
18 everybody kind of spoke.

19 Q. But you were her only close friend.

20 A. I wouldn't say I was her only -- I'm not sure of
21 the relationship she had with other girls. I don't
22 know.

23 Q. Well, you were there all in the same pod where you
24 can see everything. There's no privacy, correct?

25 A. Right. But just like they couldn't hear our

1 conversation, I couldn't hear what she was conversing
2 with other girls about. So I would have no way of
3 knowing.

4 Q. But you had had three different interviews,
5 bringing information in July and August to Lieutenant
6 Litchfield so you had to have numerous conversations
7 with my client.

8 A. We probably had a few, yes, sir.

9 Q. Okay. And you're not -- and you're saying nobody
10 heard a word about them? And she never --

11 A. Not that I'm aware of. If they did, I'm not aware
12 of it personally.

13 MR. PLEXICO: And -- all right. I don't have
14 anything further, Judge.

15 SOLICITOR HOLLEN: Very briefly, your Honor.

16 MARIE POWELL

17 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

18 Q. Ms. Powell, when you were saying you hadn't been
19 in trouble since 2015, you were talking about -- what
20 were you talking about? Were you talking about
21 resolution of charges or picking up charges?

22 A. Picking up new charges.

23 Q. So if you pick up charge in 2015, it could have
24 been resolved in 2017, right?

25 A. It was resolved in 2017.

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MARIE POWELL - RE-DIRECT - HOLLEN

1 Q. So that's what you meant?

2 A. Yes, sir.

3 Q. All right. You say you don't know Wrenshad. Is
4 that right?

5 A. I don't know, no.

6 Q. Do you know if Kwame has a first name?

7 A. I know him by Kwame.

8 Q. You know him by Kwame?

9 A. Um-hmm.

10 Q. So if he -- his first name was something
11 different, would you know that?

12 A. No, sir.

13 SOLICITOR HOLLEN: Okay.

14 MR. PLEXICO: Just one question.

15 SOLICITOR HOLLEN: Whoa, whoa, whoa. I'm not done.

16 THE COURT: Okay.

17 SOLICITOR HOLLEN: I know briefly. I'm about done.

18 BY SOLICITOR HOLLEN:

19 Q. You have a lengthy record. That's been
20 established, right?

21 A. Yes, it's been established.

22 Q. You have been to prison, haven't you?

23 A. I have been to prison.

24 Q. Ms. Young asked you about that?

25 A. She asked me what prison was like, but nothing,

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MARIE POWELL - RE-CROSS - PLEXICO

1 you know, nothing extensive, no.

2 SOLICITOR HOLLEN: Okay. Nothing further.

3 THE COURT: Okay.

4 MR. PLEXICO: May I approach, your Honor?

5 THE COURT: You may.

6 MARIE POWELL

7 RE-CROSS-EXAMINATION, BY MR. PLEXICO:

8 Q. You are Marie Powell, correct?

9 A. I am.

10 Q. This is 2016, correct?

11 A. It is.

12 Q. And this is a conviction for giving false
13 information, convicted on 2/13/17? Isn't that true?

14 A. Okay, yeah, but I'm not, like I said --

15 Q. Thank you.

16 A. -- a lady named Brittany Raines used my identify,
17 so I'm not sure if that's the records of the false
18 information.

19 Q. Your name is Marie Christen -- Christine Powell?

20 A. That is my name, sir.

21 MR. PLEXICO: All right. I don't have anything
22 further.

23 THE COURT: Anything?

24 SOLICITOR HOLLEN: No, your Honor. Ask that she be
25 excused.

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DEBBIE SPANN - DIRECT - HOLLEN

1 THE COURT: You may step down.

2 A. Thank you.

3 SOLICITOR HOLLEN: Next call Debbie Spann.

4 THE COURT: Okay. While Ms. Spann's coming, if
5 anyone wants to stand, you are more than welcome to.

6 THE COURT: All right. Come on, Ms. Spann. Come
7 forward. Everyone's just taking a stretch right now.

8 MADAM CLERK: Raise your right hand and put your
9 left hand on the *Bible*. The testimony you're going to
10 give to the Court be the truth, the whole truth, and
11 nothing but the truth, so help you God?

12 DEBBIE SPANN: Yes, ma'am.

13 DEBBIE SPANN

14 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

15 Q. Good afternoon, Ms. Spann. How are you?

16 A. I'm fine. How are you?

17 Q. I'm okay, thank you. You excited to be here?

18 A. No, not really.

19 Q. Ms. Spann, I didn't meet you 'til today, did I?

20 A. Yes, sir.

21 Q. But you heard we were looking for you, didn't you?

22 A. Yes, sir.

23 Q. Were you there when we came by your house last
24 week?

25 A. No.

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DEBBIE SPANN - DIRECT - HOLLEN

1 Q. But you heard about it?

2 A. Yes.

3 Q. So did you know why we were looking for you?

4 A. No.

5 Q. Do you know now why we're looking for you?

6 A. Yeah.

7 Q. Why didn't you want to talk to us?

8 A. Because I don't like talking to the law.

9 Q. Fair enough. Ms. Spann, when I talked to you this
10 morning, you indicated you had some information. Is
11 that right?

12 A. Yes, sir.

13 Q. How do you know the defendant, Aneisha Young?

14 A. I met her in jail when she admitted that she
15 killed my cousin Davonte Freeman.

16 Q. Okay. Did she know when she admitted to you that
17 she killed Davonte Freeman that he was your cousin?

18 A. No, sir.

19 Q. So how did that all come about? Do you remember?
20 How did you all start talking about it?

21 A. When you go to jail, everybody asks why you in
22 jail, things like that.

23 Q. Um-hmm.

24 A. And you've got to tell every female the reason why
25 you in jail, and they tell you.

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DEBBIE SPANN - DIRECT - HOLLEN

1 Q. And that like -- what? is like a code? You just
2 have to tell?

3 A. I guess. I don't --

4 Q. You don't know? All right. So how did you all
5 start talking about this? Did you ask her why she was
6 in jail?

7 A. Yeah, because she was -- she wanting to know in my
8 business.

9 Q. Did you tell her?

10 A. What did you say, sir?

11 Q. Did you tell her what you were in for?

12 A. Yes, sir.

13 Q. Okay. Now, you've got -- you've got some --
14 you've been in trouble before, haven't you?

15 A. I've been in trouble plenty of time.

16 Q. Okay. Well, I'm not going to go through the whole
17 thing, but what do you usually get in trouble for?

18 A. Child support, checks, simple assault, and a lot
19 of stuff.

20 Q. So Ms. Spann, did you -- when were you
21 incarcerated with Ms. Young? Do you remember?

22 A. I think I was incarcerated January the 5th, 2017,
23 to January the 22nd. I was incarcerated -- I was
24 incarcerated May the 31st, so I -- I been incarcerated
25 with her three times.

1 Q. Three times?

2 A. Yes.

3 Q. Okay. Do you remember, was the first time you
4 were incarcerated with her that she told you this?

5 A. Yes, sir.

6 Q. What happened after she told you this? Did you
7 all --

8 A. She -- I guess she realized, and she flipped on me
9 and wanted to fight me, and I don't -- it was -- it's
10 just a --

11 Q. All right. So you've had this information for
12 awhile. Is that right?

13 A. Yes, sir.

14 Q. How come you didn't tell anybody?

15 A. I don't like the law.

16 Q. Okay. But Davonte was your cousin.

17 A. Yes, sir, but I'm scared of the police. I always
18 go to jail.

19 Q. Okay. So Ms. Spann, why -- is what you're telling
20 us the truth? How come you haven't told anybody about
21 this before now, other than being afraid of the law?

22 A. To tell you the truth, sir, we got the school not
23 to be a snitch. And furthermore, I don't talk to a lot
24 of people. I'm a very -- I'm not a people's person.

25 Q. When you talked to Ms. Young, did she give you any

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DEBBIE SPANN - DIRECT - HOLLEN

1 details? Did you all talk about details or anything
2 like that?

3 A. No, sir.

4 Q. So what exactly did she say to you when she told
5 you about this?

6 A. She was the one who murdered Davonte Freeman, and
7 she wanted to take Kwame Freeman out cause he was the
8 only witness to the case.

9 Q. That's what she told you?

10 A. Yes, sir.

11 Q. All right. Ms. Spann, do you know Marie Powell?

12 A. I met her. Well, I don't know her, know her, but
13 she used to date my brother.

14 Q. Who's your brother?

15 A. Henry Spann III.

16 Q. All right. So Ms. Powell used to date your
17 brother, and that's how -- but do you know who she is?

18 A. I mean, I don't know her. Like I tell you, I know
19 of her. And when she was dating my brother, I didn't
20 know her. When I got close to her, we was in jail
21 together. I meant, when I finally get -- you know,
22 conversate with her.

23 Q. Yeah, Ms. Powell?

24 A. Yes.

25 Q. So were you locked up with her, too?

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DEBBIE SPANN - CROSS - PLEXICO

1 A. Yes.

2 Q. All right. So you were locked up with Ms. Powell
3 and Ms. Young?

4 A. Yes.

5 Q. All right. Did you and Ms. Powell ever talk about
6 this case?

7 A. No.

8 Q. Did you know Marie Powell had information about
9 this case?

10 A. No.

11 Q. Did she know you had information about this case?

12 A. No.

13 Q. So you all didn't get together and decide to
14 snitch together?

15 A. No, sir.

16 SOLICITOR HOLLEN: All right, Ms. Spann.

17 Court's indulgence. All right, Ms. Spann, that's
18 all I have for you. Please answer Mr. Plexico's
19 questions. Okay?

20 THE COURT: Mr. Plexico.

21 DEBBIE SPANN

22 CROSS-EXAMINATION, BY MR. PLEXICO:

23 Q. All right, so my client tell you that she's in
24 jail for killing -- or does she say I killed Davonte
25 Freeman, and I'm going to kill Wrenshad Anderson next?

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DEBBIE SPANN - CROSS - PLEXICO

1 Is that what she said? Please look at me, please. Are
2 you okay?

3 A. Excuse me. Will you say it again, sir? Yes, that
4 what she said. She admitted to murdering Davonte
5 Freeman, and she wanted Kwame Freeman off the streets,
6 cause he was a witness to the case.

7 Q. Did you go to Davonte Freeman's funeral?

8 A. No, sir, I did not.

9 Q. Or wake? You did not? Okay. But he was your
10 cousin, correct?

11 A. Yes.

12 Q. All right. Now, so when you got there and this is
13 what she -- she asked you, you all were talking about --

14 A. Um-hmm.

15 Q. -- why are you in jail, and you tell her whatever
16 --

17 A. Um-hmm.

18 Q. -- and she says I'm here because I killed Davonte
19 Freeman, and I'm going to kill Wrenshad Anderson. Is
20 that right? Pretty much, to sum it up, that's what
21 happened?

22 A. She admitted to killing him.

23 Q. Okay. But that was one of your all's exchange and
24 why you're in here, right? Getting in each other's
25 business, as you said, correct?

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DEBBIE SPANN - CROSS - PLEXICO

1 A. Well, first of all, sir, when I got -- they ain't
2 got in nobody's business. They was getting into mine.
3 So evidently, I got back into hers. Okay?

4 Q. Okay. All right. So now, you said there was an
5 altercation between the two of you?

6 A. Between the two?

7 Q. Between the two of you?

8 A. Yeah. Well, once she realized that she admitted
9 to me, and once, I guess, she realized that she
10 incriminated herself, then she wanted to fight me.

11 Q. Was she -- was she --

12 A. And then, she told the officer that I was
13 something to her case, something to her murder case and
14 getting us back to cell. I mean, I don't have no reason
15 to lie about any of that.

16 Q. So she immediately trusted you?

17 A. Yes, because I told for the information that I'm
18 --

19 Q. Okay. But you didn't know her from any other
20 place before?

21 A. No.

22 Q. All right. So she's the pod rep, right?

23 A. Yes.

24 Q. Okay. All right. And did -- did, you know, she
25 was controlling the T.V. Did you all get in an argument

3-14-18 STATE V YOUNG DEBBIE SPANN - CROSS - PLEXICO

1 over the T.V.?

2 A. No, she got into an argument with me. I was in my
3 bed asleep. I always be sleeping before 7:00 o'clock,
4 before Sylvia Stokes come on. And my roommate, Alicia
5 Galvin, changed the T.V. to Channel 11 because a
6 accident happened in Bluffton, and she wanted to make
7 sure it was not her brother. And I guess when she
8 called up front, they told her say it was Room 2, which
9 was the room that I was in. And before she asked,
10 before she even asked, she just start flipping up, oh,
11 it's Debbie, blah, blah, blah, blah, suh, blah.

12 Q. So you all don't get along?

13 A. Let me tell you something, sir. I don't have no
14 problems with no one. I never did have a problem with
15 her. She had a problem with me.

16 Q. Okay. You got assault and battery first degree
17 conviction for what you're on probation?

18 A. That don't have nothing to do with what we got
19 going on right now, sir.

20 Q. You had a problem with them.

21 A. That don't have nothing to do with this case.

22 Q. Okay. Well, do you have --

23 A. We here for your client, not for me.

24 Q. We have --

25 A. We here for your client, not for me.

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DEBBIE SPANN - CROSS - PLEXICO

1 THE COURT: Ma'am, ma'am, lower your voice. He's
2 permitted to ask you questions about your background, so
3 you need to answer them.

4 BY MR. PLEXICO:

5 Q. Do you have an assault and battery first degree?

6 A. Yes, I do.

7 Q. And that was on -- you were placed on probation on
8 that on 7/26/2017?

9 A. Yes.

10 Q. And then, in October of 2017, did you plead guilty
11 to a fraudulent check charge here in Jasper County?

12 A. Yes.

13 Q. Did you plead guilty to another one in Jasper
14 County --

15 A. Yes.

16 Q. -- in October? Did you plead guilty to a third
17 fraudulent one in October, too?

18 A. Yes.

19 Q. Did you plead guilty to a fifth one here in Jasper
20 County in October, too?

21 A. Yes.

22 Q. Did you plead guilty to a sixth one in Jasper
23 County?

24 A. Yes.

25 MR. PLEXICO: I don't have anything further.

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CAPTAIN HARRY ORR - DIRECT - HOLLEN

1 THE COURT: Anything further?

2 SOLICITOR HOLLEN: Ask to be excused, your Honor.

3 THE COURT: You are excused, ma'am. Thank you.

4 Mr. Hollen, Mr. Plexico, come talk to me for a sec.

5 OFF-THE-RECORD BENCH CONFERENCE, OUT OF

6 HEARING OF JURORS. PRESENT: THE COURT,

7 MR. HOLLEN, MR. PLEXICO.

8 END BENCH CONFERENCE.

9 MADAM CLERK: Raise your right hand and place your
10 left hand on the *Bible*. Do you swear the testimony
11 you've about to give to the Court be the truth, the
12 whole truth, and nothing but the truth, so help you God?

13 CAPTAIN HARRY ORR: Yes.

14 MADAM CLERK: Come right around and have a seat in
15 the witness chair.

16 THE COURT: Mr. Hollen.

17 SOLICITOR HOLLEN: Thank you.

18 CAPTAIN HARRY ORR

19 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

20 Q. Captain Orr, I'm referring to you as Captain. Who
21 do you work for?

22 A. Jasper County Detention Center.

23 Q. And what is your position? You're a captain, but
24 what do you do over there?

25 A. Oversee the daily operation.

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CAPTAIN HARRY ORR - DIRECT - HOLLEN

1 Q. So you basically are the director of the jail?

2 A. Not the director; second in command.

3 Q. So you oversee the daily operations of the jail?

4 A. Yes.

5 Q. All right. Captain Orr, I'm going to hand you
6 four things. These have been marked for identification
7 as State's 33 -- 32, 33, 34, and 35, and ask if you'll
8 take a look at those. Okay?

9 A. Yes.

10 SOLICITOR HOLLEN: All right. May I approach.

11 BY SOLICITOR HOLLEN:

12 Q. Have a chance to take a look at them?

13 A. Yes, sir.

14 Q. What are those?

15 A. Those are daily housing rosters.

16 Q. And did you pull those at law enforcement's or our
17 request?

18 A. Yes.

19 Q. And what is -- what is a daily housing roster?

20 A. A daily housing roster is where every inmate
21 inside the detention center is housed, which particular
22 housing unit they're in.

23 Q. Gotcha. And in each of those, State's 32, 33, 34,
24 and 35, are they accurate?

25 A. Yes.

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CAPTAIN HARRY ORR - DIRECT - HOLLEN

1 Q. Have they been changed or altered in any way?

2 A. No.

3 Q. And are those records that the jail would keep in
4 it's ordinary course of business?

5 A. Yes.

6 Q. How long do you keep those records for?

7 A. I'm not sure. There isn't a time limit, you know,
8 that I know of.

9 Q. Gotcha.

10 A. Yeah.

11 Q. But you're familiar with those records and how
12 they're kept?

13 A. Yes, sir.

14 SOLICITOR HOLLEN: Your Honor, I'd like to admit
15 State's 33, 34 -- no, 32, 33, 34, and 35 at this time.

16 THE COURT: Okay.

17 MR. PLEXICO: I've examined them. I have no issues
18 with three of them. I do have a relevancy issue with
19 one of them. May we approach, Judge, and put it on --
20 be faster, and we'll put it on the record.

21 THE COURT: Okay. Yes.

22 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
23 HEARING OF JURORS. PRESENT: THE COURT,
24 MR. HOLLEN, AND MR. PLEXICO.
25 END BENCH CONFERENCE.

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CAPTAIN HARRY ORR - DIRECT - HOLLEN

1 SOLICITOR HOLLEN: Your Honor, I see where Mr.
2 Plexico is going.

3 BY SOLICITOR HOLLEN:

4 Q. Captain Orr, in State's 35, on Page 6, there's a
5 name scratched out. Can you look at that. Do you know
6 why that's scratched out?

7 A. Well, when the -- the night shift prepares this
8 roster for the new day.

9 Q. Um-hmm.

10 A. So I don't know if Ms. Powell may have gotten out
11 that Day or she was moved to a different area. I'm not
12 sure. That would be the notation, yeah.

13 Q. Okay. So that's a notation made by that?

14 A. Right.

15 SOLICITOR HOLLEN: Your Honor, I'll withdraw
16 State's 35.

17 THE COURT: Thank you.

18 SOLICITOR HOLLEN: All right. As to State's 32,
19 33, and 34, I would ask that they be entered into
20 evidence.

21 THE COURT: Okay.

22 MR. PLEXICO: I have no objection.

23 THE COURT: Without objection, in evidence. Okay?

24 ITEM IDENTIFIED AS DOCUMENT TITLED

25 JASPER COUNTY DETENTION CENTER,

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CAPTAIN HARRY ORR - DIRECT - HOLLEN

1 DATED 7-1-2016

2 MARKED STATE'S EXHIBIT NUMBER 32

3 ADMITTED AS EVIDENCE.

4 ITEM IDENTIFIED AS DOCUMENT TITLED

5 JASPER COUNTY DETENTION CENTER

6 DATED 7-8-2016

7 MARKED STATE'S EXHIBIT NUMBER 33

8 ADMITTED AS EVIDENCE.

9 ITEM IDENTIFIED AS DOCUMENT TITLED

10 JASPER COUNTY DETENTION CENTER

11 DATED 7-15-2016

12 MARKED STATE'S EXHIBIT NUMBER 34

13 ADMITTED AS EVIDENCE.

14 BY SOLICITOR HOLLEN:

15 Q. Okay. Captain Orr, I'm going to hand them to you
16 real quick, and just ask you to look at them. What are
17 the dates on those daily housing records?

18 A. July 1, 2016; July 8, 2016; and July 15, 2016.

19 Q. And do each of those records contain the names of
20 Marie Powell and Aneisha Young?

21 A. Yes, they do.

22 Q. And in each of those records, where are they
23 housed?

24 A. They're housed in Bravo 5.

25 Q. In B-5?

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CAPTAIN HARRY ORR - CROSS - PLEXICO

1 A. Right.

2 Q. And are they housed together?

3 A. Yes.

4 Q. What is Bravo 5?

5 A. Bravo 5 is an open dorm.

6 Q. Okay. So how are the bunks and things like that
7 arranged?

8 A. It's like bunk beds, one on the top and one on the
9 bottom, and they're just stacked by twos.

10 Q. Is B-5 a place where a large group of people are
11 housed together?

12 A. Yes.

13 Q. Okay. Is that normal for the jail? Are they
14 usually housed in a large dorm-type bunk?

15 A. No, they're normally housed in cells.

16 Q. All right. But they were in the B-5 for this?

17 A. Right.

18 SOLICITOR HOLLEN: All right. Captain Orr, I don't
19 have anything further for you.

20 THE COURT: Anything further?

21 MR. PLEXICO: May I?

22 THE COURT: You may.

23 CAPTAIN HARRY ORR

24 CROSS-EXAMINATION, BY MR. PLEXICO:

25 Q. Okay. There's not -- this is not a place of

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CAPTAIN HARRY ORR - CROSS - PLEXICO

1 privacy. Isn't that true? Don't you -- aren't you
2 observed all the time?

3 A. Right.

4 Q. Okay. All right. And that's for safety reasons,
5 obviously?

6 A. Yes.

7 Q. Okay. All right.

8 THE COURT: That's a yes for the record?

9 A. Yes. Yes.

10 THE COURT: You're shaking your head, sir. Thank
11 you.

12 BY MR. PLEXICO:

13 Q. And are Bunks 1 and 8 are not near each other. Is
14 that correct?

15 A. No.

16 Q. Okay. And Bunks 12 and -- excuse me -- 12 and --
17 excuse me -- 12 and 24, they're not near each other,
18 correct?

19 A. No.

20 Q. All right. Could you refer to those and see what
21 bunks they're assigned to, which bunks that Marie Powell
22 and Aneisha Young are assigned to? On 7/1 and 7/8

23 A. 7/1, Marie Powell is bunked in 8, and Aneisha
24 Young is 1. And 7/8, Marie Powell is bunked in 8, and
25 Aneisha Young is 1.

1 Q. And on 7/15, would you look at that one, please,
2 sir. Not to --

3 A. Marie Powell is in 6, and Aneisha Young is 24.

4 Q. And those aren't together, either?

5 A. No.

6 Q. Okay. All right. And this is an open kind of --
7 where everybody can observe and see?

8 A. Right.

9 Q. Obviously, Security in there can observe and see?

10 A. Yes.

11 Q. Okay. All right. Now, we've had a flood at the
12 jail. Is that correct? And the women -- had to move
13 the women to Beaufort, I believe, for awhile? Is that
14 correct?

15 A. Yes.

16 Q. Isn't that when Aneisha Young was moved to
17 Beaufort, correct?

18 A. Yes.

19 Q. And it took her awhile to bond out because of her
20 bond, didn't it? She's not in jail now, but it took her
21 awhile to bond out and get the money.

22 A. Correct.

23 Q. She was also in Sumter, correct? I think they had
24 overcrowded?

25 A. Yes.

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1 Q. And at some point in time, she was in Barnwell,
2 correct?

3 A. Yes.

4 Q. That was due to overcrowding. You just don't have
5 that much room for women, and when you have a lot of
6 men, the women are moved around. Is that correct?

7 A. Right, yes.

8 Q. To accommodate all the men coming in.

9 A. Yes.

10 Q. All right. She wasn't any problem in jail or
11 anything, correct?

12 A. I can't say, sir.

13 Q. So you aren't familiar with her record? You're
14 not saying she was?

15 A. Right.

16 Q. Nothing came to your attention?

17 A. Exactly.

18 MR. PLEXICO: Okay. All right. I don't have
19 anything further.

20 SOLICITOR HOLLEN: I have one more quick question.

21 CAPTAIN HARRY ORR

22 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

23 Q. When the women were assigned in that bunk, are
24 they restrained to that bunk in any way?

25 A. No.

3-14-18 STATE V YOUNG - CAPTAIN HARRY ORR - RE-DIRECT - HOLLEN

1 Q. You don't chain them there?

2 A. No.

3 Q. They're allowed to move around in there?

4 A. Yes.

5 SOLICITOR HOLLEN: Okay. Nothing further, your
6 Honor.

7 THE COURT: Anything, Mr. Plexico?

8 MR. PLEXICO: I don't have anything.

9 THE COURT: All right. You may be excused, sir.
10 Thank you. All right. Mr. Hollen, anything else?

11 SOLICITOR HOLLEN: Your Honor, at this time, the
12 State rests.

13 STATE RESTS.

14 ITEMS IDENTIFIED AS PHOTOGRAPHS

15 MARKED STATE'S EXHIBIT NUMBERS

16 2, 19, 20, 21, 22, 23, 24

17 ADMITTED AS EVIDENCE.

18 ITEM IDENTIFIED AS SHELL CASING FROM

19 THE TEN SHELL CASINGS

20 MARKED STATE'S EXHIBIT NUMBER 15

21 ADMITTED AS EVIDENCE.

22 ITEM IDENTIFIED AS MAP MADE BY GRABSKI

23 MARKED STATE'S EXHIBIT NUMBER 31

24 FOR IDENTIFICATION ONLY.

25 ADMITTED AS EVIDENCE.

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BY THE COURT

1 THE COURT: All right, ma'am. Also, I want you to
2 understand, again, that if you do not want to testify in
3 this case, in my jury charge at the end of the trial,
4 I'm going to tell this jury that the fact that you
5 didn't testify can't even be discussed by them back in
6 the courtroom -- or, I'm sorry -- in the jury room, and
7 the reason is this. You are not required to prove your
8 innocence. The burden is on the State to prove your
9 guilt as to these charges beyond a reasonable doubt. So
10 I will tell them that they are not to even talk about it
11 back in the jury room. All right?

12 ANEISHA YOUNG: Yes, ma'am.

13 THE COURT: So basically, have you had an
14 opportunity thus far to talk to Mr. Plexico and decide
15 whether or not you want to testify in this case?

16 ANEISHA YOUNG: Yes, ma'am.

17 THE COURT: And have you had enough time and a long
18 enough time to have that discussion?

19 ANEISHA YOUNG: Yes, ma'am.

20 THE COURT: Okay. Ma'am, do you want to testify in
21 this case?

22 ANEISHA YOUNG: No, ma'am.

23 THE COURT: Okay. And is that your decision?

24 ANEISHA YOUNG: Yes, ma'am.

25 THE COURT: Are you making that freely and

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MOTIONS AND RULING

1 lot of movement up on this bench. You never know what's
2 going to happen. So you may hear a lot of this, you
3 might hear some tapping. So again, let's put it in
4 front of them efficiently. Okay?

5 MR. PLEXICO: Thank you, your Honor. That would be
6 long for me this time.

7 THE COURT: Good. Okay. All right. We're ready
8 to go. So you're going to open, he's going to get --
9 oh, you didn't put in any evidence, did you?

10 MR. PLEXICO: No, no.

11 THE COURT: You didn't put in any evidence. So
12 very good.

13 SOLICITOR HOLLEN: I think Mr. Plexico needs to
14 rest in front of the jury.

15 THE COURT: He does, he does. Can we do this now,
16 Mr. Plexico? I want you to, right now, I'm going to
17 have you formally rest for the jury, and we'll just go
18 straight into closing arguments. You need to renew your
19 motions right now, and I am preserving them.

20 MOTIONS AND RULING:

21 MR. PLEXICO: Yes, your Honor. I'm moving for a
22 directed verdict on all of the indictments, based on the
23 sufficiency of the evidence; the evidence that there is
24 no reliable eyewitness evidence that could create no
25 more than a suspicion. I don't think that's

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CLOSING - STATE - HOLLEN

1 to be sent to you for your deliberations. But before we
2 do that, Mr. Plexico, if you would formally rest for the
3 jury, sir.

4 DEFENSE RESTS.

5 MR. PLEXICO: Defense rests, your Honor.

6 THE COURT: Ladies and gentlemen, at this point,
7 the Defense has also rested their case. Again, that
8 means that now, you're going to hear arguments from the
9 lawyers and I'm going to charge you on the law. All
10 right? Everyone fine this morning? Everyone feeling
11 okay?

12 RESPONSES FROM JURORS.

13 THE COURT: Very good. All right. We'll go ahead
14 and begin the closing arguments.

15 SOLICITOR HOLLEN: Thank you, your Honor. May it
16 please the Court?

17 THE COURT: Yes, sir.

18 SOLICITOR HOLLEN: Mr. Plexico.

19 CLOSING ARGUMENT ON BEHALF OF THE

20 STATE BY SOLICITOR HOLLEN:

21 SOLICITOR HOLLEN: Good morning, everybody. Who,
22 what, when, where, why, how, those are really the six
23 questions that we, as prosecutors, try to answer for you
24 in every single case, and in this case I think the
25 answer to four of them is pretty clear. You know what,

1 you know when, you know where, and you know how. It's
2 the who and the why that you need to worry about.

3 You know that on April 30th of 2016 Davonte
4 Freeman and Wrenshad Anderson, sitting right over there,
5 were walking on Adams Street, here in Ridgeland, in
6 Jasper County, South Carolina, when two people dressed
7 in black opened fire. Davonte Freeman was killed by a
8 .22 caliber bullet to the back of the head, and Wrenshad
9 Anderson survived.

10 It's easy. Four questions answered in a couple
11 sentences. Now, the thing that each and every one of
12 you guys is going to decide for yourself is who did this
13 and why. And based on everything you've seen, based on
14 the witness testimony you've heard, I think the answer
15 is clear. The answer is that that defendant, Aneisha
16 Young, and her co-defendant, acted together to kill
17 Davonte Freeman, and to try to kill Wrenshad Anderson.

18 Now, I told you at the beginning you guys were
19 going to have to put a couple pieces together, and it's
20 true, you do. You've got to put some things together,
21 but the pieces are there. They're all there, and I
22 don't want to insult your intelligence, because it's
23 going to seem like that's what I'm about to do, so I'm
24 going to walk through some things that might seem pretty
25 simple, but this is my chance to talk to you guys, last

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CLOSING - STATE - HOLLEN

1 chance I'm going to get before you get back and
2 deliberate. So forgive me, that is not my intention,
3 but it is going to seem that way.

4 So let's start with the why. You know why. Who
5 had the motive to commit these crimes? Aneisha Young
6 did. Who had prior altercations with Davonte Freeman?
7 Who had threatened him? Aneisha Young.

8 You first heard from Demitria Williams. That's
9 Mimi. She is the mother of Davonte's son. She was
10 pregnant at the time he was killed, and she told you
11 about the time that Aneisha Young came into her house,
12 confronted Davonte about the money that he had stolen
13 from her. On the way out the door, there was something
14 said that she took as a threat. I don't know if it was
15 I got you, or I'm going to handle you. It was something
16 along those lines. That's what she told you. And then,
17 the defendant, in her statement, told you that Davonte
18 stole money from her. That may be the only thing she
19 said in that statement that was the truth, but we're
20 going to get to that in a minute.

21 Wrenshad Anderson told you that Davonte had taken
22 some money from the defendant, and that he had taken
23 some money and a gun from Eric Darien. There's your
24 motive. And let's talk about Wrenshad for a minute.
25 We've got to talk about Wrenshad. Wrenshad, the first

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1 thing you know about him is the 911 call you heard, and
2 I don't know if you all remember how distraught he was.
3 All he could do was scream his brother's name. He got
4 out that somebody shot him, but other than that, there
5 was a lot of Davonte, Davonte, Davonte. He was clearly
6 distraught. And there was no question that he said
7 Peanut and Dre. There is no question that he said that.
8 There's also no question that right now, he says he
9 knows who shot at him, and he knows it was Aneisha Young
10 and Eric Darien.

11 So why should you believe that? Well, if he was
12 going to lie, this is the trial of the person that he
13 believed killed his brother. If he was going to lie,
14 he'd have gotten on that stand and he'd have pointed
15 right at him and said, I saw her, I saw her face, I know
16 it was her. But he didn't do that. He said, I saw
17 figures dressed all in black; they were wearing the same
18 or similar clothing that I saw Aneisha Young in thirty
19 minutes prior, less than thirty minutes prior. So did
20 he see her face? No, but he knows it was her. He told
21 you he knew it was her. You don't need him to see her
22 face, it's all there, guys. Everything else is there.

23 He saw the shooters, because I can tell you that
24 those shell casings were found exactly where they should
25 have been found for where he said the shooters were

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1 standing, and this goes into why they weren't found.
2 And there's no excuse. Anyone who's ever shot a gun can
3 tell you that most of them eject cartridges to the
4 right. And for them to be standing on one side of the
5 street, and the cartridges to be found right on the
6 other side of the street, to the right, exactly where
7 they were standing, there's no excuse. With the
8 experience that Lieutenant Ginn and Lieutenant
9 Litchfield had, they told you, they didn't do a great
10 job, they should've done better, and they should've
11 found those cases.

12 Andrew Garinger from the Beaufort County Sheriff's
13 Office forensic lab got up there and told you that -- I
14 think the wording he used was that it's so rare -- or,
15 excuse me. I'm sorry. I'm going to mis-quote him.
16 Rare enough to be remarkable, is what he said. So if
17 those casings were found right after this, would it have
18 made a difference? Probably not. Would he have gotten
19 any DNA off of them? Probably not. But it's not good
20 enough. Those cases should have been found. That scene
21 wasn't secured the way it was supposed to be. All
22 right? But in the end, I don't know.

23 Let's go forward a little bit. You saw the
24 interview with her. Who lied and lied and lied and lied
25 in their interview? That defendant did, so let's go

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CLOSING - STATE - HOLLEN

1 through some of that.

2 First of all -- technology. This is where the
3 problems always come in. While we're getting that
4 fixed, let's think about it. The first thing you're
5 going to see up there when we finally get it working is,
6 I don't know that boy, I don't know Peanut. I wasn't
7 sure how many times she said that, but I went back and I
8 counted. And you all, I think if I counted right, I
9 could be off one or two, seventeen times she denies
10 knowing Peanut, or Eric Darien, seventeen times. That's
11 almost as many times as they called each other on the
12 Day of this murder and right after. Twenty-four times,
13 if you remember what Karen Milbrodt testified to.
14 Twenty-four times either he called her or she called
15 him.

16 And let's think about the numbers here. You were
17 told that Aneisha Young's phone number -- in fact, she
18 tells you on the video -- 803-842-3731, I think is what
19 she gives, or what Litchfield asked her about. So 3731.
20 He told you that he got information, got a search
21 warrant for a phone number belonging to Eric Darien.
22 That was 338-3234. So just remember that as we're
23 looking -- if we can ever get this fixed -- at the
24 messages. So I don't know Peanut. If we could get
25 there. What's next? Peanut wasn't in my car. Never

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CLOSING - STATE - HOLLEN

1 got in the car. She says that seven times. You heard a
2 few people testify about this car.

3 You heard Keith Horton, who has absolutely no
4 reason to lie at all, talk about Aneisha Young leaving
5 in a small car, with at least three, maybe four, other
6 people, shortly before Davonte Freeman and Wrenshad
7 Anderson leave the Siesta Motel. Cedric Riley told you
8 not only that he saw her in the car with Peanut, he told
9 you where everyone was sitting. He told you that she
10 was in the front seat. This third person was driving,
11 and Peanut was in the back. Well, seven times he says
12 he never got in the car. And then, the other thing
13 about this car is that Cedric Riley told you that the
14 muffler was kind of loud. He remembered that. And
15 then, there's William Malphrus who, shortly after the
16 shooting, heard a loud muffler car speeding away from
17 the scene at a high rate of speed. So remember that.
18 Got it? So let's back up a little bit.

19 VIDEO PLAYING.

20 SOLICITOR HOLLEN: Okay. 338-3234, 9:55 p.m. on
21 the day of the murder, *yo call me asap. Come on sis.*
22 When she didn't call, he wanted her to call, he texted
23 her again. Remember what Cedric Riley told you about
24 Eric Darien and calling her sis? There you go.

25 VIDEO PLAYING.

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1 SOLICITOR HOLLEN: Like I said, seven times. Seven
2 times she says he never got in the car.

3 VIDEO PLAYING.

4 SOLICITOR HOLLEN: I was gone, gone back to Hilton
5 Head, 10:30, 11:00 o'clock. Well, and look, guys, we
6 talked about the limitations of this. We're not trying
7 to say that this information can put that defendant at
8 the scene exactly when it happened, but it does put her
9 in Ridgeland, and it puts her pretty close to the scene.
10 So we know at 9:55, before she leaves, 9:54, she goes on
11 -- she's on Hilton Head, all right? And then, you can
12 watch where that phone goes. Keep flipping. 10:49 on
13 the way to Ridgeland. 10:53 to 12:34, one tower,
14 nothing else. 10:53 to 12:34, somewhere in the
15 vicinity, and we can't say how close. We don't know.
16 It's just a small piece, guys. It's a small place. So
17 12:34 is the last time that it hits on that tower, Tower
18 208, Sector 3, closest to the incident location. All
19 right.

20 Remember what Eric Grabski told you guys about only
21 being able to get the location when the phone was using
22 data? Basically, when it makes a call or receives a
23 call is when you get that location. There's a twenty-
24 minute window, 12:34 to 12:54, seven minutes after
25 Wrenshad makes his phone call to 911, seven minutes, she

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CLOSING - STATE - HOLLEN

1 starts moving. That phone starts moving. Excuse me.
2 What is she doing with that twenty minutes? She's
3 sitting in the woods, waiting on Wrenshad Anderson and
4 Davonte Freeman with Eric Darien. That's where she is.
5 She's not calling anybody. They're waiting. That's
6 where they are. And then -- and guys, again, I was gone
7 at 10:30. That's a lie. That's a lie. And eventually,
8 we get back to Hilton Head, and that phone doesn't leave
9 or doesn't seem to move from that tower from some time
10 after 2:30 in the morning until 4:30 the next Day.

11 She came in and interviewed with Lieutenant
12 Litchfield on May the 5th. Where was she before that?
13 Well, I think she said that she couldn't -- she didn't
14 have transportation when she talked to him, or she kept
15 trying to get in touch with Tameka Bailey, who is the
16 Sheriff's Deputy, and she told you she didn't need to
17 come in or anything like that. Well, she didn't come in
18 because she went to North Carolina. What's next?

19 PLAYING VIDEO.

20 SOLICITOR HOLLEN: 338-5180. 5180. Talks a lot
21 about an alibi, Tashonda Washington. Lieutenant
22 Litchfield told you that he called and left a message.
23 He called again; spoke to the female who answered the
24 phone; said, hey, need you to come in and make a
25 statement; you've been used as an alibi; you need to

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1 come in and make a statement. Well, it's her cousin.
2 Never heard from Tashonda Washington. He never heard
3 from her. Because she didn't want to be involved. She
4 didn't want to be used as an alibi in the lie. It's her
5 cousin. And as Mr. Plexico told you when he was talking
6 to Captain Orr, or as Captain Orr said, she was in jail
7 for awhile. If your cousin, who is a real alibi, leaves
8 you sitting in jail for almost 700 days, I imagine your
9 family is going to be pretty upset. It's a lie. We
10 know where she was.

11 MR. PLEXICO: Your Honor, the defendant has nothing
12 to prove this. I believe that's at least on the border
13 of burden shifting.

14 THE COURT: Okay. You can continue. Obviously,
15 just don't burden shift. Okay?

16 SOLICITOR HOLLEN: Yes, your Honor.

17 BY SOLICITOR HOLLEN:

18 VIDEO PLAYING.

19 SOLICITOR HOLLEN: 3731, Aneisha. The 3234, Eric
20 Darien. Sixteen minutes before Wrenshad Anderson calls
21 911. Take from that what you will, guys. *Shawty*
22 *trippin.what's the move?* Well, the move is to go kill
23 Eric Darien -- or excuse me -- to go kill Davonte
24 Freeman, and to try to kill Wrenshad Anderson. That's
25 the move. Oh, it's not her phone, I'm sorry. May 2nd,

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1 9:53, what's your email? aneishay@gmail.com. But it's
2 not her phone; it's not her number anymore; it broke.

3 He didn't ask her anything about texting Peanut.
4 He asked her if that was her number. And that's
5 somebody getting caught in a lie, guys. She was making
6 that up as she went.

7 You all, the pieces are all there. They're all
8 right there. People who don't have anything to hide do
9 not lie that much to the police in the course of a 35-
10 minute interview. They just don't.

11 But then, in addition to all that, in addition to
12 all the lies, she talks to a couple of people. And
13 there was a lot said about Marie Powell, and some said
14 about Debbie Spann. Marie Powell clearly has a very
15 long record. She has not been the most upstanding
16 member of society. That part is clear. She knew
17 Davonte Freeman, and from her tearing up on the stand, I
18 think you can imagine that she liked Davonte Freeman,
19 despite all his issues. But Marie Powell, liking him or
20 being close to him or whatever does not give her a
21 motivation to come in here and try to lie and put the
22 wrong person in jail for killing Davonte. That doesn't
23 make any sense. If anything, it gives her more
24 motivation to come here and tell the truth, to make sure
25 the person that killed the person that she liked goes

1 away.

2 And this thing about Anthony Austin dating
3 Davonte's mother ten years prior or whatever, would the
4 defendant had known that before she talked to her about
5 Anthony Austin? I don't know. I don't know.
6 Ridgeland's not that big. I get it. But I'm not sure
7 people remember who an acquaintance's mother dated ten
8 years prior. But she did know that she dated Anthony
9 Austin, and she said that Anthony Austin had a
10 reputation. Maybe he still does. I don't know. But
11 not only did she tell Marie that she -- the first thing
12 she said was that her and Peanut did it. They tried to
13 kill Wrenshad, they killed Davonte, and Peanut had a .9
14 millimeter. She approached her and asked about getting
15 rid of Wrenshad. When she thought -- at the time, it
16 may have been true -- that the biggest and only piece of
17 evidence was Wrenshad's eyewitness testimony, she tried
18 to have him killed. And then, she told you, and
19 Lieutenant Litchfield did tell her in that interview,
20 said, no, he was killed with a .22. And she took that
21 information and she went back, and she didn't come back
22 in and say, yes, she told me she killed him with a .22,
23 but she did. But that wasn't it. She came back in
24 armed with this little tiny nugget of information that
25 is so specific I don't know how she would have made it

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1 up. Said she killed him; she had the .22; she sold it
2 to a guy named Tome. Where did that come from? That's
3 not something someone just makes up. It's just too
4 specific.

5 And then, there's Debbie Spann, who I don't even
6 need to talk about Debbie Spann. She told you what she
7 told you, and that's it. Yes, she was related to
8 Davonte Freeman. Again, why does that make her want to
9 come in and point the finger at a person who didn't do
10 it? It doesn't. She was told by Aneisha Young that she
11 killed Davonte Freeman, and she was trying to get rid of
12 Wrenshad Anderson, who also goes by Kwame, by the way.
13 I don't know if that was clear, but Lieutenant
14 Litchfield, in his interview, says Wrenshad Anderson, he
15 confused Aneisha Young, and then, Mr. Plexico confused
16 Ms. Powell on the stand, because they don't call him
17 Wrenshad. He goes by Kwame, which is his middle name.
18 So Debbie Spann told you that.

19 Guys, there are some things in this case that
20 don't really matter, but could lead you down the wrong
21 path. Okay? A lot of people call them red herrings.
22 Think about -- what was the testimony about Matthew
23 Hatchell and Joshua Lafler seeing people in the woods.
24 One of them saw two men. One of them saw one person. I
25 don't know. I don't know what they saw. But I'm going

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1 to wrap it up, here, because you guys have been being
2 talked at for three days, and I know that you're ready
3 to start talking to each other about this case.

4 So real quick, the Judge is going to tell you
5 about the law. As I told you, Aneisha Young is charged
6 with the murder of Davonte Freeman and the attempted
7 murder of Wrenshad Anderson. Murder is the killing of
8 another person with malice aforethought. And one of the
9 ways that malice can be inferred, because you don't know
10 what someone feels in their heart, is doing something
11 like, I don't know, lying in wait for someone before you
12 kill them. That could show malice. She's also charged
13 with possessing a weapon during a violent crime, but as
14 I said, the judge will tell you about that.

15 Reasonable doubt is something you hear a lot about
16 on T.V. and that kind of thing, but it's important. It
17 is a high burden. It's the highest burden we have in
18 the law. And that means that I have the responsibility
19 to make sure that I prove to you beyond a reasonable
20 doubt that that defendant was involved in the killing of
21 Davonte Freeman, attempted murder of Wrenshad Anderson,
22 and possessing that weapon.

23 The Judge will tell you that a reasonable doubt is
24 the kind of doubt that would cause a reasonable person
25 to hesitate. We don't know, it's impossible to prove --

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1 not impossible, but it's very difficult to prove
2 everything beyond any possible doubt, beyond all doubt,
3 because there's always just a small doubt. But look at
4 the evidence, guys. Look at everything you've seen, and
5 put the pieces together. And I told you I was going to
6 insult your intelligence, and I don't mean to do that,
7 but I just wanted to put all that out there one more
8 time.

9 And finally, Davonte -- this is the last thing I'm
10 going to tell you. Davonte Freeman had issues, clearly.
11 Sounds like he had a rough life. Wrenshad told you that
12 they were homeless at this time; they were going to get
13 a hotel room when they were ambushed, for lack of a
14 better term. He -- which I have no idea why this
15 matters, but he had cocaine and marijuana in his system.
16 Does that mean he deserved to die? He had taken some
17 money from Aneisha Young. Okay? I get it. But what
18 gives her the right to take his life? She doesn't have
19 that right. She doesn't have the right to take Davonte
20 from his family. She doesn't have the right to take him
21 from the son that will never meet his father, and that's
22 what she did.

23 So when you go back in that jury room, guys, look
24 at all the evidence, talk everything through, and then
25 make up your mind, each person for yourself. But once

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1 you guys have a chance to look at everything, I really
2 am confident that you will find the defendant guilty;
3 find her guilty of the murder of Davonte Freeman; find
4 her guilty of the attempted murder of Wrenshad Anderson;
5 and find her guilty of possessing a weapon during the
6 commission of a violent crime. Thank you.

7 MR. PLEXICO: Your Honor, Mr. Solicitor.

8 THE COURT: Sir.

9 CLOSING ARGUMENT ON BEHALF OF

10 THE DEFENSE, BY MR. PLEXICO:

11 MR. PLEXICO: Madam Forelady, ladies and gentlemen
12 of the jury, now the time for me to speak to you has
13 come, and I want to start off with just a few principles
14 of the law, which I certainly don't want to overlook,
15 and I'm not going to. It's the Judge's duty to charge
16 the law, and anything that she says is absolutely right.
17 And if there's any conflict with anything I say, I'm
18 absolutely wrong.

19 The State has the burden of proof in every
20 criminal case. This is what I told you to start with.
21 They start out, you come in here, and you don't know
22 anything, this is zero here. They have got to go all
23 the way down where there is no reasonable doubt that the
24 defendant is guilty. They have to prove him guilty
25 beyond a reasonable doubt. And if you hesitate and go,

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1 ah, well, you know, maybe not, that's enough hesitation.
2 They have not proved. This is not a fifty-fifty car
3 wreck case. There's no balancing. You can't take any
4 piece of evidence, okay? particularly circumstantial
5 evidence, and balance it out and call that, well, that
6 probably indicates something. No, it has to indicate
7 something beyond a reasonable doubt. Everything you
8 rely on, it has to be taken and proven beyond a
9 reasonable doubt to make up this crime, and that's their
10 burden. We have no burden. We have no duty to prove
11 anything. There's a presumption of innocence, and the
12 Judge, I believe, will charge you that the presumption
13 of innocence in America is of such a nature legally that
14 jurors can rely on it by itself to find someone not
15 guilty. They've got to overcome that presumption of
16 innocence. It is a powerful, powerful concept that we
17 have brought to this country, and it applies to
18 everybody who's a defendant is presumed, presumed to be
19 innocent, and they have the heavy burden.

20 You've heard from people on the witness stand. If
21 it's not in evidence and it's not sworn to from that
22 witness stand, it's not evidence. You can only rely on
23 evidence. You've heard from people. People have biases
24 and prejudices. Okay? You have to reflect on the
25 credibility of any witness in their motive to

1 misrepresent. Okay? All right? You have to focus.
2 That's how you balance that out. You can believe some
3 of what they say, all of what they say, or I'm not going
4 to base a conviction on what he or she said, because
5 they're not honest and trustworthy people; because this
6 is a murder case; and we have a lot at stake here. And
7 nobody can overturn a jury's finding of fact. An error
8 of law can be appealed. There are no errors in finding
9 of fact by an American jury. That just isn't the way it
10 is.

11 She'll give you a charge, I believe, on
12 identification. You know, is it reliable? And there are
13 many factors to look at. One is the opportunity to
14 view. Delirious, everything was a blur, I was focusing
15 on my brother; we heard rustling in the leaves, meaning
16 it's back over in the woods; we ran; looked at each
17 other; he fell; everything was a blur. Opportunity to
18 observe anybody just wasn't there. It just wasn't
19 there. The degree of attention was focused on his
20 brother.

21 Accuracy of prior descriptions, do I even have to
22 go there? And this Dre character he said was as tall as
23 him, and that guy should have been a basketball player,
24 and would have been very successful, Mr. Wrenshad
25 Anderson because he could practically just go ahead and

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1 walk up and toss the thing in. Okay? And if Dre is
2 that tall, okay, that tells you a lot.

3 And a level of certainty. Here, he's not that
4 certain about anything. There is no eyewitness
5 testimony to put my client at that scene. There are
6 suppositions, just suppositions.

7 I want to talk to you about what's cooking. Okay?
8 All right. My mom would always cook. Sometimes she'd
9 come up short in the kitchen, and I didn't catch onto
10 this until I got older, because whether it was chicken
11 and rice, or macaroni and chicken, or macaroni, or
12 whatever she was doing, it was always great, but
13 sometimes it didn't quite taste the same. And the way
14 that I figured out when I was older, if she came short
15 on cheese, she might add another egg. Okay? Or she
16 might add something to something different. Okay? Or a
17 different type of cheese if she didn't have cheddar.
18 But Mom always made it work and everybody was happy.
19 And you know, it was a pinch here and a pinch there, and
20 I think Mama said the rule was if it looks like it's
21 supposed to, I know you all will think it's good. Okay?

22 Now, taking that from the kitchen, let me talk
23 about the way the case was handled by the police. If it
24 looks good, it's all right. A pinch of this, a pinch of
25 that. Now, let me start with the .22 shells. They go

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1 to the crime scene; they find two on one side of the
2 road; two on the other side of the road. That gives you
3 four, and four should be in evidence. So they have a
4 pinch of this, a pinch of that, and we'll add a few
5 more, because they have six. Okay? Did they have any
6 at all? You know, if you're not going to do it right
7 and you're going to fudge on the evidence, you ought to
8 fudge at least by what you said you were going to have.
9 You don't need to add into. Where did these come from?
10 They weren't found at the crime scene. That wasn't the
11 testimony. The testimony is clear. Fake evidence. Did
12 they maintain the crime scene? Because they called
13 SLED. Did they call Beaufort? Did they call Port
14 Royal? Did they call the Jasper Sheriff's Department?
15 Did they call Hardeeville for help to maintain that
16 crime scene? They knew they were dealing with a bunch
17 of criminals. Okay? All right? They knew the boy had
18 been shot at 45 -- before my client even had any reason
19 to be mad. That stuff they were telling about with my
20 client, where she clearly forgave him and let it go, was
21 three weeks to a month. Who was shooting at Davonte
22 Freeman in the same spot 45 days earlier? Forty-five
23 days earlier is more than a month. Okay? So not my
24 client tried to kill him 45 -- or two years before that.
25 He's just got a bad history with people, a bad history.

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1 If he needs to have been looked at, you know,
2 they're trying to say my client had a motive. Looks
3 like a bunch of people had motive. Made their living
4 robbing and stealing, and laughed about it. And laughed
5 about it. I said, didn't you all rob somebody of a
6 thousand dollars in Xanax? Wrenshad laughed, and said
7 no. The boy was on Xanax, now, when I stole from him.
8 You know, a little bit of truth. You figure. All
9 right? So now drugging. And talk about Cedric Riley,
10 you know, lying on the stand. Who hasn't lied on the
11 stand?

12 Yeah, I just wonder what shells were on the
13 ground. I mean, and you're talking about an iron site,
14 and you have a pistol, and you have got not a scope,
15 just a regular metal iron site. And you're talking 60
16 yards, and you're going to put it straight in somebody's
17 head, straight through, not at an angle. If I'm
18 shooting at a tall person, and I'm a short person,
19 there's going to be an angle going up. There's going to
20 be some angle, because it wouldn't make sense otherwise.
21 Think about that. Who was he shot by? A tall person.
22 I had to be. Or a rifle and a scope from somebody
23 standing back in those woods. And let's see here. One
24 thing you can see is woods, woods, woods, woods. They
25 didn't know who -- heard leaves rustling, but the leaves

1 don't rustle on the street. Leaves don't rustle. How
2 you going to hear leaves rustling if you're halfway up
3 that long distance?

4 Now, where's the picture at here? Court's
5 indulgence, please.

6 Well, you saw the distance, and you see the path
7 here. Okay? And if you were way up there, halfway at
8 least to KFC, you probably -- and you're talking to your
9 brother, you're probably not going to hear leaves
10 rustling. And as long as that shot was three feet away,
11 there would be no soot and no stippling. So we don't
12 know what happened. But we know that it happened
13 further than three feet. Okay? Because there is no
14 reliable witness. Now, a tall person shot him, and we
15 don't know who that is. That matches the evidence. And
16 the doctor testified, as well about the drugs he had
17 been using is that straight line, not deviating left or
18 right, not deviating up or down. That doesn't match a
19 shorter person shooting. The evidence doesn't match.
20 Even when they fix the evidence and fabricated evidence,
21 they haven't fabricated to match because you can't
22 change the trajectory, for instance, of the bullet
23 wound.

24 Look at Matthew Fraleigh. He did the 911 call.
25 All he said was -- I'm going to go through these quick,

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1 and don't have a whole lot of time, but I'm sure I'll
2 have enough. They are shooting at him. Wells shows up,
3 the officer shows up. They know who they're looking
4 for, it's Peanut and Dre. There's not questioned.
5 That's what he says. Okay? Why would he make that up?
6 He says Peanut and Dre. That's what -- and that's what
7 he repeats on and on again. He radios that out to
8 Lieutenant Ginn, who does the canvas at the Siesta
9 Hotel, looking for two black males and matching -- were
10 wearing dark clothes. He doesn't seem to find anybody.
11 So remember -- and this goes on and on.

12 Now, remember, the police knew that Peanut had a .9
13 millimeter from before, and he kept saying there were
14 only two shooters. Lieutenant Ginn came. He said he
15 was delirious, confused. He was impaired. He described
16 him not under the influence associated with alcohol, but
17 impaired. Okay? You didn't get to see the video of
18 that, which they could have played it for you, but
19 remember, they have the burden of proving --

20 SOLICITOR HOLLEN: Objection, your Honor. May we
21 approach?

22 THE COURT: You may.

23 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
24 HEARING OF JURORS. PRESENT: THE COURT,
25 MR. HOLLEN, MR. PLEXICO.

1 END BENCH CONFERENCE.

2 BY THE COURT:

3 BY MR. PLEXICO:

4 MR. PLEXICO: Okay. So let's talk about the
5 videos. All right.. They had all -- they had police cam
6 videos. They could have put it in. They didn't do it.
7 They could have showed you his state of mind so you
8 could have seen it and judged it right there.
9 Furthermore, when he pulled up, you can see behind those
10 trash cans at the KFC. There's no wall there. There's
11 a building and there's trash cans, and that's where the
12 boys came through. The picture shows that. You could
13 have seen how dark it was yourself. They had a street
14 light out. Truth is, you couldn't see anything. So
15 when they went over there, it was so if there was
16 anything to start with. They couldn't see it after
17 looking, because there were things on the side of the
18 road. You all really think they only walked one side of
19 the road? That bugs me. They only walked one side of
20 the road? When they came off the path over there,
21 you're going to only walk this side and not go over
22 there at the path? That was mind-boggling. But if they
23 said they had, with all those nines they got over there.
24 Okay. That'd look mighty funny. That would've looked
25 mighty funny. Okay?

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1 Now, you take your common sense and your common
2 knowledge. Look at all the traffic monitors that they
3 have with cameras in Ridgeland. When you drive around
4 major intersections, did you see any video from that?
5 Did you see any video from any of the businesses around
6 that could've shown the car? No. Did they go get it?
7 No. Didn't show what they wanted, if they looked. Or
8 they fail to look. Poor quality investigation,
9 fabricated evidence, and you can't convict on that.

10 All right. Alex Inniss came in, smelled alcohol
11 on body. Okay? And that was the -- he was the EMS guy
12 who attended. All right? Which matches up with what
13 Dr. Tormos says. Demitria Williams came in. She went
14 to high school here with my client. She knows my
15 client. Now -- now, she testified about them arguing
16 three weeks to a month. Now, like I said, they're
17 trying to show she had a motive, and therefore, you
18 ought to convict. Well, 45 days before somebody was
19 popping a shot at him, and she didn't have the motive
20 before that. She didn't have the motive on the other
21 time they tried to kill him, so who's trying to kill
22 him? It does not seem to match up to what you see
23 sitting in the witness chair.

24 Bernard Seabrooks, he said that Horton spent an
25 hour talking to the guy he thought. I think Mr. Horton

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1 said maybe it was longer than that, because he was
2 counseling him. All right. And Davonte couldn't be
3 there, because he had been carrying a gun, and there had
4 been a shooting, and luckily, he shot himself in the leg
5 over at the Siesta. Remember, that's why Davonte
6 Freeman couldn't be there to start with. They were
7 toting guns. Okay? So you got guns, drugs. All right?
8 Stealing, you know. These don't lead to good results,
9 and there are a lot of enemies you make along the way.

10 And remember, Wrenshad Anderson talked about how
11 they were always together, you know, two peas in a pod.
12 Whatever one was doing, the other was probably down with
13 and had his back. You think about it. These are two
14 brothers. Now, Mr. Horton said a female called. He
15 didn't say if the were black, white. You know, that's
16 half the population. Okay. We don't know who called.
17 Everybody has his number. Apparently, anybody coming in
18 and out of there has his number. Anybody who knows he's
19 toting a gun and can fire through the walls, people over
20 there with kids, there'd be a lot of reason for a woman
21 not to want a gun-toting man over there. A lot of
22 reason for it. Okay?

23 Speaking of the video, he was supposed to walk --
24 walk through the apartments. We don't know if the
25 apartments had --

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1 SOLICITOR HOLLEN: Objection, your Honor.

2 Referring to items not in evidence. There's no
3 testimony to that.

4 MR. PLEXICO: This is their duty to go out and find
5 and produce evidence on a failed investigation.

6 THE COURT: Okay. You can talk about there not
7 being any evidence, but again, move on.

8 BY MR. PLEXICO:

9 MR. PLEXICO: That's the problem, is the lack of
10 evidence. It's what they didn't go get, which they
11 could have gotten.

12 Now, Cedric Riley, he's the drug dealer that pled
13 guilty but said he hadn't -- you know, he never dealt --
14 sold drugs. Well, he's lying under oath to start with,
15 but they're basing part of their investigation on the
16 word of Cedric Riley. They want you to take the word of
17 a perjurer, who perjured himself in front of you, and
18 use that to convict my client, which is just utterly
19 incredible.

20 And he claims -- he's the only person who claims
21 that Peanut left with my client. Okay? Now, that's not
22 what Mr. Horton said. Now, think about Mr. Malphrus.
23 Okay? Mr. Malphrus hears shots. He lives on this
24 street. Okay? Where the shots were fired. He said
25 from here to here. So you go one, two, three, four,

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1 he's got his door open. He doesn't hear a car leaving
2 from that street or that area. Okay? Remember, if guns
3 are being fired, they've got to get to the car, get in
4 the car, slam the doors, and drive off from that street.
5 And that ain't going to happen, because that's not where
6 he heard the noise from. The noise was from the main
7 road, and there are a lot of loud, small cars around.
8 So we have something that is a completely innocent
9 factor they want you to meld in, mold in somehow, and
10 cause nobody reliable says anything about a muffler.
11 It's just ridiculous to think that this is a key piece
12 of evidence in a murder case, is how loud a car is. It
13 just shows their acts of desperation to prosecute my
14 client and try to fix this bad matter. He heard no car
15 leaving from his home, and this whole thing about a loud
16 muffler will speak of red herrings, okay? It just keeps
17 you from focusing on what's important.

18 Wrenshad Anderson, like I said, I think I've
19 already addressed most of this, he never sees anybody's
20 face. How do you make an I.D.? How do you go from two
21 men to a man and a woman, and the woman being a foot
22 shorter, and the woman -- that's -- that's incredible.
23 That's not even -- that's not even worth talking about
24 it's such a bad idea. Then, he calls my client later,
25 and they're like -- my client's all freaking out. No

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1 wonder. Okay? He's calling her like, you know, be a
2 fly on the wall during that conversation, accusing her
3 of being involved. And nobody -- he's out talking to
4 people, and he's trying to figure out who's doing this.
5 He's making up names of who he thinks did it, or maybe
6 who he's done wrong last. Who knows? But it's
7 certainly not reliable.

8 You know, they only got text messages -- they
9 didn't go get any phone call logs from him or anybody
10 else. Okay? But he's calling my client, threatening
11 her, and that's what -- that's what one of the officers
12 said. Okay? I'm sure it wasn't very nice. Now, that'd
13 be enough to upset anybody.

14 You heard from Dr. Tormos. All right? One thing
15 Davonte said, and I don't want to skip that, he said my
16 client, you know, said everything was fine. He
17 apologized to my client. It wasn't any big deal. Okay?
18 There was somebody who didn't like him. Somebody took
19 shots at him. Whereas, my client was upset, and if my
20 client was that bad, they would have got up and got out
21 of there anyway. Okay? I mean, just think about it. I
22 mean, still mind-boggling why they would go someplace
23 that he had been shot at twice before. It's just
24 inexplicable.

25 And I don't know why it was -- Deputy McIntosh,

1 when you go out and you have two males that are armed,
2 is one person's testimony, another one is, or one male,
3 and I didn't see the other one, they're giving, you
4 know, Matthew -- Matthew Hatchell. And why that lead
5 wasn't followed up -- why did I have to bring that out?
6 Isn't that important? The very spot that he was shot at
7 from, you've got a witness saying that, you know, there
8 are two people there, and they're identifying one of
9 them, but not my client. My client is not there. They
10 don't say there's a car there with a loud muffler or
11 anything else. They say there are two people in the
12 woods, twenty minutes, but other words, about time they
13 left, there were people there waiting on them. Maybe,
14 we don't know. But you can't tie that to my client.
15 They have to have reliable, believable evidence that's
16 credible.

17 And what is -- how do you get good police work?
18 Going out to the family, who's hanging out with
19 Wrenshad, going over to the Siesta, going out with her,
20 hanging out with Wrenshad, and they're friends, and
21 telling them I need somebody to say so-and-so -- I need
22 to say -- saw -- saw somebody saw him pull the trigger.
23 Okay? Then, on the 2nd, he's meeting with all these
24 family members, and he's telling them the boy's killed
25 by a .22. That's a close and a small -- a close-knit

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1 family of friends in a small town. Who didn't know
2 about all that? Everybody knew about all of it. He
3 spilled all the beans out on the street, and he's saying
4 I want somebody to come forward and say this. Well, he
5 got that, and it was family and -- I mean, how many
6 family members of Wrenshad Anderson and did Marie Powell
7 was on and off sleeping with? Okay? It's just
8 incredible to believe anything that she would say.
9 Well, I'll address her individually in a minute, but
10 that was just horrible police work.

11 Now, and when you say Peanut and Dre, that's the
12 deputy's son, Keandre Frazier, okay? They just let that
13 go. They didn't investigate the deputy's son.
14 Professional courtesy, I don't know, but you know,
15 certainly not good -- good quality police work. All
16 right? Cause Dre fit the description and had the height
17 to make the shot? Okay? Because it's his height. Dre
18 had the height to make the shot. And how's a short --
19 how's a short person going to shoot -- you're going to
20 shoot like that at sixty or seventy yards on an iron
21 site? No. That's -- just doesn't work.

22 And you've got to consider what my client said.
23 She says, I go out, I work hard for a living. She
24 performs, plays rap music. Okay? All right?

25 And you know, Wrenshad told them -- he gave a

1 three-page statement. She came back, Marie came back,
2 and said, you know, the same things that she had heard,
3 and had every opportunity to hear, because she's got a
4 relationship with the practical stepfather of -- of
5 Wrenshad Anderson and Davonte Freeman. You know, she
6 has an ace up her sleeve. And while she's a witness for
7 the Solicitor's Office in 2017, because remember, now,
8 she didn't get any help from anybody, but she did get
9 probation with a lengthy criminal record. And I always
10 kind of thought when your number was up.

11 You come back to General Sessions and you got a
12 lengthy criminal record, you know, it's the bus to
13 Columbia time. Oh, no, not for her. Not for the
14 State's witness. Okay? Think about it. What was her
15 expectations, and were they -- did it serve her well?

16 And you got to look at knowing what he knew at that
17 time, and remember, he's probably already bagged and --
18 tagged. Lieutenant Litchfield, okay, signs an affidavit
19 saying -- which is a sworn statement subject to perjury,
20 an arrest warrant has an affidavit subject to perjury,
21 saying he has an eyewitness, saying that my client,
22 okay, was shooting at Davonte Freeman. Now, could you,
23 in good conscience, do that? That just wasn't -- that
24 was wrong. That was just wrong. They have to prove
25 you're guilty.

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1 Now, I think we expect better from our public
2 servants, and we have a right to. And in America, the
3 buck stops with you guys. Okay? If you all don't like
4 the way it's working, you all have a right to say I'm
5 not finding this person guilty based on this shoddy
6 work, made-up evidence. Okay? And a complete lack
7 thereof. I mean, you have a duty to do that. You've
8 got to let them know, you've got to let the government
9 know it fails in its job that you're the backstop. You
10 have the backbone to do it. That's what matters. And
11 remember, it's okay for the police to lie. We do expect
12 better, but they're lying in their statement about
13 insinuating Peanut said something to incriminate my
14 client. That never happened. That was just a lie. I
15 don't care if the Court's saying it's okay for the
16 police to lie to the citizens or not. Okay? But it's
17 all just a lie. But they're going to blame my client.
18 Hey, I don't know him like that is not I don't know him.
19 But whoa, I'm not involved in this. Okay? And if they
20 go out and arrest Aneisha Young on this evidence, do you
21 think the gal's mama is going to say you go down there
22 and talk to them; oh, they might arrest you, too. No,
23 they're going to say, baby, you stay home and stay out
24 of that; no, no, no, no, no. Okay? You make them come
25 and get you? No, go get you a lawyer. All right? They

1 aren't going to go walk into the -- unsuspectingly to
2 the lion's den. Okay? And you see what happened. All
3 right? Unfortunately, you see what happened.

4 You know, and they can't ever put -- they can't
5 show prior expertise with a gun by my client, prior
6 shooting of a gun by my client, prior gun ownership by
7 my client. There's nothing there that ever put a weapon
8 in that young lady's hand, ever, ever. Okay. It just
9 doesn't match up.

10 And you know, and I had to pull it out of him,
11 Detective Litchfield wanted to avoid saying that the two
12 officers, when he first got there on the scene, showed
13 him where Peanut and Dre were shooting from. Okay? I
14 had to pull that, and that's not really the way it
15 should be.

16 Like I already told you about the Siesta canvas, I
17 mean, I just don't see where that is, well, here's what
18 I need, and basically you all go get it for me., Well,
19 they went and got Marie Powell. And the guy with the
20 cell phone, that was kind of odd because he can't -- he
21 can say it's on a tower, but maybe if it went to one
22 tower to start with, it got transferred to another
23 tower. He didn't say how far the towers went out.

24 My client's saying I'm not in Ridgeland.
25 Ridgeland's only about a square mile, or maybe a mile on

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1 either side, but the cell towers go out farther than
2 that. So even if my client -- what does it prove about
3 my client murdering anybody since they aren't putting
4 her at the crime scene? Okay? How does that prove
5 anything that she's -- aside from the fact that she's
6 pinging off -- the phone is pinging off the tower? If
7 you look at those text messages, when they're taken out
8 of context, the Verizon lady says there's no telling
9 what they mean. When I go shaking my head, it's like
10 you've got -- you've got to -- I don't believe I've
11 heard more bad names. Okay? You know, there's been
12 another shooting at a school somewhere or something
13 tragic like that. Okay? Shaking my head, you know,
14 what's going on out there? And I always thought that
15 was the common meaning, but according to her it might
16 not be. Okay? Why? It's taken out of context, and
17 showing that she knows Peanut does not mean that you are
18 guilty of a crime. That wouldn't mean anything, and she
19 doesn't deny that. So how can you take something that
20 she doesn't deny and twist it around? It just shows the
21 desperation to try to make it look like they're guilty
22 of murder. We expect more. The State needs strong
23 evidence of guilt. They've got to have substantial
24 evidence of guilt that convicts you, that would convict
25 somebody, beyond a reasonable doubt.

1 The DNA was an absolute big zero, and I really
2 didn't understand Marie Powell's testimony. I just
3 couldn't get around it, effectively, I thought, until
4 Debbie Spann came. When Debbie Spann added in the
5 additional family connections, I saw how deep Marie
6 Powell was tied into the different men and their family
7 and friends. Okay? Anthony Austin with Marie Powell.
8 Anthony Austin with the cousin of Debbie Spann. Debbie
9 -- imagine this. Hello, my name's John Smith, and I
10 killed Bill -- Bill Johnson. Okay? Who's going to do
11 that? That's the way she described it. It was totally
12 unbelievable. Totally unbelievable. That's your
13 introduction. Oh, and I'm going to kill Sally Smith,
14 too, or Bill Anderson, too. That's just not -- that's
15 just not credible.

16 So if you take away evidence that you can't be
17 allowed -- and she said she had plenty of -- it's a
18 simple assault and batteries, and I forget everything
19 she was saying, but she left out the big one, which is
20 assault and battery first degree, which is what she's on
21 probation for now. And what an act of desperation on
22 the State's part to put up a witness that you hadn't
23 interviewed until the second Day of the trial. An act
24 of desperation, because you know what? You've got a
25 weak case, and you're relying on a jailhouse snitch

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CLOSING - DEFENDANT - PLEXICO

1 that's related to the victim and sleeping with his
2 punitive stepfather as your witness. That's sad.
3 That's sad. That doesn't make any sense. That's not
4 good evidence.

5 And then, you put in Marie. And look at Marie
6 Powell, because Debbie Spann obviously was not going to,
7 and then you look at Marie Powell, who has this long,
8 long history of deception and deceit. How do you do
9 identity fraud? You convince somebody of something
10 that's not true. You do it and you smile, or you do it
11 and you're sad. Or, okay, or I'm sick, you know, I need
12 to get these drugs, or whatever it is that you're
13 conning at that moment. Okay? Every time that you do a
14 fraud, you're improving your skills as a con artist to
15 be something that you're not. Okay? That means you're
16 trying -- you're an actress or an actor. You're putting
17 on a show. Okay? You're learning to be convincing.
18 What are you doing? You're getting money, you're
19 getting favors. You're getting something through your
20 con. Okay? Because it doesn't bother you that you're
21 out doing that, because it's your lack of character.
22 You're a thief. It's your lack of character, and it
23 makes you untrustworthy. And a con artist, a flim-flam
24 artist, imagine old people and things like that.
25 They're the most evil of the bunch. Okay? Because they

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1 -- they induce you to trust. That's what a con artist
2 does. They induce you to trust them. And there's no
3 basis to trust her when you looked at that huge criminal
4 history, which she lied about. I finally went up there,
5 and you all heard me. Okay? Oh, I have those other
6 things, but that charge there, I wouldn't do. Why?
7 Because it blows her con, which is her, okay, giving
8 that false, okay, okay, false information, criminal
9 false information. And she's under oath, supposed to be
10 telling the truth. And that was what? 2016, 2017?

11 THE COURT: Mr. Plexico, you need to speak up, sir.

12 MR. PLEXICO: Yes.

13 THE COURT: Speak up.

14 MR. PLEXICO: You're getting false information that
15 she finally admitted to. That was 2016 to 2017, and
16 that's right around the corner. Okay? And all these
17 other things, her behavior has never changed. She's a
18 con artist that uses people. And Lieutenant Litchfield
19 admitted on 7/20, he told her he was killed with a .22.
20 Okay? He admitted telling the family on 5/2 the boy was
21 killed with a .22. It's out there in her group of
22 people. Now she needs a favor. Okay? She's got big
23 charges. Forget Judge Nancy, forget Judge Scoggins
24 where she talked about going in the judge's offices and
25 sat down and talked with Lieutenant Litchfield. What a

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1 con. I like that. I mean, imagine taking your client
2 in the judge's office. I mean, you know, that's mind
3 boggling. But it just shows how effective some people
4 can be. But she's running a con, she had the
5 information, she had outstanding General Sessions
6 charges that she said in 2017 she used this to get help.
7 Okay? And you can't trust a con artist in a -- if you
8 hesitate and believe she might have been lying, so you
9 take out her testimony, you know Debbie Spann, you can't
10 trust that.

11 So what do you have left in this hodgepodge of
12 evidence that they tried to throw together? That's why
13 they brought in Debbie Spann at the last minute,
14 because, you know, man, this is bad; we failed. Okay?
15 That's throwing in everything but the kitchen sink, and
16 maybe the kitchen sink, too. That's just not right.
17 You all have a serious duty here. You all have to --
18 this isn't going to be done by anyone else. Oh, and
19 Captain Orr testified this was an open area. Okay?
20 Where these ladies were at -- she was at before she
21 could make a family -- make bond and was transferred to
22 these different jails. They record phone calls. My
23 client never said anything indicating a confession,
24 because, you know, they're so desperate they would have
25 went through all of her calls, okay, at any jail, at any

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1 time, to anybody. Okay? All right? Which the only
2 people that she's going to confess to are people who are
3 sleeping with the family and friends of Davonte Freeman?
4 Okay? And Wrenshad Anderson? Does that even make
5 sense? Who would do that? That makes no sense.

6 Everybody knows everybody around here. She grew up
7 here. She went to high school here. I mean, it's just
8 -- it's just mind-boggling coming from these criminals
9 who are just lying, or dope heads, or whatever their
10 problem is. You know, if somebody's going to get
11 convicted, it ought to be on credible, reliable evidence
12 that you don't have a doubt about, and that's a
13 reasonable doubt, and I don't see how you all can
14 possibly put any of this together. Remember, I don't
15 care where the phone was. Okay? I don't care where,
16 you know, it doesn't matter where my client was. It's
17 did they prove she was out shooting the gun, not that
18 she was somewhere else. Out of Ridgeland, it ain't that
19 -- it ain't far. Okay? I could walk out of Ridgeland.
20 In a half an hour, I'm out of Ridgeland. Okay?

21 And I want to end with this. The nature of fraud
22 and deceit, it's the art of the con. Okay? And as this
23 what the State's doing to you in order to get a
24 conviction? Are they bringing together things that make
25 no sense and asking you to place a conviction on it?

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JURY CHARGE

1 Don't do that to my client. Don't do that. This is
2 about the weakest murder case there is.. They failed in
3 their duty. You all have a duty to weigh that evidence,
4 and it's not 49/51. You all look at what they've got,
5 and if it's no good, throw it out. Throw it out. What
6 do I have left? Why are they adding to the evidence and
7 making stuff up? How bad of a case is this? Bad police
8 work, unreliable accusers. Okay? Untrustworthy
9 accusers. Where does it stop? I think it stops with
10 you all, with not guilty.

11 Thank you all for listening to me, and thank you
12 for letting me take up your time.

13 THE COURT: Thank you, Mr. Plexico.

14 Everyone stand up and take a stretch. Does anyone
15 need a break? My charge is going to take roughly
16 twenty, twenty-five minutes or so. Anyone need a break?
17 You okay? You sure? Okay. I just want to make sure.
18 End 1022, begin 1023

19 JURY CHARGE:

20 THE COURT: Madam Foreperson and members of the
21 jury, you've followed very patiently and listened very
22 attentively to the presentation of the evidence in this
23 case. I want to thank you for that.. It now becomes the
24 duty of the trial judge under the constitution of the
25 state to charge and instruct you on the law that's

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JURY CHARGE

1 applicable to this case. And it's your duty as jurors
2 to accept the law and apply the law as I will now state
3 it to you.

4 As jurors, it is your exclusive duty to decide all
5 the issues of fact in this case. You must determine the
6 effect, the value, the weight, and the truth of the
7 evidence. Both the State and the defendant, Ms. Young,
8 have the right to expect that you will carefully
9 consider and evaluate the evidence, and apply the law of
10 the case to the evidence. And by doing so, both the
11 State and the defendant, Ms. Young, will receive a fair
12 and impartial trial in this matter.

13 Now, the State of South Carolina, by the Bills of
14 Indictment in this case, charge the defendant, Aneisha
15 Young, with the offenses of murder, attempted murder,
16 and possession of a weapon during the commission of a
17 violent crime. Now, I remind you that the fact the
18 defendant was arrested, charged, and indicted in this
19 case is not evidence in this case, nor can it be
20 considered by you as evidence of guilt in the case, nor
21 does it prove any presumption or inference of guilt.

22 An indictment is simply a formal written instrument
23 which contains a charge which is made against the
24 defendant. It's the formal document by which the case
25 is brought into the courtroom. Now, in this case, the

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JURY CHARGE

1 defendant, Ms. Young, has pled not guilty to these
2 indictments, and that plea puts the burden on the State
3 to prove Ms. Young guilty beyond a reasonable doubt.

4 Now, a person committing a criminal crime or
5 offense in South Carolina is never required to prove
6 themselves innocent. I charge you that it's an
7 important rule of law the defendant in a criminal trial,
8 no matter what the seriousness of the charges may be,
9 will always be presumed innocent of the crime for which
10 an indictment was issued, unless guilt has been proven
11 by evidence satisfying you, the jury, of that guilt
12 beyond a reasonable doubt.

13 Now, this presumption of innocence does not end
14 when you begin your deliberations, but it accompanies
15 the defendant throughout the trial until you reach a
16 verdict of guilt based on evidence satisfying you of
17 that guilt beyond a reasonable doubt. Now, the
18 presumption of innocence is like a robe of righteousness
19 that's placed about the shoulders of the defendant, and
20 it remains with the defendant until it has been stripped
21 away by evidence satisfying you, the jury, of the
22 defendant's guilt beyond a reasonable doubt.

23 Now, the presumption of innocence is not a mere
24 legal theory. It's not just a legal phrase we use. It
25 is a substantial right to which every person is entitled

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JURY CHARGE

1 unless you, the jury, are satisfied from the evidence of
2 the defendant's guilt beyond a reasonable doubt. So
3 what is reasonable doubt in the law? A reasonable doubt
4 is the kind of doubt that would cause a reasonable
5 person to hesitate to act in their most important
6 decisions.

7 Now, the State has the burden of proving the
8 defendant guilty beyond a reasonable doubt, and again,
9 you must give the term reasonable doubt its ordinary and
10 plain meaning. However, again, to the extent I may
11 define it for you, again, a reasonable doubt is the kind
12 of doubt that would cause a reasonable person to
13 hesitate to act in the most important of their personal
14 decisions.

15 The defendant, Ms. Young, in this case is entitled-
16 to every reasonable doubt arising. If, upon any fact
17 essential to conviction, you have a reasonable doubt as
18 to how that issue should be resolved, you must resolve
19 the reasonable doubt in favor of Ms. Young.

20 Now, some of you may have served as jurors in civil
21 cases where you were told that it was only necessary to
22 prove that a fact is more likely true than not true.
23 Such is what has been called the greater weight, or the
24 preponderance of the evidence. In criminal cases, the
25 State's proof must be more powerful than that. It must

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JURY CHARGE

1 be beyond a reasonable doubt. Suspicion, no matter how
2 strong, is insufficient to convict a person charged with
3 a crime. That the facts and circumstances presented may
4 seem suspicious, and the defendant's guilt may seem
5 probable, this is not sufficient or enough on the law to
6 convict. Proof beyond a reasonable doubt is proof that
7 leaves you firmly convinced of the defendant's guilt.

8 Now, ladies and gentlemen, there are very few
9 things in this world that we know with absolute
10 certainty, and in criminal cases the law does not
11 require proof that overcomes every possible doubt. If,
12 based on your consideration of the evidence, you are
13 firmly convinced that the defendant is guilty of the
14 crime charged, you must find the defendant guilty. If,
15 on the other hand, you think there is a real possibility
16 that the defendant is not guilty, you must give the
17 defendant the benefit of the doubt and find her not
18 guilty.

19 Now, I remind you that during this trial you and I
20 have certain duties to perform. As a judge, it's my
21 responsibility to preside over the trial of this case,
22 and I also have the duty to rule on the admissibility of
23 the evidence that's being offered. You are to consider
24 only the competent evidence that's before you. You are
25 to consider only the testimony which has been presented

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JURY CHARGE

1 from the witness stand, as well as any other exhibits
2 that have been entered into the record.

3 I have the additional duty to charge you on the law
4 that's applicable to this case. I'm the sole judge of
5 the law in this case, and as jurors you must accept and
6 apply it as I now state it to you. If you have any idea
7 as to what the law is or what you think the law ought to
8 be and it does not agree to what I tell you the law is,
9 you must abandon this idea because you are sworn to
10 accept and apply the law exactly as I state it to you.

11 Now, in every case tried in this court before a
12 jury, the jury becomes the sole and exclusive judge of
13 the facts. A trial judge cannot intimate, comment on,
14 or make any statement to a trial jury about the facts in
15 a case. And since you, the jury, are the sole judge of
16 the facts in this case, you are not to infer from what
17 I've said during the progress of this trial in ruling
18 upon the admissibility of the evidence or otherwise, or
19 anything that I say now during the course of this
20 instruction to you that I have an opinion about the
21 facts in this case. The law does not allow me to have
22 an opinion about the facts of this case. This is a
23 matter solely for you, the jury, to determine.

24 Now, there are typically two types of evidence
25 which are presented during a trial. That is direct and

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JURY CHARGE

1 circumstantial evidence. Direct evidence is testimony
2 of a person who claims to have actual knowledge of a
3 fact, such as an eyewitness. It is evidence which
4 immediately establishes a main fact to be proved.
5 Circumstantial evidence is proof of a chain of facts and
6 circumstances indicating the existence of fact. It is
7 evidence which immediately establishes collateral facts
8 from which a main fact may be inferred. Circumstantial
9 evidence is based on inference and not personal
10 knowledge or observation.

11 Ladies and gentlemen, crimes may be proven by
12 circumstantial evidence. The law makes no distinction
13 between the weight or value to be given by either direct
14 or circumstantial evidence. However, to the extent the
15 State relies on circumstantial evidence, all of the
16 circumstances must be consistent with each other, and
17 when taken together, point conclusively to the guilt of
18 the accused beyond a reasonable doubt. If these
19 circumstances merely portray the defendant's behavior as
20 suspicious, the proof has failed. Now, again, the State
21 has the burden of proving the defendant guilty beyond a
22 reasonable doubt, and this burden rests with the State
23 regardless of whether the State relies on direct
24 evidence, circumstantial evidence, or some combination
25 of the two.

1 Now, as a jury, it is your duty to determine the
2 credibility of the witnesses who have testified in this
3 case. And credibility simply means believability. It's
4 your duty as jurors to analyze and evaluate the
5 evidence, and determine which evidence convinces you of
6 the truth. In determining the believability of the
7 witnesses who have testified in this case, you may
8 believe one witness over several witnesses or several
9 witnesses over one witness. You may believe a part of
10 the testimony of a witness and reject the remaining part
11 of the testimony of that same witness. You may believe
12 the testimony of a witness in its entirety, or reject
13 the testimony of witness in its entirety. You may
14 consider whether any witnesses exhibited to you an
15 interest, bias, prejudice, or other motive in this case,
16 and you may also consider the appearance and number --
17 and manner -- excuse me -- of a witness while on the
18 witness stand.

19 Now, normally in a trial, a person cannot give what
20 we call opinion testimony. Normally, when a person
21 testifies, they must testify as to what they either saw,
22 heard, or sensed or smelled, or something of that
23 nature. However, there is an exception. When someone
24 is qualified because of education or experience, they
25 are permitted to give their opinion in certain areas

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1 that qualifies them in that way.

2 Ladies and gentlemen, that evidence is for you to
3 use in any way you see fit, and give it the weight and
4 credibility that you believe is appropriate. Again, you
5 can accept or reject the expert witness's testimony. It
6 is for your help and your assistance if you find it
7 necessary.

8 Now, ladies and gentlemen, I instruct you and
9 emphasize that the fact the defendant, Ms. Young, did
10 not testify is not a fact to be considered by you in any
11 way in your deliberation and in your consideration on
12 the question of the guilt or innocence of the defendant.
13 It must not be considered by you in any manner
14 whatsoever. A defendant has the constitutional right to
15 remain silent, and the assertion of this right must not
16 be considered by you in your deliberations. I repeat,
17 under your oath, you are to draw no conclusion
18 whatsoever from the fact that the defendant, Ms. Young
19 in this case, did not testify. The fact that she didn't
20 testify shouldn't even be discussed in the jury room.

21 Ladies and gentlemen, the burden of proof, as I
22 stated to you, is on the State. The defendant is not
23 required to prove her innocence. And again, the burden
24 of proof remains on the State to prove guilt beyond a
25 reasonable doubt.

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JURY CHARGE

1 Now, if a crime is committed by two or more people
2 who are acting together and committing a crime, the act
3 of one is the act of all. A person who joins with
4 another to commit an unlawful act is criminally
5 responsible for everything done by the other person
6 which happens as a probable or natural consequence of
7 the acts done in carrying out the common plan and
8 purpose. If two or more people are together, acting
9 together, assisting each other in committing the
10 offense, the act of one is the act of all, or as we
11 sometimes say, the hand of one is the hand of all.

12 Prior knowledge that a crime is going to be
13 committed without more is not sufficient to make a
14 person guilty of that crime. Mere knowledge that
15 another person is going to commit a crime, even if the
16 defendant is present when the crime is committed, is not
17 sufficient to convict a defendant as a principal.
18 Guilt, as a principal, is shown by actual or
19 constructive presence at a scene as a result of prior
20 arrangement. Therefore, a finding of a prior arranged
21 plan or common scheme is necessary for a finding of
22 guilt as a principal. The State must prove beyond a
23 reasonable doubt by competent evidence the theory of the
24 hand of one is the hand of all.

25 A principal in a crime is one who either actually

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1 commits the crime, or who is present aiding, abetting,
2 or assisting in committing a crime. When a person does
3 an act in the presence of and with the assistance of
4 another, the act is done by both. Where two or more are
5 acting with a common plan or intent are present at the
6 commission of a crime, it does not matter who actually
7 commits the crime, all are guilty. The hand of one is
8 the hand of all.

9 Present at the commission of a crime means to be
10 sufficiently near to aid and abet and assist in the
11 commission of the crime. However, again, mere presence
12 at the scene of a crime is not sufficient to convict one
13 as a principal on the theory of aiding and abetting.

14 Intent is also a necessary element, for there must have
15 been a common design or intent to commit the crime, and
16 the crime must have been committed pursuant thereto with
17 a person aiding and abetting by some overt act. Intent
18 means intending the result which actually occurs, not
19 accidentally or involuntarily, and intent may be shown
20 by acts of conduct of the defendant and other
21 circumstances from which you may naturally and
22 reasonably infer intent. Now, the State must prove
23 these elements beyond a reasonable doubt.

24 Now, ladies and gentlemen, at issue in this case
25 is the identification of the defendant as the person who

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1 committed the crimes charged. Now, the State has the
2 burden of proving identity beyond a reasonable doubt.
3 You must be satisfied beyond a reasonable doubt of the
4 accuracy of the identification of the defendant before
5 you may convict the defendant. Identification testimony
6 is an expression of belief or impression by a witness.
7 You must determine the accuracy of the identification of
8 the defendant. You must consider the believability of
9 each identification witness in the same way as any other
10 witness. You may consider whether the witness had an
11 adequate opportunity to observe the offender at the time
12 of the offense, and this would be affected by things
13 like how long or short a time was available; how far or
14 close the witness was; the lighting conditions; and
15 whether the witness had a chance to see or know the
16 person in the past.

17 Once again, I instruct you the burden of proof on
18 the State extends to every element of the crimes
19 charged, and this includes the burden of proving beyond
20 a reasonable doubt the identity of the defendant as the
21 person who committed the crime. If, after examining the
22 testimony, you have a reasonable doubt as to the
23 accuracy of the identification, you must find the
24 defendant not guilty.

25 Now, ladies and gentlemen, in this case, the