

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County
Thomas A. Russo, Circuit Court Judge

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S.C. SUPREME COURT

ROBERT LEE WRIGHT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-002249

APPENDIX

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CASE NO.: 2010-GS-10-06153

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 ROBERT L. WRIGHT,)
)
 DEFENDANT.)

JURY TRIAL

VOLUME 1 OF 3

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Tuesday, June 28, 2013, Commencing at 9:53 a.m.

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[Whereupon, State's Exhibit Numbers 1 through 5, Numbers 8 through 44, and numbers 47 through 52 are marked by the court reporter]

THE COURT: We're ready for the jury; is that correct?

And, Mr. Bosnak, you're prepared to go forward? Your client waives formal arraignment; is that correct?

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

THE COURT: Mr. Bosnak, we had had a pretrial conference. I understand that your client is out on bond; is that correct?

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

THE COURT: Have you been able to get in touch with his bonds-person?

MR. BOSNAK: Yes, I have, Your Honor, and she's supposed to be here in about an hour.

THE COURT: All right. And as I indicated to you, once we call this case for trial, which we will do once I call the jury up, then she has completed her obligations on the bond. And so until I have that form -- I'm going to hold your client in custody until I have that form. Did you explain that to Mr. Wright?

MR. BOSNAK: I did, Your Honor. We have the

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1. form filled out. Just waiting for her to come up here
2. and sign it.

3. THE COURT: All right. Mr. Wright, I didn't
4. want you to be concerned when you were taken into
5. custody at all of the breaks and during the lunch
6. period until your bonds-person signs the form. It's
7. just a procedural matter to ensure the bond -- as
8. Mr. Bosnak might have explained to you, it's like a
9. contract and your bonds-person at this time has
10. fulfilled their obligations under that contract. But
11. until I get that form signed, we will hold you in
12. custody.

13. MR. WRIGHT: Yes, Your Honor.

14. THE COURT: Thank you.

15. Anything further from the State?

16. MR. SIMPSON: No, Your Honor.

17. THE COURT: Anything --

18. MR. BOSNAK: Nothing from the defense, Your
19. Honor.

20. THE COURT: Are you requesting that the rule of
21. sequestration be invoked?

22. MR. SIMPSON: I believe the parties have agreed
23. to that, Your Honor, with the exception of obviously
24. the defendant and the lead agent, Barry Goldstein.

25. MR. BOSNAK: Yes, Your Honor. That's our

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1 agreement.

2 THE COURT: All right. Thank you. We'll be at
3 ease awaiting the jury, then.

4 [Whereupon, a recess is taken from 9:56 a.m. to
5 10:04 a.m.]

6 [Whereupon, State's Exhibit Numbers 53 and 54
7 are marked by the court reporter]

8 [Whereupon, the jury panel enters the courtroom
9 at 10:04 a.m.]

10 - - - - -

11 JURY VOIR DIRE

12 THE COURT: Good morning, ladies and gentlemen.
13 I have the pleasure this morning of presiding over the
14 case of the State of South Carolina versus Robert Lee
15 Wright.

16 Ladies and gentlemen, I remind you that you are
17 still under the oath that you took yesterday morning
18 to give me your complete and truthful responses.

19 Ladies and gentlemen, as I did yesterday, I will
20 give you an opportunity to meet with me in private to
21 discuss some of your responses. Again, I have
22 reviewed the questions. I did not make up all of the
23 questions I'm about to ask you today, but I did review
24 the questions and I have determined that some of
25 these, even though you now have spent the better part

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1 of yesterday with all of your new best friends, and
2 some of this morning, some of these questions are a
3 little bit personal, so please remember to come
4 forward when I give you an opportunity.

5 Ladies and gentlemen, it is also very important
6 that you not guess at what I am asking. If you think
7 that it applies to you or in some roundabout way you
8 think it may apply to you, or your cousin from -- your
9 second cousin on your mother's uncle's side, please,
10 the purpose of these questions are not to embarrass
11 you but they are to make sure that both the State and
12 the defendant have a juror that they understand that
13 can be fair and impartial.

14 And, ladies and gentlemen, my questions to you
15 are always going to end up typically with will that
16 affect your ability to be fair and impartial.

17 Ladies and gentlemen, the case that we are about
18 to begin, again, is the State of South Carolina versus
19 Robert Lee Wright. Mr. Wright is charged with an
20 indictment. And if you are selected for the jury, I
21 will explain to you in further detail what that means.
22 But it's simply a piece of paper, the document that
23 brings us to court here today. Mr. Wright has been
24 charged in indictment 2010-GS-10-6153 with the crime
25 of murder. Mr. Wright has pled not guilty to this

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1 indictment, and that brings us here today.

2 Ladies and gentlemen, the State alleges that
3 Mr. Wright did in Charleston County, on or about June
4 10th of 2010, with malice aforethought did kill and
5 murder Christopher Jenkins by means of serious bodily
6 injury to his chest cavity from a beating he had
7 sustained and that Christopher Jenkins did die in
8 Charleston County as a proximate result thereof on
9 June 11th, 2010.

10 Ladies and gentlemen, is there any member of the
11 jury panel that knows anything about this case other
12 than what I have just read to you? If so, please
13 stand.

14 [Whereupon, there is no response]

15 THE COURT: Thank you. There are none.

16 Mr. Bosnak, if you would please stand, introduce
17 yourself, your client, and any persons who may be
18 assisting you throughout this trial.

19 MR. BOSNAK: My name is Mike Bosnak. My office
20 is in Mount Pleasant, South Carolina, but for years it
21 was over in the city of North Charleston.

22 This is Robert Lee Wright, the gentleman here
23 that I'm defending. Also, Maureen Price [phonetic] is
24 my paralegal and she is teaching a class today but
25 she'll be here this afternoon. So I don't know if any

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1 of you know her. She works -- besides working with
2 me.

3 THE COURT: Thank you.

4 Any member of the jury panel related by blood,
5 marriage, close personal friend, ever have any
6 business, personal, professional dealings with
7 Mr. Robert Wright? If so, please stand.

8 [Whereupon, there is no response]

9 THE COURT: Thank you. There are none.

10 Any member of the jury panel related by blood,
11 marriage, close personal friend, ever have any
12 business, personal, professional dealings with
13 Mr. Bosnak or any of the persons employed in his
14 office? If so, please stand.

15 Yes, sir. Your jury number and name?

16 MR. CLEVELAND: 52. Lance Cleveland.

17 THE COURT: Yes, sir?

18 MR. CLEVELAND: And I used to have an office
19 right across from Mr. Bosnak for a few years and have
20 a good bit of interaction with him and his paralegal.

21 THE COURT: All right. Is there anything about
22 that relationship that would affect your ability to be
23 fair and impartial in this case?

24 MR. CLEVELAND: I think that it might, actually,
25 unfortunately.

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1 THE COURT: All right. And that is the purpose
2 of asking all these questions. If you feel that it
3 would affect your ability, that is the reason why we
4 ask these questions. You're juror 52; is that
5 correct?

6 MR. CLEVELAND: That's correct.

7 THE COURT: All right. I'm going to excuse you
8 from the trial of this case. You don't need to answer
9 any further questions, but I'm going to ask that you
10 stay with us. All right?

11 MR. CLEVELAND: Thank you.

12 THE COURT: Thank you.

13 Is there anyone else?

14 [Whereupon, there is no response]

15 THE COURT: Thank you. There are none.

16 Mr. Simpson, if you would please stand,
17 introduce yourself, any persons who may be assisting
18 you throughout this trial, and a little bit about your
19 office.

20 MR. SIMPSON: Thank you.

21 Good morning. My name is Chad Simpson, and I'm
22 presently working with Scarlett Wilson, and I am an
23 assistant solicitor here for the Ninth Judicial
24 Circuit in South Carolina. And the solicitor's office
25 is what is referred to in other states as maybe a

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1 state's attorney or a district attorney. We are the
2 prosecuting authority for the State of South Carolina.

3 Assisting me in this trial is another assistant
4 solicitor named Jessica Baldwin, seated here. In and
5 out periodically throughout the trial will also be my
6 investigator, a former law enforcement officer by the
7 name of Jeff Osborne. Also, frequently sitting with
8 us is Detective Barry Goldstein -- he'll also be a
9 witness -- of the Charleston Police Department.

10 THE COURT: Thank you.

11 Ladies and gentlemen, is there any member of the
12 jury panel related by blood, marriage, close personal
13 friend, ever have any business, personal, professional
14 dealings with Mr. Simpson? If so, please stand.

15 [Whereupon, there is no response]

16 THE COURT: Thank you. There are none.

17 Ladies and gentlemen, any member of the jury
18 panel related by blood, marriage, close personal
19 friend, with anyone that is currently employed with
20 the solicitor's office or has ever been employed with
21 the solicitor's office in the ninth circuit? And that
22 also includes Berkeley County. If so, please stand.

23 Yes, ma'am. Your jury number and name.

24 MS. SPRINGS: 262. Nancy Springs.

25 I'm distantly related to Scarlett Wilson.

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1 THE COURT: All right. And do you believe that
2 that relationship that you're related to Scarlett
3 Wilson would affect your ability to be fair and
4 impartial in this case?

5 MS. SPRINGS: I don't think it would, no.

6 THE COURT: All right. And, Ms. Springs, I do
7 that, as well. I oftentimes say I don't think so or I
8 believe so. We need a yes or a no. Is there --

9 MS. SPRINGS: Oh. No, I don't think it would
10 affect --

11 THE COURT: One more time, just for the record.
12 Is there anything about your relationship with
13 Scarlett Wilson that would affect your ability to be
14 fair and impartial in this case?

15 MS. SPRINGS: No, ma'am.

16 THE COURT: Thank you, Ms. Springs.

17 Is there anyone else?

18 [Whereupon, there is no response]

19 THE COURT: Thank you. There are none.

20 Ladies and gentlemen, I am now going to call a
21 list of potential witnesses who may be called to
22 testify in this case. If you are related by blood,
23 marriage, close personal friend, have any business,
24 personal, professional dealings with any of these
25 individuals, please stand when I call their name.

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1 Jacqui Jenkins, [REDACTED] Robert J. [REDACTED], Mary Jenkins, Tomeika
2 Jenkins, [REDACTED] Maurice D. [REDACTED], Detective Barry Goldstein,
3 Sargent Michael Niblock, Randy Unterbrink, J.C.
4 Miller, Mary K. Phillips, Nikki Perry, Cheri Brown,
5 Nicholas Batalis, Matthew Fitz, Mamie Scott, Betty
6 Scott, Anthony Garland, Angela Berry, Antoine
7 Williams, Marzette Waddy, Joe Williams, Dale Scott,
8 Deborah Webb, Trell Fields, Howard Evett, Michael
9 Washington, Virgil Washington, Cory Scott, James
10 Jenkins, Dan Scott, Anthony Simmons, Pershe Shellwise,
11 Crystal MacMillan, Leola Mettles, Donnell Wright,
12 Michelle Wright, Lucille Snipe, Samantha Smalls, Mary
13 Watson, Gloria Evans, Howard Averett, Barbara Jenkins,
14 Carlton Simmons, Mike Johnson.

15 Yes, ma'am. Your jury number and name?

16 MS. THOMPSON: Karen Thompson, 271.

17 My husband is a retired law enforcement with
18 Charleston Police Department, so there are some
19 witnesses on there that we know personally.

20 THE COURT: All right. And is there anything
21 about your relationship with those individuals that
22 would affect your ability to be fair and impartial in
23 this case?

24 MS. THOMPSON: No, ma'am.

25 THE COURT: Your jury number and name?

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1 MS. THOMPSON: 271. Karen Thompson.

2 THE COURT: Ms. Thompson, what was your -- what
3 is your husband's name?

4 MS. THOMPSON: George Thompson.

5 THE COURT: And he was with Charleston City?

6 MS. THOMPSON: Retired.

7 THE COURT: How long has he been retired?

8 MS. THOMPSON: About a year. He's now with the
9 Charleston County Aviation Authority Police
10 Department.

11 THE COURT: And you have listened to the list of
12 witnesses, Detective Barry Goldstein, Sargent Michael
13 Niblock, Randy Unterbrink, J.C. Miller, and Mary K.
14 Phillips, who are all with Charleston Police
15 Department. And you know which of those individuals?

16 MS. THOMPSON: Barry Goldstein, Niblock. My
17 husband knows them better than I do. Obviously, I've
18 seen him interact with them.

19 THE COURT: And, again, one final question.
20 Anything about your relationship, or seeing your
21 husband interact with those individuals, that would
22 affect your ability to be fair and impartial in this
23 case?

24 MS. THOMPSON: No, ma'am.

25 THE COURT: Thank you, Ms. Thompson.

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1 Is there anyone else? Yes, ma'am?

2 MS. RIGGS: My name is Lillie Riggs. Juror 212.

3 I am a property manager at a large apartment
4 complex in West Ashley. Some of those names are very
5 familiar. I don't know that they're the same people
6 that have rented from us before, but the names are
7 very familiar to me. I do not think that I would have
8 any problem serving on the jury, but I didn't want to
9 not let you know.

10 THE COURT: And that is, again, the purpose of
11 asking these questions. We would rather you stand up
12 and let us know that they may be, so that both the
13 State and the defendant have a juror -- understand the
14 juror's background and what they do or don't know.

15 And my question to you is is there anything
16 about you knowing perhaps that those are the
17 individuals that rented from you that would affect
18 your ability to be fair and impartial in this case?

19 MS. RIGGS: No, ma'am.

20 THE COURT: And you're juror 212?

21 MS. RIGGS: Yes, ma'am.

22 THE COURT: Thank you.

23 Is there anyone else?

24 [Whereupon, there is no response]

25 THE COURT: Thank you. There are none.

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1 Ladies and gentlemen, is there any member of the
2 jury panel that is employed by, currently or
3 previously employed by, or a member of your immediate
4 family employed currently or previously with
5 Charleston Police Department, State Law Enforcement
6 Division, otherwise known as SLED, or with MUSC? If
7 so, please stand. SLED, Charleston Police Department,
8 or MUSC, either currently, previously, or an immediate
9 member of the family?

10 We'll start over here with you, ma'am.

11 MS. SIMMONS: Rosiland Simmons. 246. My
12 cousin, Antoine --

13 THE COURT: All right. And where is your --
14 where is your cousin employed?

15 MS. SIMMONS: With the Charleston police.

16 THE COURT: And what does your cousin do?

17 MS. SIMMONS: I don't know. I just see him
18 drive a car.

19 THE COURT: He drives a police car? A black-
20 and-white?

21 MS. SIMMONS: Yeah, he drives a black-and-white.

22 THE COURT: All right. Is there anything about
23 your cousin being employed with the Charleston Police
24 Department that would affect your ability to be fair
25 and impartial in this case?

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1 MS. SIMMONS: No, ma'am.

2 THE COURT: How often do you see your cousin?

3 MS. SIMMONS: Not that often.

4 THE COURT: All right. Thank you.

5 Yes, ma'am?

6 MS. ACKERMAN: I'm Carrie Ackerman, juror
7 number 1.

8 My husband is in medical sales and he is at
9 MUSC.

10 THE COURT: Is he employed --

11 MS. ACKERMAN: He's not employed by them but he
12 works in the hospital. He's an employee of the
13 hospital.

14 THE COURT: Anything about that employment that
15 would affect your ability to be fair and impartial in
16 this case?

17 MS. ACKERMAN: No.

18 THE COURT: And you're juror number 1; is that
19 correct?

20 MS. ACKERMAN: Correct.

21 THE COURT: Thank you.

22 Yes, ma'am? I'm sorry. Yes, sir?

23 MR. TAYLOR: Christian Taylor. I'm employed at
24 MUSC.

25 THE COURT: What do you do at MUSC?

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1 MR. TAYLOR: Patient care. And my father was a
2 city police officer.

3 THE COURT: And is he currently a city police
4 officer?

5 MR. TAYLOR: No. He retired.

6 THE COURT: What was his name, sir?

7 MR. TAYLOR: Donald Taylor.

8 THE COURT: And how long has he been retired?

9 MR. TAYLOR: Five or six years.

10 THE COURT: And do you know Dr. Batalis at MUSC?

11 MR. TAYLOR: Of him.

12 THE COURT: All right. Is there anything about
13 what you have shared with us about your employment at
14 MUSC and your father being retired from Charleston
15 Police Department that would affect your ability to be
16 fair and impartial in this case?

17 MR. TAYLOR: Yes.

18 THE COURT: You believe so, sir?

19 MR. TAYLOR: Yes.

20 THE COURT: All right. And I'm going to excuse
21 you from the trial of this case. You don't need to
22 answer any further questions. What's your jury number
23 and name for the record?

24 MR. TAYLOR: I forgot.

25 THE COURT: You forgot your name?

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1 MR. TAYLOR: No. Jury number.

2 THE COURT: All right. What's your name, sir?

3 MR. TAYLOR: Christian Taylor.

4 THE COURT: All right, Mr. Taylor.

5 THE CLERK OF COURT: Juror number 268.

6 THE COURT: 268 is excused from the trial of
7 this case.

8 Mr. Taylor, you do not need to answer any
9 further questions. Thank you.

10 Yes, ma'am?

11 MS. GAILLARD: Delphine Gaillard, 93.

12 My daughter is employed at MUSC and I used to be
13 employed at MUSC.

14 THE COURT: Is there anything about your
15 daughter being employed at MUSC and your former
16 employment at MUSC that would affect your ability to
17 be fair and impartial in this case?

18 MS. GAILLARD: Yes.

19 THE COURT: And what would that be, ma'am? What
20 did you do at MUSC? Do you know Dr. Batalis?

21 MS. GAILLARD: No.

22 THE COURT: All right. You come see me at the
23 end. All right? What's your jury number?

24 MS. GAILLARD: 93.

25 THE COURT: All right. Thank you.

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1 Yes, ma'am?

2 MS. ROLLINGS: Wendy Rollings, juror 223.

3 My dad currently works in environmental services
4 at MUSC. I was a pharmacy student there. I do not
5 know that physician. I don't feel I would have any --
6 I do not think that I will --

7 THE COURT: Thank you. Your juror number and
8 name, just for the record.

9 MS. ROLLINGS: 223. Wendy Rollings.

10 THE COURT: Thank you.

11 Yes, sir?

12 MR. SILVER: I'm Steve Silver, juror number 243.

13 I teach at the Citadel and we have a number of
14 students that eventually go into the Charleston County
15 Police or Charleston City or Charleston County, or
16 whatever. Go into the police. And I don't know for a
17 fact that anybody would be --

18 THE COURT: And what do you teach at the
19 Citadel, sir?

20 MR. SILVER: I teach business administration. I
21 don't teach criminal justice, so I don't have that
22 many. But I have several that do. I also teach at
23 Webster and some of the names may be some of my
24 students or former students, some of the witnesses.
25 But I -- quite honestly, I can't say that they were.

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1 Some of the names are pretty common and they may or
2 may not have been --

3 THE COURT: But none of the names ring a bell
4 with you as anyone that would --

5 MR. SILVER: No. I --

6 THE COURT: Hold on one second. Let me get my
7 question out --

8 -- that would affect your ability to be fair and
9 impartial in this case?

10 MR. SILVER: None of the names that I know for a
11 fact are those. But even if they were, it would not
12 affect it.

13 THE COURT: All right. Thank you. Your jury
14 number and name, just for the record.

15 MR. SILVER: Silver. 243.

16 THE COURT: Thank you, sir.

17 Yes, ma'am?

18 MS. LEWIS: Good morning. My name is Pamela
19 Lewis and my juror number is 145.

20 I have a cousin, he's a detective in narcotics
21 here in Charleston County.

22 THE COURT: And what is his name?

23 MS. LEWIS: Eric Watson.

24 THE COURT: And is there anything about that
25 that would affect your ability to be fair and

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1 impartial in this case?

2 MS. LEWIS: No, ma'am.

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

4 Ms. Thompson?

5 MS. THOMPSON: 271.

6 Husband, retired Charleston Police Department.

7 THE COURT: All right. Thank you, Ms. Thompson.

8 Yes, ma'am?

9 MS. SPRINGS: Nancy Springs, 262.

10 I'm currently employed at MUSC. My brother-in-
11 law is a cardiac-thoracic surgeon at MUSC --

12 THE COURT: All right. And do you know Dr.
13 Batalis?

14 MS. SPRINGS: I know him only in name. I don't
15 know him personally.

16 THE COURT: Is there anything about you knowing
17 Dr. Batalis that would affect your ability to be fair
18 and impartial in this case?

19 MS. SPRINGS: No, ma'am.

20 THE COURT: Thank you.

21 And, finally, yes, ma'am?

22 MS. COLLINS: Good morning, Judge. I'm Esther
23 Collins and my number is 53.

24 I was employed at MUSC. I met Dr. Batalis. And
25 my husband is an ex-cop on the Charleston City.

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1 THE COURT: How long -- did he retire from
2 there?

3 MS. COLLINS: No. He left.

4 THE COURT: All right. How long has he been
5 gone?

6 MS. COLLINS: Oh, Lord. It's been a long time.

7 THE COURT: More than five, less than five?

8 MS. COLLINS: More than five.

9 THE COURT: All right. And what was his name?

10 MS. COLLINS: Joe Collins.

11 THE COURT: All right. Anything about your
12 husband's former employment that would affect your
13 ability to be fair and impartial in this case?

14 MS. COLLINS: No, ma'am.

15 THE COURT: All right. Thank you, Ms. Collins.
16 Is there anyone else?

17 [Whereupon, there is no response]

18 THE COURT: Thank you. There are none.

19 Ladies and gentlemen, is there any member of the
20 jury panel that has ever worked for any federal,
21 state, or local law enforcement agency other than the
22 City of Charleston? If you previously stood up and
23 told me that your husband or cousin or brother worked
24 in law enforcement, you don't need to answer this one.
25 But for any federal, state, local law enforcement, if

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1 you've ever been employed as a law enforcement agent
2 in any capacity in any of those, such as the Secret
3 Service, FBI, CIA, anything of that nature, please
4 stand.

5 [Whereupon, there is no response]

6 THE COURT: Thank you. There are none.

7 Is there any member of the jury panel that's
8 ever taken any courses or attended any seminars or has
9 any specialized training in confessions,
10 constitutional or criminal law, criminology, domestic
11 violence, any law enforcement courses, psychology,
12 relationships, or suicide? If so, please stand.

13 All right. We'll start here. Yes, ma'am?

14 MS. JAROMIN: Michelle Jaromin, juror number
15 125. I'm a paralegal. When I went to school for
16 that, it included some basic covering of some of those
17 topics such as criminal law, constitutional law, and
18 things like that, but nothing specialized.

19 THE COURT: All right. Tell me where -- are you
20 currently employed as a paralegal?

21 MS. JAROMIN: Yes, ma'am. I'm employed at
22 Motley Rice.

23 THE COURT: All right. And your jury number and
24 name?

25 MS. JAROMIN: 125. Michelle Jaromin.

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1 THE COURT: All right. Thank you.

2 We'll go back over here, sir.

3 MR. SAWYER: Mark Sawyer, number 232.

4 THE COURT: Yes, sir?.

5 MR. SAWYER: Yeah. I worked for the State
6 Department in Hong Kong. I worked for the regional
7 security officer, who's a federal law enforcement
8 officer, as the surveillance detection coordinator in
9 Hong Kong. Also, I work now with the Charleston
10 passport center as a passport adjudicator, and a lot
11 of that's involved with law enforcement checks. Also,
12 we have two diplomatic security agents that work there
13 that pursue passport fraud cases. So I've been quite
14 involved with law enforcement in the past.

15 THE COURT: All right. Thank you, Mr. Sawyer.

16 MR. BOSNAK: What was his number again, Your
17 Honor?

18 THE COURT: Mr. Sawyer, what's your number?

19 MR. SAWYER: 232.

20 THE COURT: 232.

21 Yes, sir?

22 MR. KIRKBRIDE: My name is Steven Kirkbride,
23 juror 137.

24 I studied criminal justice at school, ECPI
25 School of Technology, for over a year and a half in

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1 the state of Virginia and for about two months down
2 here. I am no longer attending that school. I'm
3 actually trying to get in school for EMT right now.

4 THE COURT: And are you currently employed?

5 MR. KIRKBRIDE: No, ma'am.

6 THE COURT: Tell me your jury number and name.

7 MR. KIRKBRIDE: 137. Steve Kirkbride.

8 THE COURT: All right. Thank you.

9 MS. REGISTER: 207. Wendy Register.

10 I was never involved with law enforcement. But
11 when you went through the classes of training: I was
12 retired air force and I've had several classes in
13 suicide prevention and suicide training.

14 THE COURT: And your juror number, Ms. Register?

15 MS. REGISTER: 207.

16 THE COURT: Thank you.

17 All right.

18 MS. BUFF: Juror 39. Gena Buff. Took courses
19 in criminal justice a long time ago.

20 THE COURT: And what do you do now?

21 MS. BUFF: I'm an innkeeper.

22 THE COURT: All right. Thank you, Ms. Buff.

23 Yes, ma'am?

24 MS. GAFFORD: Jo Gafford, number 92.

25 I am a certified internal auditor and anti-

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1 money-laundering officer at a local bank and I deal
2 with law enforcement, as DEA and I and us are on speed
3 dial. But I've taken many courses in psychology and
4 in investigation techniques and interrogations. I've
5 taken FBI courses, all types of criminal investigation
6 type courses.

7 THE COURT: All right. Your juror number and
8 name?

9 MS. GAFFORD: Jo Gafford, number 92.

10 THE COURT: Thank you.

11 Yes, sir?

12 MR. SMITH: Stephen Smith, 258.

13 Some basic law classes in grad school. And I
14 don't know if it matters or not, but my father is a
15 medical examiner in the state of Tennessee.

16 THE COURT: All right. And anything about your
17 father's employment that would affect your ability to
18 be fair and impartial in this case?

19 MR. SMITH: No.

20 THE COURT: All right. Thank you, Mr. Smith.

21 Yes, sir? Yes, ma'am. I'm sorry.

22 MS. HAWKINS: I'm Carol Hawkins, number 112.

23 I'm a retired attorney so -- I'm a graduate of
24 the University of South Carolina School of Law and so
25 I took quite a few courses.

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1 THE COURT: Anything about that training that
2 would affect your ability to be fair and impartial in
3 this case, Ms. Hawkins?

4 MS. HAWKINS: No.

5 THE COURT: All right. Thank you.

6 Yes, ma'am?

7 MS. SINACOREJABERG: Janie Sinacorejaberg, juror
8 number 247.

9 I'm a licensed registered nurse, so I took a lot
10 of psychology courses, sociology, but that was a long
11 time ago.

12 THE COURT: And where are you currently
13 employed?

14 MS. SINACOREJABERG: I am not currently
15 employed.

16 THE COURT: Your juror number and name?

17 MS. SINACOREJABERG: Janie Sinacorejaberg, 247.

18 THE COURT: Thank you.

19 Is there anyone else?

20 [Whereupon, there is no response]

21 THE COURT: Thank you. There are none.

22 Ladies and gentlemen, I now have a series of
23 questions that I have determined that you will need --
24 if you have to respond to these questions, that it
25 would be more appropriate for you to speak with me

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1 concerning your answers in private. Ladies and
2 gentlemen, please listen very carefully. I have about
3 five questions I need to ask you.

4 Ladies and gentlemen, have you or any of your
5 family members, immediate family members, ever had any
6 criminal charges adjudicated by the solicitor's
7 office?

8 Do you have a family member or a close friend
9 who is currently incarcerated with the department of
10 corrections here in South Carolina or in another
11 state?

12 Have you or a member of your immediate family
13 ever been accused of a violent crime?

14 Have you or a member of your immediate family
15 ever been the victim of a violent crime?

16 And, ladies and gentlemen, anyone that has ever
17 been arrested, indicted, or convicted of any criminal
18 offense, I will need to see you.

19 And if you have ever known anyone that has been
20 murdered, I would need to see you, as well.

21 Ladies and gentlemen, this would also -- if
22 y'all would just have a seat for just a few moments.

23 Ladies and gentlemen, this is also the
24 appropriate time for you to, if you just need to speak
25 with me concerning any matter that perhaps you feel

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1 that based upon the charge that I read or some of the
2 questions that I asked, or for any reason that you
3 feel that you cannot listen to the facts from the
4 witness stand, apply the law as I give it to you, and
5 render a fair and just verdict based upon those
6 things, for whatever religious, personal or moral
7 beliefs that you may have, now would also be the time
8 to come forward and speak with me.

9 Ladies and gentlemen, I have been assured -- I
10 know that we are coming up on a long holiday weekend.
11 We will not be going past Friday and hopefully we'll
12 be done before Friday afternoon.

13 Ladies and gentlemen, if there's any conflict
14 that has arisen -- perhaps your family members have
15 called from out of state, decided that they were going
16 to come visit you in this lovely city that we live in
17 for the holiday weekend and you need to get that
18 ready, or for whatever reason you need to speak with
19 me that this is not the week for you to serve, or for
20 whatever reason, please -- please go over the rest of
21 your calendar. Today is Tuesday. We will be working
22 Wednesday, Thursday, and so we will need you to remain
23 for the remainder of the week. But I assure you we
24 will not go past Friday.

25 So for whatever reason, if you need to speak

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1 with me, if you will please move to the center aisle
2 and the bailiffs will assist you.

3 THE BAILIFF: Number 39.

4 [Whereupon, the Court and counsel confer]

5 [Whereupon, juror number 39 comes forward]

6 THE COURT: Yes, ma'am?

7 [Whereupon, the Court, juror number 39, counsel,
8 and the court reporter confer]

9 THE COURT: Juror 39 will remain. Thank you.

10 THE BAILIFF: Number 243.

11 [Whereupon, juror number 243 comes forward]

12 THE COURT: Hold on one second. We need to make
13 sure that everybody hears. If you would step back
14 just a --

15 Yes, sir?

16 [Whereupon, the Court, juror number 243,
17 counsel, and the court reporter confer]

18 THE COURT: 243 will remain.

19 THE BAILIFF: 145.

20 [Whereupon, juror number 145 comes forward]

21 [Whereupon, the Court, juror number 145,
22 counsel, and the court reporter confer]

23 THE COURT: 145 will remain.

24 THE BAILIFF: 104.

25 [Whereupon, juror number 104 comes forward]

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1 [Whereupon, the Court, juror number 104,
2 counsel, and the court reporter confer]

3 THE COURT: He's excused. He's excused. 104.

4 THE BAILIFF: Juror number 1.

5 THE COURT: 104 is excused.

6 [Whereupon, juror number 1 comes forward]

7 [Whereupon, the Court, juror number 1, counsel,
8 and the court reporter confer]

9 THE COURT: Juror number 1 is excused from the
10 trial of this case.

11 THE BAILIFF: Number 125.

12 [Whereupon, juror number 125 comes forward]

13 [Whereupon, the Court, juror number 125,
14 counsel, and the court reporter confer]

15 THE COURT: 125 is excused from the trial of
16 this case. Thank you.

17 THE BAILIFF: Number 77.

18 [Whereupon, juror number 77 comes forward]

19 [Whereupon, the Court, juror number 77, counsel,
20 and the court reporter confer]

21 THE COURT: Juror 77 will remain.

22 THE BAILIFF: Number 64.

23 [Whereupon, juror number 64 comes forward]

24 [Whereupon, the Court, juror number 64, counsel,
25 and the court reporter confer]

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1 THE COURT: Juror 64 will remain.

2 THE BAILIFF: Number 137.

3 [Whereupon, juror number 137 comes forward]

4 [Whereupon, the Court, juror number 137,

5 counsel, and the court reporter confer]

6 THE COURT: 137 will remain. Thank you, sir.

7 THE BAILIFF: Number 65.

8 [Whereupon, juror number 65 comes forward]

9 [Whereupon, the Court, juror number 65, counsel,
10 and the court reporter confer]

11 THE COURT: 65 is excused from the trial of this
12 case.

13 THE BAILIFF: Number 247.

14 [Whereupon, juror number 247 comes forward]

15 [Whereupon, the Court, juror number 247,
16 counsel, and the court reporter confer]

17 THE COURT: 247 will remain. Thank you.

18 THE BAILIFF: Number 190.

19 [Whereupon, juror number 190 comes forward]

20 [Whereupon, the Court, juror number 190,
21 counsel, and the court reporter confer]

22 THE COURT: 190 will remain. Thank you, sir.

23 THE BAILIFF: 184.

24 [Whereupon, juror number 184 comes forward]

25 [Whereupon, the Court, juror number 184,

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1 counsel, and the court reporter confer]

2 THE COURT: 184 will remain. Thank you.

3 THE BAILIFF: Number 215.

4 [Whereupon, juror number 215 comes forward]

5 [Whereupon, the Court, juror number 215,

6 counsel, and the court reporter confer]

7 THE COURT: 215 will remain.

8 THE BAILIFF: 178.

9 [Whereupon, juror number 178 comes forward]

10 [Whereupon, the Court, juror number 178,

11 counsel, and the court reporter confer]

12 THE COURT: 178 will remain.

13 THE BAILIFF: 295.

14 [Whereupon, juror number 295 comes forward]

15 [Whereupon, the Court, juror number 295,

16 counsel, and the court reporter confer]

17 THE COURT: She will remain.

18 THE BAILIFF: Number 140.

19 [Whereupon, juror number 140 comes forward]

20 [Whereupon, the Court, juror number 140,

21 counsel, and the court reporter confer]

22 THE COURT: 140 will remain.

23 THE BAILIFF: Number 92.

24 [Whereupon, juror number 92 comes forward]

25 [Whereupon, the Court, juror number 92, counsel,

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1 and the court reporter confer]

2 THE COURT: 92 will remain. Thank you, ma'am.

3 THE BAILIFF: Number 67.

4 [Whereupon, juror number 67 comes forward]

5 [Whereupon, the Court, juror number 67, counsel,
6 and the court reporter confer]

7 THE COURT: 67 will remain.

8 THE BAILIFF: 207.

9 [Whereupon, juror number 207 comes forward]

10 [Whereupon, the Court, juror number 207,
11 counsel, and the court reporter confer]

12 THE COURT: 207 will remain. Thank you.

13 THE BAILIFF: 232

14 [Whereupon, juror number 232 comes forward]

15 [Whereupon, the Court, juror number 232,
16 counsel, and the court reporter confer]

17 THE BAILIFF: Number 102

18 [Whereupon, juror number 102 comes forward]

19 [Whereupon, the Court, juror number 102,
20 counsel, and the court reporter confer]

21 THE COURT: Juror 102 will remain.

22 [Whereupon, the Court and counsel confer]

23 THE COURT: Ladies and gentlemen, is there
24 anyone else for whatever reason you feel that you
25 cannot serve on this case?

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1 [Whereupon, there is no response]

2 THE COURT: Thank you very much.

3 Juror 93? Juror 93? Ms. Gaillard? Ms.

4 Gaillard?

5 [Whereupon, juror number 93 comes forward]

6 [Whereupon, the Court, juror number 93, counsel,
7 and the court reporter confer]

8 THE COURT: She will remain. Thank you.

9 [Off the record momentarily]

10 THE COURT: All right, Madam Clerk.

11 Ladies and gentlemen, we are printing out a
12 list. Based upon the questions that you have
13 answered, some of you could not be here with us on
14 Friday or were unable to -- for whatever reason did
15 not feel that this was the case that you could be a
16 fair and impartial juror. So we are collating the
17 list and at that time then we will begin the selection
18 process for this case.

19 Ladies and gentlemen, you may talk quietly
20 amongst yourselves and we will begin the jury-
21 selection process in just a few moments.

22 [Off the record momentarily]

23 - - -

24 - - -

25 - - -

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STRIKING OF THE JURY

THE COURT: Ladies and gentlemen, we'll now begin the selection process. Please pay close attention.

Madam Clerk?

THE CLERK OF COURT: Thank you, Your Honor.

Ladies and gentlemen, if I call your name and juror number, if you will please come forward and stand here in front of the podium and face the parties.

Strikes are five and ten.

Juror number 190, Charles Parish.

[Whereupon, Mr. Parish comes forward]

THE CLERK OF COURT: What say ye for the State?

MR. BOSNAK: Please excuse the juror.

THE COURT: For the State, Mr. Bosnak.

MR. BOSNAK: Oh. I apologize.

THE COURT: That's okay.

MR. SIMPSON: Please present the juror.

MR. BOSNAK: Please excuse the juror.

THE CLERK OF COURT: Thank you.

Sir, you may be seated.

[Whereupon, Mr. Parish is excused from the trial of this case]

THE CLERK OF COURT: Juror number 243, Stephen

MIA PERRON, CVR-CM-M

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1 Silver.

2 [Whereupon, Mr. Silver comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MR. SIMPSON: Please present this juror.

5 THE CLERK OF COURT: Thank you.

6 MR. BOSNAK: Please seat the juror.

7 THE CLERK OF COURT: Thank you.

8 Sir, if you'll be seated in the jury box.

9 You've been selected for the trial of this case.

10 [Whereupon, Mr. Silver is seated in the jury box
11 as a juror]

12 THE CLERK OF COURT: Juror number 112, Carol
13 Hawkins.

14 [Whereupon, Ms. Hawkins comes forward]

15 THE CLERK OF COURT: What say ye for the State?

16 MR. SIMPSON: Please present this juror.

17 THE CLERK OF COURT: What say ye for the
18 defense?

19 MR. BOSNAK: Please excuse the juror.

20 THE CLERK OF COURT: Thank you, ma'am. You may
21 be seated.

22 [Whereupon, Ms. Hawkins is excused from the
23 trial of this case]

24 THE CLERK OF COURT: Juror number 161, Devin
25 McCurdy.

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1 [Whereupon, Mr. McCurdy comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MR. SIMPSON: Please present this juror.

4 THE CLERK OF COURT: What say ye for the
5 defense?

6 MR. BOSNAK: Please seat the juror.

7 THE CLERK OF COURT: Thank you, sir. You may
8 have a seat in the jury box. You've been selected for
9 the trial of this case.

10 [Whereupon, Mr. McCurdy is seated in the jury
11 box as a juror]

12 THE CLERK OF COURT: Juror number 102, Sheila
13 Green.

14 [Whereupon, Ms. Green comes forward]

15 THE CLERK OF COURT: What say ye for the State?

16 MR. SIMPSON: Please present this juror.

17 THE CLERK OF COURT: Thank you.

18 What say ye for the defense?

19 MR. BOSNAK: Please seat the juror.

20 THE CLERK OF COURT: Ma'am, please have a seat
21 in the jury box. You've been selected for the trial
22 of this case.

23 [Whereupon, Ms. Green is seated in the jury box
24 as a juror]

25 THE CLERK OF COURT: Juror number 215, Leeandra

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1 Roberts.

2 [Whereupon, Ms. Roberts comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MR. SIMPSON: Please excuse this juror.

5 THE CLERK OF COURT: Ma'am, you may have a seat
6 back in the audience.

7 [Whereupon, Ms. Roberts is excused from the
8 trial of this case]

9 THE CLERK OF COURT: Juror number 118, Precious
10 Hilton.

11 [Whereupon, Ms. Hilton comes forward]

12 THE CLERK OF COURT: What say ye for the state?

13 MR. SIMPSON: Please excuse this juror.

14 THE CLERK OF COURT: Thank you, ma'am. You may
15 have a seat back in the audience.

16 [Whereupon, Ms. Hilton is excused from the trial
17 of this case]

18 THE CLERK OF COURT: Juror number 178, John
19 Moore.

20 [Whereupon, Mr. Moore comes forward]

21 THE CLERK OF COURT: What say ye for the State?

22 MR. SIMPSON: Please present this juror.

23 THE CLERK OF COURT: What say ye for the
24 defendant?

25 MR. BOSNAK: Please excuse the juror.

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1 THE CLERK OF COURT: Sir, you may have a seat
2 back in the audience.

3 [Whereupon, Mr. Moore is excused from the trial
4 of this case]

5 THE CLERK OF COURT: Juror number 274, Clarence
6 Townsend.

7 [Whereupon, Mr. Townsend comes forward]

8 THE CLERK OF COURT: What say ye for the State?

9 MR. SIMPSON: Please excuse this juror.

10 THE CLERK OF COURT: Sir, you may have a seat
11 back in the audience.

12 [Whereupon, Mr. Townsend is excused from the
13 trial of this case]

14 THE CLERK OF COURT: Juror number 16, Nancy
15 Beatty.

16 [Whereupon, Ms. Beatty comes forward]

17 THE CLERK OF COURT: What say ye for the State?

18 MR. SIMPSON: Please present this juror.

19 THE CLERK OF COURT: What say ye for the
20 defendant?

21 MR. BOSNAK: Please seat the juror.

22 THE CLERK OF COURT: Ma'am, please be seated in
23 the jury box. You've been selected for the trial of
24 this case.

25 [Whereupon, Ms. Beatty is seated in the jury box

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1 as a juror]

2 THE CLERK OF COURT: Juror number 103, Jessie
3 Gregory.

4 [Whereupon, Mr. Gregory comes forward]

5 THE CLERK OF COURT: What say ye for the State?

6 MR. SIMPSON: Please present this juror.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MR. BOSNAK: Please seat the juror.

10 THE CLERK OF COURT: Sir, if you'll have a seat
11 in the jury box. You've been selected for the trial
12 of this case.

13 [Whereupon, Mr. Gregory is seated in the jury
14 box as a juror]

15 THE CLERK OF COURT: Juror number 233, Lawrence
16 Schatz.

17 [Whereupon, Mr. Schatz comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MR. SIMPSON: Please present this juror.

20 THE CLERK OF COURT: What say ye for the
21 defendant?

22 MR. BOSNAK: Please seat the juror.

23 THE CLERK OF COURT: Sir, please have a seat in
24 the jury box. You've been selected for the trial of
25 this case.

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1 [Whereupon, Mr. Schatz is seated in the jury box
2 as a juror]

3 THE CLERK OF COURT: Juror number 258, Stephen
4 Smith.

5 [Whereupon, Mr. Smith comes forward]

6 THE CLERK OF COURT: What say ye for the State?

7 MR. SIMPSON: Please present this juror.

8 THE CLERK OF COURT: What say ye for the
9 defendant?

10 MR. BOSNAK: Please excuse the juror.

11 THE CLERK OF COURT: Sir, you may have a seat
12 back in the audience.

13 [Whereupon, Mr. Smith is excused from the trial
14 of this case]

15 THE CLERK OF COURT: Juror number 295, Kristina
16 Wright.

17 [Whereupon, Ms. Wright comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MR. SIMPSON: Please present this juror.

20 THE CLERK OF COURT: What say ye for the
21 defendant?

22 MR. BOSNAK: Please seat the juror.

23 THE CLERK OF COURT: Ma'am, please have a seat
24 in the jury box. You've been selected for the trial
25 of this case.

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1 [Whereupon, Ms. Wright is seated in the jury box
2 as a juror]

3 THE CLERK OF COURT: Juror number 184, Alice
4 Myers.

5 [Whereupon, Ms. Myers comes forward]

6 THE CLERK OF COURT: What say ye for the State?

7 MR. SIMPSON: Please present this juror.

8 THE CLERK OF COURT: What say ye for the
9 defendant?

10 MR. BOSNAK: Please seat the juror.

11 THE CLERK OF COURT: Ma'am, please have a seat
12 in the jury box. You've been selected for the trial
13 of this case.

14 [Whereupon, Ms. Myers is seated in the jury box
15 as a juror]

16 THE CLERK OF COURT: Juror number 46, Sandra
17 Chestnut.

18 [Whereupon, Ms. Chestnut comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MR. SIMPSON: Please present this juror.

21 THE CLERK OF COURT: What say ye for the
22 defendant?

23 MR. BOSNAK: Court's indulgence.

24 THE COURT: Yes, sir.

25 MR. BOSNAK: Please seat the juror.

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1 THE CLERK OF COURT: Ma'am, please have a seat
2 in the jury box. You've been selected for the trial
3 of this case.

4 [Whereupon, Ms. Chestnut is seated in the jury
5 box as a juror]

6 THE CLERK OF COURT: Juror number 67, Christina
7 Dodd.

8 [Whereupon, Ms. Dodd comes forward]

9 THE CLERK OF COURT: what say ye for the State?

10 MR. SIMPSON: Please present this juror.

11 THE CLERK OF COURT: What say ye for the
12 defendant?

13 MR. BOSNAK: Please seat the juror.

14 THE CLERK OF COURT: Ma'am, please have a seat
15 in the jury box. You've been selected for the trial
16 of this case.

17 [Whereupon, Ms. Dodd is seated in the jury box
18 as a juror]

19 THE CLERK OF COURT: Juror number 53, Esther
20 Collins.

21 [Whereupon, Ms. Collins comes forward]

22 THE CLERK OF COURT: What say ye for the State?

23 MR. SIMPSON: Please excuse this juror.

24 THE CLERK OF COURT: Ma'am, you may have a seat
25 back in the audience.

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1 [Whereupon, Ms. Collins is excused from the
2 trial of this case]

3 THE CLERK OF COURT: Juror number 21, Carol
4 Beyer.

5 [Whereupon, Ms. Beyer comes forward]

6 THE CLERK OF COURT: What say ye for the State?

7 MR. SIMPSON: Please present this juror.

8 THE CLERK OF COURT: What say ye for the
9 defendant?

10 MR. BOSNAK: Please excuse this juror.

11 [Whereupon, Ms. Beyer is excused from the trial
12 of this case]

13 THE COURT: The State has four. The defendant
14 has five.

15 THE CLERK OF COURT: Juror number 87, Jason
16 Fossi.

17 [Whereupon, Mr. Fossi comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MR. SIMPSON: Please present this juror.

20 THE CLERK OF COURT: What say ye for the
21 defendant?

22 MR. BOSNAK: Excuse the juror.

23 THE CLERK OF COURT: You may have a seat back in
24 the audience.

25 [Whereupon, Mr. Fossi is excused from the trial

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1 of this case]

2 THE CLERK OF COURT: Juror number 64, Shani
3 Diggs.

4 [Whereupon, Ms. Diggs comes forward]

5 THE CLERK OF COURT: What say ye for the State?

6 MR. SIMPSON: Please present this juror.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MR. BOSNAK: Excuse the juror, please.

10 THE CLERK OF COURT: Ma'am, please have a seat
11 back in the audience.

12 [Whereupon, Ms. Diggs is excused from the trial
13 of this case]

14 THE CLERK OF COURT: Juror number 117, Constance
15 Hilliard.

16 [Whereupon, Ms. Gilliard comes forward]

17 THE CLERK OF COURT: What say ye for the State?

18 MR. SIMPSON: Court's indulgence.

19 THE COURT: Yes, sir.

20 [Whereupon, Mr. Simpson and Ms. Baldwin confer]

21 MR. SIMPSON: Please present this juror.

22 THE CLERK OF COURT: What say ye for the
23 defendant?

24 MR. BOSNAK: Excuse the juror.

25 THE CLERK OF COURT: Ma'am, you may be seated.

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1 [Whereupon, Ms. Gilliard is excused from the
2 trial of this case]

3 THE CLERK OF COURT: Juror number 247, Janie
4 Sinacorejaberg.

5 [Whereupon, Ms. Sinacorejaberg comes forward]

6 THE CLERK OF COURT: What say ye for the State?

7 MR. SIMPSON: Please present this juror.

8 THE CLERK OF COURT: What say ye for the
9 defendant?

10 MR. BOSNAK: Please seat the juror.

11 THE CLERK OF COURT: Ma'am, please be seated in
12 the jury box. You've been selected for the trial of
13 this case.

14 [Whereupon, Ms. Sinacorejaberg is seated in the
15 jury box as a juror]

16 THE CLERK OF COURT: Juror number 145, Pamela
17 Lewis.

18 [Whereupon, Ms. Lewis comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MR. SIMPSON: Please excuse this juror.

21 THE CLERK OF COURT: Thank you, ma'am. You may
22 have a seat.

23 THE COURT: The State has five strikes.

24 [Whereupon, Ms. Lewis is excused from the trial
25 of this case]

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1 THE CLERK OF COURT: Juror number 92, Jo
2 Gafford.

3 [Whereupon, Ms. Gafford comes forward]

4 THE CLERK OF COURT: Any challenge from the
5 State?

6 MR. SIMPSON: No challenge from the State.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MR. BOSNAK: Excuse the juror.

10 THE CLERK OF COURT: Ma'am, you may be seated.

11 [Whereupon, Ms. Gafford is excused from the
12 trial of this case]

13 THE COURT: The defendant has nine strikes.

14 THE CLERK OF COURT: Juror number 232, Mark
15 Sawyer.

16 [Whereupon, Mr. Sawyer comes forward]

17 THE COURT: Hold on one second. Hold on one
18 second.

19 Madam Clerk, I show that 25. It's not 232.

20 [Whereupon, the Court and the clerk of court
21 confer]

22 THE COURT: Mr. Sawyer, you're protected for
23 Friday; is that correct?

24 MR. SAWYER: Yes. Yes.

25 THE COURT: You need to leave Friday?

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1 MR. SAWYER: Yeah. I'm transferring overseas.

2 THE COURT: Mr. Sawyer, could you just approach
3 for just a few moments?

4 [Whereupon, the Court and Mr. Sawyer, and the
5 court reporter confer]

6 THE COURT: We're going to keep Mr. Sawyer, as
7 long as we're done by noon. All right. He can stay
8 with us.

9 THE CLERK OF COURT: Any challenge from the
10 State?

11 MR. SIMPSON: None from the State.

12 MR. BOSNAK: The Court's indulgence.

13 THE COURT: Yes, sir.

14 Sorry for the confusion, Mr. Sawyer.

15 [Whereupon, Mr. Bosnak reviews documents]

16 MR. BOSNAK: Please seat the juror.

17 THE CLERK OF COURT: Sir, you may be seated in
18 the jury box. You've been selected for the trial of
19 this case.

20 [Whereupon, Mr. Sawyer is seated in the jury box
21 as a juror]

22 THE CLERK OF COURT: Now striking for an
23 alternate. Strikes are one and two.

24 Juror number 120, Betty Hood.

25 [Whereupon, Ms. Hood comes forward]

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1 THE CLERK OF COURT: What say ye for the State?

2 MR. SIMPSON: Please present this juror.

3 THE CLERK OF COURT: What say ye for the
4 defendant?

5 MR. BOSNAK: Please seat the juror.

6 THE CLERK OF COURT: Ma'am, please be seated in
7 the jury box. You've been selected for the trial of
8 this case.

9 [Whereupon, Ms. Hood is seated in the jury box
10 as an alternate juror]

11 THE COURT: Any motions or matters pertaining to
12 the jury as selected? From the State?

13 MR. SIMPSON: None from the State, Your Honor.

14 THE COURT: From the defendant?

15 MR. BOSNAK: None from the defense.

16 THE COURT: Ladies and gentlemen, you have been
17 selected as the jury in this case. Please be escorted
18 to your jury deliberation room. We will receive you
19 back in the courtroom in just a few moments.

20 Please rise for the jury.

21 [Whereupon, the jury exits the courtroom at
22 11:08 a.m.]

23 THE COURT: Please be seated.

24 Outside the presence of the jury, any motions or
25 matters pertaining to the jury as selected?

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1 MR. SIMPSON: No, Your Honor.

2 MR. BOSNAK: None from the defense, Your Honor.

3 THE COURT: Ladies and gentlemen, you have not
4 been selected as the jury in this case. Ladies and
5 gentlemen, you are excused for the afternoon. Your
6 instructions are to call back after 6:00 p.m. to
7 receive instructions for the remainder of the week.

8 Ladies and gentlemen, thank you for your service
9 to Charleston County. It is likely I will not see you
10 for the remainder of the week so, again, have a
11 wonderful week. And, again, thank you for your
12 service. No one in this room could do their jobs if
13 you had not shown up for your work here this week.
14 Thank you again, and have a wonderful afternoon. You
15 are excused.

16 [Whereupon, the jury panel exits the courtroom
17 at 11:09 a.m.]

18 THE COURT: And, again, no motions or matters
19 before we begin the trial?

20 MR. SIMPSON: No, Your Honor.

21 MR. BOSNAK: No, Your Honor.

22 THE COURT: Do we need to put -- we needed to
23 put some sort of stipulation or agreement, concerning
24 the identification, on the record; is that correct,
25 Mr. Simpson?

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1 MR. SIMPSON: Correct, Your Honor.

2 As we discussed in chambers, there were two IDs
3 of the defendant done by two eyewitnesses. One of the
4 individuals, [REDACTED] Robert J. [REDACTED], knew the defendant,
5 therefore a Neil v. Biggers won't be necessary.

6 As to his friend, [REDACTED] Maurice D. [REDACTED], also I
7 believe had a vague recognition of the defendant but
8 also did a line-up identifying the defendant.

9 I think where we're at, and I believe Mr. Bosnak
10 will attest to this, as well, is that these
11 identifications are not an issue in this case. They
12 don't really go to the heart of our disagreement or
13 why we're trying this case and it's our understanding
14 that a Neil v. Biggers hearing is not necessary.

15 THE COURT: And do you concur, Mr. Bosnak?

16 MR. BOSNAK: Yes, I do, Your Honor.

17 THE COURT: All right. And we are prepared to
18 go forward at this time --

19 MR. SIMPSON: Yes, Your Honor.

20 THE COURT: -- with openings and to begin the
21 trial?

22 MR. BOSNAK: Yes, Your Honor.

23 THE COURT: And you have witnesses, at least one
24 witness here, Mr. Simpson?

25 MR. SIMPSON: We do, Your Honor.

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1 THE COURT: Why don't we go ahead and take a
2 ten-minute recess. The jurors can take ten minutes.
3 And then I'll open -- give my opening and the two of
4 you can begin your opening and we'll put one witness
5 on before lunch.

6 How long is your first witness?

7 MR. SIMPSON: I don't believe any of our
8 witnesses, Your Honor, are particularly long. Just
9 being cautious, I would say for direct and cross --

10 THE COURT: All right. Well, let's see where we
11 are. But we at least have one witness that should
12 take us into the lunch hour.

13 MR. SIMPSON: Okay.

14 THE COURT: All right. Thank you. We're at
15 ease ten minutes.

16 [Whereupon, a recess is taken from 11:12 a.m. to
17 11:24 a.m.]

18 THE COURT: Mr. Bosnak, I understand that the
19 bonds-person has come. The order is signed. So Mr.
20 Wright will remain on the same terms and conditions of
21 his bond as he was prior to starting the trial. Is
22 that your understanding?

23 MR. BOSNAK: Yes, Your Honor. Thank you.

24 THE COURT: Any objection from the State?

25 MR. SIMPSON: None, Your Honor.

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1 We've agreed to stipulate to some evidence and I
2 didn't know if you wanted to take that up at this time
3 with --

4 THE COURT: They're on their way, so we can do
5 that at our next break. Just remind me, Mr. Simpson.

6 MR. SIMPSON: Sure.

7 THE COURT: And, Mr. Wright, just let me remind
8 you that I'm getting ready to swear the jury and so
9 once that happens, I'm going to go forward whether you
10 choose to show up or not. Do you understand?

11 MR. WRIGHT: Yes, ma'am.

12 THE COURT: And Mr. Bosnak can explain to you
13 anything further. But we'll try this case in your
14 absence and then I'll seal an envelope with the
15 sentence, regardless -- depending on what the verdict
16 is, and I will sentence you in your absence and a
17 warrant will issue for your arrest. Do you understand
18 that, sir?

19 MR. WRIGHT: Yes, ma'am. I'll be here.

20 THE COURT: All right. Thank you.

21 MR. BOSNAK: Thank you, Your Honor.

22 THE COURT: All right. Let's bring in the jury.

23 [Whereupon, the jury enters the courtroom at
24 11:26 a.m.]

25 THE COURT: Thank you. Please be seated.

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1 Ladies and gentlemen, we're in the process of
2 handing out notepads, which means that you will be
3 allowed to take notes throughout the progress of this
4 trial. I always caution jurors some of us were much
5 better note-takers in school than others. Your notes
6 are your notes. No jurors notes are more correct or
7 accurate than another juror's notes.

8 Also, I often caution jurors, because when you
9 are taking notes you have a tendency to look down.
10 You may miss what is happening in front of you on the
11 witness stand or something else.

12 So with those caveats, please remember that you
13 are allowed to take notes. You will be allowed to
14 take those notes back with you during your
15 deliberations. We will take your notes up during
16 lunch breaks and at close of business, lock them up,
17 and then hand them back to you. So please feel free
18 to take whatever notes are appropriate. My staff has
19 been instructed they are not to read your notes during
20 the lunch breaks or the evening hours. So they will
21 be locked up.

22 Ladies and gentlemen, you may have noticed when
23 you left and then when you entered back into the
24 courtroom, the parties involved and the members of the
25 audience were standing. That is out of respect for

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1 your new position as judges of the facts.

2 Ladies and gentlemen please remember: come in
3 and have a seat, because everyone will remain standing
4 until all thirteen of you are seated.

5 You have been selected as the foreperson in this
6 case and that means that you have the added
7 responsibility of writing the verdict in this case. I
8 will give you further instructions as we progress to
9 that point. Ms. Hood, you are the alternate and --
10 and as the alternate and the foreperson, you are in
11 your assigned seats and so I need to make sure that
12 both of you are in those two seats throughout the
13 progress of the trial.

14 Ladies and gentlemen, the remainder of you may
15 sit wherever you want in the remaining seats. Just I
16 have just two assigned seats in this jury box.

17 As the foreperson, you are the jury spokesperson
18 here in court. So if at any time any of you need an
19 extra break, or need anything, if you will alert your
20 foreperson, she will alert the bailiff and we will
21 make the necessary arrangements.

22 Ladies and gentlemen, we will now administer the
23 oath to you.

24 Madam clerk.

25 THE CLERK OF COURT: Thank you, Your Honor.

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1 Ladies and gentlemen, if you'll please stand and
2 raise your right hands.

3 Mr. Wright, also if you would please stand.

4 [Whereupon, the jury is duly sworn by the clerk
5 of court]

6 THE CLERK OF COURT: Thank you. You may be
7 seated.

8 THE COURT: Thank you, Madam Clerk.

9 The record will reflect that all thirteen jurors
10 have been administered the oath.

11 Ladies and gentlemen, until you have been
12 discharged from service in this case, you may not
13 perform any investigation, research, or experiment of
14 any kind on your own, either individually or as a
15 group, about this case. You may not consult
16 dictionaries for the meaning of any words or
17 encyclopedias for the general information on the
18 subjects of this trial. Do not look up anything on
19 the internet concerning this case or any of the people
20 involved. That includes the prosecutor, the
21 defendant, the attorneys involved, the witnesses, as
22 well as the Judge.

23 Ladies and gentlemen, do not go to the scene
24 where any of the events that are the subject of this
25 trial are alleged to have taken place. Do not use

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1 internet maps or Google Earth or any other program
2 designed to search for or view any place discussed in
3 this case.

4 You must not have any discussions about this
5 case or make any entry on Facebook, MySpace, Linked
6 In, or any other internet social media site. That
7 includes all other forms of oral, written and
8 electronic communication. And that includes Twitter,
9 e-mail, blogging and texting.

10 Ladies and gentlemen, please understand that I
11 give these instructions to you as part of my
12 responsibility to ensure that fairness to all the
13 parties in this case is done. That fairness would be
14 compromised and your actions could jeopardize the
15 result of this trial if you violate these
16 instructions.

17 Ladies and gentlemen, I'll simply -- when we
18 break, especially when you break for the evening hour
19 or during our lunch period, I'll just give you my
20 general remember my admonitions.

21 Ladies and gentlemen, it's been just in the last
22 few years that I've had to give those very thorough
23 instructions about texting and blogging. And please
24 understand, just in very simple terms, do not discuss
25 this case with anyone. That includes your fellow

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1 jurors. Ladies and gentlemen, just don't discuss this
2 case. I will alert you when you may discuss this
3 case, if you choose to do so. But until I tell you
4 that you may discuss this case, you may not discuss
5 this case with anyone.

6 Ladies and gentlemen, before we begin this
7 trial, I want to tell you that this trial probably
8 will be different from what you might expect. Most
9 people don't have the opportunity to attend actual
10 court sessions as you are doing now, and most people
11 think from watching television or watch movies or
12 reading books that trials are full of high drama,
13 intense action, and riveting circumstances. While all
14 of these things may be true at times, this trial is
15 not for your entertainment. It is a fundamental part
16 of our democracy. It is a search for the truth in an
17 effort to make sure that justice is done before the
18 parties before the Court. Searching for the truth is
19 often slow, repetitive, and deliberate, the opposite
20 of what you may have seen on television or read in
21 books or watched on movies.

22 This courtroom is a place of honor. It is
23 dedicated to the protection and the preservation of
24 citizens' rights through what many have called the
25 greatest justice system ever created.

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1 The attorneys that appear before you are
2 advocates for the parties they represent but, first
3 and foremost, they are officers of this Court. They
4 are sworn to uphold the integrity and the fairness of
5 our judicial system and to help you in the search for
6 the truth. You should expect them to be professional,
7 ethical, and competent in the representation of their
8 clients' interest. Remember you have just taken an
9 oath to try this case and to reach a fair and just
10 verdict. You are also expected to be professional,
11 competent, and ethical.

12 Thank you again for accepting this most
13 important responsibility of jury service and for your
14 contribution today to our justice system.

15 What I now say is intended to serve as an
16 introduction to the trial of this case. These remarks
17 are not a charge on the law. I will instruct you on
18 the law applicable to this case at the end of the
19 trial before you retire to consider your verdict.
20 This is merely an explanation of the procedure that we
21 will follow so that you may better understand what is
22 happening.

23 The defendant is charged by an indictment filed
24 in this court with a crime of murder, the elements
25 which will be explained to you later. This indictment

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1 is simply the charge by which the case is brought into
2 this court. It is not in any sense evidence of the
3 allegations that it contains. The defendant has pled
4 not guilty to this indictment. The State therefore
5 has the burden of proving each of the elements of the
6 indictment beyond a reasonable doubt. It will be your
7 duty, ladies and gentlemen, to decide whether the
8 State has met that burden.

9 Your purpose as jurors is to find and determine
10 the facts. You are the sole judge of the facts in
11 this case and if at any time I make any comment
12 regarding the facts of this case, you must disregard
13 it. You are to determine the facts from the testimony
14 you hear and any other evidence that is introduced in
15 court. It is up to you to determine the inferences
16 which you feel may be properly drawn from the
17 evidence. It is especially important that you perform
18 your duty of determining the facts diligently and
19 conscientiously, because ordinarily there is no way to
20 correct an erroneous determination of the facts by a
21 jury.

22 On the other hand, and with equal emphasis, the
23 same law that makes you the judge of the facts makes
24 me the judge of the law. The law as given by this
25 Court is the only law that you may consider. You must

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1 accept it and follow it, even though you may disagree
2 with it. I cannot tell you what I think the facts are
3 and you cannot disagree with me about what the law is
4 or what the law should be. Your job is to take the
5 law as I give it to you, apply the facts as you find
6 it from the testimony of the witnesses and the other
7 evidence that may be introduced. After doing that,
8 you will render your verdict, a true and just verdict,
9 under the solemn oath that you just took.

10 Until I advise you to begin your deliberations,
11 you must not discuss this case with anyone. That
12 includes your fellow jurors, your friends, your family
13 members, or anyone else. As I indicated, this
14 includes any discussions that you may have face-to-
15 face or electronic communications. After this case is
16 submitted to you, you must discuss it only in the jury
17 room and only with your fellow jurors.

18 As I've indicated to you, the attorneys and the
19 parties in this case have been advised they are not to
20 speak with you at all. So if you see them in the
21 hallway or during lunch and they do not speak to you,
22 they're not being rude, they're following the Court's
23 instructions.

24 During the trial you may not read, watch, listen
25 to any news accounts should there be any regarding

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1 this case. And as I have indicated to you, you may
2 not do any independent investigation.

3 It is important that you keep an open mind in
4 this case and not decide any issue in this case until
5 all of the evidence has been presented, the parties
6 have made their closing arguments, and I have
7 instructed you on the law applicable to this case.

8 It is your solemn responsibility to determine
9 the guilt or innocence of the defendant and your
10 verdict must be based solely on the evidence as it is
11 presented to you in this trial and on the law as I
12 instruct you during and at the close of the trial.

13 In just a moment the solicitor will make to you
14 -- make what is called an opening statement in which
15 the solicitor will explain the issues in this case or
16 at least what the solicitor thinks the issues are.
17 The attorney for the defendant may also make an
18 opening statement, although he is not required to do
19 so. What the attorneys tell you in their opening
20 statements is not evidence in this case. This is only
21 their contention as to what the issues are. The
22 evidence in this case will be presented to you by the
23 testimony of sworn witnesses from the witness stand,
24 as well as any exhibits that may be introduced into
25 evidence.

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1 From time to time you may hear one of the
2 lawyers say, Your Honor, I believe we have a matter of
3 law, may we approach, or I might find it necessary to
4 excuse you from the courtroom for a short while.
5 Please do not guess what we are talking about, try to
6 read our lips, or speculate as to what we're doing.
7 Ladies and gentlemen, the reason for this is because I
8 sometimes find it necessary to make a comment
9 regarding the facts in order to rule on the law. I do
10 not want to influence you by anything that I say so I
11 may have the attorneys approach the bench so that we
12 don't have to leave the courtroom. But you may have
13 to leave the courtroom for a short while. Again,
14 please do not speculate as to what we are doing. I
15 assure you we are working very hard so -- but I will
16 try to keep the -- I try to keep the bench conferences
17 and excusing you from this room to a minimum so as to
18 avoid any convenience.

19 Ladies and gentlemen, in determining what the
20 true facts are, you must decide whether or not the
21 testimony of the witnesses is believable. It is my
22 responsibility to rule as a matter of law as to
23 whether certain testimony is admissible at all. But
24 once the testimony is admitted, whether or not you
25 believe it is solely for you to determine. In

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1 deciding whether to believe a witness, you have the
2 right to consider the interest of any witness, the
3 bias of the witness, the prejudice of the witness, the
4 opportunity for that witness to have seen the matters
5 and things about which the witness may testify, as
6 well as the way the witness acts on the witness stand.
7 You have a right to consider anything that is in the
8 record that will help you evaluate the testimony of
9 the witnesses. That means it's your duty to pay close
10 attention, to listen to the witnesses, to observe the
11 witnesses, and to pay close attention to the Court.

12 Please do let your thoughts wander, but give
13 strict attention so that at the end of all the
14 testimony, after the arguments of counsel and the
15 charge on the law by the Court, you will be in a
16 position to determine what the true facts are and
17 apply the law to those facts.

18 Ladies and gentlemen, please give your
19 attention.

20 Mr. Simpson?

21 MR. SIMPSON: Thank you, Your Honor.

22 - - -

23 - - -

24 - - -

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OPENING STATEMENT

MR. SIMPSON: Ladies and gentlemen of the jury, good morning. I want to start how we start every case: by thanking you. I have a feeling that when you set out this week -- you might be right now exactly where you hoped you wouldn't end up. But I think, at least in my experience, most jurors, once they've performed this very important duty, at the end understand the importance of this system and your importance to it. So we certainly do appreciate your time and attention this week.

The defendant is charged with murder. But some good news, as far as your schedules are concerned, is that I believe as far as murders go that it will be a relatively straightforward and short trial, at least relevant to other murders. And there's a reason for that, an important reason, and that's because what we're here for this week is not a mystery. It's not a who-done-it. It's not following the evidence to the suspect. It's a charge where your job, and your important job, is to take what you hear and what happened and determine the correct determination, which is that the elements of murder have been met.

Ladies and gentlemen, Christopher Jenkins is deceased, Christopher Jenkins, who was forty-six years

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1 old, a son, a brother, an uncle to the close-knit
2 Jenkins family, life-time residents of the city of
3 Charleston.

4 Christopher Jenkins was involved before his
5 death with a woman named Betty Scott, also known as
6 Winkie. And I have a feeling you'll mostly hear her
7 referred to as Winkie. Ms. Scott's son, Robert
8 Wright, is the defendant seated here and the person
9 charged with murder. Robert Wright was forty years
10 old at the time this occurred, not much younger than
11 the deceased Christopher Jenkins, forty-six.

12 Mr. Wright and Christopher Jenkins did not get
13 along. And you may hear about some prior difficulties
14 they had. They didn't get along because Mr. Wright
15 didn't want him involved with his mother. Sometime
16 around the end of 2009, the beginning of 2010, Ms.
17 Scott, Winkie, broke things off with Christopher
18 Jenkins, didn't want to be romantically involved with
19 Christopher Jenkins anymore. Christopher Jenkins,
20 however, as is often the case in these circumstances,
21 still had feelings for Winkie, still had emotions for
22 Winkie, and so he continued to call, text. They lived
23 in very close proximity to one another. Occasionally
24 drive by. He intended to attempt to restart this
25 flame, relight that flame, between them. And this

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1 infuriated Miss Winkie's son, Robert. He felt his
2 mother was being disrespected. He felt by his mother
3 being disrespected, he and his whole family were being
4 disrespected, by Christopher Jenkins's failure to just
5 cut things off when he was told by his mother to do
6 so. And this infuriated him and he decided that
7 Christopher Jenkins needed to be taught a lesson about
8 disrespecting his family, and he was going to be the
9 teacher of that lesson. And, sadly, life would give
10 him that opportunity to teach that lesson.

11 On the evening of June 10th, 2010, the Jenkins
12 family, which is a large, very close-knit family, a
13 lot of generations living in the same home on Harris
14 Street downtown -- on that evening, some of the
15 children of the Jenkins family decided that they
16 wanted to go out to the local Knights Grocery, the
17 local store, get some snacks, get some drinks. And so
18 [REDACTED] Robert J. [REDACTED], then age thirteen, his friend, [REDACTED] Maurice D.
19 [REDACTED] who was spending some time with the Jenkins
20 family, also age thirteen, and Jacarei Jenkins, age
21 fifteen at the time, asked if they could walk to the
22 store. This is between about 8:00 to 9:00 p.m. in
23 June, and so it's twilight, it's dusk. It's still
24 light out, but dark -- night is coming soon. And so
25 their Uncle Chris, Christopher Jenkins, said, oh,

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1 don't worry, I'll walk with them. And so on this
2 evening Uncle Chris and the three children walked --
3 and you'll see the map; it's not a far walk, a few
4 blocks -- from Harris Street to the Knights Grocery.
5 And that is when chance would give the defendant,
6 Robert Wright, his opportunity to teach that lesson.

7 Robert Wright was in the area and saw
8 Christopher Jenkins walking with the three boys.
9 Robert Wright, without hesitation, pulled his car
10 over, jumped out of the car. Robert Wright, without
11 hesitation, as you'll hear from the boys, walked up to
12 Christopher Jenkins, body-slammed him to the pavement,
13 punched him, and then began to stomp him in the torso.
14 The three boys were scared. The three boys were
15 stunned. But one of the three, he spoke up. Even he,
16 a child, spoke up and said, hey, stop, stop. Robert
17 Wright said -- and didn't use these exact words -- but
18 as you'll hear, you better back off or this is going
19 to be you, and continued the assault. When he
20 finished, he got back in his car and drove off.

21 Christopher Jenkins collected himself, even
22 stood up and tried to continue walking the boys to the
23 Knights Grocery. He didn't get very far, though. He
24 was in a lot of pain. You'll hear from the boys he
25 got to a yard a short distance away and had to sit

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1 down. So the boys go on to the store. He then
2 stumbled home to the Harris Street address, told his
3 family what happened, went and laid down shortly
4 thereafter in his bed. The next morning he woke up
5 but he didn't get up. He stayed in bed all day. His
6 family periodically would check with him until the
7 next afternoon around 4:00 when his condition visibly
8 became worse and EMS was called. Christopher Jenkins
9 passed away in the ambulance on the way to the
10 hospital.

11 A medical examiner performed an autopsy on
12 Christopher Jenkins. And you'll hear from him. He
13 had no hesitation whatsoever concluding the cause of
14 that death. Mr. Jenkins had ten ribs cracked on the
15 back of his rib cage. These fractures caused tissue
16 damage to the ribs and his body had, after the
17 assault, slowly filled with his own blood and he had
18 essentially drowned on his own blood from internal
19 bleeding.

20 Those are the facts of the case. And like I
21 said, that's pretty straightforward. This isn't a
22 mystery. This isn't a who-done-it. And that's why,
23 although this is just as important as a two-week long
24 murder trial, it won't be.

25 Ladies and gentlemen, at the close of the case I

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1 have an opportunity to speak in much more detail on
2 the law of the case. We call that the closing
3 arguments. And then following closing arguments,
4 obviously the judge is going to charge you on the law
5 of this case. And she is the ultimate source of the
6 law, but I want to speak just briefly to the charge
7 and why we're here this week. The defendant, Robert
8 Wright, is charged with murder. And to prove murder,
9 the State must prove the killing of another with
10 malice. Two elements: the killing of another with
11 malice.

12 Malice means something done with ill will, done
13 on purpose, done with an attempt to cause harm, and an
14 attempt to injure, not necessarily -- it doesn't have
15 to be an intent to kill. An intent to cause harm or
16 an attempt to injure. The law -- just moments ago,
17 that you have sworn to uphold as it applies to this
18 case -- is clear. When a person intentionally sets
19 out to harm and injure another person, that is malice.
20 And when a person dies of those injuries, that is
21 murder. Thank you.

22 THE COURT: Mr. Bosnak?

23 MR. BOSNAK: Thank you, Your Honor. If it
24 please the Court.

25 - - -

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OPENING STATEMENT

1
2 MR. BOSNAK: Always two sides to a story. But
3 as y'all have already heard here, this is a tragedy.
4 It's a tragedy for both families. Both of these
5 families had been friends. They do live in close
6 proximity. Mr. Robert Wright, who's mother Betty
7 Scott had dated the deceased for approximately three
8 years. And the deceased had a problem with alcohol
9 and because of the excessive alcohol, he would
10 sometimes have seizures and pass out. Eventually,
11 Betty Scott could not tolerate anymore of this and she
12 told the deceased to leave her alone for a while,
13 leave me alone.

14 He would not leave her alone. He stalked her.
15 He would do things like steal her laundry. She would
16 call him, he would bring it back. If he would see her
17 sitting outside her apartment, he would curse at her,
18 call her vile names in front of other older ladies out
19 there in front of them. And all Ms. Scott said is,
20 just please stop, please stop, please stop.

21 They had a birthday party for Ms. Scott. Now,
22 Ms. Scott and the deceased lived in downtown
23 Charleston. The birthday party was given -- the
24 family birthday party was given over in West Ashley.
25 And so the family had the birthday party over in West

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1 Ashley. The deceased shows up at the birthday party
2 unannounced; intoxicated. Comes up to Ms. Scott in an
3 aggressive manner. You're going to hear from people
4 that had to subdue him and had to get him out of the
5 house. The person that gave him a ride home was
6 Robert Wright and his girlfriend. They took him home.
7 And Robert told him, he said, look, quit doing this,
8 man; I mean, we've never had any trouble, but quit,
9 quit doing this, leave my mama alone; you don't need
10 to do this; quit. And you're going to hear testimony.
11 They had an altercation one other time. Nobody got
12 hurt. The night -- but the deceased didn't stop. He
13 continues to stalk, call, curse at Ms. Scott, Robert
14 Wright's mother.

15 This night, June the 10th, on 2010, when this
16 happened, my client got off work. He played baseball.
17 He's on a baseball team. The baseball field that they
18 practice on is right across the street from his
19 mother's apartment. And it's a one-story apartment.
20 And there are not that many apartments. They're like
21 in a U shape. There's a parking lot and then there's
22 like a U shape. The apartments are right there. And
23 you can sit on her porch and you can look right at the
24 baseball field. They practice. In the spring and the
25 summer and the fall, they practiced baseball.

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1 He got off of work about six o'clock. He got to
2 the baseball field. Had on a pair of sweat pants, a
3 set of baseball cleats, and a tee-shirt. They
4 practiced baseball until about 8:00, 8:10. When he
5 got finished, he took off his baseball cleats, put on
6 a set of shower shoes, rubber sandals, I don't know,
7 whatever you call them, beach flip-flops. Put his
8 glove and his baseball bat in the trunk of the car and
9 went over to his mother's house. His mother was
10 there, his grandmother was there, his sister was
11 there, and some of their nieces and nephews, and they
12 were all sitting around talking. All of a sudden the
13 deceased is peeping around the corner. And they see
14 him. And they said, what is he doing here, why is he
15 around here peeping at the corner. They tried to see
16 which way he went. Now, they didn't see any children.

17 Robert got in his car. Now, let me tell you why
18 he got in his car. This is interesting. The NBA
19 Championship is on on June the 10th and Robert's
20 girlfriend has cooked him a nice dinner where he can
21 come home and they can watch the NBA Championship
22 together. He didn't have any idea that the deceased
23 was going to be anywhere around, he was going to run
24 into him, nothing like that. He went to play
25 baseball, he went over to his mother's house to speak

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1 to everybody and to talk, and then he was going to get
2 in his car and he was going to go home and have a nice
3 meal and sit and watch the ball game. When he saw the
4 deceased, he got in his car, rode around. Didn't get
5 a baseball bat out of the car. He had some tools,
6 hammers and stuff like that, back in the back seat of
7 the car. He didn't get a hammer or some kind of big
8 wrench or something that you would -- could hurt
9 somebody really bad with. And he confronted the
10 deceased. He said, what are you doing, why are you
11 over here.

12 Now, my client is not a professional fighter or
13 a boxer or anything like that. He's not one of these
14 mixed-martial artists. He's nothing like that. The
15 only self-defense training he's ever had is when he
16 was in the army. Okay? He's not a big man.

17 Stand up for me, Robert.

18 [Whereupon, Mr. Wright complies]

19 MR. BOSNAK: He's not a big man, he's not a
20 muscular man. He's a good athlete. Likes to play
21 baseball. He got out of his car, said something to
22 the deceased, and they automatically started
23 wrestling. There might have been a punch or two
24 thrown. The deceased I think had a cut lip and a
25 little cut over his eye. They did go to the ground.

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1 My client said he had him by the feet, trying to get
2 him loose from his feet. Yes, he did see some young
3 men over away. He didn't know who they were, he
4 didn't know them, and he didn't know what was going on
5 with them. But they never interfered in what was
6 going on. He got away from the deceased, walked back,
7 got in his car and left. And he said that he saw the
8 deceased stand up and walk away, didn't think anything
9 was wrong.

10 Now, one thing that is haunting about this case
11 that I've been going over -- and y'all will get to
12 hear the facts -- is somebody with severe broken ribs
13 on their back, how could they have walked as far as he
14 walked? And as I said, you're going to hear medical
15 testimony about him having an alcoholic seizure. How
16 could he walk that far? If the -- why didn't somebody
17 get him some help if he was in that bad a shape?

18 The victim's mother comes over to Betty Scott's
19 house a little while after this. This happened about
20 eight o'clock. I think the victim's mother comes by
21 Betty Scott's house about maybe eleven o'clock and
22 confronts her not about her son getting in a fight,
23 but my client -- not about the two sons fighting, but
24 about him saying something to the children, cussing at
25 the children or something. And she said, well, I'm

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1 sure he didn't know they were your grandchildren, I'm
2 sure Robert didn't know that, but nothing about the
3 father [phonetic].

4 His mother calls Robert and says, this has got
5 to stop; we've got to go over to Miss Mary's house --
6 that's what they called the deceased's mother, Miss
7 Mary -- we've got to go over to Miss Mary's house
8 tomorrow and we've got to get this straight; we've got
9 to -- we've got to stop this between you two guys; and
10 he's got to leave you alone; and we'll go to his
11 mother and we'll all sit down and we'll talk about
12 this and we'll get this straight now.

13 They did go over there the next day and sat down
14 with Miss Mary. And there were people in the house.
15 And my client told her, he said, well, I'm not going
16 to apologize for getting in the fight, but I certainly
17 didn't mean any harm to your children.

18 The deceased never came down from the bedroom.
19 They didn't know he was in any kind of condition like
20 that. Nobody knew, I don't guess. About three hours
21 after they left the house, somebody called an
22 ambulance, he was in so much pain, I guess. And this
23 is when they took him to MUSC. And he died not too
24 long after that.

25 So as I said, this case is certainly a tragedy

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1 for both families. And what really happened from
2 after the tussle to the way home and what happened
3 that evening, you know, we'll hear things about that.
4 But we'll talk more about the law in this trial.
5 Ladies and gentlemen, this is a very strange case.
6 There's no two ways about it; something that could be
7 on TV. But I can tell you, real courtroom is not like
8 TV courtroom. It's a lot different.

9 And I would ask both of you [phonetic], for the
10 sake of myself and the prosecution, to please listen
11 very intently, which I know you will. I know
12 sometimes it gets a little boring. You go out -- you
13 may go out of the courtroom and get -- and come back
14 in. But please listen to everything. Thank you so
15 much.

16 THE COURT: Mr. Simpson, call your first
17 witness.

18 MR. SIMPSON: Thank you, Your Honor.

19 The State calls Robert J.

20 [Whereupon, Mr. Jenkins comes forward]

21 THE CLERK OF COURT: Would you place your left
22 hand on the Bible and raise your right hand.

23 [Whereupon, Mr. Jenkins is duly sworn by the
24 clerk of court as follows: do you swear or affirm the
25 testimony you shall give the Court and the jury in the

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1 trial of this case shall be the truth, the whole
2 truth, and nothing but the truth, so help you God]

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Thank you. Please be seated.

5 [Whereupon, Mr. Jenkins takes the witness stand]

6 THE CLERK OF COURT: Sir, for the record if
7 you'll please state your name, spelling your last
8 name.

9 THE WITNESS: [REDACTED] Robert J. J-E-N-K-I-N-S.

10 THE CLERK OF COURT: You need to speak into the
11 microphone.

12 THE WITNESS: [REDACTED] Robert J. J-E-N-K-I-N-S.

13 THE COURT: Mr. Simpson.

14 MR. SIMPSON: Thank you, Your Honor.

15 Good morning, Robert. How are you?

16 THE WITNESS: Fine.

17 - - - - -

18 [REDACTED] Robert J.,

19 Having Been First Duly Sworn,
20 was Examined and Testified as Follows:

21 DIRECT EXAMINATION

22 BY MR. SIMPSON:

23 Q. Are you a little nervous to be here today?

24 A. Yes, sir.

25 Q. Is this your first time testifying in court?

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1 A. Yes, sir.

2 Q. Robert, if you would tell the jury a little bit
3 about you. Were you born here in Charleston?

4 A. Yes, sir.

5 Q. And what year were you born?

6 A. 1996.

7 Q. And so what's your age today?

8 A. Fourteen.

9 Q. And, obviously, you know why we're here today;
10 correct?

11 A. Yes, sir.

12 Q. How old were you when the incident we're here
13 about took place?

14 A. Thirteen.

15 Q. Thirteen?

16 A. [Indicates affirmatively]

17 Q. And tell the jury a little bit about the Jenkins
18 family. Is it a large family?

19 A. Yes, sir.

20 Q. Are you guys close?

21 A. Yes, sir.

22 Q. And where do you live now?

23 A. On [REDACTED].

24 Q. And did you live on Harris Street when this
25 incident occurred?

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1 A. Yes, sir.

2 Q. And tell the jury who all lived on Harris Street
3 at that time. As many as you can remember that lived
4 there at that time.

5 A. Can you repeat the question?

6 Q. Who all lived at that house when this incident
7 occurred on Harris Street?

8 A. Me, my brother, my sister, my other brother and
9 my other sister, my granny and my granddaddy and my uncle.

10 Q. And is this your grandmother's home and your
11 granddaddy's home?

12 A. Yes, sir.

13 Q. Robert, I know you're nervous to be here so
14 we're just going to get right to the facts that happened
15 on the day the reason we're here; okay? What happened the
16 evening of June 10th, 2010?

17 A. Me, my brother and --

18 Q. Let me interrupt you. What's your brother's
19 name?

20 A. Jacqui Jenkins.

21 Q. Okay. And it's you, your brother and whom? I'm
22 sorry.

23 A. Maurice.

24 Q. And who's Maurice?

25 A. Like a friend.

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1 Q. And was he hanging out at the Jenkins' house
2 that day?

3 A. Yes, sir.

4 Q. Okay. And continue.

5 A. And me, my brother and my friend, we was playing
6 football. And my mama called me in the house and then she
7 tell us to go to the store. And we went to the store.

8 Q. And let me interrupt you again.

9 About what time -- and we won't hold you to
10 exacts. But about what time of day is it when y'all go to
11 the store?

12 A. Can't remember.

13 Q. What was it like outside? Still light?

14 A. It been turning dark.

15 Q. Was it kind of in between light and dark?

16 A. It was like mostly dark like -- mostly dark, but
17 light. You could still see a little bit of light.

18 Q. Okay. And who went to the store with you, your
19 brother, and Maurice?

20 A. My Uncle Chris.

21 Q. Your Uncle Chris did?

22 A. Uh-huh.

23 THE COURT: Is that a yes?

24 THE WITNESS: Yes.

25 A. Yes, sir.

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1 THE COURT: Thank you.

2 Q. [Mr. Simpson] And what store were y'all going
3 to?

4 A. Knight's.

5 Q. Is that the Knight's Grocery?

6 A. Yes, sir.

7 Q. Okay. And what way did you take?

8 A. We had cut through Martin Park and gone up Aiken
9 Street.

10 Q. And I'm going to slow you down. What park?

11 A. Martin Park.

12 Q. Martin Park?

13 A. Uh-huh.

14 THE COURT: Is that a yes?

15 A. Yes, sir.

16 THE COURT: Thank you.

17 MR. SIMPSON: And, Robert, there's a nice lady
18 here that's taking down everything that's said. So if
19 you could, just say yes or no and not like uh-huh,
20 huh-uh, shaking your head. Okay?

21 THE WITNESS: Yes, sir.

22 Q. [Mr. Simpson] And you said you were heading
23 down Aiken Street?

24 A. Yes, sir.

25 Q. And what occurred on Aiken Street?

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1 A. What you call it --

2 Q. Well, you pointed. Are you referring to the
3 defendant seated at the table here?

4 A. Yes, sir.

5 Q. Okay.

6 A. He had hopped out of his car and he was
7 following us. And I turned around and he had slammed my
8 uncle and start beating him.

9 Q. Let me stop you there.

10 He slammed your uncle? What do you mean by
11 that?

12 A. Like pick him up and slam him.

13 Q. Could you sort of -- I don't do this to
14 embarrass you. But could you kind of stand up and
15 demonstrate?

16 MR. SIMPSON: Would that be all right, Your
17 Honor?

18 THE COURT: He may.

19 Q. [Mr. Simpson] By slam, what do you mean?

20 A. Like he come up behind him, pick him up, and
21 slammed him.

22 Q. And when you say slammed him, is that on the
23 pavement of Aiken Street?

24 A. On the ground.

25 Q. On the ground? Were they on the ground or on

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1 the street?

2 A. In the street.

3 Q. In the street

4 A. [No response]

5 Q. And after he slammed him, what happened?

6 A. He start boxing him and kicking him.

7 Q. By boxing him, do you mean punching him with a
8 fist?

9 A. Yes, sir.

10 Q. And kicking, was it like a kick or more or a --

11 A. It was stomping.

12 Q. You said stomping?

13 A. Uh-huh. Yes, sir.

14 Q. And is that coming down on the person?

15 A. Yes, sir.

16 Q. And did you recognize this person that had
17 slammed your uncle and began stomping him?

18 A. I had saw him once before in the neighborhood.

19 Q. And how did you know -- who did you know him as?

20 A. I'm like -- I didn't know him, but like it was
21 one time I had walked somewhere, I had walked to the store
22 with my uncle, and I saw him there. And that been the
23 place I saw him one time.

24 Q. And did you know who his mother was?

25 A. Yes, sir. Yes, sir.

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1 Q. Who was that?

2 A. Miss Winkie.

3 Q. What happened -- at some point did you, your
4 brother, or Maurice try to intervene in this assault?

5 A. I told him to stop.

6 Q. You told him to stop?

7 A. Yes, sir.

8 Q. And what did he say when you told him to stop.

9 A. He told me to come make him stop.

10 Q. Okay. And was that it?

11 A. Yes, sir.

12 Q. At some point did --

13 A. Yes.

14 Q. -- he stop?

15 A. Yes.

16 Q. And what did he do when he stopped?

17 A. He got up and going straight to his car and
18 drove off.

19 Q. Did you see him hesitate and turn around, or he
20 just drove off?

21 A. He just drove off.

22 Q. Okay. After he drove off, what did your uncle
23 do?

24 A. He got up.

25 Q. He got up. Did he --

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1 A. And he was holding his side and he started
2 walking with us.

3 Q. He was holding his side?

4 A. Uh-huh.

5 Q. Was he walking fast?

6 A. No.

7 Q. How was he walking?

8 A. He was walking like he was hurt.

9 Q. He was walking like he was injured?

10 A. Yes, sir.

11 Q. And did he get all the way to the store with
12 you?

13 A. No. No, sir.

14 Q. What happened then?

15 A. He stopped and went into the yard that he used
16 to hang out at.

17 Q. And this is just a yard in the neighborhood?

18 A. Yes. But he like that's the yard he used to be
19 at. Some of his friends used to be in that yard.

20 Q. And were there other people in the yard?

21 A. Not at that time.

22 Q. And what did he do when he got in the yard?

23 A. He sat down for a second.

24 Q. And did you and the boys go on to Knight's
25 Grocery?

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1 A. Yes, sir.

2 Q. When's the next time you saw your uncle?

3 A. I saw him on the back porch up by the basketball
4 court.

5 Q. And when was that?

6 A. At night time.

7 Q. Was it when you got back home?

8 A. Yes, sir.

9 Q. Did he still appear to you to be in pain?

10 A. Yes, sir.

11 Q. What did he do after he got back to the house?

12 A. He was -- my granny would keep on asking him who
13 did that to him.

14 Q. Did he tell her?

15 A. No, sir. I had told her.

16 Q. Okay. Did he go to bed?

17 A. Yes, sir.

18 Q. Robert, I'm going to get you to look at
19 something for me. Okay?

20 A. Yes, sir.

21 MR. SIMPSON: May I approach the witness, Your
22 Honor?

23 THE COURT: You may.

24 Q. [Mr. Simpson] Robert, do you recognize this?

25 A. Yes, sir.

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1 Q. And what is that?

2 A. That's a photo of our neighborhood.

3 MR. SIMPSON: Your Honor, at this point the
4 State would move State's Exhibit 1 into evidence, I
5 believe without objection.

6 THE COURT: Any objection?

7 MR. BOSNAK: Without objection, Your Honor.

8 THE COURT: State's 1 into evidence without
9 objection.

10 [Whereupon, State's Exhibit Number 1 is admitted
11 into evidence by the Court]

12 MR. SIMPSON: Your Honor, may I have the witness
13 step down to identify some locations on this map on
14 State's 1?

15 THE COURT: You may.

16 Mr. Jenkins, you need to make sure that you
17 speak very loudly. I had a hard time hearing you when
18 you were away from the microphone. Okay?

19 THE WITNESS: Okay. Yes, ma'am.

20 THE COURT: You may step down.

21 [Whereupon, the witness exits the witness stand]

22 Q. [Mr. Simpson] Now, Robert, if you would take a
23 minute and just kind of look at that map and get yourself
24 acclimated to it. I'm going to ask you first if you can
25 point out where your house is on Harris Street.

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1 A. It's right --

2 Q. Let's do this so the jury can see.

3 A. It's over here.

4 Q. In this area of Harris Street?

5 A. It's this one.

6 Q. That's where the Jenkins family lives?

7 A. Yes, sir.

8 Q. And that's Grandma and Granddad's?

9 A. Yes, sir.

10 Q. And you said something about Martin Park. Can
11 you find Martin Park?

12 A. This is Martin Park here.

13 MR. SIMPSON: And where is the -- can you step
14 aside so the lady can see here.

15 Q. [Mr. Simpson] Point out Martin Park.

16 A. That's is Martin Park right here.

17 Q. And the Knight's Grocery where you were heading
18 to?

19 A. It's like -- it's right here.

20 Q. Okay. And you said that this occurred on Aiken
21 Street right by Martin Park; correct?

22 A. Yes, sir.

23 Q. And can you point that out to the jury?

24 A. It's right here.

25 Q. It's in this general area?

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1 A. Yes.

2 MR. SIMPSON: Okay. Thank you, Robert. You can
3 take a seat.

4 [Whereupon, Mr. Jenkins re-takes the witness
5 stand]

6 MR. SIMPSON: The Court's indulgence.

7 THE COURT: Yes, sir.

8 Q. [Mr. Simpson] Robert, I'm handing you what's
9 been marked for ID only as State's Exhibit 3. I would
10 like, if you would, to just take a look at that.

11 [Whereupon, the witness reviews documents]

12 Q. [Mr. Simpson] Do you recognize that, Robert?

13 A. Yes, sir.

14 Q. And is that a photograph?

15 A. Yes, sir.

16 Q. And what is that a photograph of?

17 A. Of the defendant -- of the defendant car.

18 Q. And that's the car that the defendant was
19 driving that evening?

20 A. Yes, sir.

21 Q. Okay. Robert, I'm going to ask you a couple of
22 questions about -- and you've already talked about this a
23 little bit. You described for the jury that the defendant
24 got out of his car and body-slammed your uncle?

25 A. Yes, sir.

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1 Q. Did your uncle punch him?

2 A. No, sir.

3 Q. Did your uncle swing at him?

4 A. No, sir.

5 Q. When your uncle saw him pull up, did he run at
6 the defendant?

7 A. No, sir.

8 Q. Did the defendant -- was he facing the defendant
9 when the defendant came up to him?

10 A. No, sir.

11 Q. Did Mr. Wright get him from behind with the
12 body-slam?

13 A. Like he eventually turned around and then he
14 slammed him.

15 Q. And then he slammed him. Okay.

16 Did your uncle go down to the pavement pretty
17 quickly?

18 A. Yes, sir.

19 Q. Could your uncle punch the defendant while he
20 was on the pavement?

21 A. No, sir.

22 Q. Was he fighting the defendant back in any way?

23 A. No, sir.

24 Q. Was he defending himself in any way?

25 A. No, sir.

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1 Q. And as you walked to the yard you said -- was it
2 apparent to you that he was in a lot of pain?

3 A. Yes, sir.

4 Q. Robert, what happened the next day -- after this
5 happened -- in the Jenkins home?

6 A. Like he was moaning. Like he had waked up and
7 went to the bathroom. And then after he went to the
8 bathroom, he go on back and lay down.

9 Q. Did he spend most of the next day in the
10 bedroom?

11 A. Yes, sir.

12 Q. And I think you said you heard noises. What
13 were those?

14 A. He was moaning.

15 Q. Moaning?

16 A. Yes, sir.

17 Q. And did that occur throughout the next day?

18 A. Yes, sir.

19 Q. And then later on that afternoon do you remember
20 what happened?

21 A. No, sir.

22 Q. Did you find out later that your uncle had
23 passed away?

24 A. Yes, sir.

25 MR. SIMPSON: The Court's indulgence.

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1 THE COURT: Yes, sir.

2 [Whereupon, Mr. Simpson and Ms. Baldwin confer]

3 MR. SIMPSON: Robert, please pay attention to
4 Mr. Bosnak and answer any questions that he may have.

5 THE COURT: Mr. Bosnak?

6 CROSS-EXAMINATION

7 BY MR. BOSNAK:

8 Q. Mr. Jenkins --

9 A. Yes, sir.

10 Q. -- what was your uncle doing prior to y'all
11 going to the store?

12 A. Can you repeat the question?

13 Q. Pardon?

14 A. Can you repeat the question, please?

15 Q. What was your uncle doing before y'all decided
16 to go to the store?

17 A. He was in the house.

18 Q. What was he doing in the house?

19 A. He was just sitting at the table.

20 Q. Wasn't drinking?

21 A. No, sir.

22 Q. Okay. And so he decided to go to the store with
23 you?

24 A. Yes, sir.

25 Q. And on the way to the store, did y'all stop off

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1 at Winkie's apartment?

2 A. No, sir.

3 Q. He didn't go by Winkie's apartment?

4 A. No, sir.

5 Q. He didn't go anywhere near there?

6 A. No, sir.

7 Q. Okay. And y'all just went straight from your
8 house to the store?

9 A. Yes, sir.

10 Q. Okay. Now, how far away from you -- how far
11 away from you were you with your uncle? Were all four of
12 you walking together?

13 A. Like he was a few steps back.

14 Q. Okay. A few steps back. What we talking about
15 a few steps back? This far back? From here?

16 A. No, sir. He was like a little bit closer.

17 Q. Okay. So maybe six feet behind y'all?

18 A. Yes, sir.

19 Q. So he's six feet behind you and all of a sudden
20 a car pulls up?

21 A. Yes, sir.

22 Q. Y'all pay attention to the car?

23 A. The rest of them keep on walking, but I turned
24 around.

25 Q. Who's the rest of them kept walking?

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1 A. My brother and my uncle and my friend.

2 Q. They kept walking, but you turned around?

3 A. Yes, sir.

4 Q. Okay. And you saw Mr. Wright get out of the
5 car?

6 A. Yes, sir.

7 Q. And come towards you?

8 A. Yes, sir.

9 Q. Not anything was said?

10 A. No, sir.

11 Q. Okay. And he just -- nobody looked around but
12 you?

13 A. They eventually turned around.

14 Q. They eventually turned around.

15 And your uncle turned around and Mr. Wright just
16 grabs him?

17 A. Yeah. Picked him up and slammed him.

18 Q. Picked him up and slammed him. Your uncle
19 didn't do anything?

20 A. No, sir.

21 Q. He didn't say anything?

22 A. No, sir.

23 Q. He didn't try to keep from being thrown down?

24 A. No, sir.

25 Q. He just let him pick him up and throw him on the

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1 asphalt?

2 A. Yes, sir.

3 Q. Okay. And did y'all stop?

4 A. Yes, sir.

5 Q. Because there's four or y'all, there's only Mr.
6 Wright, did y'all not say, hey, stop --

7 A. I did.

8 Q. -- you need to quit this?

9 A. I did.

10 Q. You did. How about the rest of you?

11 A. They just walked, sir.

12 Q. They just walked. Nobody tried to get in the
13 middle of it and say, hey, y'all need to quit and break
14 this up?

15 A. No, sir.

16 Q. It wasn't serious enough to do that, was it?

17 A. It was serious, but they didn't say nothing.

18 Q. Well, if it was serious enough, why didn't
19 somebody get in the middle and say, hey, quit? Because
20 there's three of y'all -- there's four of y'all, there's
21 only one of Mr. Wright.

22 A. Cause we ain't -- we didn't want to get --
23 didn't want to get hurt like that.

24 Q. Your uncle gets picked up and slammed, he does
25 nothing to defend himself, and there's four of y'all but

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1 y'all don't try to break this fight up?

2 A. No, sir.

3 Q. Okay. Now, you said then that he punched him?

4 A. Yes, sir.

5 Q. Is that what he did first after he threw him to
6 the ground, he punched him?

7 A. He was punching him and kicking him at the same
8 time.

9 Q. Okay. He punched him and kicked him at the same
10 time?

11 A. No. He punched, then he kicked, then he keep on
12 punching, keep --

13 Q. He punched, then he kicked?

14 A. Yes, sir.

15 Q. He'd punch and he'd kick. Because your uncle's
16 on the ground?

17 A. Yes, sir.

18 Q. All right. Punch and kick. Okay.

19 Now, what was your uncle doing? Did he put his
20 hands up to keep from getting hit?

21 A. No, sir.

22 Q. Was your uncle on his back?

23 A. Yes, sir.

24 Q. He was on his back on the ground, Mr. Wright
25 punching, kicking --

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1 A. Yes, sir.

2 Q. -- punching and kicking, and your uncle is on
3 the ground?

4 A. Yes, sir.

5 Q. Laying on his back?

6 A. Yes, sir.

7 Q. Put his hands up over his head to keep from
8 getting hit?

9 A. Yeah. He did eventually.

10 Q. Do what, now?

11 A. He did eventually.

12 Q. Eventually?

13 A. Yes.

14 Q. Well, like when he was getting hit, he put his
15 hands up?

16 A. Yes, sir.

17 Q. And did he put his hands at his side to keep
18 from getting kicked?

19 A. No, sir.

20 Q. Didn't do that. Just let the man kick him;
21 right?

22 A. I think he was trying not to get hit in the
23 face.

24 Q. Okay. But you think. I'm asking you. He
25 didn't ever try to protect his body?

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1 A. No, sir.

2 Q. Okay. Now, what kind of shoes did Mr. Wright
3 have on?

4 A. Like tennis shoes.

5 Q. Tennis shoes?

6 A. Yes, sir.

7 Q. Okay. Now, none of y'all decide again to get in
8 the middle of this and stop it while he's punching and
9 kicking your uncle on the ground?

10 A. I told him to stop.

11 Q. You told him to stop but nobody else said stop.
12 Nobody else tried to come and help protect your uncle, did
13 they?

14 A. No, sir.

15 Q. Okay. Eventually, I guess Mr. Wright just quit;
16 right?

17 A. Yes, sir.

18 Q. And walks away?

19 A. Yes, sir.

20 Q. Gets in his car?

21 A. Yes, sir.

22 Q. And leaves?

23 A. Yes, sir.

24 Q. Now, y'all were going to this store. Did your
25 uncle get up as soon as Mr. Wright leaves?

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1 A. Like he had took his time to get up. And he was
2 holding his side.

3 Q. He's holding his side?

4 A. Yes, sir.

5 Q. Was he hurt?

6 A. Yes, sir.

7 Q. You got a cell phone?

8 A. No, sir.

9 Q. Anybody with you have a cell phone?

10 A. I think -- I think my brother's got a cell
11 phone.

12 Q. Brother's got a cell phone.

13 Now, this is a neighborhood that you're in.

14 There are a lot of houses and apartments and a baseball
15 field, basketball court, swimming pool. All that's around
16 this area; right?

17 A. Yes, sir.

18 Q. And there are people around there because it's
19 about eight o'clock Saturday -- I mean, eight o'clock at
20 night?

21 A. Ain't nobody was on that street.

22 Q. Okay. But there are people around there?

23 A. Not in Martin Park.

24 Q. There are apartments very close to that area;
25 right?

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1 A. Yes, sir.

2 Q. And houses?

3 A. Yes, sir.

4 Q. And it's a nice, warm summer night?

5 A. Yes, sir.

6 Q. And there's a baseball field, basketball court,
7 swimming pool. There's people all around there. It's not
8 like we're out in the country somewhere; right?

9 A. Like, it would have been us four. And people
10 was on the outside of my apartment.

11 Q. Right. But that -- you can see them. That's
12 just -- that's not even a half a block away; right?

13 A. Yes, sir.

14 Q. And nobody went over there and said call the
15 police, did they?

16 A. No, sir.

17 Q. And nobody tried to use a cell phone and say
18 let's call the police, did they?

19 A. None of us had a cell phone at that time.

20 Q. Well, you said that your brother might have had
21 a cell phone.

22 A. I thought you were talking about now. I think
23 he's got a cell phone.

24 Q. Well, we'll clarify that. Nobody had a cell
25 phone?

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1 A. No, sir.

2 Q. Do you know that for sure?

3 A. Yes, sir.

4 Q. Okay. But nobody tried to go get any help, did
5 they?

6 A. No, sir.

7 Q. Nobody tried to get the police?

8 A. No, sir.

9 Q. Nobody tried to call EMS?

10 A. No, sir.

11 Q. Nobody even tried to call home and talk to your
12 mama, Miss Mary?

13 A. No, sir.

14 Q. Or talk to your granddaddy or anybody and tell
15 them what happened, did they?

16 A. No, sir.

17 Q. Okay. And you said that your uncle was hurt and
18 proceeded to walk but he was holding his side; right?

19 A. Yes. He was walking and he was hurt.

20 Q. Okay. And somewhere along the line, does he
21 stop? Or what does he do?

22 A. He stopped and sat down in the yard.

23 Q. He stopped and sat down in the yard. Was there
24 anybody in the yard other than him?

25 A. No, sir.

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1 Q. Okay. But y'all went on to the store, didn't
2 you?

3 A. Yes, sir.

4 Q. So y'all weren't very concerned about him, were
5 you?

6 A. Yes, we was. But we -- that -- we just going to
7 hurry up and get our stuff and come back.

8 Q. Well, you didn't -- nobody -- you didn't send
9 one of you to go to the store and get what you wanted and
10 the other two stay with him, did you?

11 A. No, sir.

12 Q. All of y'all considered, went on to the store,
13 didn't you?

14 A. Yes, sir.

15 Q. And your uncle didn't walk back to your mama's
16 house -- your grandmother's house with y'all, did he?

17 A. No, sir.

18 Q. Because he was there when y'all got there,
19 wasn't he?

20 A. Yes, sir.

21 Q. Okay. So y'all left him alone?

22 A. Yes, sir.

23 Q. Nobody stayed with him and, say, one went to the
24 store and the other one could have went --

25 MR. SIMPSON: Your Honor, objection. Asked and

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1 answered.

2 THE COURT: I'm going to allow it. You may
3 continue your questioning.

4 MR. BOSNAK: Yes, Your Honor.

5 Q. [Mr. Bosnak] There were three of y'all -- four
6 of you?

7 A. Yes, sir.

8 Q. Your uncle is hurt. Allegedly, he's so hurt he
9 can't walk?

10 A. Yes, sir.

11 Q. You've just said he's been beaten badly?

12 A. Yes, sir.

13 Q. But y'all continued to go to the store?

14 A. Yes, sir.

15 Q. Three of you. One could have gone to the store,
16 couldn't you?

17 A. Yes, sir.

18 Q. One could have stayed with your uncle, couldn't
19 they?

20 A. Yes, sir.

21 Q. And one could have gone back home and got some
22 help, couldn't they?

23 A. Yes, sir.

24 Q. Didn't do that, though, did you?

25 A. No, sir.

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1 Q. Weren't very worried about him, were you?

2 A. Yes, sir, we was worried.

3 Q. Now, when you got back, he was on the back
4 porch?

5 A. Yes, sir.

6 Q. Who all was at the house?

7 A. At my house?

8 Q. Yeah.

9 A. Me, my mama, my uncle, my granddaddy and my
10 grandmama, and my brothers and sisters.

11 Q. Okay. All those people were at the house?

12 A. Yes, sir.

13 Q. And your uncle was on the back porch?

14 A. Yes, sir.

15 Q. Who else was on the back porch with him?

16 A. His friend.

17 Q. His friend. Who's his friend?

18 A. I don't know his real name but they call him
19 Anthony. Anthony.

20 Q. Anthony?

21 A. Yes, sir.

22 Q. So his friend Anthony was on the back porch with
23 him?

24 A. Yes, sir.

25 Q. Nobody else was on the back porch?

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1 A. No, sir.

2 Q. And nobody thought your uncle was injured enough
3 to take him to the hospital?

4 A. Yeah. I did go -- I went to go -- I went in the
5 house and go tell my mother and them what happened, and
6 then they come and get him and he come back in the house
7 and my granny was telling him to go -- that he needed to
8 go to the hospital. But he said he all right.

9 Q. Said he's all right?

10 A. But he was saying it like he was hurting.

11 Q. But he said he was all right?

12 A. Yes, sir.

13 Q. Nobody took him to the hospital?

14 A. No, sir. He said he was all right.

15 Q. Nobody was concerned enough that felt like he
16 needed to go to the hospital, did they?

17 A. Yes, they was. He say he didn't want to go.

18 Q. Okay. Nobody called EMS, did they?

19 A. No, sir.

20 Q. Okay. So, basically, nobody did anything for
21 him?

22 A. Yes, they did.

23 Q. What did they do?

24 A. They give him some ice to put on his face and
25 like water and stuff.

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1 Q. Okay. So they gave him some water and a little
2 ice to put on his face?

3 A. And they like give him medicine and stuff like
4 that.

5 Q. What kind of medicine?

6 A. I can't remember.

7 Q. Okay. But he told everybody he was okay?

8 A. Yes, sir.

9 Q. And how long did he stay on the back porch?

10 A. I don't know the time exactly.

11 Q. Well, I mean, was he on the back porch out there
12 an hour, two hours, three hours?

13 A. No, sir.

14 Q. How long?

15 A. For like a little while.

16 Q. And where did he go after he left the back
17 porch?

18 A. In the house.

19 Q. Okay. Went back in the house. Watched TV?

20 A. He go in the house and just went to go lay down.

21 Q. Okay. So he went to lay down?

22 A. Yes. And he was still holding his side.

23 Q. Holding his side. Anybody go up there and check
24 on him?

25 A. Yes, sir.

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1 Q. Who checked on him?

2 A. Everybody in the house.

3 Q. Everybody checked on the house [phonetic], but
4 nobody called to get him any medical attention?

5 A. He say he didn't want to go.

6 Q. Okay. And nobody said -- nobody said, come on,
7 we're going to take you?

8 A. Yes, sir.

9 Q. They did?

10 A. Yes, sir.

11 Q. Okay. Who did -- who said that?

12 A. My mother and my granny.

13 Q. Your mother -- his mother?

14 A. And my mama.

15 Q. Your mother, his aunt?

16 A. His sister.

17 Q. His sister. Excuse me. His sister --

18 A. And his mother.

19 Q. -- and his mother tells him, come on, we're
20 going to get you some help, and he says no?

21 A. He said he was all right.

22 Q. He said he was okay.

23 And from that, they don't think it's serious
24 enough to call EMS, do they?

25 A. Yes, they did, too.

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1 Q. Do what?

2 A. They did.

3 Q. They didn't call EMS. Did an ambulance come to
4 y'all's house?

5 A. The next day.

6 Q. But not then, not that day, did they?

7 A. No, sir.

8 Q. Not that night, did they?

9 A. No, sir.

10 Q. Came the next day, almost twenty-four hours,
11 didn't they?

12 A. Yes, sir.

13 MR. BOSNAK: No further questions, Your Honor.

14 MR. SIMPSON: Thank you, Your Honor. Just
15 briefly.

16 REDIRECT EXAMINATION

17 BY MR. SIMPSON:

18 Q. Robert, do you know where Winkie lives?

19 A. Yes, sir.

20 MR. SIMPSON: May I approach the witness, Your
21 Honor?

22 THE COURT: You may.

23 MR. SIMPSON: May I ask the witness to step
24 down?

25 THE COURT: You may.

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1 MR. SIMPSON: If you would step down one more
2 time, Robert.

3 [Whereupon, Mr. Jenkins exits the witness stand]

4 MR. SIMPSON: Just remember, speak clearly so
5 the jurors can hear you.

6 Q. [Mr. Simpson] Now, earlier you indicated that
7 your house is -- that your house is here?

8 A. Yes, sir.

9 Q. And where is Winkie's house?

10 A. Over here.

11 Q. About right here?

12 A. Yes, sir.

13 Q. And show me the way that y'all walked.

14 A. We walked through here --

15 Q. Down America Street?

16 A. -- on this side.

17 Q. Here did -- do you remember your uncle running
18 over here and peeking in anything or --

19 A. No.

20 Q. -- looking anywhere?

21 A. No, sir.

22 Q. Okay. He stayed and he was right with you at
23 that time?

24 A. Yes, sir.

25 Q. And where did you go?

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1 A. We kept on walking up this street here.

2 Q. Here's Martin Park.

3 A. It's a little cut-through here -- a cut-through.

4 And we walked through here. And we -- and we walked
5 through here.

6 Q. And where's the yard, about, that your uncle
7 went and sat down?

8 A. Right here.

9 Q. So the assault occurred right here?

10 A. Yes, sir.

11 Q. Is that correct?

12 And he made it to about right here and sat
13 down?

14 A. Yes, sir.

15 Q. And where is Knight's Grocery again?

16 A. Right here.

17 Q. So you were only, at that point, a half block
18 from Knight's Grocery?

19 A. Yes, sir.

20 MR. SIMPSON: Thank you, Robert. You can sit
21 back --

22 [Whereupon, the witness re-takes the witness
23 stand]

24 Q. [Mr. Simpson] Now, Robert, how old, again, were
25 you when this occurred?

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1 A. Thirteen.

2 Q. And the defendant is an adult; correct?

3 A. Yes, sir.

4 Q. And I don't ask you to embarrass you. But were
5 you a little scared to jump into a fight between two
6 adults?

7 A. Yes, sir.

8 Q. But you still had the courage to tell him to
9 stop, didn't you?

10 A. Yes, sir.

11 Q. And it's fair to say that thirteen -- I don't
12 know a lot of thirteen-year-olds that will admit it. But
13 at thirteen, you're a kid; correct?

14 A. Yes, sir.

15 Q. You mentioned earlier that you recognized the
16 defendant. But it didn't seem to me like you knew him
17 well. Did you know him well?

18 A. No, sir.

19 Q. Did you have any problem with him before?

20 A. No, sir.

21 Q. Have you had any problems with him since?

22 A. No, sir.

23 Q. Is there any reason that you can think of that
24 you would have to get back at him or make something up
25 about him?

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1 A. No, sir.

2 Q. I believe you had seen him in the neighborhood a
3 couple of times before; right?

4 A. Yes, sir.

5 Q. Any more involvement between you two?

6 A. No, sir.

7 Q. Any bad blood between you two, Mr. Wright, and
8 you, before this?

9 A. No. No, sir.

10 Q. You were asked on cross about your feelings for
11 your uncle and helping out your uncle. Were you concerned
12 for his safety?

13 A. Yes, sir.

14 Q. Were you worried about his injuries?

15 A. Yes, sir.

16 Q. Did members of your family and yourself seek to
17 get him medical attention?

18 A. Yes, sir.

19 Q. And after this occurred, did you speak with the
20 police?

21 A. Yes, sir.

22 Q. Did you tell them what had happened?

23 A. Yes, sir.

24 Q. Did you show them where that it -- where it
25 happened?

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1 A. Yes, sir.

2 Q. Did you tell them the truth?

3 A. Yes, sir.

4 MR. SIMPSON: The Court's indulgence.

5 THE COURT: Yes, sir.

6 [Whereupon, Mr. Simpson and Ms. Baldwin confer]

7 Q. [Mr. Simpson] And I believe you made it a
8 little more clear on cross that your uncle had his back to
9 the defendant --

10 A. Yes, sir.

11 Q. -- when the defendant came up to him?

12 A. Like, he was walking and he looked at me and I
13 was turning around and --

14 Q. And you were in front of him?

15 A. Yes, sir.

16 Q. Okay. And he saw you turn around?

17 A. Yes, sir.

18 Q. And go ahead. What happened?

19 A. And he turned like this, then he picked him up
20 and slammed him.

21 Q. Was he turned -- is it fair to say he got around
22 at the last minute?

23 A. Yes. Like he was -- he was all around. Like he
24 like this --

25 Q. And that's when -- and that's when the defendant

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1 got up to him?

2 A. Yes, sir.

3 Q. And that's when the slam, the body-slam,
4 occurred?

5 A. Yes, sir.

6 MR. SIMPSON: Thank you, Your Honor. Nothing
7 further of this witness.

8 MR. BOSNAK: A few more questions, Your Honor.

9 RECROSS-EXAMINATION

10 BY MR. BOSNAK:

11 Q. You said you wanted to get him medical help.
12 You didn't get him medical help.

13 A. Me and my mother give him medicine.

14 Q. Okay. Now, you said they put some ice on his
15 face. He had a few cuts on his face?

16 A. Yes, sir.

17 Q. Cut lip?

18 A. He was -- he was bleeding, yes, sir.

19 Q. Cut lip?

20 A. Yes, sir.

21 Q. Had a little cut over his eye?

22 A. Yes, sir.

23 Q. But other than that, that was all the damage
24 done to his face; right?

25 A. Yes, sir.

MIA PERRON, CVR-CM-M

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1 Q. Okay. And your grandmother didn't get him help?

2 A. She had wanted to, but he said he was all right.

3 Q. Okay. And your sister -- his sister didn't get
4 him any help; right?

5 A. No, sir. But he had -- she had wanted to, but
6 he say he didn't want to.

7 MR. BOSNAK: Thank you. No further questions.

8 THE COURT: Mr. Jenkins, you may step down.
9 Thank you.

10 [Whereupon, Mr. Jenkins is excused and exits the
11 witness stand]

12 THE COURT: Ladies and gentlemen, we've reached
13 an appropriate time for us to take our lunch break.

14 Do not begin your deliberations. Do not discuss
15 this case amongst yourselves.

16 Please be back in your jury room at 1:45.

17 Please remember and be respectful of each other's
18 time. We can't begin until all thirteen of you are
19 back. Please have a wonderful lunch.

20 Please rise for the jury.

21 [Whereupon, the jury exits the courtroom at
22 12:32 p.m.]

23 THE COURT: Please be seated.

24 Do we need to put some things on the record or
25 address some issues, Mr. Simpson?

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1 MR. SIMPSON: Thank you, Your Honor.

2 We discussed pretrial with Mr. Bosnak and I
3 think we can go ahead and enter some items into
4 evidence. If I'm wrong --

5 We've moved State's 1 in, obviously. State's 2
6 through 4 are photographs of the car.

7 THE COURT: Any objection to 2, 3 and 4?

8 MR. BOSNAK: No, ma'am. We're not disputing
9 anything about the car.

10 THE COURT: State's 2, 3 and 4 into evidence
11 without objection.

12 [State's Exhibit Numbers 2, 3 and 4 are admitted
13 into evidence by the Court]

14 MR. SIMPSON: State's 7 through 44 are pictures
15 of the scene. And we won't be wasting the Court's
16 time talking about each and every one of them. But
17 we've agreed to move in State's 7 through 44, photos
18 of the scene.

19 THE COURT: State's 7 through 44. Any
20 objection?

21 MR. BOSNAK: Yes, sir. No, ma'am. They're just
22 blood droplets on the sidewalk.

23 THE COURT: So no objection to, inclusive, 7
24 through 44?

25 MR. BOSNAK: Your Honor, well, let's wait and

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1 talk about it. I don't think we need that many
2 pictures of that.

3 THE COURT: So you do have objections, Mr.
4 Bosnak?

5 MR. BOSNAK: Over lunch let's decide what can
6 come in. I mean, I just don't see --

7 THE COURT: Well, that's what I'm here trying to
8 do now.

9 MR. BOSNAK: Yeah. I will object. We're going
10 to let certain ones of them in. I don't think we need
11 to let everything --

12 THE COURT: Are you telling me, Mr. Bosnak, the
13 two of you are going to work this out over lunch about
14 what comes in?

15 MR. BOSNAK: Yes, ma'am, we will.

16 THE COURT: All right.

17 MR. SIMPSON: There are objections to 45 and 46
18 that we can take up at a later time.

19 47 through 50 are just four swabs of the blood
20 from the scene. I don't believe there's --

21 MR. BOSNAK: I don't have any objection.

22 THE COURT: Any objection to 47 through 50?
23 Without objection? And those are blood swabs, Mr.
24 Simpson?

25 MR. SIMPSON: Yes, Your Honor. 51 is a blood

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1 spot from the victim, taken at autopsy.

2 MR. BOSNAK: That's fine.

3 THE COURT: 51, no objection. Into evidence.

4 [[Whereupon, State's Exhibit Number 51 is
5 admitted into evidence by the Court]

6 MR. SIMPSON: 52 is the buccal swab from the
7 defendant.

8 MR. BOSNAK: Without objection, Your Honor.

9 THE COURT: 52 is the buccal swab. Into
10 evidence without objection.

11 [Whereupon, State's Exhibit Number 52 is
12 admitted into evidence by the Court]

13 MR. SIMPSON: 53 and 54 are stipulations that
14 we've already entered into and agreed upon.

15 THE COURT: Did you put them on paper and
16 they're stipulations that --

17 MR. SIMPSON: Yeah. They're written
18 stipulations that I agreed upon.

19 THE COURT: They don't need to go back to the
20 jury. You can just read them as if they were any
21 other --

22 MR. SIMPSON: Okay.

23 THE COURT: -- other evidence, piece of
24 testimony or a witness testifying.

25 MR. BOSNAK: It's DNA evidence and that type of

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1 thing, Your Honor.

2 THE COURT: Are you -- is it the DNA report that
3 you're stipulating to and is that going back and --

4 MR. SIMPSON: It is the -- one is the chain of
5 the DNA evidence. The second is the DNA analysis.
6 We're not going to call Dr. Fitz, who did the analyses
7 from SLED. We're just going to stipulate to his
8 conclusions. And that's the subject to the second
9 stipulation, Your Honor.

10 MR. BOSNAK: Your Honor, the blood on the
11 sidewalk is what they took samples of to determine
12 whose DNA it was. And it was the defendant's. And,
13 of course, you've heard from his nephew that he had a
14 cut on his lip and a small cut on his eye.

15 THE COURT: All right. We can mark the
16 stipulations as Court's Exhibits but they're not going
17 to go back into -- in with the jury.

18 MR. SIMPSON: Understood, Your Honor.

19 THE COURT: I'm not going to give it anymore
20 importance than any other testimony.

21 MR. SIMPSON: Understand. We'll just publish
22 those at the appropriate time.

23 MR. BOSNAK: Fine, Your Honor.

24 THE COURT: All right. Thank you.

25 MR. BOSNAK: Yes, ma'am.

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1 THE COURT: All right. So the two of you need
2 to work out as to the remaining photographs, 7 through
3 44, and we'll address that at the appropriate time.
4 When will they come in?

5 MR. SIMPSON: Through our second-to-last
6 witness, the crime scene, Randy Unterbrink.

7 THE COURT: All right. Anything before we break
8 for lunch? Mr. Simpson?

9 MR. SIMPSON: No, Your Honor.

10 THE COURT: Mr. Bosnak?

11 MR. BOSNAK: No, Your Honor.

12 THE COURT: All right. Mr. Wright, please
13 remember my admonition. You can choose not to come
14 back, but we're going to continue on with this trial
15 and a warrant will issue for your arrest.

16 MR. WRIGHT: You don't have to worry, Your
17 Honor.

18 THE COURT: All right. You're out on the same
19 terms and conditions that you were previously on.

20 Thank you. We're at ease until 1:45.

21 MR. SIMPSON: Thank you, Your Honor.

22 [Whereupon, State's Exhibit Number 53 is
23 remarked as Court's Exhibit Number 1]

24 [Whereupon, State's Exhibit Number 54 is
25 remarked as Court's Exhibit Number 2]

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1 [Whereupon, a recess is taken from 12:36 p.m. to
2 1:43 p.m.]

3 THE COURT: Thank you. Please be seated.

4 Anything before we bring in the jury? From the
5 State?

6 MR. SIMPSON: No, Your Honor.

7 THE COURT: From the defendant?

8 MR. BOSNAK: No, Your Honor.

9 THE COURT: All right. Please be seated. I try
10 to stand as long as I can.

11 Let's bring in the jury.

12 Thank you. They're down the hall. It will take
13 just a few seconds.

14 [Off the record momentarily]

15 MR. SIMPSON: Your Honor, just quickly, Miss
16 Purcell just informed me that having the mom outside,
17 the mother of the victim outside, is a violation of
18 the victim's bill of rights. I suppose she wishes to
19 be present in here.

20 THE COURT: I did not exclude her from the
21 courtroom.

22 MR. SIMPSON: I know. It was -- she's a
23 witness.

24 THE COURT: She is entitled to be here. She is
25 considered a party under the victim's bill of rights.

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1 Thank you.

2 MR. SIMPSON: Okay. Thank you, Your Honor.

3 [Whereupon, the jury enters the courtroom at
4 1:46 p.m.]

5 THE BAILIFF: All jurors are seated, Your Honor.

6 THE COURT: Thank you. Please be seated.

7 Madam Foreperson, members of the jury, I hope
8 you had a wonderful lunch.

9 Please call your next witness, Mr. Simpson.

10 MS. BALDWIN: Thank you, Your Honor.

11 The State calls Jacqui Jenkins.

12 [Whereupon, Mr. Jacqui Jenkins comes forward]

13 THE CLERK OF COURT: Place your left hand on the
14 Bible, please, and raise your right hand.

15 [Whereupon, Mr. Jacqui Jenkins is duly sworn by
16 the clerk of court as follows: do you swear or affirm
17 the testimony you shall give the Court and the jury in
18 the trial of this case shall be the truth, the whole
19 truth, and nothing but the truth, so help you God]

20 THE WITNESS: [Indicates affirmatively]

21 THE COURT: Thank you. Please be seated.

22 [Whereupon, Mr. Jacqui Jenkins takes the witness
23 stand]

24 THE CLERK OF COURT: Sir, for the record if
25 you'll please state your name, spelling your last

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1 name. And please speak into the microphone.

2 THE WITNESS: Jacqui Jenkins.

3 THE COURT: Please spell your last name.

4 THE WITNESS: J-E-N-K-I-N-S.

5 THE COURT: Thank you.

6 Ms. Baldwin?

7 MS. BALDWIN: Thank you, Your Honor.

8 How are you doing today, Jacqui?

9 THE WITNESS: Good.

10 MS. BALDWIN: Good.

11 - - - - -

12 JACQUI JENKINS,

13 Having Been First Duly Sworn,

14 was Examined and Testified as Follows:

15 DIRECT EXAMINATION

16 BY MS. BALDWIN:

17 Q. Why don't you tell the jury a little bit about
18 yourself. Where are you from?

19 A. I'm from Harris Street.

20 Q. Harris Street. Is that downtown Charleston?

21 A. Yes, ma'am.

22 Q. And when where you born?

23 A. April 2nd, 1995.

24 Q. How old are you?

25 A. Sixteen.

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1 Q. Where do you go to school?

2 A. Burke High School.

3 Q. And you said you're from Harris Street?

4 A. Yes, ma'am.

5 Q. And who do you live on Harris Street with?

6 A. My grandmama, Miss Mary.

7 Q. Miss Mary. And who else?

8 A. My mother, Tomeika Jenkins.

9 Q. Anybody else live there?

10 A. My brothers and sisters.

11 Q. And in June of last year, did anybody else live
12 there then?

13 A. My uncles, and that's all. That's it.

14 Q. Do you remember an incident that occurred on
15 June 10th of 2010?

16 A. No, ma'am.

17 Q. You don't remember something with your uncle?

18 A. No, ma'am.

19 Q. June of last year?

20 A. [No response]

21 Q. Do you remember going to the store?

22 A. Yes, sir.

23 Q. Okay. Why don't you tell the jury about that.

24 A. Oh. It was me, my brother [REDACTED] Robert J.,

25 Maurice Wright. And Chris tagged along with us and he --

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1 Q. Who's Chris?

2 A. My uncle.

3 Q. Your uncle. Okay.

4 A. We had walked down Harris going up to America.

5 Cut through on Martin Park and went down Aiken Street.

6 Then we saw Robert Wright came around the corner of

7 Shepard Street -- I mean, like on the corner of Aiken and

8 Shepard. Came out of the car, picked up Chris -- picked

9 up --

10 Q. Let me interrupt you real quick. You said
11 picked up him?

12 A. Yes, ma'am.

13 Q. Who's him?

14 A. I mean Christopher, my uncle.

15 Q. Okay. And did you know Robert Wright? Did you
16 know who that person was that picked up Chris?

17 A. Yes, ma'am.

18 Q. Okay. How did you know him?

19 A. I had seen him a few times.

20 Q. Okay. Around the neighborhood?

21 A. Yes, ma'am.

22 Q. Okay. So you said he picked him up?

23 A. Yes, ma'am.

24 Q. What happened then?

25 A. He picked him up and slammed him, started

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1 punching him and stomping him. And we -- my brother,
2 Robert, had tell him to stop. He didn't stop. He tell my
3 brother something. I couldn't remember what he had --
4 exactly had said.

5 Q. You said you don't remember exactly what he had
6 said?

7 A. Yes, ma'am.

8 Q. Okay. And you said he was punching Chris?

9 A. Yeah. Punching and stomping.

10 Q. He punched him in the stomach?

11 A. Punching and stomping.

12 Q. Okay. Was that when he was standing up, or
13 lying down on the ground?

14 A. Lying down on the ground.

15 Q. And how was Chris lying on the ground? Was his
16 face down, was he -- was his face up?

17 A. Face down. Face down.

18 Q. Okay. And you said he stomped him?

19 A. Yes, ma'am.

20 Q. Okay. Where did he stomp him?

21 A. Like in his head and stomach.

22 Q. Did you ever see Chris fight back?

23 A. No, ma'am.

24 Q. You never saw him swing at him?

25 A. No, ma'am.

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1 Q. Did Chris say anything?

2 A. Oh, no. Like he was hurt. And he just was
3 hurt. He ain't say nothing.

4 Q. So what happened after you saw him stomping him?

5 A. We -- just -- Robert just said to try to tell
6 him to stop. My brother, [REDACTED], just tell him to
7 stop.

8 Q. What happened after that?

9 A. We had continued going to the store.

10 Q. Did Chris come with you?

11 A. No. He had turned on Cooper Street and sat
12 down.

13 Q. Where did he sit down?

14 A. In like a yard like.

15 Q. How did Chris look?

16 A. He looked like he was hurt.

17 Q. Was he -- how was his body? Was he standing up
18 straight?

19 A. No. Like he was slouched over.

20 Q. Did you see if he was bleeding or not?

21 A. I couldn't like really see.

22 Q. Okay. So where did you guys go after you went
23 to the store?

24 A. Oh. We had gone home, like gone straight home.

25 Q. Did you see -- when did you next see Chris?

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1 A. Like on the back porch.

2 Q. The back porch of where?

3 A. Our house. The back porch of the house we live
4 at.

5 Q. And how did he look when you saw him there?

6 A. He looked pretty bad, like he was like banged up
7 really bad.

8 Q. When Mr. Wright was punching and stomping your
9 uncle, what was going through your head?

10 A. Like why is he doing it.

11 Q. So what did you do when you got back to the
12 house?

13 A. I had tell my mother.

14 Q. What did you tell your mother?

15 A. Oh. I tell my mother that Robert had beat up
16 Chris and she -- then she had gone to get Chris and then I
17 had know he was really hurt and he was bleeding.

18 MS. BALDWIN: Your Honor, may I have him -- the
19 witness step down for a moment?

20 THE COURT: He may.

21 You may step down.

22 [Whereupon, the witness exits the witness stand]

23 Q. [Mr. Simpson] Jacqui, I'm going to show you
24 this map here. So there's Martin Field. So why don't you
25 just show the jury where your house is and the route that

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1 y'all took. And speak loudly.

2 A. Our house is right here, [REDACTED].

3 [REDACTED] right here. We had walked down Harris,
4 going down to America, cut through Martin Park, and gone
5 down Aiken Street and then --

6 Q. All right. And then where did y'all go next?

7 A. We continued going down Aiken, turned right
8 on going down to where --

9 Q. Show the jury where your uncle stops.

10 A. He stops right here in this field right here.

11 Q. And where was your uncle when you got back to
12 the house?

13 A. On the back porch, like back porch of our house
14 on Harris Street.

15 MS. BALDWIN: Go sit --

16 [Whereupon, the witness retakes the witness
17 stand]

18 Q. [Ms. Baldwin] So when you guys went to the
19 store, Jacqui, your mom told you to go to the store or who
20 told you to go to the store?

21 MR. BOSNAK: Objection, Your Honor. That's
22 leading.

23 THE COURT: I'm going to allow it, based upon
24 the witness.

25 MS. BALDWIN: Thank you, Your Honor.

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1 THE COURT: You may answer.

2 A. Oh. Like we had choose to go to the store.

3 Q. [Ms. Baldwin] Okay. And Chris was at the house
4 when you went there?

5 A. Oh. Yes.

6 Q. Did Chris, at any time, leave you guys before he
7 was beaten up?

8 A. Oh. Yes. He had turned on Cooper Street.

9 Q. But before?

10 A. Right.

11 Q. Before you saw Mr. Wright. From the time you
12 left the house until the time --

13 A. Oh. He was with us.

14 Q. He was with you the whole time?

15 A. Yes, ma'am.

16 Q. Did you hear Chris say anything when Mr. Wright
17 came up to him?

18 A. I really can't remember what he said.

19 Q. Okay. Did you ever see -- was Chris defending
20 himself or was he fighting back?

21 A. He wasn't defending himself. He just --

22 Q. Did he swing at him? Did he swing at --

23 A. Oh. No.

24 Q. Did he kick at him?

25 A. No, ma'am.

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1 Q. Did you see Mr. Wright approach?

2 A. Oh. Yes. Like when he slammed Chris is when I
3 seen him approach.

4 Q. That's when you saw him?

5 A. [No response]

6 MS. BALDWIN: No further questions, Your Honor.
7 Jacqui, just answer any questions Mr. Bosnak
8 has. Okay?

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Mr. Bosnak?

11 MR. BOSNAK: May it please the Court.

12 CROSS-EXAMINATION

13 BY MR. BOSNAK:

14 Q. All four of you walking together?

15 A. Yes, sir.

16 Q. Your brother?

17 A. Yes, sir.

18 Q. Your uncle?

19 A. Yes, sir.

20 Q. And also Maurice?

21 A. Yes, sir.

22 Q. How do you pronounce his last name?

23 A. Maurice Wright.

24 Q. What?

25 A. Right.

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1 Q. No. Maurice, the other young man that was with
2 you.

3 A. Oh, yeah. Maurice.

4 Q. Wasn't another one with you?

5 A. Oh. No.

6 Q. Just three of you?

7 A. There was four of us.

8 Q. Who was the fourth one?

9 A. Maurice Wright.

10 Q. Maurice Wright. Okay. So it's Maurice Wright,
11 Robert your brother --

12 A. Yes, sir.

13 Q. -- and Chris your uncle; correct?

14 A. Yes, sir.

15 Q. And y'all are all walking together?

16 A. Yes, sir.

17 Q. How far apart were you?

18 A. Like we was like really close.

19 Q. Real close. Show me what we're talking about
20 real close. Would it be this close?

21 THE COURT: You have permission to approach,
22 Mr. Bosnak.

23 MR. BOSNAK: Excuse me. Approach, Your Honor?

24 THE COURT: Thank you. You may.

25 Q. [Mr. Bosnak] This close?

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1 A. Yes.

2 Q. Or closer?

3 A. That close right there.

4 Q. About this close. Three or four feet?

5 A. Oh. Yeah, like --

6 Q. Would that be correct?

7 A. Yes.

8 Q. Okay. Three or four feet.

9 Now, do you recall talking to the police about
10 this?

11 A. No, sir.

12 Q. You don't recall talking to the police about
13 this?

14 A. Oh. Yes. Yes.

15 Q. You talked to them?

16 A. Oh. Yes. I talked --

17 Q. And do you recall telling them that you could
18 not identify the defendant because you weren't wearing
19 your glasses?

20 A. Yes, sir.

21 Q. Okay. So you couldn't identify him even though
22 he was three or four feet away from you; right?

23 A. Because it was like dark. Couldn't really see.

24 Q. And so you --

25 A. -- and behind --

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1 Q. So you couldn't see?

2 A. Like I couldn't know it was Robert but --

3 Q. Well, you said to the police you couldn't
4 identify Robert because you didn't have your glasses on>

5 A. Yes, sir.

6 Q. And you've also said it was dark?

7 A. Yes, sir.

8 Q. So what you're telling us, you had problems
9 seeing; right?

10 A. Yes, sir.

11 Q. Okay. Right?

12 A. [No response]

13 Q. Okay. Now, your uncle stopped on Cooper Street?

14 A. Yes.

15 Q. He stopped. But y'all went ahead to the store?

16 A. Yes, sir.

17 Q. And you said he was hurt?

18 A. Yes, sir.

19 Q. Hurt bad?

20 A. Like banged up, like slouched over.

21 Q. He was banged up, slouched over?

22 A. Yes, sir.

23 Q. Had to stop walking?

24 A. Oh. Yes, he had to stop walking.

25 Q. But nobody stayed with him, did they?

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- 1 A. No, sir.
- 2 Q. They went on to the store?
- 3 A. Yes, sir.
- 4 Q. And he made his way back to your house; right?
- 5 A. Yes, sir.
- 6 Q. The family home; correct?
- 7 A. Yes, sir.
- 8 Q. And nobody was with you, were they?
- 9 A. No.
- 10 Q. And he beat y'all home, didn't he?
- 11 A. Yes, sir.
- 12 Q. And he was on the back porch sitting there
- 13 talking to a friend of his when y'all got there, wasn't
- 14 he?
- 15 A. I couldn't really know. I just seen him on the
- 16 back porch.
- 17 Q. Who else was on the back porch?
- 18 A. I really don't know.
- 19 Q. You don't know?
- 20 A. No, sir.
- 21 Q. Was there other people on the back porch?
- 22 A. I couldn't really remember.
- 23 Q. You can't remember who was on the back porch.
- 24 But you know your uncle was back there?
- 25 A. Yes, sir.

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1 Q. Okay. And nobody ever called EMS?

2 A. No, sir.

3 Q. And nobody told him, come on, we're going to the
4 hospital?

5 A. Yes. My grandma.

6 Q. But he didn't go to the hospital, did he?

7 A. No, sir.

8 Q. Your grandmother tried to get him to go to the
9 hospital?

10 A. Yes, sir.

11 Q. But he didn't go, did he?

12 A. Huh-uh.

13 Q. Okay. Now, did you know Robert before this?

14 A. Like a few times.

15 Q. You've seen him a few times?

16 A. Yes, sir.

17 Q. Okay. Never had any problems with him?

18 A. No, sir.

19 Q. And you're saying like he snuck up on y'all?

20 A. Yes, sir.

21 Q. You didn't hear the door slam on the car?

22 A. Huh-uh.

23 Q. Didn't hear the door slam?

24 A. No, sir.

25 Q. Didn't hear the car pull up?

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1 A. No, sir.

2 Q. Didn't hear the door slam?

3 A. No, sir.

4 Q. Didn't hear him walk up?

5 A. We hear the car because Chris had turned around.

6 Q. Chris had turned around. So he saw him?

7 A. Yeah, Chris had saw him.

8 Q. Okay. And he didn't do anything to defend
9 himself?

10 A. No, sir.

11 MR. BOSNAK: Okay. No further questions, Your
12 Honor. Thank you.

13 THE COURT: Redirect?

14 MS. BALDWIN: Just a couple of questions, Your
15 Honor.

16 REDIRECT EXAMINATION

17 BY MS. BALDWIN:

18 Q. Jacqui, you said you weren't wearing your
19 glasses that evening?

20 A. Yes, ma'am.

21 Q. Is there any doubt that Mr. Wright punched your
22 uncle?

23 A. Oh. Yes, he had punched him.

24 Q. You could see that?

25 A. Yes.

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1 Q. You saw your uncle -- Mr. Wright stomping on
2 your uncle?

3 A. Yes, sir. Yes, ma'am, I mean.

4 MS. BALDWIN: No further questions, Your Honor.

5 THE COURT: Recross?

6 RECROSS-EXAMINATION

7 BY MR. BOSNAK:

8 Q. Even though this was going on, the other three
9 of you didn't do anything to stop it, did you?

10 A. No, sir.

11 Q. Y'all didn't try to get in the way, did you?

12 A. Huh-uh.

13 Q. You didn't holler for help?

14 A. No. No, sir.

15 Q. You didn't go run to one of the houses to get
16 them to call the police, did you?

17 A. No, sir.

18 Q. And after it happened, you didn't call the
19 police, did you?

20 A. No, sir.

21 Q. And when your uncle couldn't -- supposedly
22 couldn't walk anymore, nobody thought about calling
23 Emergency Medical Services, did they?

24 A. No, sir.

25 MR. BOSNAK: Thank you.

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1 THE COURT: You may step down, Mr. Jenkins.

2 Thank you.

3 [Whereupon, Mr. Jenkins is excused and exits the
4 witness stand]

5 THE COURT: Call your next witness.

6 MR. SIMPSON: Thank you, Your Honor. The State
7 calls [REDACTED] Maurice D. [REDACTED].

8 [Whereupon, Mr. [REDACTED] Maurice D. comes forward]

9 THE CLERK OF COURT: I need you to place your
10 left hand on the Bible and raise your right hand.

11 [Whereupon, Mr. [REDACTED] Maurice D. is duly sworn by the
12 clerk of court as follows: do you swear or affirm the
13 testimony you shall give the Court and the jury in the
14 trial of this case shall be the truth, the whole
15 truth, and nothing but the truth, so help you God]

16 THE WITNESS: Yes.

17 THE COURT: Thank you. Please be seated.

18 [Whereupon, Mr. [REDACTED] Maurice D. takes the witness stand]

19 THE CLERK OF COURT: For the record, if you'll
20 please state your name, spelling your last name. And
21 please speak into the microphone.

22 THE WITNESS: My name is [REDACTED] Maurice D. [REDACTED]. My
23 last is [REDACTED], [REDACTED].

24 MR. SIMPSON: Maurice, good afternoon.

25 THE WITNESS: Good afternoon.

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Maurice D.

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. SIMPSON:

Q. Are you a little nervous to be here today?

A. Yes, sir.

Q. Is this your first time testifying in a court?

A. Yes, sir.

Q. And where are you from, Maurice?

A. Downtown.

Q. Did you grow up downtown?

A. Yes, sir.

Q. And how do you know -- are you acquainted with
the Jenkins family?

A. Yes, sir.

Q. And how do you know them?

A. Robbie Jenkins was in my third-grade class.

Q. You said Robert J. was in your third-grade
class?

A. Yes.

Q. So are you guys friends?

A. Yes, sir.

Q. Do you like to hang out together?

A. Yes, sir.

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1 Q. Where do you live now?

2 A. North Charleston. Pitman Street.

3 Q. Did you use to live close to the Jenkins?

4 A. Yes, sir.

5 Q. And how far did y'all live?

6 A. Not that far.

7 Q. Okay. Same neighborhood?

8 A. Yes, sir.

9 Q. And how old are you right now, Maurice?

10 A. Fourteen.

11 Q. And you know why we're here today; correct?

12 A. Yes, sir.

13 Q. And how old were you back in June of last year
14 when this happened?

15 A. Thirteen.

16 Q. Thirteen.

17 And on June 10th, 2010, were you spending some
18 time with your friend Robert J.

19 A. Yes, sir.

20 Q. And if you could -- and I may interrupt you from
21 time to time, if I need some clarification. But just
22 explain to the ladies and gentlemen of the jury what
23 occurred on June 10th, 2010.

24 A. A murder.

25 Q. Well, I'm sorry. A little more detail than

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1 that.

2 At some point did you decide that y'all were
3 going to go to the store?

4 A. Yes, sir.

5 Q. And what store?

6 A. I can't remember his name.

7 Q. Was it the neighborhood -- it was a neighborhood
8 grocery?

9 A. Yes, sir.

10 Q. But you can't remember the name?

11 A. No, sir.

12 Q. Okay. And who all walked to the store with you?

13 A. Me, Jay, Robbie and Chris.

14 Q. You said Jay. Is that -- who is that?

15 A. That's Robert brother.

16 Q. Robert's brother?

17 A. Yes, sir.

18 Q. Jacqui?

19 A. Yeah, Jacqui.

20 Q. And is Jay just kind of what you call him?

21 A. [No response]

22 Q. Is Jay just kind of a nickname, what you call
23 him?

24 A. Yes, sir.

25 Q. So it was you, Jay, your friend Robert. Who

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1 else was with you?

2 A. And Chris.

3 Q. And who's Chris?

4 A. They uncle.

5 Q. Their uncle.

6 Okay. And about -- I'm not going to hold you
7 to, you know, exact clock time. But about what time of
8 day was it when y'all decided to go to the store?

9 A. Around nighttime.

10 Q. All right. Was it still a little light outside?

11 A. Kind of like that.

12 Q. What do you mean kind of like that? What do you
13 mean?

14 A. Like I'd say not that dark.

15 Q. Sort of twilight? In between day and night?

16 A. Yes.

17 Q. Okay. And what happened on your way to the
18 grocery?

19 A. Robert jumped out of the car.

20 Q. Now, let me stop you there for a second. Who
21 are you talking about when you say Robert?

22 A. Robert [indicates].

23 Q. And are you referring to the defendant at the
24 table there?

25 A. Yes, sir.

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1 Q. You said he jumped out of a car?

2 A. Car.

3 Q. Keep going.

4 A. Then he grabbed Chris and down Chris and
5 start --

6 Q. And let me stop you there just for a second.
7 You said he -- you say he downed Chris?

8 A. Downed Chris.

9 Q. And what do you mean by that?

10 A. Grabbed him like this.

11 Q. And did he go down -- did Chris go down on the
12 ground?

13 A. Yes.

14 MR. BOSNAK: Your Honor, we object. Could we
15 approach?

16 THE COURT: You may.

17 [Whereupon, an off-the-record bench conference
18 is held]

19 THE COURT: Mr. Simpson?

20 MR. SIMPSON: Thank you, Your Honor.

21 Q. [Mr. Simpson] Maurice, if you could just
22 continue about what you observed between the defendant and
23 Christopher Jenkins.

24 A. And then the defendant struck in Christopher's
25 face like a lot of times. And then he stomped Chris in

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1 his face two times and stomped him in his ribs.

2 Q. Can you explain to the jury what you mean by
3 stomped?

4 A. Like [indicates].

5 Q. At any point during that, did anybody say
6 anything to him?

7 A. Yes. Robbie said, get off of him. And he said,
8 what the blank you going to do.

9 Q. When you say blank, that was a bad word he used?

10 A. Yes, sir.

11 Q. Okay. At some point did the assault stop?

12 A. No.

13 Q. It didn't? It never stopped?

14 A. After he had stomped him one more time, then he
15 jump into his car.

16 Q. Okay. And what did the defendant do once he got
17 in his car?

18 A. He drive off.

19 Q. And how was Chris Jenkins acting after that?

20 A. He did not want to talk.

21 Q. He didn't want to talk?

22 A. [No response]

23 Q. Did he appear to you to be hurt?

24 A. No.

25 Q. Did Chris stand up?

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1 A. Yes, sir.

2 Q. And what did he do then?

3 A. And then we was walking to the store and he turn
4 into a yard.

5 Q. And what did he do when he got in the yard?

6 A. I can't see.

7 Q. Okay.

8 MR. SIMPSON: Your Honor, may I ask the witness
9 to step down?

10 THE COURT: You may.

11 MR. SIMPSON: Can you step down.

12 [Whereupon, the witness exits the witness stand]

13 Q. [Mr. Simpson] If you could just show the jury
14 where the Jenkins house was. This is Martin Park, Harris
15 Street, America.

16 A. [No response]

17 Q. Are you having a hard time?

18 A. [Indicates affirmatively]

19 Q. Is it somewhere on Harris Street?

20 A. Yes.

21 Q. And where did the assault occur?

22 A. [Indicates]

23 Q. On Aiken Street? And did it happen near the
24 baseball field?

25 A. Yes.

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1 Q. Okay. Right in this area here?

2 A. Yes.

3 MR. SIMPSON: Okay. Have a seat.

4 [Whereupon, the witness retakes the witness
5 stand]

6 Q. [Mr. Simpson] Maurice, at any time did you see
7 Christopher Jenkins swing at Robert Wright, the defendant?

8 A. No, sir.

9 Q. At any time did you see him push Robert Wright?

10 A. No.

11 Q. Did he -- was Mr. Jenkins put to the ground
12 pretty quickly by Mr. Wright?

13 A. Yes, sir.

14 MR. SIMPSON: Okay. Maurice, I just want you to
15 listen to Mr. Bosnak and answer any questions that he
16 has for you.

17 THE COURT: Mr. Bosnak?

18 MR. BOSNAK: Thank you, Your Honor. May it
19 please the Court.

20 CROSS-EXAMINATION

21 BY MR. BOSNAK:

22 Q. Maurice, is your last name DeVeaux or Wright?

23 A. DeVeaux.

24 Q. DeVeaux?

25 A. Yes, sir.

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1 Q. You're not Maurice Wright?

2 A. No, sir.

3 Q. How far apart were y'all? Y'all were all
4 walking together. How far apart were you?

5 A. Chris was not that far from us.

6 Q. What do you mean not that far? How far?

7 A. We was like right here; he was like right here.

8 Q. Six, seven inches apart?

9 A. Yes, sir.

10 Q. Okay. And you say you didn't hear Mr. Wright
11 drive up in the car?

12 A. No, sir.

13 Q. Did you hear him -- did you hear a car drive up?

14 A. Huh-uh. Just hear him run out the car.

15 Q. Do what, now?

16 A. I just hear him -- I just hear him running out
17 the car.

18 Q. I didn't understand what --

19 A. I just hear him running out the car.

20 Q. You didn't hear him running out of the car?

21 A. I did hear him running out the car.

22 Q. You did hear him. But you didn't hear the car
23 pull up?

24 A. No, sir.

25 Q. Didn't hear a door slam?

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1 A. The door wasn't slammed.

2 Q. So he just left the door open on the car?

3 A. Yes, sir.

4 Q. Okay. The door was open on his car and he ran
5 up. But you heard him run up?

6 A. Yes, sir.

7 Q. And he grabbed Chris by the back?

8 A. Yes, sir.

9 Q. Went up and grabbed him by the back?

10 A. No. From the --

11 Q. Threw him back?

12 A. -- the front.

13 Q. From the front?

14 A. The front. And then --

15 Q. Then Chris would have had to turn around and be
16 facing him and see him; right?

17 A. Yes, sir.

18 Q. Is that -- and threw him down. You said he was
19 hitting him in the face?

20 A. Yes, sir.

21 Q. Was he on top of him?

22 A. Yes, sir. No, sir. He was standing up right
23 now.

24 Q. So here's a guy laying on the ground. Was he
25 laying on his back or his stomach?

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1 A. His back.

2 Q. He was laying on his back?

3 A. Yes, sir.

4 Q. And my guy's standing up but he's punching him
5 like that?

6 A. He was kind of a little bit down -- down a
7 little bit.

8 Q. Well, that's not what you said. He would have
9 to be on the ground punching him. How are you going to
10 punch somebody if they're standing up and they're laying
11 flat on the ground?

12 A. [No response]

13 Q. Don't know?

14 A. Huh-uh.

15 Q. Now, all this is going on right around y'all,
16 close; right?

17 A. Yes, sir.

18 Q. And y'all didn't do anything?

19 A. I wasn't thinking.

20 Q. Well, you say here's a man getting beat up, he's
21 not defending himself.

22 A. Thought I was going to get hurt.

23 Q. Do what, now?

24 A. Thought I would get hurt.

25 Q. Well, there are three of y'all. There are four

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1 of y'all together. There's only one here: Mr. Wright.

2 A. But that's a grown man and we're children.

3 Q. Well, his two nephews are sitting right there.
4 It ain't like y'all are six or seven years old. You've
5 been in a fight before, haven't you?

6 A. Yes, sir.

7 Q. Yes, sir?

8 A. Yes, sir.

9 Q. And three of you couldn't pull him off?

10 A. Like I said, we was going to get hurt.

11 Q. What?

12 A. Like I said, he could have hit one of us.

13 Q. So here you're seeing a man getting beat up but
14 y'all are scared to do anything?

15 A. That's it. Scared.

16 Q. You scared?

17 A. Yeah, I was scared.

18 Q. You scared.

19 A. Yes.

20 Q. Okay. Have you talked to the police about this
21 case?

22 A. Yes, sir.

23 Q. How many times have you talked to the police
24 about this case?

25 A. Three.

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1 Q. How many?

2 A. Three.

3 Q. Thirty?

4 A. Three.

5 Q. Three. Talked to the police three times about
6 it.

7 You talked to the solicitor's office about this
8 case?

9 A. Yes, sir.

10 Q. How many times did you talk to the solicitor's
11 office?

12 A. Two.

13 Q. So five times?

14 A. Two.

15 Q. Two times to the solicitor's office; correct?

16 A. Yes, sir.

17 Q. Who else have you talked to about this case?

18 A. And it was another guy.

19 Q. Another guy? You don't know who he was?

20 A. No, sir.

21 Q. Okay. Another person. Do you know who he
22 worked for?

23 A. No, sir.

24 Q. So you've talked to six different people about
25 this case; right?

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1 A. No, sir.

2 Q. Well, you said you talked to the police three
3 times about it and you've talked to the solicitor's office
4 two times about it and you said you talked to another
5 person about it.

6 A. Talked to the police --

7 Q. Beg your pardon?

8 A. Talked to the police one time and then talked to
9 them two times.

10 Q. Okay. But a minute ago you said you talked to
11 the police three times?

12 A. Have to think back.

13 Q. Do what, now?

14 A. Have to think back.

15 Q. What now?

16 A. Have to think back.

17 Q. You had to think back?

18 A. Yes.

19 Q. So now it goes from three to one; right?

20 A. Yeah. One to three. One to two. I talked to
21 them two times, and I talked to the first person who asked
22 us what happened.

23 Q. So you only talked to the police one time, is
24 what you're saying now?

25 A. Yes, sir.

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1 Q. But when I first asked you, you said three.

2 A. I didn't say three.

3 Q. Huh?

4 A. I didn't say three.

5 Q. Yeah you did. She can read it back.

6 And how many times did they talk to you about
7 this fight?

8 A. Who? The police?

9 Q. Yeah.

10 A. One time.

11 Q. Okay. And how many times did the solicitor talk
12 to you about the fight?

13 A. Two.

14 Q. Two times?

15 A. Yes, sir.

16 Q. Okay. Now, you said that Chris was hurt real
17 bad?

18 A. Yes.

19 Q. Okay. But y'all didn't care. Y'all went on to
20 the store, didn't you?

21 A. No, we didn't.

22 Q. Beg your pardon?

23 A. We asked him if he's all right.

24 Q. But you said he was hurt real bad.

25 A. Yeah. But he didn't answer us.

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1 Q. He didn't answer you?

2 A. Yes.

3 Q. But y'all went on to the store anyway, even
4 though he was hurt real bad?

5 A. Yeah.

6 Q. And did you tell anybody at the store he --

7 A. No. We tell his mom.

8 Q. Did you tell -- didn't tell anybody at the
9 store?

10 A. No, we didn't tell anybody at the store.

11 Q. And what did you get at the store?

12 A. Chips.

13 Q. Chips. So even though a man is hurt, you say
14 beat up real bad, you're more interested in getting your
15 chips than making sure he's okay?

16 A. No.

17 Q. What?

18 A. No.

19 Q. Well, you left him.

20 A. We didn't left him like that. We asked him --
21 we asked him if he was all right. He didn't answer us.
22 And then that's when he walked in the yard.

23 Q. You just testified that he was beat up bad?

24 A. Uh-huh.

25 Q. That he didn't defend himself?

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1 A. Uh-huh.

2 Q. And you're saying that he was hurt?

3 A. Yeah.

4 Q. And you leave him. You ask him if he's okay, he
5 doesn't answer, but you leave him anyway and go get some
6 chips?

7 A. Because he was walking a separate way from us.

8 Q. Separate way?

9 A. Yeah.

10 Q. Well, shouldn't somebody have stayed with him?

11 A. He was going to his friends.

12 Q. He was?

13 A. He was going to his friends.

14 Q. He was going to his friend's house?

15 A. Uh-huh.

16 Q. Who's his friend?

17 A. Ezek.

18 Q. Who?

19 A. Ezek.

20 Q. So he was going to Ezek's house?

21 A. The yard. In the yard.

22 Q. He's going to Ezek's yard?

23 A. In the yard, yeah.

24 Q. Okay. So he's going to Ezek's house?

25 A. Uh-huh.

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1 Q. How long did he stay at Ezek's house?

2 A. I can't say.

3 Q. Okay. So he wasn't just on the side of the
4 street. He left and he said, I'm going to Ezek's house,
5 told y'all to go on to the store; right?

6 A. He didn't say nothing to us.

7 Q. He didn't say anything to you. Well, how do you
8 know that he was going to Ezek's house?

9 A. Because he turned and his friend -- his friend
10 that way.

11 Q. His friend was that way?

12 A. He always goes that way to play cards.

13 Q. Okay. So he goes to Ezek's to play cards?

14 A. Yes.

15 Q. Okay. So you think he's going to Ezek's to play
16 cards?

17 A. Yeah, because we seen him walk in the yard.

18 Q. So you saw him walking in the yard?

19 A. Yes.

20 Q. And then y'all went on to the store?

21 A. Yes.

22 Q. And you think he went to Ezek's house?

23 A. Yes.

24 Q. Okay. And did you go back home --

25 A. Yes.

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1 Q. -- with his two nephews?

2 A. Yes, sir.

3 Q. And was he at home when you got there?

4 A. No.

5 Q. He wasn't there?

6 A. No.

7 Q. Okay. So you figured he was at Ezek's house?

8 A. Yeah.

9 Q. Okay. And you don't know what happened after he
10 went to Ezek's house?

11 A. And then he come back home.

12 Q. Well, what time did he come back home?

13 A. I said before. Like when we get to the house,
14 then that's when he come.

15 Q. He came back after y'all were there?

16 A. No. He come after us.

17 Q. After y'all?

18 A. Yeah.

19 Q. Well, how long after?

20 A. I can't say. I don't know.

21 Q. Well, I mean, five minutes, an hour, two hours?

22 A. Don't know.

23 Q. You don't know?

24 A. No.

25 MR. BOSNAK: No further questions.

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1 THE COURT: Redirect?

2 MR. SIMPSON: Thank you, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. SIMPSON:

5 Q. Maurice, how old were you when this occurred?

6 A. Thirteen.

7 Q. You were thirteen years old?

8 A. Yes, sir.

9 Q. And the defendant, Mr. Wright, is about how old
10 in your estimation?

11 A. Thirty.

12 Q. He's a grown man?

13 A. Yes, sir.

14 Q. Okay. Mr. Bosnak asked you how far you were
15 away from Christopher -- will you just tell me -- when the
16 assault happened. Will you just tell me about when to
17 stop about how far you were?

18 A. Go back a little.

19 Q. Go back a little?

20 A. Like there. It was like that close right there.

21 Q. About this?

22 A. Uh-huh.

23 Q. So when you said six inches, he just -- you were
24 mistaken?

25 A. Uh-huh.

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1 THE COURT: Is that a yes?

2 THE WITNESS: Yes, ma'am.

3 Q. [Mr. Simpson] You said you heard the defendant,
4 Mr. Wright, running towards --

5 A. Chris.

6 Q. -- Chris?

7 A. Yes, sir.

8 Q. When Mr. Wright got out of the car, did he just
9 run straight at Chris?

10 A. Yes, sir.

11 Q. Did he say anything?

12 A. No.

13 Q. And, again, you're thirteen?

14 A. Yes, sir.

15 Q. That's a kid; right?

16 A. Yes, sir.

17 MR. SIMPSON: Okay.

18 THE COURT: Recross?

19 RECROSS-EXAMINATION

20 BY MR. BOSNAK:

21 Q. You're just a kid; right?

22 A. Yes, sir.

23 Q. Okay. How did you know he was hurt, if you're
24 just a kid?

25 A. Because I know.

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1 Q. Huh?

2 A. Because I know. I know that face.

3 Q. Okay. But on certain things you're a kid, but
4 on him being hurt you know about that; right?

5 A. Yes.

6 Q. Okay. And certainly you knew he was going to
7 Ezek's to play cards?

8 A. He just walked that way.

9 Q. Walked that way. But that's what he usually
10 goes and does, doesn't he?

11 A. Yes.

12 Q. Had he been drinking that night?

13 A. No.

14 Q. How do you know?

15 A. Because he was in the house with us all day.

16 Q. He was in the house all day?

17 A. With us.

18 Q. Okay. With y'all all day?

19 A. Yes.

20 Q. He didn't have a drink?

21 A. No. Eating.

22 Q. Do what?

23 A. Eating.

24 Q. Just eating?

25 A. Uh-huh.

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1 Q. Okay. So he had been --

2 THE COURT: Is that a yes?

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Thank you.

5 Q. [Mr. Bosnak] So he had been at the house from
6 the first thing in the morning until --

7 MR. SIMPSON: Your Honor, objection.

8 A. Yes.

9 MR. SIMPSON: Outside the scope of cross.

10 MR. BOSNAK: That's fine. I'll withdraw the
11 question, Your Honor.

12 THE COURT: Thank you.

13 MR. BOSNAK: Thank you. No further questions,
14 Your Honor.

15 THE COURT: Mr. DeVeaux, you may step down.

16 [Whereupon, Mr. DeVeaux is excused and exits the
17 witness stand]

18 THE COURT: Call your next witness.

19 MS. BALDWIN: Thank you, Your Honor.

20 The State calls Tomeika Jenkins.

21 [Whereupon, Ms. Jenkins comes forward]

22 THE CLERK OF COURT: Place your left hand on the
23 Bible and raise your right.

24 [Whereupon, Ms. Jenkins is duly sworn by the
25 clerk of court as follows: do you swear or affirm the

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1 testimony you shall give the Court and the jury in the
2 trial of this case shall be the truth, the whole
3 truth, and nothing but the truth, so help you God]

4 THE WITNESS: I do.

5 THE COURT: Thank you. Please be seated.

6 [Whereupon, Ms. Jenkins takes the witness stand]

7 THE CLERK OF COURT: Ma'am, for the record if
8 you'll please state your name, spelling your last
9 name.

10 THE WITNESS: Tomeika Jenkins. J-E-N-K-I-N-S.

11 MS. BALDWIN: Thank you, Your Honor.

12 Hi, Tomeika. How are you doing?

13 THE WITNESS: All right.

14 - - - - -

15 TOMEIKA JENKINS,

16 Having Been First Duly Sworn,
17 was Examined and Testified as Follows:

18 DIRECT EXAMINATION

19 BY MS. BALDWIN:

20 Q. You a little nervous?

21 A. Yes.

22 Q. Well, why don't we just start off and you tell
23 the jury a little bit about you yourself. Where are you
24 from originally?

25 A. From downtown Charleston.

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1 Q. About how old are you?

2 A. Thirty-seven.

3 Q. And employed?

4 A. No. I just finished school. I just graduated
5 college.

6 Q. And with what degree?

7 A. In medical billing and coding.

8 Q. Now, we've heard testimony from Robert and
9 Jacqui. And how are they related to you?

10 A. They're my sons.

11 Q. How is the victim in this case, Christopher
12 Jenkins, related to you?

13 A. He's my oldest brother.

14 Q. How many brothers do you have?

15 A. Five.

16 Q. Tomeika, where were you living in June of last
17 year?

18 A. On Blakely Street.

19 Q. Who was living in the Harris Street address?

20 A. My mom.

21 Q. Anybody else living there at the time?

22 A. Her other son, Clarence [phonetic]. And my
23 children were staying there during the summer.

24 Q. During the summer they were staying?

25 A. Yes.

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1 Q. Where was Chris living?

2 A. He was staying with my mom, too. He --

3 Q. Go ahead.

4 A. He got -- he was staying with somebody else and
5 he got put out so he came to stay with my mom.

6 Q. Did you know Betty Scott?

7 A. That's my brother's girlfriend.

8 Q. Does Ms. Scott go by another name that you know?

9 A. Winkie.

10 Q. Winkie?

11 A. Miss Winkie.

12 Q. Okay. And what was the nature of Winkie's and
13 Chris' relationship?

14 A. Girlfriend and boyfriend.

15 Q. How long were they together?

16 A. A couple of years. I'm not sure.

17 Q. Do you know about when -- did they ever break
18 up?

19 A. Yes.

20 Q. About when was that?

21 A. In December of '09. I'm not sure of the date.

22 It was an off-and-on relationship, so I don't know when it
23 ended.

24 Q. What was the -- how was their relationship, to
25 your knowledge, after they broke up?

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1 A. It was argument. Arguments, off-and-on, on both
2 sides.

3 Q. Arguments on both sides?

4 A. Uh-huh.

5 Q. Would they see each other after they broke up?

6 A. Yes.

7 Q. Why don't you tell the jury a little bit about
8 your brother, what he was like.

9 A. He was a good brother to me. He helped me raise
10 my five children. Took them to school. He helped me with
11 everything. He was a good, caring person. He always
12 worked. He was the best brother to me.

13 Q. Did he like to drink alcohol?

14 A. Yes, he did, on Friday and Saturday. But he
15 don't -- he wouldn't drink on Sunday because he have to be
16 to work on Monday.

17 Q. And what was he like when he was drinking?

18 A. Very talkative, and a clown. He was -- he just
19 used to make fun of people, like.

20 Q. Is that what you mean when you said he's a
21 clown --

22 A. Yes.

23 Q. -- he's a clown?

24 A. Yes.

25 Q. Do you remember an incident that occurred on

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1 June 10th of 2010?

2 A. Yes.

3 Q. Why don't you tell me about that day. Did you
4 see Chris that day?

5 A. Yes, I did see him that day. I saw him earlier
6 that day when I got to my mama house.

7 Q. Were you at the house for a long time that day?

8 A. Yes, I was.

9 Q. Was Chris there the entire time?

10 A. No, he wasn't. He was back and forth, in and
11 out. He was just sitting on the back porch.

12 Q. Do you remember Chris leaving with your sons at
13 any point?

14 A. That was like 9:00 or 10:00 to go to the store.
15 My boys were going to the store and he offered to walk
16 with them to the store.

17 Q. So when did you next see your boys?

18 A. I'd say about ten or fifteen minutes later when
19 they came back in the house and said he got in a -- that
20 Robert had beat him up.

21 Q. That's what the kids said to you?

22 A. Yeah. My boys came back and told me that.

23 Q. And did you know who they meant by Robert?

24 A. Was Winkie's son.

25 Q. So what did you do next?

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1 A. I went outside to look for my brother.

2 Q. And where did you find him?

3 A. On the basketball court. He was -- well, I went
4 through the front door, he was coming through the back
5 door from the basketball court.

6 Q. And where is the basketball court in relation to
7 y'all's -- or to your mom's apartment?

8 A. From right here to maybe outside the courtroom.

9 Q. How did Chris look when you saw him?

10 A. He had bruises on his face, cherries on his
11 face, right on his left side. Or right side. I can't
12 remember what side. But he had bruises on his face.

13 Q. So what did you do next?

14 A. I was very upset. And I -- I don't remember
15 what I did next. I was angry.

16 Q. Did he say anything to you? Did Chris say
17 anything to you?

18 A. No. He was talking to -- my mom was asking him
19 a question. I was too upset to talk.

20 Q. So were you around Chris the rest of that
21 evening?

22 A. Yes. I was downstairs.

23 Q. So what did Chris do for the rest of that
24 evening?

25 A. He was sitting at the kitchen table, and he went

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1 upstairs to go lay down. And he wanted something to drink
2 and a pain pill. And I think my daughter went to get it
3 for him. And from then, he was sleeping and I was
4 downstairs sitting with my mom.

5 Q. Did anybody tell Chris to go to the hospital?

6 A. My mom was trying to convince him to go.

7 Q. When Chris went to bed, did you hear anything
8 from the room?

9 A. He was moaning. Every time he moved, he was
10 moaning like he was in pain.

11 Q. So let's get to the next day. When did you see
12 him the next day?

13 A. When I went upstairs to the bathroom, I saw him
14 laying down. But he wasn't awake when I saw him that time
15 because he was sleeping off -- he was sleeping up there
16 all day. But I didn't -- when I went downstairs, I could
17 hear him sleep -- I mean, go to the bathroom. He went to
18 the bathroom one time. I could hear him.

19 Q. Were you hearing any noises coming from the
20 bedroom while he was lying down?

21 A. Just moaning.

22 Q. Did you see the defendant, Robert Wright, at any
23 point the next day?

24 A. Yes, I did.

25 Q. Tell the jury about that.

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1 A. He came with his mom and two of her
2 grandchildren about 1:00 or two o'clock and he was saying
3 that -- my mom went there that night after the fight and
4 asked him what happened. And he was saying that my
5 boys -- that my boys asked him why he -- to stop, and why
6 he fighting him like that. And he said, y'all mind your
7 own business and I'll do it to you, too. And my mom went
8 to talk to -- see if he was still around and see why he
9 tell them that. And when he came back -- when his mom and
10 him came to my mom house and he was saying, well, I didn't
11 know who they was but it didn't matter because I would
12 have still did it because he was tired of Chris
13 disrespecting his mother.

14 Q. So as a result of that conversation, what did
15 y'all do?

16 A. I was trying to -- I was brushing him off and
17 trying to hurry him out the house before my other brothers
18 got there.

19 Q. Why were you worried about that?

20 A. Because there would have been another
21 altercation.

22 Q. Was Chris present for this conversation?

23 A. He was upstairs. I couldn't tell you if he
24 heard or not.

25 Q. When, if at all, did Chris ever go to the

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1 hospital?

2 A. When my brother, Nexton [phonetic], came home
3 from work. It was like 3:30, four o'clock. When he went
4 upstairs, he said, Chris up here having --

5 MR. BOSNAK: Objection, Your Honor.

6 THE COURT: What's the basis?

7 MR. BOSNAK: Hearsay.

8 THE COURT: Sustained as to hearsay. Rephrase
9 your question.

10 MS. BALDWIN: You just can say what -- you can't
11 say what somebody else said.

12 THE WITNESS: Oh.

13 Q. [Ms. Baldwin] So when did Chris go to the
14 hospital? About what time of day?

15 A. About 4:00, I believe. 4:00 -- I don't know
16 what time I called the ambulance. Whatever time EMS came.

17 Q. But approximately four o'clock?

18 A. Yes.

19 Q. Okay. How did Chris appear to you at that time?

20 A. He was shaking and when he was coming down -- he
21 walked down the step to the EMS.

22 Q. You said he was shaking?

23 A. Yes.

24 Q. How was he shaking?

25 A. Like trembling.

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1 Q. Was that the last time you saw your brother?

2 A. Alive, yes.

3 MS. BALDWIN: All right. Thank you, Tomeika.

4 That's all the questions I have for you. If you will
5 please answer any questions Mr. Bosnak has.

6 THE WITNESS: Okay.

7 THE COURT: Mr. Bosnak?

8 MR. BOSNAK: Thank you, Your Honor. May it
9 please the Court.

10 CROSS-EXAMINATION

11 BY MR. BOSNAK:

12 Q. Tomeika, y'all didn't take him to the hospital.
13 You called EMS; correct?

14 A. Yes.

15 Q. And EMS came?

16 A. Yes.

17 Q. Okay. And EMS has taken him to the hospital
18 before, hasn't it?

19 A. Before when?

20 Q. To the hospital. Hasn't EMS taken your brother
21 Chris to the hospital before?

22 A. Yes.

23 Q. A couple of times?

24 A. Yes.

25 Q. He has problems with seizures, doesn't he?

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1 A. Yes.

2 Q. Caused by alcohol; correct?

3 A. Alcohol withdrawal, yes.

4 Q. Beg your pardon?

5 A. Alcohol withdrawal, yes.

6 Q. Alcohol withdrawal causes him to have seizures;
7 correct?

8 A. Yes.

9 Q. And EMS has had to come before and take him to
10 the hospital --

11 A. Uh-huh.

12 Q. -- correct?

13 A. Uh-huh.

14 Q. Somewhat recently, too; right?

15 A. I can't remember.

16 Q. Like in May?

17 A. Might have been. I don't know.

18 Q. As a matter of fact, he was over at Betty
19 Scott's house --

20 MR. SIMPSON: Objection, Your Honor.

21 THE COURT: Basis?

22 MR. SIMPSON: Defendant's attorney is
23 testifying.

24 THE COURT: Overruled. You may ask your
25 question.

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1 Q. [Mr. Bosnak] As a matter of fact, isn't it true
2 that EMS had to be called one time because he had passed
3 out or had a seizure over at Winkie's house? True?

4 A. Yes.

5 Q. Okay. And she had called EMS --

6 A. Uh-huh.

7 Q. -- to come help him; correct?

8 A. Yes.

9 Q. So he had problems with seizures, didn't he?

10 A. He did.

11 Q. And falling out?

12 A. With seizures, yes.

13 Q. Right. Well, he'd have a seizure and fall out;
14 correct?

15 A. I don't know.

16 MR. BOSNAK: Okay. Well, I'll withdraw that
17 question. Okay. You're not a medical person.

18 Q. [Mr. Bosnak] You didn't see any kind of fight,
19 did you?

20 A. No.

21 Q. And you're just hearing what happened; correct?

22 A. From my sons. Yes.

23 Q. Correct.

24 And your brother tells you that he's okay, he
25 don't want to go to the hospital, doesn't he?

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1 A. Yes.

2 Q. Okay. Now, up until the breakup between Winkie
3 or Ms. Scott and your brother, the families had gotten
4 along, didn't they?

5 A. Yes.

6 Q. There had never been any animosity from Robert
7 against your brother, had there?

8 A. Not that I know of, no.

9 Q. Or your other brothers, have they?

10 A. No.

11 Q. And it certainly wasn't any animosity between
12 you and Robert before this, had there?

13 A. No.

14 Q. And as a matter of fact, they -- everybody
15 called your mother Miss Mary, didn't they?

16 A. Yes.

17 Q. And Miss Mary was upset more about Robert saying
18 something to her grandchildren than she was about the
19 fight, wasn't she?

20 A. I don't know that. I have no idea.

21 Q. Well, she went -- did she not go to Ms. Scott's
22 house to ask her about why Robert has --

23 MR. SIMPSON: Objection, Your Honor.

24 Q. [Mr. Bosnak] -- said something to her
25 grandchildren?

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1 THE COURT: Hold on one second.

2 What's the basis?

3 MR. SIMPSON: It calls for speculation.

4 THE COURT: Rephrase your question.

5 Q. [Mr. Bosnak] Do you know why -- do you know why
6 your mother went over to see Ms. Scott?

7 A. When she left, she was upset. I don't -- I have
8 no idea what was in her mind.

9 Q. Okay. Fair enough.
10 She was upset and she wanted to go over there
11 and see what was going on --

12 A. Uh-huh.

13 Q. -- correct?

14 And they came over the next day?

15 A. Yes.

16 Q. And were trying to get the matter resolved?

17 A. Yes. I guess so.

18 Q. And they didn't know -- they didn't know your
19 brother was hurt, did they?

20 A. No.

21 Q. And you didn't know he was hurt, did you?

22 A. No.

23 Q. Because certainly if you thought he was hurt,
24 possibly dying, you'd a made sure the ambulance got over
25 there, wouldn't you?

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1 A. Yes.

2 MR. BOSNAK: Thank you. No further questions.

3 THE COURT: Mr. Simpson?

4 MS. BALDWIN: Just one question, Your Honor.

5 Thank you.

6 REDIRECT EXAMINATION

7 BY MS. BALDWIN:

8 Q. So when Mr. Wright and his mother came over to
9 your house the day after this --

10 A. Yeah.

11 Q. -- after this incident occurred, were they
12 apologetic?

13 A. No. He wasn't remorseful or anything. He said
14 he -- it didn't matter, he had to do what he had to do and
15 he was tired of Chris disrespecting his mother.

16 Q. And as far as these seizures that Chris would
17 have, I mean, when you say they were seizures, was it wild
18 flailing or --

19 A. No. It was just he was steadily shaking. It
20 was nothing that he would hurt himself if -- when he'd
21 fall.

22 MS. BALDWIN: Bet the Court's indulgence.

23 THE COURT: Yes, ma'am.

24 [Whereupon, Ms. Baldwin and Mr. Simpson confer]

25 Q. [Ms. Baldwin] So he would get -- would you

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1 characterize it as tremors?

2 A. Yes, tremors. It wasn't nothing --

3 Q. With alcohol withdrawal?

4 A. Yes.

5 MS. BALDWIN: No further questions, Your Honor.

6 MR. BOSNAK: Nothing else, Your Honor.

7 THE COURT: You may step down. Thank you.

8 [Whereupon, Ms. Jenkins is excused and exits the
9 witness stand]

10 THE COURT: Call your next witness.

11 MR. SIMPSON: Thank you, Your Honor. The State
12 calls Mary Jenkins.

13 [Whereupon, Ms. Jenkins comes forward]

14 THE CLERK OF COURT: Ma'am, if could get you to
15 place your left hand on the Bible and raise your
16 right, please.

17 [Whereupon, Ms. Jenkins is duly sworn by the
18 clerk of court as follows: do you swear or affirm the
19 testimony you shall give the Court and the jury in the
20 trial of this case shall be the truth, the whole
21 truth, and nothing but the truth, so help you God]

22 THE WITNESS: I do.

23 THE COURT: Thank you. Please be seated.

24 [Whereupon, Ms. Jenkins takes the witness stand]

25 THE CLERK OF COURT: Ma'am, for the record if

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1 you'll please state your name, spelling your last
2 name.

3 THE WITNESS: My name is Mary Jenkins. Jenkins
4 is J-E-N-K-I-N-S.

5 MR. SIMPSON: Ms. Jenkins, good afternoon.

6 - - - - -

7 MARY JENKINS,

8 Having Been First Duly Sworn,
9 was Examined and Testified as Follows:

10 DIRECT EXAMINATION

11 BY MR. SIMPSON:

12 Q. Where do you live?

13 A. I live at [REDACTED]

14 Q. Okay. And who lives with you?

15 A. Me, my sons, and my grands. And at the time, my
16 son Chris, too.

17 Q. And how many children have you had?

18 A. I have six kids. Five boys and one girl.

19 Q. And where does Chris -- where did Chris fall in
20 line?

21 A. Chris was my oldest son, my firstborn.

22 Q. And he lived with you back in June of last year
23 at Harris Street?

24 A. Yes, sir.

25 Q. And, of course, Ms. Jenkins, you know why we're

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1 here today; correct?

2 A. Yes, sir.

3 Q. And I would like, if you could, to please
4 explain to this jury about what happened, from your point
5 of view, on June 10th of last year.

6 Q. June 10th of last year. I was not there when
7 the incident happened, but I can talk about the time my
8 grandson came into the house.

9 Q. Right. Do you remember a time where your son,
10 your oldest son, Chris, went to the store with some of
11 your grands and their friend?

12 A. Yes.

13 Q. And who all left your house to go to the store?

14 A. He didn't came in the house. He wasn't in the
15 house when they was going to the store. He was already
16 outside when they was going to the store and he met up
17 with them.

18 Q. Okay. And when you say them, who was going to
19 the store?

20 A. My two grandson and their friend.

21 Q. Okay. And your two grandsons, is that Robert
22 and Jacqui?

23 A. Yes, sir.

24 Q. And tell me about when your grandsons and son
25 got back to the house.

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1 A. When they came back in the house, that's when
2 they told me and also my daughter that my Chris just got
3 beat up.

4 Q. Okay. And what happened after they told you
5 that?

6 A. And I asked them who beat them up and they told
7 me Robert. And I asked them who Robert, and they told me
8 it was Winkie's son.

9 Q. Okay. And at some time after your grands told
10 you that, did you see your son Christopher?

11 A. He came in afterwards.

12 Q. And how did he look when he came in?

13 A. When he came in I didn't see too much a visible
14 marks, but I saw his face was swollen and his lip was
15 swollen --

16 Q. Did he appear --

17 A. -- and I saw blood draining from his nose just a
18 little. I didn't see much blood, now.

19 Q. Okay. Did he appear to you to be in pain?

20 A. Yes. He was holding his side.

21 Q. Okay. And what did Chris do for the rest of
22 that evening?

23 A. He sit downstairs for a while and then I was --
24 and then I started questioning him, you know, what
25 happened, what happened, and stuff like that.

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1 Q. Let me interrupt you there.

2 What did you want your son to do that
3 night?

4 A. I was scared, because he was hurting. And I
5 keep telling him, you need to go to the doctor. And he
6 keep telling me he was all right. And I told him, I said,
7 no, Chris, you was not all right, you is hurting. And he
8 said, I'll be all right. He doesn't call me mom, he calls
9 me Mary. He said, I'll be all right, Mary; I'll be all
10 right.

11 Q. And at some pint that evening, did you go over
12 to Miss Winkie's house?

13 A. Yes.

14 Q. And why did you go over to Miss Winkie's house?

15 A. The reason I went over there, because after the
16 boys told me what had happened, I going over there -- I
17 didn't go over there right then. It was a while before I
18 went to go over there -- going over there. And I asked
19 her where was her son. She said, I think he's gone; he
20 might be at his apartment; he's gone.

21 Q. So Mr. Wright was not --

22 A. No, he wasn't there. He wasn't there.

23 Q. Okay. And if I could -- I don't want to make
24 this longer or harder on you than it needs to be.

25 A. That's okay.

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1 Q. The next day, if you could explain to the jury
2 what happened the next day.

3 A. I check on him that whole night. The whole
4 night. I did not sleep.

5 Q. You checked on your son the whole night?

6 A. Yes, I did. I keep asking him and asking him,
7 you want me to call EMS, and he keep continuing to tell me
8 no, he's all right.

9 Q. All right. But did he appear to you that he was
10 hurting?

11 A. Yeah, he was hurting.

12 Q. And so you kept asking him to go to EMS?

13 A. Yes.

14 Q. Okay. And then the next morning did he wake up
15 and come downstairs and --

16 A. No. He never came downstairs after he went up
17 that night. Never came down. But he did went to the
18 bathroom a couple of times.

19 Q. Okay. Did you check in on him the next day?

20 A. Yes. I checked on him that morning. He said,
21 it painful. And my granddaughter went and give him some
22 medicine and a Coke.

23 Q. Okay. Did his condition worsen throughout the
24 next day?

25 A. I can say it was -- to me, it was worser than it

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1 was that night, yeah.

2 Q. Okay. At some point that next day, did the
3 defendant -- that's the man sitting here -- and Miss
4 Winkie come over to your house?

5 A. Yes, sir.

6 Q. And when they came to your house did they say,
7 we're so sorry for what happened?

8 A. No, sir.

9 Q. What was their, for lack of a better word,
10 attitude? I mean, what did the defendant say when he got
11 to your house?

12 A. I invited them in my house.

13 Q. First of all, they're at the door. You invited
14 them to come in?

15 A. Yeah. I told them to come in.

16 Q. And where was Christopher at the time?

17 A. Chris was upstairs. He never came down.

18 Q. He's still in the bed?

19 A. Yes.

20 Q. Okay. What if anything did the defendant say
21 while he was in your house?

22 A. When he came in the house, he said -- we talked
23 about my grandchildren. He said, I didn't know that was
24 your grandchildren that was with Chris, but I didn't care
25 because I had did what I had to do; I'm tired of him

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1 disrespecting my mom and my nieces and my nephew.

2 Q. Okay. And were they at your house for a long
3 time?

4 A. No, not too long.

5 Q. Okay. Do you remember your daughter, Tomeika,
6 kind of getting them out of there?

7 A. Yes. But I didn't even say anything to them
8 during the whole time they been there.

9 Q. Later on that afternoon, a little before --
10 about 3:00 or 4:00, what happened with your son
11 Christopher?

12 A. My son came home and he went upstairs and he
13 told me, he said, Chris having a seizure.

14 Q. And you said your son went upstairs. So another
15 came?

16 A. Yes.

17 Q. And he said Chris is having a seizure?

18 A. Yes.

19 Q. Okay. We talked a little bit about -- when you
20 say seizure, do you mean like flailing about on the floor?

21 A. No. On the bed. He never fall on the floor.
22 He was in the bed shaking.

23 Q. Is it just -- is this accurate [indicates], or
24 is it more?

25 A. Yeah, it's more.

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1 Q. Okay.

2 A. And I ran in the bathroom and get a washcloth.

3 Q. Okay. And what did you do with the washcloth?

4 A. I wet the washcloth and I came back and I turned
5 him on the side and I wipe his face and down his neck with
6 a cold rag. And then I yelled downstairs and tell them to
7 call EMS.

8 Q. Okay. So at some point, the EMS was called;
9 correct?

10 A. Yes.

11 Q. And did EMS arrive?

12 A. Yes. But the firemen came first, then EMS came.

13 Q. And did -- Christopher got on an ambulance?

14 A. Yes.

15 Q. Now, he walked himself?

16 A. He walked down the step, but they was holding
17 him. He didn't walk -- they was holding him while --

18 Q. With some support?

19 A. Right. With support.

20 Q. Ms. Jenkins, was that the last time that you saw
21 your son while he was alive?

22 A. That was the last time I saw my son alive.

23 Q. Okay. And you learned later that he had passed
24 away?

25 A. Yes.

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1 MR. SIMPSON: Ms. Jenkins, please answer any
2 questions that Mr. Bosnak has for you.

3 THE WITNESS: Yes, sir.

4 THE COURT: Mr. Bosnak?

5 MR. BOSNAK: Thank you, Your Honor. May it
6 please the Court.

7 Ms. Jenkins, I'll try to be brief.

8 CROSS-EXAMINATION

9 BY MR. BOSNAK:

10 Q. You and Winkie, Betty Scott, had always gotten
11 along, hadn't you?

12 A. Yes.

13 Q. And her children had gotten along with you and
14 your family?

15 A. Yes, sir.

16 Q. And her son had gotten along with you?

17 A. Yes, sir.

18 Q. And they call you Miss Mary? Isn't that how
19 they know you?

20 A. Yeah. Everybody calls me Miss Mary.

21 Q. That's what probably everybody in the
22 neighborhood calls you? Miss Mary?

23 A. Yes.

24 Q. And you were aware that your son had been
25 cussing Ms. Scott?

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1 A. Yes, I was aware of it.

2 Q. And had been harassing her?

3 A. I didn't know -- they were harassing each other.

4 Q. Okay. And was -- well, I guess when somebody's
5 cussing at you, that's harassing, isn't it?

6 A. Each --

7 Q. You shouldn't curse at a woman, should you?

8 A. You shouldn't curse at anyone.

9 Q. That's correct. Shouldn't curse at anyone,
10 especially a lady, should you?

11 A. No one.

12 Q. No one. That's correct.

13 And, also, they were still back and forth?

14 A. Yes, sir.

15 Q. Okay. And when you first went over that night
16 to Miss Mary's house -- I mean, to Winkie's house or
17 Ms. Scott's house, you were upset about what Robert said
18 to your grandchildren, weren't you?

19 A. I was.

20 Q. And he told you he didn't know they were your
21 grandchildren?

22 A. Yes.

23 Q. And he was just upset and wanted -- and why he
24 and his mother came to your house is they wanted all this
25 to stop, didn't they?

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1 A. I don't know. He didn't say that.

2 Q. Well, I mean, they came over there to try to
3 make sure this kind of stuff didn't happen again, didn't
4 they?

5 A. They came --

6 Q. He didn't say that?

7 A. No.

8 Q. So he just came over there for no reason?

9 A. He came -- say he didn't come to apologize,
10 because he did what he had to do.

11 Q. And there wasn't anything else said?

12 A. No.

13 Q. And he left --

14 A. Not by me, no, because I didn't pay him no more
15 attention --

16 Q. What about his mother -- what did his mother --
17 did his mother say she wanted him to stop?

18 A. His mother said she was going to take -- going
19 to take a warrant out. I tell her, Winkie, do what you
20 got to do; got to go take a warrant out for Chris to leave
21 you alone, go ahead and do it. That's what I said to her.

22 Q. Okay. You went to her house to try to make
23 peace; right?

24 A. Uh-huh.

25 Q. And then they maybe -- they came to your house

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1 to try to make sure this didn't happen again?

2 A. You'll have to ask them.

3 Q. Well, that's fair enough.

4 Now, you could have called the EMS at any time,
5 couldn't you?

6 A. Yeah, but Chris didn't want the EMS. He didn't
7 want -- that was my first -- that if he didn't want EMS, I
8 wasn't going to call EMS. I love my child.

9 Q. But you could have called EMS at any time?

10 A. And he refused to go, but --

11 Q. But he could have gotten medical treatment.
12 They would have come up and checked on him.

13 A. And he -- I know Chris. If he say he didn't
14 want to go, he all right, he's all right. And I believed
15 him. He said he was all right. I did believe him.

16 Q. Okay. But you could have called EMS and they
17 could have come and checked on him, couldn't they?

18 A. Yeah, they could have come and checked on him.
19 If I say -- if he say he wanted to go to the hospital, I
20 would have called EMS.

21 Q. But eventually that's what happened. Somebody
22 did call EMS?

23 A. Yeah, the next day. Yes, I did.

24 Q. So you mean to tell me that if somebody is hurt
25 really bad and could be dying --

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1 A. I didn't know that.

2 Q. Well, I understand. I'm just asking a question.

3 -- and having seizures and they don't want you
4 to call the doctor, then you're not going to call the
5 doctor? Is that what you're telling me?

6 A. No. That's what you saying. I said if my son
7 had want me to call EMS, I would have called EMS for my
8 son.

9 Q. Okay. The question I'm asking you: if someone
10 is hurt, one of your family members is hurt really bad,
11 which you say that's -- in your opinion, that's what it
12 was -- and having seizures, you wouldn't call the doctor
13 and you wouldn't call EMS?

14 A. Yes. If I think he needed EMS, I would have
15 called EMS. But that night he didn't seem to be hurting
16 like that.

17 Q. Okay. He didn't -- that night he didn't seem to
18 be hurting?

19 A. Right.

20 Q. Okay. You knew about the seizures, though,
21 didn't you?

22 A. Yes. He have seizures before.

23 Q. Okay. And the seizures were related to alcohol?

24 A. Yeah, some have been related to alcohol. He
25 never had a seizure in my house.

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1 Q. But he had seizures. You knew about that?

2 A. Yes.

3 Q. And he had problems with that drinking, didn't
4 he?

5 A. Yes, he did.

6 MR. BOSNAK: No further questions. Thank you.

7 THE WITNESS: Okay.

8 MR. SIMPSON: Just briefly, Your Honor. Thank
9 you.

10 REDIRECT EXAMINATION

11 BY MR. SIMPSON:

12 Q. The defendant and his mother came over the next
13 day?

14 A. Yes, sir.

15 Q. And what you remember them saying -- the
16 defendant saying is, I didn't know those were Your grands,
17 but I'm not here to apologize and I'd have done it again
18 because I'm -- I'm sick of him disrespecting my mom?

19 A. Yes, sir.

20 Q. And I did what I had to do?

21 A. Yes, sir.

22 MR. SIMPSON: Thank you. Nothing further.

23 MR. BOSNAK: The Court's indulgence.

24 THE COURT: Yes, sir.

25

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1 CROSS-EXAMINATION

2 BY MR. BOSNAK:

3 Q. Had you ever called EMS when your son had a
4 seizure?

5 MR. SIMPSON: Objection, Your Honor. Outside
6 the scope of redirect.

7 THE COURT: Sustained.

8 Q. [Mr. Bosnak] Have you ever called EMS when your
9 son had seizures?

10 A. No. I don't remember calling, no.

11 THE COURT: All right. Counsel approach.

12 [Whereupon, an off-the-record bench conference
13 is held]

14 MR. BOSNAK: Withdraw the question.

15 THE COURT: Thank you.

16 MR. BOSNAK: And no further questions.

17 THE COURT: Thank you. You may step down.

18 THE WITNESS: Thank you.

19 THE COURT: Thank you.

20 [Whereupon, Ms. Jenkins is excused and exits the
21 witness stand]

22 THE COURT: Ladies and gentlemen, we're going to
23 take our mid-afternoon break. Do not begin your
24 deliberations. Do not discuss this case amongst
25 yourselves. We'll take about ten minutes.

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1 Please rise for the jury.

2 [Whereupon, the jury exits the courtroom at
3 3:08. p.m.]

4 THE COURT: Please be seated.

5 Anything before we recess for our break?

6 MR. SIMPSON: Your Honor, just for scheduling
7 purposes, we have now three more witnesses, one of
8 which is the M.E. I'm wondering whether we should
9 have him on the way now or whether we should just tell
10 him first thing tomorrow morning.

11 THE COURT: Mr. Simpson, we're going until 4:30
12 today. You need to plan accordingly. It's 3:30.
13 Thank you.

14 MR. SIMPSON: Okay, Your Honor. Thank you.

15 THE COURT: Ten minutes.

16 [Whereupon, a recess is taken from 2:55 p.m. to
17 3:08 p.m.]

18 THE COURT: Who's your next witness, Mr.
19 Simpson?

20 MR. SIMPSON: Detective Goldstein.

21 THE COURT: And is he in the courtroom? Yes, he
22 is.

23 MR. SIMPSON: Yes, he is.

24 THE COURT: Let's bring in -- let's bring in the
25 jury.

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1 Detective, just stay right there so he can call
2 you. I just wanted to make sure that the witness was
3 in the courtroom.

4 [Whereupon, the jury enters the courtroom at
5 3:08 p.m.]

6 THE COURT: Thank you. Please be seated.
7 Call your next witness.

8 MR. SIMPSON: Thank you, Your Honor. The State
9 calls Detective Barr Goldstein.

10 [Whereupon, Mr. Goldstein comes forward]

11 [Whereupon, Mr. Goldstein is duly sworn by the
12 clerk of court as follows: do you swear or affirm the
13 testimony you shall give the Court and the jury in the
14 trial of this case shall be the truth, the whole
15 truth, and nothing but the truth, so help you God]

16 THE WITNESS: Yes.

17 THE COURT: Thank you. Please be seated.

18 [Whereupon, Mr. Goldstein takes the witness
19 stand]

20 THE CLERK OF COURT: Sir, for the record if
21 you'll please state your name, spelling your last
22 name.

23 THE WITNESS: Sargent Barry Goldstein. The last
24 name is G-O-L-D-S-T-E-I-N.

25 MR. SIMPSON: Sargent, good afternoon.

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1 THE WITNESS: Good afternoon.

2 - - - - -

3 BARRY GOLDSTEIN,

4 Having Been First Duly Sworn,

5 was Examined and Testified as Follows:

6 DIRECT EXAMINATION

7 BY MR. SIMPSON:

8 Q. Sargent Goldstein, are you what we refer to as
9 the lead agent on this case?

10 A. Yes, I am.

11 Q. And what agency do you work for?

12 A. Charleston Police Department.

13 Q. And how long have you worked with Charleston
14 Police Department?

15 A. Thirty-three years.

16 Q. And I believe you just mentioned this. But your
17 rank in the Charleston Police Department?

18 A. I'm a sargent.

19 Q. And is that a senior ranking officer with the
20 department?

21 A. Yes, it is.

22 Q. Sargent Goldstein, how did you become involved
23 in the case we're trying this week?

24 A. On June 12th, 2012, approximately 11:00 a.m., I
25 was in an off-duty capacity and I was called by my

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1 supervisor to come to work in reference to an
2 investigation.

3 Q. Okay. And was something conveyed to you at that
4 time that led you over to Harris Street?

5 A. Yes. I went to [REDACTED].

6 Q. Okay. And at that point -- who did you speak
7 with at Harris Street?

8 A. The first person I spoke to was Mary Jenkins.

9 Q. Okay. Did you also speak to one of her
10 grandsons?

11 A. Yes, I did.

12 Q. And who was that?

13 A. That would be Robert. [REDACTED] Robert J. [REDACTED].

14 Q. And did you speak also with a friend of the
15 family, [REDACTED] Maurice D. [REDACTED]?

16 A. I did. Yes, I did, sir.

17 Q. And did they convey to you their stories of what
18 had happened the previous evening?

19 A. Yes, they did.

20 Q. I'm sorry. Two previous evenings.

21 A. Two days. Two days prior to.

22 Q. And what is the initiation of this case? Was a
23 criminal investigation initiated after you had also
24 conferred with the medical examiner staff?

25 A. The medical examiner staff would contact the

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1 coroner. The coroner, in turn, contacts the police
2 department. And that's when I was called to come into the
3 investigation.

4 Q. And the individuals who you spoke with at Harris
5 Street, were they cooperative with you?

6 A. Very much so. Yes, sir.

7 Q. Okay. And you said, again, they conveyed to you
8 the information, much as they have here, that the deceased
9 was assaulted two days prior?

10 A. Yes, sir.

11 Q. Did [REDACTED] Robert J. [REDACTED], the grandson, indicate to
12 you the location of this assault?

13 A. Yes, sir.

14 Q. And what was that location?

15 A. That would have been on Aiken Street between Lee
16 and Cooper.

17 Q. Okay. Is that in the proximity of Martin Park?

18 A. Yes, it is.

19 Q. And describe to the jury: what's Martin Park?

20 A. Martin Park is a playground for that
21 neighborhood. It's bordered by Lee, Cooper Street north,
22 to around Johnson Street. The public housing, the
23 neighborhood, there -- for children they have a
24 playground, they have a swimming pool, they have a
25 baseball field.

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1 Q. Okay. And did you then go to Aiken Street
2 between Lee and Cooper?

3 A. I had asked Ms. Jenkins' permission to have
4 Robert and the other children get into my automobile and
5 give me directions. Which I followed their directions to
6 the location that I just testified before.

7 Q. Okay. And what did you observe on Aiken Street
8 between Lee and Cooper?

9 A. Midway in the block, I saw some type of
10 droppings in the street.

11 Q. Okay. And what did you suspect that those
12 droppings may have been at that point?

13 A. Possibly could have been blood.

14 Q. And so what would be the sort of standard
15 operating procedure in locating something like that at
16 that point?

17 A. The next protocol would be from this point on we
18 would tape off the area so we couldn't get any traffic,
19 whether it's pedestrian, vehicular. I would notify crime
20 scene unit to come down, which they would photograph it,
21 along with taking samples to be sent off to a laboratory
22 to be examined.

23 Q. Okay. And did you follow that protocol in this
24 case?

25 A. Yes, I did.

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1 Q. And did crime scene respond?

2 A. Yes, they did.

3 Q. And who was the crime scene officer that
4 responded?

5 A. To the best of my recollection, it would have
6 been Randy Unterbrink.

7 Q. Okay. And, again, his responsibility would be
8 the documenting of that scene and the collection of
9 evidence?

10 A. Yes, sir.

11 Q. And the date that this was going on, I believe
12 you've already stated it was June 12th?

13 A. That's correct.

14 Q. And on June 12th was a suspect, if you will,
15 developed in this case?

16 A. Yes.

17 Q. And did that individual turn himself in?

18 A. He turned himself in between 4:00 p.m. and
19 5:00 p.m. that day.

20 Q. And is that individual present in the courtroom?

21 A. Yes, he is.

22 Q. The defendant, Robert Wright?

23 A. Yes, sir.

24 Q. On 6/14, now two days later, did you then
25 perform another interview in this case?

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1 A. Well, I tried to get ahold of a lady friend of
2 Mr. Wright's.

3 A. Did you speak with Jacqui Jenkins on June 14th?

4 A. I did.

5 Q. Okay. Did he give you the story of the 10th, as
6 well?

7 A. Yes.

8 Q. Was it consistent, in its material facts, with
9 the previous stories you had gotten?

10 A. Yes.

11 Q. Could you explain to the jury, then, how your
12 investigation proceeded on the 15th of June?

13 A. The 15th of June, should have taken a buccal
14 swab.

15 Q. And could you explain to the jury what you mean
16 by a buccal swab?

17 A. What I did was I applied before a magistrate
18 under a search warrant and the magistrate would sign the
19 search warrant. I then went with Sargent Niblock to the
20 Charleston County facility, where we had these it's either
21 a Q-tip or a lollipop type of instrument. You go inside
22 the mouth and you just swab it for saliva, package it up
23 into a cardboard box, along into an envelope, and we
24 sent -- we turn it over to the crime scene unit, who in
25 turn sends it to a laboratory to be examined and compared

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1 to any evidence retrieved in this incident.

2 Q. And is the purpose of a buccal swab essentially
3 to collect unknown DNA sample of an individual?

4 A. Yes. They examine -- SLED will examine -- what
5 we're responsible for sending would be a victim specimen,
6 along with a defendant specimen.

7 MR. SIMPSON: And may I approach, Your Honor?

8 THE COURT: You may.

9 Q. [Mr. Simpson] Sir, I'm going to hand you what's
10 been marked for ID only -- I'm sorry -- entered into
11 evidence by consent as State's 53. Do you recognize that
12 item?

13 A. Yes, sir. This is my handwriting, my
14 documentation of case number along with where the incident
15 location is, who the victim is, Christopher Jenkins, who
16 the suspect is, along with a date of birth and a social
17 believed to go with Robert Lee Wright, Jr. And then on
18 the back I have signed it that I was the one who took it.

19 Q. And so that's the buccal swab that you took from
20 Mr. Wright?

21 A. Yes, sir.

22 Q. At any time did you speak with a Ms. Carolyn
23 Bolger?

24 A. Yes. I conversed with her on the telephone.

25 Q. And what was the purpose of speaking with

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1 Ms. Bolger?

2 A. I believed Ms. Bolger to own a vehicle matching
3 the description of what these youngsters had told me
4 during our interview, so I asked her to meet with me.

5 Q. Was it your understanding at that time that
6 Ms. Bolger had a relationship to the defendant?

7 A. To the best of my knowledge, it was boyfriend-
8 girlfriend.

9 Q. Okay. Continue. So you spoke with Ms. Bolger?

10 A. Spoke with her and set up an appointment for the
11 following day, to the best of my knowledge, and she told
12 me that she worked with the Renaissance Hotel, which is
13 located on the peninsular. It's between Wentworth and
14 Society Street. There's a hotel there. I had an
15 appointment for 10:00 a.m. to meet with her. When I got
16 there, along with Sargent Niblock, the manager of the
17 hotel told me that she refused to come out and speak with
18 me.

19 At that time, I left the property, found out
20 where vehicles are parked for the employees, at which time
21 myself and Sargent Niblock began walking the parking lot
22 looking for this vehicle. The parking lot is on Wentworth
23 Street between Meeting and King, so it's within the same
24 block. It's a concrete slab, multi-level.

25 Q. And did you locate a vehicle that met the

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1 specifics that have been conveyed to you as the possible
2 vehicle at fault?

3 A. Yes. Yes, we did. We were not able to run the
4 tag at that time because the vehicle was backed in with --
5 up against the wall where we couldn't even get in to read
6 the tag. So we took the VIN number down, which is located
7 on the dashboard, a series of numbers and letters, and
8 we're able to run those numbers and letters through the
9 Department of Motor Vehicles and it will give us an owner
10 and the license tag for the vehicle.

11 MR. SIMPSON: The Court's indulgence while I --

12 THE COURT: Yes, sir.

13 [Off the record momentarily]

14 Q. [Mr. Simpson] Detective, I'm showing you on the
15 projection behind you what's been entered into evidence,
16 by consent of the State, Exhibit 2.

17 THE WITNESS: Excuse me. Your Honor, may I
18 stand up?

19 THE COURT: You may.

20 A. Okay.

21 Q. [Mr. Simpson] And is this the vehicle you're
22 referring to in your testimony?

23 A. Yes.

24 Q. And you said it's backed up against the wall?

25 A. As you can see, the concrete slab is right

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1 behind it. And it's hard to see from here but it looks --
2 and I do recall that it was up against the slab where we
3 could not get the license tag.

4 Q. And you said you looked at the VIN Number?

5 A. Yes, sir.

6 Q. Is that the VIN Number you're referring to,
7 State's Exhibit 4?

8 A. Yes. To the best of my recollection, without
9 the document in front of me, that's what we would have
10 taken a picture of.

11 Q. And State's 3, already in evidence, is that a
12 side view of the same vehicle?

13 A. Yes.

14 MR. SIMPSON: Thank you, Detective. You can
15 take your seat again.

16 THE WITNESS: Thank you.

17 Q. [Mr. Simpson] Detective, after documenting the
18 VIN number on that vehicle, were you able to then
19 establish who that vehicle was registered to?

20 A. Through the Department of Motor Vehicles it
21 registered to both parties, Robert Wright and Karen Bolger
22 or Bolger.

23 Q. Okay. So the defendant was a registered owner
24 of that vehicle?

25 A. Yes.

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1 Q. And following confirmation of that information,
2 what did you do with the photographs of the vehicle?

3 A. I then returned to [REDACTED] [REDACTED] to meet
4 with [REDACTED] Robert J. [REDACTED].

5 Q. And did you show Mr. Jenkins the photograph that
6 we just viewed?

7 A. Yes, I did.

8 Q. And what was the purpose of showing him those
9 photographs?

10 A. I wanted to see if he could positively identify
11 this as the type of vehicle, along with the color of the
12 vehicle, that had stopped on the night of the incident, on
13 Aiken Street, that was involved in this investigation.

14 Q. And was he able to do so?

15 A. To the best of his recollection, through a side
16 profile -- because he said the headlights were facing his
17 face -- through a side profile, he believed it to be the
18 same style and the same color.

19 MR. SIMPSON: Okay. Court's indulgence.

20 [Whereupon, Mr. Simpson and Ms. Baldwin confer]

21 MR. SIMPSON: Detective Goldstein, just one more
22 quick question.

23 Q. [Mr. Simpson] That area of Aiken Street between
24 Lee and Cooper, that is in Charleston County; correct?

25 A. Yes, it is.

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1 MR. SIMPSON: Please answer any questions Mr.
2 Bosnak may have.

3 THE COURT: Mr. Bosnak.

4 CROSS-EXAMINATION

5 BY MR. BOSNAK:

6 Q. Sargent Goldstein, you've been with the
7 Charleston County Police Department thirty-three years?

8 A. Charleston City. Yes, sir.

9 Q. City Police Department?

10 A. Yes, sir.

11 Q. Have you been in law enforcement longer than
12 that?

13 A. I did some reserve volunteer work prior to --
14 four years prior. So I have a total of thirty-seven
15 years.

16 Q. Thirty-seven years. And after thirty-seven
17 years, you're a detective-sargent?

18 A. Yes, sir.

19 Q. Meaning that you are over these type of
20 investigators? And what I mean by those type
21 investigators: in other words, you put all the resources
22 of Charleston Police Department together to try to solve a
23 crime?

24 A. Yes.

25 Q. In other words, you call in crime scene?

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1 A. Absolutely. Yes, sir.

2 Q. Their forensics -- just like Chad went through,
3 this is their forensics -- you make sure the forensics
4 team's in?

5 A. Yes, sir.

6 Q. And you make sure those swabs or samples or
7 whatever get to the right place?

8 A. Yes, sir.

9 Q. And when the patrol officers have crimes, they
10 radio and you're sent out?

11 A. Yes, sir.

12 Q. So you're over that type --

13 A. Yes, sir.

14 Q. -- of crime?

15 Okay. Now, you arrested Mr. Wright on June the
16 12th; correct?

17 A. Yes, sir.

18 Q. And before I get into that: you've worked a lot
19 of murder cases, haven't you?

20 A. Yes, sir.

21 Q. And you've worked a lot of assault cases; is --

22 A. That's correct.

23 Q. -- that correct?

24 And the head: in this area we have a skull,
25 which is hard; correct?

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1 A. Yes, sir.

2 Q. And also the rib cage. And our rib cage is hard
3 because it protects our vital organs; correct?

4 A. Yes, sir.

5 Q. Okay. And a lot of times when people get into
6 fistfights, they can break their hands or bruise their
7 hands or cut their hands, can't they?

8 A. Yes, sir.

9 Q. Now, I don't see anywhere in the report --
10 correct me if I'm wrong -- you never photographed
11 Mr. Wright's hands, did you?

12 A. No, sir.

13 Q. Never checked them for cuts or anything like
14 that, did you?

15 A. No, sir.

16 Q. And you arrested him on the 12th; correct?

17 A. Yes, sir.

18 Q. And this incident happened on the 10th. So it
19 would be about two days?

20 A. Yes, sir.

21 Q. So certainly the bruising and the cutting and
22 that type of stuff would still be evident on the hand;
23 correct?

24 A. Yes, sir.

25 Q. And you also could have checked his feet for any

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1 type of abrasions or breakages or anything like that;
2 correct?

3 A. I could have, yes, sir.

4 Q. You didn't do that, though, did you?

5 A. No, sir.

6 Q. Okay. Now, you also interviewed a lot of
7 people?

8 A. Yes, sir.

9 Q. Now, police reports and witness interviews are
10 very important in an investigation, aren't they?

11 A. Yes, sir.

12 Q. And at times -- I'm sure not much, but sometimes
13 you have to pass some of these cases off maybe to another
14 detective, don't you?

15 A. Yes, sir.

16 Q. And you want your record to be very accurate,
17 don't you?

18 A. To the best of my ability, yes, sir.

19 Q. Right. Because other officers are going to
20 depend on what you said?

21 A. Yes, sir.

22 Q. And what you've done?

23 A. Yes.

24 Q. And what these witnesses have done?

25 A. Yes.

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1 Q. You didn't record any of these statements, did
2 you, from the children?

3 A. Oh. I have documentation.

4 Q. Document. But you didn't get the statements
5 from them, did you?

6 A. Yes, I did.

7 Q. How many statements did you get from them?

8 A. I took written statements from them that day.

9 Q. Okay. You got written statements --

10 A. Yes, sir.

11 Q. -- from them that day?

12 And how about the mother?

13 A. Yes, sir.

14 Q. You got a written statement from her?

15 A. Yes.

16 Q. Okay. And the sister?

17 A. [No response]

18 Q. I mean the daughter. I'm sorry. Not sister. I
19 apologize.

20 A. I have it from the three boys, along with Mary
21 Jenkins. I then reviewed the three statements in the
22 presence of Mary Jenkins. After I had completed them, I
23 had gone up to the bedroom, separated each witness, each
24 young man, and I took a written statement to the best of
25 my ability from what they were dictating to me.

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1 Q. Okay. And you did that separately; correct?

2 A. Yes, sir.

3 Q. Okay. Now, did you check the bedroom where the
4 deceased was staying? Did you go up to the bedroom where
5 the deceased was staying?

6 A. No.

7 Q. Did you check that bedroom?

8 A. No, sir.

9 Q. Find any of his blood in the house, up the
10 stairs, or anything like that?

11 A. Not that I noticed.

12 Q. Okay. Did anybody in the family point out any
13 blood --

14 A. No, sir.

15 Q. -- in the house at that time?

16 MR. BOSNAK: Okay. No further questions.

17 THE COURT: Redirect?

18 MR. SIMPSON: Thank you, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. SIMPSON:

21 Q. Sargent Goldstein, you just mentioned that you
22 took statements from all three boys. Are you absolutely
23 sure that you took written statements from all three of
24 the boys? -

25 A. [REDACTED] Robert J. [REDACTED] I believe I took one from.

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1 MR. SIMPSON: May I approach?

2 THE COURT: You may.

3 Q. [Mr. Simpson] Detective, I'm handing you what's
4 been marked, for ID only, as State's 55.

5 A. Yes, sir. This is a statement with my
6 handwriting, and this is a statement of Robert J. [REDACTED].

7 Q. And do you recall also taking a statement from
8 Maurice D. [REDACTED]?

9 A. I do.

10 MR. SIMPSON: May I approach, Your Honor?

11 THE COURT: You may.

12 Q. [Mr. Simpson] Hand you what's been marked, for
13 ID only, as State's 56. Do you recognize that?

14 A. This is a statement of Maurice D. [REDACTED]. This is
15 in my handwriting.

16 MR. SIMPSON: Approach, Your Honor?

17 THE COURT: You may.

18 Q. [Mr. Simpson] Handing you what's been marked,
19 for ID only, as State's 57. Could you take a moment to
20 review that.

21 A. Okay. This is my documentation. It's --

22 Q. Is that document -- you're speaking with Jacqui
23 Jenkins?

24 A. It is.

25 Q. Jacqui Jenkins.

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1 Now, Detective, did you take a -- also take a
2 written statement or could you have been mistaken when you
3 said you took a written statement?

4 A. Took an oral statement from him.

5 Q. And is that your documentation of that oral
6 statement?

7 A. It is.

8 Q. Okay. But not a formal written statement like
9 you did with the other two?

10 A. No, sir.

11 Q. Okay. And I believe that I asked you on direct
12 was the conversation with Jacqui consistent in relative
13 points to the other two boys' written statements?

14 A. Yes, sir.

15 MR. SIMPSON: The Court's indulgence.

16 THE COURT: Yes, sir.

17 [Whereupon, Mr. Simpson and Ms. Baldwin confer]

18 MR. SIMPSON: Nothing further, Your Honor.

19 MR. BOSNAK: Nothing further, Your Honor.

20 THE COURT: Sargent, you may step down.

21 [Whereupon, Mr. Goldstein is excused and exits
22 the witness stand]

23 THE COURT: Call your next witness.

24 MR. SIMPSON: Your Honor, the State calls Randal
25 Unterbrink.

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1 [Whereupon, Mr. Unterbrink comes forward]

2 THE CLERK OF COURT: If you could put your left
3 hand on the Bible and raise your right, please.

4 [Whereupon, Mr. Unterbrink is duly sworn by the
5 clerk of court as follows: do you swear or affirm the
6 testimony you shall give the Court and the jury in the
7 trial of this case shall be the truth, the whole
8 truth, and nothing but the truth, so help you God]

9 THE WITNESS: I do.

10 THE COURT: Thank you. Please be seated.

11 [Whereupon, Mr. Unterbrink takes the witness
12 stand]

13 THE CLERK OF COURT: Sir, for the record if
14 you'll please state your name, spelling your last
15 name.

16 THE WITNESS: Randal Unterbrink. U-N-T-E-R-B-R-
17 I-N-K.

18 THE COURT: Mr. Simpson.

19 MR. SIMPSON: Thank you, Your Honor.

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1 RANDAL UNTERBRINK,
2 Having Been First Duly Sworn,
3 was Examined and Testified as Follows:

4 DIRECT EXAMINATION

5 BY MR. SIMPSON:

6 Q. Officer Unterbrink, with whom are you employed?

7 A. The Charleston Police Department.

8 Q. And in what regard are you employed with them?

9 A. I'm currently with the crime scene unit.

10 Q. And how long have you been with crime scene?

11 A. A little over eight years.

12 Q. And did you have law enforcement experience
13 prior to going in the crime scene unit?

14 A. Yes, sir.

15 Q. How long have you been in law enforcement,
16 generally?

17 A. A little over twenty years.

18 Q. Okay. Do you have any specific experience,
19 training, in regard to crime scene --

20 A. Yes, sir.

21 Q. -- documentation and collection of evidence?

22 A. Yes, sir.

23 Q. Could you share that, just sort of the summary
24 of that, with the jury?

25 A. Usually when we come onto the crime scene unit,

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1 we're doing a follow-along, observing mostly, seeing how
2 different scenes work, what evidence is to be collected,
3 how it's collected. And then shortly after that, you end
4 up going to individual schools. Sometimes it's taught by
5 SLED, other times it's elsewhere. But I also attended the
6 National Forensics Academy, which is in Knoxville,
7 Tennessee.

8 Q. Mr. Unterbrink, do you remember on June 10th,
9 2010, responding to a location on Aiken Street between
10 Cooper and Lee?

11 A. Yes, sir.

12 Q. And why were you called to that scene?

13 A. Actually, with my report I have it listed on the
14 12th.

15 Q. My mistake. Thank you.

16 A. Yes, sir.

17 I received a dispatch from our agency where
18 Detective Goldstein was requesting a crime scene unit to
19 show up at this particular location in order to take
20 photographs. That was the main goal at that point.

21 Q. And what did you observe when you arrived on the
22 scene?

23 A. When I arrived on scene, I noticed it was a
24 sunny day. I was shown a street that a victim was said to
25 have traveled while injured and to just take general

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1 photographs of that whole street, which was Aiken Street.

2 Q. Okay. Did you notice anything of particular
3 relevance to those facts on the pavement and sidewalk of
4 the street?

5 A. Yes, sir. Not at first. The point at first was
6 the take photographs, and then it was shortly after that
7 that Detective Goldstein noticed a red substance on the
8 sidewalk. And we looked at it and we realized that it --
9 it looked like blood to us.

10 Q. And what does trained crime scene personnel do
11 if they see something they suspect may be blood?

12 A. We have a kit, it's a chemical kit, really, it's
13 toladine [phonetic] and it's a combination of a couple of
14 chemicals. You apply it onto a cotton swab. If the red
15 substance is on the cotton swab, you apply the chemicals
16 to it. If it turns into a bluish-green color, that's an
17 indication that it's blood.

18 Q. Okay. And is that the final test for blood?

19 A. That's my final test for blood. It is not the
20 final test.

21 Q. And that's often just referred to as like a
22 field test? It gives you a good idea if a dark stain is
23 blood or not right there on the scene?

24 A. That's correct. It's presumptive. It is not
25 telling us that it's blood but it's acting as if it is

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1 blood, and, therefore, you're going to treat it as blood.

2 Q. And after identifying this one stain as
3 presumptive blood, did you then notice anything else in
4 this area?

5 A. Well, after we noticed the initial blood
6 droplets or the red stain on the sidewalk, we then began
7 to notice more. We began to see some on the street
8 itself, and then a continuous line down the sidewalk
9 heading south.

10 Q. And do you recall -- well, let me say what's the
11 process then -- is it fair to say that you found that to
12 be relevant to your investigation?

13 A. Yes, sir.

14 Q. So how did you proceed at that point, having
15 specific areas relevant to this case?

16 A. Well, because the scene consisted almost
17 exclusively with the red substance, what I decided to do
18 first was to photograph it. You need to document it as it
19 is as you arrived. So I photographed the street, and with
20 some of the things you could see in the background, and
21 then began to concentrate on each individual -- each
22 droplet, so that it's documented in that sense, and then
23 also began to collect some samples and tested it, as well,
24 in other areas.

25 Q. When you're taking these photographs and

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1 documenting each site of blood, do you mark the blood in
2 any way?

3 A. Yes. I use photo markers. One of the benefits
4 of photo markers is, in my opinion, it helps to give you a
5 visual. An individual drop of blood from a distance is
6 very difficult to see, so the photo markers helps to
7 identify where they are so that when you photograph them,
8 you can see them much more clearly.

9 Q. And is it fair to say that at the scene, many
10 drops of blood?

11 A. Many. Yes, sir.

12 Q. Do you remember the exact number?

13 A. I believe 48 is what I actually put down, as far
14 as the numbers go, but they're even a little bit more than
15 that.

16 MR. SIMPSON: Your Honor, may I approach the
17 witness?

18 THE COURT: You may.

19 Q. [Mr. Simpson] Officer Unterbrink, I'm handing
20 you what's been marked for ID only as State's 7 through
21 13. If you could take a moment and review those
22 photographs and let me know if you recognize those.

23 [Whereupon, the witness reviews documents]

24 A. Yes, sir.

25 Q. [Mr. Simpson] And what are those? What do

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1 those photos represent?

2 A. Those are the photographs that I took of the
3 street, Aiken Street, which includes the photo markers
4 identifying the locations of the red droplets.

5 Q. And that's not the entirety of the photographs
6 you took; right?

7 A. That's correct.

8 MR. SIMPSON: Your Honor, at this point the
9 State would move State's 7 through 13 into evidence.

10 THE COURT: Any objection?

11 MR. BOSNAK: Your Honor, let me look at --

12 MR. SIMPSON: My fault.

13 THE COURT: All right. Show Mr. Bosnak.

14 MR. SIMPSON: Absolutely.

15 [Whereupon, Mr. Simpson proffers documents to
16 Mr. Bosnak]

17 [Whereupon, Mr. Bosnak reviews documents]

18 MR. BOSNAK: Your Honor, I don't object to these
19 photographs coming in, but I think we have a matter of
20 law to take up before we go any further.

21 THE COURT: All right. Counsel approach.

22 [Whereupon, an off-the-record bench conference
23 is held]

24 THE COURT: 7 through 13 into evidence without
25 objection?

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1 MR. BOSNAK: Yes, Your Honor.

2 Whereupon, State's Exhibit Numbers 7 through 13
3 are admitted into evidence by the Court]

4 THE COURT: You may continue.

5 MR. SIMPSON: Thank you, Your Honor. Your
6 Honor, may the witness step down?

7 THE COURT: He may.

8 MR. SIMPSON: Officer Unterbrink, I just wanted
9 you to get in a position where you've got a clear view
10 of the projector behind you. Wherever you need to get
11 to do that.

12 [Whereupon, the witness complies]

13 Q. [Mr. Simpson] I'm putting up on the screen now
14 State's Exhibit 7.

15 MR. SIMPSON: And you'll have to bear with me.
16 I'm going to try to get this photo -- that's about the
17 best I can do.

18 Q. [Mr. Simpson] What are we looking at here,
19 Officer Unterbrink?

20 A. This is looking south on Aiken Street.

21 Q. Okay. These yellow items in the picture, what
22 are those?

23 A. Those are the photo markers that I used to help
24 identify the item of interest at that point.

25 Q. Does -- each yellow placard on this photograph,

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1 what does that represent?

2 A. Each one identifies a red spot that is on the
3 ground.

4 Q. And are they numbered roughly in order of
5 direction of down Aiken Street?

6 A. That's correct. I began with 1, 2 and 3 on the
7 street. And once we get on the sidewalk it becomes a
8 little bit more simple as far which one possibly was
9 first, second and third, on down. And it heads farther
10 south.

11 Q. Okay. And this is due, I'm sure, mainly to my
12 incompetence with the projector screen. But we see after
13 maybe the manhole cover, things get out of focus. Are
14 there placards that continue down that side?

15 A. Yeah. It's almost completely down to the stop
16 sign at the end.

17 Q. Moving now from State's 7 to State's 8. What
18 are we looking at here?

19 A. It's a continuation. The manhole cover is what
20 you pointed out earlier and the numbers, of course, go
21 higher as you continue south.

22 Q. And this is if we're just walking down the
23 street snapping the photographs as we go?

24 A. That's correct. This is what I was told was the
25 believed route that the victim took. And so you take the

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1 photographs in that way, as if you were walking -- taking
2 photographs as if you're walking down that same path.

3 Q. State's 9?

4 A. Again, a continuation.

5 Q. State's 10. And is this continuing down the
6 same street?

7 A. Yes. It's a continuation. At the bottom of the
8 photograph I had three side by side, because there were
9 multiples there, and then it continued on further south
10 still.

11 Q. State's 11?

12 A. And a continuation south.

13 Q. State's 12?

14 A. A set of markers continuing south.

15 Q. And Officer Unterbrink, what happened at 40 --

16 A. I only have forty --

17 Q. -- marker number 40?

18 A. I only have forty markers so I had to start
19 over. So after forty, I put down photo marker number 1
20 again, but back then would represent number 41. And
21 placard number 2 would be 42, 43, on up to 48.

22 Q. And then State's 13?

23 A. And that's where it -- the bottom-left photo was
24 number 40. And then, again, I ran out so I went ahead and
25 used number 1, 2, 3, all the way back up to 8. But it's

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1 in sequential order.

2 Q. So we have 40 jumping to 1, 2?

3 A. Yeah. 40 representing -- at least in my report,
4 number 1 represents 41, 2 is number 42, 43, up to 48.

5 Q. 47 and 8 found by the stop sign?

6 A. Farther back, yes.

7 MR. SIMPSON: Your Honor, may I approach the
8 witness?

9 THE COURT: You may.

10 Q. [Mr. Simpson] Sargent Unterbrink, I'm handing
11 you what's been marked for ID only as State's 14 through
12 44. When you review those -- identify them for the jury.

13 [Whereupon, the witness reviews documents]

14 Q. [Mr. Simpson] Let me maybe make this a little
15 easier.

16 Following those broader pictures, Officer
17 Unterbrink, with the 48 placards identify blood spots,
18 what do you then do vis-a-vie photographing the blood
19 spots?

20 A. I had a general photograph of the scene, which
21 we just saw. But I also then wanted to photograph each
22 individual blood droplet, just for documentation purposes,
23 so that we can actually see each one.

24 Q. Okay. And what are the items that you're
25 reviewing?

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1 A. The items I'm reviewing are those individualized
2 photographs of the drops.

3 MR. SIMPSON: Your Honor, may I approach the
4 witness?

5 THE COURT: You may.

6 MR. SIMPSON: Your Honor, at this point the
7 State would move to admit State's 14 through 44.

8 MR. BOSNAK: Your Honor, I just renew my
9 objection.

10 THE COURT: Right.

11 Have you shown all of those to Mr. Bosnak?

12 MR. BOSNAK: I've seen them, Your Honor.

13 MR. SIMPSON: He's -- yes.

14 THE COURT: We'll address the matter outside the
15 presence of the jury. Thank you.

16 MR. BOSNAK: Yes, Your Honor.

17 MR. SIMPSON: Your Honor, permission -- at this
18 time is it proper to publish just a sampling?

19 THE COURT: Let me see the photos, Mr. Simpson.
20 Mr. Bosnak, you may approach.

21 MR. BOSNAK: Yes, Your Honor.

22 [Whereupon, an off-the-record bench conference
23 is held]

24 THE COURT: You may publish.

25 MR. SIMPSON: Thank you.

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1 Q. [Mr. Simpson] Officer Unterbrink, we won't
2 waste a lot of time here reviewing all of these
3 photographs, but let me publish State's Exhibit 17. - Is
4 this generally indicative of the rest of these photographs
5 as more close-up shots of the blood spots found on Aiken
6 Street?

7 A. Yes, sir.

8 Q. Is there anything about the nature of these
9 blood spots, generally, that led you to conclude if the
10 person was running really fast or walking really slow?

11 A. Liquid responds to the environment in a certain
12 way. I mean, we've all experienced being in the ocean,
13 taking showers, and spilling milk on the dinner table, et
14 cetera, and we can all see how liquids respond and react
15 to an environment. And when an individualized droplet
16 falls, it responds to its environment, too. And
17 oftentimes, particularly if the surface is somewhat rough,
18 it will tend to break up. The surface tension of the
19 droplet of liquid, in this case blood, will break and
20 also then will tend to spatter or go off into certain
21 directions which we would then call spines. And that's
22 what we're seeing here, as opposed to it being just a nice
23 big round spot. The surface was rough, so it tends to
24 break off and it also goes into slightly different
25 directions. And, again, real small areas, or lines, is

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1 what we call spines.

2 Q. And did that lead you to conclude that the
3 person who was bleeding was moving rather --

4 MR. BOSNAK: Your Honor, I'm going to object to
5 that.

6 THE COURT: Basis?

7 MR. BOSNAK: The basis, Your Honor, he's not an
8 expert on speed of walking by blood.

9 THE COURT: You didn't qualify him as an expert.
10 I'm going to sustain the objection.

11 MR. SIMPSON: I'll move on, Your Honor. Thank
12 you.

13 Q. [Mr. Simpson] Following photographing and
14 documenting the scene -- you then mentioned evidence
15 collection as a part of your responsibilities?

16 A. That's correct.

17 Q. And how did you proceed with that in this case?

18 A. I took different cotton swabs and I moistened
19 them, because the droplets here were dry and so I needed
20 to re-moisten them. So with water -- I applied a couple
21 of drops of water on a cotton swab and then put the cotton
22 swab down on one of the red droplets and it transferred
23 over to the cotton swab. And so I collected it and put it
24 in a small box, sealed it, and then submitted it into
25 evidence.

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1 Q. And, now, we said we have forty-eight blood
2 spots on the pavement. Did you do that for all forty-
3 eight of the --

4 A. No --

5 Q. -- blood spots?

6 A. -- I did not.

7 Q. How many did you collect?

8 A. Look at my notes.

9 [Whereupon, the witness reviews documents]

10 A. Seven.

11 Q. [Mr. Simpson] And which of -- if you can
12 correspond those to the photo-number markers which --

13 A. Yes. I collected a sample from the photo
14 markers that were on the photos from number 1, 2, 9, 25,
15 37, 41 and 48.

16 Q. And what was the purpose of skipping over
17 numbers like that?

18 A. Well, I just wanted to take a sample of the
19 entire scene. Not each individual item, but a sample from
20 the beginning, the middle, and the end.

21 Q. Okay. And to your knowledge, were some of these
22 samples later sent to SLED?

23 A. They were.

24 Q. Do you know, or not, was it all seven?

25 A. That I don't know. I was not involved with that

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1 part.

2 MR. SIMPSON: Okay. Your Honor, may I approach?

3 THE COURT: You may.

4 Q. [Mr. Simpson] Officer Unterbrink, I'm handing
5 you what's been marked -- I'm sorry -- entered into
6 evidence by consent as State's 47, 48, 49 and 50. Take a
7 moment to review those items.

8 [Whereupon, the witness reviews documents]

9 A. Yes, sir.

10 Q. [Mr. Simpson] And what are those?

11 A. These would be four of the samples that I
12 collected from the scene.

13 Q. Okay. And do you have any personal knowledge of
14 which four from the numbers and placard numbers those
15 would be?

16 A. I know -- only because of the identification
17 number that's on here, I know which one came from which
18 photo marker.

19 Q. Okay. Which photo markers are those?

20 A. That would have been 1, 2, 20, and 37.

21 MR. SIMPSON: Your Honor, may I approach the
22 witness?

23 THE COURT: You may.

24 [Whereupon, the witness proffers documents to
25 Mr. Simpson]

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1 MR. SIMPSON: Your Honor, I have no further
2 questions of this witness.

3 Officer Unterbrink, just answer any questions
4 that Mr. Bosnak has.

5 THE WITNESS: Yes, sir.

6 THE COURT: Mr. Bosnak?

7 MR. BOSNAK: Thank you, Your Honor. May it
8 please the Court.

9 CROSS-EXAMINATION

10 BY MR. BOSNAK:

11 Q. You weren't present during the fight, were you?

12 A. No, sir.

13 Q. And you don't know which part of the body could
14 have been injured to cause blood, do you?

15 A. I do not.

16 Q. So it could be from a hand?

17 A. I have no knowledge of the injury.

18 Q. You just know they're blood droplings up the
19 street?

20 A. That's right.

21 Q. And it seemed to show somebody walking up the
22 street dripping blood?

23 A. Yes, sir.

24 Q. Would that be fair --

25 A. Yes, sir.

MIA PERRON, CVR-CM-M

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1 Q. -- and accurate?

2 Okay. During while you were photographing
3 things, were you ever asked to photograph Mr. Wright, the
4 defendant?

5 A. No, sir.

6 Q. Were you ever asked to photograph his hands?

7 A. No, sir.

8 Q. Never asked to photograph his face?

9 A. No, sir.

10 Q. Feet?

11 A. No, sir.

12 Q. Anything like that?

13 A. No, sir.

14 MR. BOSNAK: Thank you. No further questions.

15 THE COURT: Redirect?

16 MR. SIMPSON: None, Your Honor.

17 THE COURT: You may step down. Thank you.

18 [Whereupon, the witness is excused and exits the
19 witness stand]

20 THE COURT: Call your next witness.

21 MR. SIMPSON: Your Honor, at this point the
22 State would seek to publish the two stipulations.

23 THE COURT: All right. Ladies and gentlemen, a
24 stipulation is simply an agreement that is entered
25 into in this case between the State and the defendant.

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1 And typically what that does, and you will hear from
2 the stipulation, it just does not require certain
3 witnesses to come in to testify so it shortens the
4 process for all of us because the two attorneys have
5 reached an agreement.

6 Mr. Simpson, you may publish the stipulation.

7 And you are in agreement with the stipulation;
8 is that correct?

9 MR. BOSNAK: Correct, Your Honor.

10 THE COURT: All right. And let's turn the
11 overhead projector off. Thank you.

12 MR. SIMPSON: May I approach the court reporter?

13 THE COURT: You may.

14 [Whereupon, Mr. Simpson reviews documents]

15 MR. SIMPSON: We have two stipulations.

16 The State and the defense agree that on June
17 12th, 2010, Randal Unterbrink, of the City of
18 Charleston Police Department crime scene unit,
19 collected blood samples from the area of Aiken Street
20 between Lee Street and Cooper Street. Four of these
21 samples were properly recovered, properly secured, and
22 sent to the South Carolina Law Enforcement Division's
23 DNA lab for a comparative analysis. From the recovery
24 by crime scene Officer Unterbrink, to submission to
25 Matthew D. Fitz, Ph.D, a DNA expert with the South

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1 Carolina Law Enforcement Division's DNA lab, all
2 requisite procedures regarding proper chain of custody
3 were adhered to.

4 Likewise, on June 13th, 2010, J.C. Miller, also
5 of the City of Charleston Police Department crime
6 scene unit, collected a sample of Christopher
7 Jenkins's blood from the MUSC medical examiner's lab,
8 department of pathology. This blood sample was
9 properly recovered, properly secured, and sent to the
10 South Carolina Law Enforcement Division's DNA lab.
11 From recovery -- a recovery by medical examiner Dr.
12 Nicholas Batalis and crime scene Officer Miller to
13 submission to Matthew G. Fitz, Ph.D., a DNA expert
14 with the South Carolina Law Enforcement Division's DNA
15 lab, all requisite procedures regarding the proper
16 chain of custody were adhered to.

17 Likewise, on June 16th, 2010, Detective Barry
18 Goldstein executed a buccal swab for defendant Robert
19 Wright's DNA. This buccal swab was properly
20 recovered, properly secured, and sent to the South
21 Carolina Law Enforcement Division's DNA lab. From
22 recovery by Detective Barry Goldstein to submission to
23 Matthew G. Fitz, Ph.D. a DNA expert with the South
24 Carolina Law Enforcement Division's DNA lab, all
25 requisite procedures regarding proper chain of custody

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1 were adhered to.

2 Because the State and the defense agree that a
3 proper chain of evidence can be established on these
4 items, testimony establishing the chain of evidence on
5 these items is not necessary in the present trial.

6 The second stipulation: the State and the
7 defense agree that following submission by the City of
8 Charleston Police Department crime scene unit to SLED,
9 the four samples of blood collected from Aiken Street,
10 the known DNA sample of Christopher Jenkins, and the
11 known DNA sample from the defendant, Robert Wright,
12 were presented to Matthew G. Fitz, Ph.D., a DNA expert
13 at the South Carolina Law Enforcement Division's
14 nationally accredited DNA lab, for a comparative
15 analysis. Dr. Fitz performed a DNA comparative DNA
16 analysis on all the submitted examples. Dr. Fitz
17 concluded, pursuant to scientifically-accepted
18 principles of forensic DNA testing, that all four
19 blood samples collected on Aiken Street matched the
20 known DNA profile of Christopher Jenkins. He also
21 concluded that the probability of another unrelated
22 individual having a DNA profile matching these samples
23 is approximately one in one quintillion. Because the
24 State and the defense agree that the blood samples
25 taken from Aiken Street match the DNA profile of

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1 Christopher Jenkins, the testimony from Dr. Fitz
2 regarding his anglais and his scientific conclusions
3 is unnecessary in the present trial.

4 Thank you.

5 THE COURT: Did Mr. Simpson accurately read
6 Court's 1 and 2, which are the two stipulations?

7 MR. BOSNAK: Yes, he did, Your Honor.

8 THE COURT: Thank you.

9 Call your next witness.

10 MR. SIMPSON: Thank you, Your Honor. The State
11 calls Dr. Nicholas Batalis.

12 [Whereupon, Dr. Batalis comes forward]

13 THE CLERK OF COURT: If you would place your
14 left hand on the Bible and raise your right, please.

15 [Whereupon, Dr. Batalis is duly sworn by the
16 clerk of court as follows: do you swear or affirm the
17 testimony you shall give the Court and the jury in the
18 trial of this case shall be the truth, the whole
19 truth, and nothing but the truth, so help you God]

20 THE WITNESS: I do.

21 THE COURT: Thank you. Please be seated.

22 [Whereupon, Dr. Batalis takes the witness stand]

23 THE CLERK OF COURT: Sir, for the record if
24 you'll please state your name, spelling your last
25 name.

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1 THE WITNESS: My name is Nicholas Ike Batalis
2 B-A-T-A-L-I-S.

3 MR. SIMPSON: Thank you, Your Honor.

4 - - - - -

5 NICHOLAS BATALIS, M.D.,
6 Having Been First Duly Sworn,
7 was Examined and Testified as Follows:

8 DIRECT EXAMINATION

9 BY MR. SIMPSON:

10 Q. Dr. Batalis, where are you employed?

11 A. I'm employed at the Medical University of South
12 Carolina here in Charleston.

13 Q. And in what department are you employed?

14 A. I'm employed by the department of pathology and
15 laboratory medicine as a forensic pathologist.

16 Q. And does an individual have to become a doctor
17 prior to seeking expertise in forensic pathology?

18 A. Yes. Before becoming a forensic pathologist,
19 first completed an undergraduate degree. I went on to
20 four years of medical school, and then completed a four-
21 year residency-training program in general pathology
22 before completing a year of fellowship in specialized
23 training in forensic pathology. And during that course,
24 taking three different certification exams.

25 Q. And have you completed that process?

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1 A. Yes. I've completed all of that. I'm board
2 certified in forensic pathology.

3 Q. And what is forensic pathology?

4 A. Forensic pathology is the field of medicine that
5 specializes in mainly determining how people die. Mostly
6 this is done through conducting autopsies, after people
7 have died, to determine what exactly caused it to happen.

8 Q. And how many autopsies -- I won't hold you to
9 the exact number. But how many autopsies would you
10 estimate you've performed during your career?

11 A. Over a thousand.

12 Q. And does being in the profession of forensic
13 pathology, does that also require continued education?

14 A. Yes. Each year we undergo continuing medical
15 education through various courses at the university and
16 conferences around the country.

17 Q. Dr. Batalis, have you ever been qualified in a
18 court of law as an expert in forensic pathology?

19 A. Yes. I've been qualified in Texas and South
20 Carolina.

21 Q. And about how many times would you approximate?

22 A. Approximately ten to fifteen times.

23 MR. SIMPSON: Your Honor, at this point I would
24 offer Dr. Nicholas Batalis as an expert in forensic
25 pathology.

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1 THE COURT: Any objection?

2 MR. BOSNAK: Without objection, Your Honor.

3 THE COURT: Without objection?

4 MR. BOSNAK: Without objection, Your Honor.

5 THE COURT: Thank you.

6 Ladies and gentlemen, normally a person cannot
7 testify -- or give opinions when they testify.

8 Typically, they have to testify as to what they saw or
9 heard or sensed by smell or something of that nature.

10 There is an exception when a person is qualified
11 because of their education or experience. The Court
12 can qualify them as an expert to give opinions in that
13 area. This witness will be qualified in the area of
14 forensic pathology to give opinion testimony in that
15 area. That does not mean that you must accept that
16 opinion. It is simply evidence for you to use in any
17 way that you see fit.

18 Mr. Simpson, your witness.

19 MR. SIMPSON: Thank you, Your Honor.

20 Q. [Mr. Simpson] And you estimated just moments
21 ago that you've performed a thousand autopsies in your
22 career; correct?

23 A. Yes.

24 Q. Do you recall having an occasion on June 12th,
25 2010, to perform an autopsy on one Christopher Jenkins?

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1 A. Yes, I did.

2 Q. And can you just sort of explain to the jury the
3 general process of an autopsy and what we mean when we say
4 autopsy?

5 A. Okay. The general procedure for an autopsy,
6 regardless of why the person died, is all pretty much the
7 same. The first thing we'll do is bring the body into
8 our -- the autopsy suite. It's much like an operating
9 room. At that point we then take photographs of the body
10 as we receive it. Document, again, all the clothing items
11 and that sort of thing. We'll then disrobe the body,
12 clean the body up, take another set of photographs, and
13 then proceed with what we call the external exam.

14 The external exam is basically going from head
15 to toe, looking at the body for natural stuff such as eye
16 color, hair color, tattoos, and then also any scars and
17 then any injuries we see, as well.

18 Once we're finished with the external exam, we
19 then move on to an internal exam where we open the body up
20 with some surgical type incisions and then proceed, organ-
21 by-organ, to look for any -- again, look for any natural
22 disease or any evidence of injury.

23 After that process is complete, we'll then
24 generate a written report of the findings.

25 Q. And if you could again turn to the specific

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1 autopsy of Christopher Jenkins. What were your relevant
2 observations on the external portion of the body?

3 A. The external exam of Mr. Jenkins was relatively
4 unremarkable. He did have a cut to the -- just outside
5 his left eye that went into the kind of superficial
6 tissues. So it wasn't that deep, was there was a cut to
7 the left of his eye. He did have an abrasion on the lower
8 lip and a couple of abrasions or scrapes on his right knee
9 and then one bruise that was on the left side of the chest
10 kind of over near the shoulder.

11 Q. And did the autopsy then proceed to the internal
12 portion?

13 A. Yeah. So the next --

14 Q. What relevant observations did you make in the
15 internal portion?

16 A. Once we proceeded to the internal exam, the most
17 marked thing that we saw right away was that Mr. Jenkins
18 had several rib fractures. So the right side of his rib
19 cage, the back part of the ribs. So the ribs will wrap
20 about the body. The back part of the ribs, his third
21 through his twelfth rib. So you have twelve ribs on both
22 sides of your body. So almost all of the ribs on the
23 right side of the body were all fractured almost in the
24 same spot. And associated with all of the rib fractures,
25 there was an incredible amount of blood within the cavity

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1 that surrounds the right lung.

2 Q. Did you make notice -- approximations of how
3 much blood?

4 A. Yes. We collected about 2500 milliliters of
5 blood. And to give you an idea, the average person, which
6 with his height and weight he would kind of fit into that,
7 that would be about half of his blood volume is what we
8 recovered from the right-lung area.

9 Q. And I apologize, Dr. Batalis, by backing up a
10 little bit. But do you also note the height and weight of
11 the person when you do an autopsy?

12 A. We do.

13 Q. And what was the height and weight of
14 Christopher Jenkins?

15 A. We measured him at 71 inches, so five foot
16 eleven, and 150 pounds.

17 Q. 150 pounds?

18 A. Yes.

19 Q. And if you could -- I'm sorry to jump around on
20 you, Doctor. Back to the blood. Was that a -- medically,
21 is that a large amount of blood to be in the body cavity?

22 A. Yeah. Anytime you get over ten to twenty
23 percent of your -- of losing blood, that's going to become
24 medically significant. And so losing half of your blood
25 volume is definitely a significant finding.

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1 Q. And I know causation is not part of your field.
2 But was the -- were the injuries to the rib at least
3 consistent with a force being put on the ribs?

4 A. Yes. It would be a pretty severe force. And,
5 again, all these ribs are fractured in the exact same
6 place, so this isn't something you would get just from
7 kind of bumping into a wall or something like that. It
8 would be a pretty significant amount of force to break all
9 those ribs at -- exactly in the same spot.

10 Q. And would this observation of the rib cage be
11 consistent potentially with someone being stomped
12 violently by another person?

13 A. That's one manner in which it could have
14 occurred.

15 Q. You also noted two additional rib fractures.
16 Can you explain that to the jury?

17 A. Yeah. So the fractures we've been talking about
18 so far, again, are on the back side of the ribs. Places
19 that -- again, the only time you really see fractures on
20 the back part of the ribs is from trauma. It's not
21 anything you see in any other process. Additionally, he
22 had two other fractured ribs on the right side that were
23 more towards the front or the -- kind of the front or
24 outside area. And as far as these fractures go, they
25 could have also been from the blunt trauma that fractured

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1 the other ribs, but this is also an area that sometimes
2 you see fractures from CPR or resuscitation.

3 Q. So on the ten fractures that we've discussed,
4 any question in your mind whether they could have been
5 caused by resuscitative efforts by EMS?

6 A. No, not at all. The posterior lungs were from a
7 significant amount of trauma.

8 Q. Okay. So we have ten -- okay. We have ten
9 fractures all in a line, on the ten rows, that you
10 conclude with medical certainty were not from EMS?

11 A. Correct.

12 Q. Two additional fractures to ribs. And if I
13 understand, that could have been from trying to revive him
14 but those two also could have been from the injury which
15 caused the other two?

16 A. Correct.

17 Q. You just weren't comfortable making that
18 conclusion on just the two rib fractures; correct?

19 A. Exactly.

20 Q. And they were in a different area of the other
21 two?

22 A. Exactly. They were still on the right side but
23 a totally different location than where the other ten were
24 all lined up.

25 Q. Doctor, was it your conclusion that the rib

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1 fractures, speaking specifically to the ten, caused the
2 death of Christopher Jenkins?

3 A. Yes. I determined his cause of death to be
4 blunt-force trauma of the chest, which would include the
5 rib fractures which then caused the bleeding into the
6 chest cavity.

7 Q. You said the amount of blood was significant.
8 Significant enough to cause the death?

9 A. Yes.

10 MR. SIMPSON: The Court's indulgence.

11 THE COURT: Yes, sir.

12 [Whereupon, Mr. Simpson reviews documents]

13 MR. SIMPSON: Your Honor, may we approach on a
14 matter of law?

15 THE COURT: You may.

16 [Whereupon, an off-the-record bench conference
17 is held]

18 Q. [Mr. Simpson] And so, Dr. Batalis, your
19 conclusion as to cause of death, again, was?

20 A. I determined his cause of death to be blunt-
21 force trauma of the chest.

22 Q. We have discussed, Dr. Batalis, perhaps some --
23 this person you performed the autopsy on might have had a
24 problem with some seizures.

25 A. [Indicates affirmatively]

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1 Q. Is there anything about that information that
2 would cause you for one moment to pause as to your cause
3 of death in this case?

4 A. No. His cause of death was due to the blunt-
5 force trauma and the resultant hemorrhage from that.

6 Q. And in the world of forensic pathology, are we
7 talking about a close call here, a hard forensic call when
8 you performed this autopsy, as the cause of death? Was
9 this something you had to think about a lot or was this a
10 readily-apparent cause of death?

11 A. This was pretty straightforward.

12 Q. And you can rule out the seizures as a cause of
13 death?

14 A. Yes.

15 Q. Doctor, is part of an autopsy something that's
16 done in tandem with, as a part of your work, a toxicology
17 screen?

18 A. Yeah. So during the course of an autopsy we'll
19 collect different fluids. So urine, blood, sometimes
20 bile. Collect those, place that into tubes, and then we
21 send that off to a national laboratory that specializes in
22 forensic testing that looks for drugs of abuse but then
23 also medications and that sort of thing.

24 Q. And was that done in the present case?

25 A. Yes, we did do -- we did do the testing on this

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1 case.

2 Q. And what was the results of the toxicology
3 screen in the present case?

4 A. The toxicology screen was only positive for
5 three things. One was a drug called atropine, which is
6 commonly given during resuscitation. The second drug they
7 found was caffeine, which as many of you know is found in
8 soft drinks, coffee, that sort of thing. And then the
9 third drug they found was naprosin. Naprosin is in the
10 same class of drugs as ibuprofen. So it's a pain reliever
11 anti-inflammatory drug.

12 Q. So was a screen done for ethanol or alcohol like
13 we would drink?

14 A. Yes. It's an extensive screen that checks not
15 only for alcohol but I believe up to three to four hundred
16 other drugs.

17 Q. And negative for alcohol?

18 A. Yes.

19 Q. Negative for cocaine or marijuana or any
20 narcotics?

21 A. Yes.

22 Q. So, Doctor, you can, then, testify to a degree
23 of medical certainty that this trauma to the chest and the
24 subsequent bleeding were the cause of Christopher Jenkins'
25 death?

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1 A. Yes.

2 MR. SIMPSON: One moment, Your Honor.

3 [Whereupon, Mr. Simpson and Ms. Baldwin confer]

4 Q. [Mr. Simpson] Doctor, as also a part of Your
5 standard autopsy, at least in a case when a crime has been
6 suspected, the collection of evidence?

7 A. Yes. We do commonly do that.

8 Q. And how does that work, exactly?

9 A. So during the course of the autopsy, again, like
10 we collected the blood and sealed that in the tubes, in
11 cases like this where we believe it to be a homicide we'll
12 usually collect the clothing and then, depending on the
13 case, sometimes a blood sample, sometimes a hair sample.
14 We collect that, place it in a sealed envelope, and then
15 sign that over to the police, who either attend the
16 autopsy or subsequently come afterwards to take it in as
17 evidence.

18 MR. SIMPSON: May I approach, Your Honor?

19 THE COURT: You may.

20 Q. [Mr. Simpson] Doctor, I'm handing you what's
21 been marked -- entered into evidence State's 51. If you
22 would take a moment to review that.

23 [Whereupon, the witness reviews documents]

24 A. Yes. This is a sample of the decedent's blood
25 that we took at autopsy and transferred as evidence.

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1 Q. [Mr. Simpson] That was transferred to the
2 police to analyze in whatever way they saw fit?

3 A. Yes.

4 Q. So in conclusion, Doctor, after performing the
5 autopsy, you determined what to be the cause of death?

6 A. The cause of death was the blunt-force trauma of
7 the chest, which included the rib fractures and the
8 hemorrhage.

9 Q. And the manner of death?

10 A. Manner of death was homicide.

11 MR. SIMPSON: Dr. Batalis, please answer any
12 questions Mr. Bosnak has.

13 THE COURT: Mr. Bosnak?

14 MR. BOSNAK: Your Honor, may we approach?

15 THE COURT: You may.

16 [Whereupon, an off-the-record bench conference
17 is held]

18 CROSS-EXAMINATION

19 BY MR. BOSNAK:

20 Q. Doctor, let me see if I understand this right.
21 If you'll help me, please. He died -- the deceased died
22 because he bled to death? Would that be proper?

23 A. Yes. That's a way to put it.

24 Q. In other words, he had broken ribs, punctured a
25 lung?

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1 A. He did not puncture a lung.

2 Q. Did he puncture any vital organ?

3 A. He did not.

4 So when he fractured the ribs, there are small
5 blood vessels that got torn when those ribs were fractures
6 and then the blood slowly came out of that and accumulated
7 around the right lung. But the lung itself was not
8 perforated.

9 Q. Okay. So if I can go back to science class a
10 little bit. A rib or a bone has blood in it; correct?

11 A. Yes.

12 Q. And what happens is because of the broken bone,
13 eventually it started bleeding or it may have started
14 bleeding right away; correct?

15 A. Correct. And you also have small blood vessels
16 that run along the ribs. So when these ribs were broken,
17 those vessels would have been torn, too. So, yes, you do
18 have bleeding from the bone itself, but then also the
19 small vessels that run along the ribs.

20 Q. Okay. So let me just make sure I've got it
21 correct. From the bone and then from the small blood
22 vessels?

23 A. Yes.

24 Q. Now, if he could have gotten to a hospital
25 fairly quick after those ribs had been broken, in your

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1 medical opinion could you have saved this person's life?

2 A. Personally I couldn't, because that's not my
3 specialty. But this is an injury that you would not think
4 to be immediately fatal. Because of him not tearing a big
5 artery and he did not puncture the lung, didn't tear the
6 heart -- those type of injuries you would bleed out very
7 quickly. With this one, I believe it was approximately a
8 day. And so it was not an immediate injury, so it would
9 be -- he would certainly have a better chance than
10 somebody who was let's say shot through the heart or shot
11 in the head.

12 Q. Right. So there's a possibility, in your
13 opinion?

14 A. Yes.

15 Q. Okay. Now, are you a sports fan?

16 A. I am.

17 Q. Watch boxing?

18 A. A little bit.

19 Q. Mixed-martial arts?

20 A. Little bit.

21 Q. It seems like what you're saying -- and I'm not
22 trying to put words in your mouth, I'm just asking you a
23 question -- that it would have taken a great amount of
24 force to break that many ribs.

25 A. Yes. Definitely.

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1 Q. Take a lot of force, wouldn't it?

2 A. Yes.

3 Q. Or either numerous kicks or hits or whatever
4 broke the ribs; correct?

5 A. That's one way it could happen. In this case I
6 would actually think that it was not so many because all
7 of the ribs were fractured in the same place. When we see
8 people who have been injured from where they've been
9 struck multiple times, the ribs tend to be fractured in
10 different spots, whereas in the back part all of these
11 ribs were fractured in the same spot. So I actually think
12 this was more consistent with a single blow.

13 Q. Well, would you not have to have -- let me see
14 if I can phrase this correctly. If you hit somebody with
15 your fist, there's only a certain area of force; correct?
16 And we're talking about nine ribs; right? Is that what
17 you're saying?

18 A. Ten ribs.

19 Q. Ten ribs.

20 A. Yeah. And this is not an injury I would expect
21 to happen from a single blow from a fist, but a single
22 blow from a foot which could span those number of ribs.
23 An object, such as a bar, a piece of wood. A single blow
24 with something large enough could break all of those in
25 one shot.

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1 Q. Okay. Let me ask you. You said you knew it
2 couldn't have come from a seizure. But people a lot of
3 times have seizures and they fall; correct?

4 A. True.

5 Q. And if you fell and your side wasn't protected
6 by your arm or something and you fell across something, it
7 could certainly break your ribs, couldn't it?

8 A. I've never heard or seen of a case of ten broken
9 ribs in a row from a fall.

10 Q. Okay. But it could happen?

11 A. I would say it's extremely doubtful.

12 Q. Okay. But you think somebody kicking somebody
13 say with the ball of their foot or the toe of their foot
14 would break ten ribs?

15 A. Not necessarily with the toe of the foot. I
16 would think more in a stomping type action where you're
17 getting that whole base of the foot involved.

18 Q. So you're saying a stomping action with the
19 whole foot?

20 A. That could definitely do it.

21 Q. Depending on the size of the foot?

22 A. True.

23 Q. Okay. And it would have to be with a great
24 amount of force, wouldn't it?

25 A. Yes.

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1 Q. Great amount?

2 A. [Indicates affirmatively]

3 Q. Did you do anything to determine the age of
4 these injuries?

5 A. No. You can gain a lot of information about the
6 injuries just based on the appearance of the blood. Blood
7 that's been there for a long time will start to turn
8 yellowish-brown as it kind of stains the tissues. And
9 there was no evidence of that in this case.

10 Q. Did all the breaks look clean?

11 A. Yes. They were all in the same line, relatively
12 clean.

13 Q. Just a question. It seems, though, that this
14 would kind of have to be kind of set up a certain way. If
15 a person was conscious and was getting kicked in the ribs
16 or hit in the ribs with a fist, you're -- automatically
17 your defenses would go up and you would try to protect
18 that side of your body with your arm or by rolling out of
19 the way --

20 MR. SIMPSON: Objection, Your Honor. Outside of
21 the scope of expertise.

22 THE COURT: I'm going to allow it.

23 MR. BOSNAK: Thank you, Your Honor.

24 A. I'm sorry. Could you repeat?

25 Q. [Mr. Bosnak] Yes, sir.

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1 I'm saying to break ten ribs in that manner, it
2 would seem like a person would automatically put up
3 defenses like their arm or they would roll to the side,
4 after say one or two kicks, to protect themselves; correct?

5 A. I can't speak for the decedent. I think
6 everybody reacts differently. You know, you mentioned the
7 MMA and boxing. Everybody has different defenses. So I
8 don't think I can definitively say that.

9 Q. Okay. But in MMA and in boxing, those people
10 are professional fighters.

11 A. Presumably.

12 Q. They're big men, a lot of power?

13 A. Uh-huh.

14 Q. And they hit each other in the ribs and a lot of
15 times they don't have any breakage in the ribs; correct?

16 A. Correct.

17 Q. A large amount of force, too.

18 A. [Indicates affirmatively]

19 Q. So what we're talking about is a large amount of
20 force concentrated in a single area; correct?

21 A. Correct. And along the same lines of what
22 you're mentioning, this decedent was, again, five eleven,
23 150. Many of the MMA fighters are going to be bulkier
24 people that have more muscle around the rib cage to
25 protect it, as well. So that's something else that could

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1 make one person more prone to fractures than the other.
2 The other thing is age. This decedent was I believe
3 forty-six at the time of this incident, compared to an MMA
4 fighter that's twenty-two, you know.

5 Q. So what you're saying is the younger you are,
6 you have more elasticity, maybe more muscle?

7 A. And bone strength would be --

8 Q. Bone strength?

9 A. Yes.

10 MR. BOSNAK: No further questions. Thank you.

11 MR. SIMPSON: Just briefly, Your Honor. Thank
12 you.

13 THE COURT: All right, sir.

14 REDIRECT EXAMINATION

15 BY MR. SIMPSON:

16 Q. Dr. Batalis, you said that these injuries would
17 be consistent with a blow from a foot, a forceful blow for
18 a foot?

19 A. Yes.

20 Q. And I believe you testified -- well, can you --
21 not the kicking type?

22 A. Exactly. You wouldn't, again -- the way these
23 injuries were lined up, you would not expect it to be from
24 kind of a kick just with the tip of a toe. You would
25 expect it to be more from a stomping action where you have

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1 that whole kind of broad base of the foot that's pressing
2 down at once.

3 Q. Okay. If you could --

4 MR. SIMPSON: May I ask the witness to step down
5 just for a moment, Your Honor?

6 THE COURT: You may.

7 Q. [Mr. Simpson] Could you direct on my body where
8 are the ribs that you're talking about here?

9 A. Sure. So it was the right-hand side. And the
10 ribs would be from the -- it was the third rib to the
11 twelfth rib. So approximately from about right here down
12 to about right here. So kind of the right side of the
13 back kind of straight down the middle.

14 Q. And, Dr. Batalis, you stated certainly with any
15 injury saying whether or not someone would have lived or
16 died is somewhat of an impossibility; correct?

17 A. Exactly, because you're not exactly sure this is
18 something that would have definitely needed treatment and
19 you don't know how everybody would respond to treatment
20 and that sort of thing.

21 Q. But certainly had the decedent sought medical
22 attention quicker, he would have had a better shot at
23 things; correct?

24 A. Definitely.

25 MR. SIMPSON: Nothing further, Your Honor.

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CROSS-EXAMINATION

BY MR. BOSNAK:

Q. Doctor, and just to reiterate: the crack of the ribs were from the back side; right? The right back side?

A. Yes.

Q. Am I saying that right? Is that correct? It would be on the back, back through here, like you did on Mr. Simpson?

A. Yes.

Q. So what you're saying is the person was laying on their stomach, it looked to be they were laying on their stomach, and somebody could have stomped them or hit them with a bat or something like that?

A. That's probably the most likely way, although it could happen where somebody's on their back, you know. If -- the way the ribs are kind of circled around the body, if you could be on your back and get stomped on from the front, it's not exactly predictable exactly where that rib's going to break. That pressure is going to kind of press onto the ribs and at some point they're going to snap. So most likely it would be pressure from the back. But it could be from somewhere else in that rib cage.

Q. Well, wouldn't the front ribs be broken? If you stomped somebody with enough force on their chest to cause their ribs to break in the back, wouldn't the front ribs

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1 be broken, too?

2 A. It would be more likely for that to happen.
3 Your highest chance is going to be at the point of impact.
4 But just the way the ribs kind of circle around -- the
5 same thing happens in the pelvis. Anytime you have a
6 circle, the fractures aren't going to be exactly
7 predictable according to where it's struck. Again,
8 because the ribs are going to be a little bit elastic and
9 they could break really at any point in that chain.

10 Q. But there were no broken ribs in the front part;
11 correct?

12 A. There were two ribs that were broken on kind of
13 the right-upper side. The second and third rib up here
14 were broken.

15 Q. And you said that could have been caused by
16 resuscitation; correct?

17 A. It could have been, yes.

18 Q. Okay. Trying to resuscitate him?

19 A. Yes.

20 MR. BOSNAK: Okay. Thank you.

21 THE COURT: You may step down, Doctor.

22 [Whereupon, Dr. Batalis is excused and exits the
23 witness stand]

24 THE COURT: Call your next witness.

25 MR. SIMPSON: Your Honor, at this time, the

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1 State rests.

2 THE COURT: Ladies and gentlemen, that indicates
3 to the Court that there is a matter of law that I must
4 take up outside of your presence. It's also a perfect
5 time for us to break for the afternoon.

6 Ladies and gentlemen, you are now going to go
7 home and I know your significant other, your spouse,
8 is going to say tell me about your day. You need to
9 just say the Judge says I can't talk about my day. So
10 go home, have a restful afternoon. I will see you
11 back in your jury room at 9:45.

12 Ladies and gentlemen, please remember all of my
13 admonitions. You may not discuss this case with
14 anyone. That includes your fellow jurors. Please
15 don't do any independent investigations. And I know
16 the first thing you're going to do is get your phones
17 back and you're going to want to Goggle something.
18 Ladies and gentlemen, you are not allowed to do any
19 independent research. You're not allowed to text
20 anyone concerning -- make any entry in Face Book,
21 anything of that nature.

22 Ladies and gentlemen, please have a wonderful
23 afternoon and I'll see you back at 9:45.

24 Please rise for the jury.

25 [Whereupon, the jury exits the courtroom at

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1 4:27 p.m.]

2 THE COURT: Thank you. Please be seated.

3 All right. Mr. Simpson, we need to place a few
4 things on the record concerning -- however, Mr.
5 Simpson, is there anything before -- you have rested.
6 But do you need to make sure your exhibits are all in?

7 MR. SIMPSON: I do still have a couple over here
8 that I believe -- I believe we've addressed everything
9 that wasn't moved in by consent. I think there's
10 going to be some mixup in the numbers because of the
11 excluded 45 and 46. And 6 and 7 we didn't put in.
12 But I believe I've moved everything in.

13 THE COURT: All right. 45 and 46 are the
14 photographs from the autopsy. We had the--

15 MR. SIMPSON: They were excluded, Your Honor,
16 yes, sir. Yes, ma'am.

17 THE COURT: Thank you, Mr. Simpson.

18 Those were the two photographs that were
19 addressed. Mr. Bosnak, you had an objection as to the
20 graphic nature. You felt that they were more
21 prejudicial than probative --

22 MR. BOSNAK: Correct.

23 THE COURT: -- is that correct?

24 MR. BOSNAK: Correct, Your Honor.

25 THE COURT: And I sustained your objection.

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1 State's 45 and 46 were the autopsy photos. They will
2 not be admitted into evidence.

3 Mr. Bosnak, outside of the presence of the jury,
4 you had some -- we had a conference at the bar, but
5 please make sure -- at the bench, but please make sure
6 for the record that it's clear as to your objections
7 as to the 7 through 44.

8 MR. BOSNAK: Your Honor --

9 THE COURT: Photographs.

10 MR. BOSNAK: -- we let a certain number -- I
11 agreed to a certain number --

12 THE COURT: 14 -- excuse me. 14 through 44.

13 MR. BOSNAK: Yes. Yes, Your Honor. I just
14 think they're cumulative and have a tendency to
15 mislead the jury. That would be my two objections on
16 that.

17 THE COURT: All right. And those photographs
18 have been admitted over your objection.

19 [Whereupon, State's Exhibit Numbers 14 through
20 44 are admitted into evidence by the Court]

21 THE COURT: With that, is there anything further
22 we need to place on the record?

23 MR. BOSNAK: Not at this time, Your Honor.

24 THE COURT: All right. There are some other
25 matters that I must take up outside -- unrelated to

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1 this case, that I had previously scheduled, so I will
2 allow you to argue your directed verdict motion in the
3 morning.

4 Is that okay, Mr. Bosnak?

5 MR. BOSNAK: Yes, sir [sic], that's fine, Your
6 Honor. Fine.

7 THE COURT: Any objection to handling it that
8 way?

9 MR. SIMPSON: No, Your Honor.

10 - - - - -

11 DEFENDANT'S RIGHTS

12 THE COURT: All right. Before we recess, I'm
13 going to go ahead and advise your client as to his
14 right to testify so you'll have this opportunity over
15 the evening hour to have that discussion with your
16 client.

17 Please swear Mr. Wright.

18 [Whereupon, Mr. Wright is duly sworn by the
19 clerk of court as follows: sir, do you swear or
20 affirm the testimony you shall give the Court shall be
21 the truth, the whole truth, and nothing but the truth,
22 so help you God]

23 MR. WRIGHT: I do.

24 THE COURT: Mr. Wright, at this time I'm going
25 to explain to you certain of your rights. I do not

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1 need an answer as to whether or not you're going to
2 testify this evening, but I'm going to advise you of
3 your rights so that you understand the benefits and
4 the consequences of your ability to testify.

5 In the morning, or at the appropriate time --
6 the State has rested, so in the morning when we come
7 back, after the directed verdict motions, depending
8 upon how I rule, my question to you is are you going
9 to testify. This will give you the evening hour to
10 meet with your attorney to discuss whether or not you
11 should testify. Do you understand, sir?

12 MR. WRIGHT: Yes, ma'am.

13 THE COURT: Mr. Wright, if you do not understand
14 anything that I say, please let me know. And if you
15 need me to explain anything in further detail, please
16 let me know. Do you understand?

17 MR. WRIGHT: Yes, ma'am.

18 THE COURT: We've reached the stage of the trial
19 where you may present your defense. You have the
20 right to claim the protections that are given to you
21 by the fifth amendment to the constitution of the
22 United States. This amendment states in part that no
23 person shall be compelled in any criminal case to be a
24 witness against himself. This means that you cannot
25 be required to testify in this case. You do have the

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1 right to testify on your own behalf. No one can make
2 you testify. This is a personal right and no one can
3 waive this right except for you.

4 If you decide to testify, you will be subject to
5 the same rules that govern other witnesses and you may
6 be examined and cross-examined on any relevant issue
7 in this case. In addition, if you have any
8 convictions involving dishonesty or false statements,
9 or for crimes punishable by imprisonment for more than
10 one year and I determine that the probative value of
11 admitting this evidence outweighs its prejudicial
12 effect to you, the solicitor will be allowed to
13 introduce your record to attack your credibility.

14 Is that an issue, Mr. Simpson, that we need to
15 address? Are there any prior convictions?

16 MR. SIMPSON: Yes, Your Honor. There is --

17 THE COURT: There are prior convictions,
18 Mr. Simpson?

19 MR. SIMPSON: There are prior convictions.

20 THE COURT: Mr. Wright, you understand that
21 there are some prior convictions. And we're not
22 addressing the particular ones that may or may not
23 come in. But you understand that you have prior
24 convictions?

25 MR. WRIGHT: Yes, ma'am.

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1 THE COURT: If you decide to testify, this
2 decision on your part must be freely, voluntarily and
3 intelligently made with the knowledge of the
4 protections given to you by the fifth amendment and
5 the consequences of your decision to testify. If you
6 decide not to testify, I will instruct the jurors that
7 they cannot give the fact that you did not testify any
8 consideration whatsoever and that there's to be
9 absolutely no prejudice to you because you did not
10 testify. It's left entirely up to you whether you
11 testify or not. You may talk with your attorney, your
12 friends, your family members, or anyone else, but the
13 final decision will be left entirely up to you. Do
14 you understand what I have told you?

15 MR. WRIGHT: Yes, ma'am.

16 THE COURT: Do you have any further questions
17 for the Court?

18 MR. WRIGHT: No, ma'am.

19 THE COURT: Thank you.

20 Any further questions, Mr. Bosnak, related to
21 this matter?

22 MR. BOSNAK: None, Your Honor.

23 THE COURT: All right. Well, counsel, back at
24 9:15 to address directed verdict motions. Thank you.

25 MR. BOSNAK: Thank you, Your Honor.

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1 MR. SIMPSON: Your Honor, if I could just raise
2 a brief matter? I've talked with Mr. Bosnak. We've
3 got a thirty-person witness list. The State would
4 like, if possible, birth dates on these -- on the
5 witnesses, who are going to testify, for the purposes
6 of running rap sheets.

7 THE COURT: Mr. Bosnak, will you be able to
8 accomplish birth dates?

9 MR. BOSNAK: I'll try. Could I have until in
10 the morning, Your Honor?

11 THE COURT: The sooner you can get it. Because
12 then what I'm going to do is we're just going to
13 recess until you get those birth dates. So, Mr.
14 Bosnak, you need to get those as soon as possible.

15 MR. BOSNAK: Yes, ma'am. Yes, Your Honor.

16 THE COURT: All right. Anything further, Mr.
17 Simpson?

18 MR. SIMPSON: No, Your Honor. Thank you.

19 THE COURT: All right. Mr. Wright, I'm going to
20 tell you one more time. We're going to continue this
21 trial whether you decide to show up or not. Do you
22 understand?

23 MR. WRIGHT: Yes, ma'am.

24 THE COURT: You are out on the same conditions
25 on bond that you have been out on previously. We will

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1 continue this trial and a bench warrant will issue for
2 your arrest if you fail to appear.

3 What time will you be here in the morning?

4 MR. WRIGHT: Whatever time my attorney tells me
5 to be here, I'll be here, ma'am.

6 THE COURT: Court is starting at 9:15. If you
7 are not here at 9:15, a bench warrant is going to
8 issue for your arrest. Do you understand that, sir?

9 MR. WRIGHT: Yes, ma'am.

10 THE COURT: Thank you. We're at ease.

11 MR. SIMPSON: Thank you, Your Honor.

12 THE COURT: Thank you.

13 [JURY TRIAL ADJOURNS AT 4:35 P.M.]

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C E R T I F I C A T E

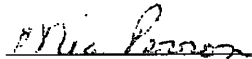
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Tuesday, June 28, 2011.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 8th day of November, 2013.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CASE NO.: 2010-GS-10-06153

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 ROBERT L. WRIGHT,)
)
 DEFENDANT.)

JURY TRIAL

VOLUME 2 OF 3

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Wednesday, June 29, 2013, Commencing at 9:14 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
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PROCEEDINGS

- - - - -

MOTION FOR A DIRECTED VERDICT

THE COURT: All right. Counsel, any motions or matter?

MR. BOSNAK: Your Honor, I think the only thing we were going to take up was the directed verdict motion.

THE COURT: Be happy to hear from you.

MR. BOSNAK: Your Honor, we would ask for a directed verdict motion at this time. We don't think that the State, even with the light most possible by the -- in the light -- the best light possible for the non-moving party, we feel like they haven't proven any intent in this, Your Honor. There has been some speculation about a relationship between the deceased and the defendant's mother. Nothing of violence, words. We just don't believe they've proved any kind of motive for anything like this. Also, no weapon was used. It was one person really against four people, if you're to believe the prosecution's case, because all four people were together. No weapon was used. My client's not a very big man, not a professional fighter or anything like that. So we just don't think they've met their burden of proof concerning the

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1 intent element, Your Honor. Thank you.

2 THE COURT: Mr. Simpson, you know how I like for
3 the State to respond --

4 MR. SIMPSON: I do, Your Honor.

5 THE COURT: -- so please indicate the elements
6 of the crime that Mr. Wright is charged with and the
7 testimony that would link up for the Court to -- that
8 finds in the State's favor on your -- on Mr. Bosnak's
9 motion.

10 MR. SIMPSON: Thank you, Your Honor.

11 As you know, for -- murder being the most
12 serious offense under the law, has a relatively short
13 definition and few elements, those being the killing
14 of another person with malice aforethought. As to the
15 element of the killing of another person: we heard
16 yesterday from Dr. Nicholas Batalis, who certainly
17 established a causal link between the assault and the
18 defendant's death.

19 Obviously, I anticipate in closing argument that
20 causation will be an issue due to the victim's failure
21 to seek immediate medical attention. However, the law
22 is clear -- and I point to you State v. Burton mainly
23 as to the fact that a proximate charge -- proximate
24 cause is a charge -- and I know we're not arguing
25 about charges. But proximate cause -- causation is an

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1 issue in homicide cases when the defendant asserts an
2 intervening cause of death. And what the proximate
3 cause law says very clearly is that, you know, there
4 can be more than one cause of death and that does not
5 certainly alleviate the defendant of criminal
6 responsibility just because it may be argued that the
7 victim, as in this case, didn't seek medical
8 attention. Certainly, the causal link was established
9 by Dr. Batalis. And certainly the Court would really
10 be hard-pressed to say that the assault was not a
11 cause, a proximate cause, of the victim's death.

12 As to malice, as I said in my opening statement,
13 and I believe the law is unambiguous on, to establish
14 the element of malice we have to show the intent to
15 harm. And I think certainly in the testimony of the
16 eyewitnesses has established -- and, again, the
17 standard is we're looking for any evidence whatsoever
18 -- has established that the defendant came upon the
19 victim, if you are to believe our witnesses under the
20 any-evidence standard -- immediately came up from
21 behind him, body-slammed him, and stomped him while he
22 was on the pavement. And certainly I believe that is
23 evidence, under the any-evidence standard, of the
24 element of malice and therefore the defendant's
25 directed verdict motion should be denied.

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1 THE COURT: Any response?

2 MR. BOSNAK: Nothing, Your Honor. Thank you.

3 THE COURT: Under Rule 19 the Court is concerned
4 -- and I should rule in the defendant's favor on any
5 defense charged in the indictment after evidence on
6 either side is closed -- if there is a failure of
7 competent evidence tending to prove the charge in the
8 indictment. I should consider only the existence or
9 non-existence of the evidence and not the weight of
10 the evidence.

11 Mr. [REDACTED] Robert J. testified that the defendant
12 approached the victim and slammed him to the ground.
13 Mr. Jacqui Jenkins testified that the defendant was
14 stomping the victim while he was on the ground. Dr.
15 Batalis testified that the cause of death was blunt-
16 force trauma to the chest. And then Ms. Mary Jenkins
17 testified that the defendant indicated to her that he
18 didn't have to apologize because he did what he had to
19 do.

20 Viewed in the light most favorable to the non-
21 moving party, which is the State, the jury could find
22 that the defendant acted with malice aforethought and
23 that his actions caused the death of Mr. Jenkins.

24 Your motion for directed verdict is respectfully
25 denied.

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1 MR. BOSNAK: Thank you, Your Honor.

2 THE COURT: Thank you.

3 Mr. Bosnak, have you had an opportunity to meet
4 with your client to determine whether or not he is
5 going to testify?

6 MR. BOSNAK: Could we have just one minute and
7 we ought to be able to tell you in just one second.

8 THE COURT: You may.

9 [Off the record momentarily]

10 MR. SIMPSON: Your Honor, Mr. Bosnak was kind
11 enough to provide us with the dates of birth of the
12 witnesses he intends to call today. I just got that
13 in an e-mail on the phone. So I just wanted to let
14 you know that my investigator is over at my office now
15 pulling those rap sheets. We've addressed that issue.

16 THE COURT: All right. The jury won't be here
17 until 9:45, so we're at ease.

18 I just didn't know: did you need additional
19 time to meet with your client, Mr. Bosnak --

20 MR. BOSNAK: Yes, ma'am.

21 THE COURT: -- in light of my ruling on your
22 motion?

23 MR. BOSNAK: Yes, ma'am. Thank you.

24 THE COURT: All right. We're at ease. I do
25 have that other matter that I'm going to attend to.

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1 But please make sure that you're available to start
2 once all the jurors are here.

3 MR. BOSNAK: Yes, ma'am. Thank you.

4 THE COURT: Thank you.

5 [Whereupon, a recess is taken from 9:20 a.m. to
6 9:43 a.m.]

7 THE COURT: All right. Mr. Simpson, is there
8 anything before we bring in the jury?

9 MR. SIMPSON: Nothing from the State, Your
10 Honor.

11 MR. BOSNAK: Nothing from the defense, Your
12 Honor.

13 THE COURT: Mr. Bosnak, have you -- are your
14 witnesses available?

15 MR. BOSNAK: Yes, ma'am.

16 THE COURT: Are they outside?

17 MR. BOSNAK: Yes, ma'am.

18 THE COURT: How many witnesses do you anticipate
19 calling?

20 MR. BOSNAK: Your Honor, at this time, two or
21 three.

22 THE COURT: All right. And have you discussed
23 with your client whether or not he will testify?

24 MR. BOSNAK: Yes, ma'am. He will testify.

25 THE COURT: And do you anticipate calling him

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1 last or --

2 MR. BOSNAK: He'll go last, Your Honor.

3 THE COURT: All right. Thank you.

4 MR. WRIGHT: Mr. Wright, your attorney -- please
5 stand.

6 [Whereupon, Mr. Wright complies]

7 THE COURT: I remind you that you're still under
8 oath.

9 Your attorney has indicated that you wish to
10 testify; is that correct?

11 MR. WRIGHT: Yes, ma'am.

12 THE COURT: Do you need any additional time to
13 meet with Mr. Bosnak before you testify?

14 MR. WRIGHT: Yes, ma'am.

15 THE COURT: Do you need to do that now?

16 MR. BOSNAK: Your Honor, just whatever would be
17 best for the Court.

18 THE COURT: We're waiting on a juror, so you
19 might as well go ahead and take this time, Mr. Bosnak.

20 MR. BOSNAK: Thank you, Your Honor. We'll just
21 meet right outside.

22 THE COURT: Thank you.

23 [Whereupon, a recess is taken from 9:49 a.m. to
24 9:53 a.m.]

25 THE COURT: All right. All of the jury is now

1 present. I'll allow you time -- we'll break, since
2 he's going to be last. If you'll just let me know
3 that that's your witness, so that we can break, I'll
4 give you a fifteen-minute break. We'll take our
5 midmorning break at that time. So I would anticipate
6 that we would be able to charge after lunch; is that
7 correct?

8 MR. BOSNAK: Hopefully, Your Honor.

9 MR. SIMPSON: Yes, Your Honor.

10 THE COURT: All right. And at this time are you
11 requesting lesser-included?

12 MR. BOSNAK: Yes, Your Honor.

13 THE COURT: Which lesser-includeds are you
14 requesting?

15 MR. BOSNAK: I've got involuntary and voluntary.

16 THE COURT: Any objection from the State?

17 MR. SIMPSON: Well, Your Honor, I would note
18 that we -- I think yes. Obviously, we still have the
19 defense to go. But at this time I don't think there's
20 been any evidence presented to justify voluntary or
21 involuntary charges. Again, I might be premature
22 since we haven't heard the defense case yet. But
23 we've had no sudden legal provocation to justify a
24 heat-of-passion voluntary charge.

25 And our objection to the involuntary charge

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1 would be based on -- you know, obviously, there's two
2 prongs of the involuntary charge. One is a lawful
3 activity. I think we can take that off the table
4 immediately, in that an assault is not a lawful
5 activity. The second prong of an involuntary charge
6 is an unlawful activity; however, one which wouldn't
7 naturally lead to death or serious bodily injury. I
8 think the stomping of another human being on the
9 pavement arguably is such a nature as it, of course,
10 would naturally lead to serious bodily injury. And
11 that would be our basis for our objection to the
12 involuntary charge.

13 THE COURT: All right.

14 MR. BOSNAK: Your Honor --

15 THE COURT: Your response?

16 MR. BOSNAK: Well, Your Honor, first of all,
17 part -- the big part of that is the believability of
18 the three witnesses, the State's three witnesses. And
19 they were very inconsistent. The whole family is very
20 inconsistent. And also had the motive of bias in this
21 case.

22 What our evidence I think will show, and will
23 tend to show, is that this was two people -- my client
24 was not the aggressor. And what happened was it was
25 mutual combat, if anything. Two being engaged --

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1 THE COURT: All right. Let's go ahead and hear
2 from your witnesses.

3 MR. BOSNAK: Yes, ma'am.

4 THE COURT: There's no disagreement that
5 voluntary should be a lesser-included under these
6 factual circumstances; correct, Mr. Simpson?

7 MR. SIMPSON: Well, Your Honor, again, I've
8 heard no evidence at this point that would rise to a
9 level of sufficient legal provocation causing a sudden
10 heat of passion. We may in the coming witnesses, but
11 at this time I've not -- I don't think --

12 THE COURT: Please have your first witness in
13 the courtroom.

14 Let's bring in the jury.

15 [Whereupon, the jury enters the courtroom at
16 9:55 a.m.]

17 THE BAILIFF: All jurors are seated, Your Honor.

18 THE COURT: Please be seated.

19 Mr. Bosnak, call your first witness.

20 MR. BOSNAK: Betty Scott.

21 [Whereupon, Ms. Scott comes forward]

22 THE CLERK OF COURT: If you would place your
23 left hand on the Bible and raise your right, please.

24 [Whereupon, Ms. Scott is duly sworn by the clerk
25 of court as follows: do you swear or affirm the

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1 testimony you shall give the Court and the jury in the
2 trial of this case shall be the truth, the whole
3 truth, and nothing but the truth, so help you God]

4 THE WITNESS: Yes.

5 THE COURT: Thank you. Please be seated.

6 [Whereupon, Ms. Scott takes the witness stand].

7 MR. BOSNAK: Ms. Scott, if you would scoot up as
8 close as you can where everybody can hear you real
9 well, if you would, please.

10 THE CLERK OF COURT: Ma'am, for the record, if
11 you'll please state your name, spelling your last
12 name.

13 THE WITNESS: Betty Jean Scott. S-C-O-T-T.

14 THE COURT: Mr. Bosnak?

15 MR. BOSNAK: Thank you, Your Honor. May it
16 please the Court.

17 THE COURT: Yes,

18 - - - - -

19 BETTY JEAN SCOTT,

20 Having Been First Duly Sworn,

21 was Examined and Testified as Follows:

22 DIRECT EXAMINATION

23 BY MR. BOSNAK:

24 Q. Ms. Scott, tell us how old you are.

25 A. Fifty-nine.

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1 Q. Fifty-nine.

2 And do you have any children?

3 A. Yes.

4 Q. Could you tell us your children -- their names,
5 please?

6 A. Robert L. Wright, Darnell -- there's Darnell
7 Wright and Michelle Wright.

8 Q. Okay. And one boy and two girls --

9 A. Yes.

10 Q. -- would that be correct?

11 A. Yes.

12 Q. Okay. And who's your oldest?

13 A. Robert Wright.

14 Q. Is Robert in the courtroom this morning?

15 A. Yes.

16 Q. Would you pick him out, please, ma'am?

17 A. He's right through here [indicates].

18 Q. What color shirt has he got on?

19 A. White.

20 Q. Okay. Where do you live?

21 A. I live on Jackson Street, downtown Charleston.

22 Q. And who lives with you?

23 A. I live by myself.

24 Q. Okay. And how long have you lived there?

25 A. Over five years in that apartment.

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1 Q. What do you do for work?

2 A. I'm disabled.

3 Q. You're disabled?

4 A. Uh-huh.

5 Q. Would you tell us what is directly across the
6 street from your apartment?

7 A. The park. The park. The school.

8 Q. Do you know the name of the park?

9 A. Martin Park.

10 Q. Martin Park.

11 A. Sanders Clyde --

12 Q. Beg your pardon?

13 A. Sanders Clyde is the school.

14 Q. Yes, ma'am. And what all is in that park?

15 A. A field.

16 Q. What kind of field?

17 A. For letting them play baseball or practice.

18 Then they have a swimming pool.

19 Q. Okay. Anything else?

20 A. Park house.

21 Q. Now, did you know the deceased?

22 A. Yes.

23 Q. And how did you know him?

24 A. We dated for a while.

25 Q. When did you start dating him, if you can

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1 remember?

2 A. I couldn't remember. It's probably been like in
3 2004 or something. I think it was about 2004.

4 Q. Started dating him in 2004?

5 A. Uh-huh.

6 Q. And everything go along pretty good at first?

7 A. Yeah, at first.

8 Q. Okay. And you were friends with his family,
9 also?

10 A. Yes.

11 Q. And do you know his mother?

12 A. Yes.

13 Q. And what do you call her?

14 A. I call her Mary.

15 Q. Now, do you also have a nickname?

16 A. Yes.

17 Q. What's your nickname?

18 A. Winkie.

19 Q. Okay. So some people might call you Winkie?

20 A. Miss Winkie, and Winkie. Yes.

21 Q. Okay.

22 A. Uh-huh.

23 Q. Now, do you recall when you broke up with the
24 deceased?

25 A. Yeah. Yes.

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1 Q. When was that?

2 A. Like -- I'll say like 2008 is when I told him I
3 would -- if he don't change and try to straighten up.

4 Q. What was wrong? What was wrong with the
5 relationship?

6 A. He was not only drinking so hard, but he was
7 falling out. You know, like, you know, things were going
8 wrong and only he wouldn't go to the doctor to check to
9 see why he keep falling out.

10 Q. Now, explain to us what you mean by falling out.

11 A. Like having seizures.

12 Q. Okay. Did he tell you why he had -- why he was
13 having the seizures?

14 A. No.

15 Q. Okay. Did he ever have a seizure at your house?

16 A. Yes.

17 Q. Okay. What did you do?

18 A. Called the 911.

19 Q. Did he fall out at your house?

20 A. Yes.

21 Q. And that's -- and then you called 911?

22 A. And I called 911.

23 Q. Did 911 come?

24 A. Yeah. They told me what to do there, and they
25 came.

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1 Q. And what happened? What happened to him when
2 911 came?

3 A. They took him to the hospital.

4 Q. Okay. To the best of your knowledge, did he
5 have to go to the hospital a lot?

6 A. He did the same thing by my front door. He fall
7 out again another time. And then called 911, and then
8 he -- he, you know, wake up, like, and then run, just run
9 away before they got there.

10 Q. Okay. Now, after you broke up with him, did you
11 have anymore contact with him?

12 A. Except come walking by my house cursing at me.

13 And I don't know how he find out that I was to a
14 party, and then he came to a party one time --

15 Q. Okay. We'll get to that in just one minute. He
16 would come by your house sometimes?

17 A. Yes. Every day he was coming by with the
18 hollering at me and stuff like that. Every day. Uh-huh.

19 Q. Okay. We're going to go back to a party. What
20 kind of party?

21 A. It was my birthday.

22 Q. Okay. And where was the birthday party held?

23 A. At my sister house on Mulberry Street in West
24 Ashley.

25 Q. West Ashley?

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1 A. Mulberry. Uh-huh.

2 Q. And tell us the location of town you live in.

3 A. I live downtown Charleston where the old Cooper
4 River Bridge was. The Sanders Clyde School. I live right
5 on the corner from there.

6 Q. So in other words, the party was on the other
7 side of town?

8 A. It was West Ashley.

9 Q. West Ashley.

10 Do you know if the deceased drove?

11 A. No, he didn't drive.

12 Q. Do you know how he got to the party?

13 A. No.

14 Q. Did anybody invite him?

15 A. No.

16 Q. Had he been drinking when he got there?

17 A. Yes.

18 Q. And did he come into the party?

19 A. He come into the --

20 Q. And what happened when he came in?

21 A. When he came in, he like getting ready to swing
22 at me like he going to hit me. Then I turn around at the
23 same time. That's when the officer -- he was an officer
24 at the time -- had helped him out of the party.

25 Q. Now, an officer? Who are we talking about?

MIA PERRON, CVR-CM-M

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1 A. His name Anthony Garland.

2 Q. Okay. And is Mr. Garland, is he related to you?

3 A. My nephew-in-law.

4 Q. Nephew-in-law?

5 A. Uh-huh.

6 Q. And did he kind of fight or anything like that?

7 A. No, was no fight.

8 Q. And what did Mr. Garland do?

9 A. Escort him out the house.

10 Q. Just tell him to leave?

11 A. Just tell him to leave.

12 Q. Was Robert there?

13 A. My son was outside.

14 Q. Okay. Did he get involved in any of that?

15 A. No. He was just like, you know, on the side.

16 Like, you know, he was drinking and doing like that and
17 all that.

18 Q. But did Robert say anything to the deceased that
19 night at the party?

20 MR. SIMPSON: Objection to the hearsay.

21 MR. BOSNAK: She can say if they had a
22 conversation.

23 THE COURT: She can only say if there was
24 conversation. She cannot testify as to what the
25 conversation contained.

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1 MR. BOSNAK: Yes, sir [sic], Your Honor.

2 I don't want you to say -- if they did talk, I
3 don't want you to say what they said.

4 Q. [Mr. Bosnak] But did they have a conversation
5 at that time?

6 A. Probably outside. I don't know. I went inside
7 and he was outside.

8 Q. Okay. Now, let's go back to June 10th, 2010.
9 Okay? Do you remember that day?

10 A. What day was that? Like the day.

11 Q. I believe it was on a Thursday.

12 A. Yeah, I don't remember nothing about no
13 Thursday.

14 Q. Let me ask you something. Does your son play
15 any sports?

16 A. Yes. In fact, they were playing -- they played
17 -- they had a practice that day on the 10th. That's on a
18 Thursday.

19 Q. So he plays what kind of ball?

20 A. Baseball.

21 Q. Baseball?

22 A. His normal practice.

23 Q. And where do they usually practice?

24 A. Right across the street from where I live on
25 Martin Park.

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1 Q. Okay. And do you know what time, approximately,
2 they practice?

3 A. They probably started for practice I think that
4 was like 5:00--something or five o'clock.

5 Q. What time do they usually quit?

6 A. The last time I checked was like 8:00. They
7 stop right at eight o'clock.

8 Q. Okay. Do you remember if he was playing
9 baseball that day, softball or baseball that day, on June
10 10th of 2010?

11 A. He was -- I was watching him. He was serving
12 them the ball with the bat.

13 Q. He was taking and then hitting --

14 A. Yeah.

15 Q. -- the ball to them?

16 A. You know, like that. And then everybody else
17 had to catch, or whatever you do to practice.

18 Q. Now, you can watch -- can you watch the baseball
19 game from your porch?

20 A. I couldn't see that good but I could -- if you
21 cross the street on the park, like on the corner. Like
22 they got a lot of brick where you can sit and watch.
23 Because when I wear glasses, I can't see you through those
24 fence with the glasses.

25 Q. But you know he was there that day?

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1 A. I know -- yes. I can see he was like across the
2 street.

3 Q. Now, who else was at your house with you that
4 day?

5 A. My mother, my aunt, my daughters. Neighbors and
6 all was, too, by my house.

7 Q. How was it? A nice -- was it a nice day?

8 A. Yeah. It was beautiful.

9 Q. So just everybody sitting around? Would that be
10 correct?

11 A. Yeah. Everybody was just watching the practice.
12 Just watching --

13 Q. Did anything happen -- well, what time did
14 Robert come over to your house?

15 A. Before he -- you mean before he leave to go
16 home? You know, I don't remember him coming to my house
17 that day. I don't remember him coming.

18 Q. Did he come to your house that evening?

19 A. That evening? No. I think he just might have
20 talked to me out there. He might --

21 Q. That's what I'm saying. Did he come out -- did
22 he come over to your house after practicing baseball?

23 A. No.

24 Q. He didn't come over to your house?

25 A. No.

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1 Q. Are you -- or do you not remember?

2 A. I don't remember him coming over there.

3 Q. After baseball practice?

4 A. After the game. After -- no.

5 Q. Did anything happen? Did you see the deceased
6 that night?

7 A. Thursday night. And I think I had to call the
8 police on him.

9 Q. Okay. What for?

10 A. Because he came back to the door again and I
11 tell him I was -- I've had enough of it. I tried to talk
12 to his mama to tell him -- to see if she could talk to him
13 and keep me from calling the police. And that would have
14 been the third time I would have been calling it, so I
15 didn't want to call.

16 Q. So he showed up that night; is that correct?

17 A. Yeah. To the door.

18 Q. To the door? And did you call the police?

19 A. Yes.

20 Q. Okay. Did they come?

21 A. Yes. Yeah, she came.

22 Q. Okay. Now, did Miss Mary come back over to your
23 house later on?

24 A. Yeah, she came to the house. I took her inside.
25 And then she had tell me she didn't come to my house

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1 concerning Robert and -- she said, I came because your son
2 -- she say, your son threatened my grands. So then I
3 looked around -- I asked him where Robert at. So the
4 little boy said that's -- he say, that was a long time --

5 MR. SIMPSON: Your Honor, hearsay.

6 THE COURT: Sustained as to hearsay.

7 Q. [Mr. Bosnak] Don't say what she said. But she
8 did talk to you; correct?

9 A. Yes. Who talked to me? Miss Mary?

10 Q. Miss Mary.

11 A. Yeah.

12 Q. Okay. Now, did you talk to Robert about it?

13 A. I called.

14 Q. Okay. And you talked to him about it?

15 A. I told him -- when I did get him, I told him --
16 he asked me to go with him to see Miss Mary. And I said,
17 well, I'll go with you, you know. Because he wanted to
18 get that straight, that he didn't do anything to that
19 child.

20 Q. Okay. And when did y'all plan to go to Miss
21 Mary's house?

22 A. That was on -- would have been Friday.

23 Q. Okay. Let's just go back and try to put it in
24 perspective a little bit.

25 Do you remember what time Miss Mary came to your

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1 house on Thursday?

2 A. I know it was late. It had to -- that's why I
3 told her, I said I thought Robert was around there.
4 Because she came. It was way after the game and stuff had
5 gone on. So the children must have done tell her that
6 they -- they must have tell her late. They had to like
7 after 10:00 or something like 11:00, I think. I don't
8 know.

9 Q. Okay. And then you said you called Robert?

10 A. Yeah, called Robert.

11 Q. And when did you go to Miss Mary's house with
12 Robert?

13 A. Friday morning.

14 Q. Friday? Do you know what time Friday morning?

15 A. It was before 12:00.

16 Q. Before 12:00. They let you in the house?

17 A. Yeah. Knocked on the door. She let us in.

18 Q. And did y'all talk?

19 A. They been -- they been doing all the talking,
20 Robert and Miss Mary was listening.

21 Q. Was it a heated argument? Did y'all argue or
22 anything?

23 A. No. Not a heating word, no. Everything was
24 calm.

25 Q. And did y'all think y'all got the matter

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1 straight now?

2 A. She just keep -- my son was pleading with her so
3 much. He been like, please, like, y'all talk to him;
4 y'all are square to talk to him, you know.

5 Q. Did her son Chris -- did he ever come
6 downstairs?

7 A. I don't know. I started to ask that question
8 where he been at, but I just didn't do it. No, I didn't
9 see him.

10 Q. Okay. Do you know if there was anything wrong
11 with him at that time?

12 A. No. Nobody said nothing to me that he was sick
13 or nothing, you know, like -- or anything. She didn't
14 even mention Chris. She said she wasn't concerned about
15 that.

16 MR. BOSNAK: I don't have anymore questions,
17 Your Honor. Thank you.

18 THE COURT: Thank you. Mr. Simpson?

19 MR. SIMPSON: Thank you, Your Honor. Just
20 briefly.

21 Ms. Scott, good morning.

22 THE WITNESS: Good morning.

23 MR. SIMPSON: I'm sorry for the reasons that
24 we're here today.

25 THE WITNESS: Yes.

CROSS-EXAMINATION

BY MR. SIMPSON:

Q. So you said initially you broke up with Christopher Jenkins around 2008?

A. Is that the same -- I was telling him about it, yeah.

Q. That's the first time you voiced having some problems with his behavior was in 2008; is that correct?

A. His behavior?

Q. Yeah.

A. Yeah. Starting to get worse, yeah.

Q. Now, following 2008, keeping in mind that's about two years before this incident, did you still -- would it be a fair description to say that you still had kind of an on-again, off-again relationship with Mr. Jenkins?

A. No. No, we didn't.

Q. It was cut off clean in 2008?

A. Like, you know, he be like a friend -- I thought he could be like that, but then he wouldn't accept it like that, to be a friend.

Q. Did he still have -- fair to say that he still expressed feelings for you after 2008?

A. I don't know. I couldn't tell you about his feelings.

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1 Q. Okay. You also talked about some seizures and
2 falling out. Could you tell us just a little bit more by
3 what you mean by that?

4 A. He just -- you know, just fall, then he started
5 making some noise, then he start scratching his body, and
6 then he would -- you know he would just be making a
7 strange noise like some kind of monster or something.
8 Then he start rolling his eyes, and just was scared -- I
9 was scared.

10 Q. And when this would occur, he would go to the
11 hospital?

12 A. If he don't get off the ground.

13 Q. So sometimes he would get up and run afterwards?

14 A. Yes.

15 Q. When he would go to -- when he would go to the
16 hospital, would he be put in inpatient in the hospital for
17 any prolonged period of time, or did he just get checked
18 out?

19 A. The time -- the first time I knew about him
20 falling out, they let him go.

21 Q. Okay. About what time did these problems with
22 Mr. Jenkins start happening?

23 A. Time? Like in the time of the day?

24 Q. No. What time of year -- what year, what month,
25 if you can. Approximate when --

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1 A. I'll go with 2009. He really was doing it,
2 yeah, in 2009.

3 MR. SIMPSON: Your Honor, may I approach the
4 witness?

5 THE COURT: You may.

6 Q. [Mr. Simpson] Ms. Scott, I know it's kind of
7 hard with an overhead view, but I'm showing you what's
8 been entered into evidence as State's Exhibit 1.

9 MR. SIMPSON: Let me make sure if I even have it
10 upside down. I'm sorry.

11 Q. [Mr. Simpson] Do you recognize this area, if
12 you can?

13 A. That look like right by the -- if I been in an
14 airplane I can probably see better than this.

15 Q. If it helps you at all, the streets are labeled.
16 You have Jackson Street, Harris Street. This is Martin
17 Park.

18 A. It's somewhere around here -- Harris.

19 Q. Harris?

20 A. America, right here. This is Jackson.

21 Q. You're right here on America and Harris?
22 America and Jackson. I'm sorry. Thank you.

23 A. I don't see Jackson, but that look like Jackson
24 right there.

25 Q. And is it correct, Ms. Scott, that Christopher

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1 Jenkins spent a lot of time, and at times lived, right
2 here on Harris Street?

3 A. [No response]

4 Q. Is that the Jenkins' family house there on
5 Harris?

6 A. He's been there. Sometimes he be there.
7 Sometime.

8 Q. So Christopher Jenkins, during this time in
9 2009, lived right around the corner from you; is that
10 correct?

11 A. Yes.

12 Q. And he didn't drive; correct?

13 A. No.

14 Q. So in walking places, he would walk right by
15 your house a lot; right?

16 A. Yes.

17 Q. And would have to to get to the park or to
18 Knight's Grocery or to --

19 A. No, he didn't had to.

20 Q. Well, he could have gone another way. But the
21 direct way would have taken him right past your house?

22 A. Yeah. He didn't want to --

23 Q. And you stated that at times he would be
24 verbally abusive as he walked by your house if he would
25 see you; right? He would curse at you?

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1 A. Yeah, he shore do.

2 Q. And Robert, your son, knew that he cursed at you
3 sometimes; right?

4 A. No. Robert didn't know nothing.

5 Q. Robert didn't know anything about the problems
6 you guys were having?

7 A. No, he didn't.

8 Q. You never told your son about any of the
9 problems --

10 A. Never. In fact, I told Miss Mary the same
11 thing. I told her I don't even tell my children nothing
12 like that. I handle it like -- I try to handle it myself.
13 That's why I say the police was involved.

14 Q. Okay. And you mentioned that you had called the
15 police a couple of times about Christopher; right?

16 A. More than a couple.

17 Q. Did they ever put charges on Christopher?

18 A. I mean, the last time I called just before he
19 died, they say that would have been the third call. I had
20 three calls, he said, in order for the judge to get
21 involved. I don't know how true that was, but that was
22 what the policeman tell me and that's why I did. I did
23 exactly like they tell me to do.

24 Q. Because it takes multiple contact to have a
25 harassment situation; is that right?

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1 A. Yeah. Something like that.

2 Q. Okay. But as far as you know, no arrest
3 warrants were ever put out for Christopher Jenkins as a
4 result?

5 A. Yeah.

6 Q. Ms. Scott, you mentioned a birthday party where
7 you were confronted by Christopher Jenkins?

8 A. Uh-huh.

9 Q. And you said your son was there; right?

10 A. Yes.

11 Q. And following that incident, you didn't tell
12 your son about what all was going on between you and
13 Christopher Jenkins?

14 A. No, I didn't tell him because my son, they was
15 outside -- he was outside. But he knew that he didn't
16 like what happened for everybody telling him to get away
17 from the party. And he's the one take him home, my son.
18 Because, you know, he did had like Chris.

19 Q. He didn't like Chris?

20 A. He did.

21 Q. He did like Chris?

22 A. Yeah.

23 Q. Now, you also stated that you don't remember
24 your son coming to your house on the day that this assault
25 took place; correct? June 10th.

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1 A. My son?

2 Q. Yeah. He didn't come to your house after the
3 baseball?

4 A. He probably -- he probably came over there.
5 Like I said, we were on the corner. My daughter stay in
6 the house. He could have come over there. I say -- you
7 asked me if I saw him. I did see him on the park.

8 MR. SIMPSON: May I approach?

9 THE COURT: You may.

10 Q. [Mr. Simpson] And if your son was on that day
11 at your house or in the park, would he have been able to
12 see Christopher Jenkins walking with his nephews down
13 America Street?

14 A. If he was sitting there?

15 Q. If he had been at your house or at the park,
16 would he have been able to see Christopher Jenkins and his
17 nephews walking down America Street?

18 A. Walking down America Street? No. I mean,
19 talking about on the back porch?

20 Q. Yeah. You can't see the park from your back
21 porch?

22 A. You can see the -- no, because the house, the
23 way the house sits, you know, you can't see the park that
24 good. You can see the park barely with the front porch.

25 Q. Okay. But had he been in this area, he would

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1 have been able to see who was walking down America Street;
2 correct?

3 A. Walking down America? I can't tell --

4 Q. Okay.

5 A. I can't tell you --

6 Q. Now, you said that you called the police on the
7 day this incident happened; correct?

8 A. What incident you talking about?

9 Q. The incident on June 10th. I think you said
10 that that day you talked with police about Christopher
11 Jenkins -- in your direct testimony -- is that correct?

12 A. I get my dates mixed up. On, what, the 10th?
13 I'm saying I think that's the same day and I called the
14 police because he had came back to my door.

15 Q. Okay. And you said that on that day -- and I
16 apologize. I just didn't quite understand what you were
17 saying -- that on that day the police came out to your
18 house and did a report?

19 A. Could have been that day when they came out. It
20 could have been the night. I don't know. I get them
21 dates mixed up. I don't know.

22 Q. I understand. I understand.

23 A. Because I know he was to my door and I called
24 the police.

25 Q. He might have come to your door on the 9th or

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1 the 10th and you called the police; correct?

2 A. The officer came, yeah. Anderson, she came.

3 Q. And did you tell your son about that? about the
4 officer coming to your house?

5 A. My son -- the next day when we was going to Miss
6 Mary house, he ask me why don't I take out a restraining
7 order. And I tell him, I said, if he bother me again
8 tonight, I said, by Friday, I'll go Monday and do that.
9 That's what I told him.

10 Q. Okay. But that was after the assault?

11 A. After what?

12 Q. The assault on Mr. Jenkins.

13 A. I don't know nothing about no assault on him.

14 Q. Okay. Let's talk about, just for a second, and
15 I'll be done -- talk about when you went over to the
16 Jenkins' house the next day. Do you remember your son
17 saying, I didn't know those kids were your grandkids but
18 it doesn't matter, I did what I had to do and I would do
19 it again?

20 A. No, I sure don't.

21 Q. You don't remember him saying that?

22 A. No.

23 Q. Do you remember at all, on that meeting with the
24 Jenkins family, your son acknowledging that he did beat up
25 Mr. Jenkins?

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1 A. No. He didn't -- no. I can't tell you he say
2 that, because he never said he beat up Chris.

3 MR. SIMPSON: The Court's indulgence.

4 THE COURT: Yes, sir.

5 [Whereupon, Mr. Simpson and Ms. Baldwin confer]

6 MR. SIMPSON: Your Honor, I have no further
7 questions of this witness.

8 THE COURT: Mr. Bosnak?

9 MR. BOSNAK: No further questions, Your Honor.

10 THE COURT: Ms. Scott, you can step down. Thank
11 you.

12 [Whereupon, Ms. Scott is excused and exits the
13 witness stand]

14 MR. BOSNAK: Is it all right if she stays in the
15 courtroom?

16 THE COURT: She may.

17 MR. BOSNAK: Our next witness will be Kristin
18 McMillin, McMullen.

19 [Whereupon, Ms. McMullen comes forward]

20 THE CLERK OF COURT: If you would place your
21 left hand on the Bible and raise your right, please.

22 [Whereupon, Ms. McMullen is duly sworn by the
23 clerk of court as follows: do you swear or affirm the
24 testimony you shall give the Court and the jury in the
25 trial of this case shall be the truth, the whole

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1 truth, and nothing but the truth, so help you God]

2 THE WITNESS: I do.

3 THE COURT: Thank you. Please be seated.

4 [Whereupon, Ms. McMullin takes the witness
5 stand]

6 MR. BOSNAK: May it please the Court, Your
7 Honor?

8 THE COURT: Yes, sir.

9 THE CLERK OF COURT: Ma'am, for the record --

10 THE COURT: Please let her spell her name.
11 Thank you.

12 THE CLERK OF COURT: Ma'am, for the record, if
13 you'll please state your name, spelling your last
14 name.

15 THE WITNESS: Crystal McMullin. The last name
16 is M-C-M-U-L-L-I-N.

17 MR. BOSNAK: Good morning, Ms. McMullin. How
18 are you?

19 THE WITNESS: Good morning. I'm fine.
20
21
22

23 - - -

24 - - -

25 - - -

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1 CRYSTAL MCMULLIN,
2 Having Been First Duly Sworn,
3 was Examined and Testified as Follows:

4 DIRECT EXAMINATION

5 BY MR. BOSNAK:

6 Q. Could you tell us what you do for work?

7 A. I work at AT&T.

8 Q. And how long have you worked at AT&T?

9 A. Eight and a half years.

10 Q. Do you know the defendant over here?

11 A. Yes.

12 Q. And how do you know him?

13 A. We play softball together on a co-ed team.

14 Q. Okay. And when do y'all usually practice?

15 A. We have different days, but normally on Tuesday
16 or Thursday.

17 Q. Okay. And where do you practice?

18 A. Martin Park.

19 Q. Martin Park?

20 A. Yes.

21 Q. And where is that located?

22 A. Downtown. I don't even know what street it is.

23 Q. Okay. Now, do you recall June 10th, 2010?

24 A. Yes.

25 Q. And did y'all practice that day?

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1 A. Yes, we did.

2 Q. Was Robert there?

3 A. Yes.

4 Q. What time did practice start?

5 A. Practice normally start about six o'clock, 6:30,
6 by the time everybody get there.

7 Q. And how was Robert's demeanor that day?

8 A. He was fine. We had a good practice. He was
9 happy.

10 Q. Okay. What do y'all usually practice in?

11 A. What way do we practice?

12 Q. Your clothing and things.

13 A. Oh. Sweat pants, shorts, tee-shirts, cleats.

14 Q. Cleats?

15 A. Yes.

16 Q. And did you have your cleats on that night?

17 A. Yes.

18 Q. And did Robert have his on?

19 A. He had them on at practice. But we take them
20 off after practice.

21 Q. Kind of hard to walk around in cleats, isn't it?

22 A. Yes.

23 Q. And was he upset about anything?

24 A. No.

25 Q. Mad about anything?

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1 A. No.

2 Q. And what time did practice end?

3 A. Practice only lasts about an hour, hour and a
4 half, so around 7:00, 7:30.

5 Q. Okay. Practice ended?

6 A. Yes.

7 Q. Okay. And what happened after practice?

8 A. After practice we left the field and went over
9 to his mother's house.

10 Q. What did y'all do over there?

11 A. We talked for a little while.

12 Q. How long is a little while?

13 A. About an hour, hour and a half.

14 Q. Did you take your cleats off?

15 A. Yes. I put on flip-flops.

16 Q. And what did Robert have on his feet?

17 A. Flip-flops. Well, some flippers. Nikki
18 Flippers.

19 Q. Okay. Rubber-like sandals?

20 A. Yeah, they're sandals.

21 Q. Okay. Now, what do y'all talk about over there?

22 A. Just practice, mistakes that we made, laughing
23 and joking.

24 Q. Just ball game type stuff?

25 A. Ball game type practice.

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1 Q. And what time did you leave?

2 A. I don't know exactly what time I left. But we
3 were actually talking. I was telling him that I was
4 getting ready to go and he said he was going home because
5 he was about to go watch the game.

6 Q. What game was that?

7 A. I want to say it was basketball, like the
8 finals.

9 Q. Okay. So he said he was going to go home and
10 watch basketball?

11 A. Yes.

12 Q. Still in a good mood?

13 A. Yes.

14 Q. Okay. And who left first? You or him?

15 A. I left first.

16 Q. And do you recall what time you left?

17 A. Not exactly.

18 Q. Okay. Now --

19 MR. BOSNAK: That's all the questions I have,
20 Your Honor. Thank you.

21 THE COURT: All right. Thank you.

22 MR. SIMPSON: Just briefly, Your Honor.

23 Crystal, good morning.

24 THE WITNESS: Good morning.

25 - - -

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CROSS-EXAMINATION

BY MR. SIMPSON:

Q. You said practice ended about 7:00 or 7:30?

A. Around there, yes.

Q. And then you went over to the defendant's mother's house for about an hour?

A. Yes.

Q. So about an hour being over there, without you leaving the defendant's mother's house, about 8:00 to 8:30?

A. Approximately.

Q. Approximately. Okay. And at any time during your talks with Robert and his mom over there, did you see anybody poke their head around and did you hear Robert say, oh, look, there's Chris or --

A. No.

Q. Nobody came in the yard or knocked on the door?

A. No.

Q. Nobody peeked over a fence?

A. I don't remember.

Q. And nothing was said by Robert like, oh, there goes Chris Jenkins down the street?

A. No.

Q. But when you're over at Robert's mom's house you had a pretty good view of the street, right, if he was

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1 walking -- if he was walking down around the park?

2 A. Yes.

3 Q. And, again, you left about 8:30?

4 A. Around that time, yes.

5 Q. So you weren't with Robert from say like 8:30 to
6 9:00?

7 MR. BOSNAK: No.

8 MR. SIMPSON: Nothing further, Your Honor.

9 MR. BOSNAK: Your Honor, no further questions.

10 Ask that the witness be excused.

11 THE COURT: Ms. McMullin, you may step down.

12 Thank you.

13 [Whereupon, Ms. McMullin is excused and exits
14 the witness stand]

15 MR. BOSNAK: Your Honor, the defense would call
16 Darnel Wright [sic].

17 THE COURT: Please come forward.

18 [Whereupon, Ms. Manigault comes forward]

19 THE CLERK OF COURT: If I could get you to place
20 your left hand on the Bible and raise your right,
21 please.

22 [Whereupon, Ms. Manigault is duly sworn by the
23 clerk of court as follows: do you swear or affirm the
24 testimony you shall give the Court and the jury in the
25 trial of this case shall be the truth, the whole

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1 truth, and nothing but the truth, so help you God]

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Thank you. Please be seated.

4 [Whereupon, Ms. Manigault takes the witness
5 stand]

6 THE CLERK OF COURT: Ma'am, for the record if
7 you'll please state your name, spelling your last.

8 THE WITNESS: Darnell Manigault. M-A-N-I-G-A-U-
9 L-T.

10 MR. BOSNAK: May it please the Court.

11 Is it Manigault, Manigelt, Monigold, or is it
12 Wright?

13 THE WITNESS: It's Manigault.

14 MR. BOSNAK: Manigault. I'm sorry.

15 - - - - -

16 DARLENE WRIGHT MANIGAULT,

17 Having Been First Duly Sworn,

18 was Examined and Testified as Follows:

19 DIRECT EXAMINATION

20 BY MR. BOSNAK:

21 Q. Ms. Manigault, could you tell us what you do for
22 work?

23 A. I work at the library. Charleston County. I
24 work at the library.

25 Q. Are you single or married?

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1 A. Married.

2 Q. How long have you been married?

3 A. November 1st will be three years.

4 Q. Have any children?

5 A. Five.

6 Q. Five?

7 A. Uh-huh.

8 Q. Ms. Manigault, do you know the defendant?

9 A. Yes.

10 Q. How do you know him?

11 A. That's my brother.

12 Q. That's your brother?

13 A. Uh-huh.

14 Q. So are you the second oldest?

15 A. Correct.

16 Q. So you're his sister?

17 A. Right.

18 Q. Okay. I'm going to take you back to June 10th
19 of 2010, which is a Thursday. Do you recall that day?

20 A. Yes.

21 Q. Okay. Were you at your mother's house that day?

22 A. Yes, sir.

23 Q. Okay. And what time did you get to your
24 mother's house?

25 A. Probably about after 12:00 or one o'clock.

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1 Q. That afternoon?

2 A. Afternoon. Uh-huh.

3 Q. And what time did you leave that evening?

4 A. I left -- it was at night, probably after ten
5 o'clock.

6 Q. And do you recall seeing your brother that day?

7 A. Yes.

8 Q. What time did you see him that day?

9 A. I can't really say, but it was in the afternoon.

10 Q. 6:00, 7:00, eight o'clock?

11 A. Probably about 6:00, after 6:00, something like
12 that.

13 Q. Okay.

14 A. Uh-huh.

15 Q. What had he -- what had he been doing prior to
16 seeing him?

17 A. He was practicing baseball, softball.

18 Q. Okay. And where does he practice softball?

19 A. Martin Park.

20 Q. Martin Park?

21 A. Uh-huh.

22 Q. Okay. Just right across the street from your
23 mother?

24 A. Right.

25 Q. Would that be correct? And did you talk to him?

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1 A. Yes.

2 Q. And what did y'all talk about?

3 A. We talked about him -- we seen Chris peeping
4 around the corner.

5 Q. Okay.

6 A. Uh-huh.

7 Q. Now, can you describe for the jury what your
8 mother's apartment complex looks like?

9 A. It's like one, two, three -- it's four
10 apartments. It's a brick building. And it has like space
11 in between and then it goes to another like four
12 apartments, then a space in between, and it goes back
13 around to like another four apartments, and out to the --
14 excuse me -- like parking lot area and the street. So
15 it's separated like one, two, three. Uh-huh.

16 Q. Okay. Let me see if I've got this right. Your
17 mother lives in a unit?

18 A. Right. Uh-huh.

19 Q. Three or four apartments?

20 A. Right.

21 Q. There's a space?

22 A. Uh-huh.

23 Q. And there's another unit --

24 A. Uh-huh.

25 Q. -- three or four apartments?

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- 1 A. Right.
- 2 Q. A space, another three or four units?
- 3 A. Right.
- 4 Q. How wide is the space between the apartments?
- 5 A. I don't know. But it's not -- it's probably
- 6 like this wide. I can't say exactly. But probably, you
- 7 know --
- 8 Q. Five or ten feet?
- 9 A. Ten feet, yeah. Uh-huh.
- 10 Q. Certainly big enough for a person to walk
- 11 through?
- 12 A. Oh, definitely. Uh-huh.
- 13 Q. Okay. And where did you see Chris?
- 14 A. I saw Chris peeping around the corner of my
- 15 mama's building.
- 16 Q. Okay. You?
- 17 A. Right. Uh-huh.
- 18 Q. And what was he doing?
- 19 A. He was just looking.
- 20 Q. Okay.
- 21 A. Uh-huh.
- 22 Q. Was anybody else with him?
- 23 A. No.
- 24 Q. Did you see anybody else with him?
- 25 A. No, sir.

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1 Q. And what did you do when you saw him?

2 A. We just look. And we started talking and my
3 grandmama and some other people was out there I don't
4 remember. But we was like, why he, you know, keep, you
5 know, peeping around the corner and stuff like that. But
6 that's it.

7 Q. Did you go try to approach him?

8 A. No. Uh-huh.

9 Q. Did Robert approach him?

10 A. No, because my brother wasn't out there when he
11 was peeping around the corner. Uh-huh.

12 Q. Did you tell your brother about that?

13 A. Yes.

14 Q. And what did you tell him?

15 A. We tell -- we told him that Chris was peeping
16 around the corner at us and he kept doing it. Uh-huh.

17 Q. Did you see him again? Did you see -- had you
18 seen Chris again?

19 A. Yeah.

20 Q. When did you see him again?

21 A. He did it probably like three times, three or
22 four times, and then I saw him later when my brother left
23 to go home. And I was not getting ready to leave, but I
24 saw Chris walking up the street. Uh-huh.

25 Q. Who was he walking with?

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1 A. He was by himself. Uh-huh.

2 Q. And did you see your brother and Chris together?

3 A. No.

4 Q. Okay.

5 A. Huh-uh.

6 Q. Didn't see your brother and Chris together?

7 A. No.

8 Q. Didn't see them anywhere in the same vicinity?

9 A. No. When I was coming around the corner around
10 like from like, you know -- that's Jackson and I guess Lee
11 Street -- I was turning. And my brother was getting in
12 the car. Chris was walking up the street towards like P&M
13 or Knight's store, or whatever they call it. But Chris
14 was walking up the street and my brother was getting in
15 his car.

16 Q. Okay.

17 A. Uh-huh.

18 Q. Did you see anything else?

19 A. No, sir.

20 Q. Okay.

21 A. Huh-uh.

22 Q. You didn't see anything? What did you do after
23 you saw them?

24 A. I went around the corner and I parked and got
25 out and went and sat back on the porch.

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1 Q. Okay.

2 A. Uh-huh.

3 Q. And did your brother return back to your
4 mother's house that evening?

5 A. No. Huh-uh.

6 Q. I'm going to go back in time. Do you remember
7 your mother having a birthday party in West Ashley?

8 A. Yes. But I didn't go.

9 Q. Oh.

10 A. Uh-huh.

11 Q. You weren't there?

12 A. Right. Right.

13 MR. BOSNAK: No further questions. Please
14 answer any questions Mr. Simpson may have for you.

15 THE WITNESS: Okay.

16 THE COURT: Mr. Simpson.

17 MR. SIMPSON: Thank you, Your Honor.

18 Ms. Manigault, good morning.

19 THE WITNESS: Good morning.

20 MR. SIMPSON: I just want to get some times
21 together, if that's okay. And I understand that, you
22 know, you don't think like a clock so getting them
23 exact is a little hard. But you --

24 - - -

25 - - -

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CROSS-EXAMINATION

BY MR. SIMPSON:

Q. About what time did you see Chris allegedly peeping around the corner that day for the first time?

A. Sir, I really couldn't give you a time, but like I said, it was like -- I came out probably like 1:00 or two o'clock and probably like --

Q. Mid afternoon --

A. Yeah, afternoon.

Q. And then you said you saw it happened a couple of more times. Were those also mid afternoon or --

A. Right.

Q. -- was that later?

A. Right.

Q. Also in mid afternoon?

A. Uh-huh. The same.

Q. And you talked to Chris -- I mean, you talked to your brother the first time, the defendant, around 6:00, when he's out there for practice?

A. Uh-huh.

Q. And is that when you tell the defendant about Chris peeking around the corner?

A. Right.

Q. Was your brother angry about that?

A. No.

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1 Q. He was fine with it?

2 A. He was like -- he just shake his head, just like
3 we did. Uh-huh.

4 Q. And after you had that conversation with your
5 brother --

6 A. Uh-huh.

7 Q. -- did the peeping around the corner happen
8 again after that or not?

9 A. I really don't think so, no.

10 Q. Okay.

11 A. Uh-huh.

12 Q. But your brother knew that that had happened
13 earlier in the day; correct?

14 A. Right. Because we told him.

15 Q. Okay.

16 A. Uh-huh.

17 Q. And then do you recall about -- and, you know,
18 again, I'm not looking for exact times -- but about what
19 time you left your mother's house that night?

20 A. After 10:00.

21 Q. It was after 10:00 p.m. when you left --

22 A. Uh-huh.

23 Q. -- your brother's -- your mother's house?

24 A. Uh-huh.

25 Q. And so it's after 10:00 p.m. that you see --

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1 you're leaving, your brother is leaving, and there's Chris
2 walking down the street?

3 A. No. I wasn't leaving then. When I saw Chris
4 walking up the street and my brother got in the car, my
5 brother was leaving. I went --

6 Q. Okay. And about what time was that? That's
7 what --

8 A. I really can't say, but -- I really don't know.
9 Yeah. Probably --

10 Q. Is between 8:00 and 9:00 a fair guess?

11 A. No. Probably -- maybe -- I don't know. 9:00,
12 after 9:00, guessing.

13 Q. Well, what you do remember is that as your
14 brother was leaving --

15 A. Uh-huh.

16 Q. -- Chris is walking down the street?

17 A. Right.

18 Q. And you don't recall seeing three young boys
19 with him?

20 A. No, sir. Huh-uh.

21 Q. But you are certain that, just as chance would
22 have it, as your brother is leaving your mom's house Chris
23 Jenkins is walking down America Street by Martin Park?

24 A. My brother was leaving from by the car and Chris
25 was going up whatever street that is. Because I'm not

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1 good at streets. Sorry.

2 Q. Is it the street right by the park?

3 A. Right across from the park.

4 Q. Right. Towards kind of the Knight's Grocery
5 area?

6 A. Right. Uh-huh.

7 Q. And that's taking place right as your brother
8 was leaving?

9 A. Right. My brother was getting in the car.

10 Q. From where your brother was leaving in his car,
11 would he have been able to see Chris walking down the
12 street?

13 A. Yeah. Uh-huh. Uh-huh.

14 MR. SIMPSON: Nothing further, Your Honor.

15 MR. BOSNAK: Your Honor, we don't have any
16 further questions.

17 THE COURT: Ms. Manigault, you may step down.
18 Thank you.

19 Okay. Thank you, ma'am.

20 [Whereupon, Ms. Manigault is excused and exits
21 the witness stand]

22 MR. BOSNAK: Your Honor, we would ask for a
23 recess at this time and then we'll present our last
24 witness.

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

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1 have one additional defense witness so it's an
2 appropriate time for us to take our mid-morning break.
3 Do not begin your deliberations. Do not discuss this
4 case amongst yourselves. We'll take about fifteen
5 minutes. Thank you.

6 Please rise for the jury.

7 [Whereupon, the jury exits the courtroom at
8 10:39 a.m.]

9 THE COURT: Thank you. Be seated.

10 Mr. Simpson, you had indicated yesterday that
11 there are some convictions that the defendant has.
12 Which ones do you intend to attempt to introduce to
13 impeach his credibility?

14 MR. SIMPSON: Well, Your Honor, under Rule 609,
15 the standard is any convictions over one year, is my
16 understanding. And the 2006, in February, there's a
17 possession of cocaine. I understand there's perhaps a
18 403 objection to that, in that its relevance perhaps
19 would be questionable. I do want to bring up that's
20 the only conviction falling under 609 that would be
21 covered.

22 However, I do want to bring up that he has a
23 2003 CDV and a 2004 resisting arrest. I can
24 contemplate some things being said on the stand that
25 may perhaps open the door to those two convictions but

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1 we won't be seeking, just by way of him testimony --
2 him testifying, to impeach him with those, Your Honor.
3 But, again, I just want to point out that, you know, I
4 may have to raise an issue of law, depending on what's
5 said on the stand, Your Honor, with some of these
6 other convictions.

7 THE COURT: Mr. Bosnak, as to --

8 MR. BOSNAK: Your Honor, first, on the cocaine,
9 I agree. I don't see where it's relevant here in this
10 situation. The other two are misdemeanors. The CDV
11 is a misdemeanor and the resisting arrest is a
12 misdemeanor.

13 THE COURT: Well, Mr. Bosnak, I assume that
14 there could be circumstances to which your client will
15 testify, that perhaps could make those relevant, that
16 would open the door to prior specific instances.
17 Perhaps if he indicates that he has never been in any
18 altercation, those types of things.

19 MR. BOSNAK: No, ma'am. We don't plan on asking
20 those kind of questions.

21 THE COURT: Mr. Bosnak, you understand that
22 the -- and I advised your client one of the dangers in
23 having prior convictions is that the State -- if it
24 becomes relevant and the door is opened during direct,
25 that Mr. Simpson --

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1 I'm assuming, Mr. Simpson, you're doing the
2 cross?

3 MR. SIMPSON: I am, Your Honor.

4 THE COURT: -- that at that point Mr. Simpson
5 may seek to introduce those.

6 MR. BOSNAK: Yes, Your Honor, I do.

7 THE COURT: All right. I do find under 609 that
8 a felony conviction is relevant. However, it would
9 just -- you may just inquire as to: you had a felony
10 conviction a year ago.

11 MR. SIMPSON: It was in '06, Your Honor.

12 THE COURT: I'm sorry. I thought -- I had it
13 written down -- so it's in '06?

14 MR. SIMPSON: Yes, Your Honor.

15 THE COURT: In '06.

16 MR. BOSNAK: Yes, Your Honor.

17 THE COURT: We will take fifteen minutes. Will
18 that be sufficient time to go over the Court's ruling?

19 MR. BOSNAK: Yes, ma'am, it will.

20 THE COURT: Fifteen minutes. Thank you.

21 [Whereupon, a recess is taken from 10:42 a.m. to
22 11:05 a.m.]

23 THE COURT: Thank you. Please be seated.

24 Mr. Bosnak, have you had time to meet with your
25 client?

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1 MR. BOSNAK: Yes, Your Honor.

2 THE COURT: Mr. Wright, one final question to
3 you. You have decided to testify --

4 MR. WRIGHT: Yes, ma'am.

5 THE COURT: -- is that correct?

6 THE COURT: All right. Thank you.

7 Anything before we bring in the jury? From the
8 State?

9 MR. SIMPSON: Nothing from the State, Your
10 Honor.

11 THE COURT: Mr. Bosnak?

12 MR. BOSNAK: Yes, Your Honor?

13 THE COURT: Anything further?

14 MR. BOSNAK: No, Your Honor.

15 THE COURT: All right. Let's bring in the jury.

16 [Whereupon, the jury enters the courtroom at
17 11:06 p.m.]

18 THE WITNESS: All jurors seated, Your Honor.

19 THE COURT: Please be seated. Thank you.

20 Call your next witness.

21 MR. BOSNAK: Call Robert Wright to the stand,
22 Your Honor.

23 THE COURT: Mr. Wright, please come forward and
24 be sworn.

25 [Whereupon, Mr. Wright comes forward]

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1 THE CLERK OF COURT: If you would place your
2 left hand on the Bible and raise your right, please.

3 [Whereupon, Mr. Wright is duly sworn by the
4 clerk of court as follows: do you swear or affirm the
5 testimony you shall give the Court and the jury in the
6 trial of this case shall be the truth, the whole
7 truth, and nothing but the truth, so help you God]

8 THE WITNESS: I do.

9 THE COURT: Thank you. Please be seated.

10 [Whereupon, Mr. Wright takes the witness stand]

11 THE CLERK OF COURT: Sir, for the record, if
12 you'll please state your name, spelling your last
13 name.

14 THE WITNESS: Robert L. Wright. W-R-I-G-H-T.

15 THE COURT: Mr. Bosnak?

16 - - - - -

17 ROBERT WRIGHT,

18 Having Been First Duly Sworn,

19 was Examined and Testified as Follows:

20 DIRECT EXAMINATION

21 BY MR. BOSNAK:

22 Q. Robert, how old are you?

23 A. Forty-one, sir.

24 Q. Okay. And what do you do for work?

25 A. Right now I'm on layoff status pending the

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1 outcome of the case. But I'm a former sheet-metal worker.

2 Q. Sheet-metal worker?

3 A. Yes, sir.

4 Q. Have you ever been in the military?

5 A. Yes, sir.

6 Q. How long were you in the military?

7 A. Five years.

8 Q. And which branch -- which branch of service were
9 you in?

10 A. U.S. Army.

11 Q. Okay. Did you see any action?

12 A. Yes, sir. I was in the first Desert Storm,
13 Desert Shield.

14 Q. Okay. You married?

15 A. No, sir.

16 Q. Have a girlfriend?

17 A. Yes, sir.

18 Q. Have any children?

19 A. Yes, sir.

20 Q. How many?

21 A. Five.

22 Q. Okay. Now, do you know the deceased?

23 A. Yes, sir.

24 Q. How long have you known him?

25 A. I met Chris when he started dating my mother.

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1 Q. Do you recall that day --

2 A. No.

3 Q. -- just approximately?

4 A. No, sir.

5 Q. Okay. And do you recall when they broke up?

6 A. The broke up -- the breakup was a surprise to
7 me. But I found out like March of 2010.

8 Q. Okay. Now, what are some of your hobbies?

9 A. Sports and video games.

10 Q. Okay. What sport do you play?

11 A. Basketball and softball. But I play on a co-ed
12 league softball team right now.

13 Q. And did you play ball in high school?

14 A. Yes, sir.

15 Q. And what did you play in high school?

16 A. Football and baseball.

17 Q. Okay. Now, how often do you play softball?

18 A. We got a game once a week, practice once a week.

19 Q. Okay. What day do you practice?

20 A. Tuesday or Thursday.

21 Q. Okay. And where do you practice?

22 A. Martin Park.

23 Q. Okay. And approximately what time do you
24 practice?

25 A. Practice is supposed to start at 6:30. You

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1 know, once everybody get there.

2 Q. Okay. And everybody got their own equipment?

3 A. Well, it's a -- I've got a baseball bag with all
4 the equipment in it. Some people might take their gloves
5 home after practice or after the game, but maintain -- I'm
6 usually keeping a baseball bag with all the stuff in it.

7 Q. So you've got the baseball bag?

8 A. Yes, sir.

9 Q. All right. What's in the baseball bag?

10 A. Multiple bats, softballs, and gloves.

11 Q. Okay. And so you're the person with the
12 equipment, then?

13 A. Yes, sir.

14 Q. Okay. I'm going to take you back. Do you
15 remember your mother's birthday party?

16 A. Yes, sir.

17 Q. Tell me about that.

18 A. I was in the back yard having a good time and --

19 Q. Well, first of all, tell us where the birthday
20 party was.

21 A. The birthday party was at my aunt's house,
22 Cynthia Waddy, in West Ashley in the Ardmore subdivision.

23 Q. Okay. Where does your mother live?

24 A. Downtown Charleston.

25 Q. Okay. Can you give us an estimation of how far

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1 that is from your mama's house to West Ashley?

2 A. It's about a twenty-minute car ride.

3 Q. Okay. Twenty minutes. And what time did the
4 party start?

5 A. I'm not sure.

6 Q. Okay. Who was at the party?

7 A. They had multiple inside. I couldn't tell you
8 everybody. But my mother was there, my aunt was there, my
9 cousins, a host of friends. And in her back yard we had a
10 host of friends where I was. And family members.

11 Q. Okay. Approximately how many people do you
12 think were there?

13 A. At least thirty people.

14 Q. Okay. And anything significant happen that
15 night, other than the party?

16 A. Yes. I don't know what time it was, but
17 sometime it was a little ruckus going on. And the people
18 outside didn't know what was going on because it came from
19 inside. And once every -- once I got to know what was
20 going on, what it was was Chris was there and he was being
21 walked out by the arm by a former police officer, Mr.
22 Gardner. And I hadn't known what happened right then.
23 But after, everybody was saying, well, he came over here,
24 he's about to --

25 MR. SIMPSON: Objection, Your Honor. Hearsay.

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1 MR. BOSNAK: You can't tell what people told
2 you.

3 THE COURT: Sustained as to hearsay.

4 MR. BOSNAK: Just what your -- what you knew
5 about it.

6 A. Okay. It was -- what I knew about it was it
7 was an altercation without hands being thrown but it was a
8 hand attempted to be thrown.

9 Q. [Mr. Bosnak] And where did Chris go after they
10 removed him from the party?

11 A. Everybody wanted him to leave the premises, and
12 I offered to take him home.

13 Q. Okay. Who was with you that night at the party?

14 A. My girlfriend.

15 Q. She was with you?

16 A. Yes, sir.

17 Q. Y'all came together?

18 A. Yes, sir.

19 Q. Okay. And did you take him home?

20 A. Yes, sir.

21 Q. Okay. Have any bad words?

22 A. No, sir. Actually, I talked to him. And that
23 was the purpose of me taking him home. I talked to him
24 about, you know, my past and said, you know, I'm not going
25 to judge you by, you know, relationships because everybody

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1 have callings, and I have mine. So, you know, I even
2 asked my mother: I can't persecute you if it's something
3 I've been through.

4 Q. Had he been drinking?

5 A. I hadn't seen him drinking because I didn't know
6 he was there until the altercation.

7 Q. Did you smell alcohol about his person?

8 A. I mean, his demeanor, I could tell he was
9 drinking. But I didn't know where he was drinking at.

10 Q. Now, did he -- does he drive?

11 A. No, sir.

12 Q. Do you know how he got all the way over to West
13 Ashley?

14 A. On the way back, he told me he had took the bus.

15 Q. Okay. So you took him home?

16 A. Yes, sir.

17 Q. And dropped him off at his house?

18 A. Yes, sir.

19 Q. Okay. Now, I'm going to take you back to the
20 night -- day in question.

21 A. Yes, sir.

22 Q. That would be June 10th, 2010.

23 A. Yes, sir.

24 Q. Tell me about that day.

25 A. I was working at Charleston County jail that day

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1 and I got off at 5:30. Practice is at 6:30.

2 Q. Okay. Tell me what you were doing at Charleston
3 County jail.

4 A. My profession. I was doing sheet-metal work at
5 Charleston County jail on the new jail.

6 Q. Okay. Go ahead.

7 A. Okay. And I went to practice. And practice was
8 from 6:30 to probably about 8:00, 8:15.

9 Q. All right. Did you leave from the jail and go
10 straight to the field?

11 A. Yes, sir.

12 Q. Didn't go home?

13 A. Yes, sir.

14 Q. Now, what kind of tools do you use in sheet-
15 metal work?

16 A. I've got hammers, box cutters, metal cutters.
17 Multiple tools. Multiple tools.

18 Q. Can some of them be used as a weapon?

19 A. Yes, sir.

20 Q. Box cutters. What else?

21 A. Hammer.

22 Q. Okay. Did you have your tools in your car?

23 A. Yes, sir.

24 Q. Where were they?

25 A. In the back seat.

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1 Q. Back seat of your car?

2 A. Yes, sir.

3 Q. Okay. So you go to -- so you go to the park
4 when you get off work. Then what happens?

5 A. Just wait around until everybody shows up. You
6 know, I'm the captain so once everybody get there, you
7 know, I hit around to them and we just try to have -- you
8 know, work on mainly the mistakes we had in a game prior
9 to practice.

10 Q. Okay. And do you remember what you did after
11 practice?

12 A. Yes, sir.

13 Q. What was that?

14 A. Once I gathered up all the equipment and -- the
15 team helped me, also. And I put it in my car. And my mom
16 and my grandmama, they were all outside so I went across
17 the street after practice.

18 Q. Okay. Did one of your team members come over to
19 your mother's house with you?

20 A. Yes, sir.

21 Q. And did you talk to her over there for a while?

22 A. Yes, sir.

23 Q. Okay. And after she left, did you talk to your
24 relatives?

25 A. Yes, sir.

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1 Q. And just -- I don't want you to tell us what
2 they said, but what was your understanding of what was
3 going on over there?

4 A. It wasn't nothing going on at the time, you
5 know. When I became aware of it is when my sister said
6 that she saw -- there go Chris peeping around the corner,
7 you know. And everybody swarmed to look, you know. And
8 there he was --

9 Q. Did you see him?

10 A. -- walking away. Yes, sir.

11 Q. Had his -- you saw his nephews and stuff in
12 here. Were --

13 A. No. He was --

14 Q. -- they with him?

15 A. He was by his self.

16 Q. And what happened after that?

17 A. Nothing. Everybody began to talk and express
18 concern about, you know, the reason why -- why would he
19 peep around the corner or whatever. And they just said,
20 you need to talk to him.

21 Q. Okay. How much later -- how much longer did you
22 stay there?

23 A. Well, the game was coming on at 9:00 and I was
24 running a little behind and I was on my way home.

25 Q. All right. Tell us what game that was.

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1 A. It was the Lakers and Boston championship a
2 couple of years ago.

3 Q. Okay. And did your girlfriend -- was she at
4 home?

5 A. Yeah. She was calling me and she was telling me
6 that the grits was ready and you don't want it to get
7 hard. We had grits and fish.

8 Q. She had made a special supper for you?

9 A. Yes, sir.

10 Q. And she was expecting you?

11 A. Yes, sir.

12 Q. Okay. And you did talk to her?

13 A. Yes, sir.

14 Q. So you realized what time that was?

15 A. It was shortly after 9:00, because the game was
16 about to come on she said.

17 Q. Okay. And what did you do then after you talked
18 with her?

19 A. Got in the car and I left.

20 Q. Okay. But you didn't get home?

21 A. No, sir.

22 Q. What happened?

23 A. From the concern that my grandmother expressed,
24 I went and I tried to talk to Chris.

25 Q. Let's go step by step, because this is real

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1 important.

2 A. Okay.

3 Q. Too many -- too much generalizing. Let's go
4 step by step.

5 A. Yes, sir.

6 Q. When you saw him walking, what exactly did you
7 do?

8 A. Okay. I called out to him from the car. Before
9 I -- before I actually came to a full stop, I called out
10 to him. And he was walking away on Aiken Street. And I
11 parked the car and I got out of the car.

12 Q. Okay. Now, let me back up a minute before we
13 go. Tell me what kind of clothing you had on.

14 A. I had on black Sweat pants, black socks, and
15 slippers and a white shirt.

16 Q. Okay. What kind of slippers?

17 A. Sort of like shower shoes but they're a little
18 more sturdier. The Nikki rubber sandals.

19 Q. Okay. And that's what you had on?

20 A. Yes, sir.

21 Q. And you stopped. You got out of the car. Now
22 what's next?

23 A. I was calling out to him. And he turned around.
24 And when -- the way he was walking, I was on Lee Street
25 and he was on Aiken Street. So I think he had a cell

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1 phone because he put -- I seen him put something in his
2 pocket, you know. I'm assuming it's a cell phone because
3 he had his hand up here. And he came from off the
4 sidewalk where he was walking, in the street towards me.
5 And he had his hands up. And the first thing I said was,
6 I came to talk to you about my mom; you got your hands up
7 to fight me? And that was the only words said.

8 Q. And then what happened after that?

9 A. He got close. And he was in -- he got close,
10 like he was wanting to hit me, you know. So we ended up
11 locking up at the shoulders. And I swept his legs from
12 underneath him. And while he had me, it pulled me to the
13 ground. I landed on top of him. And we trying to get the
14 best of each other right then and there.

15 Q. Okay. Now, stand up a minute.

16 MR. BOSNAK: Your Honor, may the witness step
17 down from the stand?

18 THE COURT: He may.

19 [Whereupon, the witness complies]

20 MR. BOSNAK: Come right here.

21 Q. [Mr. Bosnak] Okay. Let's pretend I'm Chris.
22 Okay. What?

23 A. Well, he didn't come -- he had unconventional
24 hands -- he had his hands like something like that
25 [indicates], you know. And he just came towards me like

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1 he was going to swing. So we ended up grabbing each other
2 like that.

3 Q. Both grabbed each other?

4 A. Yes, sir.

5 Q. And right then and there, I'm just thinking
6 about how I can get him off of me. So I sweep him like
7 this right here.

8 Q. And take him to the ground?

9 A. Yes, sir. And we fell to the ground together.

10 Q. Both of you fell to the ground?

11 A. Yes, sir.

12 [Whereupon, the witness retakes the witness
13 stand]

14 Q. [Mr. Bosnak] What happened both of you were on
15 -- were you on top of him? Or tell me -- tell me the
16 situation.

17 A. Yes, sir. The way we fell, I ended up on the
18 top.

19 Q. Okay.

20 A. Yes, sir.

21 Q. And then what happened with you on top of him?

22 A. Punches were thrown.

23 Q. Did you throw some punches?

24 A. And he threw some punches. Yes, sir.

25 Q. Okay. And what happened with the punches?

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1 A. Hey, I don't -- you don't really know whether
2 you going to connect or not when it's going fast. I mean,
3 it's like -- it feels like it's going fast but it's really
4 slow motion, you know. And it was just a few punches
5 thrown and that was the end of it. It wasn't a knock-
6 down-drag-out fight.

7 Q. Did you get knocked unconscious?

8 A. No, sir.

9 Q. Did he get knocked unconscious?

10 A. No, sir.

11 Q. Okay. Try to get up?

12 A. Who? Me or --

13 Q. You.

14 A. Yes. Yes, I did.

15 Q. Did he try to get up?

16 A. He was grabbing on to me. Yes, sir. We was
17 both trying to get up.

18 Q. Did you get up?

19 A. Yes, sir.

20 Q. And where did he have a hold to you?

21 A. Around the waist.

22 Q. Around the waist?

23 A. Yes, sir.

24 Q. Okay. And what did you do to get loose?

25 A. Tried to shake him off of me, the best I could,

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1 just to get him off of me.

2 Q. Okay. And how much more of a fight was there,
3 other than that?

4 A. That was the fight.

5 Q. Now, you've heard his two nephews and one of
6 their friends talk all about stomping and kicking and all
7 that stuff, and they were just right there. Is that true?

8 A. No, sir.

9 Q. Did you see them?

10 A. I didn't see anybody walking with Chris.

11 Q. Okay. Did somebody eventually, somewhere in the
12 vicinity of where you were?

13 A. Yes. It was a couple of kids I saw down the
14 street on the left-hand side of the road --

15 Q. Did you know --

16 A. -- on the sidewalk.

17 Q. Did you know them?

18 A. No, sir.

19 Q. Okay. Did you have any words with them?

20 A. No, sir.

21 Q. Okay. And you got up?

22 A. When I got up -- I was already up before I got
23 loose. But once I got loose, that was the end of the
24 fight.

25 Q. Okay. And did he try to fight you anymore?

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1 A. No, sir.

2 Q. Did you try to fight him anymore?

3 A. No, sir.

4 Q. And where did you go after it was over with?

5 A. Turned around and walked back towards Lee Street
6 to my car. And when I was walking away, he had already
7 gotten up and he was walking away the opposite direction.

8 Q. Did he look like he was walking all funny?

9 A. No, sir.

10 Q. Look like anything was wrong with him?

11 A. I didn't think anything was wrong with him, no,
12 sir.

13 Q. If something was wrong with him, what would you
14 have done?

15 A. I could have seeked some help, but I didn't -- I
16 didn't really think nothing was wrong with him. But I
17 would -- I mean, if it was a different scenario or I -- I
18 wouldn't have left him there in the street. But that
19 wasn't the case, because he got up and walked.

20 Q. What kind of relationship do you have with his
21 mother, Miss Mary?

22 A. Oh. I respect Miss Mary. I only knew Miss Mary
23 from meeting her through my mom and Chris relationship,
24 but I got a lot of respect for Miss Mary.

25 Q. Okay. Now, did your mama call you that evening?

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1 A. Well, I got a voice mail and I called her back.
2 And it was around after eleven o'clock that night.

3 Q. Ball game over with?

4 A. Well, I don't think the ball game was over with,
5 but that's the time I got the phone call, got the message.

6 Q. Okay. Did you call your mama back?

7 A. Yes, sir.

8 Q. Don't tell us what she said, but what was the
9 conversation?

10 A. Miss Mary expressed concern that -- said that I
11 threatened some kids, her grandkids.

12 Q. Okay. And what did you tell your -- what did
13 your mama say?

14 A. I said --

15 MR. SIMPSON: Objection, Your Honor.

16 MR. BOSNAK: I can't -- I'm sorry. Withdraw
17 that question. I apologize.

18 THE COURT: Thank you.

19 Q. [Mr. Bosnak] Did you make plans with your mama
20 for the next day?

21 A. Yes, sir.

22 Q. And what plans were those?

23 A. Out of respect for Miss Mary, I wanted to go
24 there and let Miss Mary know that that wasn't the truth.
25 So we planned on going there together the next morning.

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1 Q. Did you go there?

2 A. Yes, sir.

3 Q. And who was at the house?

4 A. Miss Mary, her daughter, and some kids. I don't
5 know the names, but I know Miss Mary and her daughter was
6 there and some other kids.

7 Q. Did you talk to Miss Mary?

8 A. Yes, sir.

9 Q. And what was her main concern? Don't tell me
10 what she said. But what was her main concern?

11 A. The kids. Her grandkids. She asked me, she
12 said, Robert, my grandkids --

13 MR. SIMPSON: Your Honor, I'm going to object.
14 It calls for speculation.

15 MR. BOSNAK: Can't say --

16 THE COURT: Sustained as to hearsay.

17 MR. BOSNAK: You can't say what she said.

18 MR. SIMPSON: I'm also going to object to the
19 question, in that it calls for speculation, what
20 somebody else was thinking, what somebody's concerns
21 were, at the time.

22 THE COURT: Sustained.

23 Q. [Mr. Bosnak] The conversation go pretty well?

24 A. I thought it did, because when I talked to Miss
25 Mary -- at first, I wanted her to know that I didn't

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1 threaten any kids, you know. And all I been hearing about
2 is I came in there and I disrespected her. And that's the
3 last thing I do. I would not take my mother with me to
4 another adult's house and disrespect that adult in the
5 front of my mother or in the front of their family member.
6 So the purpose of me going over there was to try to clear
7 everything up.

8 Q. Did you know that Chris was hurt?

9 A. No.

10 Q. Did they tell you he was hurt?

11 A. No, sir.

12 Q. Did they say, you beat him up real bad, he's in
13 bad shape?

14 A. No, sir. The topic of the conversations we had
15 was in order like this: the grandkids, my mother be
16 taking out a restraining order on Chris. And then when I
17 talked to Miss Mary myself I say -- well, my mother was
18 also there. I say, Miss Mary, I don't want you to think
19 that I get off on fighting your son, because I don't. And
20 she said, Robert, I don't fault you --

21 MR. SIMPSON: Objection, Judge.

22 MR. BOSNAK: You can't say what somebody else
23 said.

24 THE COURT: Sustained.

25 Q. [Mr. Bosnak] All right. When did you learn

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1 about his death?

2 A. The following evening.

3 Q. Okay. How did you learn about that?

4 A. When I came back downtown, everybody was saying
5 that Chris had passed away.

6 Q. What do you think happened?

7 A. I don't know. The same thing. I don't know. I
8 didn't know that he was in any kind of hurt from me. You
9 know, I just thought that from everything that was going
10 on that he passed away because he was sick. I didn't know
11 at the time.

12 Q. Okay. Let me ask you something. Did you
13 sustain any injuries from y'all's fight?

14 A. Scratch. Scratches on my shoulder. That's
15 about it.

16 Q. Did you have any scrapes on your knees or
17 elbows?

18 A. I had a cherry on my left knee.

19 Q. Any marks on your face?

20 A. No. Only my shoulders.

21 Q. Okay. Now, when did the police become involved
22 in this?

23 A. At first I got a phone call saying that a police
24 card was left at my mom's house. So I went to my mom's
25 house and I got the card, and I called the card and I

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1 got in touch with the police station and they say that
2 Mr. Goldstein was not in. So after I got the card, I
3 called back again and that's when I got Mr. Goldstein. He
4 told me, he said, can you come down and talk --

5 Q. Don't say what he said, okay?

6 So you made contact with Sargent Goldstein?

7 A. Yes, sir.

8 Q. Did they ever ask you about your injuries?

9 A. No, sir.

10 Q. Did they ever want to take photographs of your
11 body?

12 A. No, sir.

13 Q. When you got in the altercation with Chris,
14 Chris Jenkins, did you want to hurt him?

15 A. No, sir. I didn't even expect us to fight, sir.

16 Q. Did you want to kill him?

17 A. No, sir.

18 Q. If you thought something was wrong with him and
19 he had gotten hurt, would you have helped him?

20 A. Yes, sir. Because me and Chris -- I like Chris.
21 Honestly, I do. And I miss him, too, because while he was
22 with my mother we had good times, you know, drinking,
23 having fun. So, you know, this is like I never felt so
24 wrong for being so right and trying to do the right thing.
25 So it's a real difficult situation.

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1 MR. BOSNAK: No further questions.

2 THE COURT: Mr. Simpson?

3 MR. SIMPSON: Your Honor, the State has a matter
4 of law to address prior to cross.

5 THE COURT: All right.

6 [Whereupon, an off-the-record bench conference
7 is held]

8 THE COURT: Thank you.

9 MR. SIMPSON: Your Honor, may we proceed?

10 THE COURT: You may.

11 MR. SIMPSON: Mr. Wright, good morning.

12 THE WITNESS: Good morning.

13 CROSS-EXAMINATION

14 BY MR. SIMPSON:

15 Q. Mr Wright, you noted in your direct testimony
16 that you had had five years of military experience?

17 A. Yes, sir.

18 Q. Including some service overseas, as I recall?

19 A. Yes, sir.

20 Q. I would like to thank you for your service to
21 our country.

22 A. You're welcome.

23 Q. Through that military service and military
24 training in the U.S. Army, did you receive any training in
25 regard to hand-to-hand combat?

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1 A. Yes, sir. That's one of the basic skills in
2 basic training you get taught.

3 Q. And they train you how, with an adversary, to
4 take him down quickly to gain the upper hand?

5 A. Yes. We get trained with weapons and bare
6 hands.

7 Q. And I believe you even -- you mentioned earlier
8 that you thought that the victim had an unconventional
9 style, or something to that effect, as I recall?

10 A. Yes, sir.

11 Q. And what are you basing that on? Is that
12 personal experience?

13 A. No, sir. Can I stand up?

14 THE COURT: Hold on. Was that your cell phone,
15 Mr. Wright?

16 THE WITNESS: That's voice mail.

17 THE COURT: Is that your cell phone, Mr. Wright?

18 THE WITNESS: Yes, ma'am.

19 THE COURT: Deputy, please retrieve his cell
20 phone.

21 [Off the record momentarily]

22 THE COURT: Mr. Simpson?

23 MR. SIMPSON: Thank you, Your Honor.

24 Q. [Mr. Simpson] I just asked you if you could,
25 for the jury, illuminate [phonetic] a little bit. You

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1 noted that the victim had an unconventional fighting
2 style? I --

3 A. Yes, sir.

4 Q. I didn't understand.

5 A. Basically, I'm talking about this is a regular
6 fighting stance right there.

7 Q. And from what do you gain that knowledge that
8 that's a regular fighting stance?

9 A. Oh. Because I watch sports and watch boxing on
10 TV and stuff like that.

11 Q. Okay. We also heard some testimony about a
12 birthday party. And that was your mother's birthday
13 party; right?

14 A. Yes, sir.

15 Q. And what's the date of your mother's birthday?

16 A. March 12th.

17 Q. And was this the birthday party for your mother
18 -- her 2010 birthday party?

19 A. Yes, sir.

20 Q. So that would have been almost three months
21 before this incident happened; correct?

22 A. Yes, sir.

23 Q. It wasn't the day before, two days before?

24 A. What wasn't?

25 Q. The party was three months before?

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1 A. Yes, sir.

2 Q. You noted that you were outside at the time
3 something happened inside; right?

4 A. Right.

5 Q. But I believe you testified on direct that you
6 were aware that something had happened between the victim
7 and your own mother?

8 A. Because everybody inside came out outside. Yes,
9 sir.

10 Q. And you were aware that this even, I believe --
11 correct me if I'm wrong -- from your direct testimony,
12 that it didn't involve hitting but it involved a swing
13 that was stopped?

14 A. A swing that was stopped. Yes, sir.

15 Q. And directed toward your mother; correct?

16 A. Yes, sir.

17 Q. And you testified to this jury that that -- you
18 were -- I'm not going to put words in your mouth -- but
19 that that didn't upset you?

20 A. No, sir.

21 Q. You had just heard that this man had taken a
22 swing at your mom, and you weren't the least bit upset?

23 A. No, sir. I took him home.

24 Q. And I believe you said -- and, again, I'm not
25 putting words in your mouth. Correct me if I'm wrong -- I

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1 couldn't judge from my own past and from problems in my
2 own relationships?

3 A. Yes, sir.

4 Q. And what did you mean by that?

5 A. That's the reason why I didn't get mad at Chris,
6 because I would be a hypocrite because --

7 MR. SIMPSON: It's fine to take a moment,
8 Mr. Wright.

9 May we approach a minute?

10 THE COURT: Hold on one second.

11 [Off the record momentarily]

12 THE COURT: Y'all may approach.

13 [Whereupon, an off-the-record bench conference
14 is held]

15 THE COURT: Mr. Wright, do you need a moment, or
16 are you ready to move forward?

17 THE WITNESS: Go forward the best I can, Your
18 Honor.

19 THE COURT: All right. Mr. Simpson?

20 MR. SIMPSON: Thank you, Your Honor.

21 Q. [Mr. Simpson] Mr. Wright, what do you mean by a
22 hypocrite?

23 A. Because I'll be wrong to judge him for something
24 that I had been involved in in my lifetime. You know, the
25 whole situation, you got to realize this guy was a dude I

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1 been hanging out with, drinking with. We ain't enemies.
2 So, you know, I mean, my friend -- you ain't going to just
3 jump on your friend if he's your friend.

4 Q. And that was in reference to the night of the
5 birthday party; correct?

6 A. Yes.

7 Q. And you mentioned that you guys talked on the
8 way home from the birthday party?

9 A. Yes, sir.

10 Q. And you didn't -- even though you knew this had
11 just happened with your own mother, you didn't say
12 anything to the effect of, you need to cut it out now?

13 A. No, sir. We --

14 Q. You didn't say, you need to -- this is -- you
15 need to stay away from my mom, I've had enough?

16 A. No, sir. I didn't have to take him home at all.

17 Q. You didn't say anything to the effect of like,
18 look, I'm taking you home now but you just swang -- took a
19 swing at my mom; if I hear anything else going on here,
20 there's going to be a problem?

21 A. No, sir.

22 Q. You were just there to give him a shoulder to
23 cry on, even though it was your understanding he had taken
24 a swing at your mother?

25 A. It wasn't basically my shoulder he had to cry

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1 on. I was crying on his shoulder, too, just to let him
2 know that I'm a real person, you know, and I'm not going
3 to do you foul if I know I've been inconsistent in my
4 lifetime. And that's just -- we didn't know we was going
5 to be here. But, I mean, this is at the time, you know.
6 This is at the time.

7 Q. And so three months later, moving forward to
8 June 10th, after you had this conversation where in your
9 view you were just talking to him, and you hear a man that
10 has -- so you think has taken a swing at your mom is
11 peeking around his -- her corner again; correct?

12 A. Yes, sir. But that was three months later.
13 There was -- nothing was relevant from the party, in my
14 mind, because I thought I did the right thing that night
15 by not getting into anything at all.

16 Q. So you hear that a man is at a party, had taken
17 a swing at your mom, was now snooping around her house,
18 and it's the same Mr. Wright that you're giving us today?
19 Just not upset, not angry, it's been three months, it's
20 cool?

21 A. I like Chris. I ain't going to -- I don't have
22 a reason to fight Chris. I don't want to -- I didn't have
23 a reason to fight Chris.

24 Q. Mr. Wright, isn't it true you had a pretty darn
25 good reason to fight Chris?

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1 A. I mean, yeah, but I -- I mean, I didn't fight
2 him. I mean, that's a good thing about the whole party
3 thing.

4 Q. The Wright you want to show this jury today
5 isn't the Wright that had a very good reason to fight
6 Chris, it's just Mr. Calm, Cool and Collected; correct?

7 A. Just telling them what happened.

8 Q. You even said that later on, after hearing of
9 Chris still peeping around your mom's house, you actually
10 saw him do that; correct?

11 A. Saw him what? Peeping around --

12 Q. Saw him peeping through the cut around the
13 corner?

14 A. Yes, sir.

15 Q. And, again, that didn't upset you?

16 A. No, sir.

17 Q. You didn't have a sudden rush of anger?

18 A. No, sir.

19 Q. And about what time was that when you saw Chris?
20 And he was by himself at that time; correct?

21 A. Yes, sir.

22 Q. About what time was it when you saw Chris
23 peeking around the corner?

24 A. About 9:00, because the game was about to come
25 on and I was about to leave. Yes, sir.

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1 Q. That's when you saw him peeping?

2 A. When I saw him peeping, yes, sir.

3 Q. But then you leave around just before 9:00;
4 right?

5 A. No. It was after 9:00 when I left, because the
6 game had already started and my food was already fixed.

7 Q. And you're going to leave your mom's and then
8 you see the man walking down the street, who had taken a
9 swing at your mom at a party and who that day had been
10 calling her, peeping around your mom's house?

11 A. The adults at my mother's house expressed
12 concern and asked me to talk to Chris before I went home
13 while I was on the way home.

14 Q. And so when you're pulling out and see him,
15 you're like, now's the time, he's walking away, to go just
16 have a calm conversation with him about the issue between
17 him and your mom?

18 A. Yes, sir.

19 Q. And so you drove --

20 MR. SIMPSON: May I approach, Your Honor?

21 THE COURT: You may.

22 Q. [Mr. Simpson] -- to your mother's house;
23 correct?

24 A. Yes, sir.

25 Q. Where did you see Chris?

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1 A. Before I left? Before I left, Chris was on the
2 baseball field, right on the basketball court right here.

3 Q. Cutting over the corner?

4 A. Cutting through the park. There's a fence right
5 there where you can get in. You come through here and you
6 come out on the other side of the park right here.

7 Q. And you didn't see three little boys with him?

8 A. Three little boys was not with Chris.

9 Q. And did you drive down America?

10 A. Yes, sir.

11 Q. Took a left on --

12 A. Right --

13 Q. -- I believe Lee?

14 A. Made a right on Lee. Yes, sir.

15 Q. Saw him here?

16 A. Chris was here on this side of the sidewalk.

17 Q. And where did you pull over your car?

18 A. Right there before that white line right there.

19 Q. You said you yelled out Chris' name?

20 A. Yes, sir.

21 Q. And he didn't hear you?

22 A. I don't know if he heard me, because I yelled it
23 out twice, but by the time I said it the second time he --

24 Q. Did he turn around?

25 A. Yes, sir.

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1 Q. He turned and saw you?

2 A. Yes, sir.

3 Q. And you, at that time, got out of your car?

4 A. Yes, sir.

5 Q. And calmly walked up to him, just like a guy
6 that's having a calm, cool, collected conversation?

7 A. Yes, sir.

8 Q. And you say it was Chris who raised his fists
9 up?

10 A. Chris raised his fist up, which then prompted me
11 to say I come to talk to you about my mother and you put
12 your hands up to fight me.

13 Q. And then you have these words. And where are
14 the boys on your version of the story?

15 A. The boys was still not with him. I didn't know
16 at the time that he had people with him.

17 Q. The boys weren't six feet away from their uncle?

18 A. No, sir. There was kids on the left side of the
19 street way ahead of where we were. Yes, sir.

20 Q. And so Christopher Jenkins, 150 pounds, five
21 eleven, is coming after you?

22 A. He stepped off the sidewalk to me. I was in the
23 street. I'm on the street. He was on the sidewalk. He
24 stepped out to me with his hands out. I didn't chase him
25 off the sidewalk. I didn't get on the sidewalk. He came

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1 to me. He came back to me.

2 Q. And you say that then you said, I come to talk
3 to you and you raise your fist at me?

4 A. Yes, sir.

5 Q. Did that make you mad?

6 A. No, sir.

7 Q. Did that make you angry?

8 A. No, sir.

9 Q. But then you body-slammed him on the pavement?

10 A. I didn't body-slam him.

11 Q. With five years military experience, you didn't
12 -- weren't able to take down five eleven, 150-pound
13 Christopher Jenkins to the ground like that?

14 A. No. I took him down, but it wasn't no
15 disadvantage for him.

16 Q. And this -- you didn't get out of your car,
17 irate at the man who's still messing with your mother,
18 chase him down, body-slammed him from behind in front of
19 his little nephews?

20 A. He wasn't messing with my mother that night. I
21 only saw him peeping around the corner. That's why --

22 Q. And heard from your family he had been peeping
23 all day?

24 A. That's not hitting my mother. I wasn't angry
25 from him peeping around the corner.

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1 Q. And once you took him to the ground, you didn't
2 stomp him with your feet?

3 A. No, sir.

4 Q. You didn't stomp a man, that's 150 pounds, while
5 he lay on the pavement?

6 A. I'm 150 pounds, also, sir, and I did not stomp
7 him.

8 Q. Let's talk about the sandals. Is it a -- are
9 they sandals with just one --

10 A. It's like plastic slippers where you slip your
11 whole five feet --

12 Q. Your whole foot is in there; correct?

13 A. -- five toes. Yes, sir.

14 Q. So it's not a flip-flop?

15 A. No, sir. It's like a flip-flop, but it's a
16 plastic flip-flop. Not the eventional [phonetic] toe-
17 tongue flip-flop.

18 Q. But under your version of what happened that
19 day, this is a fight between y'all?

20 A. A fight that I didn't even expect.

21 Q. And you said, quote, punches were thrown?

22 A. Yes, sir.

23 Q. But then Mr. Bosnak asked you about your
24 injuries.

25 A. Yes, sir.

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1 Q. And what did you tell the jury?

2 A. I said I had scratches on my neck.

3 Q. You said you had I think a scrape on the knee?

4 A. A cherry on my left knee. Yes, sir.

5 Q. And scratches on your neck? I don't recall you
6 saying that in your direct.

7 A. Yes, I did. I said on my shoulders.

8 Q. So all these punches are being thrown by
9 Christopher Jenkins but --

10 A. No.

11 Q. -- it doesn't sound like any injuries caused by
12 punches to me.

13 A. Well, that's not what I said. I said punches
14 were thrown, but I didn't say how many Mr. Jenkins threw.

15 Q. Well, tell us now. How many did Mr. Jenkins
16 throw?

17 A. I wasn't counting them. All I know is we was in
18 an altercation and I'm not trying to be on the bottom.

19 Q. In fact, you just weren't on the top. You were
20 standing over his body and stomping him while he's laying
21 on the pavement?

22 A. No, sir.

23 Q. Let's talk about the next day when you get over
24 to their house.

25 A. Yes, sir.

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1 Q. Because the Robert Wright you're presenting here
2 today is you're just going to apologize and make things
3 right.

4 A. [No response]

5 Q. Is that what you said in the direct testimony?

6 A. I said we went over there so I could let Miss
7 Mary know that I didn't threaten any kids and my mother
8 wanted to let Miss Mary know that she was going to take
9 out a restraining order on Chris.

10 Q. Well, let's talk about threatening kids for a
11 second, because isn't it true that one of the young boys
12 had the courage to say, stop it? Was so horrified by his
13 uncle being beaten by you he said, look, stop, quit it.
14 And you said, you'd better back up or that's going to be
15 you down on the ground?

16 A. I did not say that. No, sir.

17 Q. You didn't say that directly to Robert J.
18 when --

19 A. No, sir.

20 Q. -- when he tried to stop you from beating his
21 uncle?

22 A. No kids with Chris. But I did not say that at
23 all.

24 Q. And so these thirteen-year-old boys, they got
25 some beef with you? You got any problem with them?

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1 A. Can't tell you. I don't -- I mean, I don't -- I
2 didn't never do nothing to them, so, no, I don't think
3 they got a problem with me.

4 Q. Did you know them well?

5 A. No.

6 Q. Any disagreements?

7 A. No.

8 Q. Is this just some plot by a world-savvy group of
9 thirteen-year-olds to see that you're unfairly sitting
10 here today?

11 A. I'm not going to say that because I don't know
12 the kids. I didn't know them.

13 Q. So this next day, and then the story that you
14 want us to believe today, is it's Robert Wright going just
15 to make things right and not disrespect his family so you
16 go over there the next day?

17 A. Yes, sir.

18 Q. And isn't it true you said, look, I didn't know
19 those kids; the kids that were right there were your
20 grands but I'd a done it anyway because I'm sick of your
21 son disrespecting my mother?

22 A. No. I did not say any of that, no, sir.

23 Q. That doesn't sound like an apology to me.

24 A. Because I didn't say it.

25 Q. On your version of this, you went over there

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1 just to say you were sorry and make everything right?

2 A. That's what I thought I was going to do. Me and
3 my mom went over there to let her know about the
4 restraining order. Yes, sir.

5 Q. So you're at the stage where you feel that a
6 restraining order needs to be taken out on this man, but
7 you're walking over there just as -- again, just calm,
8 cool, collected Mr. Wright?

9 A. Yes, sir.

10 Q. Isn't it true you went over there to say, look,
11 I did what I did, I was justified in doing it, and I
12 taught him a lesson and he needs to learn that lesson?

13 A. No, sir. I would have stayed home before I went
14 and disrespect Miss Mary. I wouldn't even went.

15 Q. And, again, you didn't say in the presence of
16 Tomeika Jenkins, in the presence of Mary Jenkins, look, I
17 didn't know those kids were your grands but I had to do
18 what I had to do because he was disrespecting my mother?

19 A. You adding on to it. What they said was they
20 were -- that were their grandkids and I said, I didn't
21 know your grandkids.

22 Q. And I believe you said on your testimony, you
23 just trying to do the right thing?

24 A. Yes, sir.

25 Q. And as for you, the right thing, a body-slam and

1 stomping someone while they're on the pavement?

2 A. The fight was not planned. That was unexpected.
3 But at the same time, somebody trying to hurt you, you --
4 I mean, you going to defend yourself. But the fight was
5 not planned.

6 Q. Mr. Wright, let's get to the heart of the
7 matter. You sit there as a defendant today; right?

8 A. Yes, sir.

9 Q. Charged with a crime?

10 A. Yes, sir.

11 Q. And you have probably the most powerful motive
12 one can think of to change the story of what happened in
13 those two days in June?

14 A. Yes, sir.

15 MR. SIMPSON: The Court's indulgence.

16 THE COURT: Yes, sir.

17 [Whereupon, Mr. Simpson and Ms. Baldwin confer]

18 MR. SIMPSON: Your Honor, I have no further
19 questions.

20 THE COURT: Mr. Bosnak?

21 MR. BOSNAK: Just a few follow-up questions.

22 REDIRECT EXAMINATION

23 BY MR. BOSNAK:

24 Q. How tall are you?

25 A. Five eight.

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1 Q. How much do you weigh?

2 A. One fifty.

3 Q. Again, did you want to hurt Christopher Jenkins?

4 A. No, sir.

5 Q. Did you stomp him?

6 A. I did not stomp Chris.

7 Q. Did you want to hurt him?

8 A. No, sir.

9 Q. If you thought he was hurt, would you have
10 helped him?

11 A. Yes, sir.

12 MR. BOSNAK: Thank you.

13 MR. SIMPSON: Nothing further, Your Honor.

14 THE COURT: Mr. Wright, you may step down.

15 [Whereupon, Mr. Wright is excused and exits the
16 witness stand]

17 THE COURT: Any witnesses?

18 MR. BOSNAK: Your Honor, at this time the
19 defense would rest..

20 THE COURT: All right. Reserving all motions
21 and matters, does the State have any rebuttal
22 witnesses?

23 MR. SIMPSON: We do not, Your Honor.

24 THE COURT: Ladies and gentlemen, you have now
25 heard all of the testimony and received into evidence

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1 all of the exhibits that will be made a part of the
2 record in this case. Ladies and gentlemen, you will
3 have all of the exhibits that have been entered into
4 evidence in your jury room with you when you begin
5 your deliberations.

6 Ladies and gentlemen, it's an appropriate time
7 for us to take our lunch break. When we return, you
8 will hear closing arguments from the State and the
9 defendant and then I will instruct you on the law
10 applicable to this case.

11 Please do not begin your deliberations. Do not
12 discuss this case amongst yourselves. Please do not
13 do any independent investigation.

14 Please be back in your jury room at 2:00 p.m.
15 We will resume the trial of this case.

16 Please rise for the jury.

17 [Whereupon, the jury exits the courtroom at
18 11:53 a.m.]

19 THE COURT: Please be seated.

20 Any motions or matters, Mr. Bosnak?

21 MR. BOSNAK: None, Your Honor.

22 MR. SIMPSON: None from the State, Your Honor.

23 THE COURT: All right. I'll see counsel in
24 chambers. We'll have a charge conference.

25 Mr. Wright, please stand.

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1 [Whereupon, Mr. Wright complies]

2 THE COURT: I observed and heard your cell phone
3 going off while you were testifying. Did I hear that
4 correctly?

5 MR. WRIGHT: Yes, ma'am.

6 THE COURT: Do you wish a few moments to discuss
7 contempt of court with your attorney? Are you
8 prepared to go forward on this matter here today?

9 MR. BOSNAK: Yes, Your Honor, we're prepared to
10 go forward.

11 THE COURT: Mr. Wright, do you have any reason
12 why I should not hold you in contempt for your cell
13 phone going off while you were on the stand?

14 MR. WRIGHT: I would ask Your Honor that you
15 please not hold me in contempt because my phone is on
16 vibrate and if somebody leaves a voice-mail message,
17 it will make a noise. I apologize for that.

18 THE COURT: Mr. Wright, can you indicate to the
19 Court what's going on in your life that is more
20 important than you sitting in this courtroom, being
21 charged with the crime of murder, that you were
22 anticipating a voice mail?

23 MR. WRIGHT: No, ma'am. I had my phone off in a
24 prior session of court. And when I went out to the
25 break, on break, and I accidentally just left it on

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1 vibrate instead of cutting it completely off as I did
2 all week now. I apologize.

3 THE COURT: Deputies, please hold Mr. Wright in
4 custody. Make sure that he has lunch. I'll address
5 the matter before -- or once -- before the verdict is
6 read, we'll address the matter of contempt. But he is
7 to be held in custody.

8 See counsel in chambers. Thank you.

9 [Whereupon, a recess is taken from 11:55 a.m. to
10 1:56 p.m.]

11 THE COURT: Please be seated.

12 All right. Counsel, please come review the
13 verdict form.

14 [Whereupon, counsel review documents]

15 MR. BOSNAK: It's fine, Your Honor.

16 THE COURT: All right. No objection to the
17 verdict form from the State?

18 MR. SIMPSON: None, Your Honor.

19 THE COURT: From the defendant?

20 MR. BOSNAK: None from the defense, Your Honor.

21 THE COURT: And we had a charge conference in
22 chambers, and the Court will not be charging the
23 lesser-included. Anything you wish to put on the
24 record?

25 MR. BOSNAK: No, sir, Your Honor. No. No,

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1. ma'am.

2. THE COURT: All right. And you are requesting
3. the defense of self-defense; is that correct?

4. MR. BOSNAK: Correct. Your Honor.

5. THE COURT: Mr. Simpson, you agreed that self-
6. defense should be charged; is that correct?

7. MR. SIMPSON: I do, Your Honor. I do apologize,
8. but there was one other charge matter I meant to raise
9. and it just slipped my mind with all of our
10. discussions. And that is the short charge, in the
11. standard jury form, of the felony malice inference and
12. the fact that an ABHAN is a felony, if you think it's
13. proper.

14. THE COURT: All right. Your position?

15. MR. BOSNAK: I mean, he's charged with murder.
16. They're going to find him that way or -- I don't see
17. why we need that kind of charge. I think it would
18. just confuse the jury, Your Honor.

19. THE COURT: All right. I included, Mr. Simpson,
20. your request to charge malice and the four items that
21. the jury could infer malice from. I decline to charge
22. the specific as to ABHAN.

23. MR. SIMPSON: Okay.

24. THE COURT: Note your exception for the record.

25. MR. SIMPSON: Thank you, Your Honor.

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1 THE COURT: And is there anything further --

2 MR. BOSNAK: No, Your Honor.

3 THE COURT: -- Mr. Bosnak? Anything further,
4 Mr. Simpson?

5 MR. SIMPSON: If I could have twenty seconds,
6 Your Honor, just to alter my PowerPoint to reflect
7 your rulings.

8 [Off the record momentarily]

9 THE COURT: For the members of the audience, Mr.
10 Bosnak will be doing his closing argument first and
11 then Mr. Simpson, and then I will instruct on the law
12 applicable to this case. If you need to move, if you
13 need to leave the courtroom, the appropriate time to
14 do that -- there will be a brief pause after Mr.
15 Bosnak gives his closing and then a pause after
16 Mr. Simpson gives his closing. Do not stand up or
17 move around while anyone, including the Court, is
18 speaking. The bailiffs have been instructed that they
19 will remove you from the courtroom if you cannot abide
20 by those rules and you will not be allowed into the
21 courtroom until after I have instructed on the law
22 applicable to this case.

23 If you are remaining in the courtroom, please
24 rid the gum. I do not want to see anyone in here
25 chewing gum during closing arguments. And please also

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1 remove sunglasses from your head. It creates a glare.

2 Are you prepared to go forward at this time now,
3 Mr. Simpson?

4 MR. SIMPSON: I am, Your Honor.

5 THE COURT: Mr. Bosnak?

6 MR. BOSNAK: Yes, Your Honor.

7 THE COURT: And you are waiving first close?

8 MR. SIMPSON: I am waiving first close. Yes,
9 Your Honor.

10 THE COURT: All right. Let's bring in the jury.

11 Please also take the opportunity to make sure
12 your cell phones are in the off position. Not on
13 silent, not on vibrate, but on the off position. If
14 anyone's cell phone goes off, the deputies are
15 instructed also to retrieve your cell phone at that
16 point and to remove you and I will take care of the
17 matter at close of business. But you will be
18 maintained in a holding facility, not free to leave,
19 if your cell phone goes off. It's a violation and you
20 can be held in contempt of court. So take the time to
21 make sure that your cell phone is in the off position.
22 I suggest that you take the battery out to ensure that
23 the cell phone cannot go off.

24 [Whereupon, the jury enters the courtroom at
25 2:01 p.m.]

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1 THE BAILIFF: All jurors are seated, Your Honor.

2 THE COURT: Thank you. Please be seated.

3 Ladies and gentlemen, as I indicated to you
4 before our lunch break, we've reached the part of the
5 trial where you will hear closing arguments on behalf
6 of counsel. Ladies and gentlemen, Mr. Bosnak will
7 give his closing argument first and then Mr. Simpson,
8 on behalf of the State, will give his closing
9 argument.

10 Just as I indicated to you what is contained in
11 opening statements was not evidence, neither is what's
12 contained in their closing arguments. It's merely
13 their contention as to what the evidence showed. And
14 after you have heard closing arguments, I will
15 instruct you on the law applicable to this case.

16 Please give your strict attention.

17 Mr. Bosnak.

18 MR. BOSNAK: Thank you, Your Honor. May it
19 please the Court.

20

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CLOSING ARGUMENT

1
2 MR. BOSNAK: As you can see, ladies and
3 gentlemen, I don't usually use these things very much,
4 I just try to talk to you, but there's so much in this
5 case that I want to make sure I don't leave out. So I
6 will refer to my notes every so often just to make
7 sure that I didn't leave anything out, because there's
8 so much here. Please excuse me for having to use my
9 notes.

10 A trial: I tell people, when they come to me
11 and they ask me about a trial, a trial is nothing but
12 a story. It's two sides of the story. And what you
13 are here to do is to determine which side of that
14 story you believe. And you decide the facts of this
15 case. And you can give any fact as much weight --
16 that means believe it at a hundred percent or believe
17 it at fifty percent or believe it at five percent or
18 not believe it at all. And that goes with evidence,
19 too. And the judge will instruct you that, so I'm not
20 going to really get into that.

21 Let's look at this story. The stories are
22 pretty similar. We've got two families at one time
23 that were friends or seemed to be friends. The
24 deceased, as you've heard from their own family, had a
25 problem with alcohol and alcohol abuse, so bad that he

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1 would have seizures. Now, what caused the seizures
2 and that type of stuff, I don't know. We didn't have
3 anybody, medical expert, to testify to any of that.
4 And certainly the pathologist really didn't want to
5 get into that very much. And the reason I think that
6 the pathologist didn't want to get into it -- that the
7 State called -- was because when you have seizures,
8 you fall out. You can fall. And we know when you
9 fall uncontrollably that you can get hurt, that you
10 can break bones, you can break ribs, you can fracture
11 your skull. We know that. It happens every day in
12 America. The people that are epileptic, the older
13 people, that have seizures that fall out. And we know
14 this man had seizures, both from the family saying
15 that he did, to the defendant's mother saying that he
16 did and she went with him. We know that.

17 Now, let's look at the first part of this story.
18 They had a -- there wasn't really anything serious
19 going on here. The deceased wasn't beaten up. Ms.
20 Scott, or Miss Winkie, he wasn't beating her up. One
21 of these men that can't let it go. I think that would
22 be the best way you would put it there. They just
23 cannot let it go. They cannot let this woman go.
24 Even when she says, no, stay away from me, they can't
25 do it. Now, I will submit this. I think alcohol has

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1 got a lot to do with that. Maybe sober, okay. But.
2 starts to drink, that stuff comes out.

3 We know that he found out about a birthday
4 party, came all the way to the other side of town on a
5 bus. Came in the house, got into a confrontation.
6 Didn't hit the mother or anything, but they had some
7 kind of confrontation. She thought maybe he was going
8 to hit her. Happened to be a gentleman there. The
9 testimony will be that was a policeman and he said,
10 you've got to leave, and escorted him out. No
11 physical violence, nobody wrestling around, nobody
12 doing anything. Took him outside.

13 Robert, the defendant, who had known the
14 deceased for years, never had any trouble, said, well,
15 I'll give him a ride home; I'll carry -- he and his
16 girlfriend carried him back. And they had a talk. So
17 no kind of hot temper or nothing there with that.

18 Now we get to the night in question. Let's talk
19 about that a minute. Robert practices softball every
20 Tuesday or Thursday at this particular ballfield. It
21 was Thursday. They had a practice planned. He got
22 off work from working over at the jail doing sheet-
23 metal work over at the new jail. Had tools in his
24 car. Had baseball bats, gloves, cleats. Had all this
25 stuff. Comes over, they play baseball, play softball,

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1 practice softball.

2 And you heard from one of the young ladies back
3 there, that was a softball player that works at AT&T,
4 Ms. McMullin, that after -- everything was good,
5 everybody was having fun -- afterwards, went over to
6 the mother's. Which the mother's apartment is right
7 across the street. A nice summer evening, June the
8 10th, 2010. A nice, southern evening, where most
9 people in the south from seven o'clock to 8:00 to nine
10 o'clock, when it's cool, want to go out and sit on
11 their porch and be social and talk. Family comes
12 over, friends come over, have a glass of lemonade, a
13 glass of tea. All over Charleston, Berkeley County,
14 all over, that's what a large number of people do on a
15 nice, warm Sunday, a sunny summer evening. Okay?
16 Nothing strange about that.

17 Comes over. They talk a while. We hear
18 testimony of the deceased peeping around the corner
19 trying to see what happens. Okay? Now, let's get to
20 that for a minute. And let's go to the family's
21 story. The family's story -- and, please, if you're
22 not sure if what I'm saying is right, maybe I might be
23 missing something, any testimony whether direct or
24 cross that you want to hear, all you have to do is ask
25 the judge and the judge will get the court reporter to

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1 replay any testimony for you again and let you hear
2 exactly what was said. You don't have to take my word
3 for it. You don't have to take the prosecutor's word
4 for it. All you've got to do is say, Your Honor, we
5 would like to hear the cross-examination of Robert J.
6 [REDACTED] again, and they'll play it for you and you can
7 hear it again if you want to check your notes. Okay?

8 One of the young nephews, or somebody, says he
9 was at the house all day. The mother says, Miss Mary,
10 well, he was in and out of the house all day. Because
11 you heard Robert's sister, Ms. Wright, say that she
12 was at her mama's house from one o'clock until about
13 10:00 or 11:00 and she constantly saw him peeping
14 around the corner. Okay? So we've got a -- our
15 testimony is consistent. But the family's testimony,
16 there's some discrepancies there. Okay?

17 Now, my client doesn't have any clue at all
18 where Christopher Jenkins is going to be. He had just
19 come over there to play softball. He goes to his
20 mama's house afterwards to speak to mama, to talk to
21 relatives. And there's testimony that he's going to
22 go home and watch the NBA finals and his girlfriend
23 has cooked him a nice dinner. And she calls him on
24 the phone and says, hey, come on; I've got the dinner
25 ready, let's go; it's getting cold; come on home.

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1 Before he leaves sometime the family says something to
2 him about Christopher Jenkins, who is deceased, and
3 said, he's over here looking -- you know, back over
4 here harassing your mama or stalking your mama; you're
5 the oldest, you're the oldest male in the family --
6 they didn't say that, but this is what's inferred --
7 you're the only male in the family. There are two
8 girls, one boy. He's the oldest and he's the only
9 male. Who else would you ask in a family to go talk
10 to somebody who had a matter like that? And they know
11 each other. He gets in his car. And as he's leaving,
12 he sees Christopher Jenkins.

13 Now, ladies, I've got to -- ladies and
14 gentlemen, I've got to say something here. This is
15 terrible luck for both parties because if one party
16 hadn't been there, this probably -- this thing would
17 have never happened. But it just so happens, the
18 wrong place at the wrong time.

19 And he gets there. Now, you heard the nephews
20 and you heard the friend say that they didn't hear a
21 car pull up, they didn't hear a car door slam, they
22 didn't hear anything. They didn't hear anybody
23 running up behind them, grabbing him, throwing him
24 down on the ground. They didn't hear none of that.
25 Four of them. None of them heard that. None of them

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1 heard a car, none of them heard a car door, nobody
2 turned around and looked. I said four to one. And
3 thirteen-year-old teenagers, they're not kids.
4 They're not small. They're not small. They're not
5 like little children. My client is not some big man,
6 big hulking man. Five eight, five nine, 150 pounds.
7 Four of them, one of him. And he goes and attacks one
8 person out of four. Does that make sense? Ask
9 yourself that. Does that make sense? How does he
10 know those little boys -- he didn't know them. He
11 didn't know what their age is. How does he know that
12 all four of them are not going to jump on him and half
13 kill him? I mean, just think of the common sense of
14 that, that whole story. Okay?

15 And we're going to talk a lot about malice,
16 meaning evil intentions, bad thoughts about wanting to
17 hurt somebody and kill them. If you were going to get
18 out of a car and confront four people and you didn't
19 know who those four people were -- because he --
20 nobody said they knew they were nephews or they were
21 anything like that. He didn't know how old they were.
22 As you can see, they were five seven, five six, five
23 seven, five eight, those teenagers were. Maybe a
24 little smaller a year ago. I don't know. But he
25 didn't know who they were. He didn't know they

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1 weren't full-grown men. He's got a hammer, he's got a
2 razor knife in the car, and we know he's got baseball
3 bats. You mean to tell me you want to do malice to
4 somebody and hurt them, and possibly kill them, and
5 you're going to jump out at 150 pounds and go after
6 the four people, one of the four, and fighting when
7 you've got a baseball bat in your car? That's
8 something to think about. Something y'all need to ask
9 yourself. Does that make sense? I'm going to hurt
10 somebody, I'm going to get that baseball bat. I'm
11 going to get that razor knife. I'm going to get
12 something. I'm going to hurt somebody. I've got
13 malice in my mind. Okay?

14 Now, there's another thing that's really
15 important: the type of shoes that he had on. Tell
16 you a little story. I'll be brief. About twenty
17 years ago, Morris Deas, in a little town outside of
18 Sumter, tried to grand dragon a Klu-Klux Klan and the
19 Grand Wizard for burning churches in South Carolina.
20 Y'all might remember that. And I went to that trial.
21 Morris Deas was over the southern -- and my father and
22 I went. And you had to go through two metal
23 detectors. This was way before 911. They didn't have
24 metal detectors in Manning. This was a courtroom in
25 Manning. And one of these guys that was a Klu-Klux

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1 guy was in front of us, or a couple of them. I
2 seriously -- if you wanted to look at the missing
3 link, he looked like the missing link. He didn't have
4 no neck. And, I mean, he was as close to a gorilla as
5 anything I've ever seen. He just -- and he kept going
6 through the metal detectors and he couldn't get
7 through. And they just about stripped him. And they
8 finally said, well, what you got that keeps going off;
9 you've got a plate in your leg or your head or
10 something? He said, oh, I forget to tell you, I've
11 got steel-toed boots.

12 Well, Hells Angels and Klu-Klux Klansmen and
13 these tough guys, that's what they wear. They wear
14 steel-tipped boots or some kind of pointed boots and
15 when they get somebody down, they can really kick them
16 and hurt them. My client had a pair of rubber
17 sandals.

18 Wait just a minute.

19 MR. SIMPSON: Your Honor, I've got an objection.

20 MR. BOSNAK: That's what he said he had on.

21 It's a demonstration --

22 THE COURT: Counsel, you have been admonished
23 about no speaking objections. Y'all may approach.

24 [Whereupon, an off-the-record bench conference
25 is held]

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1 THE COURT: Your objection is noted for the
2 record, solicitor.

3 MR. BOSNAK: Your Honor -- ladies and gentlemen,
4 I'm sorry. I'm not trying to tell you that this is
5 the shoe, because it's not the shoe. It just so
6 happened when I came back from lunch, one of the young
7 ladies had these type of shoes on. And just for
8 demonstration purposes, this is the type of shoe that
9 he was wearing that night, a flip-flop. He had on a
10 pair of black socks, as he testified to, and a rubber
11 flip-flop shoe like that. Now, you're talking about
12 stomping somebody with a flip-flop shoe on? And
13 you're talking about it happening on the sidewalk and
14 on the road and it's about eight o'clock at night?
15 Why do you wear flip-flops and sandals and stuff like
16 that anyway? Because the pavement is so hot you
17 couldn't walk on the pavement without something like
18 this. That's why we wear these kind of things at the
19 beach and stuff. Maybe it's a little cooler at 8:00
20 or nine o'clock. I don't know. Burn your foot pretty
21 good. I've done it as a kid trying to run across
22 roads and stuff in the summertime. But, again, this
23 is not evidence, this is just to demonstrate the type
24 of sandal he had on. All right? Thank you.

25 Now, that's what he's supposed to have stomped

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1 him and kicked him with. I don't understand how he
2 kept them on. The other thing about this fight: to
3 get the rib breakage correctly, he couldn't have
4 kicked him. He had to stomp him like that
5 [indicates]. Now, it would have taken an awful lot of
6 force to stomp somebody to break their ribs. And
7 nobody could be real clear on that. I asked the
8 doctor, I said, well, how about say stomping on his
9 chest. I said, well, if he stomped him on his chest,
10 wouldn't it break the ribs here? Well, no, it could
11 break the ones in the back. I don't know. He's a
12 doctor. I don't know. But usually what you stomp on
13 is what you break. And usually if you were stomping
14 on somebody's chest, you would break the ribs up here.
15 You wouldn't break the ribs back here because they
16 would be supported. Okay? They would be supported by
17 the ground. These wouldn't, except for the organs.
18 Just common sense. Y'all think about it when you get
19 back there.

20 Then, nobody says that the defendant does not
21 get up and walk away. He's never lost consciousness.
22 Never. Nobody says anything about anybody getting
23 knocked out. He gets up afterwards and walks away,
24 even though supposedly ten of his ribs are broken.
25 Again, I don't know if any of y'all have ever broken a

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1 rib or broken a bone. I know that it hurts a great
2 deal. I know people that have broken ribs before.
3 They say it's one of the most painful things in the
4 world. I don't know. Maybe y'all know something
5 about that.

6 Now, he walks away. My guy gets in his car and
7 leaves. Now, the kids are watching all this. They're
8 watching their uncle, their beloved uncle, get stomped
9 on. And none of them do anything. But there are
10 three of them. And they don't even just back up and
11 say, whoa, whoa, stop, stop, quit. I mean, or three
12 of them just grabbed him and say, stop, you're hurting
13 our uncle, stop, you're hurting our uncle. Very
14 easily could have done that. Those three young men,
15 thirteen years old, could have certainly overpowered
16 my client. There's no doubt about it. If you don't
17 believe that, when you watch some of these nature
18 shows watch two or three of these hyena dogs go after
19 bigger game and stuff. They can do it. Three people,
20 even if they're smaller, can take on one person.
21 Nobody did that. Nobody called the police. Nobody
22 called the police. Stomped him. Just about stomped
23 him to death and nobody called the police. Nobody
24 called an ambulance. Nobody did any of that.

25 And one of the young men -- and I'm going to go

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1 through their testimony -- said he had to go to the
2 store to get him some potato chips. Your uncle is
3 stomped, bleeding, and you've got to get you some
4 potato chips. And he sits over at the side and sits
5 down but, we've got to go on to the store and get us
6 some potato chips. Well, it wouldn't take but one
7 person to go to the store to get some potato chips or
8 whatever else you wanted. The other two could have
9 stayed there. Or one could have stayed with the
10 uncle. The other one could have went home and got
11 some help and the other one could have gone on to the
12 store. And that's logical and that makes sense. But
13 they weren't concerned with their uncle.

14 Now, while we're talking about fights and
15 injuries: you're going to have a whole bunch of
16 pictures back there of blood droppings on the
17 sidewalk. And all these little pictures and all these
18 little blood droppings all up and down the sidewalk,
19 nobody can tell you where the blood came from. They
20 can't tell you if it was a cut on the hand, a cut on
21 the face, a cut -- we know it's the deceased but we
22 don't know where the cut came from. And there are
23 little blood droplings all over. They spent a bunch
24 of time and a bunch of effort on our lab. In this
25 whole investigation, the detective sargent over this

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1 case never once, never once, checked my client for any
2 trauma to his body. Not once.

3 Now, law enforcement officers are what we call
4 objective fact-finders. And what that means is they
5 don't have skin in the game. They're not supposed to
6 take sides. They're supposed to follow the clues to
7 see where the clues take them. Now, if you really
8 wanted to say this was a murder and that my client
9 snuck up behind the deceased and threw him down and
10 beat him up and all this kind of stuff, why wouldn't
11 you go and take pictures? They took his DNA. Why
12 wouldn't you take pictures of his hands to see if he
13 had cuts or any type of abrasions or breakage?
14 Because you can hit people in the head and the skull
15 and stuff like that, you can break your hand real
16 easy. You can miss and hit that asphalt.

17 And here he's stomping somebody enough, with
18 flip-flops on, to break ten ribs supposedly? He could
19 have very easily fractured his foot, bruised his foot,
20 or something like that. We all know that our feet are
21 very tender. I mean, it doesn't take rocking much on
22 one and golly, bum, it hurts. Or stubbing our toe on
23 something, if you walk by a couch or something and
24 stub your toe. We're not just kicking something.
25 We're talking about walking by and just stubbing your

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1 toe. It hurts. Nobody ever did that. Nobody ever
2 looked at that. That would have been perfect. If he
3 had all kind of busted up hands and cuts on his hands.
4 He didn't have any scratches on his neck, didn't have
5 any marks on his body, nothing was wrong with his
6 feet. Yeah, he probably might have done that. But if
7 he had signs that showed there was a fight and there
8 was a fight between the two of them, it changes the
9 whole scenario. It changes the whole deal, because
10 now what we call mutual combat. Or maybe my client's
11 self-defense. He defended himself against this guy,
12 which he said. Because you didn't want to look at
13 that. They weren't interested in that. Detective of
14 thirty-three years, sargent detective, he didn't want
15 to look at that.

16 Also, through this whole thing, as you listened
17 to it -- I hope y'all heard the same thing I did --
18 nobody seemed to be concerned about Chris' health.
19 The grandmother was concerned about him saying
20 something to the grandchildren. Nobody, the two
21 nephews, their friend, the whole family, none of them
22 was concerned about his heath: oh, my, he was hurt,
23 he was bad, but he didn't want to go to the hospital
24 so we didn't take him there. I'm going to tell you
25 something. And y'all might be like me. But my mama

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1 is still my mama and when my mama tells me to do
2 something, I do it. I'll always be her little son, no
3 matter what I've become, and I'll do what she tells me
4 to when she tells me to. That's just the way it is.
5 I don't like it that much sometimes, but that's the
6 way it is. If I was hurt and couldn't walk and had
7 cuts, there wouldn't be no discussion about going to
8 the hospital. If I didn't want to go, she would have
9 called EMS. And eventually EMS was called. What I
10 don't understand is why EMS wasn't called when he came
11 home and he was in such bad shape, if he was in that
12 bad shape, and why nobody made more of a fuss about
13 it. And you've heard that nobody made that kind of
14 fuss. I asked about it. Nobody felt like they needed
15 to call the police in this matter at all. Here's
16 somebody stomped, beaten up, hurt bad, and nobody
17 says, we ought to call the police about this; we ought
18 to at least call the police and make a police report
19 about it. No need to do that. No need to do that.

20 Now, a couple of things. Another commonsense
21 thing I want you to think about. If you had beaten
22 somebody up that bad, you're going to go to their
23 house the next day? You've heard the family say --
24 you heard Miss Mary talk about all the people that
25 lived in her house: granddaddy, husband, brothers,

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1 his brothers. He was the oldest. I think he had two
2 brothers. A bunch of nephews. Even I think heard one
3 of the sisters say, Robert's glad -- Robert -- her
4 brothers weren't home when Robert was over there,
5 there'd a been more fighting. You're going to beat
6 somebody up like that and you're going to go back the
7 next day with your elderly mama? Y'all saw Ms. Scott,
8 Miss Winkie. Little woman, disabled. That's who
9 you're going to take with you over to a house like
10 that where you've done beat one of her sons all the
11 pieces? Does that really make sense? Tell me, does
12 that make sense? Y'all need to think about it. Does
13 that really make any sense to anybody?

14 Now, let me just look at my notes, because I've
15 been taking too much.

16 [whereupon, Mr. Bosnak reviews documents]

17 MR. BOSNAK: All right. Let me talk a little
18 bit about these nephews that are supposed to be
19 eyewitnesses and let me tell you what I think
20 happened. I think Christopher Jenkins was stalking
21 Ms. Scott and I think the nephews were going to the
22 store. But, again -- and let's remember this. This
23 is a neighborhood with ballfields and swimming pools
24 and basketball courts, and it's a nice, sunny evening.
25 Kids are going to be out, people are going to be out

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1 sitting on their stoops, some of the kids are out
2 playing still. It's 8:00, nine o'clock at night.
3 Lite sun. Just going to be -- there are going to be
4 people out. I think if the truth was known, those
5 three, the two nephews and the other friend with them,
6 were out and I think they were probably talking to
7 people and going by and talking to different people
8 and things they knew on the way to the store to get
9 some potato chips. And I think Chris was stalking
10 Ms. Scott. And I don't think they were together. I
11 think the young men were somewhere in the vicinity,
12 but I don't think they were this far [indicates] apart
13 like they testified to. Because I think they would
14 have done something, if their uncle had been jumped
15 on, if they were that close. I think they would have
16 had to. Somebody would have run into somebody. If he
17 run and grabbed him and slug him down and they were in
18 that close a proximity, wouldn't he have hit one of
19 them? No testimony to that. Let me go through their
20 testimony, because none of it was consistent. Not a
21 bit of it was consistent.

22 Jacqui Jenkins: none of them heard the car.
23 None of them heard the door slam. Punched in the
24 stomach, lying down on the ground, face down, stomped,
25 head and body. Okay? Now, one of them testifies that

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1 the uncle's laying face down. One of them I even
2 demonstrated: so he's stomping him and kicking him
3 and then punching down at him? If y'all remember
4 that. That don't make any sense, because if you were
5 in a real fight and somebody's punching down at you,
6 they don't have any balance and all you've got to do
7 is grab their arm, or part of it, and pull them right
8 down on their head. Somebody that's punching down on
9 somebody like that had absolutely no balance. Why
10 would you stomp, then hit, then stomp and hit? It
11 doesn't make sense. And that was one of them.

12 One of them said that he didn't have glasses,
13 that he didn't have any glasses. And he said in his
14 report that he didn't have his glasses so he could not
15 identify Robert. And I asked him -- you can play the
16 recording -- they were -- all claimed they were in
17 close proximity. You could be blind almost and could
18 recognize somebody at this distance but if you're way
19 off in the distance, you can't.

20 Then this one was a friend, Maurice D..
21 And even one of the cousins -- nephews had a problem,
22 said his name was Wright. And this was what was so
23 bad. He said, in the face, stomped him in the ribs.
24 And then I asked him about how many times the police
25 had talked to him, because they're all saying exactly

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1 what you need to say to prove a murder case. Stomped
2 him, malice, wouldn't let him up, stomped him in the
3 particular area. He couldn't have broke the ribs by
4 kicking him so he had to stomp him. Just perfect.
5 All of them perfectly about that stomping him. Okay?
6 But then I asked him, I said, how many times have you
7 talked to law enforcement, the police, and the
8 solicitor's office about it. The first time he said
9 three, I talked to the police three times and I talked
10 to the solicitor's office two times and I talked to
11 somebody else, who I don't know, one time. Six times?
12 You need to have six interviews with a witness? Then
13 he changed his story. Oh, no, no, no; I made a
14 mistake; I made a mistake; I didn't talk to them three
15 times, it was only one time. I said, oh, okay; so now
16 we've got -- now we've got four times. Instead of
17 six, four. Yeah, I think that's right. And then he
18 was the same one when I asked -- they were all saying
19 that Christopher Jenkins was in such bad shape that he
20 had to sit down in the yard. But he's the one that
21 said, no, he went to I think Zekies or Ezekial's house
22 or whatever, to play cards. Remember that? He said,
23 no, he walked over there to Ezekial's house where they
24 play cards.

25 Now, all three of them together, all three of

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1 them should have said the same thing, but they all got
2 different stories on cross-examination. When you
3 really ask them specific questions, their stories are
4 all different. My client's stories, the witnesses I
5 put up, none of them were inconsistent. They all said
6 the same thing. And all, more or less, went along
7 with this.

8 Ladies and gentlemen, I do believe -- what,
9 also, we need to think about is what happened between
10 the time the boys left their uncle and the uncle ended
11 up back home. We don't know. Nobody was with him.
12 We don't have any idea. Did he fall? Did he get in
13 an altercation with somebody at the card-playing
14 house, another fight? What happened? We don't know.
15 There's a gap of time missing because nobody knows.
16 He's in such bad shape, nobody wanted to help him home
17 and so there's a gap and we don't know how long that
18 gap is, but it had to be somewhat but we don't know.
19 Nobody can really tell us because he got there before
20 the nephews did, then he got there after the nephews
21 did, according to some of the family's testimony, and
22 then also the mama found him out there on the
23 basketball court. So there's a whole difference about
24 when he got home, and we don't know what happened
25 within that period. Okay?

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1 Now, I'm going to wrap this up. The big thing
2 here in a murder case is you have to have intent to
3 kill somebody. You have to have it. In any crime,
4 except for speeding and statutory rape, the main
5 element is intent, did you intend to do the crime.
6 Ladies and gentlemen, there was no intent here. There
7 was none. And we've gone through the facts. He could
8 have gotten a weapon. He didn't get a weapon. He had
9 on a set of flip-flops. He wasn't out looking for
10 anybody. He had been playing softball that night and
11 he was just on his way home and ran into this guy.
12 And somebody said, you need to talk to him because
13 he's stalking mama again. Okay? Bad set of
14 circumstances all came together.

15 The guy didn't go to the doctor. That's another
16 thing I asked the doctor, could he have lived?
17 Because what he did is he internally bled to death. I
18 asked the doctor. Broken bones and vessels.
19 Eventually, after twenty-four hours the blood built up
20 in his body and he bled to death, bled out, inside his
21 body. The doctor said he can't -- couldn't tell,
22 could be a chance he could have lived if he could have
23 got to the doctor's office.

24 The malice part is the same thing. There is no
25 malice here, implied or inferred. Inferred means that

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1 you would threaten people, things like that. Implied
2 means by your actions. And they're going to say he
3 stomped him and all that and by that, that's what you
4 prove by. I think there's a lot of doubt there that
5 he actually stomped him in a set of shower shoes and
6 all this happened the way they said it happened.
7 Because I can tell you, if you'll go back and listen
8 to the transcripts of those three young men that were
9 the eyewitnesses, it doesn't make sense and none of
10 their stories go along with each other. They're all
11 different. And they all had a hard time on cross-
12 examination. And if you observed them, they didn't
13 want to answer my questions at all. Matter of fact, I
14 sat at that podium there almost thirty seconds waiting
15 on one of them a time or two to answer me, if you'll
16 remember that.

17 That's the big thing is the intent and the
18 malice. And the prosecution has the burden of proving
19 every element of a crime -- he's going to give you the
20 elements, and the judge is going to give you the
21 elements -- beyond a reasonable doubt.

22 What is a reasonable doubt? You hear that word
23 thrown around all the time. Big on TV. They love to
24 use that word all the time, all these top shows and
25 lawyer shows. Give you what I call a reasonable

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1 doubt. Something gets wrong with you, you go to the
2 doctor. The doctor tells you, I'm going to have to
3 amputate your arm; if I don't amputate your arm, you
4 could die. Okay. He wants to amputate your right
5 arm. Most of us would be in bad shape if our dominate
6 hand that we write with, we didn't have it anymore.
7 And he tells you you're going to die. Do you let him
8 cut your right arm off on what he tells you, or do you
9 get a second opinion? Do you go to another doctor and
10 get a second opinion? If you've got some doubts with
11 modern medicine, maybe there's something they can do
12 to save my arm. That's what a reasonable -- it's
13 reasonable that somebody else can do something for me
14 and save my arm. And that's how bad it is in this
15 case because for murder, it's a bad crime. There's no
16 worse crime in the books than that.

17 After knowing all this and listening to all the
18 facts and the evidence, is there a doubt that my
19 client didn't do what they said that he did? That he
20 didn't have malice, that he wasn't looking for him,
21 that he didn't get mad all of a sudden, if they
22 actually did get in a fight with each other and my
23 client was defending himself? He went and talked to
24 him and they both came at each other and he's
25 defending himself? And you can defend yourself.

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1 That's all for y'all to think about.

2 Thank you so much. I hope I didn't talk to you
3 too long.

4 THE COURT: Mr. Simpson.

5 MR. SIMPSON: Thank you, Your Honor.

6 - - - - -

7 CLOSING ARGUMENT

8 MR. SIMPSON: Ladies and gentlemen, if you
9 haven't -- if you haven't figured it out already
10 through trial, you're certainly going to figure it out
11 now. I have a little bit of a different style than
12 Mr. Bosnak. You won't hear as many stories from me or
13 be quite as comfortable, and I apologize for that.

14 I want to start out starting my opening by
15 thanking you. You know, as I promised when we started
16 out, that this wouldn't be a particularly long trial.
17 It hasn't been. But, nevertheless, it is an extremely
18 important trial. I don't want you to infer from the
19 fact that we've only been here a couple of days that
20 this isn't extremely serious. But it's been a direct
21 presentation of the facts. And the reason it hasn't
22 been long is the same reason I told you in opening and
23 it's the same reason that stands right now as I speak
24 to you, and that's that this is not a mystery. This
25 fight and all that you just heard from Mr. Bosnak,

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1 this is not a who-done-it and this is not a mystery.
2 The facts are known, and the facts are known by you
3 now.

4 Robert Wright had a reason to be extremely angry
5 at Christopher Jenkins. You heard from the defense
6 what had occurred three months previously at the party
7 in West Ashley. You heard from the defense what had
8 occurred that day. Christopher Jenkins was, to a
9 degree, harassing the defendant's mother. And you
10 heard Mr. Bosnak wax poetically about his love for his
11 mother. We all have loves for our mother. You heard
12 from Mr. Bosnak, he's the only male in the family,
13 there was a pressure on him, there was -- he felt a
14 responsibility. I agree with Mr. Bosnak. He was the
15 oldest male, the only male, in the family. And his
16 own mother being disrespected, as he said the next
17 day, made him irate, made him angry. He had every
18 reason. And I don't want you -- you come here with
19 your common sense. Use it. Mr. Wright took the stand
20 and tried to play that as, no, no, I had no -- you
21 know, no ill will towards him, I had no problems with
22 him. Are you kidding me? The guy that he knew took a
23 swing at his mom three months before, a guy who was
24 snooping around the house that day? No. He had ill
25 will toward Christopher Jenkins, and that's why he did

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1 what he did.

2 And so we all know -- and again here today,
3 after you've heard everything, this is not a mystery,
4 this is not a who-done-it. On the 10th he was in the
5 area of his mom's house. He was right across the
6 street at Martin Park. He went over to his mom's
7 house, as you heard from the girl on the softball team
8 and himself. And he found out about the snooping
9 around, found out about Christopher Jenkins snooping
10 around his mom's house, after he had had a
11 conversation with him about this behavior. And don't
12 think for one second that this was just a mutual two
13 men, you know, bearing their souls and crying on the
14 way home after this party. This was a, look, man, you
15 just took a swing at my mom; I'm going to be cool with
16 it now, but this has got to stop. And it didn't stop,
17 and that made Mr. Wright irate.

18 We heard the testimony of three children:
19 Jacqui, [REDACTED] Robert J. [REDACTED] and [REDACTED] Maurice D. [REDACTED] And
20 you're going to hear from the judge about the really
21 important jobs that you have, and that's determining
22 believability and who you believe. And I submit to
23 you the most important thing to look at on that, in
24 deciding who do you believe, the big thing -- there's
25 a lot of things to look at, but the big thing is who

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1 has a reason to get on that stand and not tell you the
2 truth.

3 With every witness that takes the stand, think
4 about it and ask, who is this person and do they have
5 a reason to sit on the stand and not tell me what
6 really happened. And I submit to you that three
7 little children, three boys, young teens, that barely
8 know Mr. Wright, have no reason to take the stand and
9 make things up. No reason whatsoever. Do you think
10 thirteen-year-olds enjoy coming in here and talking to
11 adults in a packed courtroom? They hate it. You saw
12 how nervous they were. They're not doing this as some
13 scheme. They're not making things up as some plot to
14 revenge. They have no reason to lie. They were three
15 kids that went to the store with their uncle and came
16 in and told you about what happened.

17 And what did they tell you? It didn't make
18 sense to them, at the time, what was going on. Now it
19 makes sense to us, now that we know the whole story.
20 They're walking to the store. One of them does say, I
21 saw the car, nobody else did, but I turned around,
22 what's going on. The other one said, yeah, I turned
23 around when I heard him running, running towards my
24 uncle.

25 And let me just take this opportunity to talk

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1 about this ridiculous notion of the shoes. I asked
2 Mr. Wright on the stand, were they flip-flops? No,
3 they weren't flip-flops. Were they sandals? No, they
4 weren't sandals. Were they anything like Mr. Bosnak
5 just pulled out of the audience? No. They were slip-
6 on, covered-the-foot, shoes. Shoes, now, I will
7 acknowledge, don't have a steel toe or anything like
8 that -- I'm not sure what that was all about -- but
9 shoes you can run in and shoes you can stomp in. And
10 it was the force of the stomp, not the material of the
11 shoe, that caused the rib fractures.

12 But back to the boys. One turns around when the
13 car comes out. The other turns around when he hears
14 the running. All three consistently say -- what's the
15 first thing? They all say, well, Uncle Chris had a
16 chance to get halfway around and the first thing, from
17 all three -- and I submit to you all three were very
18 consistent on the stand -- the first thing that
19 happens, the body slam. And I talked to Mr. Wright.
20 Five years of military training. I'm not trying to
21 insult your intelligence and say he's some super
22 weapon. But five years of military training, he knows
23 how to take a guy down. And he got out of his car,
24 infuriated at all this mess with his mom, ran at him.
25 All Mr. Jenkins has time to do is turn around and

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1 body-slam him to the ground and then proceeded to
2 punch and then stomp, stomp. That's not a mystery.
3 It's consistent from all three children's stories.

4 The police go to the area the following
5 afternoon and what do they find? Blood. Whose? Mr.
6 Jenkins'. Not Mr. Wright's. All of it. They took
7 seven samples and then sent -- four samples ultimately
8 went to SLED. Throughout this whole chain of blood,
9 all Mr. Jenkins'. They found the blood exactly where
10 the kids said -- and it was Robert that went with them
11 -- yeah, let me tell you what happened; my uncle got
12 beat up, he got stomped. The police say, the neutral
13 fact-finders, where did this happen, show me where.
14 They go and there's the blood. Corroboration.

15 And so from three boys, with no reason to lie,
16 you get the consistent story of what happened on the
17 10th.

18 Now, let's flip to the other version. Ask
19 yourself if Mr. Wright has a reason to take the stand
20 and not tell you the truth. Ladies and gentlemen, he
21 has the ultimate reason to take the stand and not tell
22 you the truth. He's on trial here today. It is his
23 and his lawyer's job to convince you that this didn't
24 happen like all the testimony and all the evidence
25 said it happened. Of course he has a reason to lie.

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1 If I was in his position, I would take that stand and
2 not tell the truth. He has the reason to lie. He has
3 the motive to lie. The three boys, who don't hardly
4 know him, who were there, don't have a reason to lie.

5 Why else does the defense story not fit the
6 facts, not fit what we know? Dr. Batalis and the
7 injury itself. The medical examiner, the doctor who
8 performed the autopsy, took this stand and said, we
9 have a straight break down ten ribs and what I would
10 expect would cause that kind of blunt-force trauma to
11 the chest like a stomp. Not something with pointed
12 force like a hammer, or even a fist, but something
13 where the force was spread out, like a foot. Exactly
14 what the boys say.

15 And let me just get rid of an implication that
16 happened here. Okay? We didn't sit down with the
17 boys and review the autopsy report and say, can't you
18 fix your story and kind of fit this. No. The boys
19 said to police, my uncle got stomped. And then later
20 the doctor comes out with the autopsy report and says,
21 the injury looks to us like blunt force, like it could
22 be caused by a stomping from something like a foot.
23 That's called corroboration. That's not a conspiracy
24 between the boys, the M.E.s, and me. That's evidence
25 corroborating itself to tell you the truth. And again

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1 in corroboration we have the physical evidence, the
2 victim's blood at exactly where you would expect.

3 Now, it is often a strategy of the defense to
4 say a lot of different things and to send the
5 prosecution -- wasting all my time countering every
6 little thing that's said. Am I'm going to admit to
7 you, I'm about to fall for that. Because there were a
8 lot of ridiculous things that were just conveyed to
9 you, and I'm going to take them piece by piece.

10 Mr. Bosnak said, boy, that doctor sure ran away
11 from my questions about seizures. Really? Listen to
12 the testimony. Listen to the testimony where he said,
13 Doctor, you know, we have some information that, you
14 know, this victim suffered from a lot of seizures. I
15 asked him directly, does that change your conclusions?
16 Is there anything that would make -- add doubt to your
17 cause of death? What did he say on the stand? Oh,
18 no, not at all. Then I went on to ask him, like in
19 the medical world, would you categorize this,
20 determining this cause of death, as a tough call, was
21 it hard to make? He was like, no; it was obvious to a
22 medical doctor what caused this death; when that chest
23 cavity was opened, it was full of blood, all the blood
24 around the fractures to the rib. Running from my
25 questions on the seizures? Doctor, did -- I asked him

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1 directly, is there any possibility that these seizures
2 caused this death? No, to a degree of medical
3 certainty. I must have asked him five times, and what
4 was the cause of death? Blunt-force trauma to the
5 chest, manner of death homicide.

6 Mr. Bosnak kept pointing out the inconsistencies
7 -- or so he says -- in the stories. There are no
8 inconsistencies in the stories of these boys. All
9 three testified to the exact location where they were
10 walking. All three -- and, you know, there's going to
11 be little differences. You should be suspicious if
12 they're all exact. But all three gave approximately
13 the same distance they were away from Uncle Chris when
14 this happened. All three said, the first thing, was
15 him getting slammed to the ground. All three said
16 there were stomps, he was stomping my uncle. All
17 three said Robert had the courage to say, come on,
18 man, stop, stop hurting my uncle, and he fired back --
19 all three said that -- he fired back, man, you'd
20 better back off or this is going to be you.

21 Mr. Bosnak also said all of his witnesses were
22 consistent. Ms. Scott said Robert Wright never even
23 came to her house that day. And I chalk that up to
24 just having a shaky memory. Everybody knows Robert
25 Wright went to her house, this house -- her house that

1 day. But that's not consistency.

2 And now let me address another part, point, that
3 Mr. Bosnak made. He got up -- and I'm sorry. I just
4 think this insults all of your intelligence and mine.
5 This was a four-to-one fight. Really? Do I have to
6 even talk about that? You met the boys he was with.
7 Thirteen-year-olds walking to the store to get snacks
8 on a summer day, and he wants to make that argument
9 that this was just four, you know, bad guys on the
10 street and how possibly would Robert Wright attack the
11 guy when there were these four, you know, grown men
12 there defending him. Four-to-one? Come on. We've
13 got three little kids and their uncle walking to the
14 store.

15 Mr. Bosnak also pointed out to you did he -- did
16 the police officer take the stand and tell you about
17 any trauma to the defendant's body. What trauma? He
18 took the stand himself. He's like, I had nothing
19 wrong with my face, I had no injuries. I had a little
20 scraped knee and some scratches on my throat. He
21 wasn't -- he admitted not having any injuries, because
22 this wasn't a fight, this was an assault. There is a
23 difference between two grown men fighting and a guy
24 getting ambushed, a man being assaulted, slammed to
25 the ground and beaten while he's on the ground.

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1 Mr. Bosnak pointed out that they were
2 inconsistent about -- he wants to imply to you in his
3 closing that the victim, after getting assaulted, went
4 to a friend's house to play cards. I want you to
5 think back to the story of the three -- what is this?
6 State's Exhibit 1. All three said the victim got up
7 and tried to continue walking them to the store,
8 taking a left and going in the yard. The yard was his
9 friend's house. All three said that. The third
10 witnesses expounded on that, said, yeah, that's Ezak's
11 house, that's where he went to play cards. He didn't
12 stop there for a card game. The yard was empty. He
13 tried to walk -- continue walking his nephews to the
14 store and couldn't make it and had to sit down.

15 And there was the yard of someone he knew, so he
16 sat down. And that's when this huge time gap that Mr.
17 Bosnak wants to explain to you, like, what happened
18 after that. What happened is the kids went, had a
19 quick transaction at the store to get some snacks and
20 a drink, walked home and he was already back there on
21 the back porch. What happened was Christopher Jenkins
22 sat down for a while, regained his composure, and then
23 went home. And, by the way, that's exactly where the
24 blood spots lead, to the same yard all three kids said
25 he was. And we have the evidence and the photographs

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1 there to prove it.

2 As for their demeanor on the stand, of the three
3 eyewitnesses, Mr. Bosnak challenged them as to why
4 they didn't call the ambulance, why they didn't call
5 the police. Well, it was because they're kids. And
6 because they're kids that they are shamed that they
7 didn't act like adults. And because they're
8 challenged by a grown lawyer in a packed courtroom,
9 they paused. They paused because they probably
10 realize now that they should have called the police
11 and should have called EMS. That's not
12 inconsistencies. That's children acting like
13 children.

14 This isn't a mystery. Your common sense tells
15 you what happens here. There's a man who had a reason
16 to teach Christopher Jenkins a lesson. And he taught
17 him that lesson. He went to leave for the night and
18 saw the guy -- that had been causing his family so
19 much trouble -- walking down the street and said, this
20 is going to end right here.

21 I would like to talk to you a little bit about
22 the law and then we'll wrap things up. Mr. Wright is
23 charged with murder. And for being a very serious
24 crime, murder, under South Carolina law, is rather
25 simply defined. Murder is the killing of any person

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1 with malice aforethought, either express or implied.
2 And so in murder -- and Mr. Bosnak is right. I have
3 the burden of proving to you the two elements exists:
4 the killing of another person with malice
5 aforethought. That's my burden, that you check those
6 two boxes.

7 As to the killing of a person, you'll hear from
8 the judge that that means ones actions are the
9 proximate cause of another's death. Here we have
10 parts of the long proximate-cause definition that
11 you're going to hear from the judge. And I think it's
12 important in this case. It is that cause without
13 which the death of the victim would not have resulted.
14 In other words, the but-for test. Had Mr. Jenkins not
15 been assaulted by the defendant, he would be alive.
16 Proximate cause.

17 But what the defense wants to argue to you is
18 that his failure to receive immediate medical
19 attention was the cause of death. Dr. Batalis, again,
20 doesn't have a dog in this fight. He was very frank
21 with you about that. He said, look, we can say it's a
22 serious injury; had he gone right to the hospital, I
23 can't say that he would have lived but I can say --
24 the State doesn't contest this -- he would have had a
25 real good fighting chance had he gotten right to the

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1 hospital. But what the proximate cause definition
2 explains to you about that is that that does not
3 relieve the defendant of responsibility, that we
4 don't, under the law, look at this -- when someone is
5 assaulted, look at the choices of the victim and hold
6 them to an unreasonable standard. Let me give you an
7 example. Say someone is driving seriously intoxicated
8 and he hits a car and it hurts or kills a family. We
9 don't then in trial look at it and go, well, you know,
10 the family wasn't wearing their seatbelts and if they
11 were maybe they would have lived. The law doesn't
12 require you to do that, to look at the victim's
13 choices. And it says right here: the defendant's
14 acts may be regarded as the proximate cause if it is a
15 contributing cause of death to the victim. The fact
16 that other causes also contribute to the death of the
17 victim does not relieve the defendant from
18 responsibility.

19 Mr. Jenkins would have had a better chance had
20 he gotten straight to the hospital. Certainly his
21 family, myself, we all -- even the defendant might --
22 may wish that he had. But that doesn't relieve the
23 defendant of the responsibility for the victim's
24 death.

25 The second element I have to prove to you beyond

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1 a reasonable doubt is malice. And respectfully to Mr.
2 Bosnak, he stood here and said something that -- and
3 the judge is the source of the law, so you listen to
4 the judge on this point. He said the State had to
5 prove an intent to kill. That is an incorrect, I
6 would argue to you, statement of the law, and ask you
7 to listen to the judge because she is the source of
8 the law.

9 Malice is hatred, ill will, hostility towards
10 another person. It is the intentional doing of a
11 wrongful act with an intent to inflict an injury.
12 There is a reason the law is defined this way. And
13 this case is a great example of that reason. You do
14 not get to go out and intentionally hurt someone and
15 then come in later and say, well, that isn't exactly
16 the result I intended.

17 I'm going to tell you now, you can't look in
18 someone's head and prove what they're thinking at any
19 given time. But I don't know that Robert Wright set
20 out, when he assaulted him, to kill Christopher
21 Jenkins. I don't know that. None of us do. I don't
22 believe we've proven to you that he intended to kill.
23 But what we've got to prove, and what the law says, is
24 an intent to inflict an injury. And this is in
25 quotation marks. You're going to hear this from the

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1 judge. Malice is an intent to inflict an injury.
2 Robert Wright wanted to teach Christopher Jenkins a
3 lesson about harassing his family, and he did. He did
4 that through an intentional, harmful act,
5 intentionally inflicting an injury. And that's what
6 I've got to prove to you, and I think we have.

7 You're going to get a charge on self-defense.
8 Mr. Bosnak didn't spend a lot of time breaking down
9 what exactly that means, and there's a reason for
10 that. Because to find in this case -- and first of
11 all, factually, I think with your common sense you can
12 say that Mr. Wright's story of somehow the victim
13 assaulting him is patently absurd. We heard from the
14 three eyewitnesses who were there that all he got in
15 the whole thing is maybe this, hearing somebody
16 running up behind him, maybe that. But we believe for
17 you to find that this was self-defense, you have to
18 find that all four of these boxes existed. And that's
19 what you'll hear from the judge. You don't have to
20 check one box here to find self-defense.

21 You have to check all four boxes in this case to
22 find a valid claim of self-defense. One, the
23 defendant must be at fault in bringing on the
24 difficulty. We can stop the self-defense analysis
25 right here. How is the defendant without fault when

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1 he sees another walking down the street, he goes after
2 him with his car, gets out, runs him down and body-
3 slams him to the ground. Self-defense is over in the
4 first element. Two, the defendant must have been in
5 actual or believed he was actual imminent danger of
6 losing his life or sustaining bodily injury. 150
7 pounds, five ten Christopher Jenkins put him in an
8 actual fear of losing his life when it was he that
9 went and chased him down and assaulted him? Thirdly
10 is very similar. If the person said they were
11 actually in fear of losing their life, it must be
12 reasonable. And in this case it's not. And, fourth,
13 much like the first, we can knock self-defense right
14 off the table. The defendant must have had no other
15 probable means of avoiding the danger. Got a few
16 suggestions. How about not chasing the guy down and
17 body-slam him to the pavement? How about if he truly
18 did turn around with him fist up? How about turn
19 around and run? I know it's not probably the manly
20 thing to do but the law says if there's some other way
21 to get away from it, you've got to do it.

22 And so when the jury does their job and looks at
23 the elements of self-defense, it's off the table.
24 It's off the table from the first element, much less
25 the second and third and fourth.

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1 Ladies and gentlemen, I'll conclude this and sit
2 down and let you do your work. And I want to conclude
3 by saying that whenever there is a loss of life, it's
4 an emotional thing. We all as human beings right now,
5 everyone single one of you, myself included, we feel
6 emotion and sorrow for the Jenkins family and we feel
7 emotions and sorrow for Robert Wright and Robert
8 Wright's family. That's human. All of us are feeling
9 that right now. It is a jury's job -- and I know you
10 didn't ask for it. I know you didn't ask to be here.
11 But it is your job as citizens to try to remove all
12 that emotion, look at the facts of the case, the
13 elements of the case, and ask yourself did Robert
14 Wright kill another person, proximately cause another
15 person's death, with malice, the intent to harm.
16 Because when an individual seeks out to hurt another
17 individual, that's malice. And when that person died
18 as a result of that injury, that's murder. I know
19 you're not happy to have to make that decision, but
20 that's the law that you've taken an oath to uphold.

21 So I appreciate your time this week. I
22 appreciate your attention. I understand the difficult
23 position that we put you in and I appreciate it and
24 just ask you to deliberate and make a proper decision,
25 which, under the law, is guilty. Thank you.

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1 THE COURT: Ladies and gentlemen, if you would
2 like to take a short stretch break, you can stand up.
3 I'm going to charge you on the law applicable to this
4 case. Do you need a short recess before we begin?
5 All right. Feel free to stand up right where you are
6 and take a short stretch break.

7 And, Madam, do you need some water? I noticed
8 you were coughing.

9 UNIDENTIFIED: No. I'm fine now. Thank you,
10 Your Honor.

11 THE COURT: All right. Thank you.

12 Does anyone need some water?

13 [No response]

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CHARGE OF THE COURT

THE COURT: Madam Foreperson, members of the jury, I remind you that during this trial you and I have had certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case and I have the duty to rule on the admissibility of the evidence that was offered during this trial.

You are to consider only the evidence before you. If there was any testimony that was ordered stricken from the record during the trial, you must disregard that testimony. You are to consider only the testimony that has been presented from the witness stand, the exhibits that have made -- been made part of the record of this case, as well as the stipulations of counsel.

I have the additional duty to charge you on the law applicable to this case. As the presiding judge, I am the sole judge of the law in this case. It is your duty as jurors to accept the law and apply the law as I state it to you now. If you have any idea as to what the law is or what the law ought to be and it does not agree with what I am about to tell you, you must abandon your own ideas because you were sworn to accept the law and apply the law as I state it to you now.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts

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1 in the case. A trial judge cannot make any comment on or
2 make any statement to a trial jury about the facts in this
3 case. Since you the jury are the sole judge of the facts
4 in this case, you are not to infer from anything that I
5 have said during the progress of this trial, nor this
6 charge on the law, that I have any opinion about the facts
7 in this case. The law does not allow me to have an
8 opinion about the facts in this case. This is a matter
9 that is solely for you, the jury, to determine. It is
10 your duty to determine the effect, value and weight and
11 the truth of the evidence presented during this trial.

12 The indictment charges the defendant with
13 murder. I remind you the fact the defendant was arrested,
14 charged and indicted in this case is not evidence in this
15 case and cannot be considered by you as evidence of guilt
16 in this case, nor does it create any presumption, or
17 inference of guilt. This document is simply the written
18 instrument which contains the charges made against the
19 defendant. It is the formal document by which this case
20 is brought into this court. The defendant has pled not
21 guilty to this indictment and that plea puts the burden on
22 the State to prove the defendant guilty. A person charged
23 with committing a criminal offense in South Carolina is
24 never required to prove himself innocent.

25 I charge you it is an important rule of the

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1 law that a criminal trial in which the defendant, no
2 matter what the serious nature of the charge may be, will
3 always -- the defendant will always be presumed to be
4 innocent of the crime for which the indictment was issued
5 unless guilt has been proven by evidence satisfying you of
6 that guilt beyond a reasonable doubt. This presumption of
7 innocence does not end when you begin your deliberations
8 but it accompanies the defendant throughout the trial
9 until you reach a verdict of guilt based upon evidence
10 satisfying you of that guilt beyond a reasonable doubt.
11 The presumption of innocence is not mere legal theory. It
12 is not just a legal phrase. It is a substantial right to
13 which every defendant is entitled unless you, the jury,
14 are satisfied from the evidence of the defendant's guilt
15 beyond a reasonable doubt. The State has the burden of
16 proving the defendant guilty beyond a reasonable doubt.

17 Some of you may have served as jurors in civil
18 cases where you were told that it was only necessary to
19 prove that a fact is more likely true than not true, such
20 as by a greater weight or a preponderance of the evidence.
21 In criminal cases, the State's proof must be more powerful
22 than that. It must be beyond a reasonable doubt. It must
23 be more than mere suspicion. Proof beyond a reasonable
24 doubt is proof that leaves you firmly convinced of the
25 defendant's guilt. There are very few things in this

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1 world that we know with absolute certainty, and in
2 criminal cases the law does not require proof that
3 overcomes every possible doubt. If based upon your
4 consideration of the evidence you are firmly convinced
5 that the defendant is guilty of the crime charged, you
6 must find the defendant guilty. If, on the other hand,
7 you think there is a real possibility that the defendant
8 is not guilty, you must give the defendant the benefit of
9 the doubt and find him not guilty.

10 There are two types of evidence that are
11 generally presented during a trial: direct evidence and
12 circumstantial evidence. Direct evidence is the testimony
13 of a person who claims to have actual knowledge of a fact,
14 such as an eyewitness. It is evidence which immediately
15 establishes the main fact to be proved. Circumstantial
16 evidence is proof of a chain of facts and circumstances
17 indicating the existence of a fact. It is evidence which
18 immediately establishes collateral facts from which the
19 main fact may be inferred. Circumstantial evidence is
20 based on inference and not on personal knowledge or
21 observation. You should weigh all of the evidence in this
22 case and after weighing all of the evidence in this case
23 if you are not convinced that the State has proven each
24 element of the charge beyond a reasonable doubt, you must
25 find the defendant not guilty.

MIA PERRON, CVR-CM-M

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1 Necessarily, you must determine the credibility
2 of the witnesses who have testified in this case.
3 Credibility simply means believability. It becomes your
4 duty as jurors to analyze and to evaluate the evidence and
5 determine which evidence convinces you of its truth. In
6 determining the believability of the witnesses who have
7 testified in this case, you may believe one witness over
8 several witnesses or several witnesses over one witness.
9 You may believe a part of the testimony of a witness and
10 reject the remaining part of the testimony of that same
11 witness. You may believe the testimony of a witness in
12 its entirety or reject the testimony of a witness in its
13 entirety. You may consider whether the witness has
14 exhibited to you any interest, bias, prejudice, or other
15 motive in this case and you may also consider the
16 appearance and demeanor of a witness while testifying.

17 The rules of evidence ordinarily do not permit
18 witnesses to testify to opinions or to conclusions. An
19 exception to this rule exists for witnesses we call expert
20 witnesses, a witness who by education and experience has
21 become expert in some art, science, profession or calling
22 may state an opinion as to relevant and material matter in
23 which the witness claims to be an expert and may also
24 state the reasons for the opinion. You should consider
25 any expert opinion received in evidence in this case and

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1 like any other evidence, give it the weight you think it
2 deserves. If you decide that the opinion of an expert
3 witness is not based on sufficient education or
4 experience, or if you conclude that the reasons given in
5 support of the opinion are not sound, or that the opinion
6 is outweighed by other evidence, you may disregard the
7 opinion entirely. An expert witness' testimony is to be
8 given no greater weight than that of other witnesses
9 simply because the witness is an expert. Further, you are
10 not required to accept an expert's opinion, even though it
11 is not contradicted.

12 In order to establish criminal liability,
13 criminal intent is required. For example, the mental
14 state required to be proven by the State for a particular
15 crime might be purpose, intent, knowledge, recklessness,
16 or criminal negligence. Criminal intent must be proven by
17 the State beyond a reasonable doubt. Criminal intent is
18 always a matter that must be determined by the jury from
19 the circumstances surrounding the situation. There is no
20 way to prove intent to a mathematical certainty. There is
21 no way that medical science can dissect a person's brain
22 and determine what the person had in mind, so the law says
23 that criminal intent may be inferred from the
24 circumstances shown to have existed. This is how you make
25 a determination of whether or not the element requiring

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1 intent was present. It is not necessary to establish
2 intent by direct and positive evidence, but intent may be
3 established by inference in the same way as any other
4 fact: by taking into consideration the acts of the
5 parties and all the facts and circumstances of the case.
6 Criminal intent is a mental state, a conscious wrongdoing.
7 It is up to you to determine what the defendant intended
8 to do based upon the circumstances shown to have existed.
9 Criminal intent can arise from action or a failure to act.
10 It may arise from negligence, recklessness, or an
11 indifference to duty or to consequences that is considered
12 by the law to be the equivalent of criminal intent.

13 The defendant is charged with murder. The State
14 must prove beyond a reasonable doubt that the defendant
15 killed another person with malice aforethought. Malice is
16 hatred, ill will, or hostility towards another person. It
17 is the intentional doing of a wrongful act without just
18 cause or excuse and with an intent to inflict an injury or
19 under circumstances that the law will infer an evil
20 intent. Malice includes four possible mental states, any
21 of which if proven beyond a reasonable doubt may satisfy
22 the requisite criminal intent to commit the crime of
23 murder. The four possibilities are intent to kill, intent
24 to inflict grievous bodily harm, extreme indifference to
25 the value of human life, or intent to commit a felony. If

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1 the State has proven any one of these mental states beyond
2 a reasonable doubt, the jury may determine that the
3 element of malice has been satisfied. So long as the
4 State satisfied the element of malice aforethought beyond
5 a reasonable doubt, the State does not have to prove that
6 the defendant maintained a specific intent to kill the
7 victim. Malice aforethought does not require that malice
8 exist for any particular time before the act is committed.
9 The malice must exist in the mind of the defendant just
10 before and at the time that the act is committed;
11 therefore, there must be a combination of the previous
12 intent and the act. Malice aforethought may be express or
13 inferred. These terms, express or inferred, do not mean
14 different types of malice but merely the manner in which
15 malice may be shown to exist, that is, either by direct
16 evidence or by evidence and inference from the facts and
17 circumstances that have been proved. Express malice is
18 shown when a person speaks words which express hatred or
19 ill will for another person or when the person prepared to
20 do beforehand the act which was later accomplished. For
21 example, lying in wait for a person or any other acts of
22 preparation going to show that the deed was within the
23 defendant's mind would be express malice. Malice may be
24 inferred from conduct showing a total disregard for human
25 life. Inferred malice may also arise when the deed is

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1 done with a deadly weapon. A deadly weapon is any
2 article, instrument, or substance which is likely to cause
3 death or great bodily harm. Whether an instrument has
4 been used as a deadly weapon depends on the facts and
5 circumstances of each case.

6 Where a person inflicts a fatal injury on
7 another person and that person dies at a later time, you
8 must be convinced beyond a reasonable doubt that the
9 infliction of the first injury was the proximate cause of
10 the victim's death. Proximate cause is the direct cause.
11 It is the immediate cause. It is the efficient cause. It
12 is that cause without which the death of the victim would
13 not have resulted. There must be a chain of causation
14 from the time of the injury inflicted by the defendant
15 until the time of the victim's death. Proximate cause
16 does not necessarily mean that it occurred immediately
17 prior to the death. There may be more than one proximate
18 cause. The acts of two or more persons may combine
19 together to be a proximate cause of the death of a person.
20 The defendant's act may be regarded as the proximate cause
21 if it is a contributing cause of the death of the victim.
22 The fact that other causes also contribute to the death of
23 the victim does not relieve the defendant from
24 responsibility. The defendant's act need not be the sole
25 cause of the death but must be a proximate cause

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1 contributing to the death of the victim. It is not a
2 defense to show that the victim might have recovered had
3 he been treated according to the most approved surgical or
4 medical standards, or as a reasonably prudent doctor would
5 have treated in this case, or even by showing that the
6 treatment was negligent.

7 The defendant has raised the offense of self-
8 defense. Self-defense is a complete offense and if it is
9 established, you must find the defendant not guilty. The
10 State has the burden of disproving self-defense by proof
11 beyond a reasonable doubt. If you have a reasonable doubt
12 of the defendant's guilt after considering all of the
13 evidence, including the evidence of self-defense, you must
14 find the defendant not guilty. On the other hand, if you
15 have no reasonable doubt of the defendant's guilt after
16 considering all of the evidence, including the evidence of
17 self-defense, then you must find the defendant guilty.

18 The following elements are required to establish
19 self-defense. First, the defendant must be without fault
20 in bringing on the difficulty. If the defendant's conduct
21 was the type which was reasonably calculated to and did
22 provoke a deadly assault, the defendant would be at fault
23 in bringing on the difficulty and would not be entitled to
24 an acquittal based on self-defense. Self-defense is not
25 available to a person who uses language which is so

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1 contemptuous that a reasonable person would expect it to
2 bring on a physical encounter and which did actually
3 contribute to the physical encounter. If the defendant
4 voluntarily participated in mutual combat for purposes
5 other than protection, the killing of the victim would not
6 be self-defense. This is true even if during the combat
7 the defendant feared death or serious bodily injury.
8 However, if before the killing is committed the defendant
9 withdraws and tried in good faith to avoid further
10 conflict and either by word or act makes that fact known
11 to the victim, he would be without fault in bringing on
12 the difficulty. For mutual combat, there must be a mutual
13 intent and a willingness to fight. This intent may be
14 shown by the acts and conduct of the parties and the
15 circumstances surrounding the combat. In addition, it
16 must be shown that both parties were armed with a deadly
17 weapon.

18 The second element of self-defense is that the
19 defendant was actually in imminent danger of death or
20 serious bodily injury or that the defendant actually
21 believed he was in imminent danger of death or serious
22 bodily injury. If the defendant was actually in imminent
23 danger, it must be shown that the circumstances would have
24 warranted a person of ordinary firmness and courage to
25 strike the fatal blow to prevent death or serious bodily

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1 injury. If the defendant believed he was in imminent
2 danger of death or serious bodily injury, it must be shown
3 that a reasonably prudent person of ordinary firmness and
4 courage would have had the same belief. In deciding
5 whether the defendant actually was or believed he was in
6 imminent danger of death or serious bodily injury, you
7 should consider all of the facts and circumstances
8 surrounding the crime, including the physical condition
9 and characteristics of the defendant and the victim. The
10 defendant does not have to show that he was actually in
11 danger. It is enough if the defendant believed he was in
12 imminent danger and a reasonably prudent person of
13 ordinary firmness and courage would have had the same
14 belief. The defendant has a right to act upon
15 appearances, even though the defendant's belief may have
16 been mistaken. It is for you to determine whether the
17 defendant's fear of immediate danger of death or serious
18 bodily injury was reasonable and would have been felt by
19 an ordinary person in the same situation. Words
20 accompanied by hostile acts may, depending upon the
21 circumstances, establish self-defense.

22 Evidence of prior difficulties between the
23 defendant and the victim may be considered in deciding
24 whether a threat existed, whether the defendant had a
25 reason to believe a threat existed, and how serious the

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1 threat was. The relative sizes, ages and weights of the
2 defendant and the victim may be considered in deciding the
3 apparent or actual need for force in self-defense and the
4 amount of force needed. The reputation of the victim as a
5 violent person may be considered in deciding whether there
6 was a need for force, whether the defendant had a reason
7 to believe there was a need for force, and whether deadly
8 force was reasonably necessary. Prior instances of
9 violence by the victim may be considered in deciding
10 whether the defendant actually believed he was in imminent
11 danger of death or serious bodily injury or was actually
12 in imminent danger. Threats made by the victim may be
13 considered in determining whether the defendant actually
14 was or believed he was in imminent danger.

15 The final element of self-defense is that the
16 defendant had no other probable way to avoid the danger of
17 death or serious bodily injury than to act as the
18 defendant did in the particular instance. A person cannot
19 be required to make an exact calculation as to the degree
20 or amount of force which may be needed to avoid death or
21 serious bodily harm. In self-defense, the defendant has
22 the right to use the force needed to avoid death or
23 serious bodily harm. The force used in self-defense does
24 not have to be limited to the degree or the amount of
25 force used by the victim. The defendant has the right to

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1 use so much force as need to -- or as appeared to be
2 necessary for complete self-protection and which a person
3 of ordinary reason and firmness would have believed to be
4 needed to prevent death or serious bodily harm. If the
5 defendant is justified in defending himself, the defendant
6 is also justified in continuing to defend himself until it
7 is apparent that the danger of death or serious bodily
8 injury has completely ended.

9 Ladies and gentlemen, we will now go over the
10 verdict form. Madam Foreperson, it is your responsibility
11 to complete the verdict form.

12 Ladies and gentlemen, there is no significance
13 at all in the way that I read the verdict form, it's
14 simply one has to go on the paper first. In the Court of
15 General Sessions, State of South Carolina, County of
16 Charleston, the State of South Carolina versus Robert Lee
17 Wright, indictment 2010-GS-10-6153. Verdict form: we,
18 the jury, find the defendant not guilty, or, we, the jury,
19 find the defendant guilty, of murder. Ladies and
20 gentlemen, your decision must be unanimous. That means
21 all twelve of you must agree on the verdict.

22 Ladies and gentlemen, once -- and Madam
23 Foreperson, once you have reached a unanimous decision,
24 you will sign the verdict form and date it. You will then
25 knock on the jury room door, indicating to the bailiff

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1 that you have reached a verdict.

2 Ladies and gentlemen, this will be the last time
3 hopefully that I say this to you. Do not begin your
4 deliberations. Do not discuss this case amongst
5 yourselves. I am gathering the evidence that will go back
6 to you, as well as the verdict form. Once we have done
7 that, the bailiff will bring those into your jury room and
8 you will be told that you can begin your deliberations.
9 Again, do not begin discussing any issue until you are
10 told you may begin your deliberations.

11 Madam Alternate, you have completed your service
12 at this time to this case. I ask that you remain with us
13 in a separate room. Please do not discuss this case with
14 anyone until you are told to do so.

15 Ladies and gentlemen, please rise for the jury.

16 [Whereupon, the jury exits the courtroom at
17 3:24 p.m.]

18 THE COURT: Please be seated.

19 Any objection, correction or addition to the
20 charge as read? From the State?

21 MR. SIMPSON: No, Your Honor.

22 MR. BOSNAK: No, Your Honor.

23 THE COURT: All right. We will be at ease.

24 Please make sure -- Mr. Simpson and Mr. Bosnak,
25 please make sure that all the evidence that is going

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1 back is appropriately put in the box. The map is
2 going back; is that correct?

3 MR. SIMPSON: Yes.

4 THE COURT: And neither of you had an objection
5 to the verdict form; is that correct?

6 MR. BOSNAK: That's correct, Your Honor.

7 MR. SIMPSON: Correct, Your Honor.

8 THE COURT: And let me know -- make sure there
9 is no objections to the evidence.

10 [Whereupon, Mr. Simpson and Mr. Bosnak review
11 evidence]

12 THE COURT: Counsel, we're waiting, on the
13 record. I want to make sure that there is no
14 objection on the record to the evidence that goes
15 back.

16 MR. SIMPSON: I don't think we have any
17 objections. The State doesn't, Your Honor.

18 MR. BOSNAK: None, Your Honor.

19 THE COURT: What is on the table you believe --
20 And, Madam Clerk, are you going -- do you have a
21 box to put the --

22 [Off the record momentarily]

23 THE COURT: All of that is going back. And here
24 is the verdict form.

25 [Whereupon, the evidence goes to the jury at

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1 3:27 p.m.]

2 THE COURT: Anything further from the State --

3 MR. SIMPSON: No, Your Honor.

4 THE COURT: -- awaiting the verdict? Anything
5 further, Mr. Bosnak?

6 MR. BOSNAK: No, ma'am.

7 THE COURT: Mr. Simpson, Ms. Baldwin,
8 Mr. Bosnak, just thank you for your courtesy and your
9 professionalism and your zealous advocacy on behalf of
10 your clients.

11 Mr. Wright, I appreciate your understanding. We
12 are going to continue to hold you in custody until a
13 verdict has been reached. I'll deal with the matter
14 of the contempt at that time. Thank you.

15 We are at ease, awaiting a verdict.

16 MR. BOSNAK: Thank you, Your Honor.

17 THE COURT: Thank you.

18 [Whereupon, a recess is taken from 3:27 p.m. to
19 5:42 p.m.]

20 THE COURT: Thank you. Please be seated.

21 We're back on the record. I have received three
22 notes from the jury. The last note, they requested a
23 copy of the law. So I made a copy of the charge as
24 read, which you had no objection to, and just sent it
25 back to the jury. And so that is in reference to

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1 Court's note number 3.

2 It is 5:45. We indicated to the jury that they
3 would stop deliberations at 6:00 and that they would
4 need to come back in the morning, and they indicated
5 that they were ready to stop for the evening and would
6 come back in the morning so I'm going to have them
7 come back at 9:30 in the morning to continue their
8 deliberations.

9 Anything further from the State?

10 MR. SIMPSON: Nothing from the State, Your
11 Honor.

12 THE COURT: Anything further, Mr. Bosnak?
13 Anything?

14 MR. BOSNAK: Nothing from the defense, Your
15 Honor.

16 THE COURT: All right. Let's bring in the jury.

17 [[Whereupon, Court's Exhibit Number is marked by
18 the court reporter]

19 [Whereupon, the jury enters the courtroom at
20 5:45 p.m.]

21 THE COURT: Thank you. Please be seated.

22 Ladies and gentlemen, due to the lateness of the
23 hour, I have determined that it is an appropriate time
24 for you to stop your deliberations, and we will return
25 in the morning.

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1 Ladies and gentlemen, it is especially important
2 that you follow all of the Court's admonitions that I
3 have been giving you throughout the week. Do not
4 discuss this case with anyone. You must stop your
5 deliberations. That means that you must stop any
6 conversations, internal conversations, that you're
7 having with yourself, as well, until all of you are
8 back together tomorrow morning at 9:30.

9 Ladies and gentlemen, you may not do any
10 independent research concerning this matter. You may
11 not post anything on Facebook or My Space or anything
12 of that nature. Again, you must cease your
13 deliberations. You must not have any discussions,
14 either oral or written, of any fashion concerning this
15 matter until all twelve of you -- ladies and
16 gentlemen, that means that all twelve of you please be
17 respectful, because the deliberations cannot continue
18 until all twelve of you are back in the jury room. So
19 please, if eleven of you come and you're still waiting
20 on the twelfth one, you must not continue your
21 deliberations until all twelve of you -- Madam
22 Foreperson, that is your responsibility to ensure.
23 You can talk about the weather or the Gamecocks World
24 Series win or whatever, but you may not discuss these
25 deliberations.

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1 Ladies and gentlemen, please have a restful
2 evening. And, again, I will see you back in the
3 morning. You will not need to come back in the
4 courtroom. The bailiffs will just take you back to
5 the deliberation room. And once all twelve of you,
6 are here, all of the evidence will be brought back to
7 you.

8 Thank you again. You are excused for the
9 evening.

10 Please rise for the jury.

11 [Whereupon, the jury exits the courtroom at
12 5:49 p.m.]

13 THE COURT: Thank you. Be seated.

14 Anything further from the State?

15 MR. SIMPSON: No, Your Honor.

16 THE COURT: Anything further from the defendant?

17 MR. BOSNAK: No, Your Honor.

18 THE COURT: Mr. Wright?

19 MR. WRIGHT: Yes, ma'am.

20 THE COURT: I am going to require that you
21 remain in custody pending the verdict of this case. I
22 am also holding your cell phone and we will address
23 that matter independent of the reason why I'm holding
24 you until the verdict. So you will remain in custody
25 at the Charleston County Detention Center this

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1 evening.

2 Please make sure that he is transported by 9:00
3 a.m. in the morning. All right?

4 Mr. Bosnak, you may want to make arrangements to
5 bring fresh clothing for him.

6 All right. We're in recess.

7 [JURY TRIAL ADJOURNS AT 5:48 P.M.]

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C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Wednesday, June 29, 2011.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 8th day of December, 2013.

Mia Perron

Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

-451-

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CASE NO.: 2010-GS-10-06153

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 ROBERT L. WRIGHT,)
)
 DEFENDANT.)

JURY TRIAL

VOLUME 3 OF 3

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Thursday, June 30, 2011, Commencing at 11:38 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
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PROCEEDINGS

[Whereupon, the evidence goes to the jury at
9:36 a.m.]

THE COURT: Be seated. And I'm sorry. The
juror is right outside, so please stand for the juror.

[Whereupon, Juror Number 102 enters the
courtroom at 11:39 a.m.]

THE COURT: You are Juror 102?

JUROR 102: Yes.

THE COURT: I received a note, that we have now
marked Court's Exhibit Number 4, from your foreperson
and what I understand is that during jury selection
you did indicate that you were a school teacher; is
that right?

JUROR 102: Yeah. Well, I'm a retired school
teacher.

THE COURT: And previously you had indicated
that some of the names did sound familiar. And in the
note you indicated that you had Ms. Manigault in your
class; is that correct?

JUROR 102: Uh-huh.

THE COURT: Is that a yes?

JUROR 102: Yes.

THE COURT: And is there anything about you
having her in that class that would affect your

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1 ability to be fair and impartial in this case?

2 JUROR 102: No.

3 THE COURT: And I just want to caution you, you
4 are to bring your ordinary common sense. And as I
5 indicated in my general charge, you are to consider
6 only the evidence in front of you. Have you followed
7 the Court's instructions regarding that matter?

8 JUROR 102: Yes.

9 THE COURT: All right. Is there anything that
10 would prevent you from continuing through
11 deliberations as a result of your having her in your
12 class?

13 JUROR 102: No.

14 THE COURT: All right. You may return.

15 And once she is safely back in the jury room,
16 she may continue, they may all continue, their
17 deliberations.

18 THE BAILIFF: All right, Your Honor.

19 THE COURT: Thank you.

20 [Whereupon, Juror Number 102 exits the courtroom
21 at 11:40 a.m.]

22 THE COURT: You may be seated. Thank you.

23 Anything based upon my questioning of the juror?
24 From the State?

25 MR. SIMPSON: No, Your Honor.

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1 THE COURT: From the defense?

2 MR. BOSNAK: No, Your Honor.

3 THE COURT: Based upon the note, as well as the
4 questioning of the juror, I believe that she can be
5 and is a fair and impartial juror, that in no way
6 there was anything one way or the other that having
7 that student in her class would affect the outcome of
8 this trial.

9 Do you agree, Mr. Simpson?

10 MR. SIMPSON: I agree, Your Honor.

11 THE COURT: Do you agree?

12 MR. BOSNAK: I agree, Your Honor.

13 THE COURT: Counsel, is there anything before we
14 recess at this time?

15 MR. SIMPSON: None from the State, Your Honor.

16 MR. BOSNAK: None from the defense, Your Honor.

17 THE COURT: I will be marking as Court's Exhibit
18 Number 5 a copy of the order giving the Court
19 concurrent jurisdiction. As you are aware, I was in a
20 civil term. But I'm just going to make that part of
21 the record, just so the record is clear that I have
22 concurrent jurisdiction to try this case. And that
23 was given to me before we selected the jury.

24 Anything further?

25 MR. SIMPSON: No, Your Honor.

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1 MR. BOSNAK: Your Honor, the only thing I would
2 ask, what time are you going to allow the jury to have
3 lunch?

4 THE COURT: When their lunch gets here. But
5 they work through lunch.

6 MR. BOSNAK: Okay. So we need to stay close,
7 then. I just --

8 THE COURT: Their lunch should be here by about
9 12:30 and so -- they're going to work through lunch.
10 So now would be -- between now and 12:30 I think is an
11 appropriate time for you to take your lunch break,
12 Mr. Bosnak.

13 Mr. Wright, they'll make arrangements for you to
14 have lunch, as well. All right. Thank you.

15 MR. BOSNAK: Thank you.

16 THE COURT: We're at ease.

17 MR. SIMPSON: Thank you, Your Honor.

18 [Whereupon, Court's Exhibit Number 4 is marked
19 by the court reporter]

20 [Whereupon, Court's Exhibit Number 5 is marked
21 by the court reporter]

22 [Whereupon, a recess is taken from 11:42 a.m. to
23 12:48 p.m.]

24 [Whereupon, Court's Exhibit Number 6 is marked
25 by the court reporter]

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1 THE COURT: Please be seated.

2 Mr. Bosnak, where have you been? We've been
3 waiting here since 12:30.

4 MR. BOSNAK: Your Honor, I had my phone all the
5 time and nobody's called me until just a minute ago,
6 and I was coming in the courtroom then.

7 THE COURT: That is incorrect. My clerk and the
8 clerk of court has called you several times.

9 Mr. Simpson, did you attempt to call Mr. Bosnak?

10 MR. SIMPSON: No, Your Honor. I called and
11 talked to him about --

12 THE COURT: We have called several times and
13 there was no answer. The deputy indicated that the
14 final time, you did answer. Mr. Bosnak, I instructed
15 you that if you needed to go eat lunch, that the
16 appropriate time would be to do it before 12:30
17 because I knew that that would be safe in case we had
18 lunch -- had a note or something from the jury.

19 We now have a note from the jury that: we are
20 at an impasse. We do not have a unanimous vote. What
21 suggestions do you have.

22 I'm going to bring the jury in -- because
23 they've been unable to get their lunch now, so not
24 only are they at an impasse, they haven't had their
25 lunch yet. And so, Mr. Bosnak, I'm going to give them

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1 the Allen charge and then hopefully they'll be able to
2 continue their deliberations and have their lunch.

3 Anything further from the State?

4 MR. SIMPSON: No, Your Honor.

5 THE COURT: Anything --

6 MR. BOSNAK: No, Your Honor.

7 THE COURT: -- further? Thank you. Y'all may
8 be seated.

9 Go get the jury.

10 [Whereupon, the jury enters the courtroom at
11 12:51 p.m.]

12 THE BAILIFF: All jurors seated, Your Honor.

13 THE COURT: Thank you. Please be seated.

14 - - - - -

15 ALLEN CHARGE

16 THE COURT: Ladies and gentlemen, you have
17 indicated to the Court that you have been unable to agree
18 on a verdict. As I instructed you earlier, the verdict of
19 the jury must be unanimous. All twelve of you must agree.
20 When a matter is in dispute, it isn't always easy for even
21 two people to agree so when twelve people must agree, it
22 becomes even more difficult.

23 In most cases absolute certainty cannot be
24 reached or expected; however, you have a duty to make
25 every reasonable effort to reach a unanimous verdict. In

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1 doing this, you should consult with one another, express
2 your own views, and listen to the opinions of your fellow
3 jurors. Tell each other how you feel and why you feel
4 that way. Discuss your differences with open minds.

5 Although the verdict of the jury must be
6 unanimous, every one of you has the right to your own
7 opinion. The verdict you agree to must be your own
8 verdict, the result of your own convictions, and you
9 should not give up firmly-held beliefs merely to be in
10 agreement with your fellow jurors. The majority should
11 consider the minority's opinion and the minority should
12 consider the majority's position. You should carefully
13 consider and respect the opinions of each other and
14 reevaluate your position for reasonableness, correctness,
15 and impartiality. You must lay aside all outside matters
16 and reexamine the questions before you, based upon the law
17 and the evidence in this case.

18 If you do not agree on a verdict in this case, I
19 must declare a mistrial. In that case, it does not mean
20 that anybody wins. It just means that at some future time
21 I will try this case with some other jury sitting where
22 you now sit. The same participants will come in and the
23 same lawyers will ask basically the same questions of the
24 same witnesses, and they will get basically the same
25 answers, and we'll go through this whole process again.

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1 You were selected in the same manner and from
2 the same source as any future jury will be and there is no
3 reason for me to believe that the case will ever be
4 submitted to more intelligent, impartial, conscientious
5 jurors than are sitting before me now. I ask you to
6 return to your deliberations with the hope that you can
7 arrive at a verdict within a reasonable time. You may
8 continue your deliberations. Thank you, Madam Foreperson.

9 Please rise for the jury.

10 [Whereupon, the jury exits the courtroom at
11 12:54 a.m.]

12 THE COURT: Thank you. Please be seated.

13 I understand that an offer has been extended; is
14 that correct?

15 MR. SIMPSON: That is correct, Your Honor. And
16 I can share the results of that if you're interested.

17 THE COURT: I want it on the record. Thank you.

18 MR. SIMPSON: After discussions -- some frank
19 discussions with the Jenkins family -- I'm sorry.
20 They're right outside -- and Solicitor Scarlett
21 Wilson, we've extended an offer of, again, the
22 voluntary manslaughter with a negotiated ten-year
23 sentence.

24 THE COURT: Mr. Bosnak, have you had an
25 opportunity to convey that to your client?

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1 MR. BOSNAK: No, Your Honor. We haven't talked
2 about that yet. We will right now.

3 THE COURT: All right. Mr. Simpson, how long
4 will that offer be open?

5 MR. SIMPSON: Well, we're willing to leave that
6 open for as much time as Mr. Bosnak needs to have a
7 frank discussion with his client, a reasonable amount
8 of time.

9 THE COURT: But it will close regardless of the
10 verdict that is rendered here today while they're
11 deliberating? Once the verdict is entered, the offer
12 expires; is that correct?

13 MR. SIMPSON: Correct, Your Honor. Yes. I
14 would make --

15 THE COURT: Mr. Wright, please stand.

16 [Whereupon, Mr. Wright complies]

17 THE COURT: The State has -- based upon I'm
18 assuming some of the notes that have been given by the
19 jury and the fact that we're in day two of
20 deliberations, they're extending an offer -- a revised
21 offer to you. It will expire once the jury enters a
22 verdict, so I'm going to allow your attorney to meet
23 with you to discuss the offer. Do you understand
24 that, Mr. Wright?

25 MR. WRIGHT: Yes, ma'am.

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1 THE COURT: In no way am I indicating to you
2 that I think that you should or should not accept that
3 offer. It is merely that I want it on the record so
4 that Mr. Bosnak and you are fully informed of all the
5 terms and conditions. Do you understand that?

6 MR. WRIGHT: Yes, ma'am.

7 THE COURT: Any questions concerning that
8 matter?

9 MR. WRIGHT: Not at this time. I will talk to
10 him.

11 THE COURT: All right. Mr. Bosnak, you've had
12 lunch. Is there any reason that you need to leave
13 this courtroom?

14 MR. BOSNAK: No, ma'am.

15 THE COURT: All right. And, Mr. Bosnak, you
16 need to remain in the courtroom.

17 I will allow you to go back to your offices --

18 Mr. Bosnak, you have as much time as you need to
19 speak with Mr. Wright concerning this verdict. And if
20 there is a need for me to accept a plea, you know
21 where I am. Thank you.

22 Thank you. We're at ease.

23 [Whereupon, Mr. Bosnak and Mr. Wright confer]

24 [Whereupon, a recess is held from 12:57 p.m. to
25 2:42 p.m.]

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1 THE COURT: All right. We're back on the
2 record. The jurors have indicated that they have
3 reached an impasse and they are refusing to deliberate
4 any further. I see no alternative but to declare a
5 mistrial.

6 Anything further from the State?

7 MR. SIMPSON: No, Your Honor.

8 THE COURT: Anything further?

9 MR. BOSNAK: No, Your Honor.

10 THE COURT: All right. Any need to bring the
11 jurors back in?

12 MR. SIMPSON: I don't see a purpose in that.

13 MR. BOSNAK: I don't, either, Your Honor.

14 THE COURT: All right. Mr. Wright, we now need
15 to address the matter of your contempt of court.
16 Anything you wish to tell the Court before I impose
17 sentence upon you for violating the Court's orders?

18 MR. WRIGHT: Yes. I would like to apologize,
19 Your Honor. What it was was I had the phone off
20 initially and after a break we needed a phone number
21 for one of the witnesses off the list. And I thought
22 it was off the second time but it was on silent. And
23 what happened was when somebody called, you wouldn't
24 hear it ring but if somebody leaves a voice mail, it
25 made a sound. And that's what made me reach in my

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1 pocket, because I was unaware that the telephone was
2 on. But I do apologize, ma'am.

3 THE COURT: I find that you are in contempt of
4 court. I sentence you to one day in Charleston County
5 Detention Center. You have already served your one
6 day.

7 Anything further from the State?

8 MR. SIMPSON: No, Your Honor.

9 THE COURT: And I'm assuming we are here now
10 because the plea offer has been rejected; is that
11 correct, Mr. Bosnak?

12 MR. BOSNAK: Right, Your Honor.

13 THE COURT: And at this time Mr. Wright is free
14 to go?

15 MR. SIMPSON: As long as he remains on the bond
16 that was set prior to trial. That would be our only
17 concern.

18 THE COURT: Any concerns that he will remain on
19 the same terms and conditions of his bond?

20 MR. BOSNAK: Yes, ma'am, he will remain on the
21 same terms and conditions of his bond.

22 THE COURT: And you have spoken with his bonds
23 person to indicate that you will remain on the bond?

24 MR. BOSNAK: Your Honor, the last I spoke with
25 her was to remain on the bond during the trial. I

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1 have not spoken with her since she came in and signed
2 that paperwork I think it was on Tuesday. I've not
3 spoken with her since. So if there's something I need
4 to do, I'll be more than happy to. But she agreed to
5 stay on the bond as long as the trial went on and
6 whatever happened --

7 THE COURT: All right. Mr. Bosnak, I need you
8 to step outside and go call the bonds person to
9 indicate to me whether Mr. Wright needs to go back to
10 Charleston County to await further paperwork
11 processing. Or if she is agreeing to stay on his
12 bond, then you'll need to indicate that to the Court.

13 MR. BOSNAK: Yes, ma'am. I will. Thank you.

14 THE COURT: Mr. Wright, just for a few moments,
15 just out of an abundance of caution. Again, as I
16 indicated to you, your bonds person had said that they
17 would stay on the bond only until the case was called
18 for trial. It's been called for trial and now we need
19 to ensure that you will still remain on bond. I don't
20 perceive that there is going to be any additional
21 problems, but just out of an abundance of caution
22 we're going to hold you and Mr. Bosnak will take care
23 of those arrangements for you. All right?

24 MR. WRIGHT: Yes, ma'am.

25 THE COURT: Thank you.

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1 Anything further on behalf of the State?

2 MR. SIMPSON: No, Your Honor.

3 THE COURT: On behalf of the defendant?

4 MR. BOSNAK: No, Your Honor.

5 THE COURT: All right. Again, counsel, thank
6 you for your courtesy and your professionalism, all
7 three of you here.

8 And to the families, I know that you wished for
9 this matter to be resolved. I'm sorry that the jury
10 was unable to come to a verdict but through no fault
11 of the attorneys for the State or the attorneys for
12 the defendant, this case has not reached a resolution.
13 I appreciate your courtesy and your patience and your
14 civility in court throughout this week. And it is
15 likely that I will see you-all sometime in the future.

16 This case -- we -- case -- excuse me. Parties
17 are dismissed.

18 MR. SIMPSON: Thank you, Your Honor.

19 THE COURT: Mr. Bosnak, if you'll just make sure
20 that the bonds person will stay. We'll be here, of
21 course, for the afternoon.

22 MR. BOSNAK: Yes, ma'am. Thank you.

23 THE COURT: Mr. Simpson?

24 MR. SIMPSON: Yes?

25 THE COURT: We're going to get the exhibits so

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1 you'll need to remain so that you can take custody of
2 the exhibits.

3 MR. SIMPSON: Okay.

4 THE COURT: I'm going to release the jury.
5 Thank you.

6 We are at ease.

7 [WHEREUPON, JURY TRIAL CONCLUDES AT 2:46 P.M.]
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June 30, 2013

C E R T I F I C A T E

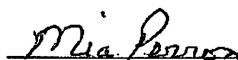
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Thursday, June 30, 2011.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 8th day of December, 2013.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

-471-

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,) TRANSCRIPT OF RECORD
V.) 2010-GS-10-6153
ROBERT LEE WRIGHT,)
DEFENDANT.)

FEBRUARY 24 & 25, 2014

CHARLESTON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE KRISTI L. HARRINGTON, JUDGE; AND A
JURY.

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

BENJAMIN CHAD SIMPSON, ASSISTANT SOLICITOR
JESSICA BALDWIN, ASSISTANT SOLICITOR
ATTORNEYS FOR THE STATE

LORELLE PROCTOR, DEPUTY PUBLIC DEFENDER
ALICIA PENN, ASSISTANT PUBLIC DEFENDER
ATTORNEYS FOR THE DEFENDANT

SHARON L. VIZER
CIRCUIT COURT REPORTER

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(SW) - DENOTES STATE'S WITNESS

(DW) - DENOTES DEFENSE WITNESS

(IC) - DENOTES IN CAMERA

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**COURT REPORTER'S NOTE: Unless otherwise noted on the Exhibit Index sheet, all exhibits were premarked for identification off the record.

E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
<u>FOR THE STATE:</u>			
1 -	PHOTOGRAPH		66
2 -	PHOTOGRAPH		66
3 -	PHOTOGRAPH		66
4 -	PHOTOGRAPH		66
5 -	PHOTOGRAPH		66
6 -	PHOTOGRAPH		66
7 -	PHOTOGRAPH		66
8 -	PHOTOGRAPH		66
9 -	PHOTOGRAPH		66
10 -	PHOTOGRAPH		66
11 -	PHOTOGRAPH		66
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13 -	PHOTOGRAPH		66
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20 -	PHOTOGRAPH		66
21 -	PHOTOGRAPH		66
22 -	PHOTOGRAPH		66

E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
<u>FOR THE STATE:</u>			
23 -	PHOTOGRAPH		66
24 -	PHOTOGRAPH		66
25 -	PHOTOGRAPH		66
26 -	PHOTOGRAPH		66
27 -	PHOTOGRAPH		66
28 -	PHOTOGRAPH		66
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41 -	PHOTOGRAPH		66
42 -	PHOTOGRAPH		66
43 -	PHOTOGRAPH		66
44 -	PHOTOGRAPH		66

E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
<u>FOR THE STATE:</u>			
45 -	(WITHDRAWN)		
46 -	(WITHDRAWN)		
47 -	SWAB		67
48 -	SWAB		67
49 -	SWAB		67
50 -	SWAB		67
51 -	BLOOD SPOT		67
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53 -	(WITHDRAWN)		
54 -	(WITHDRAWN)		
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56 -	STATEMENT/PHOTO LINEUP	125	
57 -	STIPULATION		256
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1 -	PHOTOGRAPH	215	216
<u>FOR THE COURT:</u>			
1 -	NOTE FROM JURY	39	
2 -	NOTE FROM JURY	401	

1 Monday, February 24, 2014

2 THE COURT: All right. Are we ready?

3 MS. PENN: We are ready, Your Honor.

4 THE COURT: To bring In the jury?

5 MS. PENN: Yes, ma'am.

6 MR. SIMPSON: Yes, Your Honor.

7 THE COURT: All right. Any objection to the
8 State's voir dire?

9 MS. PENN: No, Your Honor.

10 THE COURT: Any objection to the defendant's voir
11 dire?

12 MR. SIMPSON: No, Your Honor.

13 (PAUSE.)

14 THE COURT: Everybody ready?

15 MR. SIMPSON: We are, Your Honor.

16 MS. PENN: Yes, Your Honor.

17 THE COURT: All right. Let's bring them in.

18 Strikes are five and ten, and depending I'll pick
19 at least one alternate, maybe two depending on...

20 (WHEREUPON, the jury panel enters the courtroom at
21 approximately 11:30.)

22 THE COURT: Good morning once again, ladies and
23 gentlemen. I am Judge Kristi Harrington. I was the
24 judge that qualified you downstairs. We are going to now
25 begin selection for a particular case.

1 Is the State ready?

2 MR. SIMPSON: We are, Your Honor.

3 THE COURT: If the solicitor would call your case
4 please, Mr. Simpson.

5 MR. SIMPSON: Thank you. The State calls the State
6 vs. Robert Wright on an indictment for murder.

7 THE COURT: Thank you. 2010-GS-10-6513, is that
8 correct?

9 MR. SIMPSON: Yes, Your Honor.

10 THE COURT: Thank you.

11 Ms. Penn, is your client ready?

12 MS. PENN: He is, Your Honor.

13 THE COURT: Does he waive formal arraignment?

14 MS. PENN: He does, Your Honor.

15 THE COURT: Thank you.

16 And, Mr. Simpson, if you will please read for the
17 jury the allegations on behalf of the State that are
18 contained in the indictment.

19 MR. SIMPSON: Your Honor, I apologize. I do not
20 have handy an actual true billed copy of the indictment.

21 THE COURT: We have a new clerk and so I do not
22 have a copy of the indictment, and so that's why I was
23 hoping for your assistance.

24 While we're waiting on that copy of the indictment,
25 Ms. Penn, if you will please introduce yourself, persons

1 who will be assisting you throughout this trial, and as
2 well as your client.

3 MS. PENN: Thank you, Your Honor.

4 Good morning. My name is Alicia Penn. I work with
5 the Charleston County Public Defender's Office. This is
6 my client, Mr. Robert Wright. Assisting me is another
7 public defender. Her name is Lorell Proctor.

8 THE COURT: Thank you.

9 Is there any member of the jury panel related by
10 blood, marriage, close personal friend, ever have any
11 business, personal, professional dealings or know
12 Mr. Wright in any way? Please stand.

13 Thank you. There are none.

14 Any member of the jury panel related by blood,
15 marriage, close personal friend, ever have any business,
16 personal, professional dealings, ever been represented by
17 Ms. Penn or Ms. Proctor, please stand.

18 Thank you. There are none.

19 Any member of the jury panel or any member of your
20 immediate family ever had any business dealings or been
21 represented by or any contact whatsoever with the Public
22 Defender's Office in Charleston or Berkeley County, and
23 that comprises the Ninth Circuit? If so, please stand.

24 Thank you. There are none.

25 Mr. Simpson, if you would please stand, introduce

1 yourself, any persons who might be assisting you
2 throughout the trial.

3 MR. SIMPSON: Thank you, Your Honor.

4 Ladies and gentlemen, my name is Benjamin Chad
5 Simpson. I'm an assistant solicitor here in the Ninth
6 Judicial Circuit. I work for the elected Solicitor,
7 Scarlett Wilson. Assisting me in this trial is Assistant
8 Solicitor Jessica Baldwin. You may also see my
9 investigator, Jeff Osborne coming in and out during the
10 course of the trial.

11 THE COURT: Thank you.

12 Is there any member of the jury panel related by
13 blood, marriage, close personal friend, ever been
14 represented by or have any relationship whatsoever with
15 Mr. Simpson or Ms. Baldwin? If so, please stand.

16 Thank you. There are none.

17 Any member of the jury related by blood, marriage,
18 close personal friend or you, yourself, have ever been
19 employed with the Ninth Circuit Solicitor's Office, which
20 again comprises the office in Charleston and Berkeley?
21 You know you've had any contact whatsoever with anyone in
22 the Ninth Circuit Solicitor's Office, if so, please
23 stand.

24 Your jury number and name?

25 POTENTIAL JUROR: Your Honor, 189, Deena McRackan.

1 THE COURT: Yes, ma'am.

2 POTENTIAL JUROR: I'm an attorney so over time I
3 have certainly had contact with both the solicitor's
4 office and the public defender's office, not these
5 particular attorneys.

6 THE COURT: All right. Anything about that that
7 would affect your ability to be fair and impartial in
8 this case?

9 POTENTIAL JUROR: No, Your Honor.

10 THE COURT: And your jury number and name?

11 POTENTIAL JUROR: 189, Deena McRacken.

12 THE COURT: Thank you.

13 Is there -- yes?

14 POTENTIAL JUROR: Your Honor, I sit on a sexual
15 assault response team with some of the members of the
16 solicitor's office as well.

17 THE COURT: Anything about what you've shared with
18 us that would affect your ability to be fair and
19 impartial in this case?

20 POTENTIAL JUROR: No, ma'am.

21 THE COURT: And you do not know Mr. Simpson or
22 Ms. Baldwin, have dealt with them in any way?

23 POTENTIAL JUROR: I do not believe so.

24 THE COURT: Thank you. Your jury number and name?

25 POTENTIAL JUROR: Oh, 184, Anne McKibbin.

1 THE COURT: And, ladies and gentlemen, I'm going to
2 give you an opportunity like I did in the qualification
3 room to come forward and speak with me.

4 Again, I know you now all have spent substantial
5 time with each other and may have developed some
6 friendships but I'm still going to be asking you some
7 questions that you may not want to stand up in front of
8 your 40 other new best friends at this time and say,
9 Judge, I need to answer this question. So I'm going to
10 give you a time to come forward.

11 And please remember, we need you to speak loudly.
12 Again, our court reporter is again up here with us. We
13 are a court of record and it is vitally important that we
14 can hear and understand what you are saying. So if I ask
15 you to repeat something it's not because I didn't like
16 your answer. It's simply because I didn't hear it. All
17 right?

18 Ladies and gentlemen, I'm now going to call a list
19 of potential witnesses who may be called to testify in
20 this case. If you are related by blood, marriage, close
21 personal friend, ever have any business, personal,
22 professional dealings with any of these individuals when
23 I call their name, please stand. Jocqui J. ; Robert J.
24 ; Mary Jenkins; Timeka Jenkins; Maurice D. ;
25 Betty Scott; Donelle Wright Manigault; Mike Johnson, he

1 is employed with EMS; Detective Barry Goldstein with the
2 Charleston Police Department; Sergeant Michael Niblock
3 with the Charleston Police Department; Randy Unterbrink,
4 Charleston Police Department; J. C. Miller, Charleston
5 Police Department; Mary K. Philips, Charleston Police
6 Department; Nikki Perry, State Law Enforcement Division,
7 otherwise known as SLED; Sheree J. Brown with SLED;
8 Nicholas Batalis with MUSC; Matthew Fitts with SLED. Is
9 there any member of the jury panel related by blood,
10 marriage, close personal friend to any of those
11 individuals, please stand.

12 Thank you. There are none.

13 Any member of the jury panel ever been employed by
14 or you are currently employed by or you know a family
15 member, very close friend that was employed with the
16 Charleston Police Department? Currently employed with
17 the Charleston Police Department, please stand.

18 POTENTIAL JUROR: Charleston City?

19 THE COURT: Charleston, yes, ma'am.

20 POTENTIAL JUROR: My husband.

21 THE COURT: And tell me your juror number and name.

22 POTENTIAL JUROR: 142, Deborah Jaeger.

23 THE COURT: And your husband's name?

24 MS. PENN: Paul Jaeger.

25 THE COURT: And do you know any of those

1 individuals that I just called?

2 POTENTIAL JUROR: I don't think so.

3 THE COURT: I need you -- I do the very same thing;
4 I think so, I hope so, I don't believe so.

5 POTENTIAL JUROR: No, I don't.

6 THE COURT: All right. Is there anything about
7 your husband's employment that would affect your ability
8 to be fair and impartial in this case?

9 POTENTIAL JUROR: No.

10 THE COURT: And tell me where your husband is
11 assigned. What is his job?

12 POTENTIAL JUROR: Service technician.

13 THE COURT: Service technician. Thank you.
14 Yes, ma'am?

15 POTENTIAL JUROR: My brother, City of Charleston.

16 THE COURT: Tell me your jury number and name.

17 POTENTIAL JUROR: Patricia Hollington, juror number
18 133.

19 THE COURT: Yes, Ms. Hollington, and your brother
20 is employed with Charleston --

21 POTENTIAL JUROR: The City of Charleston.

22 THE COURT: And what does he do with the City of
23 Charleston?

24 POTENTIAL JUROR: Detective.

25 THE COURT: And his name?

1 POTENTIAL JUROR: Melvin Magwood.

2 THE COURT: Is there anything about your brother
3 being a detective with the City of Charleston that would
4 affect your ability to be fair and impartial in this
5 case?

6 POTENTIAL JUROR: No, ma'am.

7 THE COURT: And do you know any of those
8 individuals that I just called?

9 POTENTIAL JUROR: No, ma'am.

10 THE COURT: Thank you. Your jury number before you
11 sit down?

12 POTENTIAL JUROR: 133.

13 THE COURT: Thank you.

14 Is there anyone else?

15 Thank you. There are none.

16 Any member of the jury panel ever been employed
17 with EMS or with SLED, or a close friend or family member
18 been employed with EMS or SLED in any capacity, please
19 stand.

20 Thank you. There are none.

21 Any member of the jury panel ever been employed
22 with MUSC in any capacity, or a friend or family member
23 employed with MUSC in any capacity, please stand.

24 And we'll start over here on the front row. And
25 the doctor is Dr. Batalis, and so that is mainly who I am

1 concerned with, whether or not you know Dr. Batalis. I
2 need your jury number and name.

3 POTENTIAL JUROR: 184, Anne McKibbin, and I do not.

4 THE COURT: Tell me what you do at MUSC.

5 POTENTIAL JUROR: I don't. My husband is an
6 orthopedic surgeon.

7 THE COURT: And again, your jury number and name
8 before you sit down.

9 POTENTIAL JUROR: 184, Anne McKibbin.

10 THE COURT: Thank you.

11 Yes, ma'am?

12 POTENTIAL JUROR: Juror 98, Sarah Goff. I'm a
13 registered nurse in dermatology surgery. I do not know
14 that doctor.

15 THE COURT: And, Ms. Goff, your jury number before
16 you sit down?

17 POTENTIAL JUROR: 98.

18 THE COURT: Thank you.

19 Yes, sir?

20 POTENTIAL JUROR: Mark Scheurer, 249. I do not
21 know the doctor in question. I'm a pediatric cardiac
22 intensivist. My wife is a physician as well.

23 THE COURT: Thank you. Jury number before you sit
24 down, sir?

25 POTENTIAL JUROR: 249.

1 THE COURT: Thank you.
2 Yes, ma'am?
3 POTENTIAL JUROR: I am Elizabeth Heywood, jury
4 number 128. My son is employed by MUSC.
5 THE COURT: What does your son do there?
6 POTENTIAL JUROR: He works in research.
7 THE COURT: And do you know Dr. Batalis?
8 POTENTIAL JUROR: I do not.
9 THE COURT: And your jury number before you sit
10 down?
11 POTENTIAL JUROR: 128.
12 THE COURT: Thank you.
13 Yes, ma'am?
14 POTENTIAL JUROR: Patricia Hollington, juror 133.
15 I retired from MUSC six years ago.
16 THE COURT: What did you do there?
17 POTENTIAL JUROR: Utilization review.
18 THE COURT: And do you know Dr. Batalis?
19 POTENTIAL JUROR: No.
20 THE COURT: All right. And your jury number before
21 you sit down?
22 POTENTIAL JUROR: 133.
23 THE COURT: Thank you.
24 Is there anyone else?
25 Thank you. There are none.

1 Ladies and gentlemen, I'm now going read to you
2 from the indictment, and as I indicated to you earlier
3 it's simply the piece of paper that brings us here to
4 court today. Mr. Wright has pled not guilty to this
5 indictment.

6 The State alleges that in Charleston County on or
7 about June 10, 2010 with malice aforethought Robert Lee
8 Wright did kill and murder Christopher Jenkins by means
9 of serious bodily injury to his chest cavity from a
10 beating he had sustained and that Christopher Jenkins did
11 die in Charleston County as a proximate result thereof on
12 June 11, 2010. This is in violation of Section 16-3-10
13 of the South Carolina Code of Laws, 1976 as amended.

14 Ladies and gentlemen, is there any member of the
15 jury panel that knows anything about this case other than
16 what I have just read to you? If so, please stand.

17 Thank you. There are none.

18 Ladies and gentlemen, is there any member of the
19 jury panel who is a member of a law enforcement
20 organization such as MADD, SADD, PAR, People Against
21 Rape, any of that nature? If so, please stand.

22 POTENTIAL JUROR: I don't know if this would
23 apply --

24 THE COURT: I need your --

25 POTENTIAL JUROR: 184. I'm sorry. 184, Anne

1 McKibbin. I'm with the South Carolina Victim Assistance
2 Network.

3 THE COURT: Anything about that organization that
4 would affect your ability to be fair and impartial in
5 this case?

6 POTENTIAL JUROR: No.

7 THE COURT: And your jury number and name?

8 POTENTIAL JUROR: 184, Anne McKibbin.

9 THE COURT: Thank you.

10 Is there anyone else?

11 Thank you. There are none.

12 Is there any member of the jury panel or a member
13 of your immediate family that has ever worked or applied
14 for a job in law enforcement, and law enforcement being,
15 of course, Charleston Police Department, any city police
16 department, any county sheriff's department, South
17 Carolina Law Enforcement Division, highway patrol,
18 Federal Bureau of Investigations, anything of that
19 nature? If so, please stand.

20 POTENTIAL JUROR: Patricia Hollington, juror number
21 133. My brother works for the City.

22 THE COURT: All right. Thank you for sharing that
23 again. Thank you.

24 Yes, sir?

25 POTENTIAL JUROR: My name is John Moffitt. I'm

1 juror 198. My nephew works for the secret service.

2 THE COURT: And is that here in South Carolina or
3 somewhere else?

4 POTENTIAL JUROR: It's in Washington.

5 THE COURT: Is there anything about that employment
6 that would affect your ability to be fair and impartial
7 in this case?

8 POTENTIAL JUROR: No, ma'am.

9 THE COURT: And your jury number and name?

10 POTENTIAL JUROR: 198, John Moffitt.

11 THE COURT: Thank you.

12 Yes, ma'am?

13 POTENTIAL JUROR: Deborah Jaeger, 142. My husband
14 was with the city police department.

15 THE COURT: All right. Thank you.

16 POTENTIAL JUROR: Brian Ethredge, number 85. My
17 cousin was a drug enforcement agent, worked previously --
18 worked for the Mount Pleasant Police Department.

19 THE COURT: And how long ago has it been since he's
20 worked for Mount Pleasant Police Department?

21 POTENTIAL JUROR: It's been a number of years.
22 It's probably been eight to ten years.

23 THE COURT: Anything about that, sir, that would
24 affect your ability to be fair and impartial in this
25 case?

1 POTENTIAL JUROR: No, ma'am.

2 THE COURT: And your jury number before you sit
3 down, sir?

4 POTENTIAL JUROR: Number 85.

5 THE COURT: Thank you.

6 Is there anyone else?

7 Thank you. There are none.

8 Ladies and gentlemen, I'm now going to ask you a
9 series of questions that I have determined you need to
10 answer to me in private, and as we've indicated, most of
11 you now know, since we are a court of record I'm going to
12 have you come and we are going to do it on the record in
13 front of my court reporter, but I'm going to give you an
14 opportunity to come forward and speak with me in private.

15 Is there any member of the jury panel that has ever
16 had any criminal charges adjudicated by the Ninth Circuit
17 Solicitor Office, either you or a family member has ever
18 had any criminal charges adjudicated by the Ninth Circuit
19 Solicitor's Office?

20 Is there any member of the jury panel that has a
21 friend or a family member, close family member that has
22 ever had any charges handled -- excuse me, that has ever
23 been incarcerated at a state prison, state or federal
24 prison; that friend or family member has been
25 incarcerated at a State or federal prison?

1 Is there any member of the jury panel or a member
2 of your immediate family that has ever been accused of a
3 violent crime? Is there any member of the jury panel
4 that has ever been the victim of a violent crime, you've
5 ever been the victim of a violent crime?

6 Is there any member of the jury panel that based
7 upon what you have heard so far that you feel that you
8 would be unable to be a fair and impartial juror? And
9 what I mean by that is based upon what I have asked you
10 and related to you what was contained in the indictments
11 or any of the questions that I've asked you so far you
12 feel that you would be unable to listen to the facts from
13 the witness stand, apply the law as the Court gives it to
14 you and render a verdict based only upon those things
15 free of any personal bias, religious, moral beliefs or
16 any beliefs that you may have.

17 If you feel for whatever reason that you cannot be
18 a fair and impartial juror in this case, please come
19 forward at this time. The bailiffs will assist you in
20 moving towards the center. Thank you.

21 THE BAILIFF: 140.

22 THE COURT: All right. Please come forward.

23 (The following sidebar was reported.)

24 POTENTIAL JUROR: Morning, Your Honor. My name is
25 Leanne Innet, juror number 140. My grandmother was

1 murdered in her own home in 1993.

2 THE COURT: Was that here in Charleston County?

3 POTENTIAL JUROR: No, it was not. It was in New
4 York. It remains unsolved.

5 THE COURT: Is there anything about that -- I'm
6 sorry for your loss. Is there anything about that that
7 would affect your ability to be fair and impartial in
8 this case?

9 POTENTIAL JUROR: No. I firmly believe we have a
10 constitutional right for the State to the prove its case.

11 THE COURT: Your jury number for the record?

12 POTENTIAL JUROR: 140.

13 THE COURT: Thank you.

14 (The sidebar was concluded.)

15 THE COURT: 140 will remain.

16 Is there anyone else?

17 THE BAILIFF: 238.

18 THE COURT: 238. Please come forward, sir.

19 (The following sidebar was reported.)

20 THE COURT: How are you doing?

21 POTENTIAL JUROR: All right.

22 THE COURT: What do you need to tell me?

23 POTENTIAL JUROR: I got two nephews in federal
24 prison.

25 THE COURT: All right. And what are they in

1 federal prison for?. Do you know?

2 POTENTIAL JUROR: One of them in for drugs and the
3 other one for murder.

4 THE COURT: All right. And are they from
5 Charleston or somewhere else?

6 POTENTIAL JUROR: Charleston.

7 THE COURT: Is there anything about that, sir, that
8 would affect your ability to be fair and impartial in
9 this case?

10 POTENTIAL JUROR: Yes.

11 THE COURT: All right. That would affect your
12 ability to listen to the facts and apply the law as I
13 give it to you?

14 POTENTIAL JUROR: Yes.

15 THE COURT: Your jury number, sir?

16 POTENTIAL JUROR: 238.

17 (The sidebar was concluded.)

18 THE COURT: Number 238 is excused from the trial of
19 this case.

20 Please stay with us and I'll give you further
21 instructions, but you do not have to answer any further
22 questions. Thank you.

23 THE BAILIFF: Number 51.

24 (The following sidebar was reported.)

25 POTENTIAL JUROR: I have this real strong

1 intuition. I have this feeling or intuition about people
2 being guilty, and I just have this intuition.

3 THE COURT: All right. And we all come into the
4 jury system, we all come with special skills and common
5 sense. If you are selected I'll go over all that with
6 you. Will be able to listen to the facts from the
7 witness stand, apply the law as I give it and render a
8 verdict based only upon those things free from any
9 outside influences?

10 POTENTIAL JUROR: I mean, I think.

11 THE COURT: And so tell me what that means. Will
12 you be able to listen to the facts and the law as I give
13 it and render a verdict based only by those things heard
14 free from any outside influences?

15 POTENTIAL JUROR: If I stay with my intuition, I
16 mean, yeah, I guess.

17 THE COURT: You are able to make decisions every
18 day.

19 POTENTIAL JUROR: Uh-huh.

20 THE COURT: And that's something that you use just
21 sometimes -- we call it common sense or whatever. Would
22 you be able to --

23 POTENTIAL JUROR: Use my common sense?

24 THE COURT: Yes.

25 POTENTIAL JUROR: Okay. Yes.

1 THE COURT: And when I tell you to apply the law
2 you will look to follow that; is that correct?

3 POTENTIAL JUROR: Yes.

4 THE COURT: Is there anything so far that has
5 concerned you?

6 POTENTIAL JUROR: (Shook head).

7 THE COURT: Is that a no?

8 All right. Your jury number and name?

9 POTENTIAL JUROR: 51.

10 THE COURT: Thank you.

11 (The sidebar was concluded.)

12 THE COURT: Juror 51 will remain.

13 THE BAILIFF: Number 218.

14 (The following sidebar was reported.)

15 POTENTIAL JUROR: Morning. I didn't get up fast
16 enough when you asked earlier, but I interviewed with the
17 solicitor's office years ago. I just wanted to
18 disclose --

19 THE COURT: What did you interview for?

20 POTENTIAL JUROR: Just a position I had interviewed
21 with Scarlett Wilson.

22 THE COURT: Legal?

23 POTENTIAL JUROR: Legal.

24 THE COURT: Are you an attorney?

25 POTENTIAL JUROR: Yes. Non practicing.

1 THE COURT: Non practicing. All right. Do you
2 know these two individuals?

3 POTENTIAL JUROR: No, I don't.

4 THE COURT: Do you know these two individuals?

5 POTENTIAL JUROR: No, I don't.

6 THE COURT: And is there anything -- I'm assuming
7 you didn't get the position?

8 POTENTIAL JUROR: Well, there was the hiring
9 freeze. Remember the whole thing with the economy?

10 THE COURT: Is there anything about what you
11 shared, whether getting it or not getting it, that would
12 affect your ability to be fair and impartial in this
13 case?

14 POTENTIAL JUROR: Absolutely not.

15 THE COURT: Your jury number and name?

16 POTENTIAL JUROR: Elizabeth Paul, 218.

17 (The sidebar was concluded.)

18 THE COURT: 218 will remain. Thank you.

19 Is there anyone else?

20 (There was no response.)

21 THE COURT: Thank you.

22 Is the State ready?

23 MR. SIMPSON: We are, Your Honor.

24 THE COURT: The defendant ready?

25 MS. PENN: Yes, Your Honor.

1 THE CLERK: Ladies and gentlemen, when your name is
2 called, please take with you all your belongings, come
3 forward and you're going to stand in front of the podium
4 and just face the back.

5 Again, if you are not selected, please return back
6 to your seat, but if you are selected you will take a
7 seat in the jury box.

8 Strikes are five and 10 with the State striking
9 first.

10 Juror number 23, Sarah Black.

11 (A white female came forward.)

12 THE CLERK: What say you for the State?

13 MR. SIMPSON: Please seat this juror.

14 THE CLERK: What say you for the defendant?

15 MS. PENN: Please seat Ms. Black.

16 THE CLERK: Ma'am, you may go ahead and take a seat
17 in the jury box. You've been selected as a juror in this
18 case.

19 Juror number 183, Penny Mill.

20 (A white female came forward.)

21 THE CLERK: What say you for the State?

22 MR. SIMPSON: Please seat this juror.

23 THE CLERK: What say you for the defendant?

24 MS. PENN: Please seat Ms. Mill.

25 THE CLERK: Ma'am, you may take a seat in the jury