

23921

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Allendale County

Honorable Perry M. Buckner, Circuit Court Judge

RECEIVED

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAYCOBY TERREAK WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2017-000872

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

W. JEFFREY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

SAMUEL M. BAILEY
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ISAAC MCDUFFIE STONE, III
Solicitor, 14th Judicial Circuit

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF ALLENDALE
COURT OF GENERAL SESSIONS
CASE NUMBER 2015-GS-03-00086

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

APRIL 3, 4 AND 5, 2017

TRANSCRIPT OF TRIAL

ALLENDALE, SOUTH CAROLINA

JAYCOBY TERREACK WILLIAMS

DEFENDANT

B E F O R E:

HON. PERRY M. BUCKNER, JUDGE

AND A JURY

BECKY HILL AND
WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTERS

APPEARANCES

ON BEHALF OF THE STATE:

HON. KOREY WILLIAMS
kwilliams@bcgov.net
HON. BRIAN HOLLEN
bhollen@bcgov.net
ASSISTANT SOLICITORS
FOURTEENTH JUDICIAL CIRCUIT
POST OFFICE BOX 1880
BLUFFTON, SOUTH CAROLINA 29910-1880
843-255-5880

Also Present: Investigator Donnie Hutto

ON BEHALF OF DEFENDANT
JAYCOBY TERREACK WILLIAMS:

HON. IAN DEYSACH
BEAUFORT COUNTY PUBLIC DEFENDER
1905 DUKE STREET
SECOND FLOOR, ROOM 210
POST OFFICE BOX 525
BEAUFORT, SOUTH CAROLINA 29901-0525
843-255-5805
ideysach@bcgov.net

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EXHIBITS

COURT:

- 1 Item Identified as
Miranda Form
- 2 Item Identified as
C.D. of Interview
with Mr. Williams

STATE:

- 1 Item Identified as
Photograph

- 2 Item Identified as
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- 3 Item Identified as
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- 4 Item Identified as
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- 5 Item Identified as
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- 6 Item Identified as
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- 8 Item Identified as
Miranda Rights Form
- 9 Item Identified as
Audio Recording of
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- 10 Item Identified as
Items Collected
During Autopsy
and SLED Container
L15-06902, Container
Number G, a Re-sealed Pouch

- 10-A Item Identified as
Fired Bullet
- 10-B Item Identified as
Fired Bullet Jacket
Fragment
- 11 Item Identified as
Diagram with
Handwritten Notes

DEFENDANT:

No Defendant Exhibits were admitted.

1 opportunity to accept or object to anything that I've
2 said to you, if they have any such objections.

3 Any exceptions or objections from the State of
4 South Carolina?

5 SOLICITOR HOLLEN: No, Your Honor.

6 THE COURT: From the defendant?

7 MR. DEYSACH: No, Your Honor.

8 THE COURT: Ladies and gentlemen of the jury, we
9 will now begin the trial of the case. Please give the
10 lawyers your attention. I remind you that they are
11 advocates of the party that they represent.

12 SOLICITOR HOLLEN: May it please the Court, Your
13 Honor?

14 THE COURT: Yes, sir, Mr. HOLLAND.

15 OPENING STATEMENT

16 BY SOLICITOR HOLLEN:

17 The defendant in this case, Jaycoby Williams,
18 you will hear a lot of people call him Terreak in this
19 case. On May 26, 2015, he was a killer who saw an
20 opportunity to get rid of the victim, James Spellman.
21 He took that opportunity, and as a result, James is no
22 longer here. There he sits.

23 So what happens? May 26th, 2015 was a Tuesday
24 about 5:30 in the afternoon, James sat on the steps of
25 the Building F of Pinewood Apartments, not even a mile

1 from here. I know a lot of you know exactly where it
2 is. He sat there speaking to his cousin and his friend,
3 Quincy Best. They were just hanging out when a blue car
4 with dark tinted windows pulls up. Just not necessarily
5 in a parking spot, but right in front of the building.

6 The first person who gets out of that car,
7 Quinton is going to tell you, you will hear from him, is
8 a gentleman named Davoe. Mr. Davoe comes up and he
9 speaks to both Quincy and James Spellman, says hello,
10 and he starts to go up the stairs to see somebody in an
11 apartment. James and Quincy are still outside, still
12 sitting on the steps. The next person who gets out of
13 the car, and again, you're going to hear this not from
14 me, but from witnesses, is the defendant.

15 He walks up, says hello to Quincy, shakes his
16 hand; he doesn't say a word to James. And in his
17 waistband, Quincy sees a gun. He doesn't think much of
18 it. He turns to say something to Raheem who is walking
19 up the stairs, and at that time, Quincy is gonna tell
20 you that James starts to stand up and when he turns he
21 sees that man with a gun pointed at James. Not a word
22 was said, but a shot was fired.

23 Almost immediately, James falls over. At that
24 point, the defendant stands over him, acts like he is
25 going to shoot him again, except the two people who are

1 standing right there yelling at him to stop. No, no,
2 no, no, that's my cousin. That's my friend. Whatever.
3 Don't shoot him again. And at that point, he gets back
4 into the car and they speed off.

5 James is put in Quincy Best's car, a silver
6 crown Vic and taken to Allendale County Hospital, but at
7 that point, there is nothing they can do.

8 Now, ladies and gentlemen, the judge has already
9 told you that this is not about a relationship. James
10 was a real person who is no longer with us and the
11 defendant is right there. I don't want you to think
12 that because things are different than they are on
13 television that this is not important. This isn't going
14 to be a six-week trial where you see in California and
15 places like that, you're going to be out of here this
16 week, but it's important.

17 The other thing is, it isn't like on television,
18 you're not going to see all this fancy science and this
19 is not a case where we are going to provide you with DNA
20 and all that kind of stuff. I wish we could, but it
21 doesn't exist. We can't give you what's not there.

22 The evidence is going to show that the defendant
23 didn't hang out, he didn't smoke a cigarette, he didn't
24 drink water. He walked up and shot James and left.
25 There was really no physical evidence but blood at the

1 scene.

2 You're going to hear from the witnesses. Those
3 witnesses that were standing, one of them, just mere
4 feet from when it took place. Eyewitnesses, one of whom
5 who had just been in the car with the defendant. These
6 are not strangers. These are people that know each
7 other. This happened in broad daylight, 5:30 p.m. on a
8 May afternoon in 2015. He had no regards for James
9 Spellman that day. He walked up and with one shot, he
10 ended his life.

11 Now, the judge has already told you that he's
12 going to talk to you about the law, and I don't want to
13 get too far into it, but the defendant charged with
14 murder. Jaycoby Terreak Williams is charged with the
15 murder of James Spellman. In South Carolina, murder is
16 the killing of another with malice aforethought, and
17 again, the judge is the judge of the law. Whatever he
18 tells you is what you should listen to. I don't want
19 you to get caught up on the aforethought part. It
20 sounds like there might have to be premeditation or
21 planning. This was not a crime like that. This was a
22 crime of opportunity. Terreak Williams saw an
23 opportunity to get rid of James and he took it. That's
24 what this is about. A split second decision and he
25 pulled that trigger and James is gone.

1 The other thing the judge told you is that the
2 State has the burden of proof. So I have the burden of
3 proof. I have the burden of proof to prove every single
4 element of that crime beyond a reasonable doubt. All
5 I'm going to ask y'all to do is listen to the evidence,
6 look at the witnesses, decide whether you think they are
7 telling the truth. And at the end of this case, the
8 question you will be asking yourself is not "if" the
9 defendant did this; you're going to know. The question
10 might be "why?"

11 I'm going to try to show you a little bit of
12 that of why he might have done it or why he chose that
13 day at that time with multiple witnesses around. That
14 is the question you're going to ask yourselves for the
15 rest of your life. So all I ask is you pay attention.
16 I know you will. I know you will bring your common
17 sense with you and you all have. Listen to what is
18 presented, the testimony, look at the evidence, and at
19 the end of the case, you will find that the State has
20 met its burden. I'm confident in that. After you've
21 heard everything, we will come back and ask you to find
22 the defendant guilty for the murder of James Spellman.
23 Thank you.

24 THE COURT: Mr. Deysach.

25 MR. DEYSACH: Thank you, Your Honor. May it

1 please the Court?

2 OPENING STATEMENT

3 BY MR. DEYSACH:

4 Good afternoon. A long afternoon. I don't want
5 to take long, so I want to focus on what I think is the
6 most important thing the State said in opening
7 statement. I don't believe it's my job to tell you the
8 story of what has supposedly happened at Pinewood
9 Apartments, because what Mr. Holland told you was just
10 that, it was a story. And if he said anything in his
11 opening statement that doesn't match up with what comes
12 from that witness stand, then you will know that it was
13 all just a story.

14 He took the opportunity, maybe it didn't sound
15 like this to you, to explain why there is no physical
16 evidence in this case. He actually took that step
17 during his opening to telegraph to you that there is not
18 anything that corroborates what people say to add to
19 this case and he knows that. That's why he brought it
20 up right at the beginning, because he knows the weakness
21 in his case. Nobody knows exactly what everybody is
22 going to say when they get on the witness stand. He
23 doesn't know what they are going to say when they get on
24 that witness stand, but in order for their case to work,
25 you have to believe him.

1 I submit that if this was a case about something
2 less serious, that nobody would even bother to believe
3 these people. So whenever you got a case that relies on
4 strange people that you don't know, you're having to
5 trust them to tell you what happened, you're already
6 know there is no proof beyond a reasonable doubt unless
7 you've gotten something to corroborate that; and that's
8 what I want you to look for is something that
9 corroborates what any of these people have said. This
10 is the greatest -- I haven't practiced in other places
11 that have great court systems, so I don't really know,
12 but if this is the greatest court system in the world,
13 then it is because of the jury. It is because we have
14 the jury that can stand between this state and a person
15 like Jaycoby. And so you alone can apply that proof
16 beyond a reasonable doubt.

17 In this case, there is so little information
18 beyond what just a few people say that there is not much
19 information to work with, to figure out that there is
20 proof beyond a reasonable doubt. So lawyers can sit and
21 talk to jurors all day long about what is truth beyond a
22 reasonable doubt and it's not easy to define. So what I
23 talk about is why we have proof beyond a reasonable
24 doubt and the answer is because we don't want wrongful
25 convictions. If we don't honor that burden, it's going

1 to result in wrongful convictions. And it is the
2 roadmap to avoid wrongful conviction. The description
3 of how to understand the burden of proof and proof
4 beyond a reasonable doubt. What is a wrongful
5 conviction? A wrongful conviction is when somebody is
6 convicted, and in this case we have the ultimate crime,
7 convicted of a crime they didn't do, and Jaycoby didn't
8 do it. Thank you.

9 BY THE COURT:

10 THE COURT: Madame Foreperson, ladies and
11 gentlemen of the jury, we are going to stop at this
12 point. We will start back in the morning at 9:30. John
13 is going to take you in a moment to jury room so
14 everybody will know where to report in the morning. I'm
15 going to ask you to be on time. Over the overnight
16 recess, please do not discuss this case with anybody.

17 When you come back in the morning, don't come to
18 the courtroom, I want you to report to your jury room.
19 Don't leave tonight without John showing you where the
20 jury room is and you will know where to come. Please be
21 on time. If you're not on time, we can't start on time.
22 I promised you I would get you home early this week. I
23 intend to do that. Please do not discuss the case.
24 Don't do any juror research about the case. Be here in
25 the morning. I promise you we will keep the train on

1 the track and we will have something for you to drink
2 and snack on.

3 I hope everybody has a good evening. I will see
4 you in the morning. You may leave the courtroom at this
5 time.

6 (6:00 p.m., WHEREUPON THE JURY EXITS THE
7 COURTROOM AND THE FOLLOWING IS HELD ON THE RECORD.)

8 THE COURT: Anything on the record outside the
9 presence of the jury from the State of South Carolina
10 before we adjourn for the evening?

11 SOLICITOR HOLLEN: No, Your Honor.

12 THE COURT: From the defendant?

13 MR. DEYSACH: No, Your Honor.

14 THE COURT: All right, counsel be here ready to
15 go prior to 9:30 in the morning. We are going to start
16 at 9:30 in the morning. Court's in recess until 9:30 in
17 the morning.

18 **END DAY ONE, MONDAY,**

19 **APRIL 3, 2017**

20 **BEGIN DAY TWO, TUESDAY**

21 **APRIL 4, 2017, 9:35 P.M.**

22 **BY THE COURT:**

23 THE COURT: Is the State ready to proceed?

24 SOLICITOR HOLLEN: Yes, your Honor.

25 THE COURT: Is the defendant ready to proceed?

1 MR. DEYSACH: We are, your Honor. We need our
2 defendant and also sequestration of the witnesses. I
3 would move that the witnesses be sequestered. I've
4 taken Richardine Williams --

5 THE COURT: Hold on right there. Solicitor, you
6 don't object to sequestration?

7 SOLICITOR HOLLEN: No, sir, I don't.

8 THE COURT: It will apply equally. The defendant
9 will remain in here. Who's your case manager?
10 Designate it, Solicitor.

11 SOLICITOR HOLLEN: Do I have to choose between my
12 office investigator and a SLED agent, or can I have them
13 both?

14 MR. DEYSACH: He can have them both.

15 SOLICITOR HOLLEN: Okay.

16 THE COURT: Mr. Hutto normally stays in here
17 because he runs the video equipment, but he is also a
18 potential witness, so I need to know how you feel. Your
19 witnesses are going to be sequestered, too. And we're
20 not going on an Easter egg hunt for witnesses.

21 SOLICITOR HOLLEN: Yes, sir.

22 THE COURT: So you designate a room, and they
23 better be in that room, because we're not going to run
24 around the courthouse looking for them when it's time to
25 call them, both sides.

1 SOLICITOR HOLLEN: Yes, sir.

2 THE COURT: You will be responsible for your
3 witnesses. And Solicitor, you're going to be
4 responsible for yours.

5 SOLICITOR HOLLEN: Yes, sir.

6 THE COURT: How about Mr. Hutto? You object to him
7 being in here, or are you going to let him stay in?

8 MR. DEYSACH: I'm willing to let him stay in.

9 THE COURT: All right. He's a potential witness,
10 but I'll let him stay in.

11 Now, do you want someone else in?

12 SOLICITOR HOLLEN: Well, Agent Johnson with SLED,
13 your Honor. I'd ask that he be able to stay as well.

14 THE COURT: Any objection?

15 MR. DEYSACH: No, your Honor.

16 THE COURT: Agent Johnson stays in; Mr. Hutto stays
17 in; the defendant stays in. Under the *Victim's Bill of*
18 *Rights*, members of the victim's family get to stay in.
19 Other than that, both of you turn around, look at the
20 courtroom, and certify to me that your witnesses are not
21 in the courtroom and because sequestration will apply
22 equally.

23 SOLICITOR HOLLEN: Your Honor, and I have one
24 addition to that. Agent McCallister was on my witness
25 list.

4-3-17 STATE V WILLIAMS

BY THE COURT

1 THE COURT: Whoa. We're not finished with this
2 subject yet. Turn around and do what I'm asking you to
3 do before you move to another matter.

4 SOLICITOR HOLLEN: This is the same matter, your
5 Honor.

6 THE COURT: All your witnesses -- you're certifying
7 to me all your witnesses are out.

8 SOLICITOR HOLLEN: Yes, sir.

9 THE COURT: How about you?

10 MR. DEYSACH: I have Richardine Williams here in
11 the courtroom. I do not plan to call her, and I would
12 ask that she be allowed to stay.

13 THE COURT: Any objection, Solicitor?

14 SOLICITOR HOLLEN: No, your Honor.

15 THE COURT: Very well. Are all your witnesses out?

16 MR. DEYSACH: Yes, your Honor.

17 THE COURT: All right. Now you want to bring up
18 another matter.

19 SOLICITOR HOLLEN: No, your Honor. I was just
20 going to --

21 THE COURT: Finish the one you start first, before
22 you jump to another one.

23 SOLICITOR HOLLEN: Your Honor, Agent McCallister
24 was on my witness list. Katie McCallister with SLED. I
25 am not going to call her, so I ask that she be allowed

1 to stay in the courtroom.

2 THE COURT: In light of the fact that they're not
3 being called, do you have any objection?

4 MR. DEYSACH: Only if she's called, your Honor.

5 THE COURT: She's on the list, right?

6 SOLICITOR HOLLEN: Yes, sir. I will not call her.

7 THE COURT: I assume there's no objection.

8 MR. DEYSACH: Correct, your Honor.

9 THE COURT: All right. Defendant ready to proceed?

10 MR. DEYSACH: Yes, your Honor.

11 THE COURT: All right. I understand the jury's
12 here. Bring us the jury.

13 We're waiting on the restroom. Hurry up and wait.

14 Now, each of you are going to be responsible,
15 particularly because of possible reply testimony.
16 Solicitor, you're responsible for your witnesses. You
17 don't allow the witness to remain in this courtroom,
18 because of the potential to call the witnesses in reply,
19 under mutual sequestration. Do you understand?

20 SOLICITOR HOLLEN: Yes, your Honor.

21 THE COURT: You are also, Mr. Deysach, you're
22 responsible for your witnesses, and your witnesses are
23 not allowed to come into the courtroom until they are
24 called, and only once you certify you don't intend to
25 recall a witness are you allowed to ask that the witness

4-3-17 STATE V WILLIAMS

BY THE COURT

1 remain in the courtroom. You understand? And you are
2 to instruct them they can't discuss their testimony with
3 anyone else. You understand that?

4 MR. DEYSACH: I do understand, your Honor.

5 THE COURT: You understand that as well, Solicitor?

6 SOLICITOR HOLLEN: Yes, your Honor.

7 THE COURT: Very well.

8 JURORS ENTER COURTROOM 9:44 A.M.

9 THE COURT: You don't have to sit in the same seat;
10 just the foreperson. Just slide down so the people
11 don't have to crawl all over you. Just move all the way
12 down to the end.

13 Good morning, Madam Foreperson. Good morning,
14 ladies and gentlemen of the jury.

15 RESPONSES FROM JURORS.

16 THE COURT: Thank you for being here on time. I
17 intend to keep the train on the track. We will now
18 begin the testimony in the trial of this case. I ask
19 that you give the witnesses your careful consideration.

20 Call your first witness, Solicitor.

21 SOLICITOR HOLLEN: Franklin Williams.

22 THE COURT: Elaine, would you swear him, please.

23 MADAM CLERK: Do you swear or affirm to tell the
24 truth, the whole truth, and nothing but the truth, so
25 help you God?

1 FRANKLIN DALLAS WILLIAMS, JR.: I do.

2 THE COURT: Have a seat for me. Adjust that chair
3 to the microphone. You don't have to get right on top
4 of it. The court reporter is putting a device up there
5 that will help her audio record your testimony.

6 I'll remind you, sir, that the sound in this
7 courtroom goes straight up, so you will have to speak up
8 so that my two ladies that are on the end of the jury
9 box can hear what you say. I also want the people in
10 the courtroom to hear what you say.

11 Counsel, I expect you to come up to the clerk's
12 bench and not stand where you're standing.

13 SOLICITOR HOLLEN: Yes, sir.

14 THE COURT: State your full name. Spell your last
15 name for the court reporter.

16 FRANKLIN DALLAS WILLIAMS, JR.: Franklin Dallas
17 Williams, Jr. Last name spelled out, W/i/l/l/i/a/m/s.

18 THE COURT: Speak up for me now, Mr. Williams.
19 Your witness, Counsel, direct examination.

20 SOLICITOR HOLLEN: Thank you, your Honor.

21 FRANKLIN DALLAS WILLIAMS, JR.

22 DIRECT EXAMINATION

23 BY SOLICITOR HOLLEN:

24 Q Good morning, Mr. Williams.

25 A Good morning.

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WILLIAMS DIRECT HOLLEN

1 Q Where are you from?

2 A Bamberg, South Carolina.

3 Q How long have you lived in Allendale?

4 A About nine years.

5 Q Nine years. Okay. And what do you do for a
6 living?

7 A Meat cutter at IGA.

8 Q At the IGA right here in Allendale?

9 A Yeah.

10 Q And Mr. Williams, where did you live in May of
11 2015?

12 A Pinewood Apartments.

13 Q What apartment number were you in?

14 A .

15 Q Mr. Williams, do you remember the day the shooting
16 happened at Pinewood Apartments?

17 A Yes, sir.

18 Q What were you doing on that day? Around -- let's
19 narrow it down.. Around the time the shooting was
20 happening, what were you doing?

21 A I was on the phone with my grandmother and uncle.

22 Q Okay. And shortly before that, had you done
23 something else? Had you gone outside for some reason?

24 A I took the trash out.

25 Q Took the trash out. And did you see some people

1 when you took the trash out?

2 A I took the people on the breezeway, but I didn't
3 recognize any of them.

4 Q Okay. And you were on the phone with your
5 grandmother?

6 A Yeah.

7 Q And your uncle, you said?

8 A Yeah.

9 Q What happened next? Did you hear something while
10 you were on the phone with them?

11 A I heard a gunshot.

12 Q And what did you do then?

13 A Paused for a minute.

14 Q How many shots did you hear?

15 A One.

16 Q One shot. You paused for a minute, you said. And
17 what did you do after you paused?

18 A I went to look out the window.

19 Q And when you looked out the window, what did you
20 see?

21 A I seen a blue car pulling off.

22 Q Okay. Do you remember what kind of car it was?

23 A It was a small car.

24 Q A small car?

25 A Blue.

4-4-17 STATE V WILLIAMS

WILLIAMS DIRECT HOLLEN

1 Q It was blue? Anything else about it you remember?

2 A That's about it.

3 Q All right. Did you see -- did you keep watching
4 after you saw the blue car pull off?

5 A Back and forth from the window to the window, yeah.

6 Q What did you see next? Did you see anyone on the
7 ground, anything like that?

8 A No.

9 Q Okay. Did you at some point see another car leave
10 the building? Do you remember? If you don't remember,
11 that's okay.

12 A I can't remember.

13 Q All right. How long had you lived at Pinewood
14 Apartments when this took place?

15 A Maybe six or seven -- seven -- seven years.

16 Q Seven years. So, a long time?

17 A Yeah.

18 Q Did you ever hear gunshots before that day?

19 A Yeah.

20 Q All right. Frank, I'm going to -- did you see any
21 people in the blue car? Were you able to see if there
22 were people in it when it was pulling off?

23 A People was in the car.

24 Q People was in the car.

25 A Yeah.

1 Q Did you speak to law enforcement about this? About
2 the shooting?

3 A Yeah.

4 Q Did they ask if you recognized anyone or were able
5 to identify anyone?

6 A Yes.

7 Q And were you?

8 A No.

9 Q Were you able to -- to this day, right now, can you
10 say who was in the car?

11 A No.

12 Q Frank, are you familiar with the defendant in this
13 case?

14 A I've seen him around.

15 Q Seen him around. And are you able to say that he
16 was one of the people you saw?

17 A I can't say that.

18 Q Were you able to say that he wasn't one of the
19 people that you saw?

20 A Yeah.

21 Q You are able to say that he was not there? He was
22 not one of the people you saw?

23 A I can't say he wasn't there. I didn't see him.

24 Q You did not see him?

25 A I didn't see him.

1 Q Okay. Did you see anybody get in the car, or did
2 you just see it pulling off?

3 A I seen the car pulling off.

4 Q You just seen the car pull away?

5 A Yeah.

6 Q So, you don't know who was in the car?

7 A No.

8 Q You just saw the blue car?

9 A I just saw the blue car.

10 SOLICITOR HOLLEN: All right. I have no further
11 questions for you.

12 Thank you, your Honor.

13 MR. DEYSACH: May it please the Court?

14 THE COURT: Cross-examination. Come up to the
15 clerk.

16 MR. DEYSACH: Yes, your Honor.

17 **FRANKLIN DALLAS WILLIAMS, JR.**

18 **CROSS-EXAMINATION**

19 **BY MR. DEYSACH:**

20 Q Good morning, Mr. Williams.

21 A Good morning.

22 Q I'm Ian Deysach, Jaycoby Williams' attorney.

23 Okay. I'm going to go, all right, straight to
24 talking about the day this all happened. Is it true
25 that, at about 4:30, you went to take out the trash?

1 A Yeah. I can't remember the exact time.

2 Q Okay.

3 A I went and took out the trash.

4 Q Did you tell the police that it was at 4:30?

5 A If that's what I had in my statement, yes, sir.

6 Q And when you took off -- you took out the trash, I
7 assume that requires leaving your apartment and going to
8 a dumpster that's somewhere in the parking lot. Is that
9 correct?

10 A Correct.

11 Q And when you did that, you saw four or five people
12 in the breezeway. Is that correct?

13 A I don't know how many. I assume, if I said that in
14 my statement, that's what it is.

15 Q Do you want to review the statement? I mean, I
16 want you -- do you trust me that that's what's in the
17 statement, or do you want to look at it for yourself?

18 A If that's what I said, that's what it is.

19 Q Okay. And that you saw four to five people in the
20 breezeway and you spoke to them?

21 A Yes.

22 Q Okay. And so, of those four to five people, Mr.
23 Williams wasn't one of those people, was he?

24 A I can't say that. I don't know who it was. I
25 didn't -- I didn't -- I didn't recognize nobody.

1 Q Okay. But you said that you were familiar with my
2 client?

3 A Yes.

4 Q Okay. Was Mr. Spellman there?

5 A I don't know who was there.

6 Q Okay. Are you familiar with Mr. Spellman?

7 A Yes.

8 Q Okay. And so, if he had been there, wouldn't you
9 have been able to recognize him?

10 A Yeah.

11 Q Okay. But you didn't recognize anybody there?

12 A I didn't recognize anybody.

13 Q You heard, I think you've already testified to
14 this, one shot.

15 THE COURT: You have to say yes or no. Don't nod
16 your head, for the court reporter.

17 BY MR. DEYSACH:

18 A Yes.

19 Q And you're positive about that?

20 A Yes.

21 Q That, after you heard the shot, you saw a blue,
22 four-door car, and three to four people got in it and
23 took off. Is that correct?

24 A Yes.

25 Q Didn't recognize anyone in the car?

1 A No.

2 Q Do you know if the blue car was there when you took
3 out the trash?

4 A Yes, it was.

5 Q Okay. Do you know when the blue car pulled up?

6 A No.

7 Q Okay.

8 MR. DEYSACH: Begging the Court's indulgence.

9 Nothing further, your Honor.

10 THE COURT: Re-direct.

11 SOLICITOR HOLLEN: Nothing, your Honor.

12 THE COURT: As to this witness, Solicitor?

13 SOLICITOR HOLLEN: I would ask that he be excused,
14 your Honor.

15 THE COURT: From the trial?

16 SOLICITOR HOLLEN: From the trial.

17 THE COURT: Any objection, Counsel?

18 MR. DEYSACH: No, your Honor.

19 THE COURT: You may step down, Mr. Williams. You
20 are excused from the trial of this case, and you may
21 leave the courtroom. Thank you.

22 Call your next witness.

23 SOLICITOR HOLLEN: Debentris Breeland.

24 THE COURT: Come around and be sworn by the clerk,
25 please.

1 MADAM CLERK: Do you swear or affirm to tell the
2 truth, the whole truth, and nothing but the truth, so
3 help you God?

4 DEBENTRIS BREELAND: Yes, ma'am.

5 THE COURT: Have a seat for me. Adjust that chair.
6 Adjust the microphone to your height. I need you to
7 speak up, now, so everybody can hear you, because it's
8 difficult in this courtroom. Begin by stating your full
9 name slowly, spelling your last name for the court
10 reporter.

11 DEBENTRIS BREELAND: My name is Debentris Breeland.

12 THE COURT: Don't get right on top of that
13 microphone. Speak up. It'll blur your voice if you get
14 right on top of it. Spell your last name.

15 DEBENTRIS BREELAND: My name is -- last name
16 B/r/e/e/l/a/n/d.

17 THE COURT: Your witness, Counsel, direct
18 examination.

19 SOLICITOR HOLLEN: Thank you, your Honor.

20 DEBENTRIS BREELAND

21 DIRECT EXAMINATION

22 BY SOLICITOR HOLLEN:

23 Q Mr. Breeland, good morning.

24 A Good morning.

25 Q Where are you from?

1 A Allendale.

2 Q Allendale? Born and raised?

3 THE COURT: You have to say yes or no.

4 A Yes.

5 THE COURT: And speak up, Mr. Breeland.

6 A Yes.

7 BY SOLICITOR HOLLEN:

8 Q And where do you work?

9 A Cullums Lumber Mill.

10 Q Mr. Breeland, where did you live in May of 2015?

11 A Pinewood Apartments.

12 Q And do you -- are you familiar with the defendant
13 in this case, Mr. Williams?

14 A Yes, sir.

15 Q And are you familiar with the victim in this case,
16 Mr. Spellman? Were you familiar with him?

17 A Yes.

18 Q Do you recall, Mr. Breeland, the day that Mr.
19 Spellman was shot?

20 A Yes, sir.

21 Q Okay. Let's back up a little bit. You say you
22 lived in Pinewood Apartments. What apartment number
23 were you in?

24 A .

25 Q . All right.

1 SOLICITOR HOLLEN: Court's indulgence, your Honor.
2 Your Honor, may I approach the witness?

3 THE COURT: You may.

4 BY SOLICITOR HOLLEN:

5 Q Mr. Breeland, I'm going to hand you what's been
6 marked for identification State's Exhibit 1. Do you
7 recognize that picture? Would you take that for me?

8 A Uh-huh.

9 THE COURT: You have to say yes or no, sir.

10 BY SOLICITOR HOLLEN:

11 Q Do you recognize this picture?

12 A (No answer.)

13 Q What is that?

14 THE COURT: You have to say yes or no.

15 A Yes, sir.

16 Q What is it?

17 A When I was -- when I was living building. Where I
18 lived.

19 Q Where you were living. And what building was that
20 at Pinewood?

21 A

22 Q It's ?

23 A Yeah.

24 Q So, is it -- the whole building is , or is it?

25 A That's F building.

1 Q F Building. Got it. Okay. And is that a fair and
2 accurate depiction of Building F?

3 A Yes.

4 Q Has it been changed or altered in any way?

5 A No.

6 Q All right.

7 SOLICITOR HOLLEN: Your Honor, I'd ask to admit
8 State's 1 into evidence at this time.

9 THE COURT: Has it been pre-marked?

10 SOLICITOR HOLLEN: It has, your Honor.

11 THE COURT: As to State's Exhibit Number 1,
12 Counsel?

13 MR. DEYSACH: No objection.

14 THE COURT: Ladies and gentlemen of the jury, State's
15 Exhibit Number 1 will be admitted into evidence in the
16 trial of this case without objection. State's 1 in
17 evidence. You may now publish.

18 SOLICITOR HOLLEN: Thank you, your Honor.

19 ITEM IDENTIFIED AS PHOTOGRAPH

20 MARKED STATE'S EXHIBIT NUMBER 1

21 ADMITTED AS EVIDENCE.

22 BY SOLICITOR HOLLEN:

23 Q Mr. Breeland --

24 THE COURT: Mr. Deysach, if you want to come around
25 back behind all the officers where you can see the

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BREELAND DIRECT HOLLEN

1 board, you may do so.

2 MR. DEYSACH: Thank you, your Honor.

3 THE COURT: Do not block the witness's view or the
4 jury's view.

5 MR. DEYSACH: Yes, your Honor.

6 THE COURT: Proceed.

7 SOLICITOR HOLLEN: Thank you, your Honor.

8 BY SOLICITOR HOLLEN:

9 Q Mr. Breeland, up on the screen there is that
10 picture you have?

11 A Yes.

12 Q Are you able to see which apartment is yours?

13 A Yes.

14 Q Which one is it?

15 A Up top, on the left.

16 Q Up top, on the left. So, right here?

17 A Yes.

18 Q And that's where you were living at the time of the
19 shooting of James Spellman?

20 A Yes.

21 Q Okay. Mr. Breeland, before the shooting happened,
22 where were you?

23 A In the house.

24 Q In the house. What about before that? Were you
25 outside at some point?

1 A Yes.

2 Q And what were you doing outside?

3 A Sitting on the steps.

4 Q Were you talking to anybody?

5 A Yes.

6 Q Who were you talking to?

7 A DeQuincy and James.

8 Q Okay. And then, you said you went inside?

9 A Yeah.

10 Q Why'd you do that?

11 A Almost time for me to go to work.

12 Q All right. Where were you working at the time?

13 A Four-Star in Allendale.

14 Q Four-Star in Allendale?

15 THE COURT: Speak up a little bit for the jury.

16 BY SOLICITOR HOLLEN:

17 Q Mr. Breeland, as you were getting ready for work,

18 did you hear anything?

19 A Yes, I heard a shot.

20 Q You heard a shot. A gunshot?

21 COURT REPORTER: I'm sorry.

22 Q How many gunshots did you.

23 THE COURT: Hold on a second. Let her get by.

24 SOLICITOR HOLLEN: I apologize.

25 BY SOLICITOR HOLLEN:

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BREELAND DIRECT HOLLEN

1 Q And Mr. Breeland, I'm going to slow down a little
2 bit for Madam Court Reporter. How many gunshots did you
3 hear?

4 A Just one.

5 Q Just one gunshot. What did you do when you heard
6 the gunshot?

7 A Came to look outside. I didn't see nobody.

8 Q Didn't see anybody?

9 A No.

10 Q Did you, at some point, go outside and go down the
11 stairs?

12 A Yeah.

13 Q And what did you find when you got there?

14 A I saw DeQuincy trying to pick James up off the
15 ground.

16 Q And what condition was James in?

17 A He was laying face first on the ground.

18 Q And do you know what happened to him?

19 A It looked like he was shot. There was blood.

20 COURT REPORTER: *There was blood?*

21 A Yes.

22 THE COURT: Speak up, please. It's important that
23 the court reporter be able to hear you and the people on
24 the jury and the parties.

25 BY SOLICITOR HOLLEN:

1 Q Mr. Breeland, what did you do after you saw that
2 James was shot?

3 A I ran back upstairs, finished putting my clothes
4 on. I came back down and opened the door so Quincy
5 could put him in the car.

6 Q Um-hmm. And what did you do after that?

7 A I left.

8 Q You left. Did you go to the hospital?

9 A No.

10 Q Where did you go?

11 A I just left. I went my mom.

12 Q And at some point, did you have to be at work?

13 A Yes.

14 Q So, you left the apartment. Did you go back at
15 some point?

16 A Yes. I left, went down the road, came right back,
17 because I left my wallet.

18 Q Oh, you left your wallet in the apartment.

19 A Yes.

20 Q Okay. And when you went back to the apartment, did
21 you see anyone there?

22 A Nobody but Tiff came out of the door.

23 Q All right. So, let's -- who's Tiff?

24 A Tiffany, who was staying at the apartment across.

25 Q Tiffany stayed in the apartment across.

1 A Yeah.

2 Q So, did she also live in Pinewood Apartments?

3 A Yes.

4 Q And do you know what number apartment she lived in?

5 A

6 COURT REPORTER: You need to speak up.

7 A I think it was .

8 Q Mr. Breeland -

9 A Looking at the one across on the right. I don't
10 know exactly which number.

11 Q So, looking at the picture, is it the top floor?

12 A Yes.

13 Q On the right?

14 A Yes.

15 Q Okay. Did you tell Tiff, Tiffany, what had
16 happened?

17 A No. I just told her to go to the hospital.

18 Q You just told her to go to the hospital. And did
19 you see anything else that day?

20 A No.

21 Q All right. Let's back up a little bit more, Mr.
22 Breeland. You said you knew James.

23 A Yeah.

24 Q Did you all ever talk?

25 A Yeah.

1 Q Did James ever tell you that he was scared of
2 anyone?

3 MR. DEYSACH: I would object, your Honor.

4 THE COURT: Counsel, approach.

5 OFF-THE-RECORD BENCH CONFERENCE, OUT

6 OF HEARING OF JURORS. PRESENT: THE

7 COURT, MR. HOLLEN, MR. DEYSACH.

8 END BENCH CONFERENCE.

9 THE COURT: Objection overruled. Proceed.

10 SOLICITOR HOLLEN: Thank you, your Honor.

11 BY SOLICITOR HOLLEN:

12 Q Mr. Breeland, back to that question. Did James
13 ever tell you that he was scared of anyone?

14 A No.

15 Q James never told you he was scared of anyone?

16 A No.

17 Q All right. Did you and James talk a few days prior
18 to the shooting?

19 A Yeah.

20 Q And what did you all talk about?

21 A Just talk.

22 MR. DEYSACH: I'll object to the hearsay.

23 SOLICITOR HOLLEN: I'm --

24 THE COURT: Sustained. Re-phrase your question.

25 SOLICITOR HOLLEN: Yes, sir, your Honor.

1 Your Honor, may we approach briefly?

2 THE COURT: Counsel, approach.

3 OFF-THE-RECORD BENCH CONFERENCE, OUT

4 OF HEARING OF JURORS. PRESENT: THE

5 COURT, MR. HOLLEN, MR. DEYSACH.

6 END BENCH CONFERENCE.

7 THE COURT: Step back and let's proceed.

8 SOLICITOR HOLLEN: All right.

9 THE COURT: The objection after the last question
10 asked of this witness was sustained. Proceed,
11 Solicitor.

12 SOLICITOR HOLLEN: Thank you, your Honor.

13 BY SOLICITOR HOLLEN:

14 Q Mr. Breeland, did you meet with law enforcement
15 about this case?

16 A Yes.

17 Q I'm sorry, yes?

18 A Yes.

19 Q And did you give a statement to law enforcement
20 about this case?

21 A No.

22 Q Did you speak with someone?

23 A Yeah.

24 Q You didn't write a statement, did you?

25 A No..

1 Q Okay. Did you meet with Agent Richard Johnson?

2 A I guess that's his name..

3 Q Do you see him in the courtroom?

4 A Yeah.

5 Q Okay. So, you met with a SLED agent named Richard
6 Johnson. Do you remember meeting with Agent Johnson at
7 the Allendale Police Department on May 27th of 2015?

8 A Yeah.

9 Q Mr. Breeland, in that statement, when you met with
10 Agent Johnson, did you tell him that, a few days before
11 this incident, you and James talked about how James was
12 afraid of the defendant, Mr. Williams?

13 A No.

14 Q You didn't say that?

15 A Not like that.

16 Q Not like that? Well, what did you say?

17 A I was saying he was scared of him. I knew he
18 didn't want no problems or nothing with him.

19 Q So, you didn't -- repeat that. I'm sorry, I didn't
20 hear you. Can you speak up?

21 A I didn't say he was scared of him. I just said he
22 didn't want no problems with him.

23 Q He didn't want no problems with him.

24 A No, he didn't want no problems with him.

25 Q All right. Mr. Williams, do you recall meeting

1 here in the Allendale courthouse on Tuesday, March 21st
2 with myself and Investigator Hutto?

3 A Yeah.

4 Q And do you recall in that meeting that we asked you
5 if James used the word *scared* to describe how he felt
6 about Mr. Williams. Do you remember that?

7 A No.

8 Q You don't remember that?

9 A I don't remember that today.

10 Q You don't remember me asking you if he specifically
11 used the word *scared* to describe how he felt about Mr.
12 Williams?

13 A No.

14 Q You do not? All right.

15 SOLICITOR HOLLEN: Your Honor, I have no further
16 questions for Mr. Breeland.

17 THE COURT: Cross-examination.

18 MR. DEYSACH: Thank you, your Honor.

19 DEBENTRIS BREELAND

20 CROSS-EXAMINATION

21 BY MR. DEYSACH:

22 Q Good morning, Mr. Breeland. I'm Ian Deysach,
23 attorney for Jaycoby Williams.

24 When we're talking about the day this all happened,
25 when you were sitting outside, did you see Mr. Williams

1 come by to take out the trash?

2 A No.

3 Q Do you know who I'm talking about by Mr. Williams?
4 Downstairs neighbor? Does he have -- possibly has a
5 nickname Big Sexy. Do you know who I'm talking about?
6 No.

7 A (Witness did not answer.)

8 Q Did you see anybody come out and take the trash
9 out?

10 A No.

11 THE COURT: You've got to say yes or no. Don't
12 shake your head. Speak up for me now so people can hear
13 you.

14 BY MR. DEYSACH:

15 Q Was there anybody else besides DeQuincy Best and
16 James out there at that time?

17 A Not while I was out there.

18 Q One shot is all you heard?

19 A Yes, sir.

20 Q You're sure about that?

21 A Yes, sir.

22 MR. DEYSACH: Court's indulgence.

23 BY MR. DEYSACH:

24 Q Did you see a blue car out there? I'm sorry. Mr.
25 Breeland, did you see a blue car out there when you were

1 outside?

2 A No.

3 MR. DEYSACH: I don't have anything further, your
4 Honor.

5 THE COURT: Re-direct.

6 SOLICITOR HOLLEN: Nothing for this witness, your
7 Honor.

8 THE COURT: As to the witness?

9 SOLICITOR HOLLEN: I would ask that he be excused
10 from this trial.

11 THE COURT: Any objection?

12 MR. DEYSACH: No, your Honor.

13 THE COURT: You may step down, Mr. Breeland.
14 You're excused from the trial of this case. You may
15 leave the courtroom.

16 Call your next witness.

17 SOLICITOR HOLLEN: Tiffany Loadholt.

18 THE COURT: Ladies and gentlemen of the jury,
19 anybody having any difficulty hearing? Please let me
20 know by raising your hand if you can't hear.

21 Ma'am, she's going to swear you in. You stay right
22 there. Left hand on the Bible. Raise your right.

23 MADAM CLERK: Do you swear or affirm to tell the
24 truth, the whole truth, and nothing but the truth, so
25 help you God?

1 TIFFANY LOADHOLT: Yes.

2 THE COURT: Ms. Loadholt, I need you to -- you know
3 how to sound.

4 TIFFANY LOADHOLT: Okay.

5 THE COURT: You have to speak up for me so
6 everybody and the jury can hear you and the people out
7 here can hear you. Begin by stating your full name, and
8 spelling your last name.

9 TIFFANY LOADHOLT: Tiffany Loadholt,
10 L/o/a/d/h/o/l/t.

11 THE COURT: Very good. Your witness, Counsel.
12 Direct examination.

13 SOLICITOR HOLLEN: Thank you, your Honor.

14 TIFFANY LOADHOLT

15 DIRECT EXAMINATION

16 BY SOLICITOR HOLLEN:

17 Q Good morning, Ms. Loadholt.

18 A Good morning.

19 Q Where are you from?

20 A Allendale.

21 Q So, you were born and raised here?

22 A Yes.

23 Q Where do you live now?

24 A In Varnville.

25 Q And how long have you lived in Varnville?

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LOADHOLT DIRECT HOLLEN

1 A A year.

2 Q Ms. Loadholt, where did you live in May of 2015?

3 A Apartment .

4 Q Where is that? What --

5 A Pinewood Apartments.

6 Q Pinewood Apartments.

7 A Yes.

8 Q It's Pinewood Apartments here in Allendale?

9 A Yes, sir.

10 Q Ms. Loadholt, do you know the defendant in this
11 case, Jaycoby Terreak Williams?

12 A Yes.

13 Q How do you know Mr. Williams?

14 A He's my kids' father.

15 Q He's your kids' father.

16 A Yes.

17 Q How many children do you have with him?

18 A Two.

19 Q And how old are they?

20 A Four and eight.

21 Q Four and eight. Ms. Loadholt, how did you know --
22 or did you know the victim in this case, James Spellman?

23 A I used to go with him once upon a time.

24 Q So, you knew him?

25 A Yes.

- 1 Q You used to -- you said you used to go with him?
- 2 A I dated him.
- 3 Q You dated him?
- 4 A Yes.
- 5 Q How long did you date Mr. Spellman?
- 6 A Three years..
- 7 Q Three years. Was that the whole time? Did you
- 8 guys date on-and-off?
- 9 A On-and-off.
- 10 Q Were you dating Mr. Spellman at the time he was
- 11 killed?
- 12 A Yes.
- 13 Q Did he stay with you at that time?
- 14 A Yes.
- 15 Q Okay. So, you guys lived together at that time?
- 16 A Yes.
- 17 Q Okay. Let's talk -- you don't remember the date.
- 18 Do you remember the date that Mr. Spellman was killed?
- 19 A May 26.
- 20 Q Of what year?
- 21 A I forgot the year.
- 22 Q Okay. Thank you. Ms. Loadholt, where was James
- 23 working at the time he was killed?
- 24 A Olen, South Carolina.
- 25 Q I'm sorry?

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LOADHOLT DIRECT HOLLEN

1 A Olen, South Carolina.

2 Q That's where he worked?

3 A Yes.

4 Q And where did you work?

5 A Olen, South Carolina.

6 Q Same place. The day he was killed, what was that
7 day like for you? Do you remember what you all did?

8 A We went to the DSS office, and then came back home.

9 Q Did you work on that day?

10 A No.

11 Q Were you scheduled to work that day?

12 A We was off that day.

13 Q Say that one more time.

14 A We was off that day.

15 Q Okay. Why were you off that day?

16 A The machines were down.

17 Q The machines were down. So, you say you went to
18 the DSS Office?

19 A Yes.

20 Q And James went with you?

21 A Yes.

22 Q And after that, did you all go back to the
23 apartment?

24 A Yes.

25 Q Who was in the apartment with you when you all went

1 back, after you went in the DSS office?

2 A Me and my mother and my two kids.

3 Q Was James in the apartment with you?

4 A No.

5 Q Where was he?

6 A Outside.

7 Q Outside. What was he doing outside?

8 A Talking to his cousin DeQuincy Best.

9 Q He was talking to his cousin DeQuincy Best. And
10 what were you doing when you were inside the house? Do
11 you remember?

12 A Yes. Washing dishes and cooking cupcakes.

13 Q You were baking cupcakes. All right. Ms.

14 Loadholt, do you remember about what time it was that
15 the shooting occurred?

16 A I don't remember the time.

17 Q Don't remember the time. Did you hear anything out
18 of the ordinary on that day?

19 A No, sir.

20 Q Okay. You did not hear a gunshot?

21 A Nothing at all.

22 Q At some point, did you go outside of your
23 apartment?

24 A Yes.

25 Q And what did you find when you got outside your

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LOADHOLT DIRECT HOLLEN

1 apartment?

2 A Nothing.

3 Q Nothing. Was there anybody out there?

4 A No, not when I went to the door the first time.

5 Q Not when you went to door the first time. Did you
6 eventually see someone out there?

7 A Yes.

8 Q And who was that, that you saw?

9 A Boobie.

10 Q And after you saw Boobie, what did you do next?

11 A He told me to go to the hospital.

12 Q Well, okay. Who is Boobie?

13 A Debentris Breeland.

14 Q Okay. And everybody calls him Boobie.

15 COURT REPORTER: I'm sorry.

16 THE COURT: You got to speak up.

17 COURT REPORTER: I didn't hear. Who is Boobie?

18 A Debentris Breeland.

19 A Debentris Breeland.

20 THE COURT: You can't testify, Counsel.

21 SOLICITOR HOLLEN: Yes, sir.

22 THE COURT: Let the witness talk to the court
23 reporter, not you.

24 SOLICITOR HOLLEN: Yes, your Honor.

25 THE COURT: Proceed.

1 BY SOLICITOR HOLLEN:

2 Q So, you went to the hospital. What did you do with
3 your kids?

4 A My kids stayed with my mother.

5 Q Okay. They stayed with your mother. When you got
6 to the hospital, what did you find? Were you able to
7 see James?

8 A No.

9 Q And what did you find out about James when you got
10 there?

11 A He was -

12 MR. DEYSACH: I would object to the hearsay. The
13 *what did you find out*. I assume it was something that
14 was told to her.

15 THE COURT: Don't testify to what someone else told
16 you, but if you sensed it with your own senses, your
17 eyesight, your sense of smell, you can tell -- you can
18 answer the question that way, without testifying as to
19 what someone else said.

20 Rephrase your question, Counsel, and proceed.

21 SOLICITOR HOLLEN: Yes, sir.

22 BY SOLICITOR HOLLEN:

23 Q Were you able to see James?

24 A No.

25 Q Did you get to see him at any point after that?

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LOADHOLT CROSS DEYSACH

1 A No.

2 Q Is there a reason for that?

3 A No.

4 Q Was James still living when you got to the
5 hospital?

6 A I don't know because they told me what they just
7 told me that we're working on him; I couldn't see him.

8 Q All right. And at some point, did you become aware
9 that James had passed away?

10 A Yes, once everybody stopped hollering, I could see
11 that.

12 SOLICITOR HOLLEN: All right. Thank you, Ms.
13 Loadholt. I have no further questions for you.

14 THE COURT: Cross-examination.

15 MR. DEYSACH: Thank you, your Honor.

16 TIFFANY LOADHOLT

17 CROSS-EXAMINATION

18 BY MR. DEYSACH:

19 Q Good morning, Ms. Loadholt.

20 A Good morning.

21 Q We met yesterday.

22 Q Yes.

23 Q When you arrived back home from the DSS office, was
24 Mr. Best already outside?

25 A Yes.

1 Q Did you see the blue car?

2 A No.

3 Q And you testified you didn't hear any shots?

4 A Anything.

5 Q Okay. No shots, no arguing, no nothing?

6 A No.

7 MR. DEYSACH: Nothing further, your Honor.

8 THE COURT: Re-direct.

9 SOLICITOR HOLLEN: Nothing, your Honor.

10 THE COURT: As to the witness?

11 SOLICITOR HOLLEN: I would ask that she be excused
12 from the trial.

13 THE COURT: Any objections?

14 MR. DEYSACH: No, your Honor.

15 THE COURT: Ms. Loadholt, you may step down, and
16 you are excused from the trial of this case.

17 Call your next witness, Mr. Hollen.

18 SOLICITOR HOLLEN: Thank you, your Honor.. Dr.
19 Gabriel Fornari.

20 THE COURT: Who, Solicitor?

21 SOLICITOR HOLLEN: Dr. Gabriel Fornari.

22 THE COURT: Would you raise your right hand. Put
23 your hand on the Bible the clerk's handing to you.

24 MADAM CLERK: Do you swear or affirm to tell the
25 truth, the whole truth, and nothing but the truth, so

1 help you God?

2 DR. GABRIEL CHARLES FORNARI, JR.: Yes.

3 THE COURT: Have a seat. Make yourself
4 comfortable.

5 DR. GABRIEL CHARLES FORNARI, JR.: Thank you.

6 THE COURT: The microphone's going to amplify your
7 voice, but unfortunately, in this courtroom, all sound
8 goes straight to the ceiling. And so, you will have to
9 speak up for me. My court reporter is right in front of
10 you, but I've got jurors down on the end that are going
11 to have to be able to hear you, so, please speak up.
12 You don't have to get right on top of the microphone, or
13 you'll get a blurry voice, but speak up for me. Begin
14 by stating your full name and spelling your last name
15 for the court reporter.

16 DR. GABRIEL CHARLES FORNARI, JR.: My name is
17 Gabriel Charles Fornari, Jr. F/o/r/n/a/r/i.

18 THE COURT: Your witness, Counsel. Direct
19 examination.

20 SOLICITOR HOLLEN: Thank you, your Honor.

21 DR. GABRIEL CHARLES FORNARI, JR.

22 DIRECT EXAMINATION

23 BY SOLICITOR HOLLEN:

24 Q Good morning, Dr. Fornari.

25 A Good morning.

1 Q Thank you for being here. I've already called you
2 Doctor. What do you do?

3 A I'm an emergency room physician.

4 Q Where do you work as an emergency room physician?

5 A Allendale County Hospital.

6 Q And do you work anywhere else as an emergency room
7 physician?

8 A Yes, Coastal Carolina Emergency Department.

9 Q You're wearing your work outfit. Did you just come
10 off of a shift?

11 A That's correct.

12 Q Okay. Dr. Fornari, were you working at the
13 Allendale County Hospital on May 26th of 2015?

14 A Yes.

15 Q And some point, was a victim brought in? Did you
16 treat a victim named James Spellman?

17 A Yes.

18 Q What wounds did Mr. Spellman have when he was
19 brought in?

20 A I do not have the records, but from my recollection
21 he had two wounds, one to the chest and one to the arm.

22 Q Okay. And do you have a time that Mr. Spellman was
23 brought in?

24 A I believe it was at 1734, 5:34 in the afternoon.

25 Q And what date was that?

1 A That was -- I didn't write the date down on that.

2 Q Okay.

3 A On my notes. On 5 -- wait a minute. It was 5-26.

4 Q So, May 26?

5 A Yeah, of 2015.

6 A 2015.

7 A I'm sorry about that.

8 Q That's All right. And when Mr. Spellman was
9 brought in, did you attempt to re -- were you the doctor
10 that treated him, or attempted to?

11 A That is correct.

12 Q Did you try to do any lifesaving procedures on Mr.
13 Spellman?

14 A Yes, we did.

15 Q What was the result of that? The ultimate result
16 of that? Were you able to --

17 A We were not able to revive him.

18 Q So, was Mr. Spellman pronounced dead at some point?

19 A That is correct.

20 Q And who did that?

21 A I did.

22 Q What time did you pronounce Mr. Spellman deceased?

23 A At 1752, or 5:52 p.m.

24 Q Dr. Fornari, this might be a silly question. Is
25 Allendale County Hospital in Allendale County?

1 A That's correct.

2 Q So, Mr. Spellman was pronounced deceased in
3 Allendale County?

4 A That is correct.

5 Q Dr. Fornari, you don't have -- do you have any
6 information about who shot James Spellman?

7 A No.

8 Q Do you have any information about how many times he
9 was shot?

10 A No.

11 Q Do you have any information about how he got to the
12 hospital?

13 A He was -- I note that he arrived by personal
14 vehicle.

15 Q So, he was not brought in an ambulance?

16 A That is correct.

17 SOLICITOR HOLLEN: Dr. Fornari, thank you. I don't
18 have any further questions.

19 THE COURT: Cross-examination.

20 MR. DEYSACH: No questions, your Honor.

21 THE COURT: As to this witness, Solicitor?

22 SOLICITOR HOLLEN: I would ask that he be excused,
23 your Honor.

24 THE COURT: Any objection, Mr. Deysach?

25 MR. DEYSACH: No, your Honor.

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BEST DIRECT HOLLEN

1 THE COURT: Dr. Fornari, you may step down. You're
2 excused from the trial of this case. Drive carefully.
3 Get some sleep.

4 Call your next witness.

5 SOLICITOR HOLLEN: DeQuincy Best.

6 THE COURT: Left hand on the *Bible*, and raise your
7 right hand.

8 MADAM CLERK: Do you swear or affirm to tell the
9 truth, the whole truth, and nothing but the truth, so
10 help you God?

11 DEQUINCY BEST: Yes, ma'am.

12 THE COURT: Have a seat for me in the witness
13 stand. The microphone is going to amplify your voice.
14 You don't have to get right on top of it. You've got to
15 speak up like I'm doing right now, so the court
16 reporter, who's right below you, can understand, and the
17 two ladies on the end of the jury box can understand
18 what you're saying. So speak up. Begin by stating your
19 full name and spelling your last name for the court
20 reporter.

21 DEQUINCY BEST: DeQuincy Best, B/e/s/t.

22 THE COURT: Your witness, Solicitor. Direct
23 examination.

24 SOLICITOR HOLLEN: Thank you, your Honor.

25 DEQUINCY BEST

1 DIRECT EXAMINATION

2 BY SOLICITOR HOLLEN:

3 Q Good morning, Mr. Best.

4 A Good morning.

5 Q Mr. Best, where are you from?

6 A Allendale.

7 Q From Allendale?

8 A Yes, sir.

9 Q Have you been born and raised in Allendale?

10 A Yes, sir.

11 Q Are you working currently?

12 A No, sir.

13 COURT REPORTER: It's the speaker. It's the
14 speaker here. I believe it's the speaker, not the
15 microphones.

16 THE COURT: It might be. It won't stay on.

17 BY SOLICITOR HOLLEN:

18 Q Mr. Best, can you tap that microphone for me? Is
19 that one on? Okay.

20 THE COURT: This, for some reason, isn't picking up
21 right now. You'll have to speak up for me. I'm trying
22 to turn it up, but apparently, yours is not coming up
23 like the other microphones are picking up. But just
24 speak up for me. You don't have to get right on top of
25 it. Just speak in a tone that I'm speaking now.

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BEST DIRECT HOLLEN

1 A Okay.

2 THE COURT: All right, Solicitor. Direct,
3 examination, proceed.

4 SOLICITOR HOLLEN: Thank you, your Honor.

5 BY SOLICITOR HOLLEN:

6 Q Mr. Best, are you working currently?

7 A No, sir, not at the time right now.

8 Q Do you know the defendant in this case, Mr.
9 Williams?

10 A Yes, I do.

11 Q How do you know him?

12 A I just know of him.

13 Q Okay. Is he somebody that you've had seen around
14 and would recognized?

15 A Yes.

16 Q What about the victim in this case, James Spellman?

17 A He's my first cousin.

18 Q He's your first cousin.

19 A Yes, sir.

20 Q Mr. Best, do you remember the day that James
21 Spellman was killed?

22 A Yes, I do.

23 Q What were you doing on that day?

24 A Me and him was just cooling, chilling on -- in
25 Pinewood Apartments, just basically talking about

1 things.

2 Q And what were you -- did you live in Pinewood
3 Apartments at the time?

4 A No, sir.

5 Q Was James staying at Pinewood Apartments at the
6 time?

7 A Yes, he was.

8 Q Who was he staying with?

9 A A girl named Tiffany. I don't know her last name.

10 Q That's okay.

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

13 THE COURT: You may.

14 BY SOLICITOR HOLLEN:

15 Q Mr. Best, I'm going to show you what has already
16 been entered into evidence as State's Exhibit 1.

17 A Right.

18 Q Would you take that from me? Thank you. Is that
19 Pinewood Apartments where you were hanging out with
20 James Spellman?

21 A Yes, sir.

22 Q And where were you in that picture with James?

23 A In this picture right here, I was on the left-hand
24 side, going towards one of my childhood friends,
25 Debentris Breeland, he's standing on the left-hand side.

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BEST DIRECT HOLLEN

1 Tiffany's on the right-hand side. I was in the left-
2 hand stairwell.

3 Q And where was James?

4 A On the right-hand side.

5 Q Okay.

6 SOLICITOR HOLLEN: Your Honor, may I approach the
7 witness?

8 THE COURT: You may.

9 BY SOLICITOR HOLLEN:

10 Q Mr. Best, I'm going to hand you a few things that
11 have been marked for identification as State's 2, 3, 4,
12 5, and 6. And we'll take those one at a time. Okay?
13 Hold those for me. Okay?

14 Mr. Best, State's Exhibit 2, do you recognize it?

15 A Yes, I do.

16 Q What is it a picture of?

17 A The stairwell at Pinewood Apartment where me and my
18 cousin James was at.

19 Q How about State's Exhibit 3?

20 A Same stairwell.

21 Q Is it just a different angle?

22 A Yeah, just a different angle.

23 THE COURT: Speak up, now.

24 A Just a different angle.

25 THE COURT: You're getting too far from the mic.

1 You've got to come up a little bit for me. .

2 BY SOLICITOR HOLLEN:

3 Q Mr. Best, are those two pictures fair and accurate
4 depictions of the stairwell at Pinewood Apartments as
5 they were on that day in 2015?

6 A Yes, they are.

7 Q Have they been changed or altered in any way?

8 A No, sir.

9 SOLICITOR HOLLEN: Your Honor, at this time I'd ask
10 that State's 2 and 3 be admitted, for purposes.

11 THE COURT: As to State's 2 and 3, Mr. Deysach?

12 MR. DEYSACH: No objection, your Honor.

13 THE COURT: Ladies and gentlemen of the jury,
14 State's Exhibit Numbers 2 and 3 will be admitted into
15 evidence in the trial of this case, without objection. 2
16 and 3 are in evidence. You may now publish to the jury.

17 ITEM IDENTIFIED AS PHOTOGRAPH

18 MARKED STATE'S EXHIBIT NUMBER 2

19 ADMITTED AS EVIDENCE.

20 ITEM IDENTIFIED AS PHOTOGRAPH

21 MARKED STATE'S EXHIBIT NUMBER 3

22 ADMITTED AS EVIDENCE.

23 SOLICITOR HOLLEN: Thank you, your Honor. May I
24 ask the witness to step down, your Honor? Is that okay?

25 THE COURT: Give me the portable microphone,

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BEST DIRECT HOLLEN

1 please, Madam Clerk.

2 Now, Mr. Best, you're going to have your back to my
3 court reporter at request of the Solicitor. It's very
4 difficult for the court reporter. She can't see your
5 mouth to pick up what you say. You're going to have to
6 use this microphone and speak up.

7 SOLICITOR HOLLEN: All right.

8 THE COURT: No, Solicitor. Back up a little bit,
9 so the court reporter will be able to pick both of all
10 of you all up.

11 SOLICITOR HOLLEN: Yes, your Honor.

12 THE COURT: Can everybody on the jury see the
13 screen?

14 RESPONSES FROM JURORS.

15 THE COURT: All Right. Can you see it, Mr.
16 Deysach?

17 MR. DEYSACH: Yes, your Honor.

18 THE COURT: Can you see it, Mr. Best?

19 A Yes, sir.

20 THE COURT: All right. All right, Solicitor,
21 direct examination. Speak up.

22 SOLICITOR HOLLEN: Thank you, your Honor.

23 BY SOLICITOR HOLLEN:

24 Q Mr. Best, On that picture, where were you seated on

25 --

1 THE COURT: Refer to the exhibit number for the
2 record.

3 BY SOLICITOR HOLLEN:

4 Q 2, in this picture in State Exhibit 2, where were
5 you seated on that day?

6 A On the left-hand side.

7 Q On the left-hand side of the steps?

8 A Yes, sir.

9 Q Where were James seated?

10 A On the right-hand side.

11 Q Right-hand side on the steps. State's 3. Same
12 picture, same -

13 A Correct.

14 Q Okay.

15 THE COURT: Refer to the exhibit number for the
16 record.

17 BY SOLICITOR HOLLEN:

18 Q State's 3, where were you seated in that picture?

19 A Left-hand side. My cousin James was on the right-
20 hand side.

21 Q All right. Thank you. Mr. Best, go ahead and have
22 a seat back up on the stand, if you don't mind. I'll
23 take that.

24 Mr. Best, at some point, did a vehicle pull up to
25 Pinewood Apartments?

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BEST DIRECT HOLLEN

1 A Yes, it -- yes, it did.

2 Q And what kind of vehicle was it?

3 A It was a blue Ford Focus.

4 Q A blue Ford Focus.

5 A Correct.

6 Q Did you notice anything else about it when it
7 pulled up? Anything that stood out?

8 A Not really.

9 Q Okay. When that car pulled up, did anybody get out
10 of it?

11 A Yes.

12 Q Who was the first person that got out of the car?

13 A The defendant, Mr. Williams, and Rahem Devoe.

14 Q. Who was the first one to get out?

15 A Rahem Devoe.

16 Q All right. And what did Mr. Devoe do when he came
17 up?

18 A He came on the stairwell; shook my hand. Following
19 him was Mr. Williams. Also came and shook my hand.
20 Rahem repeated going up the stairwells to Debentris
21 Breeland apartment.

22 Q All right. Hold on a second. Let's back up.
23 Let's slow down just a little.

24 Did Mr. Devoe -- you said Mr. Devoe greeted you.
25 He said hi to you?.

1 A Correct.

2 Q Did he speak with James?

3 A Correct.

4 Q And then, he started to do what after that? You
5 say he went upstairs?

6 A Went upstairs on the left-hand side of Pinewood
7 where I was staying at. Went toward the Quincy Breeland
8 apartment. Following him was Mr. Williams.

9 Q Okay. Hold on. Sorry, I'm going to stop you right
10 there. So Mr. Devoe walked by you to go up the left-
11 hand stairs?

12 A Correct.

13 Q The next person that came up was who?

14 A Mr. Williams, the defendant.

15 Q And what did he do?

16 A Also shake my hand.

17 Q And did you -- when he shook your hand, did you
18 notice anything?

19 A Yes, he had a pistol tucked on the side of his
20 shoulder, on the side of his pants.

21 Q On the side of his pants?

22 A Correct.

23 Q Did he speak with James?

24 A No, sir.

25 Q So, he shook your hand. What did he do next?

1 A Turned -- turned around and walked down -- back the
2 stairs.

3 Q All right. So, he was on the stairs, and he turned
4 around and went back down?

5 A Correct.

6 Q And what did you do next, when he started going
7 down the stairs?

8 A Well, I turned my -- I turned my back going towards
9 the upstairs. I was going to go get ready to go
10 upstairs, too, to Debentris' apartment. By the time I
11 turned around, a gunshot. So I reached down over James
12 Spellman.

13 Q Okay.

14 A When the gun off, I yell, Rahem Devoe also yell,
15 stop, don't shoot my cousin. Terreak Williams was over
16 him with the gun, getting ready to shoot him again.

17 Q Okay. All right. So you turned to go up the
18 stairs to the Debentris Breeland's apartment. That's
19 what you said, right?

20 A Correct.

21 Q And Mr. Devoe was at the top of the stairs?

22 A Correct.

23 Q And did you see James doing anything when you
24 turned to go upstairs?

25 A James -- I said, James, he was -- he was sitting

1 down on the right-hand side on the steps. He must have
2 -- Mr. Williams pulled the gun out, and James stand up
3 against the wall right here on State Evidence 2.

4 Q All right. Pull up 2, please.

5 He was sitting on the -

6 THE COURT: Just a moment..

7 SOLICITOR HOLLEN: Sorry.

8 THE COURT: Refer to the exhibit number for the
9 record.

10 BY SOLICITOR HOLLEN:

11 Q On State's 2, Mr. Best, you say he was sitting on
12 the steps?

13 A Correct.

14 Q And he stood up against the wall?

15 A Correct.

16 Q And at that point you turned; then Mr. Williams had
17 the gun pointed at James?

18 A Correct.

19 Q And how many gunshots did you hear?

20 A One.

21 Q And what did James do when you heard that gunshot?

22 A He tried to run. He tried to run up the stairwell.
23 Where you see the blood on Exhibit 2, he land right
24 there on his stomach.

25 Q Okay. Will you bring up State's Exhibit 3, please,

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BEST DIRECT HOLLEN

1 Mr. Hutto.

2 So, in this picture, in State's 3, Mr. Best, James,
3 you said, tried to run and he --

4 THE COURT: Turn around and face the witness and
5 ask the question, Counselor.

6 BY SOLICITOR HOLLEN:

7 Q When he tried to run, you said fell face-first?

8 A Correct.

9 Q You said he landed about where the blood was.

10 A Correct.

11 Q And what happened next after that? You said you
12 were yelling.

13 A Terreak was standing over him with the gun, getting
14 ready to shoot him again.. Me and my cousin, Rahem
15 Devoe, tell him to stop; don't do that; that our cousin,
16 our family. And he start running, wherever he went. I
17 don't know where he went.

18 Q Okay.

19 A I don't know if he got back in the car or what.

20 Q Do you remember what happened next?

21 COURT REPORTER: I'm so sorry.

22 BY SOLICITOR HOLLEN:

23 Q Speak up just a little bit.

24 A No, not really, no, sir.

25 Q Mr. Best, did you attempt to help James?

- 1 A Yes, sir.
- 2 Q How did you do that?
- 3 A Well, see if he was still breathing. Pick him up
4 and throw him in my car on Exhibit 4.
- 5 Q Hold on, hold on. Let's not get there. We're not
6 there quite yet. We'll get to those in just a second.
7 But you tried to help him, you tried to pick him up?
- 8 A Correct.
- 9 Q Mr. Best, do you remember the gun that you saw Mr.
10 Williams use on that day?
- 11 A It was probably a .40 Glock .40.
- 12 Q Okay. Was it an automatic or a revolver? Do you
13 know the difference?
- 14 A No, it was automatic.
- 15 Q It was an automatic.
- 16 A Yes, sir.
- 17 Q So, it didn't have a dial?
- 18 A No, sir.
- 19 Q Now, Mr. Best, I'm going to ask you to look at
20 State's 4, 5, and 6. Do you recognize those pictures?
- 21 A Yes, I do.
- 22 Q What are they?
- 23 A Pictures of my Crown Vic, Victoria, my vehicle.
- 24 Q Your vehicle?
- 25 A Yes, sir.

1 Q What kind of vehicle is it?

2 A Ford Crown Victoria.

3 Q So, after James got shot, you said tried to help
4 him. What did you do with him?

5 A I put him in the back seat on Exhibit -- State
6 Evidence Exhibit 5.

7 Q All right. Are those pictures a fair and accurate
8 depiction of your vehicle as it was on that day?

9 A Correct.

10 SOLICITOR HOLLEN: Your Honor, I'd ask at this time
11 that State's 4, 5, and 6 be admitted into evidence.

12 THE COURT: As to State's 4, 5, and 6, Counsel?

13 MR. DEYSACH: No objection.

14 THE COURT: Ladies and gentlemen of the jury,
15 State's Exhibits 4, 5, and 6 will be admitted into
16 evidence in the trial of this case without objection.
17 You may now publish to the jury, Counsel.

18 SOLICITOR HOLLEN: Thank you, your Honor.

19 ITEM IDENTIFIED AS PHOTOGRAPH

20 MARKED STATE'S EXHIBIT NUMBER 4
21 ADMITTED AS EVIDENCE.

22 ITEM IDENTIFIED AS PHOTOGRAPH

23 MARKED STATE'S EXHIBIT NUMBER 5
24 ADMITTED AS EVIDENCE.

25 ITEM IDENTIFIED AS PHOTOGRAPH

1 MARKED STATE'S EXHIBIT NUMBER 6

2 ADMITTED AS EVIDENCE.

3 BY SOLICITOR HOLLEN:

4 Q Mr. Best, State's Exhibit 4, can you describe that
5 for us?

6 A It's a picture of my vehicle.

7 Q It's a picture of your vehicle. What kind of
8 vehicle is it again?

9 A It's a Ford Crown Victoria.

10 Q State's Exhibit 5. What's that a picture of, Mr.
11 Best?

12 A Picture of my back seat.

13 Q Picture of your back seat. What is that on the
14 back seat?

15 A Blood.

16 Q State's Exhibit 6. Mr. Best, what is that?

17 A A picture of my vehicle, back door, left-hand side.

18 Q And what's on the back door, left-hand side?

19 A Also blood.

20 Q Mr. Best, after you got James in the car, what did
21 you do with him?

22 A Rushed him to Allendale/Fairfax Hospital.

23 Q And during that drive, did James say anything to
24 you?

25 A No, sir.

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BEST DIRECT HOLLEN

1 Q Did he say anything at all after he was shot?

2 A No, sir.

3 Q Do you remember about what time the shooting took
4 place, Mr. Best? Roughly the time of day?

5 A About 5:30 or 6:00 o'clock, somewhere around that
6 time.

7 Q Do you remember exactly?

8 A No, I don't.

9 Q Okay. Mr. Best, I'm going to ask you if you see
10 the person in the courtroom today that you saw fire the
11 shot at James Spellman.

12 A Yes, I do.

13 Q And where is he?

14 A Right here, defendant.

15 Q Can you describe -- can you describe what he's
16 wearing?

17 A Blue and red shirt.

18 SOLICITOR HOLLEN: Your Honor, let the record
19 reflect that he's identified the defendant.

20 THE COURT: Proceed.

21 SOLICITOR HOLLEN: Mr. Best, I have no further
22 questions for you at this time. Thank you.

23 THE COURT: Cross-examination.

24 MR. DEYSACH: Thank you very much, your Honor.

25 DEQUINCY BEST

1 CROSS-EXAMINATION

2 BY MR. DEYSACH:

3 Q Good morning, Mr. Best. My name is Ian Deysach.
4 I'm the attorney for Mr. Williams.

5 I'm going to go straight to the day that this
6 happened. Can you tell me when you arrived at Pinewood
7 Apartments?

8 A I was out there early. Probably about 1:00
9 o'clock. 1:00, 2:00 o'clock.

10 Q But you don't live there. Is that correct?

11 A No, sir.

12 Q So, were you there when Ms. Loadholt and James
13 arrived back from the DSS office?

14 A Yes, sir. Yes, sir.

15 Q And what car were they driving?

16 A I'm thinking she was driving an Explorer or
17 something like that.

18 Q What did Mr. Spellman do then? Did he go to the
19 apartment, or did he stay with you?

20 A He went to the apartment for a little bit. Then,
21 he came back downstairs.

22 Q Who else was with you all?

23 A During the time we were on the steps?

24 Q Yes, sir.

25 A It was just me, him, and Debentris Breeland.

1 Q Okay. So, were you there when Mr. Williams came to
2 take out the trash?

3 A Mr. Williams? No, sir.

4 Q Did you see anyone take out the trash?

5 A No, sir.

6 Q All right. Now, when you -- all right. You
7 testified that, after this happened, you did not --
8 well, you took Mr. Spellman to the hospital in your
9 personal vehicle. Is that correct?

10 A Correct.

11 Q You did not call 911, correct?

12 A No, sir. My phone was dead.

13 Q Your phone was dead.

14 A Correct.

15 Q Was there anyone there that had a phone that could
16 work?

17 A I -- I -- no, sir.

18 Q Let me ask you this. When the -- when the blue car
19 arrived, are you testifying today that Rahem Devoe got
20 out of that blue car?

21 A Yes, he did.

22 Q All right. Have you ever spoken to law enforcement
23 about this case?

24 A On that same night?

25 Q Yes.

1 A SLED, yes, sir, I did.

2 Q SLED? Did you speak to Detective Manor In the
3 hospital?

4 A I don't even recall. I talked to a lot of people
5 that night.

6 Q Okay. So, maybe you did, and maybe you didn't?

7 A Maybe I did, maybe I didn't, yes, sir.

8 Q Okay. And you did a written statement for Mr.
9 Johnson?

10 A Yes, I did.

11 Q At any point did you tell Mr. Johnson that Rahem
12 Devoe got out of that blue car?

13 A I might have. I might not. It was -- everything
14 happened so fast, so, no.

15 Q Well, and you got an opportunity to write out a
16 statement, didn't you?

17 A Yes, I did.

18 Q And you had all the time that you needed to write
19 that statement out, didn't you?

20 A Yes, sir, I did.

21 Q Okay. And this is, of course -- I mean, you know
22 why you're writing out this statement, correct? For law
23 enforcement purposes, correct?

24 A Yes.

25 Q All right. And so, the reason that they've asked

1 you to write this statement is so that they can
2 investigate this shooting, correct?

3 THE COURT: Ask the question, Counselor.

4 Q Correct?

5 A Correct.

6 Q And so, what they've asked you to do is write down
7 everything that's important that happened that night,
8 correct?

9 A It was what I could remember at that when police
10 -- it was what I could remember at the time, yes.

11 Q Okay. Now, you made this statement at May 26th,
12 the day of the shooting, at 8:00 p.m., correct?

13 A Correct.

14 Q So, the shooting had just happened a couple hours
15 ago, correct?

16 A Yeah.

17 Q And we're not talking about some stranger that was
18 walking out of this blue car, correct?

19 A No.

20 Q Correct?

21 A Correct.

22 Q I mean, Rahem Devoe is not a stranger to you,
23 correct?

24 A Correct.

25 Q In fact, he's your cousin, correct?

1 A Correct.

2 Q And nowhere in your written statement did you tell
3 law enforcement that your cousin got out of the same car
4 that Mr. Williams arrived in, correct?

5 A I may have; I may not, correct.

6 Q Okay. So, the first time that you spoke to law
7 enforcement regarding Rahem Devoe was just a couple of
8 weeks ago in preparation for this trial, correct?

9 A Correct.

10 Q All right. Because you haven't spoken to law
11 enforcement since May 26th of 2015, until just a few
12 weeks ago, getting ready for this trial, correct?

13 A Correct.

14 Q Okay. So, if you didn't tell them about Rahem
15 Devoe in the first place, then, a few weeks ago would
16 have been the first time you would have mentioned his
17 name, correct?

18 A I may -- yes, I guess. Yes, sir.

19 Q Were you able to describe the clothes of the person
20 who shot Mr. Spellman?

21 A No, I do not --

22 COURT REPORTER: I'm sorry, I do not what?

23 A I do not remember all that.

24 THE COURT: I'm sorry. You couldn't what?

25 A Do not remember all that.

1 BY MR. DEYSACH:

2 Q Did you remember back on May 26 what kind of
3 clothes the person was wearing?

4 A No, I do not.

5 Q So, at no time have you been able to tell law
6 enforcement a clothing description of the person who
7 shot James?

8 A No, I do not.

9 Q All right. And I can assume certainly not a
10 clothing description of Mr. Devoe, correct?

11 A No, sir.

12 Q Not after two years, correct?

13 A No, sir.

14 Q And at no time until trial preparation for this
15 case did you say anything about Mr. Williams walking up
16 toward Mr. Breeland's apartment. Isn't that true?

17 A Repeat that, please.

18 Q Okay. On May 26th, did you ever tell the police
19 that Mr. Williams had walked up towards Mr. Breeland's
20 apartment?

21 A Yes, I -- yes, I did.

22 Q Okay.

23 THE COURT: Show him a copy of the statement,
24 Counselor.

25 You may approach the witness, Counselor.

1 MR. DEYSACH: Thank you.

2 THE COURT: Hand him the statement and proceed with
3 cross-examination.

4 BY MR. DEYSACH:

5 Q I'm handing you a copy of your written statement,
6 dated May 26, 2015. Is there anywhere in that statement
7 where you tell police that Mr. Williams walked up
8 towards Debentris Breeland's apartment?

9 A That what he did, he did walk up toward -- I was
10 sitting on the bench on the stairwell. So, that was
11 where he was going.

12 Q I understand that's what you're telling the jury
13 today. What I'm asking you is whether that's what you
14 told the police in your written statement on May 26th.

15 A Yes.

16 Q Can you show me where you say that? Just point it
17 out. I'm, I think, basically -- I would direct you to
18 the bottom of the first page, and then, the second page.

19 A Where you been at? You talking about --

20 Q Well, I mean, I'm asking you if --

21 THE COURT: Hold on a second. Let him have an
22 opportunity to review the statement, Counselor.

23 MR. DEYSACH: Sure. Yes, your Honor.

24 BY MR. DEYSACH:

25 A I don't really say --

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BEST CROSS DEYSACH

1 Q You got to speak up.

2 A Okay. In the statement, it doesn't say it.

3 THE COURT: You got to speak up for me.

4 A Okay. On the statement, it doesn't say Terreak was
5 going up the stairwell.

6 THE COURT: Step back, Counselor. You're blocking
7 the jury's view.

8 Are you finished reviewing your statement?

9 A Correct. Yes.

10 THE COURT: Ask the question, Counselor.

11 BY MR. DEYSACH:

12 Q Is there anywhere in that statement where you tell
13 police that Mr. Williams walked up towards Debentris
14 Breeland's apartment upstairs?

15 A No, I didn't put Debentris Breeland's name in the
16 statement.

17 Q You did?

18 A I didn't.

19 Q Okay. Go ahead. All right.

20 MR. DEYSACH: Your Honor, may I approach the
21 witness?

22 THE COURT: You may.

23 MR. DEYSACH: Thank you.

24 BY MR. DEYSACH:

25 Q Okay. And finally, did you tell the jury when you

1 were testifying that you did or didn't see Mr. Williams
2 shoot James Spellman?

3 A I did.

4 Q You told them that you saw it?

5 A Yes, I did.

6 Q Okay. Do you remember speaking to Detective
7 Outique Manor at the hospital on his body mic, or on his
8 body cam?

9 A Like I say, I talked to a lot of cops that night.
10 I don't recall talking to a Manor. I do not.

11 Q Okay. Do you remember telling him that, when asked
12 if you saw anybody shoot Mr. Spellman, that your back
13 was turned?

14 A I told him my back was turned when -- when James --
15 my back was turned when I was going up the stairs. But
16 when Terreak went back down the stairs, I heard James
17 got up.

18 Q Okay.

19 A When he got up, he's standing against the wall,
20 that's where I think he shot the boy. He began -- he's
21 standing against the wall.

22 Q So, when Mr. Manor asked you, had you seen him pull
23 the trigger?

24 A Yes.

25 Q Your answer to him was no, my back was turned. Did

1 you say that or not?

2 A I don't recall. Probably so. I think so.

3 Q I'm sorry. Did you say it, or not? I need a firm
4 answer.

5 A I don't know.

6 Q Okay.

7 MR. DEYSACH: I may need a microphone for this,
8 your Honor.

9 THE COURT: I don't know what this is. Counsel
10 approach. See Counsel for a minute. Come on,
11 Counselor, chop-chop.

12 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
13 HEARING OF JURORS. PRESENT: THE COURT,
14 MR. HOLLEN, MR. DEYSACH.

15 END BENCH CONFERENCE.

16 THE COURT: Step back and proceed.

17 MR. DEYSACH: Your Honor, I probably need a little
18 bit of guidance on how to you'd like me to introduce
19 this into or in any type of evidence.

20 THE COURT: Well, first of all, you're going to
21 have to authenticate it, Mr. Deysach.

22 MR. DEYSACH: So I carry the video up to Mr. Best
23 and let him --

24 THE COURT: Any objections, Solicitor?

25 SOLICITOR HOLLEN: No, your Honor.

1 THE COURT: He wants to take his computer to the
2 witness.

3 SOLICITOR HOLLEN: I have no objection to that.

4 THE COURT: You may approach the witness and hand
5 him the computer, Mr. Deysach.

6 Approach the witness. You're blocking the jury's
7 view.

8 MR. DEYSACH: I'm not going to enter this.

9 THE COURT: All right. Proceed with cross-
10 examination, Mr. Deysach.

11 BY MR DEYSACH:

12 Q All right. This is where I left off. You see any
13 trigger here.

14 THE COURT: Hold it, Mr. Deysach. Ask a question.
15 Don't make a statement.

16 MR. DEYSACH: Okay.

17 BY MR DEYSACH:

18 Q Do you remember Mr. Manor asking you if you seen
19 him pull the trigger on that night the hospital?

20 A I don't recall.

21 Q Okay. Do you remember telling him, no, my back was
22 turned?

23 A Yes, I did see that.

24 Q Okay. In response to that question?

25 A No.

1 Q Did you ever tell the police anything about Mr.
2 Spellman trying to run off when this happened?

3 A Yes.

4 Q Did you ever -- let me ask you this? Did Rahem
5 Devoe help you put Mr. Spellman in the car?

6 A No.

7 Q Let me ask you this. Did Rahem Devoe tell you to
8 call 911?

9 A No.

10 Q Did you guys wait ten or fifteen minutes for an
11 ambulance to come after 911 was called?

12 A I ain't going to wait for nobody to call. I
13 throwed my cousin in the back seat of my car and rushed
14 him to the hospital myself.

15 Q So, no 911 call and no waiting for fifteen minutes
16 for an ambulance to come, correct?

17 A No.

18 Q There was, you said, an automatic. Is that
19 correct?

20 A Yes.

21 Q And that, after this happened, Mr. Williams, who
22 you say did this, left, correct?

23 A Correct.

24 Q And you tell the police that anybody picked up any
25 shell casings or anything like that?

1 A No.

2 Q Cause that didn't happen, did it?

3 A I do not know.

4 Q Did you see it?

5 A No.

6 MR. DEYSACH: No further questions.

7 THE COURT: Re-direct.

8 SOLICITOR HOLLEN: Thank you, your Honor.

9 DEQUINCY BEST

10 RE-DIRECT EXAMINATION

11 BY SOLICITOR HOLLEN:

12 Q Mr. Best, how long before you saw your first cousin
13 shot in front of people before you spoke to police? Do
14 you have any idea?

15 A It was late.

16 THE COURT: Speak up for me.

17 A It was late. Three or four hours later. I don't
18 have a slight idea.

19 Q And do you remember -- you remember speaking to
20 him.

21 A Correct.

22 Q Do you remember writing a statement?

23 A Correct.

24 Q Did anyone ask you to put every single detail in
25 that statement?

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BEST RE-DIRECT HOLLEN

1 A No, they did not.

2 Q Did anyone ask you about Rahem Devoe being there?

3 A No, they did not.

4 Q Has anyone ask you who shot your cousin?

5 A No, they did not.

6 Q They didn't ask you who shot your cousin?

7 A I don't think. I told them.

8 Q You told them.

9 A Yeah, before they ever ask me.

10 Q And did you give them a name?

11 A Correct.

12 Q And what was the name again?

13 A Terreak Williams.

14 Q And is Mr. Williams someone that's known to you?

15 A I know of him. I know him.

16 Q He wasn't a stranger.

17 A No, he wasn't a stranger.

18 Q You told them then who it was.

19 A Correct.

20 Q And once you gave them a name, did anything ask you
21 about the clothes that person was wearing?

22 A No, they did not.

23 Q Mr. Best, do you remember when you spoke -- and I'm
24 just asking. Do you remember when you spoke to
25 Detective Manor? Was it at the hospital? Do you know?

1 A I haven't the slightest idea.

2 Q Have you ever had a family member killed in front
3 of you before?

4 A No, sir.

5 Q Is that the only time?

6 A First time.

7 Q How did it make you feel?

8 MR. DEYSACH: Objection. Relevance, your Honor.

9 THE COURT: Objection what?

10 MR. DEYSACH: Relevance. *How'd it make you feel.*

11 THE COURT: Overruled. I'll allow him to answer
12 that question if he can.

13 BY SOLICITOR HOLLEN:

14 A Devastated. He was shot. Shocked me, you know.
15 It was something new.

16 SOLICITOR HOLLEN: Thank you, Mr. Best. No further
17 questions, your Honor.

18 THE COURT: Re-cross, limited to re-direct.

19 MR. DEYSACH: None, your Honor.

20 THE COURT: As to this witness, Solicitor?

21 SOLICITOR HOLLEN: I would ask that he be excused,
22 your Honor.

23 THE COURT: Mr. Deysach, any objection? Mr.
24 Deysach, any objection?

25 MR. DEYSACH: No objection, your Honor.

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BY THE COURT

1 THE COURT: Mr. Best, you may step down from the
2 witness stand. You are to leave my photographs there.
3 You are excused from the trial of this case and you may
4 leave the courtroom. Thank you.

5 Madam Foreperson, ladies and gentlemen of the jury,
6 I'm going to take my mid-morning break at this point.
7 Let you stretch your legs, use the restroom. Please do
8 not discuss the case. You have not heard all the
9 evidence in the case. I'll be back with you after
10 you've had a chance to stretch your legs and take a
11 break this morning. You may retire to your jury rm at
12 this time.

13 JURORS LEAVE COURTROOM 11:03 A.M.

14 THE COURT: All right, Counselors, I want you all
15 to get a break, as well as the people in the courtroom.
16 I need to see my two lawyers briefly. And Donnie, I
17 need to see you briefly in my chambers. We'll take ten
18 minutes.

19 OFF THE RECORD 11:04 A.M.

20 BACK ON THE RECORD 11:18 A.M.

21 BY THE COURT:

22 BAILIFF: All rise. Court's back in session.

23 THE COURT: Thank you. Please be seated. State
24 ready to proceed?

25 SOLICITOR HOLLEN: yes, your Honor.

1 THE COURT: Defendant ready to proceed?

2 MR. DEYSACH: We are, your Honor. We believe there
3 were going to be some matters regarding the next witness
4 that we might want to take up outside the presence of
5 the jury.

6 SOLICITOR HOLLEN: Briefly, it's regarding
7 impeachment, your Honor.

8 THE COURT: Counsel approach.

9 OFF-THE-RECORD BENCH CONFERENCE,
10 OUT OF HEARING OF JURORS. PRESENT:
11 THE COURT, SOLICITOR HOLLEN, MR.
12 DEYSACH.
13 END BENCH CONFERENCE.

14 THE COURT: Step back.

15 BENCH CONFERENCE CONTINUES.
16 END BENCH CONFERENCE.

17 THE COURT: Do you have the dates?

18 MR. DEYSACH: I don't have the date. I believe
19 it's a few months before the events we're here on today.

20 THE COURT: Check on it.

21 SOLICITOR HOLLEN: Your Honor, that's November 18
22 of 2015.

23 THE COURT: That was of what year? 2015.

24 SOLICITOR HOLLEN: 2015. That's seven or eight
25 months after this incident.

1 CONTINUE BENCH CONFERENCE.

2 END BENCH CONFERENCE.

3 THE COURT: All right. Let the record reflect
4 Counsel approached me about the next witness who is on
5 the witness list, Rahem Devoe. He's Number 22 on the
6 State's witness list. Mr. Deysach has informed the
7 Court that he is aware of a charge, not a conviction
8 yet, on this witness of the offense of armed robbery.
9 The Solicitor tells me this charge occurred in November
10 of 2015.

11 SOLICITOR HOLLEN: Your Honor, I just looked at the
12 warrant. I apologize. This occurred before that, so it
13 was on April 1, 2015, and he was arrested on April 9.

14 THE COURT: I'm going to allow Mr. Deysach to ask
15 the witness on cross whether he's been charged with
16 armed robbery. He's also been and that's it. And not
17 anything concerning the penalty, under Rule 608. I'm
18 also going to permit, under Rule 609, that this next
19 witness has been convicted of a crime of failing to stop
20 for a blue light for purposes of Mr. Deysach attempting
21 to attack the witness's credibility or believability. I
22 believe that accurately states what occurred at the
23 Bench as far as my ruling is concerned. But Mr. Deysach
24 wishes to place on the record his request.

25 MR. DEYSACH: Thank you very much, your Honor. The

1 request I would make that I made at the bench conference
2 was to impeach Mr. Devoe under Rule 608© under evidence
3 of bias on a May 7, 2015 -- I'm sorry -- September 15,
4 2015 drug charges, which are still pending.

5 THE COURT: And Rule 608 deals with evidence of
6 instances of conduct involving truthfulness or
7 untruthfulness, and my ruling on that is that drug
8 charges do not affect truthfulness or untruthfulness or
9 therefore that request is denied.

10 MR. DEYSACH: Thank you, your Honor. I also
11 requested to be able to get into the penalties, the
12 potential penalties for these offenses.

13 THE COURT: And I felt that the penalty was a
14 matter for the Court, and therefore, not a matter --
15 other than I'm going to allow you to ask about charges
16 to attack his credibility, but I'm not allowing you to
17 ask anything about penalty. Anything else?

18 MR. DEYSACH: Making it clear that the penalty as
19 to both the drug charges, which I won't be able to get
20 into; the armed robbery, which I will, but not the
21 penalty. Request to ask the penalty -- be able to ask
22 about the penalty, and the grounds is Rule 608©.

23 THE COURT: Yes, sir. You pointed that out to me
24 at the Bench that evidence applies to prejudice or other
25 motive. Bias, prejudice or any other motive to

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BY THE COURT

1 misrepresent may be shown to impeach the witness either
2 by examination of the witness or by evidence otherwise
3 adduced. I'm allowing you to put in evidence of a
4 charge and of a previous conviction. However, I do not
5 think that necessarily means that you can put in
6 evidence through the witness of the penalty for the
7 charge, and I deny your request.

8 Let's proceed. Call your next witness.

9 SOLICITOR HOLLEN: I think we'll get the jury. We
10 need a jury. But I'll go ahead and -

11 THE COURT: I understand. Bring the jury, but call
12 your witness.

13 SOLICITOR HOLLEN: Rahem Devoe, your Honor.

14 THE COURT: Rahem Devoe.

15 You stand right there, Mr. Devoe. We'll get the
16 jury, and the clerk's going to come over and swear you
17 in the presence of the jury once the jury comes in.

18 You got to speak up in here, Mr. Devoe, like I'm
19 talking right now. You got to talk right now in a tone,
20 sir, so everybody will hear you.

21 JURORS ENTER COURTROOM 11:35 A.M.

22 THE COURT: Call your witness in the presence of
23 the jury.

24 SOLICITOR HOLLEN: Thank you, your Honor. Rahem
25 Devoe.

1 THE COURT: Madam Clerk, would you swear the
2 witness, please.

3 MADAM CLERK: Do you swear or affirm to tell the
4 truth, the whole, and nothing but the truth, so help you
5 God?

6 MR. RAHEM DEVOE: Yes, ma'am.

7 THE COURT: Mr. Devoe, I'm going to ask you, that
8 microphone will amplify your voice. Just don't get too
9 close to it. Just speak up. And if you get right on
10 top of it, it blurs your voice. State your full name
11 and spell your last name for the court reporter.

12 MR. RAHEM DEVOE: Rahem Devoe, D/e/v/o/e.

13 THE COURT: Can you hear better now?

14 COURT REPORTER: I can.

15 THE COURT: Your witness, Counsel.

16 SOLICITOR HOLLEN: Thank you, your Honor. Thank
17 you, Elaine.

18 RAHEM DEVOE

19 DIRECT EXAMINATION

20 BY SOLICITOR HOLLEN:

21 Q Good morning, Mr. Devoe. How you doing?

22 A Good. Thank you.

23 Q Mr. Devoe, where are you from?

24 A Allendale.

25 Q Born and raised here?

1 A Yes, sir.

2 Q Do you know the defendant in this case, Mr.
3 Williams?

4 A Yeah.

5 Q And how do you know him? Is he somebody you saw
6 around on a regular basis?

7 A Yes, sir.

8 Q Do you know the victim in this case, James
9 Spellman?

10 A Yes, sir.

11 Q How do you know James?

12 A Kin to me. My cousin.

13 Q He was kin to you. Mr. Devor, do you remember the
14 day James was killed?

15 A Yeah.

16 Q Where were you on the day James Spellman was shot
17 and killed?

18 A I was at Pinewood.

19 Q You were at Pinewood, all right. Were you in
20 Allendale that whole day, and did you come from
21 somewhere else?

22 A No, sir, I wasn't in Allendale.

23 Q You weren't in Allendale? Where were you?

24 A I was in Columbia. Atlanta. I went to Columbia.

25 Q You were in Atlanta, and you went to Columbia, and

1 then you came down here?

2 A Yes, sir.

3 Q Before you went to Pinewood, where were you?

4 A In the Pond.

5 Q In the Pond?

6 A Yeah.

7 Q And where is that?

8 A Up the street. My uncle house.

9 Q You were at your uncle's house. Did anybody call
10 you on that day?

11 A Yeah. I talked to Mr. Williams. And basically,
12 that was it who called me.

13 Q You talked to the defendant?

14 A Yes, sir.

15 Q All right. And at some point, did you see the
16 defendant?

17 A Yeah.

18 Q And where were you when you saw him?

19 A They came to my uncles's house.

20 Q They came to your uncle's house. Who's they?

21 A It was Jaycoby, PC, and one other guy.

22 Q And one more. Okay. Jaycoby, you're talking about
23 the defendant?

24 A Yeah.

25 Q PC, who's that?

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DEVOE DIRECT HOLLEN

- 1 A Ty.
- 2 Q Do you know his full name?
- 3 A Moultrie.
- 4 Q Ty Moultrie. They came to your uncle's house.
- 5 Were they driving?
- 6 A Yeah.
- 7 Q What kind of car were they in?
- 8 A It was a blue car.
- 9 Q A blue car? Do you remember what type or anything?
- 10 A I think an Escort.
- 11 Q An Escort?
- 12 A Yeah.
- 13 Q Okay. And so, who all was in the car? You were in
- 14 the car?
- 15 A Yeah. I got in the car.
- 16 Q All right. Who else?
- 17 A Jaycoby and PC and one other person.
- 18 Q One other person? Did you know the other person?
- 19 A No, I didn't.
- 20 Q Did you get a name or any nickname or anything?
- 21 No?
- 22 A No.
- 23 Q You don't remember?
- 24 A I don't remember a nickname like that.
- 25 Q So you got in the car with them. What did you all

1 do? Did you just ride around?

2 A Rode around smoking.

3 Q All right. At some point when you were in the car
4 with the defendant and Ty Moultrie, did you all end up
5 at Pinewood?

6 A Yes, sir, we end up at Pinewood.

7 Q Did you all talk about going to Pinewood or did you
8 just show up?

9 A No, we took a ride.

10 Q What made you stop there?

11 A It was a lot of people out there, and basically, I
12 was going to talk to my cousin, Boobie.

13 Q Cousin Boobie?

14 A Debentris.

15 Q Debentris Breeland?

16 A Yes, sir.

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

19 THE COURT: You may.

20 BY SOLICITOR HOLLEN:

21 Q Mr. Devoe, I'm going to show you what's been marked
22 for identification and already admitted into evidence, I
23 should say, as State's 1. Let's do 1 and 3. Will you
24 take a look at those for me. Do you recognize those?

25 A Yeah.

4-4-17 STATE V WILLIAMS

DEVOE DIRECT HOLLEN

1 Q On State's Exhibit 1, what is that?

2 A Pinewood.

3 Q That's Pinewood? Does anybody live in that
4 building that you know?

5 A Yeah.

6 Q Who lived there?

7 A I know Debentris stay right upstairs. And my other
8 cousin stay across from him.

9 Q Okay. Which side did Debentris stay on?

10 A Left-hand side.

11 Q On the left.

12 A Yeah.

13 Q You say Tiff?

14 A Yeah.

15 Q Where is she stay?

16 A Right-hand side.

17 Q Rahem, when you all got to the apartment, what did
18 you do?

19 A I jumped out.

20 Q You jumped out of the car?

21 A Yeah.

22 Q And where were you headed?

23 A I was going toward Debentris.

24 Q And did you see anybody when you got out of the
25 car?

1 A Yeah, I seen Quincy Best and I seen my cousin
2 James. They was a few more people out there, but I
3 ain't know who they was.

4 Q There were more people out there? Where were they?

5 A They go like three of them standing right there
6 where the tree's at. And the rest of the people just
7 out and about.

8 Q Where was Quincy? Do you remember where Quincy was
9 sitting?

10 A I really -- I think he was standing up, if I ain't
11 mistaken.

12 Q He was standing up when you got there?

13 A Yeah.

14 Q And did you speak with DeQuincy or James or both?

15 A Yeah, I spoke to everybody out there.

16 Q Everybody out there. And what did you do after
17 that?

18 A I walked up the stairs.

19 Q All right. At some point -- now you had been in
20 the car, you said. You were in the car. You've got to
21 say yes or no.

22 A Yes, sir.

23 Q You were in the car with the defendant.

24 A Yes, sir.

25 Q At some point, did he get out of the car?

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DEVOE DIRECT HOLLEN

1 A Basically, I -- I ain't never see him. All I heard
2 the door shut. When I heard the door shut, I was
3 basically upstairs.

4 Q You were basically upstairs. Okay.

5 A Yes, sir.

6 Q So you didn't actually see him get out of the car.

7 A I ain't seen him got out.

8 Q When you were at the top of the stairs, were you
9 able to get into the apartment? Did you go in?

10 A No, I couldn't even get in the apartment. Soon as
11 I got to the top of the stairs, I heard gunshot.

12 Q All right. You heard a gunshot.

13 A Yeah.

14 Q How many gunshots?

15 A It was one.

16 Q And at that point, what did you do?

17 A I ducked.

18 Q You ducked?

19 A Yeah.

20 Q And did you turn and see where the gunshot came
21 from at any time?

22 MR. DEYSACH: I object to the leading.

23 THE COURT: Sustained. Rephrase the question.

24 BY SOLICITOR HOLLEN:

25 Q After you ducked, what did you do?

1 A I ducked for the gunshot. Basically, I didn't hear
2 no more shots. So I turned back around. I seen Jaycoby
3 over my cousin James. I be like my grandma nephew; what
4 are you doing.

5 Q Okay.

6 A He be like, don't say nothing to him. So I ain't
7 say nothing.

8 Q All right. So you turned and you saw what? Say
9 that again.

10 A I saw Jaycoby over -- over James Spellman.

11 Q And did you say anything at that time?

12 A Yeah, I say that my grandma nephew.

13 Q Did you say anything else?

14 A Nah, I ain't say nothing else.

15 Q Okay. Did you hear anybody else yelling anything
16 else?

17 A Basically, after I say that, Jaycoby say nobody say
18 nothing to him, so I ain't say nothing.

19 Q All right. You say you were at the top of the
20 stairs?

21 A Yes, sir.

22 Q Where was James when you turned to look?

23 A On the ground.

24 Q On the ground. In State's Exhibit 3 that you have
25 in front of you, Mr. Devoe -

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DEVOE DIRECT HOLLEN

- 1 A Yeah.
- 2 Q -- where was James laying when you turned?
- 3 A Right there in the dirt.
- 4 Q Do you remember how he was laying?
- 5 A No, sir.
- 6 Q And what did you do after you turned and saw
- 7 Jaycoby Williams standing over James?
- 8 A I told him that my grandma nephew.
- 9 Q Okay. And what did he do?
- 10 A He say ain't nobody say nothing to him.
- 11 Q He said what, now?
- 12 A Nobody not say nothing.
- 13 Q The defendant said that?
- 14 A Yeah.
- 15 Q What did you take that to mean?
- 16 A I guess nobody say nothing to him.
- 17 Q Do you know what he meant by that?
- 18 A No, sir.
- 19 Q Okay. Did you see the gun that the defendant had?
- 20 A Yeah, basically.
- 21 Q Basically.
- 22 A I tell you -
- 23 Q Can you describe it? You know, what kind of gun?
- 24 A I know -- I know it was a handgun.
- 25 Q Okay. Was it an automatic or a revolver?

1 A It was automatic.

2 Q It was an automatic. Do you remember the color or
3 anything?

4 COURT REPORTER: Was that no?

5 A No, sir.

6 Q After James got shot, what did you do after -- what
7 did the defendant do?

8 A I told -- I told Quincy Best to put him in the car
9 and take him to the hospital.

10 Q Okay. And did Quincy do that?

11 A Yeah, basically. I ain't stay there long enough.
12 I just caught a ride.

13 Q What did you do?

14 A I caught a ride.

15 Q You caught a ride? Did you go to the hospital?

16 A No. I basically went to my cousin house. I had to
17 go.

18 Q All right. You say you went to your cousin's
19 house?

20 A Yes, sir.

21 Q How long did you stay around after James was shot?

22 A Not too long, because I was basically ain't know
23 what to do.

24 Q Mr. Devoe, how long were you -- how long were you
25 riding around in the car before -

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DEVOE DIRECT HOLLEN

1 A Riding around, not too long.

2 Q Not too long? How long have you known the
3 defendant, Mr. Williams?

4 A Basically, all my life.

5 Q Basically, all your life. And how long have you
6 known James?

7 A All my life. He my cousin.

8 Q Mr. Devoe, I'm going to ask you, do you have any
9 current pending charges on you?

10 A Yeah. Like two.

11 Q Couple?

12 A Yeah, two.

13 Q Do you know what they are?

14 A Yeah.

15 Q What are they?

16 A Sale undercover and attempt to, I think, robbery or
17 something.

18 Q And at some point -

19 SOLICITOR HOLLEN: I'll tell you what, I'll
20 withdraw that question, your Honor.

21 BY SOLICITOR HOLLEN:

22 Q Mr. Devoe, I'm going to ask you, do you see in the
23 courtroom today the person that you saw standing over
24 James Spellman with the gun pointed at him?

25 A Yes, sir.

1 Q And can you point him out for us?

2 A He over there.

3 Q Can you describe what he's wearing?

4 A I don't even remember.

5 Q I mean right now.

6 A Collar shirt?

7 Q Collar shirt.

8 A Red. Red.

9 SOLICITOR HOLLEN: Your Honor, may the record
10 reflect he's identified the defendant?

11 Mr. Devoe, I don't have any further questions at
12 this point. Please answer anything Mr. Deysach has.

13 A Yes, sir.

14 THE COURT: Cross-examination?

15 MR. DEYSACH: Thank you, your Honor. May it please
16 the Court.

17 RAHEM DEVOE

18 CROSS-EXAMINATION

19 BY MR DEYSACH:

20 Q Good morning, Mr. Devoe. My name's Ian Deysach. I
21 represent Mr. Williams in this case.

22 I guess I want to kind of clarify some of the
23 things that you said on direct examination. I guess
24 I'll start with, I guess, how the Solicitor talked about
25 trouble that you might have. Now, you do have a

1 conviction on your record for failure to stop for a blue
2 light, correct?

3 A Yeah, it was over.

4 Q Okay. Not pending anymore. That was over 2014,
5 correct.

6 A Um-hmm.

7 Q Okay. But now, I think you testified in response
8 to the Solicitor's question that you have a charge for
9 sale to an undercover?

10 A Yeah.

11 Q And do you know what substance it is that you were
12 supposed to have sold?

13 A Marijuana.

14 Q Marijuana or methamphetamine?

15 A Marijuana, methamphetamine, whatever it is. I
16 don't know.

17 Q Okay. And that you also have a pending charge for
18 armed robbery.

19 A Yeah.

20 Q Okay. And those cases are in Allendale County?

21 A Yeah.

22 Q And they're going to be prosecuted in this very
23 same courthouse, correct?

24 A Yeah.

25 Q By this very same Solicitor's Office.

1 A Yes, sir.

2 Q And those cases involve the very same police
3 departments, don't they?

4 A I guess so.

5 Q Now, Mr. Devoe, you said today that you were coming
6 from Atlanta, but then you went to Columbia to come to
7 Allendale, correct?

8 A Yeah.

9 Q And certainly, Columbia is not on the way back from
10 Atlanta to Allendale, correct?

11 A My daughter was in Columbia at the time.

12 Q Okay. So what you're telling the jury today is
13 that you drove from Atlanta to Columbia to see or pick
14 up your daughter. Is that correct?

15 A I spent some time with my daughter.

16 Q But you spent the time with your daughter in
17 Columbia. You didn't bring her back to Allendale,
18 correct?

19 A She came back down here with her mother.

20 Q And you at the same time, or just with the mother?

21 A With her mother.

22 Q Okay. So did you see her mother in Columbia, also?

23 A Yeah.

24 Q Okay. So do you remember filling out a statement
25 to police on June 2nd of 2015? Making a written

1 statement?

2 A I don't recall.

3 Q You don't recall? I guess I'll ask you first, do
4 you remember meeting with law enforcement on June 2nd of
5 2015?

6 A I met with law -- I met with SLED agent.

7 Q SLED agent. Okay.

8 A Yeah.

9 Q Would you agree that SLED is law enforcement, The
10 State Law Enforcement Division? Isn't that right?

11 A Yeah, it's the same.

12 Q All right. And that's Mr. Johnson that you met
13 with?

14 A Yeah.

15 Q And you -- at this time, you're not sure whether or
16 not you made a written statement?

17 A I know I made -- if I -- by Mr. Johnson wrote one.

18 Q Okay. Do you remember the first line in that
19 statement was: *I came from Atlanta to Allendale, and*
20 *went and check on my people?*

21 A Did that, too.

22 Q Okay. Did you leave out the part about Columbia?

23 A Probably did.

24 Q Okay. And you told them at that time that you were
25 coming to see your daughter and your daughter's mother

1 in Allendale?

2 A Naw. In Columbia.

3 Q That's what you're telling us now, but is that what
4 you told police at the time?

5 A When it got out there, I meant it Allendale, too.

6 Q So you went to Columbia -- I'm not asking you what
7 you're telling the jury.

8 A She was in Columbia.

9 Q I understand.

10 A Therefore, when I went to Atlanta -

11 THE COURT: Whoa. Whoa. One person speaks at a
12 time. You don't talk over him. You don't talk over the
13 lawyer.

14 A Yes, sir.

15 THE COURT: Finish your answer; then ask the
16 question, Mr. Deysach.

17 MR. DEYSACH: Yes, your Honor.

18 BY MR DEYSACH:

19 Q Are you ready for a question?

20 THE COURT: Ask a question, Counselor.

21 MR. DEYSACH: Okay.

22 BY MR DEYSACH:

23 Q The question is not whether or not you visited your
24 daughter in Columbia and then traveled separately to
25 Allendale. The question is whether or not you told the

1 police that on June 2nd of 2015.

2 A Yeah, I probably did.

3 Q Probably did?

4 A I don't recall that, June 15. I can't remember
5 that far sometimes. I remember writing a statement,
6 though.

7 Q Do you remember writing that in your statement?

8 A No.

9 Q Okay. All right. All right, so you testified on
10 direct examination just a few minutes ago that you were
11 at the -- I guess your aunt's house.

12 A No.

13 Q I'm sorry. Your uncle's house? It was a place
14 called the Pond.

15 A Yeah.

16 Q And that you told them that my client called you,
17 correct?

18 A Yeah.

19 Q And you told them that he's the only one that
20 called you.

21 A Yeah, basically, that day, he's the only one I --
22 only person I could remember calling that day.

23 Q Okay. Do you -- so that means that -- okay. Was
24 he calling you a lot or calling you a little?

25 A He was calling me. He call me -- he call me every

1 day.

2 Q Okay. Okay. Do you remember telling the police,
3 Mr. Johnson, when he came for not only a written
4 statement, but a recorded statement, do you remember
5 telling him that PC kept calling you?

6 A I don't remember that.

7 Q So you don't remember Mr. Johnson asking you: *PC*
8 *the one that called you and said what you were doing.*
9 And your response was: *PC kept calling me.* His
10 response was --

11 A Yeah.

12 Q Okay. Do you remember saying that?

13 A Yeah. Basically, somebody -- I --

14 Q Okay. Okay. But now you're telling the jury today
15 that's not what happened.

16 A I ain't told the jury that.

17 Q Did you not just testify that Mr. --

18 A I said Jaycoby called me. I ain't never say PC
19 didn't call me.

20 Q Did you say that Jaycoby was the only one that
21 called you that day?

22 A I probably did.

23 Q Okay.. But so, now your testimony is that PC called
24 you also.

25 A I get a lot of calls. Like, I don't remember to be

1 honest with you.

2 Q Now, when you got picked up, you said it was small,
3 blue Ford that picked you up. Is that correct?

4 A Yeah.

5 Q And that, inside the car, was the person you
6 referred to as PC, correct?

7 A Yeah.

8 Q That person is Tyrone Moultrie, correct?

9 A Yeah.

10 Q That you said the driver of the car was somebody
11 named Gummie.

12 A I never met him. That my first time meeting him.

13 Q Okay. But you met him that day, correct?

14 A Yeah.

15 Q And you told the police that his name was Gummie or
16 something like that.

17 A It's Gummie. Something like that. I don't know.
18 Gummie, Gum, Gum, whatever his name.

19 Q And you told them that he was about 6-8 or 6-9.

20 A He was tall.

21 Q And you were never able to give the police any
22 other information besides that about Gummie.

23 A Yeah. Like I tell you, I never let that my first
24 day meeting him.

25 Q And he was driving the car, correct?

1 A Yeah.

2 Q And you knew whose car it was, didn't you?

3 A No, I don't know whose car it was.

4 Q You didn't know then, correct?

5 A I don't know.

6 Q But do you know now?

7 A Yeah.

8 Q I mean, I'm not asking whose it was.

9 THE COURT: One at a time. Proceed.

10 MR. DEYSACH: All right.

11 BY MR. DEYSACH:

12 Q I'm not asking whose car it was, but you're saying
13 you do know now whose car that was.

14 A Yeah, after everything I explained to you.

15 Q All right. Now, after the shooting, you told the
16 police that you asked Quincy to call 911.

17 A Yeah.

18 Q Correct? And that you waited ten or fifteen
19 minutes for an ambulance to come.

20 A I ain't wait. I ain't wait for no ambulance.

21 Q Okay.

22 A I told my cousin to call the police. After he did
23 that, I make sure he be straight, I left.

24 Q All right. Do you remember telling the police, *if*
25 *the ambulance don't come, take him to the hospital. I*

1 *know we been out there at least ten to fifteen minutes;*
2 *ambulance ain't come; the police don't come. Correct?*
3 A It took them forever. I don't know how long it
4 been. It took them forever, because I stand there for
5 -- I stand there for a minute.
6 Q Okay.
7 A For about two minutes, then I left.
8 Q You stood with him after he called 911.
9 A No.
10 Q Okay.
11 A When the situation happened.
12 Q Okay. So you remember telling police that you
13 asked him to call 911.
14 A I don't remember. I don't recall.
15 Q Okay. Do you remember telling Mr. Johnson during
16 your recorded interview: *Then I told my cousin; I walk*
17 *back around to my cousin Quincy; put him in the car;*
18 *call the ambulance; so Quincy called the ambulance.*
19 *Ambulance didn't never come. It took them forever to*
20 *come. They ain't came; they ain't showed up.*
21 A No.
22 Q Okay. Can you tell us -- all right. Didn't you
23 tell the police the reason you didn't call was because
24 your phone was broken?
25 A I ain't even have my phone, I don't think.

1 Q Okay.

2 A I don't know.

3 Q All right. But you just said you were getting
4 calls from Terreak.

5 A Like I said, I don't remember having my phone. I
6 don't know.

7 Q Okay. And PC was calling you.

8 A That was -- that was before we got we were going
9 at.

10 Q Okay. And you don't remember saying like my --
11 when asked, did anybody call during your recorded
12 statement with Mr. Johnson: *like, my cousin Quincy*
13 *called. I was like call now, because my phone -- my*
14 *phone been broke. My phone here is broke.*

15 A Why I tell Quincy that for?

16 Q What's that?

17 A He ain't had to call me if he was with me.

18 Q No. The statement that I was asking you about
19 says: *that's why I told Quincy, if the ambulance don't*
20 *come -- I'm at the wrong spot. Sorry.*

21 Did anybody call? Your response was, *like, my*
22 *cousin Quincy call. I was like call now, because my*
23 *phone broke. My phone -- my phone been broke. My phone*
24 *here is broke. That's what you told the police at the*
25 *time.*

1 A I don't -- I don't remember that.

2 Q Okay. So your phone wasn't broken at the time.

3 A I don't remember.

4 Q You don't remember if it was broken or not?

5 A I know I use the phone. I had basically two
6 phones.

7 Q Okay.

8 A So I used the phone.

9 Q Okay. You had two phones. And one of them might
10 have been broken or both of them were broken?

11 A I ain't said that.

12 Q What can you say?

13 A I can't recall both my phones being broken at one
14 time.

15 Q You don't think they were both broken at one time.

16 A I know that one of them was messed up for a fact.

17 Q Okay. Now, when you came in on June 2nd to speak
18 with the police, you had your phone with you then,
19 didn't you?

20 A I don't even understand.

21 Q I'm sorry. I'll back up. Do you remember speaking
22 to SLED Agent Johnson?

23 A Yes, sir.

24 Q All right. And do you remember if that was on June
25 2nd? That would have been about, I guess a week or so

1 after May 26, 2015.

2 A I remember going to see Mr. Johnson.

3 Q Right. And I guess that would have been, I guess,
4 a few weeks after you were charged with the armed
5 robbery.

6 A To be honest with you, I can't -- I can't even
7 recall that. I don't think I had a phone. He had
8 called my nephew to get in contact with me.

9 Q So you don't remember getting a call from your
10 sister while you were in the interview?

11 A No, sir.

12 Q You don't remember your phone going off during the
13 interview?

14 A I ain't had -- I don't even think I had a phone,
15 cause I was using my daddy phone at the time.

16 Q Okay. Did Mr. Johnson ask you what your phone
17 number was?

18 A Yeah, and I give him my daddy number.

19 Q Did he tell you, no, he wanted your number?

20 A I ain't had no phone.. How could I give him my
21 number? I ain't had no phone.

22 Q But you just said you had two phones.

23 A That way like before that occurred I had two
24 phones.

25 Q You said your back was turned when you heard the

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DEVOE RE-DIRECT HOLLEN

1 gunshot?

2 A Yeah.

3 Q You never said that Mr. Williams followed you up
4 the steps to Mr. Breeland's apartment?

5 A Ain't nobody followed me upstairs.

6 Q Okay.

7 MR. DEYSACH: Begging the Court's indulgence.

8 Nothing further, your Honor.

9 THE COURT: Re-direct?

10 SOLICITOR HOLLEN: Thank you, your Honor.

11 RAHEM DEVOE

12 RE-DIRECT EXAMINATION

13 BY SOLICITOR HOLLEN:

14 Q Mr. Devoe, you remember speaking to the Solicitor's
15 Office, myself and Mr. Hutto, about this case?

16 A Yes, sir.

17 Q Were you promised anything; told your charges would
18 go away?

19 A No, sir.

20 Q Okay. Back to your statement and the day of this
21 going on, anybody ask you about your travel itinerary
22 for that day, where all you'd gone?

23 A No. No, sir.

24 Q Did you feel like it was important to put in there
25 that you went to Columbia?

1 A No, sir, because, basically, I was with my
2 daughter.

3 Q So you came to Allendale. When you riding around
4 in the car with the defendant before you got to
5 Pinewood, did he say anything to you about James
6 Spellman?

7 A No, I didn't -- No. Me and him, he ain't never
8 mentioned James to me. Like, he ain't never said
9 nothing.

10 Q And when you got to Pinewood, you said you were at
11 the top of the stairs when you heard the shot.

12 A Yes, I was at the top of the stairs. Basically,
13 about the turn the doorknob walking out.

14 Q Did you hear anyone argue, fight, anything?

15 A I ain't heard arguing, no fighting. Basically,
16 what I tell you, I turned around, I said what I said,
17 and that was it.

18 Q And you -- after the shot, did you -- you said you
19 did not ever go in the apartment?

20 A No, I ain't never went inside the apartment. I
21 couldn't make it inside. The gunshot went off.

22 Q All right.

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

24 Your Honor, I have no further questions for this
25 witness.

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DEVOE RE-DIRECT HOLLEN

1 THE COURT: Re-cross limited to re-direct.

2 MR. DEYSACH: No, your Honor.

3 THE COURT: As to the witness, Solicitor?

4 SOLICITOR HOLLEN: Your Honor, I'd ask that he be
5 allowed to step down.

6 THE COURT: subject to my previous order in this
7 case. You've instructed the witness, Mr. Hollen?

8 SOLICITOR HOLLEN: Yes, sir.

9 THE COURT: Very well. You may step down, Mr.

10 Devoe.

11 A Sir?

12 THE COURT: You are not excused from the trial of
13 this case. Please remain with us.

14 A Yes, sir.

15 THE COURT: Call your next witness.

16 SOLICITOR HOLLEN: Dwain Dean.

17 Your Honor, I'm just going to send Mr. Hutto to
18 make perfectly clear what your Honor ruled earlier. We
19 did discuss it about not discussing testimony.

20 THE COURT: Ian?

21 OFF-THE-RECORD BENCH CONFERENCE, OUT

22 OF HEARING OF JURORS. PRESENT: THE

23 COURT, SOLICITOR HOLLEN, MR. KOREY

24 WILLIAMS, MR. DEYSACH.

25 END BENCH CONFERENCE.

1 MADAM CLERK: Do you swear or affirm to tell the
2 truth, the whole truth, and nothing but the truth, so
3 help you God?

4 DWAIN DEAN: Yes, ma'am.

5 THE COURT: I'm going to ask you to state your full
6 name and spell your last name for the court reporter.
7 Speak up like I'm doing right now so everybody can hear
8 you on that jury and in this courtroom. You understand?

9 DWAIN DEAN: Spell my last name?

10 THE COURT: State your full name, spell your last
11 name.

12 DWAIN DEAN: All right. Name Dwain Dean. Last
13 name spelled D/e/a/n.

14 THE COURT: Speak up. Now, you don't have to get
15 right on top of the microphone. Just speak up.

16 Your witness, Counsel. Direct examination.

17 SOLICITOR HOLLEN: Thank you, your Honor.

18 DWAIN DEAN

19 DIRECT EXAMINATION

20 BY SOLICITOR HOLLEN:

21 Q Good afternoon, Mr. Dean.

22 A All right.

23 Q Where are you from?

24 A Allendale.

25 THE COURT: Speak up.

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DEAN DIRECT HOLLEN

1 BY SOLICITOR HOLLEN:

2 A Allendale, South Carolina.

3 Q Thank you. You lived here all your life?

4 A Yes, sir.

5 Q And your family from here?

6 A Yes, sir.

7 Q All right. Speak up a little bit for us. You
8 currently live in Allendale?

9 A Yes.

10 Q And Mr. Dean, do you know the defendant in this
11 case, Jaycoby Terreak Williams?

12 A Yeah.

13 Q How do you know him?

14 A Related.

15 THE COURT: Speak up.

16 BY SOLICITOR HOLLEN:

17 A Related.

18 Q How are you related to him?

19 A Me and him cousins.

20 Q You're cousins. Okay.. Now, Mr. Dean, were you
21 present at Pinewood Apartments when James Spellman was
22 shot?

23 A No, sir.

24 Q Okay. At some point, did you become aware of the
25 shooting of James Spellman?

1 A I was -- somebody called me and told me.

2 Q Okay.

3 A Yeah, but I wasn't there.

4 Q After you heard about James Spellman being shot,
5 what did you do? Do you remember?

6 A Yes.

7 Q What was it? What did you do?

8 A I rode past Pinewood when I heard on the shooting.

9 Q Did you see anybody out there?

10 A No, sir.

11 Q So what did you do after you went to Pinewood?

12 A Went to Fairfax.

13 Q Where did you go in Fairfax?

14 A Drop my girlfriend off her house.

15 Q And in taking your girlfriend to Fairfax, did you
16 ride by the hospital?

17 A Yes.

18 Q Did you see anything at the hospital?

19 A Police, like the ambulance police.

20 Q Did you stop at the hospital?

21 A No, sir.

22 Q After you went to the hospital, did you go anywhere
23 else?

24 A I rode around, and then I went to my grandma house.

25 Q Went to your grandma's house.

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DEAN DIRECT HOLLEN

- 1 A Uh-huh.
- 2 Q Where does she live?
- 3 A On Flowers Lane.
- 4 Q On Flowers Lane. And is that here in Allendale?
- 5 A Yeah.
- 6 Q And when you got to your grandma's house, who all
- 7 was there?
- 8 A Family.
- 9 Q Family.
- 10 A Yeah.
- 11 Q All right. Did you see the defendant, Mr.
- 12 Williams?
- 13 A Yes.
- 14 Q Did you speak with him?
- 15 A Not really. Hey and bye. I didn't say bye, but we
- 16 spoke.
- 17 Q You spoke. And did he ask you to do anything for
- 18 you?
- 19 A Besides hey, said take him home. That's all.
- 20 Q All right. So he asked you for a ride?
- 21 A Um-hmm.
- 22 Q And where did you give him a ride to?
- 23 A Columbia.
- 24 Q Do you know where in Columbia.
- 25 A I ain't know, but it have to be either Briar River

1 or Saint Andrews, one of the two. I don't know.

2 Q Okay. It's all right. But you took the defendant
3 to Columbia.

4 A Yeah.

5 Q Do you remember what time you left to go to
6 Columbia?

7 A No. I know it was evening, night, though.

8 Q Was it dark?

9 A It was evening, about to be dark. Might as well
10 say dark.

11 Q It was about to be dark when you took him to
12 Columbia.

13 A Yeah.

14 Q And this was the same day that James Spellman was
15 killed?

16 A Yeah.

17 Q Did you guys talk about anything on the ride to
18 Columbia?

19 A No.

20 Q Did you see a gun or anything on the defendant?

21 A No, sir.

22 Q How long does it take to get to Columbia from
23 Allendale? Do you know?

24 A Maybe an hour and thirty minutes, forty-five. I
25 don't know.

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DWAIN CROSS DEYSACH

1 Q Anybody with you when you took him to Columbia
2 besides the two of you all?

3 A My girlfriend, that's all.

4 Q And did you come back from Columbia the same night?

5 A Yes.

6 Q Mr. Dean, you said you're related to the defendant,
7 right?

8 A Yes, sir.

9 Q Do you see the person in the courtroom that you
10 took to Columbia on the day James Spellman was killed?

11 A Yes.

12 Q Can you point him out for us?

13 WITNESS COMPLIES.

14 Q Can you describe what he's wearing?

15 A Red and blue collar shirt.

16 SOLICITOR HOLLEN: Your Honor, may the record
17 reflect he's identified the defendant. And I have no
18 further questions for this witness.

19 THE COURT: Cross-examination?

20 MR. DEYSACH: Thank you, your Honor.

21 DWAIN DEAN

22 CROSS-EXAMINATION

23 BY MR DEYSACH:

24 Q Good afternoon, Mr. Dean. My name's Ian Deysach.
25 I represent Mr. Williams in this case. So I guess you

1 just testified that you gave Mr. Williams a ride to
2 Columbia, correct?

3 A Correct.

4 Q And you said you didn't see a gun, correct?

5 A Correct.

6 Q And he told you he didn't do it, correct?

7 A I never said that.

8 Q Okay. Did he want a ride back to Allendale a day
9 later?

10 THE COURT: You have to answer yes or no. Don't
11 shake your head.

12 BY MR DEYSACH:

13 A He ain't said that to me.

14 Q Did he say to you that he wanted to turn himself in
15 because he said he didn't do it?

16 A No, sir.

17 Q Did you give him a ride back to Allendale?

18 A No, sir.

19 Q Okay. Did you make a written statement to police
20 on June 5th of 2015?

21 A I don't know the date, but I made a statement.

22 MR. DEYSACH: May I approach, your Honor. May I
23 approach the witness, your Honor?

24 THE COURT: You may.

25 BY MR DEYSACH:

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DWAIN CROSS DEYSACH

1 Q Is that a copy of your written statement?

2 A Yes, sir.

3 Q Did you write -- it's kind of down near the -- it's
4 in about the middle of the statement. Did you write:
5 *he wanted a ride back to Allendale to turn himself in*
6 *because he said he didn't do it?* Did you write that in
7 your statement?

8 A No, sir. I don't see that.

9 Q Okay.

10 MR. DEYSACH: May I approach the witness?

11 THE COURT: You may.

12 BY MR DEYSACH:

13 Q I made a blue mark on the copy of the statement.
14 Do you mind to start reading right where I made the blue
15 mark?

16 COURT REPORTER: I'm sorry.

17 THE COURT: You have to speak up.

18 A *He wanted a ride back to Allendale to turn himself*
19 *in because he said he didn't do it.*

20 MR. DEYSACH: Thank you. Nothing further. May I
21 approach the witness?

22 THE COURT: Re-direct?

23 SOLICITOR HOLLEN: No re-direct, your Honor.

24 THE COURT: As to the witness, Mr. Hollen?

25 SOLICITOR HOLLEN: I'd ask he be excused.

1 THE COURT: Any objection, Mr. Deysach?

2 MR. DEYSACH: No, your Honor.

3 THE COURT: You may step down from the stand.

4 You're excused from the trial of this case. Call your
5 next witness.

6 SOLICITOR HOLLEN: Detective Outique Manor.

7 MADAM CLERK: Do you swear or affirm to tell the
8 truth, the whole truth, and nothing but the truth, so
9 help you God?

10 DETECTIVE OUTIQUE R. MANOR: Yes, ma'am.

11 THE COURT: Good afternoon. Have a seat. State
12 your full name and spell your last for the court
13 reporter.

14 DETECTIVE OUTIQUE R. MANOR: Outique R. Manor.
15 Last name M/a/n/o/r.

16 THE COURT: your witness, Counsel. Direct
17 examination.

18 SOLICITOR HOLLEN: Thank you, your Honor.

19 DETECTIVE OUTIQUE R. MANOR

20 DIRECT EXAMINATION

21 BY SOLICITOR HOLLEN:

22 Q Detective Manor, who do you work for?

23 A Allendale Police Department.

24 Q And how long have you been with Allendale?

25 A Nine years.

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MANOR DIRECT HOLLEN

1 Q You work anywhere in law enforcement before that?

2 A No, sir.

3 Q How long you been a detective with Allendale?

4 A Going on four years now.

5 Q And before that, did you work in Allendale in some
6 capacity?

7 A I was sergeant, yes, sir.

8 Q Detective Manor, did you receive some information
9 about a murder at Pinewood Apartments in May of 2015?

10 A Yes, sir, I did.

11 Q And do you remember the specific date?

12 A It was May 26, yes, sir..

13 Q Who was the victim in that case?

14 A Mr. James Spellman.

15 Q Where did that shooting occur?

16 A Pinewood Apartments off of Barton Road.

17 Q And is Pinewood Apartments inside the city limits
18 of Allendale?

19 A Yes, sir, it is.

20 Q Is it in Allendale County?

21 A Yes, sir, it is.

22 Q All right. When you -- first of all, did Allendale
23 Police Department exclusively investigate this case?

24 A No, sir.

25 Q Who else was involved as far as law enforcement?

1 A South Carolina Law Enforcement Division.

2 Q And did you assist the South Carolina Law
3 Enforcement in its investigation?

4 A Yes, sir, I did.

5 Q Who was the officer -- or the agent -- excuse me --
6 who was assigned to this case?

7 A The Agent Richard Johnson.

8 Q Richard Johnson. So he was the lead investigator?

9 A Correct.

10 Q What did you do as far as helping out?

11 A Initially, when I was called, I arrived at the
12 hospital; made contact with the physician inside, who
13 stated that Mr. Spellman had passed. I walked outside
14 pretty much to gather myself and figure out what, you
15 know, direction I was going next. And that's when I
16 observed Mr. Best at that time.

17 Q All right. You said you saw Mr. Best. That's
18 Quincy Best?

19 A Yes, sir.

20 Q Mr. Quincy Best, where was he when you observed
21 him?

22 A I'd walked outside on the porch of the hospital, by
23 the emergency room. And what struck me so hard is he
24 had blood on his shirt. He had a white t-shirt on and
25 he had blood on it.

1 Q Regarding the shirt, Detective Manor, did you ask
2 Mr. Best anything about that shirt?

3 A I asked him where the blood came from.

4 Q And after asking him about that, was that shirt
5 collected for evidence? Do you recall? If you don't
6 recall, that's all right.

7 A I don't recall if it was done by South Carolina Law
8 Enforcement Division.

9 Q All right. So in an investigation of this type,
10 after speaking with Mr. Best at the hospital, what was
11 the next thing, or few things, that you did? At some
12 point -- when did Mr. Johnson get there, Agent Johnson?

13 A Probably an hour and a half or so later, after the
14 incident.

15 Q And at that point, what did you two do next? Do
16 you recall?

17 A We actually excused Mr. Best again, cause,
18 initially, he -- he -- I had my department-issued body
19 cam on, he initially told me what happened.

20 Q And at some point, did you respond to Pinewood
21 Apartments?

22 A Yes, sir, I did.

23 Q Did you interview anyone at Pinewood Apartments?
24 Did you remember?

25 A I may. I'm pretty sure I was there during the

1 majority of the interviews, yes, sir.

2 Q But your job in this investigation, since you
3 weren't the lead investigator, what was your main task?

4 A Initially, we are supposed to maintain the crime
5 scene until SLED gets there. And then any evidence that
6 we -- we make sure that we, you know, secure all the
7 evidence, you know, around the area.

8 Q At some point, did crime scene technicians from
9 SLED arrive?

10 A Yes, sir, they did.

11 Q Did they process the scene?

12 A Yes, sir, they did.

13 Q Did they process anywhere else besides Building F,
14 Pinewood Apartments; do you know?

15 A It may have been a vehicle. I'm not a hundred
16 percent sure on that.

17 Q Detective Manor, was a gun or murder weapon ever
18 found in this case?

19 A No, sir.

20 Q At some point, did you interview the defendant in
21 this case, Jaycoby Terreak Williams?

22 A Yes, sir.

23 Q When and where did that occur? Do you recall?

24 A It was three days later, after the incident, on May
25 29th. He arrived at Allendale Police Department, at

1 which time, myself and Agent Johnson made contact with
2 him.

3 Q All right. Let me stop you right there.

4 A Yes, sir.

5 Q On May 29th, was that the day you interviewed him,
6 or is that the day he was arrested?

7 A That was the day he was arrested.

8 Q Okay. Did he give any statements at the time he
9 was arrested?

10 A At that time, he did not give any statements.

11 Q So --

12 A My actual interview -- I'm sorry.

13 Q Okay.

14 A My actual interview was on June 3rd. His mother
15 made contact with me via by a department-issued cell
16 phone and stated that her -- she -- her -- she wanted us
17 to speak with her son, but she also wanted to be
18 present.

19 Q So you got a call from --

20 A Ms. Richardine Williams.

21 Q Richardine Williams, who is the defendant's mother.

22 A Yes.

23 Q And what did she inform you?

24 A She stated that her son, Terreak, wanted to speak
25 with us.

1 Q And did you go about arranging that?

2 A Yes, I did.

3 Q Where did you meet the defendant?

4 A He was picked up, and he was in Allendale Detention
5 Center. He was brought to Allendale Police Department
6 on Flat Street at that time.

7 Q Who was present for the interview of the defendant?

8 A It was Agent Johnson, Ms. Richardine Williams, Mr.
9 Jaycoby Williams, and myself.

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

12 THE COURT: You may.

13 BY SOLICITOR HOLLEN:

14 Q Detective Manor, I'm going to hand you what's been
15 marked as State's Exhibit Number 8.

16 A Yes, sir. -

17 Q Do you recognize that?

18 A Yes, sir.

19 Q What is it?

20 A It's a -- it's a state *Miranda* form.

21 Q Are there any signatures on that form?

22 A Yes, sir. It's initialed by Mr. Jaycoby Williams;
23 my signature as a witness at the bottom; and also Agent
24 Johnson; and also Richardine Williams, his mother.

25 Q And did the defendant sign it?

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MANOR DIRECT HOLLEN

1 A Yes, sir.

2 Q Did you read him his rights, or did someone else?

3 A Agent Johnson.

4 Q And when he was reading the defendant his rights,
5 did he seem to understand them?

6 A Yes, sir.

7 Q While he was in the room, did he appear to have any
8 physical or mental infirmities that might have precluded
9 him from understanding?

10 A No, sir.

11 Q Did he appear to be under the influence of alcohol
12 or drugs?

13 A No, sir.

14 Q Did you threaten him or coerce him in any way to
15 make a statement?

16 A No, sir.

17 Q Did you deny him access to the bathroom or food or
18 drink or anything?

19 A No, sir.

20 Q And about how long did the interview last?

21 A It might have been around thirty minutes.

22 SOLICITOR HOLLEN: Your Honor, may I approach again
23 to take that back from him?

24 BY SOLICITOR HOLLEN:

25 Q So, after reading him his *Miranda* rights, what

1 happened next?

2 A During the interview, which was also recorded, Mr.
3 Jaycoby Williams spoke with us about -- really, about
4 other incidents; not about his case.

5 Q Okay. Hold on one second.

6 SOLICITOR HOLLEN: Your Honor, may we approach?

7 THE COURT: Counsel approach.

8 OFF-THE-RECORD BENCH CONFERENCE, OUT
9 OF HEARING OF JURORS. PRESENT: THE
10 COURT, SOLICITOR HOLLEN, MR. DEYSACH.
11 END BENCH CONFERENCE.

12 THE COURT: Step back. Let's move along.

13 BY SOLICITOR HOLLEN:

14 Q All right. Detective Manor, in speaking to you
15 about the case in which he's a defendant, what did the
16 defendant tell you? Do you recall?

17 A In reference to the actual murder itself?

18 Q In reference to the murder. I mean -- let me get a
19 little more specific.

20 A Yes, sir.

21 Q Did he tell you where he was at the time of the
22 murder?

23 A He stated he wasn't in Allendale.

24 Q He stated he was not in Allendale. Did he tell you
25 where he was?

1 A No. I want to say he -- he stated he was in
2 Columbia.

3 Q Okay. But you're not -- never mind. He stated he
4 was not in Allendale. Did he tell you who he was with?

5 A Not as I can recall.

6 Q Did he -- I'll withdraw the question, your Honor.
7 Mr. Manor, do you see the person in the courtroom
8 today that you interviewed as a result of this
9 investigation?

10 A Yes, sir, I do.

11 Q And can you point him out for the Court, please.

12 A Mr. Jaycoby Williams.

13 Q Can you describe what he's wearing for the record.

14 A He's got on a red and blue polo shirt.

15 SOLICITOR HOLLEN: Your Honor, may the record
16 reflect he's identified the defendant.

17 Detective Manor, I have no further questions for
18 you right now. Please answer anything Mr. Deysach asks.

19 THE COURT: Just a moment. Counsel approach.

20 OFF-THE-RECORD BENCH CONFERENCE, OUT
21 OF HEARING OF JURORS. PRESENT: THE
22 COURT, SOLICITOR HOLLEN, MR. DEYSACH.
23 END BENCH CONFERENCE.

24 THE COURT: Cross-examination, Mr. Deysach?

25 MR. DEYSACH: Thank you, your Honor.

1 DETECTIVE QUTIQUE R. MANOR .

2 CROSS-EXAMINATION

3 BY MR. DEYSACH:

4 Q Good afternoon. Detective Manor?

5 A Yes, sir.

6 Q Okay. So you responded to the Allendale County
7 Hospital in reference to this case?

8 A Yes, sir.

9 Q And that was because a call had come from the
10 hospital, not through 911. Isn't that correct?

11 A I was informed via the officers on the scene.

12 Q Okay. So officers were already at the hospital.

13 A Yes, sir.

14 Q And when you arrived, I think you said you saw Mr.
15 Best.

16 A Correct. Yes, sir.

17 Q And you saw his car?

18 A Yes, sir.

19 Q And you made arrangements to process his car,
20 correct?

21 A Yes, sir.

22 Q Okay. For any possible evidence that might be able
23 to be obtained from his car. Is that correct?

24 A Yes, sir.

25 Q Okay. And you had your -- you say department-

1 issued body camera on.

2 A Yes, sir.

3 Q Is that what you call it?

4 A Yes, sir.

5 Q And while you were talking to Mr. Best, that was
6 on, correct?

7 A Correct.

8 Q And you did have the opportunity to speak with him
9 about why he was at the hospital, correct?

10 A Yes, sir.

11 Q And you asked him, *you seen him pull the trigger.*
12 *And Mr. Best's response was, no, my back was turned.*
13 *Correct?*

14 A His complete statement at that time, I'll answer
15 yes.

16 Q Okay.

17 A Yes, sir.

18 Q All right. Now, on May 29th, Mr. Williams turned
19 himself in to the police, correct?

20 A Yes, sir, that's correct.

21 Q And then, only a few days later, sits down for a
22 conversation with the police, correct?

23 A June 3rd, correct, yes, sir.

24 Q June 3rd. And at that time, he told you he didn't
25 do it, correct?

1 A Yes, sir. At some point, yes, sir.

2 Q Now, was it your job to secure the scene at
3 Pinewood Apartments?

4 A Myself and officers from Allendale Police
5 Department.

6 Q And when were you able to arrive at Pinewood
7 Apartments?

8 A I arrived at Pinewood Apartments probably within
9 35, 40 minutes of the initial call of the incident.

10 Q So the incident occurs, correct?

11 A Yes, sir.

12 Q There's transport through a private vehicle to the
13 hospital, correct?

14 A Yes, sir.

15 Q And then, you're saying from the time that the --
16 you said Dispatch calls you?

17 A No, sir.

18 Q What is the 35 minutes? That's where I got
19 confused.

20 THE COURT: Hold on a second. Let him answer his
21 question before you ask another. Finish your answer.

22 BY MR DEYSACH:

23 A I live in Hampton, South Carolina.

24 Q Um-hmm.

25 A I received a phone call. I came back to work. I

1 arrived, in my notes, I have at 8 -- excuse me -- at
2 6:20.

3 Q 6:20 is when you arrived at the hospital?

4 A That's correct.

5 Q And do you know when you arrived at Pinewood
6 Apartments?

7 A It would have been in fifteen, twenty minutes of
8 that.

9 Q Of the 6:20?

10 A Yes, sir.

11 Q And was anybody there when you got there?

12 A Yes, sir, officers from Allendale Police Department
13 and Sheriff's Department.

14 Q Do you know when they had gotten there?

15 A They were there initially upon the call about the
16 incident.

17 Q Okay. Well, how -

18 MR. DEYSACH: Court's indulgence. Nothing further,
19 your Honor.

20 THE COURT: Re-direct?

21 SOLICITOR HOLLEN: Nothing, your Honor.

22 THE COURT: As to this witness?

23 SOLICITOR HOLLEN: I would ask that Detective Manor
24 be excused.

25 THE COURT: Mr. Manor, if you will remain with us

1 outside the courtroom. Please don't leave. You're
2 excused at this time, not to leave.

3 Call your next witness.

4 SOLICITOR HOLLEN: Your Honor, may we approach
5 regarding scheduling?

6 THE COURT: Counsel approach.

7 OFF-THE-RECORD BENCH CONFERENCE, OUT
8 OF HEARING OF JURORS. PRESENT: THE
9 COURT, SOLICITOR HOLLEN, MR. DEYSACH.
10 END BENCH CONFERENCE.

11 THE COURT: Call your next witness.

12 SOLICITOR HOLLEN: State calls Investigator Donnie
13 Hutto.

14 THE COURT: Mr. Hutto, please come around and
15 please be sworn by the clerk.

16 MADAM CLERK: Do you swear or affirm to tell the
17 truth, the whole truth, and nothing but the truth, so
18 help you God?

19 INVESTIGATOR DONNIE HUTTO: Yes, I do.

20 THE COURT: Spell your name for the record.

21 INVESTIGATOR DONNIE HUTTO: Yes, sir. Donnie
22 Hutto, H/u/t/t/o.

23 THE COURT: Your witness, Counsel. Direct
24 examination.

25 SOLICITOR HOLLEN: Thank you, your Honor.

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HUTTO DIRECT HOLLEN

1 DONNIE HUTTO

2 DIRECT EXAMINATION

3 SOLICITOR HOLLEN:

4 Q Investigator Hutto, who do you work for?

5 A Currently work for the Fourteenth Circuit.
6 Solicitor's Office.

7 Q And what do you do for the Solicitor's Office?

8 A I'm an investigator.

9 Q Which counties do you work in?

10 A Right now, I'm assigned to Allendale and Hampton
11 Counties.

12 Q Investigator Hutto, in preparation for this case,
13 did you meet, along with me, with a witness named
14 Debentris Breeland?

15 A Yes, I did.

16 Q Where did that take place?

17 A Upstairs in the courthouse in my office.

18 Q And in speaking with Debentris Breeland, do you
19 recall a conversation about the statement that he gave
20 to an Agent Johnson in this case?

21 A Yes, I do.

22 Q Do you recall him being asked whether or not the
23 victim, James Spellman, used the word scared to describe
24 his state of mind in reference to the defendant, Jaycoby
25 Williams?

1 A Yes, I do recall that.

2 Q And what was his answer to the question?

3 A He said James told him he was scared.

4 SOLICITOR HOLLEN: All right. Investigator Hutto,
5 I have no further questions for you. Thank you.

6 THE COURT: Cross-examination.

7 MR. DEYSACH: None, your Honor.

8 THE COURT: You may step down.

9 A Thank you, Judge.

10 BY THE COURT:

11 SOLICITOR HOLLEN: Your Honor, --

12 THE COURT: Counsel approach.

13 OFF-THE-RECORD BENCH CONFERENCE, OUT
14 OF HEARING OF JURORS. PRESENT: THE
15 COURT, SOLICITOR HOLLEN, MR. DEYSACH.
16 END BENCH CONFERENCE.

17 THE COURT: Madam Foreperson, ladies and gentlemen
18 of the jury, we're going to stop at this point for our
19 lunch break. We have to do some work on some technical
20 equipment in order to be able to proceed, so we're
21 stopping a little earlier than I wanted to. Your lunch
22 should be here shortly. Start at 1:00 o'clock. It's
23 12:30 now. We will start back probably at 2:00 o'clock
24 in order to keep the train on the track.

25 During the lunch break, feel free to talk about

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BY THE COURT

1 weather, many things, sports, anything, just don't
2 discuss this case amongst yourself or with anybody else.

3 I hope everybody has a pleasant lunch. You may
4 retire to your jury room where we'll serve you lunch at
5 this time.

6 JURORS LEAVE COURTROOM 12:35 P.M.

7 THE COURT: All right, Counsel, you wanted time to
8 let Mr. Johnson review the redacted exhibit that you
9 intend to introduce, do it now, so that we aren't
10 delayed once we come back from lunch. You understand?

11 SOLICITOR HOLLEN: Yes, your Honor.

12 THE COURT: Court's in recess until 2:00 o'clock.

13 OFF THE RECORD 12:36 P.M.

14 BACK ON THE RECORD 2:00 P.M.

15 BAILIFF: All rise. Come to order. Court is back
16 in session.

17 THE COURT: Thank you. Please be seated. State
18 ready to proceed?

19 SOLICITOR HOLLEN: Yes, your Honor.

20 THE COURT: Defendant ready to proceed?

21 MR. DEYSACH: Yes, your Honor.

22 THE COURT: Very well. Bring us the jury, please.
23 My understanding is that you have reviewed the redacted
24 video, and that both of you are satisfied with the
25 redaction. Is that correct, from the State?

1 SOLICITOR HOLLEN: Yes, your Honor.

2 THE COURT: From the defendant?

3 MR. DEYSACH: That's correct, your Honor.

4 JURORS ENTER COURTROOM 2:01 P.M.

5 THE COURT: All right. Ladies and gentlemen, the
6 jury will now continue with the testimony in the trial
7 of this case. Call your next witness.

8 SOLICITOR HOLLEN: Richard Johnson.

9 THE COURT: Mr. Johnson, will you come around and
10 be sworn by the clerk, please:

11 MADAM CLERK: Do you swear or affirm to tell the
12 truth, the whole truth, and nothing but the truth, so
13 help you God?

14 RICHARD JOHNSON: I do.

15 THE COURT: Have a seat for me, please, sir. State
16 your first name and spell your last name for the court
17 reporter.

18 RICHARD JOHNSON: Richard Johnson, J/o/h/n/s/o/n.

19 THE COURT: Your witness, Counsel. Direct
20 examination.

21 SOLICITOR HOLLEN: Thank you, your Honor.

22 SOLICITOR HOLLEN: Thank you, your Honor.

23 SPECIAL AGENT RICHARD JOHNSON

24 DIRECT EXAMINATION

25 BY SOLICITOR HOLLEN:

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JOHNSON DIRECT HOLLEN

1 Q Agent Johnson, who do you work for?

2 A South Carolina Law Enforcement Division.

3 Q And how long have you been with the South Carolina
4 Law Enforcement Division?

5 A A combined twenty-seven years.

6 Q Twenty-seven years. And what is your title?

7 A Special Agent.

8 Q Did you work anywhere in law enforcement before you
9 worked for SLED?

10 A I worked Internal Affairs for the South Carolina
11 Department of Corrections, and several years at South
12 Carolina State University.

13 Q Okay. Agent Johnson, did you receive a request to
14 investigate a murder at Pinewood Apartments on May 26,
15 2015?

16 A Yes, I did.

17 Q Who did that request come from?

18 A If memory serves correct, it came from my main
19 office out of Columbia. Out of Columbia, which was as a
20 result of the Allendale P.D. request assistance on it.

21 Q And I already said this. Pinewood Apartments, is
22 that where the murder took place?

23 A Yes, sir.

24 Q Is that inside the city limits of Allendale?

25 A Yes, sir.

1 Q Is it in Allendale County?

2 A Yes, sir.

3 Q When you were dispatched or sent to Allendale for
4 this murder, what was the first thing that you started
5 to do as an investigator?

6 A As soon as I get on the scene, I meet with someone
7 from the local law enforcement agency to try to get some
8 idea what took place or what have they uncovered in
9 their initial, in their preliminary investigation. That
10 gives us some idea, some direction of where we need to
11 go.

12 Q And who was that person with local law enforcement
13 that you met with?

14 A I believe it was Detective Manor.

15 Q During you investigation, were there other agents
16 from SLED called in?

17 A Yes, sir.

18 Q What was their responsibility?

19 A They were primarily canvassing the neighborhood,
20 which is no more than walking the neighborhood, checking
21 with different people to see if they had some
22 information, if they saw something, if they witnessed
23 something. Just trying to get information.

24 Q And were they successful in drumming up witnesses
25 for this crime?

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JOHNSON DIRECT HOLLEN

1 A I think they came across one witness who -- not
2 necessarily a witness, but someone who may have known
3 somebody was there prior to the shooting that kind of
4 pointed us in the direction of where we needed to go.

5 Q What about crime scene technicians? Were they
6 dispatched in this case?

7 A Yes, they were.

8 Q And when would they have arrived in Allendale; do
9 you know?

10 A It varies. I can't -- I don't quite recall if they
11 made it there before I did or after I did. It all
12 depends on where they're coming from at the time.

13 Q Agent Johnson, you've been in the courtroom. Were
14 you able to determine the vehicle that was used by a
15 group of people in this case?

16 A Yes, I did.

17 Q What kind of vehicle was it?

18 A It was the -- it was a Ford Focus.

19 Q As a result of your investigation, were you able to
20 determine who that car belonged to?

21 A Yes, I did.

22 Q And who was that?

23 A It was -- I need to look back at my note, get her
24 name correct.

25 Q That's fine. Take all the time you need.

1 A One second. What was her name? Jennifer --
2 Jennifer Bowers.

3 Q Were you able to determine where Ms. Bowers was at
4 the time of the shooting?

5 A At work at Hardees.

6 Q Is that Hardees right here in Allendale?

7 A Yes, sir.

8 Q When Crime Scene came in, were there any items
9 collected from the scene?

10 A I don't recall any items of evidentiary value being
11 collected, not from the scene itself.

12 Q Okay. So we'll get into the crime scene. Were you
13 ever able to locate the gun that was used in this
14 murder?

15 A No, sir.

16 SOLICITOR HOLLEN: Your Honor, may I approach?

17 THE COURT: You may.

18 BY SOLICITOR HOLLEN:

19 Q Agent Johnson, I'm going to hand you what's been
20 marked for identification as State's Exhibit 8 and 9.
21 Can you take a look at those for me.

22 A Um-hmm.

23 Q Do you recognize them? Let's start with Exhibit 8
24 first.

25 A Okay.

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JOHNSON DIRECT HOLLEN

1 Q What is that?

2 A It's a *Miranda* rights form.

3 Q And is your signature on that *Miranda* rights form?

4 A Yes, sir.

5 Q Any other signatures on that *Miranda* rights form?

6 A The defendant, Jaycoby Williams; his mother,
7 Richardine Williams; and Detective Manor.

8 Q All right. Agent Johnson, during the
9 investigation, you spoke with the defendant. Is that
10 correct?

11 A Yes.

12 Q Do you remember the date that you spoke with the
13 defendant?

14 A I think the first time I attempted to speak with
15 him was on the same date that he was arrested, which
16 would have been, I think, May 29th.

17 Q Did he speak with you at that time?

18 A Other than just that he would -- didn't want to
19 provide -- make a statement until he spoke with a
20 lawyer.

21 Q Okay. At some point, was Detective Manor contacted
22 and notified that the defendant wished to speak with law
23 enforcement?

24 A Yes, sir.

25 Q Do you know who he was contacted by?

1 A The defendant's mother, Richardine Williams.

2 Q And as a result of that, did you meet with the
3 defendant?

4 A Yes, sir.

5 Q What was the date of that?

6 A That was June 3rd. June 3rd of 2015.

7 Q That Miranda rights form you have, has it been
8 changed or altered in any way?

9 A No, sir.

10 Q Is that a fair and accurate copy of the *Miranda*
11 rights form that was provided to the defendant?

12 A Yes, sir.

13 SOLICITOR HOLLEN: Your Honor, at this time I'd ask
14 that State's Exhibit 8 be entered into evidence.

15 THE COURT: As to State's 8?

16 MR. DEYSACH: No objection, your Honor.

17 THE COURT: Ladies and gentlemen of the jury,
18 State's Exhibit Number 8 will be admitted into evidence
19 in the trial of this case without objection. State's 8
20 is in evidence. You may publish to the jury.

21 SOLICITOR HOLLEN: Thank you, your Honor.

22 ITEM IDENTIFIED AS *MIRANDA* RIGHTS FORM

23 MARKED STATE'S EXHIBIT NUMBER 8

24 ADMITTED AS EVIDENCE.

25 BY SOLICITOR HOLLEN:

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JOHNSON DIRECT HOLLEN

1 Q Agent Johnson, did you inform the defendant of his
2 Miranda rights?

3 A Yes, I did.

4 Q And how did you do that?

5 A I provided him with a copy of this same form. I
6 gave him instruction, as I read over each line, I wanted
7 him to place his initial on each line if he understood
8 what was being said.

9 Q Agent Johnson, can you read that Miranda rights
10 form for us, please.

11 A Yes. It said:

12 Before we ask you any -- before we ask
13 you questions, you must understand your rights.
14 You have the right to remain silent. Anything
15 you say can be used against you in court as
16 evidence against you. You are entitled to
17 talk to a lawyer now and have him present now
18 or at any time during the questioning.

19 If you cannot afford an attorney, one
20 will be appointed for you without cost. If
21 you decide to answer questions now without a
22 lawyer present, you will still have the right
23 to stop answering at any time. You also have
24 the right to stop answering at any time until
25 you talk to a lawyer.

1 Do you understand these rights? Do you
2 wish to talk to us at this time?

3 The waiver of rights section reads:

4 I have read this statement of my rights
5 and I understand what my rights are. I am
6 willing to talk now without a lawyer present.
7 I understand and know what I am doing. No
8 promises or threats have been made to me and
9 no pressure or coercion of any kind has been
10 used against me.

11 Q After reading that Miranda rights form and having
12 the defendant sign it, did he agree to speak with you?

13 A Yes, he did.

14 Q Before he signed that, did you threaten him in any
15 way to get him to talk?

16 A No, sir.

17 Q Did you keep him from going to the bathroom, giving
18 him food, water, anything like that?

19 A No, sir.

20 Q Did he appear to be under the influence of drugs or
21 alcohol?

22 A No, sir.

23 Q Did he have any physical or mental disability that
24 would keep him from understanding, to your knowledge?

25 A No, sir, to my knowledge.

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JOHNSON DIRECT HOLLEN

1 Q And he agreed to speak with you?

2 A That's correct.

3 Q Agent Johnson, what did he tell you about the day
4 that James Spellman was murdered?

5 A He said he didn't know anything about it; that he
6 was in Columbia.

7 Q He was in Columbia. Did he tell you where he was?

8 A Yes. He gave me an apartment. I think it was
9 Willow Creek Apartment off the Saint Andrews Road. He
10 said he at a fellow's house by the name of Poochie Man.

11 Q Did you attempt to speak with Poochie Man?

12 A I attempted to locate the -- if any occupant was in
13 that -- still at the apartment, and tried to get some
14 information that I could help that a prosecutor could
15 make a call and get in touch with him.

16 Q And were you ever able to track down the occupant?

17 A No, sir.

18 Q Is there a reason why you weren't able to track
19 down the occupant?

20 A He was no longer living at the apartment, for one
21 thing.

22 Q Did he give you, the defendant, any names of the
23 people he was with at the time of the shooting?

24 A No clear name. He said he was at Poochie Man's
25 apartment in Columbia. This person could have been

1 there; that one could have been there. There was no
2 specific name as to who -- who he was with.

3 Q Agent Johnson, was the interview with the defendant
4 recorded in any way?

5 A Yes, it was.

6 Q How was it recorded?

7 A Detective Manor utilized his department-issued body
8 cam to record the interview.

9 Q And I have, I believe, what's been marked for
10 identification as State's Exhibit Number 9.

11 A Yes, sir.

12 Q Do you recognize that?

13 A Yes, I do.

14 Q What is it?

15 A It's a audio -- it's a C.D. of the audio-recorded
16 interview that Detective Manor and myself did in the
17 presence of the defendant's mother, Ms. Richardine
18 Williams.

19 Q And did you make any marks or identifying
20 information on that?

21 A I signed my name and put the date on it.

22 Q And at my request, did you review that disc?

23 A Yes, I did.

24 Q Is that a fair and accurate depiction of the
25 interview that you did with the defendant in this case?

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JOHNSON DIRECT HOLLEN

1 A Yes, it is.

2 Q Was it changed or altered in any way?

3 A No, sir, other than from the -- okay.

4 Q The relevant portion of it, was it changed?

5 A Oh, yes, the relevant portion, there's nothing
6 changed about it.

7 SOLICITOR HOLLEN: Okay. Your Honor, at this time,
8 I'd ask that State's 9 be admitted into evidence.

9 THE COURT: As to State's 9?

10 MR. DEYSACH: Subject to a prior objection, your
11 Honor.

12 THE COURT: I think I've already -- I think I've
13 already placed that ruling on the record; have I not?

14 MR. DEYSACH: I don't know.

15 THE COURT: Counsel approach.

16 OFF-THE-RECORD BENCH CONFERENCE, OUT
17 OF HEARING OF JURORS. PRESENT: THE
18 COURT, SOLICITOR HOLLEN, MR. DEYSACH.
19 END BENCH CONFERENCE.

20 THE COURT: I've ruled on the matter concerning
21 State's Exhibit 9 with Counsel, which took place in a
22 bench conference. I'll place it on the record at the
23 appropriate time. Other than that objection, which has
24 been re-stated to me at the Bench, is there any other
25 objection to the admissibility of State's Exhibit 9?

1 MR. DEYSACH: No, your Honor.

2 THE COURT: State's Exhibit 9 will be admitted into
3 evidence over objection by counsel for the defendant.
4 And I'll make a record at the appropriate time. It is
5 now in evidence. Solicitor?

6 SOLICITOR HOLLEN: Thank you, your Honor. May I
7 publish State's 9 to the jury?

8 THE COURT: You may publish State's 9 to the jury.

9 SOLICITOR HOLLEN: Thank you. May I approach the
10 witness? Thank you.

11 ITEM IDENTIFIED AS AUDIO RECORDING
12 OF INTERVIEW OF DEFENDANT
13 MARKED STATE'S EXHIBIT NUMBER 9
14 ADMITTED AS EVIDENCE.

15 BY SOLICITOR HOLLEN:

16 Q Agent Johnson, while we're waiting on that, what
17 was the approximate amount of time this interview
18 lasted?

19 A Maybe thirty or forty minutes.

20 STATE'S EXHIBIT NUMBER 9, AUDIO
21 RECORDING OF INTERVIEW OF DEFENDANT
22 PLAYING.

23 END PLAYING STATE'S EXHIBIT NUMBER 9,
24 INTERVIEW OF DEFENDANT.

25 BY SOLICITOR HOLLEN:

1 Q Mr. Johnson, that video cuts off there. Is there
2 anything substantive that happens after that?

3 A No. No, sir.

4 Q Any additional -- is there any additional
5 information that you got from that video?

6 A No, sir.

7 Q It's hard to hear. Where did he tell you he -- the
8 defendant, where did he tell you he was on the date in
9 question?

10 A In Columbia.

11 Q And did he tell you whose apartment it was? Did
12 you say --

13 A Poochie Man.

14 Q Poochie Man. And he mentions a couple other names?
15 Were you able to track any of those people down?

16 A No. And after we -- he lists his name, and then he
17 backtracked and told us that he wasn't there, or that he
18 was in and out.

19 Q So was he able to give you the name of any person
20 that he was with?

21 A Not definitively.

22 Q Agent Johnson, during your investigation, did you
23 speak with DeQuincy Best?

24 A Yes, I did.

25 Q And Mr. Best gave you an interview, I believe.

1 Were you present for the recorded interview with him?

2 A Yes.

3 Q With Detective Manor; is that right?

4 A Yes, that's correct.

5 Q And were you present when he wrote a written
6 statement?

7 A Yes, when he wrote a written statement, yes, I was.

8 Q During each of those statements that he made, the
9 recorded and the written, was he able to provide you
10 with the name of the person that shot and killed James
11 Spellman?

12 A Yes, he did.

13 MR. DEYSACH: I would object to the hearsay.

14 THE COURT: Counsel approach.

15 OFF-THE-RECORD BENCH CONFERENCE, OUT

16 OF HEARING OF JURORS. PRESENT: THE

17 COURT, SOLICITOR HOLLEN, MR. DEYSACH:

18 END BENCH CONFERENCE.

19 THE COURT: The objection is withdrawn, Mr.

20 Deysach?

21 MR. DEYSACH: Yes, your Honor.

22 THE COURT: Objection withdrawn. Re-phrase the
23 question, Solicitor.

24 SOLICITOR HOLLEN: Yes. Thank you, your Honor.

25 BY SOLICITOR HOLLEN:

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JOHNSON DIRECT HOLLEN

1 Q Agent Johnson, after a witness gives you the name
2 of someone, do you typically go back and ask more
3 questions? Specifically, if they give you a name, do
4 you go back and ask what kind of clothes someone was
5 wearing?

6 MR. DEYSACH: I'd object to the leading.

7 THE COURT: Sustained. Re-phrase the question,
8 Solicitor. It's direct examination.

9 SOLICITOR HOLLEN: Yes, sir.

10 BY SOLICITOR HOLLEN:

11 Q Agent Johnson, when someone gives you a statement,
12 you ask them -- what do they tell you when they write
13 you a statement?

14 A Well, it varies, for one thing. And you know,
15 generally, I like to ask them what happened, because,
16 typically, the person that we're talking to know more
17 about the incident than we do. So that prevents us from
18 -- at least it prevents me from having, I guess,
19 prepared questions that I need to ask. I just kind of
20 feed off of what they tell us. So my general question
21 is tell me what happened. And typically, I'll just
22 allow them to go through what they can recollect, what
23 they can recall; ask them to document it; put it on
24 paper or audio record it. And if I feel at the time
25 that like I need to do some follow-up questioning based

1 on what they've told us, then, I would go back and do
2 so. In this case, with the information that he
3 provided, we knew who the person that committed this
4 crime -

5 MR. DEYSACH: Objection to -- I believe that's
6 hearsay, your Honor. *The information he provided.*

7 THE COURT: Counsel, don't refer -- I mean -

8 SOLICITOR HOLLEN: Yes, sir.

9 THE COURT: Officer, don't refer to what someone
10 else said. Counsel approach.

11 OFF-THE-RECORD BENCH CONFERENCE, OUT
12 OF HEARING OF JURORS. PRESENT: THE
13 COURT, SOLICITOR HOLLEN, MR. DEYSACH.
14 END BENCH CONFERENCE.

15 THE COURT: Ladies and gentlemen of the jury, the
16 *Rules of Evidence* do not permit a witness to get on the
17 witness stand, unless it is under a certain exception,
18 and testified to what other people said. It is referred
19 to -- I'm sure you've heard the term -- hearsay. In
20 this case, ladies and gentlemen, to the extent that any
21 evidence may be elicited concerning what another person
22 may have said, please disregard that evidence.

23 The witness is perfectly able to testify, or any
24 witness is able to testify, to what they themselves saw
25 or what they sensed with their own senses, but not

1 necessarily without court permission as to what someone
2 else said.

3 To that extent, I have provided, as requested to
4 the jury by counsel for the defendant, an instruction as
5 to hearsay. And let's proceed. Counsel, direct
6 examination.

7 SOLICITOR HOLLEN: Thank you, your Honor.

8 BY SOLICITOR HOLLEN:

9 Q Agent Johnson, in this case, during your
10 investigation, did you speak with Rahem Devoe?

11 A Yes, I did.

12 Q Did you seek out Mr. Devoe, or was he directed to
13 you? How did you come into contact with him?

14 A He was directed to me.

15 Q Okay. Did you know before he was directed to you
16 that he was a witness in this case? If you don't
17 recall, that's fine.

18 A No, I can't recall.

19 Q After speaking with Mr. Devoe, Mr. Best, and during
20 your investigation, were you able to develop a suspect
21 in this case?

22 A Yes.

23 Q And who is that suspect?

24 A The defendant, Mr. Jaycob Williams.

25 Q And gestured to him. Can you describe for the

1 court what he's wearing, please.

2 A Look like a blue and red top. Sitting over to my
3 right.

4 Q Is that the same person that we just saw on the
5 interview?

6 A Yes, it is.

7 Q Agent Johnson, during your investigation, did you
8 speak with a person named Debentris Breeland?

9 A Yes, I did.

10 Q Did you write a memorandum of interview after
11 speaking with him?

12 A Yes, I did.

13 Q What was the date and time that you spoke with Mr.
14 Breeland?

15 A May 27 of 2015.

16 Q That would have been the date after the murder?

17 A Yes, sir.

18 Q Did Mr. Breeland provide you with a statement?

19 A Yes, in the form of a memorandum.

20 Q During that interview, did he indicate to you that
21 he and James Spellman had had a conversation a few days
22 prior to the shooting?

23 A Yes, he did.

24 Q And did he tell you what James told him in that
25 statement?

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JOHNSON CROSS DEYSACH

1 MR. DEYSACH: I'll object to hearsay, your Honor.

2 THE COURT: Sustained.

3 SOLICITOR HOLLEN: Your Honor, may we approach?

4 THE COURT: You may.

5 OFF-THE-RECORD BENCH CONFERENCE, OUT
6 OF HEARING OF JURORS. PRESENT: THE
7 COURT, SOLICITOR HOLLEN, MR. DEYSACH.
8 END BENCH CONFERENCE.

9 THE COURT: Proceed.

10 BY SOLICITOR HOLLEN:

11 Q Agent Johnson, in meeting with Debentris Breeland,
12 did he use the word *scared* to describe a conversation
13 that he and James had related to the defendant, or
14 afraid?

15 A Afraid was his exact words.

16 Q Okay. He said the word *afraid*?

17 A Yes.

18 SOLICITOR HOLLEN: Court's indulgence, your Honor.
19 I have no further questions for Agent Johnson.

20 THE COURT: Cross-examination?

21 MR. DEYSACH: Thank you very much, your Honor.

22 AGENT RICHARD JOHNSON

23 CROSS-EXAMINATION

24 BY MR DEYSACH:

25 Q Good afternoon, Agent Johnson.

1 A Good afternoon.

2 Q All right, I'm going to go straight to this. Have
3 you spoke with -- you spoke with Rahem Devoe, correct?

4 A Correct.

5 Q And he told you that -- all right, he told you that
6 PC was the one that was calling him the day of May 26,
7 trying to get him on his phone when he was at the Pond,
8 correct?

9 A I recall him mention PC was calling him. It's not
10 documented in my statement, but probably on the audio-
11 recorded version of it.

12 Q All right. He said -- did you ask him: *PC's the*
13 *one that called you and said whatcha doing?* And his
14 response was, *PC kept calling.* And you asking him, so
15 it was *Terreak.* That response, that exchanged occurred,
16 correct?

17 A I think it did. I'm almost certain it did, if
18 you're reading that from the transcribed of the audio
19 recording, I can't dispute it.

20 Q Okay. All right. And he also told you that he
21 asked Dequincy Best to call 911, and that they waited
22 fifteen minutes for an ambulance to come before they
23 took Mr. Spellman to the hospital.

24 A I believe that's correct.

25 Q Okay. So, now, I kind of want to go a little more

1 in sequence. The first -- the first thing that you --
2 you get the call from Columbia to help Allendale with
3 the investigation in this case, correct?

4 A Correct.

5 Q And so, what date was that? Was that the day of
6 the shooting?

7 A Yes.

8 Q Okay. And so, did you go to the hospital?

9 A No, sir. I went straight to Pinewood.

10 Q Pinewood. Okay. And do you know what time you
11 arrived at Pinewood?

12 A No, sir.

13 Q Were you the first one to get to Pinewood?

14 A No, sir, I don't think so. Seem like I think my
15 captain was there first.

16 Q And was the crime scene secure at that time?

17 A Yes.

18 Q Do you know how long it took for them to secure the
19 crime scene?

20 A No, sir, I do not.

21 Q Okay. And while there may have been some items
22 there, there were no items there that you identified as
23 being of evidentiary value, correct?

24 A None that I recall.

25 Q Okay. There was the -- some blood there. Was a

1 sample of that blood preserved?

2 A I would have to look back at the DNA report to
3 confirm that. And I didn't look at it before this
4 trial.

5 Q To your knowledge, has any testing on any of that
6 blood been done?

7 A No.

8 Q Okay. Has any DNA testings been done at all in
9 this case?

10 A No. We didn't really need to.

11 Q Okay. Now, let me ask you this, were any shell
12 casings found at the scene?

13 A I don't recall any shell casings being located, as
14 well.

15 Q And it was your understanding that -- well, I
16 withdraw that question. And so, I think you spoke with
17 the Solicitor on direct where you indicated that you had
18 identified the blue car, correct?

19 A Yes.

20 Q You knew which car that was, correct?

21 A Yes.

22 Q And you knew who owned that car, correct?

23 A We subsequently did.

24 Q And you spoke to that person, correct?

25 A That's correct.

1 Q Certainly, about that car.

2 A Yes, yes.

3 Q You talked to her about whether or not she was in
4 that car that night, correct?

5 A No, I just asked her -- talked to her about who had
6 the car.

7 Q I guess that -- I think you're answering my
8 question. You wanted to find out -- what you're trying
9 to find out is who had her car.

10 A Yes.

11 Q Correct? And she told you that she had it -- well,
12 she had loaned it to somebody.

13 A Well, she'd left it available for someone to pick
14 it up.

15 Q Okay.

16 A She didn't know if that person picked it up or not.

17 Q And she told you who that person was, correct?

18 A Correct.

19 Q Okay. Did you ever talk to that person?

20 A I talked -- finally got a hold of him a few days
21 before -- actually, a day or so before we started this
22 trial. Monday.

23 Q Okay. So you hadn't talked to him from May 26
24 until Monday, correct?

25 A That's correct.

1 Q And that wasn't until he actually marched into the
2 courthouse to talk to you, correct?

3 A No, he didn't come in to talk to me. He came for
4 other reasons.

5 Q Okay. But until that point, you had never had a
6 conversation with him about this case.

7 A Never been able to locate him.

8 Q You knew who his mother was, right?

9 A That's correct.

10 Q Okay. And you never -- all right. Never asked him
11 -- you never had the chance to ask him whether or not he
12 was in the car that night.

13 A Not until Monday.

14 Q Okay. And this person is Jennifer Bowers'
15 boyfriend, right. Did I already cover that?

16 A Yes, according to her.

17 Q Not according to him?

18 A Not according to him.

19 Q Now, I'm not talking about the boyfriend, but
20 talking about the car. The car has been identified,
21 correct?

22 A Correct.

23 Q The car has been processed, correct?

24 A Correct.

25 Q Now, you had information as to where that car was

1 when possession would have changed. If she would have
2 let somebody hold the car, it would have been while she
3 was at work, correct?

4 A I don't know if that's normal for them, but
5 according to her, that's what was planned to take place.

6 Q Correct. And she worked at Hardees, correct?

7 A Correct.

8 Q All right. Did you ever get any video from Hardees
9 that might show the parking lot?

10 A No, I don't recall getting any video from Hardees.

11 Q Did you ever ask for it?

12 A No, I did not.

13 Q Okay. Did you ever check to see whether or not
14 they even had the video?

15 A No, I did not.

16 Q But in your investigation, this could have been the
17 location where the blue Focus went from its true owner
18 to another person on May 26.

19 A Yes, clearly.

20 Q All right. Now, let me get off of that. One of
21 the things that law enforcement may do when
22 investigating an event is to subpoena phone records,
23 correct?

24 A That's possible, yes.

25 Q And in fact, in this case, some phone records were

1 subpoenaed, correct?

2 A Correct.

3 Q And when you're doing that, what you're looking for
4 is the possibility of texts that could have been
5 preserved?

6 A Possibility.

7 Q On a person's phone?

8 A Um-hmm. Correct.

9 Q Um-hmm. And sometimes a phone can give you
10 location data, correct?

11 A Correct.

12 Q You might be able to tell where the phone was at a
13 given time.

14 A Correct.

15 Q And so, when Mr. Devoe came in to speak with you
16 just a week after the event, you asked him for his phone
17 number, didn't you?

18 A More than likely, yes.

19 Q And he told you during that interview that he'd
20 been getting calls from PC. He may have said he'd
21 gotten a call from Mr. Williams, correct?

22 A That's possible.

23 Q All right. And so, on that phone could have been
24 phone numbers that would have been useful, correct?

25 A Correct.

1 Q You could have actually verified whether or not he
2 had received these calls that he spoke about, correct?

3 A Correct.

4 Q And you didn't do any of it, did you?

5 A I didn't have probable cause to get his phone
6 records.

7 Q You need probable cause from Mr. Devoe?

8 A Not have probable cause to get a search warrant.
9 You mentioned the word *subpoena*.

10 Q All right.

11 A We don't use subpoenas. We use search warrants.

12 Q Okay.

13 A And we need probable cause in order to get a search
14 warrant for those phone records, and we just didn't have
15 probable cause to get Mr. Devoe's phone record.

16 Q Okay. The person that said he drove in the car to
17 the scene at Pinewood, you didn't have probable cause to
18 get his phone records.

19 A I didn't have probable cause just because he was
20 with them.

21 Q Did you ask him for permission to look at his
22 phone?

23 A I don't think the phone company would have given me
24 his phone records based on his permission.

25 Q Okay. But I'm asking you, did you ask him himself

1 to just look at his phone?

2 A No.

3 Q Okay. He had the phone with him when you
4 interviewed him, correct?

5 A I assume he did.

6 Q All right.

7 A I don't recall looking at the phone.

8 Q Do you recall him getting any phone calls --
9 getting a phone call during the interview?

10 A It's hard to say, but it's possible.

11 Q Okay. Okay. Did you ever ask him what phone
12 number Mr. Williams or PC would have been calling him
13 from?

14 A That's a good probability I did.

15 Q Okay. So you don't remember doing it?

16 A No, I don't -- I conducted numerous interviews, and
17 I just don't recall every detail, every question I asked
18 every person I interviewed.

19 Q Okay. So did he refuse to give that to you, if you
20 did ask him?

21 A Mr. Devoe?

22 Q Yes.

23 A No. He didn't -- if I'd ask him, he certainly
24 would have given to me.

25 Q Okay. But you don't know if you got it or not.

1 A I can't say for certain, not without looking back
2 and listening to the transcript.

3 Q But you know you didn't do a search warrant for any
4 phone connected to a number he tried to say was Mr.
5 Williams.

6 A I didn't. That's due to probable cause. Not
7 having probable cause.

8 Q Not having probable cause to have to search for a
9 phone you might have reason to believe is Mr. Williams'?

10 A I can search -- can have probable cause to get Mr.
11 Williams' phone records, but I didn't think I had
12 probable cause to get no one else's phone records.

13 Q Right. Well, I'm just saying I think you indicated
14 you may or may not have gotten the phone number with
15 consent from Mr. Devoe; the phone number by Mr. Williams
16 by consent from Mr. Devoe, correct?

17 A I already had a witness to Williams' phone number.

18 Q Okay. And if you had Mr. Williams' phone number,
19 are you able to present any evidence, phone evidence,
20 location data, to say where that phone was?

21 SOLICITOR HOLLEN: Objection, your Honor. It's
22 hearsay.

23 THE COURT: Counsel approach.

24 OFF-THE-RECORD BENCH CONFERENCE, OUT
25 OF HEARING OF JURORS. PRESENT: THE

1 COURT, SOLICITOR HOLLEN, MR. DEYSACH.

2 END BENCH CONFERENCE.

3 THE COURT: Proceed.

4 You need to take a break?

5 JUROR: Yes, sir.

6 THE COURT: Ladies and gentlemen of the jury, when
7 one takes a break, we all take a break. Would you
8 please retire to your jury room. Please don't discuss
9 the case.

10 JURORS LEAVE COURTROOM 2:44 P.M.

11 THE COURT: While the jury's out, first of all, as
12 to State's Exhibit Number 9, Mr. Deysach has objected to
13 the fact that he thinks State's Exhibit 9 -- I could not
14 see it. I've watched the video now twice, once during
15 *Jackson versus Denno*, and again during the trial. But
16 I'll take Mr. Deysach's word that he thinks he can see
17 that there are handcuffs on the defendant, and he
18 objected to that. I overruled the objection. It's
19 clear to the jury the defendant was in custody and that
20 this was custodial interrogation. In light of the
21 admission into evidence of State's Exhibit 8 and the
22 testimony that's been elicited during the trial of the
23 case, that was the objection to State's 9 that I
24 overruled and allowed State's 9 into evidence.

25 I then had an objection to eliciting. I sustained

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JOHNSON CROSS DEYSACH

1 Mr. Deysach's objection on hearsay grounds of the
2 statement of Mr. Breeland. However, I allowed the
3 Solicitor to bring out, which is already in evidence,
4 the fact that the issue concerning whether or not the
5 term scared had been used. This witness, Mr. Johnson
6 was able to testify that he used the term, I believe,
7 afraid, as opposed to scared, which I allowed the
8 Solicitor to do, but I sustained Mr. Deysach's objection
9 to the Solicitor asking a general question of what did
10 he say in regard to Mr. Breeland's statement on hearsay
11 grounds.

12 Unfortunately, now, we will have to take another
13 break, because I had a juror that needed to break. So,
14 if anybody needs one, this is going to be my one and
15 only afternoon break, take it now.

16 Mr. Johnson, you're in the middle of your cross.
17 You cannot discuss your testimony with anybody. Feel
18 free to step down, use the restroom, if you'd like to
19 take a break, also. We'll take five minutes. Let me
20 know as soon as the jury is ready.

21 OFF THE RECORD 2:47 P.M.

22 BACK ON THE RECORD 2:53 P.M.

23 THE COURT: You may be seated.

24 SOLICITOR HOLLEN: Your Honor?

25 THE COURT: Please be seated. Bring us the jury.

1 JURORS ENTER COURTROOM 2:54 P.M.

2 THE COURT: All right, ladies and gentlemen of the
3 jury, we'll now continue with the trial of this case.
4 Cross-examination.

5 SPECIAL AGENT RICHARD JOHNSON

6 CONTINUE CROSS-EXAMINATION

7 BY MR DEYSACH:

8 Q All right. Agent Johnson, let me ask you this.
9 Did you ever verify the existence of a 6-8 or 6-9,
10 skinny dude named Gummie?

11 A I could never I.D. that person.

12 Q Okay. You don't know whether that person is real
13 or not, correct?

14 A I can't say.

15 Q Okay. You said that you had checked out Willow
16 Creek Apartments? Did you say that you went to Willow
17 Creek Apartments?

18 A I don't recall if I went or called Willow Creek,
19 but I'd received information that --

20 Q Now, I'm not --

21 A -- he had moved from that location.

22 Q Well, I want to avoid eliciting hearsay. And so,
23 the question was simply did you go to Willow Creek or
24 did you simply call?

25 A Seem like I went to Willow Creek. I'm just not a

1 hundred percent certain.

2 Q Well, do you have anywhere in any report that you
3 actually went to Willow Creek?

4 A No, I do not, and that's because we general don't
5 document every -- I guess, every move we make in a
6 report.

7 Q All right.

8 A Just -- or every call. It's not documented in our
9 report.

10 Q Well, in driving up to Columbia to check Willow
11 Creek, would you have documented that?

12 A Probably not. It would have been written somewhere
13 on my daily report as to what I'd done for that day.

14 Q Right. But it would never be reduced to an
15 official report for SLED?

16 A No.

17 Q As part of your investigation?

18 A Although, now it will be. We changed our reporting
19 format to where that would be included in there.

20 Q Okay. So right now, you can't tell this jury
21 whether you did physically or not physically go to
22 Columbia.

23 A I can't.

24 Q And so, you can't tell us whether or not you
25 knocked on the Apartment or not.

1 A I can't.

2 Q When we took a break, I can't -- did you ever apply
3 for a search warrant in which any weapon in this case
4 would have been the descript - the property sought? Do
5 you understand that?

6 A Can -- say it --

7 Q Did you ever -- did you ever -

8 THE COURT: Whoa. Whoa. Let him finish his answer
9 before you ask another question.

10 MR. DEYSACH: Sorry.

11 BY MR DEYSACH:

12 A I was asking can he re-state that. I didn't quite
13 understand what he was saying.

14 THE COURT: All right. Re-phrase the question,
15 Counsel.

16 BY MR DEYSACH:

17 Q Did you ever apply for a search warrant in which
18 the weapon allegedly used in this offense was the
19 property sought?

20 A Give me a moment to check my file to see. If I had
21 applied for a search warrant, that would have been in
22 this file that it would have had copies of. So, if
23 you'll give me a moment, let me check this and see.

24 No, sir. No search warrant for the weapon.

25 Q So no search warrant looking for the gun, correct?

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JOHNSON RE-DIRECT HOLLEN

1 A Correct.

2 MR. DEYSACH: Nothing further, your Honor.

3 THE COURT: Re-direct?

4 SOLICITOR HOLLEN: Thank you, your Honor.

5 SPECIAL AGENT RICHARD JOHNSON

6 RE-DIRECT EXAMINATION

7 BY SOLICITOR HOLLEN:

8 Q Agent Johnson, was Rahem Devoe a suspect in this
9 case?

10 A No. No, sir.

11 Q Let's talk about the car for a second. Why didn't
12 you process the car that belonged to Jennifer Bowers?

13 A Once we was able to identify who the car belongs to
14 and where it was located at, the car was unsecured. A
15 few days had passed by. Keys was in the car. It was
16 just completely unsecured. There was no need to process
17 it then.

18 Q So is that standard practice? I'll withdraw that
19 question.

20 Agent Johnson, do you know how long after this
21 crime you determined who the car belonged to?

22 THE COURT: Speak up, Counselor.

23 BY SOLICITOR HOLLEN:

24 Q Do you know how long after this crime you
25 determined who the car belonged to?

1 A I can't say for certain, but I believe it may have
2 been within a day or two we started going in that
3 direction.

4 Q By the time you determined who the car belonged to,
5 do you know how many people could have been in and out
6 of it?

7 A No.

8 Q Do you know if the car could have been wiped down?

9 A It could have been, because it was unsecured. It
10 was abandoned.

11 Q Where was the car? Where was the car -- I
12 apologize. Where was the car unsecured?

13 A I believe -- I believe it was Gumm Street here in
14 Allendale. Located on Gumm Street, like in an abandoned
15 parking lot or something.

16 Q So the car was left abandoned?

17 A Yes.

18 Q Agent Johnson, Mr. Deysach asked you about a phone
19 belonging to the defendant, Jaycoby Williams. Did you
20 obtain a search warrant for a phone number that you
21 received information that it belonged to the defendant?

22 A Yes, I did.

23 Q All right. Do you have your file with you?

24 A Yes, sir.

25 Q How many search warrants did you send and to whom

1 did you send them?

2 A I believe it was two -- two search warrants. One
3 initially went to T-Mobile. And T-Mobile replied back
4 that it was a TracFone that was -- that held the
5 information I was requesting. I had to send another
6 search warrant to a TracFone.

7 Q And did T-Mobile have any information about that
8 phone number?

9 A No, sir.

10 Q The TracFone?

11 A The TracFone had some data on it.

12 Q Did the TracFone have location data?

13 A No, sir.

14 Q All right.

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

16 THE COURT: Mr. Hollen?

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

18 I have no further questions.

19 THE COURT: Re-cross limited to re-direct.

20 MR. DEYSACH: Yes, your Honor.

21 SPECIAL AGENT RICHARD JOHNSON

22 RE-CROSS-EXAMINATION

23 BY MR DEYSACH:

24 Q The return on the TracFone subpoena indicated who
25 the account holder was; did it not? And I'm asking

1 whether it indicated.

2 A It should have indicated who were the account
3 holder. Just bear with me. It's in here somewhere.
4 Okay.

5 Q Did it indicate --

6 A Who were the account holders?

7 Q I'm asking you did it tell you who it was?

8 A Yes.

9 MR. DEYSACH: I don't have any further questions.

10 THE COURT: As to the witness?

11 SOLICITOR HOLLEN: I ask that he be allowed to step
12 down, your Honor.

13 THE COURT: You may step down. Thank you for being
14 with us. Call your next witness.

15 SOLICITOR HOLLEN: Dawn Claycomb.

16 Your Honor, may we approach while Ms. Claycomb
17 comes in?

18 THE COURT: Yes.

19 OFF-THE-RECORD BENCH CONFERENCE, OUT
20 OF HEARING OF JURORS. PRESENT: THE
21 COURT, SOLICITOR HOLLEN, MR. DEYSACH.
22 END BENCH CONFERENCE.

23 MADAM CLERK: Do you swear or affirm to tell the
24 truth, the whole truth, and nothing but the truth, so
25 help you God?

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CLAYCOMB DIRECT HOLLEN

1 DAWN MARIE CLAYCOMB: I do.

2 THE COURT: Have you testified in this courtroom
3 before?

4 DAWN MARIE CLAYCOMB: Yes, sir, I have.

5 THE COURT: So you know the sound goes straight to
6 the ceiling.

7 DAWN MARIE CLAYCOMB: Yes, sir. . . .

8 THE COURT: I want you to speak just like I'm
9 speaking right now. But sometimes it's difficult to
10 hear some people because these big panels on the wall
11 are acoustical panels. They're supposed to solve the
12 sound problem. It does not.

13 DAWN MARIE CLAYCOMB: Okay.

14 THE COURT: So I'm going to ask you to speak up.
15 Please begin by stating your full name and spelling your
16 last name for the court reporter.

17 DAWN MARIE CLAYCOMB: My full name is Dawn Marie
18 Claycomb. Last name is C/l/a/y/c/o/m/b.

19 THE COURT: Your witness, Counsel. Direct
20 examination.

21 SOLICITOR HOLLEN: Thank you, your Honor.

22 SPECIAL AGENT DAWN MARIE CLAYCOMB

23 DIRECT EXAMINATION

24 BY SOLICITOR HOLLEN:

25 Q Is it Agent Claycomb?

1 A Yes, sir, Special Agent Claycomb.

2 Q And who do you work for, Agent Claycomb?

3 A South Carolina Law Enforcement Division, also known
4 as SLED, in the Crime Scene Unit.

5 Q How long have you been with the Crime Scene
6 Department?

7 A Approximately four years.

8 Q Do you have previous law enforcement experience?

9 A I do. I worked with Richland County Sheriff's
10 Department prior to that, for approximately short of
11 three years.

12 Q And what is your title at SLED? Crime Scene?

13 A Crime Scene Agent.

14 Q As a Crime Scene agent, what are your duties?

15 A Basically, we respond to crime scenes when we're
16 requested by local agencies or by our agency, and
17 basically respond to a scene. And we photograph,
18 document, collect evidence, and preserve that evidence
19 and transport it back to the lab.

20 Q In this case, Agent Claycomb, did you take the
21 photographs?

22 A Yes, sir.

23 Q Did you collect some items?

24 A Yes, sir.

25 Q You were sent to Pinewood Apartments in May 2015

1 for a crime scene. Is that correct?

2 A Yes, sir.

3 Q And do you know the date?

4 A Yes, sir, it was May 26.

5 Q Of what year?

6 A 2015.

7 Q Thank you. And do you know approximately what time
8 you arrived at the crime scene?

9 A It was 8:08 p.m.

10 Q Agent Claycomb, you said you take pictures, collect
11 evidence. Can you take us through the process of a
12 crime scene agent with SLED and how you determine what
13 might be of evidentiary value?

14 A Sure. Basically, when we arrive, we make contact
15 with the investigators and speak with them and do an
16 initial walk-through of the scene. Basically, once we
17 do that initial walk-through, we see what evidence we
18 have within the scene, and as far as their preliminary
19 investigation, what happened during the incident.

20 At that time, we identify any evidence at the
21 scene. We will photograph prior to that. And then,
22 once we've figured out what evidence we will collect or
23 might collect, we will mark that with markers. We again
24 photograph after we place the markers down. And after
25 we document with notes and a sketch, we will collect

1 that evidence; we will pick the evidence up; package it.

2 And that's once -- we transport back to the lab after

3 that.

4 Q In this case, did you, at the crime scene -- you
5 said you do crime scene sketches. Did you do one here?

6 A Yes.

7 Q Did you do swab for DNA fingerprints in this case?

8 A We did swab blood that was on scene.

9 Q You swabbed blood that was on scene?

10 A Yes, sir.

11 Q Did you have any indication or did you dust for
12 fingerprints or do any kind of swabbing other than the
13 blood?

14 A No, sir.

15 Q And why is that?

16 A Basically, this -- in this incident, being that it
17 was outside an apartment, typically, dusting and
18 fingerprints, if there's anything we can do with that,
19 we will. Usually, that's an inside scene; something
20 that's of value that we can actually swab or dust. In
21 this case, it was an outside scene. There was not much
22 to dust or fingerprint process swab like that as far as
23 the scene itself.

24 Q After items are collected, who determines what may
25 be tested?

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CLAYCOMB DIRECT HOLLEN

1 A That's a discussion that we have between the crime
2 scene agents and the investigator. And as far as their
3 investigation and what we found on scene, we discussed
4 the possible signs that we had placed on the evidence.

5 Q And in this case, as far as the items that were
6 collected at the scene, were any of those items
7 determined to have evidentiary value to be tested?

8 A There was some swabs of suspected blood that we
9 sent to be tested, and a t-shirt that was sent to be
10 tested, as well. Otherwise, anything else was sent to
11 storage, and it can be sent for processing at a later
12 time, depending on how the investigation unfolds.

13 Q Agent Claycomb, as part of your duties, do you
14 attend autopsies of victims?

15 A I do.

16 Q Did you attend an autopsy in this case?

17 A Yes, I did.

18 Q What date did you attend the autopsy?

19 A It was May 28, 2015.

20 Q And where were you?

21 A At the Newberry County Memorial Hospital.

22 SOLICITOR HOLLEN: Your Honor, may I approach the
23 witness?

24 THE COURT: You may.

25 BY SOLICITOR HOLLEN:

1 Q Agent Claycomb, I'm going to show you what's been
2 pre-marked for identification as State's Exhibit Number
3 10. Will you take a look at that for me? Do you
4 recognize that?

5 A I do.

6 Q And where were those items collected?

7 A This was collected during the autopsy by the
8 pathologist, and it was then transferred to me after
9 autopsy was completed.

10 Q Were you present when those were collected?

11 A I was.

12 Q Are you the one that collected it from the
13 pathologist?

14 A Yes.

15 Q Did you package those items in any certain way?

16 A I did. When it's transferred to me, they're in
17 small, heat-sealed pouches. Once I receive it, I then
18 write on the lab number that's assigned to the case, the
19 item number that's assigned to it, and also, my
20 initials. And then, I place it within this larger heat-
21 sealed pouch.

22 Q So you place your initials -- or sealed it and then
23 placed your initials on it?

24 A Yes, sir. I sealed it and placed my date and
25 initials on top.

1 Q And that's the condition that it's in when it's
2 transferred to SLED?

3 A Yes, sir.

4 A Yes, sir.

5 Q And where did you take that item?

6 A This was then transferred to the firearms
7 department, Jamie Green, who was assigned to the case.

8 Q All right. And what's the date that you
9 transferred it to Mr. Green?

10 A That, actually, I'm not sure of the date. I just
11 have my seal, and then, when I give it to him, that's --
12 once he completes his actual examination, it's the date
13 that he does his examination.

14 Q Got it. Now, what was the date that you sealed
15 that item?

16 A The date that I sealed it was May 28, 2015.

17 Q And Agent Claycomb, when Exhibit -- State's Exhibit
18 10 for identification was in your custody or control,
19 did you change it?

20 A I did not.

21 Q Did you alter it?

22 A No, sir.

23 Q Did you tamper with it in any way?

24 A No, sir.

25 Q All right.

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CLAYCOMB CROSS DEYSACH

1 SOLICITOR HOLLEN: Your Honor, may I approach the
2 witness?

3 THE COURT: You may.

4 SOLICITOR HOLLEN: Ms. Claycomb, I have no further
5 questions for you at this time. Please answer any
6 questions Mr. Deysach asks.

7 THE COURT: Cross-examination.

8 MR. DEYSACH: Thank you, your Honor.

9 SPECIAL AGENT DAWN MARIE CLAYCOMB

10 CROSS-EXAMINATION

11 BY MR. DEYSACH:

12 Q You processed the crime scene at Pinewood
13 Apartments? Is that correct?

14 A Yes, sir.

15 Q And do you know how quickly that scene was able to
16 be secured from when the event is supposed to have
17 happened?

18 A I can't answer that. I just know as far as when we
19 get to the location for assistance, we respond. So I
20 can't say on how long it takes them to secure the scene
21 from the incident.

22 Q When you arrived, the scene was already secured?

23 A It was.

24 Q Okay. And you did not find any shell casings?

25 A No, sir.

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CLAYCOMB CROSS DEYSACH

1 MR. DEYSACH: Okay. I don't have any further
2 questions, your Honor.

3 THE COURT: Re-direct?

4 SOLICITOR HOLLEN: Nothing further, your Honor.

5 THE COURT: As to this witness?

6 SOLICITOR HOLLEN: I would ask that Agent Claycomb
7 be excused.

8 THE COURT: Any objections?

9 MR. DEYSACH: No, sir.

10 THE COURT: Ms. Claycomb, you can step down from
11 the trial of this case and you're excused from the trial
12 of this case.

13 A Thank you, your Honor.

14 SOLICITOR HOLLEN: James Green.

15 THE COURT: James Green. Come right on up here.
16 The clerk's going to hand you -- after you get your file
17 down, left hand on the Bible, right hand in the air.

18 MADAM CLERK: Do you swear or affirm to tell the
19 truth, the whole truth, and nothing but the truth, so
20 help you God.

21 AGENT JAMES WILLIAM GREEN: Yes, ma'am.

22 THE COURT: Have a seat. Make yourself
23 comfortable. Mr. Green, this courtroom has a problem
24 with sound. I'm going to have to ask you to please
25 speak up. The sound goes straight to the ceiling in

1 here, and it's difficult to ascertain some people's
2 voice in here. Although, that microphone will amplify
3 your voice, if you get too close to it, it's just going
4 to blur your words. Please just state your full name,
5 spell your last name for the court reporter.

6 AGENT JAMES WILLIAM GREEN: James William Green,
7 G/r/e/e/n.

8 THE COURT: Your witness, Counsel. Direct
9 examination.

10 SOLICITOR HOLLEN: Thank you, your Honor.

11 AGENT JAMES WILLIAM GREEN

12 DIRECT EXAMINATION

13 BY SOLICITOR HOLLEN:

14 Q Mr. Green -- or Agent Green, I know that you said
15 you had some hearing loss, so I will try to speak up.
16 If you can't hear, let me know.

17 THE COURT: Speak up, Counsel.

18 SOLICITOR HOLLEN: Yes, your Honor.

19 BY SOLICITOR HOLLEN:

20 Q Agent Green, who do you work for?

21 A I'm employed by the South Carolina Law Enforcement
22 Division, commonly referred to as SLED.

23 Q And how long have you been with SLED?

24 A Since June of 2005.

25 Q What about before that? Any previous law

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GREEN DIRECT HOLLEN

1 enforcement experience?

2 A I worked for the Mount Pleasant Police Department
3 for about three-and-a-half years.

4 Q What is your position inside of SLED?

5 A I'm a forensic firearms examiner in the Forensic
6 Services Laboratory.

7 Q Do you have any special education, qualifications,
8 for that title within SLED?

9 A When I was hired at SLED, I started the SLED
10 fireman tool mark course instruction program. It's
11 roughly a three- to three-and-a-half year course of
12 study, studying to do what I do now, under court-
13 qualified firearm examiners.

14 Q Agent Green, have you ever been qualified as an
15 expert in firearms in court in South Carolina?

16 A Yes, 'sir.

17 Q Approximately how many times?

18 A Fifty-four times state, and twice federal.

19 SOLICITOR HOLLEN: Your Honor, at this time, I'd
20 offer Agent Green as an expert in firearms.

21 THE COURT: Any objection as to qualifications?

22 MR. DEYSACH: No, your Honor.

23 THE COURT: Ladies and gentlemen of the jury,
24 you're about to hear the testimony from a witness who
25 claims to have a special knowledge, skills, experience,

1 or training or education in the field of firearms,
2 firearms identification. Normally, ladies and
3 gentlemen, the witness does not get give on the witness
4 stand and give opinion testimony or conclusion
5 testimony. An exception to the opinion goes for those
6 witness who we call expert witnesses: If qualified, the
7 witness, as an expert, is permitted to give an opinion
8 as to matters in which the witness claims to be so
9 skilled.

10 In determining weight to be given to such opinion,
11 you should consider the qualifications, and the
12 credibility or believability of the expert, reasons
13 given for his opinion. You are not bound by such
14 opinion. You give it the weight, if any, to which you
15 deem it should be entitled.

16 The witness is qualified without objection. You
17 may proceed, Counsel, on direct examination.

18 SOLICITOR HOLLEN: Thank you, your Honor. May I
19 approach the witness, your Honor?

20 THE COURT: You may.

21 BY SOLICITOR HOLLEN:

22 Q Agent Green, I'm going to hand you what's been
23 marked for identification, State's Exhibit Number 10.
24 Do you recognize that?

25 A Yes, sir. State's Exhibit Number 10 is SLED

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GREEN DIRECT HOLLEN

1 container L15-06902, Container Number G, which is a re-
2 sealed pouch that bears my initials and date.

3 Q Okay. So your initials are on that package.

4 A Yes, sir.

5 Q What date did you put on that package?

6 A 6-3 of '15.

7 Q All right. Who did you receive that package from?

8 A Special Agent Dawn Claycomb of the Crime Scene
9 Department.

10 Q Do you know what date you received it?

11 A No, sir. It would have been between 5-28 when she
12 sealed it, and when I got it, the date I started my
13 examination in the case would have been on 6-2.

14 Q When you received that package, what condition was
15 it in?

16 A It was sealed on both ends.

17 Q Did it appear to have been tampered with in any
18 way?

19 A No, sir.

20 Q Was it altered before you got it?

21 A No, sir.

22 Q Why was State's Exhibit 10 transferred to you?

23 A State's Exhibit 10 was transferred to me so I could
24 examine the evidence found in it; issue a report on it
25 based on my findings.

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GREEN DIRECT HOLLEN

1 Q And did you perform analysis on those items?

2 A Yes, sir.

3 Q Okay.

4 SOLICITOR HOLLEN: your Honor, at this time, I'd
5 ask to move State's 10 into evidence.

6 THE COURT: As to State's 10?

7 MR. DEYSACH: No, objection, your Honor.

8 THE COURT: Ladies and gentlemen of the jury,
9 State's Exhibit Number 10 will be admitted into evidence
10 in the trial of this case without objection. State's 10
11 in evidence. You may now, if you choose, differentiate,
12 Counsel.

13 SOLICITOR HOLLEN: Thank you, your Honor.

14 THE COURT: 10 is in evidence.

15 SOLICITOR HOLLEN: Thank you.

16 ITEM IDENTIFIED AS SLED CONTAINER

17 L15-06902, CONTAINER NUMBER G,

18 A RE-SEALED POUCH

19 MARKED STATE'S EXHIBIT NUMBER 10

20 ADMITTED AS EVIDENCE.

21 SOLICITOR HOLLEN: May I approach the witness, your
22 Honor?

23 THE COURT: You may.

24 BY SOLICITOR HOLLEN:

25 Q Agent Green, I'm going to ask you to open that

1 package, if you may.

2 WITNESS COMPLIES.

3 Q How many items are in that package?

4 A There are two. There's SLED Item Number 26 and
5 SLED Item Number 27.

6 Q Agent Green, I'm going to hand you back the other
7 item that's marked and admitted under 10. That's 10-A
8 and 10-B. First of all, can you describe State's 10-A,
9 please.

10 A 10-A is a fired bullet.

11 Q All right. What about 10-B?

12 A 10-B is a very tiny fired bullet jacket fragment.

13 Q Before we get into the specifics of those items,
14 Agent Green, can you talk about the criteria that you
15 use to examine firearms, bullets, fragments, anything
16 like that.

17 A Yes, sir. In a case like this where we're given a
18 projectile or projectile or bullets, what we do is, we
19 look at them physically. We weigh them and take their
20 measurements. And then attempt to try to determine the
21 caliber of the specific projectile. I did that in this
22 case.

23 And then, if we have multiple projectiles, we try
24 to determine if they were fired by the same firearm or
25 different firearms. Once we're able to do that, we can

1 look at the general characteristics displayed on the
2 bullet or bullets, and give the investigating agency a
3 possible list of suspect firearms that could have fired
4 the bullet.

5 Q Agent Green, can you describe those items. Talk
6 first, if you don't mind, about the bullet,
7 characteristics of that bullet.

8 A Yes, sir. State's Exhibit 10-A is a fired bullet.
9 Based on its observable, physical characteristics, it's
10 weight and its diameter, was able to determine that it
11 was most consistent with being a bullet loaded into some
12 .40 S&W caliber cartridges or some 10 millimeter auto
13 caliber cartridges.

14 Q And were you able to determine what kind of gun,
15 what make of gun those may have been fired from?

16 A Yes, sir. Based on the information I put into the
17 data based provided to us by the Federal Bureau of
18 Investigation, or the FBI, once I weighed and measured
19 the bullet, got the approximate caliber, I put that
20 information, along with the land and groove widths,
21 which are providing me specifications on the bullets
22 that are put there by the barrel through which was
23 fired.

24 Took all that information, put in into the database
25 provided to us by the FBI, and the only known

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GREEN DIRECT HOLLEN

1 manufacturer currently making firearms with those
2 specifications was Smith & Wesson.

3 Q So those -- that bullet you believe was fired from
4 a Smith & Wesson firearm?

5 A Based upon all the information we had, yes, sir.

6 Q What about other information? Were you able to
7 determine anything else about the firearm that fired
8 that gun?

9 A Most likely it would be a semi-automatic pistol.

10 Q Agent Green, what about the bullet, the fragment in
11 this case?

12 THE COURT: Refer to exhibit number for the record.

13 BY SOLICITOR HOLLEN:

14 Q Exhibit 10-B, Agent Green.

15 A State's Exhibit 10-B was very, very small. It
16 weighed 0.6 grams. A gram is a unit of weight we use in
17 the firearms department. The rough equivalent to that
18 is it weighs less than one-fortieth of what a penny
19 weighs. So it was very lightweight. It had no markings
20 on it that I could use for identification. And it was
21 so torn up, I could not tell you if it was part of
22 State's Exhibit 10-A bullet at some prior time, or if it
23 was part of a separate bullet.

24 Q So you weren't able to determine whether that
25 fragment came off of -- the fragment that is 10-B came

1 from 10-A or not?

2 A Correct, I was unable to tell whether State's
3 Exhibits 10-A and 10-B were the same one at some prior
4 time or not.

5 Q All right. Were you given a gun to test in this
6 case, Agent Green?

7 A No, sir.

8 Q Are you, at times, provided with a firearm to test
9 against fired fragments that are recovered?

10 A Yes, sir.

11 Q And if you would have been given a gun in this
12 case, would you have been able to determine that the
13 bullet was fired from that gun?

14 A Based on the condition of State's Exhibit 10-A, I
15 said the bullet may or may not be suitable, but it was
16 very damaged. If he gave me the gun, I do not know if I
17 could tell you that was the gun or not, based on the
18 condition of State's Exhibit 10-A as I received it.

19 Q Thank you. Were you provided with a cartridge
20 casing in this case?

21 A No, sir.

22 Q You said that you believe that bullet was fired
23 from an automatic weapon. Is that correct?

24 A Correct.

25 Q Can you explain to the jury how an automatic weapon

1 works versus a revolver.

2 A Yes, sir. A semi-automatic pistol is a firearm
3 that, when you pull the trigger, the gun does the work
4 for you. Once the gun's loaded, you pull the trigger;
5 the firing pin hits the primer; cartridge goes off; the
6 bullet goes down the barrel; the slide will recoil; and
7 when that happens, it extracts and injects the fired
8 cartridge case from the weapon, if the weapon is
9 functioning properly. It loads the next one for you;
10 You keep pulling the trigger, and that cycle repeats
11 until it runs out of ammunition, if the gun is working
12 properly. If you watch the old cowboy movies, a
13 revolver is what they used there. You pull the trigger;
14 the cylinder rotates; and when you pull the trigger and
15 the cylinder rotates, and cartridge casings stay in the
16 revolver.

17 Q And you were not given a cartridge casing in this
18 case.

19 A Correct. No, sir, I was not.

20 Q Wouldn't an automatic firearm automatically eject
21 the cartridge?

22 A If it was working properly, yes, sir.

23 Q So do you have any idea or can you provide a reason
24 why they may not have recovered a cartridge?

25 A There's any number of reasons. The firearm may not

1 have been functioning properly. Sometimes if you shoot
2 a gun close to your body, you can actually keep the
3 slide from recoiling, which would extract and eject the
4 cartridge casing. And there's a whole bunch of other
5 different reasons.

6 Q So you don't know if there was a cartridge in this
7 case or not, because you weren't provided with one?

8 A Correct.

9 SOLICITOR HOLLEN: Agent Green, I have no further
10 questions for you. Please answer anything Mr. Deysach
11 has.

12 THE COURT: Cross-examination.

13 MR. DEYSACH: Thank you, your Honor.

14 SPECIAL AGENT JAMES WILLIAM GREEN

15 CROSS-EXAMINATION

16 BY MR DEYSACH:

17 Q Good afternoon, Agent Green.

18 A Good afternoon.

19 Q I'm Ian Deysach, attorney for Mr. Williams in this
20 case. Okay. So the information that we have from the
21 items you examined is that you've given an opinion as to
22 the caliber of projectile that that is, correct?

23 A Yes, sir.

24 Q And you've also given opinion as to the possible
25 maker of the firearm in which this projectile would fit,

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GREEN CROSS DEYSACH

1 correct?

2 A That would be when it was fired, yes, sir.

3 Q Okay. And so, you had some rifling marks, I guess,
4 marks on that projectile?

5 A Yes, sir.

6 Q Speaking of, I believe we're on 10-A, what you have
7 referred to as Item 26. And that, if you had a weapon
8 to match it up against, the possibility exists that you
9 could say whether or not the projectile was fired from
10 that weapon.

11 A I think I probably -- yes, sir. Yes, sir.

12 Q Not artful. I think you've left yourself some room
13 to say we may be able to match it up to the barrel out
14 of which it came, correct?

15 A Yes, sir, based on the damage and the markings
16 available.

17 Q But you had enough markings to at least give it a
18 try, correct?

19 A The markings we looked for through State was fired
20 by this individual gun are very small and microscopic.
21 The markings I used to say -- or to give the GRC list of
22 what a Smith & Wesson is. Their class is they're very
23 large and well pronounced.

24 Q Okay.

25 A So I can say this bullet was definitely fired out

1 of a conventionally rifled barrel with five grooves and
2 a right-hand twist.

3 Q All right.

4 A But I don't know that I could say if you gave me
5 the gun, that it was fired from that gun, based on the
6 damage and the limited microscopic marks available left
7 on Exhibit 10-A.

8 Q Right. You don't know if you could make the match
9 or if you couldn't make the match, correct?

10 A Correct.

11 Q And I see you've given a make of the firearm that
12 would be possibly the source of the projectile. Are you
13 able to come up with a model or just the manufacturer?

14 A There were models listed on there, but there are so
15 many different models meeting that specification that it
16 would be -- it's a lot easier just to say you're looking
17 for a Smith & Wesson in a .40.

18 Q Okay. Too many models.

19 A Yes, sir.

20 Q And as to, I guess, Exhibit 10-B, the information
21 you were able to get from that jacket fragment was very
22 limited, correct?

23 A I can basically say it's a jacket fragment.

24 MR. DEYSACH: Okay. That's it. All right.

25 Nothing further, your Honor.

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GREEN CROSS DEYSACH

1 THE COURT: Re-direct?

2 SOLICITOR HOLLEN: Nothing further, your Honor.

3 THE COURT: As to this witness.

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

5 THE COURT: Any objection?

6 MR. DEYSACH: No, your Honor.

7 THE COURT: Mr. Green, you may step down. Leave my
8 exhibits and my packet with me. Those go to the court
9 reporter.

10 A Yes, sir. I'm putting them back in there right
11 now.

12 THE COURT: All right. Drive carefully. You're
13 excused from the trial of this case. I know you'll
14 adhere to the speed limit on your return.

15 A I always do.

16 THE COURT: Call your next witness.

17 SOLICITOR HOLLEN: Dr. Janice Ross.

18 THE COURT: Come up to the witness stand. She'll
19 come to you right here by the witness stand. Left hand
20 on the *Bible*, raise your right hand.

21 MADAM CLERK: Do you swear or affirm to tell the
22 truth, the whole truth, and nothing but the truth, so
23 help you God?

24 DR. JANICE ROSS: I do.

25 THE COURT: How are you? Have a seat. Make

1 yourself comfortable. Dr. Ross, I know you've been here
2 before.

3 DR. JANICE ROSS: Yes. .

4 THE COURT: But this courtroom has high ceilings
5 and everybody's sound goes straight up to the ceiling.

6 DR. JANICE ROSS: Yes, sir.

7 THE COURT: I'm going to have to ask you to speak
8 up like I'm doing right now. It's very hard for the
9 court reporter to be able to ascertain, even though
10 she's close to you, and the people at the end of the
11 jury box. So I'm going to ask you to speak up. Begin
12 by stating your full name and spelling your last name
13 for the court reporter.

14 DR. JANICE ROSS: Thank you. Janice Edwards Ross,
15 R/o/s/s.

16 THE COURT: Your witness, Counsel. Direct
17 examination.

18 SOLICITOR HOLLEN: Thank you, your Honor.

19 DR. JANICE EDWARDS ROSS

20 DIRECT EXAMINATION

21 BY SOLICITOR HOLLEN:

22 Q Good afternoon, Dr. Ross.

23 A Good afternoon.

24 Q I've called you doctor. Dr. Ross, what do you do?

25 A I'm a forensic pathologist in Newberry, South

1 Carolina.

2 Q What is a forensic pathologist?

3 A A forensic pathologist, we are doctors, physicians.
4 I went to the University of South Carolina, got a
5 bachelor's degree, and I got my M.D., doctor of
6 medicine, from Upstate Medical Center in Syracuse, New
7 York. And that's where I did my training in pathology.
8 Pathology is a discipline of medicine, as opposed to
9 surgery or pediatrics.

10 As a pathologist, we learn how to diagnose
11 diseases, how to look at tissue under the microscope and
12 diagnose things like cancer. We also learn how to do an
13 autopsy to find a cause of death.

14 A forensic pathologist, furthermore, learns how to
15 identify types of injuries, patterns of injuries,
16 collect evidence for the court of law, and collect
17 tissues and fluids for drug analysis, and to document
18 such with photographs.

19 Q As a part of your job, do you perform autopsies?

20 A Yes.

21 Q And what's the reason for performing an autopsy for
22 you?

23 A We want to find cause the of death and the manner
24 of death..

25 Q Dr. Ross, have you testified in court before?

1 A Yes.

2 Q Approximately how many times?

3 A In South Carolina, about 240 times.

4 Q And have you been qualified as an expert?

5 A Yes.

6 Q About how many times?

7 A All of those times.

8 Q All of those times?

9 SOLICITOR HOLLEN: Your Honor, at this time, I'd
10 offer Dr. Ross as an expert in forensic pathology.

11 THE COURT: Any objection to qualifications?

12 MR. DEYSACH: No, Your Honor.

13 THE COURT: Ladies and gentlemen, recalling my
14 earlier instruction to you concerning expert testimony,
15 the witness is qualified without objection in the field
16 of forensic pathology.

17 You may proceed, Counsel, without objection.

18 SOLICITOR HOLLEN: Thank you, your Honor.

19 BY SOLICITOR HOLLEN:

20 Q Dr. Ross, did you perform an autopsy on the victim
21 in this case, James Spellman?

22 A Yes.

23 Q What was the date and time that you did that?

24 A We did this on May 28, 2015, and started the
25 autopsy at 8:30 a.m.

1 Q And can you describe the wounds Mr. Spellman had
2 when you received the body.

3 A Yes. He had a few abrasions of the skin, scrapes
4 of the skin, over his nose and left lip and left cheek.
5 He also had three wounds that looked to have been made
6 by a bullet.

7 Q And did you document these wounds in your report?

8 A Yes.

9 Q Dr. Ross, let's talk first about where were these
10 wounds?

11 A One entrance wound was in the left chest, just
12 near the left nipple. One wound went all the way
13 through the left forearm. And there was a graze wound,
14 which means it just went across the skin of the upper
15 left arm.

16 Q All right. And out of these wounds, were any of
17 them, based on your expertise, fatal?

18 A Yes.

19 Q And which one was that?

20 A The one that went into the chest.

21 Q Okay. Dr. Ross, in looking at the wounds James
22 Spellman suffered, were you able to determine how many
23 projectiles caused those wounds?

24 A No. It could be one, two or three different
25 bullets. The -- the one that went into the chest is the

1 one that killed the person, having gone through both
2 lungs, the heart, and major blood vessels. But there
3 was one bullet that went all the way through the
4 forearm, and that could have gone in, come out, and gone
5 back in the chest. There was one that grazed the wound
6 -- the upper arm. And that could have just grazed the
7 arm and gone in -- then gone into his chest. Or if his
8 arm was kind of up with the elbow bent, one bullet could
9 have done all three.

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

11 Your Honor, may I approach the witness?

12 THE COURT: You may.

13 BY SOLICITOR HOLLEN:

14 Q Dr. Ross, I'm going to hand you what's been marked
15 for identification as State's Exhibit 11. Do you
16 recognize that?

17 A Yes.

18 Q And what is that?

19 A That is my diagram, a rough draft, basically, of
20 what I witnessed at the autopsy of Mr. Spellman.

21 Q And is that something that you do for each autopsy,
22 every autopsy that you perform?

23 A Yes.

24 Q And does that document the wounds on Mr. Spellman's
25 body?

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ROSS DIRECT HOLLEN

1 A Yes, it does.

2 Q And you marked on that diagram. Is that right?

3 A Yes, it's my handwriting.

4 Q Is that a fair and accurate depiction of the
5 diagram that you made?

6 A Yes.

7 Q Has it been changed or altered in any way?

8 A No, sir.

9 SOLICITOR HOLLEN: Your Honor, I would ask that
10 State's -

11 THE COURT: As to State's 11, Counsel?

12 MR. DEYSACH: No objection, your Honor.

13 THE COURT: Ladies and gentlemen of the jury,
14 State's Exhibit Number 11 will be admitted into evidence
15 in the trial of this case without objection. You may
16 publish to the jury.

17 SOLICITOR HOLLEN: Thank you, your Honor.

18 ITEM IDENTIFIED AS DIAGRAM WITH

19 HANDWRITTEN NOTES

20 MARKED STATE'S EXHIBIT NUMBER 11

21 ADMITTED AS EVIDENCE.

22 BY SOLICITOR HOLLEN:

23 Q If I may, I'm going to do this the old fashioned
24 way here.

25 Dr. Ross, there's a lot of writing on this exhibit,

1 but this is your notes as far as the width, depth, that
2 kind of thing, of the wounds?

3 A Yes. It's basically where the sounds were located.
4 We measure wounds inches below from the top of the head
5 and inches right or left of the middle body.

6 Q In this case, Dr. Ross, did you recover any
7 projectiles from the body of James Spellman?

8 A Yes.

9 Q How many did you recover?

10 A One.

11 Q That's one? Just one bullet?

12 A One bullet and one tiny little fragment.

13 Q And one tiny little fragment. And you're not an
14 expert in firearms, so you don't know if those came from
15 multiple shots or one.

16 A That's correct.

17 Q Dr. Ross, you said as part of your duties you
18 determine the cause and the manner of death.

19 A Yes.

20 Q Can you explain for the jury what cause and manner
21 are of death and the difference between the two.

22 A Yes. Cause of death is just what it says, what
23 caused the death of the person. The manner of death is
24 how that caused death came about being. For instance,
25 was it a natural death, like a heart attack? Was it an

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ROSS DIRECT HOLLEN

1 accidental death, having a car accident? Was it suicide
2 and person do it to themselves? Or was it a homicide if
3 somebody else did it to that person?

4 And sometimes we can't tell any of the above, so we
5 call it undetermined. So there are five actual manners
6 of death.

7 Q And when you're determining manner of death, do you
8 simply rely on what the body tells you, or is there
9 other information that's given to you?

10 A Oh, it's -- we have to -- it's teamwork. We have
11 to find out what -- what was at the scene, if there were
12 any witnesses. No, we rely heavily on the coroner's
13 investigation and law enforcement.

14 Q Dr. Ross, in this case, what was the cause of death
15 for James Spellman?

16 A He bled -- exsanguination, which means to bleed
17 out. And that's because he -- the bullet lacerated the
18 heart, both lungs, and some of the major blood vessels
19 coming off the heart.

20 Q And what about the manner of death?

21 A Manner of death is homicide.

22 Q Dr. Ross, in a wound of this type, is it unusual
23 for the majority of the bleeding to be internal?

24 A Yes.

25 Q It is unusual to be --

1 A Oh, I'm sorry. It's not unusual. Most of the
2 bleeding is -- is kept inside. There's just a single
3 hole in the left chest, and that there wouldn't be a lot
4 of blood coming out of that.

5 Q So the blood would be inside the body.

6 A Correct.

7 Q That was a terrible question I asked. I apologize.
8 Dr. Ross, you were not able to determine or you don't
9 know for certain how many shots were fired.

10 A Correct.

11 Q And you don't know anything about the death of
12 James Spellman, about who killed him; do you?

13 A No. No.

14 Q You don't have any information about that. All you
15 were able to determine is that he was killed by the
16 bullet.

17 A That's correct.

18 SOLICITOR HOLLEN: All right. Thank you, Dr. Ross.
19 I don't have any further questions for you.

20 A Okay.

21 THE COURT: Cross-examination.

22 MR. DEYSACH: Thank you, your Honor.

23 DR. JANICE EDWARDS ROSS

24 CROSS-EXAMINATION

25 BY MR DEYSACH:

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ROSS DIRECT DEYSACH

1 Q Good afternoon, Dr. Ross.

2 A Good afternoon.

3 Q I'm Ian Deysach. It's nice to see you in person.

4 Okay. I have a question about the opinion you
5 offered regarding number of, I guess, number of shots
6 that caused these wounds. When -- it was your opinion
7 that these wounds were caused by at least two shots,
8 correct?

9 A Correct.

10 Q Okay. And that opinion has changed, correct?

11 A Well, it could be -- it could be one, two, or
12 three.

13 Q Okay. And formerly, your opinion was it could be
14 two or three, correct?

15 A Yes, when I spoke with you before.

16 Q Right. That was the opinion you told me, correct?

17 A Yeah, you've got me off guard.

18 Q I mean, did I convince you to give me an opinion?

19 A No. No, you did not.

20 Q Okay. All right. And so, at that time, it's not
21 really about what you told me, but at that time, was it
22 your opinion that it was at least two shots that would
23 have caused these injuries?

24 A Basically, all I can say is bullets go straight, so
25 there were three different wounds. If you line them up,

1 you can -- you can have one bullet do it, two bullets,
2 or three. Or one.

3 Q Okay.

4 A Or three. I'm sorry.

5 Q And I understand that's what your opinion is today,
6 but I'm just asking whether or not that opinion has
7 changed?

8 A Well, when I first talked to you, I was thinking
9 two or -- two or three.

10 Q And now that opinion has changed, correct?

11 A Well, when you think about positioning of the
12 wound, the arm, in a certain way

13 Q Now, let me ask you this. You don't just make a
14 diagram of the person who is the subject of the autopsy.
15 You actually take pictures also, correct?

16 A Yes.

17 Q And you took pictures of the arm, correct?

18 A Yes.

19 Q And you took pictures of really everything that you
20 thought might be important when it comes to taking this
21 autopsy -- or performing this autopsy, correct?

22 A Yes.

23 Q Okay. And so, let me ask you this. We talked
24 about what you told me your opinion was that week. And
25 is it true that that opinion changed after you spoke

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ROSS RE-DIRECT HOLLEN

1 with the Solicitor's Office?

2 A Yes, because we -- I went back and thought about
3 the way that the arm could have been at the time that he
4 was shot.

5 Q Okay. Okay. How could the arm have been?

6 A The elbow would have to be bent, and the forearm in
7 front of the gun, basically. Bullets go straight. So,
8 if the bullet went through the forearm, and then grazed
9 the upper arm, and then went back into the chest is one
10 -- is one possibility, yes.

11 Q And it's your testimony right now that the bullet
12 could go straight and do that.

13 A That's correct.

14 MR. DEYSACH: All right. Nothing further.

15 THE COURT: Re-direct?

16 SOLICITOR HOLLEN: Briefly, your Honor.

17 DR. JANICE EDWARDS ROSS

18 RE-DIRECT EXAMINATION

19 BY SOLICITOR HOLLEN:

20 Q Dr. Ross, when we spoke, I asked you if these
21 wounds could have been the result of a single gunshot
22 wound. Is that right?

23 A Yes.

24 Q And what was your answer?

25 A That they could.

1 Q Okay. And you are making motions with your arm for
2 the jury, and they're going to have the diagram in the
3 jury room, but the bullet went straight through the
4 forearm. Is that correct?

5 A That's correct.

6 Q It grazed the left bicep. Is that correct?

7 A Yes.

8 Q And a wound -- I say the bullet -- there was a
9 wound going straight through the forearm; there was a
10 wound grazing the left bicep; and there was bullet wound
11 that went into his chest, you said just about the
12 nipple.

13 A Correct.

14 Q Was that on the left side of his chest?

15 A Yes.

16 Q So, if someone had their arm cocked in a
17 defensive motion, could that have been the result of a
18 single gunshot wound?

19 A It's a possibility, yes.

20 SOLICITOR HOLLEN: Thank you. No further
21 questions.

22 THE COURT: Re-cross limited to re-direct.

23 MR. DEYSACH: Nothing, your Honor.

24 THE COURT: As to this witness, Solicitor?

25 SOLICITOR HOLLEN: Your Honor, I'd ask that Dr.

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STATE RESTS; MOTIONS; RIGHTS; DEF RESTS

1 Ross be excused.

2 THE COURT: Any objection.

3 MR. DEYSACH: No, your Honor.

4 THE COURT: Ms. Ross,

5 STATE RESTS; RENEWING MOTIONS;

6 DEFENDANT'S RIGHTS; DEFENDANT RESTS:

7 SOLICITOR HOLLEN: Your Honor, at this time, the
8 State rests.

9 THE COURT: Are there any matters of law that I
10 need to take up at this time?

11 MR. DEYSACH: Yes, sir.

12 THE COURT: Madam Foreperson, ladies and gentlemen
13 of the jury, I'm going to ask you to step to your jury
14 room. I need to take up a matter of law. I won't be
15 long. I'll be back with you in just a moment.

16 Please do not discuss the case.

17 JURORS LEAVE COURTROOM 3:46 P.M.

18 THE COURT: Mr. Deysach?

19 MR. DEYSACH: Your Honor, may it please the Court.

20 Right now, the State would -- or the Defense -- I'm
21 sorry -- would renew all objections made in this trial
22 in this case up to this point, and would also move for a
23 directed verdict in this case. I would submit to the
24 Court that, although there have been witnesses who have
25 identified Mr. Williams who have testified that Mr.

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STATE RESTS; MOTIONS; RIGHTS; DEF RESTS

1 Williams had a gun, there's nobody who actually -- or at
2 least there's been inconsistent testimony as to whether
3 or not the firearm -- or the firing of the bullet was
4 actually witnessed. I don't think there is evidence
5 enough to send it to the jury on the identity issue. I
6 would also say that there's no evidence as to the malice
7 aforethought; that the State has not carried their
8 burden to get the case to the jury in regards to the
9 identity element or the malice aforethought element,
10 your Honor.

11 THE COURT: Solicitor?

12 SOLICITOR HOLLEN: Your Honor, whether or not the
13 jury believes the witnesses is a question for them. We
14 have two eyewitnesses that put the defendant at the
15 scene, one of whom says that he saw the defendant pull
16 the trigger and fire at the victim in this case.

17 As far as the malice aforethought element, there
18 are plenty of circumstantial evidence by defendant
19 firing a weapon at virtually point blank range at the
20 victim that he intended to do this with malice
21 aforethought. And Mr. Spellman is deceased as a result.
22 Respectfully, I believe there is enough to send this to
23 the jury.

24 THE COURT: Using the standard that I'm required to
25 use at the close of the State's case for a motion for

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STATE RESTS; MOTIONS; RIGHTS; DEF RESTS

1 directed verdict, Mr. Deysach, the motion is
2 respectfully denied. You and your client please come
3 forward to the clerk's station.

4 Madam Clerk, please swear the defendant.

5 MADAM CLERK: Do you swear or affirm to tell the
6 truth, the whole truth, and nothing but the truth, so
7 help you God?

8 DEFENDANT WILLIAMS: I do.

9 THE COURT: Come to the microphone.

10 DEFENDANT WILLIAMS: I do.

11 THE COURT: Very good. Speak up for me now,
12 because of the sound in here.

13 DEFENDANT WILLIAMS: Yes, sir.

14 THE COURT: State your name for the record.

15 DEFENDANT WILLIAMS: Jaycoby Williams.

16 THE COURT: Mr. Williams, at this time I'm going to
17 explain to you certain of your rights. If you do not
18 understand anything that I say, please let me know.

19 DEFENDANT WILLIAMS: Yes, sir.

20 THE COURT: If you want me to explain anything in
21 further detail, please let me know. You understand?

22 DEFENDANT WILLIAMS: Yes, sir.

23 THE COURT: We've now reached the stage in the
24 trial where you may present your defense. You have a
25 right to testify in your own behalf. However, no one,

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1 not your lawyer, not this court, not the State, can make
2 you testify.

3 DEFENDANT WILLIAMS: Yes, sir.

4 THE COURT: In the event you have a criminal record
5 for any conviction involving dishonestly or a false
6 statement or for a crime punishable by imprisonment of
7 more than one year, and this Court determines, as a
8 matter of law, that the probative value of admitting
9 this evidence outweighs its prejudicial effect to you,
10 the Solicitor would be able to introduce this record for
11 impeachment purposes to attack your credibility or your
12 believability.

13 Solicitor, is it the State's position that Mr.
14 Williams has such a record?

15 SOLICITOR HOLLEN: Yes, your Honor, it is.

16 THE COURT: All right. You have a copy of his
17 record, Mr. Deysach?

18 MR. DEYSACH: I do, your Honor.

19 THE COURT: You're familiar with it and you've been
20 over this with your client. Is that correct?

21 MR. DEYSACH: That is correct, your Honor.

22 THE COURT: Now, having not heard that yet, I can
23 tell you that it is the State's intention, because of
24 your previous criminal convictions to attempt to impeach
25 your credibility based on the future finding by this

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STATE RESTS; MOTIONS; RIGHTS; DEF RESTS

1 Court that admitting the evidence -- that the Court
2 determines that the probative value of admitting the
3 evidence outweighs its prejudicial effect to you.

4 If, however, you elect not to take the witness
5 stand, I will charge the jury that they are not to give
6 the fact that you did not testify any consideration
7 whatsoever. You have the constitutional right to remain
8 silent, and there is to be absolutely no prejudice to
9 you because you because you did not testify.

10 The decision, however, as to whether you testify in
11 the trial of this case will be left entirely up to you.
12 You can certainly talk with your attorney, but it is not
13 your attorney's decision.

14 DEFENDANT WILLIAMS: Yes, sir.

15 THE COURT: It is only your decision. Do you
16 understand what I've just said?

17 DEFENDANT WILLIAMS: Yes, sir. Yes, sir.

18 THE COURT: All right. Have you made a decision as
19 to whether or not you wish to testify in the trial of
20 this case?

21 DEFENDANT WILLIAMS: No, sir.

22 THE COURT: No, sir, meaning you haven't made a
23 decision; or no, sir, you don't wish to testify?

24 DEFENDANT WILLIAMS: I don't wish to testify.

25 THE COURT: And that's your decision?

1 DEFENDANT WILLIAMS: Yes, sir.

2 THE COURT: Not anyone else's decision?

3 DEFENDANT WILLIAMS: No, sir.

4 THE COURT: No one forced you in to that decision.

5 DEFENDANT WILLIAMS: No, sir.

6 THE COURT: You made that decision of your own free
7 will and accord.

8 DEFENDANT WILLIAMS: Yes, sir.

9 THE COURT: You may return to your seat.

10 Mr. Deysach, does the defendant intend to introduce
11 evidence in the trial of this case?

12 MR. DEYSACH: No, your Honor.

13 THE COURT: Very well. When I bring the jury back,
14 since the State has rested in the presence of the jury,
15 I will then turn to you, and you will announce that you
16 are resting. I will expect each of you to hand up any
17 requests to charge before I leave the court today. I
18 will expect you to be prepared, since Mr. Deysach tells
19 me he's not presenting evidence under the latest case in
20 December of 2016, *State v Beaty*, Mr. Deysach will have
21 closing argument in the trial of this case since he
22 intends not to present any evidence on behalf of the
23 defendant. However, we will start back with closing
24 arguments and charge in the morning, so that I'm able to
25 complete my charge on the law and consider any requests

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1 to charge that you have handed me before I leave today.
2 Do both of you understand?

3 MR. DEYSACH: Yes, your Honor.

4 SOLICITOR HOLLEN: Yes, your Honor.

5 THE COURT: How long do you think you need to
6 argue, Solicitor? Thirty minutes do it?

7 SOLICITOR HOLLEN: Thirty minutes should do it.

8 THE COURT: Thirty minutes, Mr. Deysach?

9 MR. DEYSACH: Certainly not more than forty-five,
10 your Honor.

11 THE COURT: Well, I will give you thirty, since the
12 State has thirty. Didn't you tell me you could do it in
13 thirty?

14 SOLICITOR HOLLEN: I certainly hope so, your Honor.
15 I believe I can.

16 THE COURT: Well, remind me to tell you about my
17 Sunday school class and teaching. It'll be a good
18 lesson for both of you on closing arguments. You can do
19 it in thirty, Mr. Deysach?

20 MR. DEYSACH: I would like a little bit of leeway
21 on a little bit more than thirty. I don't want to go
22 more than forty-five, your Honor, but I definitely am
23 asking for more than thirty.

24 THE COURT: Mr. Deysach, jurors don't tend to
25 listen when you become lengthy. However, I will give

1 you a little leeway.

2 MR. DEYSACH: Thank you.

3 THE COURT: All right. Solicitor, you will argue
4 first in the morning. Followed by Mr. Deysach. Once
5 you have reached a reasonable amount of time, both of
6 you will hear a familiar (FOUR TAPS OF GAVEL) to let you
7 know to wrap it up because your time has concluded. You
8 understand, Solicitor?

9 SOLICITOR HOLLEN: Yes, your Honor.

10 THE COURT: You understand, Mr. Deysach?

11 MR. DEYSACH: Yes, your Honor.

12 THE COURT: Very well. Bring us the jury.

13 JURORS ENTER COURTROOM 3:55 P.M.

14 THE COURT: Madam Foreperson, ladies and gentlemen
15 of the jury, you've now heard the evidence from the
16 State of South Carolina. We will now hear from the
17 defendant.

18 Counsel, call your first witness.

19 MR. DEYSACH: Your Honor, at this time, the Defense
20 rests.

21 THE COURT: Ladies and gentlemen of the jury, you
22 have now heard all the evidence from the State of South
23 Carolina and you've heard from the defendant. Because
24 of the hour, and I promised to get you home in a timely
25 fashion, we will conclude this trial tomorrow morning.

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STATE RESTS; MOTIONS; RIGHTS; DEF RESTS

1 I'm going to let you have thirty more minutes sleep
2 since you were able to complete all the evidence today.
3 Please report back to your jury room prior to 10:00 a.m.
4 in the morning. We will start promptly at 10:00 a.m. in
5 the morning.

6 Over the overnight recess, please do not discuss
7 this case with anyone, even amongst yourselves. You've
8 not heard closing arguments of the attorneys or received
9 my charge to you on the law. I hope everybody has a
10 pleasant evening.

11 I want to thank you for being on time this morning.
12 Thank you for your service. Please report to your jury
13 room prior to 10:00 a.m. in the morning. You're now
14 excused for the day, and you may leave the courtroom at
15 this time. Everyone else remain seated while the jury's
16 leaving.

17 JURORS LEAVE COURTROOM 3:57 P.M.

18 THE COURT: All right. Does the State have any
19 requests to charge?

20 SOLICITOR HOLLEN: No, your Honor, nothing beyond
21 the standard.

22 THE COURT: Does the defendant have ne requests to
23 charge?

24 MR. DEYSACH: No, your Honor.

25 THE COURT: All right. I'm going to need to see my

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BY THE COURT

1 lawyers in chambers. I want you to review the verdict
2 form. I'm going to go over with you what I call my
3 preliminary charge, because I'll be working on it
4 tonight. I'll expect you to be prepared to go forward
5 at 10:00 a.m. in the morning.

6 Solicitor, you will argue first. Followed by an
7 argument by the Defense. You understand?

8 SOLICITOR HOLLEN: Yes, your Honor.

9 THE COURT: This court stands adjourned until 10:00
10 a.m. tomorrow morning. I'll see counsel in chambers.

11 **END DAY TWO, TUESDAY, APRIL 4,**

12 **2017, 3:59 P.M.**

13 **BEGIN DAY THREE, WEDNESDAY,**

14 **APRIL 5, 2017, 10:20 A.M.**

15 BY THE COURT:

16 THE COURT: Thank you. Good morning. Please be
17 seated. All right, ladies and gentlemen, we'll keep an
18 eye on the weather. We're probably going to have some
19 rain and some wind.

20 I met with the attorneys. They tell me they're
21 satisfied with the verdict form, which I've shown them.
22 I've been over my entire charge. In fact, I've provided
23 them with copies of my preliminary charge. They have no
24 additional requests to charge.

25 Mr. Deysach, it's my understanding you wish to

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BY THE COURT

1 renew your motion that you made at the close of the
2 State's case at the close of all the evidence. Is that
3 correct?

4 MR. DEYSACH: That is correct, your Honor. I would
5 like to renew that motion, as well as renew all
6 objections made during the course of the trial.

7 THE COURT: Well, you didn't have to renew an
8 objection anymore. We stopped having to do that
9 probably thirty-five or forty years ago. But it is
10 encumbent upon you to renew your motion at the close of
11 all evidence. And for reasons, I stated at the close of
12 the State's case, your motion for a directed verdict is
13 respectfully denied.

14 The parties are aware of the order of argument.
15 I've been over that with them. The Solicitor will argue
16 first. Followed by counsel for the defendant, who will
17 have closing argument since he did not present any
18 evidence, and in my charge to you on the law.

19 State ready to proceed?

20 SOLICITOR HOLLEN: Yes, your Honor.

21 THE COURT: Defendant ready to proceed?

22 MR. DEYSACH: Yes, your Honor.

23 THE COURT: Bring us the jury, please.

24 JURORS ENTER COURTROOM 10:24 A.M.

25 THE COURT: Good morning, ladies and gentlemen of

1 the jury. I hope everybody had a pleasant evening. I
2 know we're due for some weather. We're watching it, and
3 I'll be monitoring that with emergency preparedness
4 here. Thank you for being here on time.

5 We're now going to continue with this trial. We're
6 going to hear the closing arguments first from the State
7 of South Carolina, followed by closing argument for
8 counsel for the defendant, followed by my charge to you
9 on the law. I ask that you give the attorneys your
10 careful consideration.

11 Counsel.

12 SOLICITOR HOLLEN: Thank you, your Honor. May it
13 please the Court.

14 THE COURT: Proceed. Mr. Hollen, Mr. Deysach.

15 CLOSING ARGUMENT ON BEHALF OF THE

16 STATE, BY SOLICITOR HOLLEN:

17 SOLICITOR HOLLEN: Good morning.

18 RESPONSES BY JURORS.

19 SOLICITOR HOLLEN: A story. That's what you were
20 told that what we gave you in the opening statement was.
21 You were told it was a story. That's what the Defense
22 wants you to believe.

23 He's right about one thing. The evidence in this
24 case is not what I tell you, it's not what Mr. Deysach
25 tells, you, it's what you heard from that witness stand.

1 Now, Defense also said that they wanted you to pay
2 close attention to the differences between what I told
3 you the witnesses were going to say and what they told
4 on the stand. Well, you've heard it. What did I tell
5 you they were going to say? We told you pretty much
6 exactly what I thought they would. The reason for that
7 is to defend the truth, defend the truth the whole time.
8 Defend the truth that Mr. Best, when he was first
9 interviewed by law enforcement about an hour after he
10 saw his cousin gunned down right in front of him, when
11 he gave that recorded interview, when he's still wearing
12 the shirt that was covered in his cousin's blood, what
13 did he say? It was Terreak. Terreak killed him. He
14 shot him at Pinewood Apartments. He said he was
15 standing right there. And he was.

16 Mr. Devoe, first time he came in and voluntarily
17 spoke with law enforcement was three questions. I know
18 him, I was in the car with him, he never said anything,
19 he got out, and he killed James Spellman.

20 So I want you all to remember that as we go through
21 this. This isn't a story. James Spellman's not a
22 fictional character. He's a -- he was a living,
23 breathing, human being with a family, with friends, and
24 he's no longer walking this earth because of the man
25 sitting there.

1 I appreciate you all paying such close attention to
2 this trial. You can see that I have some notes here
3 just because I don't want to forget anything. I'm not
4 going to bore you with every single detail of the trial.
5 You all have heard it. The purpose of this is just to
6 kind of go back through everything you saw and
7 everything you heard. And I don't want to forget that;
8 so when you all see me looking at my notes, that's the
9 reason.

10 So let's go back. Start with something easy. You
11 know that on May 26, 2015, James Spellman was taken to
12 the Allendale County Hospital. He was taken in DeQuincy
13 Best's car. He was admitted, according to Dr. Fornari
14 at 1730, 5:34 p.m. He had gunshot wounds. They
15 attempted to revive him. He was pronounced dead at 5:52
16 p.m. on the same day.

17 You know, because of what Dr. Ross told you from
18 the stand, that the cause of James' death was a gunshot
19 wound to the chest. It penetrated his heart, it cut
20 through his lungs, and he basically bled to death.

21 You know that Dr. Ross declared his death a
22 homicide, meaning that he was killed by whoever fired
23 that bullet.

24 You know that there was a blue car at the scene.
25 You know that the blue car was identified by Franklin

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BY THE COURT

1 Williams. He told you he saw it speeding away after the
2 shot that he heard.

3 Mr. Devoe told you he was picked up in a blue car
4 by somebody named Gummie that was never identified.
5 Tyrone Moultrie and the defendant sitting right there
6 were in the car when they picked him up.

7 Agent Johnson told you he was able to determine
8 that car belonged to Jennifer Bowers. And it was picked
9 up by somebody while she word at Hardees. She wasn't
10 there. And the Defense made a big deal about the car
11 wasn't processed; was that the Crime Scene techs didn't
12 go look through it. And Agent Johnson explained it to
13 you. The car was abandoned in a lot in Allendale with
14 the keys in it. It wasn't found 'til a couple days
15 later. There's no way of knowing who could have been in
16 that car. You could have cleaned that car, who could
17 have put something else in that car. By that time, it's
18 just too not practical to process a car for crime scene
19 tests.

20 So speaking of processing things, you know that
21 there's not any real any physical evidence in this case.
22 We're going to get to whatever evidence there is, but
23 let's talk about the facts first. There weren't any
24 shell casings found. You know according to Agent Green
25 that the bullet that killed James Spellman was most

1 likely fired from an automatic weapon. It was most
2 likely a .40 or a .45 Smith & Wesson, which matches
3 exactly what you were told by Quincy Best and Rahem
4 Devoe about what they saw. They described in their
5 statements and on the stand a black automatic weapon.
6 Didn't know the caliber, probably a .9 or a .40.

7 You know that there were no shell casings found,
8 which isn't consistent with an automatic weapon. Well,
9 let's think about what else you heard. Agent Green let
10 you know that maybe the gun wasn't functioning properly.
11 Sometimes that happens. Sometimes the cartridge doesn't
12 eject all the way like it should.

13 Quincy and Rahem both told you that after he was
14 shot the first time, James fell. The defendant stood
15 over him like he was going to fire again. And he was.
16 They thought he didn't fire because they were yelling at
17 him, stop, that's my cousin, that's my mama's -- my
18 grandmama's nephew. Rahem. Maybe that wasn't the
19 reason at all. Maybe the cartridge jammed and it's
20 still in the gun. That's why it wasn't at the scene.
21 But you also know that the crime scene sat unsecured for
22 an hour. And that's not the Allendale Police
23 Department's fault; it's not SLED's fault. They went to
24 the hospital where they got called where they spoke to
25 Quincy who told them where to go. They got there as

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BY THE COURT

1 quickly as they could. By that time, how many people
2 could have walked through that scene, picked up that
3 shell casing, kicked it. I'm not saying anybody hid
4 evidence, but you never know who could have been there.

5 You know that we don't have the gun that fired the
6 shot that killed James Spellman. I wish we did. We had
7 Agent Green told you he may not be able to match it
8 because of the condition the bullet was in.

9 But the Defense wanted to make a big deal about the
10 fact that there wasn't a warrant taken out; a search
11 warrant, to look for a gun. Search warrants aren't just
12 pieces of paper that you get out. You have to have
13 probable cause, which is what Agent Johnson told you,
14 the Allendale Police Department, and SLED. I know I
15 don't want them just kicking in every random door
16 looking for a gun that might be there and might not.
17 You have to have somewhere to start. And they have no
18 idea where that gun is. Nobody gave them any
19 indication.

20 We don't have DNA. This isn't CSI Miami. We can't
21 give you something that's not there. I wish we had it.
22 You heard from Agent Claycomb, who came to the scene.
23 She took pictures. She collected everything. She
24 swabbed what she could swab. She explained that, in an
25 outside crime scene, a lot of times you're not going to

1 find anything. Lot of times you're not going to find
2 fingerprints. And furthermore, that there's no
3 indication that the defendant sat around or did anything
4 at that scene, but walked up and shot James Spellman.
5 Yeah, he shook Quincy's hand, but you aren't going to
6 get a swab on a hand of DNA.

7 You know, you know because every single person that
8 said it, and it was a single shot that killed James
9 Spellman. Franklin Williams, Debentris Breeland. And
10 Debentris didn't want to tell you much.. He didn't want
11 to admit some things that he'd already said, but he did
12 tell you there was one shot. Rahem Devoe and DeQuincy
13 Best, one shot. That's all there was.

14 And Dr. Ross, I don't know what was spoken about
15 when she spoke to the Defense, but I certainly have a
16 question, because we know it was one shot. Could all
17 these witness be wrong about one shot? Think about it
18 for a second. Somebody pulls a gun on you, you're not
19 going to stand there with your arms by your side. Makes
20 perfect sense that it was a single shot when you throw
21 your arm up in a defensive motion. Okay. You have
22 through on the forearm and a graze on the bicep, and it
23 enters just above the elbow on the left side of his
24 chest.. You know it was a single shot.

25 We're going to come back to what we heard from the

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BY THE COURT

1 scene, but What about after the defendant was arrested?
2 Agent Johnson, Detective Manor, told you he didn't make
3 a statement when he was first brought. "A little bit
4 later his mother called Detective Manor and said he
5 wants to talk to you all, so they did. You saw the
6 *Miranda* form. He wasn't pressured. He wasn't coerced.
7 He wasn't threatened. He wanted to talk. So they ask,
8 well, what do you know. I don't know nothing; don't
9 know nothing about a gun; I know nothing about a
10 shooting; I wasn't even in Allendale when James Spellman
11 was shot.

12 And the judge is going to instruct you on the
13 credibility of witnesses, which is just the
14 believability. And that's your job, to judge what
15 people told you on the stand, everything you see with
16 your own eyes, and determine what's true, what the truth
17 is here and what's not.

18 Well, you can do the same thing with the video you
19 saw. And it's in evidence. You can watch it again.
20 You can watch it fifty times if you want to. It's up to
21 you to determine whether the defendant was telling the
22 truth or not on that video. He says I wasn't in
23 Allendale; I was in Columbia; I was at Poochie Man's
24 house. And Agent Johnson says, well, who was there with
25 you. And I don't even know how many names he gave, but

1 every name he gives, Agent Johnson starts to track it
2 down, he says, whoa, whoa, whoa, whoa, he wasn't here
3 that day; he was here or he was at the hospital. He
4 doesn't give any names. Nobody that can tell you that
5 he was in Columbia.

6 There's another big problem with that. You know
7 that he was in Allendale. His family told you he was in
8 Allendale. Dwain Dean, who took the stand, told you he
9 was the defendant's first cousin. Said he remembers the
10 day James Spellman was killed; heard about it. He rode
11 by Pinewood Apartments, then he took his girlfriend to
12 Fairfax, saw law enforcement at the hospital. And he
13 went to his grandmother's house on Flowers Lane, where,
14 lo and behold, he saw the defendant. And yeah, the
15 defendant told him he didn't do it. Okay. And he told
16 Agent Johnson and Detective Manor he wasn't even out
17 there.

18 Dwain Dean told you that the same night that James
19 Spellman was killed, his cousin asked him for a ride to
20 Columbia. He said it was either just dark or getting
21 dark. You know that James was shot about 5:30, and that
22 he and his girlfriend drove to an apartment off of I
23 think he said either Saint Andrews or Briar River.

24 Why did this happen? Debentris Breeland, obviously
25 reluctantly, got on that stand, and he didn't want to

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BY THE COURT

1 tell you what he had told Agent Johnson and Agent Manor
2 before, and then what he confirmed to Agent Hutto,
3 Investigator Hutto. A few days before this happened, he
4 and the victim were sitting at Pinewood Apartments when
5 James told him he was scared of the defendant, Terreak
6 Williams. Well, that doesn't make a lot of sense, but
7 you have a missing piece. Tiffany Loadhold, James was
8 dating, James was staying with Tiffany Loadhold at
9 Pinewood Apartments at the time he was killed. She told
10 you that they were dating, and she told you she has two
11 children with the man sitting over there, ages eight and
12 four. Said she dated James for about three years. May
13 2015, the child would have been two. Her and James
14 dated on and off. It's not a mystery who else she was
15 dating when she was dating James.

16 Let's go back and talk about the scene, because
17 that's what this comes down to. Let's talk about the
18 scene. Frank Williams told you about a single shot.
19 Told you about the blue car. He told you he didn't know
20 who was in the car. Couldn't identify anybody. Didn't
21 see them. Didn't see the shot. Just saw the blue car
22 speeding away.

23 All right. Debentris, as I've already said,
24 clearly did not want to be here. He didn't want to
25 testify, and that, unfortunately, is not an uncommon

1 problem. Wish we had more witnesses. We suspected
2 there were more people out there. Agent Johnson told
3 you that SLED agents came out, and I think the word he
4 used was *canvassed* the neighborhood. They knocked on
5 doors in Pinewood looking for people that may have seen
6 something else, and they got maybe one witness. I think
7 that was Franklin Williams, but nobody else saw him.

8 Debentris did tell you that he heard a single shot;
9 that he waited a minute; then he came downstairs and
10 James was on the ground. Quincy put him in the car.
11 Quincy took him to Allendale County Hospital where he
12 died.

13 So let's talk about Quincy and Rahem Devoe. Quincy
14 is -- or was James' first cousin. I suspect they were
15 pretty close. And you can critique and tear apart the
16 statements all you want about leaving out little things
17 or remembering things like think about the time he gave
18 that statement. I already told you it was about an hour
19 after James was killed. He was still wearing the shirt
20 that is covered in James' blood. And he tells them
21 Terreak, Terreak Williams. So you can make a big deal
22 about whether or not the defendant started to go up the
23 stairs, and he didn't put that in his statement. Is
24 that really what's important there?

25 And I don't pretend to know what everybody's life

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BY THE COURT

1 has been like, but I think at one point we've all had
2 something terrible; or at least we felt terrible,
3 catastrophic. Think about how you felt. Do you
4 remember the little tiny details, or do you remember
5 that crushing emotion that you felt when it happened.

6 Rahem Deveo. Look at Mr. Devoe. We can't pick our
7 witnesses. Mr. Devoe has a record. He has some pending
8 charges in our office. But we didn't go seek him out.
9 He voluntarily came in and spoke with Agent Johnson and
10 he told you exactly what DeQuincy said. He was at the
11 top of the stairs; heard the shot; turned; and he saw
12 the defendant standing over the victim, James Spellman.
13 And they may not have put every single detail in their
14 witnesses statements. It's a whole lot harder to sit
15 and write something out than it is to come in and tell
16 about it. That's why paper can't testify. That's why
17 we require people to come in here and take the stand, so
18 that you can look at them, and you can determine whether
19 or not they're telling the truth.

20 And this thing about what DeQuincy and Rahem have
21 to gain. Just because they're related to James, they're
22 going to come in and point their finger at the defendant
23 for no reason?

24 Rahem told you he was friends with the defendant.
25 Probably not anymore, but he was. So what would make

1 him decide just to point the finger at Terreak Williams
2 if he wasn't the one to kill James Spellman?

3 The Judge is going to instruct you on the law in
4 this case. And I don't want to step on his toes. But
5 he's going to tell you -- and I told you at the
6 beginning that the murder in South Carolina is the
7 killing of another person with malice aforethought. I
8 want you to pay particular attention to the malice
9 aforethought there. He's going to tell you, and I'm
10 going to read -- and again, if I tell you something
11 wrong, the Judge is the judge of the law. What he tells
12 you, that's how it is.

13 Malice aforethought is not required that malice
14 exist for any particular time before the act is
15 committed, but malice must exist in the mind of the
16 defendant just before and at the time the act is
17 committed. This wasn't premeditated. There's no
18 evidence of that. He told you that no words were spoken
19 in the car before they got there. Quincy told you that
20 there were no words exchanged between the defendant and
21 James Spellman. He just pulled out the gun and shot
22 him. This was a crime of opportunity. He saw an
23 opportunity to get rid of the man who was dating the
24 mother of his children, and he took it.

25 Another thing I told you in the opening is that, as

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CLOSING DEYSACH

1 the representative of the State, the burden is on me.
2 Okay? I'm the one that has to prove every element of
3 this crime beyond a reasonable doubt. I told you it's a
4 high burden, and it is.

5 The Judge is going to tell you that, if you are
6 firmly convinced of the guilt of the defendant in this
7 case, then I've met my burden, and it's your
8 responsibility to find him guilty.

9 Ladies and gentlemen, we have given you the truth
10 about what happened on May 26, 2015. The witnesses gave
11 you the truth about what they saw, what they heard on
12 May 26, 2015. Now it's up to you. On that day, James
13 Spellman, for no reason other than he was dating the
14 wrong person, paid the ultimate price. So at this
15 point, I'm going to ask you it's time for the defendant
16 to pay his price, and I ask you to find him guilty of
17 murder of James Spellman. Thank you.

18 THE COURT: Mr. Deysach.

19 MR. DEYSACH: Thank you, your Honor. May it please
20 the court.

21 CLOSING ARGUMENT ON BEHALF OF

22 THE DEFENDANT, BY Mr. DEYSACH:

23 MR. DEYSACH: Good morning, ladies and gentlemen.

24 RESPONSES BY JURORS.

25 MR. DEYSACH: There's a lot to talk about, so I

1 want to choose my words wisely and not waste time
2 talking about the same things over and over. I'm doing
3 my best to stay organized, but I have a lot of points I
4 want to make. And I think I'm going to start by
5 responding to just a couple of things that were in the
6 State's closing argument.

7 What I have a problem with was when he tried to
8 tell -- I got a problem with a lot of things and you'll
9 hear it. But the one thing I want to respond to is that
10 they won't tell you that they have no idea what motive
11 anybody who spoke from that witness stand would have to
12 lie when the evidence that they presented to you for
13 motive about why Jaycoby Williams would have done this
14 is so thin. So, if they're worried about motive, why
15 are they trying to emphasize that total almost absence
16 of evidence as to a motive that Jaycoby Williams would
17 have for doing this?

18 So there's two people that date the same woman.
19 That happens all the time. That doesn't automatically
20 mean that a murder has occurred.

21 I mentioned this in my opening statement and the
22 State has brought it up, and he told you, I guess, that
23 this isn't like T.V. And what he's talking about is
24 it's not like T.V. where they actually have physical
25 evidence and, you know, they want to think that just

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CLOSING DEYSACH

1 because they don't have CSI-type of evidence to present
2 to you, he wants to let you -- he wants to tell you
3 that's because that evidence doesn't exist. He says
4 this -- this evidence, this DNA that he's talking about,
5 the processing of cars, looking for murder weapons,
6 talking to witnesses, you know, that stuff wasn't
7 possible to do in this case. But the reason it's not
8 before you is because they didn't look for it. Okay?

9 They have the burden. The Judge will explain to
10 you about presumption of innocence, burden of proof and
11 where that lies. And the State, the State Law
12 Enforcement Division, the Allendale Police, the
13 Solicitor's Office, they're the ones whose job it is to
14 go out and find that evidence.

15 Common sense. I mean, I'm not a police officer,
16 I'm just a person who has common sense just like all of
17 us. Hey, the blue car was handed off at the Hardees by
18 Jennifer Bowers to somebody who may be involved in this
19 case. Does Hardees have video? Let's check. No.

20 Processing of the blue car. You know, they -- the
21 State protested so much about how the car couldn't be
22 processed because it was abandoned with the keys in it.
23 That almost says to me, okay, whoever the people who
24 have the car who weren't supposed to get out of the car,
25 they left the keys there, and nobody else has been in

1 it. Look. Just look. Maybe you won't find something.
2 And if you look and you don't find, then they can come
3 here and tell you, okay, this case just doesn't have
4 that evidence. But when you don't even look? And we
5 know because we've seen sometimes come from SLED, that
6 they do have these scientific abilities and they exist
7 as part of our government for us to use, so that that's
8 what they're there for. And so, when we're not using
9 them for our cases, they're just sitting there and
10 they're being wasted. And that's not the defendant's
11 fault. That's not anybody's fault but the person whose
12 job it is to carry out those tasks.

13 Not bothering to talk to Devon Barker [sic], the
14 boyfriend of the person who owns the blue Focus, until
15 Monday at 4:00 because you couldn't find him until he
16 walks right into the courthouse. Not bothering to talk
17 to Tyrone Moultrie, otherwise known as PC, a person who
18 was identified as also being in the car. Not even
19 trying to talk to him. Not having a note about trying
20 to talk to him.

21 I tried to highlight, successfully or
22 unsuccessfully, searching for cell phone data. And I
23 think the State tried to indicate, well, we had looked
24 for cell phone data. Well, none of that was before you.
25 And let me tell you, if they had any cell phone data

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CLOSING DEYSACH

1 that would have backed up anybody's story, they would
2 have shown it to you. That's their job. And I doubt if
3 they would have left that on the table if they had. But
4 they didn't show it to you. And so, I think you can
5 infer that they don't have it. They don't have anything
6 about Mr. Williams' calls to Rahem Devoe.

7 You know, it's just kind of common sense, because
8 anybody who's ever had an issue where they think maybe
9 their child or maybe even a significant other is lying
10 about something, one of the first things people do is,
11 okay, let me see your phone, let me see your phone.
12 Okay. Let me see your phone. Does your phone back up
13 what you're telling me? Did you really receive these
14 phone calls? Okay, what phone number did you receive
15 them from? And then, every time somebody wants to talk
16 about a phone in this case, it seem's like it's broken.
17 You know, and I'm receiving calls, but now it's broken.

18 The phone stuff is the easiest stuff to try to look
19 up. And they left so much of that on the table, whether
20 it's Rahem Devoe's phone, whether it was tracking down
21 any phone numbers that could have been connected with
22 any of the participants, the witnesses that they put in
23 front of us. And that would have just been easy. And
24 if they'd have tried and failed, that would be one
25 thing. But not trying, that's on them.

1 No note as to whether or not he actually -- Agent
2 Johnson went to Columbia to check on Willow Creek. I'm
3 not sure if went to Columbia or not, not even a note in
4 his file.

5 They brought a ballistics expert that told us -- I
6 don't think he said I definitely could, but he could
7 have tried, if he had had a weapon to match the
8 projectile to a particular weapon. Matched it to a
9 class, I guess, of mates is what he was able to do. But
10 the police didn't even look for a weapon. Didn't even
11 look for a weapon. I mean, I guess there's an elephant
12 in the room. You can serve -- you can apply for --
13 okay, what if you ask for a search warrant and the
14 magistrate says no? Well, then, that's on the
15 magistrate. But you tell me if you think that if the
16 police had gotten to the magistrate with a search
17 warrant that says we're looking for the murder weapon
18 and we're going to look for it in the place where Mr.
19 Williams lives, check his house. Okay. That's where
20 you're supposed to look for the firearm in one of these
21 cases. It is common sense. It's done all the time.
22 Wasn't done in this case. And for the Solicitor's
23 Office and the police to say, well, the reason we don't
24 have this evidence is because it just doesn't exist.
25 It's a bad excuse is what it is. It's an excuse for

1 giving us excuses for not doing this work.

2 In that lack of investigation is -- it's not fair
3 to anybody. It's not fair to anybody who's a victim.
4 It's not fair to anybody who's the defendant. It's not
5 fair to anybody who's been asked to decide a serious
6 case beyond a reasonable doubt. It doesn't give them
7 the tools. It's not fair to the community. It's not
8 fair to anyone. Okay? And the reason it's not fair,
9 like I said, is the police's fault. They have the
10 burden. They're the ones whose job it is to do this.
11 And so, you can't hold it against Mr. Williams that this
12 stuff isn't there.

13 And the reason we're stuck with just deciding
14 whether or not we believe the witnesses on the stand
15 told the truth, the whole truth, and nothing but the
16 truth beyond a reasonable doubt, that that's the key to
17 the case. Not anything to corroborate, but they said.
18 That's on the police and the Solicitor's Office, too.

19 So now, now we're stuck in a position where, okay,
20 now we've got to decide to believe people, humans. And
21 with all their imperfections, we've got to rely on
22 humans instead of science, instead of independent
23 evidence. And we've got to decide whether or not
24 they're telling the truth beyond a reasonable doubt,
25 because that's the burden. That's the burden here.

1 And in order to believe -- I mean, as I understood
2 the evidence, in order to believe Mr. Best and Mr.
3 Devoe, you've got to actually discount some things that
4 Mr. Williams said. Mr. Franklin Williams that they were
5 downstairs from Ms. Loadhold; took out the trash; not
6 part of this group hanging out on the steps; taking out
7 the trash. Says I know of -- I think he called him
8 Terreak. I know of Terreak. He, after all, has his
9 children who live upstairs. He says, when I went out to
10 take out the trash, I didn't see him. I didn't see
11 anybody I recognized there. Okay. But what he said he
12 did see when he took out the trash was the blue car.
13 So, if the blue car is there and Mr. Williams isn't,
14 that's in conflict with what Mr. Best and Mr. Devoe are
15 saying. Okay?

16 Mr. Williams is one of those witnesses that doesn't
17 have, I would say -- I wouldn't call it doesn't seem to
18 have a dog in the fight. Doesn't have a staked out
19 position of bias. He's independent. He doesn't have
20 anything to do with this. And so, that makes him more
21 reliable than somebody who is more closely associated
22 with one side or the other..

23 I mean, I'm going to talk about Rahem Devoe and
24 whether his testimony could be believed to be true
25 beyond a reasonable doubt from that person, okay, that

1 comes to court wearing -- to testify in a serious case
2 wearing a shirt that says, *True OG* on it, out of lack of
3 respect for what's going on here. When somebody does
4 that, I almost feel like they're asking you not to
5 believe them.

6 One thing that's difficult to sit in here and not
7 comment on, which I'm about to comment on it now, is
8 that this Solicitor's Office today is going to ask you
9 to believe Rahem Devoe is truthful beyond a reasonable
10 doubt. And then, on another day, they're going to call
11 him an armed robber and a drug dealer.

12 PC. He changes from am I coming to Columbia, am I
13 coming from Atlanta. And I think, you know, did I call
14 911; did I not call 911? Was my phone broken? I got
15 two phones, one's broken, one's not broken. Should we
16 wait ten or fifteen minutes before going to the hospital
17 or did we not? Those are all things who Agent Johnson,
18 who interviewed him admitted that he had told him in his
19 first interview just a few days after this had happened.

20 So that truth doesn't change, you know. The truth
21 doesn't change between calling 911 and not calling 911;
22 Waiting ten or fifteen minutes and not waiting ten or
23 fifteen minutes; that truth doesn't change. Lies change
24 when you can't keep your story straight, but that truth
25 doesn't change.

1 And I'm not going to spend too much more time
2 hammering on Rahem Devoe because you watched him
3 testify. If I haven't been able to convince you from
4 his testimony, or and especially this idea that he's an
5 accused armed robber and accused drug dealer that the
6 Solicitor's Office is going to prosecute, but then is
7 going to ask you to be him beyond a reasonable doubt. I
8 mean, pointing out his vast variances in his story, I
9 don't think that that's going to do very much, but
10 that's there. And that's there because it never was the
11 truth, and it's not the truth now.

12 Granted, Mr. Best had less baggage. There's no
13 question about that. But what was the biggest head
14 scratcher, or maybe one of the biggest head scratchers.
15 is why would Mr. Best, who has the Solicitor explained
16 his, you know, talking to police shortly after this
17 incident occurred, in a situation where the police are
18 trying to gather evidence, trying to start their case,
19 is going to completely leave out the fact that Rahem
20 Devoe emerged from the same vehicle at the same time as
21 a person he's saying shot his cousin. He's not going to
22 tell the police that at all? And we know that's the
23 case. We know there's not some hidden place where he's
24 talked about Rahem Devoe to the police, because they're
25 telling you, hey, Rahem Devoe just kind of showed up at

1 the police department to tell us what he knew. And of
2 course, the Solicitor's Office pretends that that's some
3 idea of that's an indication that he's reliable, when
4 anybody who would maybe think critically would say, or
5 is that a person with an agenda, is that a person who's
6 reliable, or is that a person with an agenda. And I say
7 that sounds like a person with an agenda to me, not a
8 person who's at all reliable.

9 But Mr. Best doesn't say anything about him. I
10 mean, if he was really trying to lead the police in the
11 right direction he would have mention that. I think he
12 also probably would have tried to call 911, instead of
13 going straight to the hospital himself. To me -- and I
14 -- I mean, I understand that this is more of a theory
15 than some sort of a hard fact that I have proof of, but
16 when people take victim's directly to the hospital and
17 bypass 911, many times it's because they're trying to
18 hide what's happened at the scene where it happened.
19 Okay? And in the meantime, during this period of time,
20 shell casings possibly disappear. All right? Was it
21 one? Was it two? The Solicitor said we know it was
22 one. Of course there was one shot heard. That was
23 consistent. That was consistent with Mr. Williams'
24 independent witness. The pathologist said it could have
25 been one, two, or three. They have a theory on how the

1 -- they never really demonstrated how a straight line
2 could have been achieved through these parts of the
3 body, and then into the cavity. And her opinion wasn't
4 strong. She admitted that she had gone back and forth
5 on what her opinion is. I can't sit here and tell you
6 it was one shot; I can't tell you it wasn't three shots.
7 To be honest with you -- I mean, my point is, I mean,
8 it's possible if there was only one shot heard and two
9 shots were fired, I think that that would probably only
10 mean that two shots were fired at the same time. I
11 don't have proof of that. I'm not saying that. But for
12 him to tell you that we know it was just one shot, that
13 doesn't -- that's not what the pathologist said.

14 I mean, my point is -- I'd gotten a little bit off
15 track there -- but it's possible that there was more
16 than one shell casing that needed to be picked up,
17 cleaned up, by somebody. Somebody stayed behind and
18 tried to sanitize the scene. And nobody, even the
19 people that the Solicitor wants you to believe, would
20 ever say that that was my client.

21 So, you know, this absence of evidence, you know,
22 this inference that they're drawing is just not the
23 inferences that need to be drawn in a situation where
24 they have the burden of proof. My client has the
25 presumption of innocence, and they've got to prove

1 beyond a reasonable doubt.

2 Mr. Best changed from I saw the whole thing, he
3 changed from my back was turned, he changed from Mr.
4 Williams walked partially up the steps too, he changed
5 from Mr. Williams didn't walk up the steps to Mr.
6 Williams did walk up the steps. And the truth doesn't
7 change. Those truths don't change. My back was turned,
8 to I saw the whole thing, is they both can't be true.

9 And so, the Solicitors -- and the Solicitors are
10 asking you to believe somebody who said something at one
11 point that couldn't be true and change it with something
12 he said from the stand. And so, those changes, the
13 truth doesn't change.

14 And that's what we're left with. We're left with
15 these two witnesses. And it's not -- we're not left
16 with these two witnesses for any other reason than the
17 police didn't fill in those gaps. We know that when
18 somebody points the finger, when somebody makes an
19 accusation, that's the beginning of the investigation.
20 You find something to back that up, to corroborate that.
21 In this case the same thing that they had a day or two
22 after this happened, nothing more has been added. And
23 now they can't corroborate anything that their witnesses
24 have said, and they're asking you to believe, as I said,
25 people, people who are not perfect, these people who are

1 not perfect, people that they brought who are not
2 perfect, to believe them on beyond a reasonable doubt,
3 and that's why a conviction cannot stand in this case.
4 That's why they have not proven their case in this case.
5 And that is why you'll have to find Jaycoby Williams not
6 guilty of this murder. Thank you.

JURY CHARGE:

8 THE COURT: All right, ladies and gentlemen, Madam
9 Foreperson, ladies and gentlemen of the jury, it is now
10 my duty to charge you the law of this case. The State
11 of South Carolina has charged the defendant, Jaycoby
12 Terreak Williams, with murder in the indictment which
13 I'm holding up in my hand, that has a number on it,
14 2015-GS, which means General Sessions Court, 03, means
15 Allendale County, 00086. That's the number of the
16 indictment and the charge on the indictment.

17 I remind you of the fact the defendant was arrested
18 the fact the defendant was charged and indicted in this
19 case, is not evidence in this case, nor does it create
20 any presumption or inference of guilt. The indictment,
21 ladies and gentlemen, is simply the formal, written
22 instrument that contains the charge made against the
23 defendant. But it's a formal document by which the case
24 is brought into this court, the Court of General
25 Sessions.

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1 And to the indictment, the defendant has pled not
2 guilty. And that plea of simply saying I'm not guilty
3 puts the burden on the State of South Carolina to prove
4 the defendant guilty beyond a reasonable doubt. A
5 person charged with committing a criminal offense in
6 South Carolina is never required to prove himself
7 innocent. I charge you, ladies and gentlemen, that it
8 is an important rule of the law that a defendant in a
9 criminal trial, no matter what the seriousness of the
10 charge may be, will always be presumed to be innocent of
11 the crime for which the indictment was issued unless
12 guilt has been proven by evidence satisfying you of that
13 guilt beyond a reasonable doubt.

14 The presumption of innocence, ladies and gentlemen,
15 doesn't end when you begin your deliberations, but it
16 accompanies the defendant throughout the trial until
17 you, the jury, reach a verdict of guilt, based on
18 evidence introduced during the trial of the case of that
19 guilt beyond a reasonable doubt.

20 The presumption of innocence is not just a legal
21 theory. It's not just a legal phrase. It is a
22 substantial right to which every defendant is entitled,
23 unless you, ladies and gentlemen of the jury, are
24 satisfied from the evidence of the defendant's guilty
25 beyond a reasonable doubt.

1 Now, what is a reasonable doubt in the law? A
2 reasonable doubt, ladies and gentlemen of the jury, is
3 the kind of doubt that would cause a reasonable person
4 to hesitate to act. The State has the burden of proving
5 the defendant guilty beyond a reasonable doubt. Some of
6 you may have served in the past as a juror in civil
7 cases such as a contract case or wreck case. Those are
8 examples of civil cases. In the civil case, the jury is
9 told that it is only necessary to prove that a fact is
10 more likely true than not true. We call that burden of
11 proof in a civil case by the greater weight or the
12 preponderance of the evidence.

13 In a criminal case, such as this case here, ladies
14 and gentlemen, the State's proof must be more than that.
15 It must be beyond a reasonable doubt. Proof beyond a
16 reasonable doubt, ladies and gentlemen, is proof that
17 leaves you firmly convinced of the defendant's guilt.

18 Now, there are very few things in this world that
19 anyone of us know with absolute certainty, and in
20 criminal cases, ladies and gentlemen, the law does not
21 require proof that overcomes every possible doubt. If,
22 based on your consideration of the evidence, you, as a
23 jury, are firmly convinced that the defendant is guilty
24 of the crime charged, you must find the defendant
25 guilty. On the other hand, if you think there is a real

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1 possibility the defendant is not guilty, you must give
2 the defendant the benefit of the doubt and find him not
3 guilty.

4 Now, I remind you, ladies and gentlemen, during
5 this trial, you and I have had certain duties to
6 perform. As a trial judge, it has been my
7 responsibility to preside over the trial of this case.
8 And I also have the duty to rule on the admissibility of
9 the evidence that's been offered by the parties during
10 case.

11 You are, ladies and gentlemen of the jury, to
12 consider only the competent evidence that's been
13 introduced during this trial of the case before you. If
14 I told you to disregard any evidence or testify during
15 the trial, if I ordered anything stricken from the
16 record during this trial as the presiding judge, you
17 must disregard that evidence or testimony. You are to
18 consider only the testimony which has been presented
19 from this witness stand, any exhibits which have been
20 introduced into evidence and made a part of the record
21 in this case, and if any exist, any stipulation of
22 counsel in this case.

23 I also have the additional duty to charge you
24 the law that applies to this case. And as the presiding
25 judge, I am the sole judge of the law of this case. And

1 it is my your duty, ladies and gentlemen of the jury,
2 under that oath that you took, to accept the law and
3 apply the law exactly as I now state it to you.

4 If any of you on this jury already have some idea
5 what you think the law is, or ever what you feel the law
6 ought to be, and it does not agree with what I now tell
7 you the law is, you must abandon any of your
8 preconceived opinions or ideas, because each of you took
9 an oath, and in that oath you sworn or affirmed that you
10 would accept the law and apply the law exactly as I know
11 state it to you.

12 In every case tried in this courtroom before a
13 jury, the jury becomes the sole and the exclusive judge
14 of the facts in the case, based on evidence introduced
15 during the there of the case. A trial judge, such as
16 myself, cannot state, comment on, intimate, or make any
17 statement to a trial jury like yourselves about the
18 facts of the case or the evidence in the case. Since
19 you, ladies and gentlemen of the jury, are the sole
20 judge of the facts in this case, you are not to infer
21 from what I've said in the progress of this trial in
22 ruling upon any objection or the admissibility of
23 evidence or anything I say now during the course of this
24 instruction to you in my charge on the law that I have
25 any opinion whatsoever about the facts or the evidence

1 in this case. The law does not allow me to have an
2 opinion about the facts in the case.

3 The evidence, ladies and gentlemen, and ultimately,
4 what you determine to be the true facts from the
5 evidence, this is a matter solely for you, the jury, to
6 determine. And as jurors, ladies and gentlemen, it
7 becomes your duty, it becomes your responsibility as the
8 jury to determine the we call it the weight, but it is
9 the effect, or if you would, the value, and ultimately,
10 the truth of any evidence that has been presented during
11 the trial of this case.

12 Now, like many things in the law, we have names for
13 the two types of evidence, which are generally presented
14 during a trial. We call these types of evidence direct
15 evidence and circumstantial evidence. Direct evidence,
16 ladies and gentlemen of the jury, is testimony of a
17 person who claims to have actual knowledge of a fact,
18 such as an eye witness to an event. Direct evidence is
19 evidence which immediately establishes the main fact to
20 be proved.

21 Circumstantial evidence, as contrasted with direct
22 evidence, is proof of a chain of facts and circumstances
23 indicating the existence of a fact. Circumstantial
24 evidence is evidence which establishes collateral facts
25 from which the main fact may or may not be inferred.

1 Circumstantial evidence, ladies and gentlemen, is based
2 on inference and not on personal observation or personal
3 knowledge. The law makes absolutely no distinction
4 between the weight or the value to be given to either
5 direct evidence or circumstantial evidence. Nor, is a
6 greater degree of certainty required of circumstantial
7 evidence than of direct evidence.

8 Ladies and gentlemen of the jury, each of you
9 should consider, weight, and analyze all of the evidence
10 in this case, both direct and circumstantial. After
11 considering all the evidence and weighing all the
12 evidence, analyzing all the evidence, both direct and
13 circumstantial in this case, if you aren't convinced of
14 the guilt of the defendant beyond a reasonable doubt,
15 you must find the defendant not guilty.

16 On the other hand, after hearing all the evidence
17 in this case, both direct and circumstantial, if you are
18 convinced of the guilty of the defendant beyond a
19 reasonable doubt, you must find the defendant guilty.
20 Necessarily, you're going to have to determine the
21 credibility. Credibility simply means believability of
22 the witnesses who have testified during the trial of
23 this case. It becomes your duty, ladies and gentlemen,
24 as jurors, to analyze, to evaluate the evidence, and
25 determine which evidence convinces you of its truth.

1 That is why, ladies and gentlemen, in my opening remarks
2 to you, I wanted you to listen to the witnesses, to
3 observe the witnesses, to not let your thoughts wander,
4 ladies and gentlemen, so that you will, by observing,
5 have placed yourself in the position by determining
6 which evidence convinces you of its truth.

7 In determining the believability of witnesses who
8 have testified in this case, you may believe one witness
9 over several. You may believe the testimony of a part
10 of a witness, and reject the remaining part of the
11 testimony of that same witness. You may believe the
12 testimony of the witness in its entirety, or you may
13 reject the testimony of the witness in its entirety.
14 You may consider whether any witness has exhibited to
15 you any interest, any bias, any prejudice or other
16 motive in this case. And you may, in deciding about the
17 believability or the credibility of the witnesses, you
18 may consider what I told you we call the demeanor of the
19 witness, the appearance, the manner of the witness while
20 the witness is on the witness stand. Anything that is
21 in evidence, ladies and gentlemen of the jury, you, as
22 the jury, have the right to consider in passing upon the
23 credibility or the believability of testified during the
24 trial of this case.

25 Ordinarily, ladies and gentlemen, I told you during

1 the trial the rules witness take the witness stand, take
2 the oath, sit down and say my opinion about this is
3 this. So we do not allow witnesses to testify about
4 normally opinions or conclusions. An exception to this
5 rule, the opinion rule, exists for those witnesses who
6 we call expert witnesses. A witness who claims, by
7 education, experience, training, claims to have become
8 an expert in some art, science, profession, or calling,
9 if qualified by the court, as a matter of
10 qualifications, they may state opinion as to matters in
11 which the witness claims to be an expert and they may
12 also give the reasons for their opinions. You should
13 consider any expert opinion received in this evidence in
14 this case, and like any other evidence; you give it the
15 weight you, as a jury, think it deserves.

16 If you decide that the opinion of an expert witness
17 is not based on sufficient education and experience, or
18 if you conclude that the reasons given in support of the
19 opinion are not sound, or that the opinion is outweighed
20 by other evidence, you may disregard the opinion
21 entirely. An expert witness's opinion is to be given no
22 greater weight than that of any other witness simply
23 because the witness is an expert. You are not required
24 to accept an expert witness's opinion, even though it is
25 not contradicted.

1 I charge you, ladies and gentlemen, that the
2 statement alleged to have been made by the defendant has
3 been admitted into evidence in this case. While the
4 Court has determined as a matter of law that the
5 statement is admissible, I instruct you now, ladies and
6 gentlemen of the jury, that you make the ultimate
7 decision of whether or not the defendant made the
8 statement. If the defendant did make the statement, in
9 your opinion or collective judgment, you must determine
10 whether the statement was made by the defendant
11 voluntarily and of his own free will. This means that
12 the statement was not coerced by pressure or force or
13 fear or threats or coercion or intimidation or by hope
14 of promise of leniency or reward of any kind.

15 In determining whether the statement was voluntary,
16 you, as a jury, should consider the characteristics of
17 the defendant and the details of any questioning that
18 was presented into evidence. Some of the factors
19 presented by the evidence, you, as a jury, may consider
20 are the age of the defendant, the defendant's education,
21 the defendant's mental ability or capacity, based on
22 your view of the evidence; the defendant's intelligence;
23 the defendant's background; the place and length of
24 detention; the nature of the questioning; the advice or
25 lack thereof of the defendant of his constitutional

1 rights, including but not limited to his right to remain
2 silent, and any statement can be used against him in the
3 court of law; the right to have a lawyer present; and
4 that if he couldn't afford a lawyer, a lawyer would be
5 appointed to represent him without any cost; and that he
6 could stop making the statement at any time.

7 You must carefully consider from the evidence,
8 ladies and gentlemen of the jury, the surrounding
9 circumstances before you give any weight to any
10 statement that may have been introduced into evidence.
11 The State has the burden of proving beyond a reasonable
12 doubt that any alleged statement was voluntarily. If
13 you determine it was, you, the jury, may give the
14 statement any further consideration or weight that you
15 feel proper. You must decide as a jury what weight must
16 be given to a statement. If you determine the statement
17 was not a voluntary or free statement of the defendant,
18 you should not consider the statement at all.

19 Now, in order to establish criminal liability,
20 criminal responsibility, criminal intent is normally
21 required. What I'm talking about here -- I'm going to
22 give you examples. We're talking about the mental state
23 that the State is required to prove of a particular
24 crime. Let's give some other examples of criminal
25 intent. It might be purpose, knowledge, intent,

1 recklessness, criminal negligence. Those are examples
2 of criminal intent. Criminal intent must be proven by
3 the State beyond a reasonable doubt. Criminal intent is
4 always a matter that must be determined by the jury from
5 the circumstances surrounding the situation based on
6 evidence introduced during the trial of the case.

7 Now, ladies and gentlemen, there is no way for the
8 State or anyone to prove intent to a mathematical
9 certainty. There is no way that medical science can
10 dissect a person's brain and determine what that person
11 had in mind. So the law says, ladies and gentlemen,
12 that criminal intent may be inferred from the
13 circumstances shown to have existed based on the
14 evidence introduced during the trial of the case. This,
15 ladies and gentlemen, is how you, as a jury, make a
16 determination of whether or not any element in a crime
17 requiring intent was present.

18 It is not necessary to establish intent by direct
19 evidence or positive evidence. The intent may be
20 established by inference, in the same way as any other
21 fact, but taking into consideration from your view the
22 acts of the parties and all facts and circumstances of
23 the case based on evidence introduced during the trial
24 of the case.

25 Criminal intent, ladies and gentlemen, is a mental

1 state. It is a conscience wrongdoing. It is up to you,
2 ladies and gentlemen of the jury, to determine what the
3 defendant intended to do based on the circumstances
4 shown to have existed from evidence introduced during
5 the trial of the case.

6 I charge you, ladies and gentlemen, that an issue
7 in this case is the identification of the defendant as
8 the person who committed the crime charged. The State
9 has the burden of proving identity beyond a reasonable
10 doubt. You must be satisfied beyond a reasonable doubt
11 of the accuracy of the identification of the defendant
12 before you may convict the defendant. I instruct you,
13 ladies and gentlemen, that the burden of proof is on the
14 State of South Carolina. It extends to every element of
15 the crime charged, and this specifically includes the
16 burden of proving beyond a reasonable doubt the identity
17 of the defendant as the person who committed the crime.

18 If, after examining all the evidence, you have a
19 reasonable doubt as to the accuracy of the
20 identification, you must find the defendant not guilty.

21 I charge you, ladies and gentlemen, that the fact
22 that the defendant did not testify in this case is not a
23 factor to be considered by you as a jury in any way in
24 your deliberations or in any way and in your
25 consideration of the guilt or innocence of the

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1 defendant. A defendant has a constitutional right to
2 remain silent. So the fact that the defendant did not
3 testify must not be considered by you in any manner
4 whatsoever. And the assertion of a constitutional right
5 to remain silent must not be considered by you in your
6 deliberations. I repeat, you are to draw no conclusions
7 whatsoever from the fact that the defendant in this case
8 did not testify. The fact that the defendant didn't
9 testify should not be discussed in your jury room. The
10 burden of proof, as I've stated to you, is on the State
11 of South Carolina. A defendant is not required to prove
12 his innocence. The burden remains on the State to prove
13 guilty beyond a reasonable doubt.

14 Now, ladies and gentlemen, I will define the
15 offense for you. The defendant in this case is charged
16 with the offense of murder. For this offense, the State
17 of South Carolina must prove beyond a reasonable doubt
18 that the defendant killed another person with malice
19 aforethought. What is malice? Malice is hatred, ill
20 will. Malice is hostility toward another person. It is
21 the intentional doing of a wrongful act without just
22 cause or excuse and with an intent to inflict an injury.
23 Malice aforethought, ladies and gentlemen, does not
24 require that malice exist for any particular amount of
25 time before the act is actually committed. Malice

1 aforethought does require that malice must exist, this
2 hostility, this hatred, this ill will must exist in the
3 mind of the defendant just before and at the time the
4 act is committed. Therefore, there must be a
5 combination of the malice or hostility and the evil
6 intent and the act itself.

7 Malice aforethought may be expressed or it may be
8 implied. Those terms, express and imply, do not mean
9 different kinds of malice, but merely the manner in
10 which malice may be shown to exist. That is, and if by
11 direct evidence or by inference from the facts and
12 circumstances which are proved, based on evidence
13 introduced during the trial of the case.

14 Express malice is shown when a person speaks words
15 which express hostility, hatred, ill will for another.
16 That's an example of express malice. But malice may
17 also be inferred from any conduct which the evidence
18 convinces you shows a total disregard for human life.
19 If the facts are proved beyond a reasonable doubt
20 sufficiently to raise an inference of malice to your
21 satisfaction, that malice would simply be an evidentiary
22 fact can be considered by you, along with the other
23 evidence in this case, and you give it the weight you
24 decide it should receive.

25 Now, I remind you, ladies and gentlemen, that the

1 definition of the offense for which the defendant is
2 charged is the defendant killed another person with
3 malice aforethought. That is the definition of murder,
4 the offense with which the defendant, Jaycoby Williams,
5 is charged.

6 Now, Madam Foreperson, I told you I would prepare a
7 verdict form for you. I've done so. Pay absolutely no
8 attention to the order in which I wrote the forms of
9 verdict. I, obviously, had to write one before the
10 other, and the order has no significance whatsoever. I
11 put the title and the case at the top. State of South
12 Carolina, County of Allendale, the State versus Jaycoby
13 Terreak Williams, Defendant. I put in the Court of
14 General Sessions, which is this court. I put the
15 indictment number and I wrote the word verdict.

16 There is only one question in this case, and it's
17 delineated as Question 1: *We the jury, by unanimous*
18 *consent, find the defendant, Jaycoby Terreak Williams,*
19 *in Indictment Number 2015-GS-03-00086. And the first*
20 *form of verdict under Question 1 is guilty of murder.*

21 If that be your form of verdict, Madam Foreperson,
22 you would place a check mark on the line beside that
23 form of verdict for the entire jury.

24 The second form of verdict under Question 1 is not
25 guilty of murder. If that be your form of verdict,

1 Madam Foreperson, you would place a check mark beside
2 the line of that form of verdict.

3 You must find one form of verdict or the other.
4 You cannot find both.

5 When you have checked the appropriate line on the
6 verdict form, you will then sign your name, Madam
7 Foreperson, on the line where it says *Foreperson*. I
8 have already put in today's date and Allendale on your
9 verdict form. When you reach the verdict, you will
10 knock on your jury room door and tell the bailiff you've
11 reached a verdict. We will bring you back into the
12 courtroom in order to publish your verdict.

13 Now, ladies and gentlemen, your verdict must be
14 unanimous. And that is, it must be the verdict of each
15 and every one of you. All twelve of you must agree on a
16 verdict.

17 Now, Madam Foreperson, in addition to whatever you
18 put on the verdict, whatever you check, guilty or not
19 guilty for the entire jury and sign your name, my law
20 clerk will want you to write the exact same words on the
21 indictment. Do not leave the courtroom today without
22 signing the indictment and putting the exact same words
23 that you have on the verdict form on the indictment.
24 He'll be coming to you with a pen to ask you to do that
25 before you leave. You understand?

1 FOREPERSON: Yes.

2 THE COURT: All right. Now, Madam Foreperson,
3 ladies and gentlemen of the jury, I've now charged you
4 on the law in order to help guide you to a result on
5 this case. You are the judges of the facts in this
6 case. Based on the evidence and based on your
7 determination of the facts from the evidence and the law
8 as I've explained it to you, you're soon going to begin
9 your deliberations.

10 Each of you have been selected impartial and fair
11 jurors. You took an oath, and in that oath, you said
12 you would impartially and fairly try and determine the
13 facts of this case from the evidence. And when you
14 comply with that oath, nobody can criticize your
15 verdict.

16 But you are to decide the case solely on the
17 evidence and not on any outside feelings about anybody
18 or things, not on emotion or on any arbitrary factor;
19 simply the evidence in the case, along with any evidence
20 which includes the exhibits and any stipulations, as
21 well as sworn testimony.

22 You will have most of the exhibits with you in your
23 jury room, except for the ones that need the equipment
24 out there to play. But if you want to see that, we'll
25 be happy to let you come back and view it in the

1 courtroom, because you don't have the ability to play it
2 in a jury room.

3 You must decide the issue in this case without any
4 bias for either party in this case, without prejudice
5 toward either party. You can't allow yourself, as a
6 jury, to be governed by prejudice for or against any
7 person or about public opinion or by any other arbitrary
8 factor that is not in evidence in the trial of this
9 case.

10 Both the defendant and the State of South Carolina
11 have the absolute right to expect that each of you on
12 this jury will carefully and impartially consider all of
13 the evidence in this case, and that you will follow the
14 law as I've instructed it to you to be in reaching your
15 verdict in this case.

16 Now, ladies and gentlemen of the jury, I'm going to
17 ask you at this time to retire to your jury room. Do
18 not begin your deliberations, because I may need to
19 bring you back for some additional instructions. When
20 it is time for you to begin your deliberation, I will
21 send by the bailiff the verdict form, along with all the
22 exhibits, which do not need equipment to be played, all
23 the exhibits which have been introduced into evidence
24 during the trial of this case into your jury room, and
25 have the bailiff tell you you may then commence your

4-5-17 STATE V WILLIAMS

JURY CHARGE

1 deliberations.

2 My alternate jurors, please remain in the
3 courtroom. Would the jury please retire to the jury
4 room.

5 JURORS LEAVE COURTROOM 11:44 A.M.

6 THE COURT: First of all, I'm happy nobody became
7 sick or by some valid reason could not continue to
8 serve. Both of you have all of your belongings; you
9 didn't leave anything in the jury room, did you?

10 ALTERNATE JUROR: Jacket.

11 ALTERNATE JUROR: Keys.

12 THE COURT: What?

13 ALTERNATE JUROR: My jacket. My jacket.

14 ALTERNATE JUROR: My keys.

15 THE COURT: Tell him so he can go get it for you.
16 Where is it?

17 ALTERNATE JUROR: On the table.

18 THE COURT: On the table. Will you get it for him?
19 Hold it. You've got something, too. So you can listen
20 to them describe the items.

21 ALTERNATE JUROR: Car keys.

22 ALTERNATE JUROR: My jacket.

23 THE COURT: I want to thank you for your service in
24 this case. I can't let you go back in the jury room
25 now. That's why we'll bring things back to you.

1 However, we are going to be mailing you a check for
2 your service. If either of you need an excuse for your
3 employment, just show Elaine where they want to go.
4 Where do you want them to go?

5 MADAM CLERK: Just go to my office.

6 THE COURT: Just go to her office. They'll be
7 happy to provide a work excuse for you.

8 ALTERNATE JUROR: All right.

9 THE COURT: If you want to talk about someone about
10 your jury service, how you felt about the case,
11 whatever, I'm happy for you to do it. It's entirely up
12 to you. If you don't want to discuss the case, just
13 tell them no. If somebody persists, you get their name
14 and give it to me or give it to the clerk, and I'll be
15 happy to take care of that problem. It's entirely up to
16 you, if you want to take care of the jury service. You
17 understand that?

18 ALTERNATE JUROR: Yes.

19 THE COURT: I hope this has been an education
20 experience for you. I hope you've learned a little bit
21 from it, if you listened. Thank you, sir. Now, sir, do
22 you have all of your belongings?

23 ALTERNATE JUROR: Yes.

24 THE COURT: Ma'am, do you?

25 ALTERNATE JUROR: Yes.

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JURY CHARGE

1 THE COURT: You're now going to be exempt from jury
2 service for three years. This concludes your service
3 for the week. I told you I was going to get you home
4 early. On behalf of Allendale County and this Court, I
5 want to thank you. You are now excused. You may leave
6 the courtroom at this time.

7 ALTERNATE JUROR: All right. Thank you.

8 ALTERNATE JURORS LEAVE COURTROOM 11:41 A.M.

9 THE COURT: All right. Shut that door for me. Any
10 exceptions or additions to the charge from the State of
11 South Carolina?

12 SOLICITOR HOLLEN: No, your Honor.

13 THE COURT: From the defendant?

14 MR. DEYSACH: No, your Honor.

15 I'd ask that counsel come forward with the court
16 reporter, certify that the court reporter has all the
17 exhibits. And with the exception of Exhibit 9, which
18 requires equipment to play, I believe we can send the
19 remaining ones in, but there may be another one that
20 I've missed. So take a look. Certify that she has all
21 the exhibits and that you have no objection to the
22 bailiff taking the verdict form and the exhibits, which
23 they can view in the jury room into the jury room and
24 telling the jury they may now commence their
25 deliberation. Please come forward.

1 COURT REPORTER, SOLICITOR HOLLEN,
2 AND MR. DEYSACH REVIEWING EXHIBITS.

3 THE COURT: Is Exhibit 9 the only one that requires
4 equipment?

5 SOLICITOR HOLLEN: Yes, sir.

6 MR. DEYSACH: Yes, your Honor.

7 THE COURT: You all agree to keep Exhibit 9 -- I'm
8 talking to them just hold on a minute. 'Til I finish,
9 don't come up here.

10 Is the State satisfied we have all the exhibits?

11 SOLICITOR HOLLEN: Yes, sir.

12 THE COURT: Do you have any objection to the
13 bailiff taking the verdict form and all the exhibits,
14 except Exhibit 9, into the jury room and telling the
15 jury they may now commence their deliberations?

16 SOLICITOR HOLLEN: No, your Honor.

17 THE COURT: Mr. Deysach, is the defendant satisfied
18 we have all the exhibits?

19 MR. DEYSACH: Yes, your Honor.

20 THE COURT: All right. You have no objection to
21 the bailiff taking the verdict form and all the
22 exhibits, except Exhibit 9, into the jury room and
23 telling the jury they may now commence their
24 deliberations?

25 MR. DEYSACH: I do not, your Honor.

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VERDICT

1 THE COURT: Very well. All right. All right,
2 Counsel, we'll be at ease while we wait for the jury's
3 verdict. Thank you very much. If you leave the
4 courtroom, I expect you to give the cell phone number to
5 my law clerk, Skyler, so that he can reach you in case
6 the jury has a question.

7 SOLICITOR HOLLEN: Thank you very much, your Honor.

8 VERDICT FORM AND EXHIBITS, EXCEPT

9 STATE'S EXHIBIT NUMBER 9, TAKEN TO

10 JURORS 11:51 A.M.

11 OFF THE RECORD 11:51 A.M.

12 BACK ON THE RECORD 12:24 P.M..

13 VERDICT:

14 BAILIFF: All rise. Come to order. Court is back
15 in session.

16 THE COURT: Thank you. Please be seated. Counsel,
17 I understand from the bailiff that the jury's reached a
18 verdict. Anything from the State before we publish the
19 verdict?

20 SOLICITOR HOLLEN: No, Your Honor.

21 THE COURT: From the defendant?

22 MR. DEYSACH: No, your Honor.

23 THE COURT: Now, ladies and gentlemen, happy for
24 everybody to stay in the courtroom when the verdict's
25 published. I will not tolerate any kind of outburst.

1 There is to be no comment, favorable or unfavorable, in
2 the presence of this jury. I will enforce that rule
3 with the contempt powers of this Court. If you feel you
4 cannot control your emotions, I ask you to step outside.
5 Do not remain in this courtroom. This jury deserves the
6 respect and dignity of their service.

7 Very well. All right. Elaine, are you ready?

8 MADAM CLERK: Yes, sir.

9 THE COURT: All right. Bring us the jury.

10 JURORS ENTER COURTROOM 12:26 P.M.

11 THE COURT: Madam Foreperson, has the jury reached
12 a verdict unanimously?

13 MADAM FOREPERSON: Yes, they have.

14 THE COURT: Madam Clerk, you may publish the
15 verdict. Counsel for the defendant and the defendant
16 please rise.

17 MADAM CLERK: In the Court of General Sessions,
18 Indictment 2015-GS-03-00086, the State of South Carolina
19 versus Jaycoby Terreak Williams, we, the jurors, find --
20 we, the jury, by unanimous consent, find the defendant,
21 Jaycoby Terreak Williams, Indictment 2015-GS-03-00086,
22 guilty of murder.

23 THE COURT: Ladies and gentlemen of the jury, is
24 this your verdict?

25 RESPONSES BY THE JURY.

4-5-17 STATE V WILLIAMS

VERDICT

1 THE COURT: Please indicate by raising your hand.

2 MADAM CLERK: Thank you.

3 THE COURT: Let the record reflect twelve hands
4 were raised.

5 Mr. Deysach, is there anything further from the
6 defendant before I excuse the jury?

7 MR. DEYSACH: We would ask that the jury be polled.

8 THE COURT: Madam Clerk, ladies and gentlemen of
9 the jury, the clerk is going to poll the jury. She will
10 call your name. As your name is called, please stand.
11 She will ask you two questions. She will ask was that
12 your verdict. You will answer yes or no. Is that still
13 your verdict. You will answer yes or no.

14 Madam Clerk, will you please poll the jury.

15 MADAM CLERK: Ms. Franklin Youmens. Was that your
16 verdict?

17 JUROR YUMENS: Yes.

18 MADAM CLERK: Is it still your verdict?

19 JUROR YUMENS: Yes.

20 MADAM CLERK: Mr. Emanuel Roberts. Is that your
21 verdict?

22 JUROR ROBERTS: Yes.

23 MADAM CLERK: Is it still your verdict?

24 JUROR ROBERTS: Yes.

25 MADAM CLERK: Mr. Young. Is that your verdict?

1 JUROR YOUNG: Yes.
2 MADAM CLERK: Is it still your verdict?
3 JUROR YOUNG: Yes.
4 MADAM CLERK: Mr. Davis. Is that your verdict?
5 JUROR DAVID: Yes.
6 MADAM CLERK: Is it still your verdict?
7 JUROR DAVIS: Yes.
8 MADAM CLERK: Mr. Jeff Hammond. Is that your
9 verdict?
10 JUROR HAMMOND: Yes.
11 MADAM CLERK: Is it still your verdict?
12 JUROR HAMMOND: Yes.
13 MADAM CLERK: Ms. Mary Platt. Is that your
14 verdict?
15 JUROR PLATT: Yes.
16 MADAM CLERK: Is it still your verdict?
17 JUROR PLATT: Yes.
18 MADAM CLERK: Mr. Willie Davis. Yes. Is that your
19 verdict?
20 JUROR DAVIS: Yes.
21 MADAM CLERK: Is it still your verdict?
22 JUROR DAVIS: Yes.
23 MADAM CLERK: Ms. Fredericks. Is that your
24 verdict?
25 JUROR FREDERICKS: Yes.

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VERDICT

1 MADAM CLERK: Is it still your verdict?

2 JUROR FREDERICKS: Yes.

3 MADAM CLERK: Ms. Flowers. Was that your verdict?

4 JUROR FLOWERS: Yes, ma'am.

5 MADAM CLERK: Is it still your verdict?

6 JUROR FLOWERS: Yes, ma'am.

7 MADAM CLERK: Ms. Robinson. Was that your verdict?

8 JUROR ROBINSON: Yes.

9 MADAM CLERK: Is it still your verdict?

10 JUROR ROBINSON: Yes.

11 MADAM CLERK: Ms. Annette Flowers. Was that your
12 verdict?

13 JUROR FLOWERS: Yes.

14 MADAM CLERK: Is it still your verdict?

15 JUROR FLOWERS: Yes.

16 MADAM CLERK: Mr. Allen. Was that your verdict?

17 JUROR ALLEN: Yes.

18 MADAM CLERK: Is it still your verdict?

19 JUROR ALLEN: Yes.

20 Thank you.

21 THE COURT: Counsel, the jury's been polled.

22 Verdict stands. Anything further from the defendant
23 before I excuse the jury?

24 MR. DEYSACH: No, your Honor.

25 THE COURT: Madam Foreperson, ladies and gentlemen

1 of the jury, on behalf of Allendale County and this
2 Court, I want to thank you for your service.. I told you
3 I was going to get you home early this week, and I'm
4 going to keep my word. This concludes your service for
5 the entire week on the jury. You will also be exempt
6 from jury service for three years by virtue of your
7 service this week on the jury.

8 Now, we're going to mail you that big check that we
9 pay you all for jury service at the address that you got
10 your summons. If anybody needs a work excuse for
11 service on the jury this week, if you'll go to Elaine
12 Saab's office, Clerk of Court's Office, we'll be happy
13 to provide you with a work excuse for serving on the
14 jury.

15 Sometimes, ladies and gentlemen, people,
16 particularly the attorneys, like to talk to jurors about
17 their service. If you want to talk to anyone about your
18 service, you may do so, but it's entirely up to you. If
19 you don't wish to discuss your jury service, tell them
20 you don't want to talk about it. If they persist, get
21 their name, give it to me, I'll handle that problem for
22 you.

23 Now, sentencing in this case is going to take place
24 in just a couple of minutes. That is the court's
25 province, not yours. I'll be happy if you'd like to

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MOTIONS

1 stay for sentencing, you can remain in your jury box or
2 you can remain and come back, have a seat in the
3 courtroom, or you may leave the courtroom, as you so
4 desire. Your service now as a jury has been completed.
5 For any of you that would like to leave, everyone else
6 remain seated.

7 JURORS LEAVE COURTROOM 12:31 P.M.

8 MOTIONS:

9 THE COURT: Any post verdict motions from the
10 defendant?

11 MR. DEYSACH: Yes, your Honor. Renew my motion for
12 directed verdict. I also ask make a motion for a new
13 trial in this case. Renewing the objections at the same
14 time, even though I don't have to. But I believe those
15 objections should have been granted, and for that
16 reason, I ask for a new trial. My basis for the
17 directed verdict motion is the same as before, as well
18 as my motion for a new trial. I don't believe that
19 there is sufficient evidence in this case for the jury
20 to convict. I ask for a judgment notwithstanding the
21 verdict on that basis as well. So, with that, I think
22 that completes my -

23 THE COURT: Mr. Deysach, there no such thing as a
24 JNOV in a criminal court, but there is no motion for a
25 new trial and there is a motion for arrest of judgment.

1 I certainly will entertain both of your motions.

2 Solicitor, anything you want to add?

3 SOLICITOR HOLLEN: Your Honor, I would just stand
4 by the jury's verdict. I think there's sufficient
5 evidence to uphold the guilty verdict in this case, and
6 I would ask that your Honor do that. Thank you.

7 THE COURT: Mr. Deysach, I carefully considered
8 your motions at the closing case and the closing of the
9 evidence and now the post-verdict. I'm very aware --
10 with the with the exception of overruling an objection
11 concerning admissibility of evidence, I'm very aware of
12 all the issues that you've raised during the course of
13 this trial, most of which, as I recall, were rule --
14 your objections were sustained, with the exception of
15 just a few. However, I decline to change my rulings,
16 and your motion for a new trial is respectfully denied.

17 So, Solicitor, I will expect you to fill out a
18 sentencing sheet.

19 SENTENCING:

20 THE COURT: Mr. Deysach, you and defendant will
21 come forward for sentencing.

22 SOLICITOR HOLLEN: Your Honor, I'm getting the
23 sentencing sheet right now. May I step out of the
24 courtroom briefly, your Honor, to grab that? May I slip
25 out of the courtroom to grab the sentencing sheet? Or,

1 Mr. Williams is getting it. Never mind.

2 MR. DEYSACH: Your Honor, my client's mother is not
3 in the courtroom. Between the announcement that there
4 was a verdict and the publishing of the verdict, she has
5 been at the grandmother's home. I was wondering if we
6 might be able to -

7 THE COURT: Hold on a second. Bruce, is she here?

8 BRUCE DAVIS: Yes, sir.

9 THE COURT: Bring her on in. Let her take a seat.
10 Oh, Skyler, he's right out here.

11 All right. I've asked that anybody that can't
12 control their emotions to leave the courtroom.

13 All right, Solicitor, I'll be happy to first hear
14 from you, and then the defendant and his counsel. And
15 if any member of the victim's family wishes to address
16 the Court, I'll be happy to hear from them as well.

17 SOLICITOR HOLLEN: Thank you, your Honor. I'll go
18 ahead. I think the evidence has shown in this case
19 exactly how callous this crime was. I don't think he
20 pre-planned this. I think it was a crime of
21 opportunity, and I think he took that opportunity, and
22 without consideration of the life of anyone else or
23 anyone that was around, in broad daylight, with multiple
24 witnesses, he executed him. I think that speaks for
25 itself. And for that reason, as far as sentencing, I

1 would ask your Honor to consider a life sentence for Mr.
2 Williams.

3 THE COURT: What's his prior record, Solicitor?

4 SOLICITOR HOLLEN: Your Honor, his prior record, I
5 have a juvenile conviction of arson in the first degree
6 in 2003. His adult record is a 2010 fraud charge and
7 false identification. 2010 sale, manufacture, and
8 delivery of a synthetic narcotic. And a 2010 conviction
9 for sale of --

10 THE COURT: 2010 what?

11 SOLICITOR HOLLEN: Sale, manufacture, and delivery
12 of a synthetic narcotic. He was sentenced to eleven
13 months, twenty-nine days in county jail for that in
14 Florida. And a 2010 conviction, also for the sale of
15 cocaine. That's the extent of his prior record, your
16 Honor.

17 THE COURT: Well, it's all prior drug convictions.

18 SOLICITOR HOLLEN: With the exception of the arson
19 first degree, yes, sir.

20 THE COURT: Very well.

21 SOLICITOR HOLLEN: Would anybody like to address
22 the Court?

23 Your Honor, the family doesn't wish to speak at
24 this time.

25 THE COURT: Mr. Deysach, I'll be happy to hear from

1 you.

2 MR. DEYSACH: Thank you very much, your Honor.
3 Certainly we disagree with the jury's verdict but, and
4 certainly, my client makes no admissions, but I think
5 when you look at the facts as presented in this case
6 that we are talking about an issue, at least the motive
7 was presented, as one of a romantic rivalry. And we
8 know that, when humans are in situations where their
9 families and their kids and they are -- all those things
10 are involved, break ups of family, loss of family, the
11 mother of your children who is no longer in the
12 relationship with you, that those affairs of the heart,
13 I think the law recognizes, as well as, I think, the
14 human experience shows can result in behaviors that we
15 otherwise wouldn't normally engage in. So it's
16 different.

17 I take issue crime, of opportunity and execution.
18 We've seen in this courtroom those type of offenses, and
19 what they presented was a crime of the heart is what
20 they presented to the jury. A crime of the heart that
21 had to do with break up of family. And I think -- while
22 I didn't think there was evidence of a sufficient legal
23 provocation presented for the jury in this case, and I
24 don't know that any exists, that heat of passion, that
25 passion may well have been what the -- I mean, that's

1 the essence of that motive is that it does arise to
2 fashions we're talking about infidelities and break ups
3 of families. So I try and draw a distinction between
4 that and what he would describe as an execution of some
5 sort.

6 I think the jury -- you know, so I'd ask that your
7 sentence reflect that, as opposed -- you know, you've
8 heard his record. There was the fifteen-year-old as
9 juvenile arson charge. It's a quite remote in time.
10 I'd ask that you give that proper weight, given its
11 remoteness in time. And other than that, some drug
12 charges. So he doesn't have this -- he doesn't have an
13 extensive record. There was not a lot of charges on his
14 record. And so, I would ask --

15 I think we know how murder is punished, day-for-
16 day; that every day -- you know, the bare minimum is
17 thirty. He's thirty years old now. He would be sixty
18 years old upon his release. He has two children. You
19 know, those children will be, obviously, adults at that
20 time. But I think that, given the facts, his record,
21 and what's been presented, that the minimum of thirty is
22 what's appropriate in this case, your Honor.

23 THE COURT: Mr. Williams, is there anything you'd
24 like to tell me prior to sentence? I'd be happy to hear
25 from you?

1 DEFENDANT WILLIAMS: No, sir.

2 THE COURT: Anything further from the State?

3 SOLICITOR HOLLEN: No, your Honor.

4 THE COURT: Anything further from counsel for the
5 defendant?

6 MR. DEYSACH: No, your Honor.

7 THE COURT: Now, for the benefit of people here,
8 you've heard lawyers so you understand -- particularly
9 my jurors that came back for sentencing, the minimum
10 sentence is South Carolina for murder is thirty years.
11 And you serve day-for-day from any sentence that's
12 imposed for murder. The maximum sentence is up to life
13 in prison.

14 Mr. Deysach, I take into consideration your
15 client's prior record. He has convictions of cocaine
16 and also methamphetamine, or just cocaine?

17 SOLICITOR HOLLEN: It's a different conviction,
18 your Honor. According to the rap sheet it doesn't
19 specify.

20 THE COURT: It doesn't specify. Mr. Deysach, he
21 does have a prior conviction for arson. I also take
22 into consideration his age. He's thirty years of age.
23 But I have to also take into consideration, regardless
24 of what you characterize, as you and I both know, there
25 is absolutely no evidence of voluntary manslaughter in

1 this case. It was either a decision for the jury of
2 murder, and I believe there is clear evidence on which
3 the jury could reach their decision as they did. I
4 understand you were respectfully disagree with the
5 verdict, but the verdict stands. I believe there's
6 sufficient evidence for the jury to have found beyond a
7 reasonable doubt your client's guilt.

8 Taking all of those things in consideration, on
9 Indictment 2015-GS-03-00086, the State versus Jaycoby
10 Terreak Williams, 2015-GS-032-00096, the sentence of the
11 court is defendant is committed to the State Department
12 of Corrections for a term of thirty-five years. Good
13 luck to you, sir.

14 MR. DEYSACH: Thank you, your Honor.

15 SOLICITOR HOLLEN: Thank you, your Honor.

16 THE COURT: Now, for my law enforcement, this
17 concludes this trial. It is over. I'm going to ask the
18 law enforcement see that everybody gets out safely,
19 particularly first of all my jurors here. Please escort
20 them to their cars, so they can return to their homes
21 safely. And then, any members of either family that
22 wish an escort, I'll let law enforcement escort them.

23 We'll start at 2:00 o'clock. Court's in recess.

24 END DAY THREE, WEDNESDAY,

 APRIL 5, 2017, 12:46 P.M.

P.001/002

(FAX)

WITNESSES

S/A Richard Johnson (SLED) ✓

S/A Bobby Bancroft (SLED)

ARREST WARRANT NUMBER

2015A0320100057

Date of Arrest: May 29, 2015

ACTION OF GRAND JURY

True Bill

Paula K. Wheeler 7-23-15
Foreperson of Grand Jury

VERDICT

Guilty

Annette W. Howers
Annette W. Howers
Foreperson of Petit Jury

Date: 4/5/2017

INDICT

DOCKET NO. 2015GS0300086

The State of South Carolina

County of Allendale

COURT OF GENERAL SESSIONS

July Term 2015

THE STATE

vs.

Jaycoby Terreak Williams

Indictment for

Murder / Murder

SC Code: 16-03-0010; 16-03-0020
CDR Code:0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

04/06/2017 15:40 Clerk of Court

(FAX)

P.002/002

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF ALLENDALE)

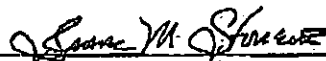
2015GS0300086

At a Court of General Sessions, convened on July 23, 2015, the Grand Jurors of Allendale County present upon their oath:

Murder / Murder

That in Allendale County on or about May 26, 2015, the Defendant, Jaycoby Terreak Williams, did, with malice aforethought, express or implied, kill James Spellman by means of shooting him with a firearm, and that James Spellman did die in Allendale County as a proximate result thereof on May 26, 2015; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

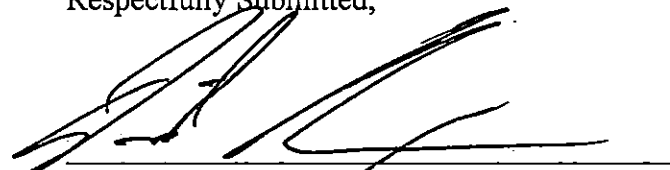


Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 16th day of May, 2018.

RECEIVED
MAY 16 2018
SC Court of Appeals