

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Eugene C. Griffith, Circuit Court Judge

JONTA GREEN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000329

APPENDIX

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S.C. SUPREME COURT

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2 COUNTY OF CHARLESTON

COURT OF GENERAL SESSIONS
2009-GS-10-00113, 00116

3 STATE OF SOUTH CAROLINA)
4 Plaintiff)

5 V.)

TRANSCRIPT OF RECORD

6 JONTA EMBRAY GREEN,)
7 Defendant.)

8
9
10 APRIL 19 - 22, 2010
11 CHARLESTON, SOUTH CAROLINA
12

13 B E F O R E:

14 THE HONORABLE DEADRA L. JEFFERSON, JUDGE
15
16
17

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

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20 MR. PETER MCCOY, Assistant Solicitor
Representing The State

21 MR. DEMAL MATTSON, Esquire
22 Representing The Defendant
23

24 Anne Bouley Meyer, RPR
25 Circuit Court Reporter

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1 (Whereupon, the jurors enter the courtroom.)

2 THE COURT: Ladies and gentlemen, we
3 appreciate your patience. If it's any cancellation,
4 my court reporter's arms are about to drop off. We
5 have been in court since 9:00 this morning without a
6 break.

7 So we understand and we appreciate your
8 patience. I'm Deadra Jefferson, I'm one of your
9 resident judges for the 9th Circuit, which is made up
10 of Charleston and Berkeley Counties.

11 And as I have indicated, we appreciate your
12 time. I understand that you all wanted to work
13 through so that if you weren't selected you would be
14 able to be released for the remainder of the day, and
15 that probably would have been my vote as well.

16 We are going to select a jury for the case of
17 the state of South Carolina versus Jonta Embray
18 Zomane Green. Indictments 2009-GS-10-113, which is
19 an indictment for murder; and 116, which is an
20 indictment for possession of a weapon during the
21 commission of a violent crime.

22 We are going to go through a process that is
23 called voir dire, which is a fancy way of saying that
24 I'm going to ask you some questions so that the
25 attorneys can more effectively exercise their

1 preemptory challenges in the jury selection process.

2 If a questions applies, please stand and in a
3 loud and clear voice give us your name, your juror
4 number, and remain standing until the Court has
5 completed questioning you. Again we appreciate your
6 patience.

7 The indictment which is 2009-113 for murder
8 alleges as follows: That in Charleston County, on or
9 about September 19, 2008, with malice aforethought,
10 Jonta Embray Zomane Green did kill and murder Brandon
11 Parker by means of shooting, and that Brandon Parker
12 did die in Charleston County as a proximate result
13 thereof on September 19th, 2008, alleging a violation
14 of code section 16-310 of the code of laws as
15 amended, and alleging that all of these actions were
16 against the peace and dignity of this state.

17 And indictment 2009-116 which alleges that in
18 Charleston County, South Carolina on or about
19 September 19th, 2008, the defendant, Jonta Embray
20 Zomane Green, did possess a handgun or visibly
21 display what appeared to be a handgun during the
22 commission or attempted commission of murder, a
23 violent crime, alleging a violation of code section
24 16-23-490 of the code of laws, and also alleging
25 these actions to be against the peace and dignity of

1 this state.

2 If counsel for the State would introduce
3 himself as well as anyone assisting him in the trial
4 of this case, and give us the names of the members of
5 your office; and if counsel for the defense would
6 provide us with the same information, as well as
7 introducing his client to the panel. You may
8 proceed.

9 MR. DURANT: Thank you, Your Honor, may it
10 please the Court.

11 My name is Rutledge Durant, I'm an assistant
12 solicitor here in Charleston. I'm trying to get my
13 voice back here, I lost it last week. I'm trying
14 this case with Peter McCoy, he's also an assistant
15 solicitor here in the Ninth Judicial Circuit.

16 We have approximately 30 attorneys who work in
17 our office actually.

18 MR. MCCOY: We have starting out we have the
19 Solicitor Scarlet Wilson. We have Deputy Solicitor
20 Bruce Durant. We have Burns Wetmore. Debbie
21 Herring-Lash. Culver Kidd. Henry Leventis. Kris
22 Neely. Mike Nelson. Trip Riesen. Tyler Whitaker.
23 Adam Young. Jennifer Shealy.

24 Brian Byrd. Julie Cardillo. Natasha Chisolm.
25 Shannon Elliott. Timmy Finch. Amy Harrell. Chad

1 Simpson. Jim Stack. Greg Voigt. Marian Askins.
2 Jessica Baldwin. Trip Lawton. Elizabeth Gordon.
3 Meg Haley. Stephanie Linder. Lindsey McClain.
4 Michael Sahn. And Dale Savage.

5 These are all assistant solicitors for the
6 Ninth Circuit which is Charleston and Berkeley
7 County.

8 THE COURT: Mr. Mattson.

9 MR. MATTSON: Your Honor, I request that they
10 give the correct full names of the two Trips, since
11 that is a nickname that they go by.

12 MR. DURANT: We do have two Trips in our
13 office. One is Winston Alvin Lawton, III, he goes by
14 Trip; and Fraiser William Riesen goes by Trip as
15 well.

16 THE COURT: Mr. Mattson.

17 MR. MATTSON: I won't take as long. I'm Demal
18 Mattson, I'm an attorney in Mount Pleasant. I'm a
19 sole practitioner. And the only person I will have
20 here with me is my secretary who keeps me straight
21 and will be getting things for me and making sure I
22 don't forget anything, Rene Kurek.

23 THE COURT: And if you'd introduce your client
24 to the panel.

25 MR. MATTSON: I'm sorry about that. Sitting

1 over here, this my client Jonta Embray Green. Please
2 stand up Mr. Green.

3 THE COURT: Thank you.

4 Ladies and gentlemen, is there any member of
5 the panel related by blood or marriage to Jonta
6 Embray Zomane Green, or any family member of Brandon
7 Parker, or Brandon Parker, is so please stand at this
8 time.

9 Does any member of the panel have a close
10 personal or social relationship with Jonta Embray
11 Zomane Green or Brandon Parker anyone in his family,
12 if so please stand at this time.

13 The following are a list of potential
14 witnesses, I would ask that you listen very
15 carefully. Detective Jerome Fleming. Detective
16 Richard Holmes. Detective David Osborne. Sgt. Brian
17 Ambrose. Detective Richard Brukhardt.

18 Sgt. T. Taylor. Officer W. Edwards. Officer
19 A. Piecuch. Randy Unterbrink. Mary Phillips.
20 Anita Maestas Moore. Jennifer Wooley. Jeff Miller.
21 Steve Hood. Mike Sherman. Officer Matt Greenleaf.
22 Linda Wilson. Brian Hinton. Renee Charles; all of
23 the Charleston Police Department.

24 Agent Kenneth Whitler. Agent Ila Simmons.
25 Doris Yarborough. Patricia Crooks. Lisa McReynolds;

1 all of the South Carolina Law Enforcement Division.
2 Terrence Crawford. Mildred Crawford. Sam
3 Crawford. Carlton Stretch. Carlos Chisholm. Andrew
4 Rivers. Susan Goodyear. Marvin Hancock. Kalesha
5 Gill. Shonda Jennings.

6 Rosalee Butler. Margaret Givens. Tommy
7 Grant. Michelle Grant. Marie Heyward. Nathaniel
8 Smalls. Clyde Smalls. Dorothy Thomas. George
9 Thomas. Alanzo Washington. Denzel Smalls. Dr. Amy
10 Shield, M.D.

11 Potentially the records custodian for the
12 Charleston County Sheriff's Department. Anita
13 Phillips of the Charleston County Police Department.
14 Dr. Cynthia Schandl from the Medical University of
15 South Carolina. As well as Sherry Niblock and Kenny
16 Barfield, both of the solicitor's office.

17 Is there any member of the panel related by
18 blood or marriage to any of the people that I have
19 just listed, or does anyone have a close personal or
20 social relationship with any of these individuals, if
21 so please stand at this time.

22 Has any member of the panel ever been
23 represented by any of the attorneys involved in this
24 case or anyone in their offices, if so please stand
25 at this time.

1 Is there any member of the panel related by
2 blood or marriage to, or have a close personal or
3 social relationship with any of the attorneys
4 involved or anyone in their offices, if so please
5 stand at this time.

6 Yes, sir.

7 A JUROR: I'm close friends with Meg Haley
8 from the solicitor's office.

9 THE COURT: Tell me your name and your juror
10 number.

11 A JUROR: Richard Pierce, 198.

12 THE COURT: And what was the name of the
13 person in the solicitor's office?

14 A JUROR: Meg Haley. Margaret Haley.

15 THE COURT: Sir, as a result of these
16 experiences do you feel that you can remain fair and
17 impartial, and render a fair and impartial decision
18 in this case based solely on the evidence as it will
19 be presented and on the law as the Court will
20 instruct?

21 A JUROR: Yes, ma'am.

22 THE COURT: Thank you, sir, you may take your
23 seat.

24 Has any member of the panel formed or
25 expressed an opinion about any issue or matter

1 involved in this case, if so please stand at this
2 time.

3 Is there any member of the panel aware of any
4 of the facts and circumstances of this case by way of
5 personal knowledge, such as being a witness, if so
6 please stand at this time.

7 Is there any member of the panel who is aware
8 of any bias or prejudice towards either the State or
9 the defense in this case, if so please stand at this
10 time.

11 Is there any member of the panel who was a
12 member of the grand jury which issued the indictments
13 in this case, if so please stand at this time.

14 Is there any member of the panel who is a
15 member of or contributor to any group which has as
16 its primary concern the enforcement or promotion of
17 law enforcement or victim's rights. These groups
18 would include, but are not limited to, Mothers
19 Against Drunk Driving, Students Against Drunk
20 Driving, Citizens Against Violent Crime, People
21 Against Rape, Citizens Advocating a Return to Decency
22 and Ethics, or Parents Empowered to Save Teen, if so
23 please stand at this time.

24 Yes, ma'am.

25 A JUROR: I'm sorry, I'm not sure I heard the

1 question. Karen Slagle, juror 318. Did you say a
2 contributor to?

3 THE COURT: Yes, ma'am.

4 A JUROR: To Mothers Against Drunk Driving.

5 THE COURT: As a result of this experience,
6 ma'am, do you feel that you can remain fair and
7 impartial, and render a fair and impartial decision
8 in this case based solely on the evidence as it will
9 be presented and on the law as the Court will
10 instruct?

11 A JUROR: I believe so.

12 THE COURT: I need -- there is no right or
13 wrong answer, it has to be yes or no.

14 A JUROR: As a result of that, yes.

15 THE COURT: Okay, you may take your seat.

16 Yes, ma'am.

17 A JUROR: You said not limited to that?

18 THE COURT: Yes, ma'am. Any group that is
19 concerned with the enforcement of victim's rights or
20 law enforcement.

21 A JUROR: I work for ACLU.

22 THE COURT: And tell me your name, ma'am, and
23 your juror number?

24 A JUROR: Janice Landry, 311.

25 THE COURT: Ma'am, as a result of this

1 experience -- sir, what is your name and juror
2 number?

3 A JUROR: Steven Evangelista, 307.

4 THE COURT: And you are.

5 A JUROR: I'm also a contributor to an
6 organization.

7 THE COURT: What organization is that?

8 A JUROR: Fraternal Order of Police in
9 Philadelphia.

10 THE COURT: Yes, ma'am.

11 A JUROR: Juror Number 7. I'm an intern at
12 Dee Norton Low Country Children's Center, the child
13 advocacy center.

14 THE COURT: Tell me your name, ma'am.

15 A JUROR: Rachel Anderson.

16 THE COURT: As a result of these experiences,
17 do you all feel that you can remain fair and
18 impartial, and render a fair and impartial decision
19 in this case based solely on the evidence as it will
20 be presented and on the law as the Court will
21 instruct. If your answer is yes, please take your
22 seat.

23 Let the record reflect that all answered yes.

24 Is there any member of the panel who as the
25 result of a moral or philosophical reasons feels that

1 they cannot sit in judgment of a fellow human being
2 and will not be able to follow the Court's
3 instructions, if so please stand at this time.

4 Yes, ma'am, tell me your name and juror
5 number.

6 A JUROR: Jessica Moon, 177.

7 THE COURT: Ma'am, is it moral or
8 philosophical?

9 A JUROR: Moral.

10 THE COURT: And do you believe that you could
11 put those beliefs aside and follow the Court's
12 instructions?

13 A JUROR: No.

14 THE COURT: You will be excused from the trial
15 of this case only. You may take your seat.

16 Is there any member of the panel who has ever
17 had an unpleasant experience with law enforcement, if
18 so please stand at this time.

19 A JUROR: I have a question.

20 THE COURT: Yes, ma'am.

21 A JUROR: Is this a capital trial?

22 THE COURT: No, ma'am. A capital trial would
23 take three weeks and it would take two days to select
24 the jury.

25 There are only five instances where someone

1 could be tried in a capital case. Not every murder
2 would be a capital case.

3 would you tell me your name and your juror
4 number?

5 A JUROR: Harriet McLeod, 169.

6 THE COURT: Thank you. We just need that for
7 the record.

8 Is there any member of the panel who may have
9 been a member of any church, organization and/or
10 social group with Brandon Parker, if so please stand
11 at this time.

12 Or that may be involved with any relatives of
13 Brandon Parker, if so please stand at this time.

14 Is there any member of the panel who is
15 related to a police officer, game warden, deputy
16 sheriff, constable, U.S. Marshall, or prison guard,
17 if so please stand at this time.

18 Give me your name and your juror number and
19 remain standing.

20 A JUROR: Karen Slagle, number 318. My
21 brother-in-law is a state policeman in Maryland.

22 THE COURT: Yes, ma'am.

23 A JUROR: Jeanette Rodgers, 219. I have a
24 cousin that's a police officer.

25 THE COURT: What state.

1 A JUROR: South Carolina.

2 THE COURT: And yes, sir, in the back.

3 A JUROR: Steven Evangelista, 307. I have a
4 cousin who's a police officer in Philadelphia.

5 THE COURT: Sir, in the white shirt.

6 A JUROR: My name is Charles Fralix, number
7 88. I got a cousin that is a federal agent.

8 THE COURT: As a result of these experiences,
9 do you all feel that you can remain fair and
10 impartial, and render a fair and impartial decision
11 in this case based solely on the evidence as it will
12 be presented and on the law as the Court will
13 instruct. If your answer is yes, please take your
14 seat.

15 Let the record reflect that all answered yes.

16 Is there any member of the panel who has ever
17 been employed in law enforcement in the past
18 employment, if so please stand at this time.

19 Yes, ma'am, give us your name and juror
20 number.

21 A JUROR: Valarie Pearson, 192.

22 THE COURT: What was your previous employment?

23 A JUROR: Military police for five years.

24 THE COURT: Yes, sir, in the back.

25 A JUROR: Anthony Sanders, 229. Currently

1 work for Diamond Security.

2 THE COURT: As a result of these experiences
3 do you both feel that you can remain fair and
4 impartial, and render a fair and impartial decision
5 in this case based solely on the evidence as it will
6 be presented and on the law as the Court will
7 instruct. If your answer is yes, please take your
8 seat.

9 Let the record reflect that both answered yes.

10 Is there any member of the panel who's
11 involved in any groups which has as their primary
12 concern the prevention or control of handgun or gun
13 violence, if so please stand at this time.

14 Is there any member of the panel who has ever
15 been the victim of a violent crime, if so please
16 stand at this time.

17 Please give me your name and your juror
18 number.

19 A JUROR: Jeanette Rodgers, 219.

20 THE COURT: You don't have to give me any
21 details. Yes, ma'am.

22 A JUROR: Patricia MacDonald, juror 312.

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

24 A JUROR: Monica Posey, 203.

25 THE COURT: Okay. As a result of these

1 experiences, do you all feel you can remain fair and
2 impartial, and render a fair and impartial decision
3 in this case based solely on the evidence as it will
4 be presented and on the law as the Court will
5 instruct. If your answer is yes, please take your
6 seat.

7 Let the record reflect that all answered yes
8 with the exception of number 312.

9 Is that correct, ma'am?

10 A JUROR: Yes.

11 THE COURT: You will be excused from the trial
12 of this case only. You may take your seat.

13 Does any member of the panel know of any
14 reason whatsoever why he or she should not serve as a
15 juror in this case, with particular emphasis being
16 placed on your ability to be fair and impartial to
17 both the State and the defense. If so please stand
18 at this time.

19 Are there any additional questions from the
20 State?

21 MR. DURANT: None from the State, Your Honor.

22 THE COURT: From the defense?

23 MR. MATTSON: None, Your Honor.

24 THE COURT: Okay. Strikes will be 5 and 10.

25 Ladies and gentlemen -- who's going to

1 demonstrate for me? Mr. Brown.

2 Ladies and gentlemen, if your name is called
3 please come forward with all your personal
4 belongings. Come forward as Mr. Brown is coming.
5 Stand in the exact place that he is standing, turn
6 back facing the rest of your fellow jurors, and
7 remain in that posture until the Court has either sat
8 you as a juror, or excused you as a juror.

9 Again we appreciate your patience during this
10 process. If you should come from the end of the
11 bench, as that person exits the bench everyone slide
12 down so that your fellow jurors do not have to step
13 over you when returning to the seat.

14 Mike, you may proceed when you are ready.

15 THE CLERK: Juror 301, Victor Apat.

16 What say you for the state?

17 MR. DURANT: Please seat this juror.

18 THE CLERK: What say you for the defendant?

19 MR. MATTSON: Please excuse the juror.

20 THE CLERK: Mr. Apat, please have a seat back
21 in the audience, you have been excused from the trial
22 of this case.

23 236, Sandra Scruggs.

24 What say you for the State.

25 MR. DURANT: Please seat this juror.

1 THE CLERK: What say you for the defendant?

2 MR. MATTSON: Please swear the juror.

3 THE CLERK: Ms. Scruggs, please have a seat in
4 the jury box, you have been selected as a juror in
5 this case.

6 Jury 36, Dana Brown.

7 What say you for the State?

8 MR. DURANT: Please seat this juror.

9 THE CLERK: What say you for the defendant?

10 MR. MATTSON: Swear the juror.

11 THE CLERK: Ms. Brown, have a seat in the jury
12 box, you have been selected as a juror in this case.

13 Juror number 2, Constance Alls.

14 What say you for the State?

15 MR. DURANT: Please excuse the juror.

16 THE CLERK: Ms. Alls, please have a seat back
17 in the audience, you have been excused from the trial
18 of this case.

19 Jury 53, Mark Chesnut.

20 What say you for the state?

21 MR. DURANT: Please seat this juror.

22 THE CLERK: What say you for the Defendant?

23 MR. MATTSON: Swear the juror.

24 THE CLERK: Mr. Chestnut, please have a seat
25 in the jury box, you have been selected as a juror in.

1 this case.

2 306, Wilson Browning.

3 What say you for the State?

4 MR. DURANT: Please seat this juror.

5 THE CLERK: What say you for the defendant?

6 MR. MATTSON: Please excuse the juror.

7 THE CLERK: Mr. Browning, have a seat back in
8 the audience, you have been excused from the trial in
9 this case.

10 Juror number 7, Rachel Anderson.

11 What say you for the State?

12 MR. DURANT: Please seat this juror.

13 THE CLERK: What say you for the defendant?

14 MR. MATTSON: Please excuse the juror.

15 THE CLERK: Ms. Anderson, please have a seat
16 back in the audience, you have been excused from the
17 trial of this case.

18 Juror 192, Valerie Pearson.

19 What say you for the State?

20 MR. DURANT: Please excuse the juror.

21 THE CLERK: Ms. Pearson have a seat back in
22 the audience, you have been excused from the trial of
23 this case.

24 Juror number 8, Arthur Applegate.

25 What say you for the State?

1 MR. DURANT: Please seat this juror.

2 THE CLERK: What say you for the State?

3 MR. MATTSON: Please excuse the juror.

4 THE CLERK: Mr. Applegate, have a seat back in

5 the audience. That's four strikes for the defendant.

6 Juror number 41, Benjamin Burch.

7 What say you for the State?

8 MR. DURANT: Please seat this juror.

9 THE CLERK: What say you for the defendant?

10 MR. MATTSON: Please swear the juror.

11 THE CLERK: Mr. Burch, please have a seat in

12 the jury box, you have been selected as a juror in

13 this case.

14 Juror number 319, Gregory Wiggins.

15 What say you for the State?

16 MR. DURANT: Please seat the juror.

17 THE COURT: What say you for the defendant?

18 MR. MATTSON: Please swear the juror.

19 THE CLERK: Mr. Wiggins, please have a seat in

20 the jury box, you have been selected as a juror in

21 this case.

22 Juror number 48, Yolande Champion.

23 What say you for the State?

24 MR. DURANT: Please seat this juror.

25 THE CLERK: What say you for the defendant?

1 MR. MATTSON: Excuse the juror.

2 THE COURT: Ms. Champion, have a seat back in
3 the audience, you have been excused from the trial of
4 this case.

5 Juror 167, Theodore McKevlin.

6 What say you for the State?

7 MR. DURANT: Please seat this juror.

8 THE CLERK: What say you for the defendant?

9 MR. MATTSON: Swear the juror.

10 THE CLERK: Mr. McKevlin, have a seat in the
11 jury box, you have been selected as a juror in this
12 case.

13 Juror number 318, Karen Slagle.

14 What say you for the State?

15 MR. DURANT: Please seat this juror.

16 THE CLERK: What say you for the defendant?

17 MR. MATTSON: Please excuse the juror.

18 THE CLERK: Ms. Slagle, please have a seat
19 back in the audience, you have been excused from the
20 trial of this case.

21 Juror number 219, Jeanette Rodgers.

22 What say you for the State?

23 MR. DURANT: Please seat this juror.

24 THE CLERK: What say you for the defendant?

25 MR. MATTSON: Please excuse the juror.

1 THE COURT: Ms. Rodgers, please have a seat
2 back in the audience, you have been excused from the
3 trial of this case.

4 Juror number 311, Janice Landry.

5 What say you for the State?

6 MR. DURANT: Please excuse the juror.

7 THE CLERK: Ms. Landry, please have a seat
8 back audience, you have been excused from the trial
9 of this case.

10 Juror number 308, Cheryl Girtman.

11 What say you for the State?

12 MR. DURANT: Please seat this juror.

13 THE CLERK: What say you for the defendant?

14 MR. MATTSON: Swear the juror.

15 THE CLERK: Ms. Girtman, please have a seat in
16 the jury box. You have been selected as a juror in
17 this case.

18 Juror number 250, Michael Spooner.

19 What say you for the State?

20 MR. DURANT: Please seat this juror.

21 THE CLERK: What say you for the defendant?

22 MR. MATTSON: Swear the juror.

23 THE CLERK: Mr. Spooner, have a seat in the
24 jury box, you have been selected as a juror in this
25 case.

1 Juror number 5, Jerrold Anderson.

2 What say you for the State?

3 MR. DURANT: Please seat this juror.

4 THE CLERK: What say you for the defendant?

5 MR. MATTSON: Swear the juror.

6 THE CLERK: Mr. Anderson, please have a seat
7 in the jury box, you have been selected as a juror in
8 this case.

9 Juror number 242, Jacqueline Shokes.

10 What say you for the State?

11 MR. DURANT: Please seat this juror.

12 THE CLERK: What say you for the defendant?

13 MR. MATTSON: Swear the juror.

14 THE CLERK: Ms. Shokes, please have a seat in
15 the jury box, you have been selected as a juror in
16 this case.

17 Juror number 120, Jason Harrison.

18 What say you for the State?

19 MR. DURANT: Please seat this juror.

20 THE CLERK: What say you for the defendant?

21 MR. MATTSON: Swear the juror.

22 THE CLERK: Mr. Harrison, please have a seat
23 in the jury box, you have been selected as a juror in
24 this case.

25 Juror number 302, Jeremy Barth.

1 What say you for the State?

2 MR. DURANT: Please seat this juror.

3 THE CLERK: What say you for the defendant?

4 MR. MATTSON: Excuse the juror.

5 THE CLERK: Mr. Barth, please have a seat back
6 in the audience, you have been excused from the trial
7 of this case.

8 That's eight strikes for the defendant.

9 Juror number 314, Seth Plowden.

10 What say you for the State?

11 MR. DURANT: Please excuse the juror from this
12 trial.

13 THE CLERK: Mr. Plowden, please have a seat
14 back in the audience.

15 That's four strikes for the State.

16 Juror number 198, Richard Pierce.

17 What say you for the State?

18 MR. DURANT: Please seat this juror.

19 THE CLERK: What say you for the defendant?

20 MR. MATTSON: Please excuse the juror.

21 THE CLERK: Mr. Pierce, please have a seat
22 back in the audience, you have been excused from the
23 trial of this case.

24 That's nine strikes for the defendant.

25 Juror number 220, Sharon Roland.

1 What say you for the State?

2 MR. DURANT: Please seat this juror.

3 THE CLERK: What say you for the defendant?

4 MR. MATTSON: Swear the juror.

5 THE CLERK: Ms. Roland, please have a seat in
6 the jury box, you have been selected as a juror in
7 the case.

8 THE COURT: One or two alternates?

9 MR. DURANT: State requesting two, Your Honor.

10 MR. MATTSON: Your Honor, I feel, I mean.

11 MR. DURANT: There's the potential for the
12 trial going kind of long.

13 THE COURT. We are going to make it efficient.

14 MR. MATTSON: In case the solicitor doesn't
15 make it through the trial, can we pick an alternate
16 solicitor? I like the speechless opposition, Your
17 Honor.

18 Your Honor, I would suggest, I would not
19 mis-try the trial if somebody said we had to proceed
20 with 11. But just in case, I guess two

21 THE COURT: We will do two. Strikes are one
22 and two.

23 You may proceed with the first alternate.

24 THE CLERK: Juror 307, Steven Evangelista.

25 What say you for the State?

1 MR. DURANT: Please seat this juror.

2 MR. MATTSON: Please excuse the juror.

3 THE CLERK: Mr. Evangelista, please have a
4 seat back in the audience, you have been excused from
5 the trial of this case.

6 Juror number 102, Evadne Godbold.

7 What say you for the State?

8 MR. DURANT: Please seat this juror.

9 THE CLERK: What say you for the defendant?

10 MR. MATTSON: Swear the juror.

11 THE CLERK: Ms. Godbold, please have a seat in
12 the jury box, you have been selected as a juror in
13 this case.

14 Now picking the second alternate. Strikes are
15 one and two.

16 Jury 169, Harriet McLeod.

17 What say you for the state?

18 MR. DURANT: Please seat this juror.

19 THE CLERK: What say you for the defendant?

20 MR. MATTSON: Please excuse the juror.

21 THE CLERK: Ms. McLeod, have a seat back in
22 the audience, you have been excused from the trial of
23 this case.

24 Juror number 42, Harold Byrum.

25 What say you for the State?

1 MR. DURANT: Please seat the juror.

2 THE CLERK: What say you for the defendant?

3 MR. MATTSON: Please swear the juror.

4 THE CLERK: Mr. Byrum, please have a seat in
5 the jury box, you have been selected as a juror in
6 this case.

7 Your Honor, the jury has been selected and is
8 seated.

9 THE COURT: Any motions regarding the
10 selection of jury from the State?

11 MR. DURANT: Nothing from the State, Your
12 Honor.

13 THE COURT: From the defense?

14 MR. MATTSON: None, Your Honor.

15 THE COURT: To the balance of the panel, we
16 thank you for your time and your attention. I know
17 this has been a long Monday for you all. And if it's
18 any cancellation, it's been longer than usual for us
19 as well.

20 We try to get as much done on today as
21 possible to minimize the time you have to come up to
22 the courthouse. The old system required the jurors
23 come to the courthouse everyday. We found that to be
24 incredibly inefficient for you as well as for us.

25 So all we need for you to do is call the jury

1 information line after 6 o'clock this evening for
2 further instruction. If we need you the message will
3 say that. But if not, you will be able to go about
4 your day as you normally would.

5 Thanks again for your patience. Have a
6 wonderful day. You're excused. Please call back
7 after 6:00.

8 (Whereupon, the prospective jurors exit the
9 courtroom.)

10 THE COURT: Is there any exception to swearing
11 the jury, from the State?

12 MR. DURANT: No, Your Honor.

13 THE COURT: From the defense?

14 MR. MATTSON: No, Your Honor.

15 THE COURT: Ladies and gentlemen, please stand
16 so that the Clerk might administer the oath to you.

17 (Whereupon, the Clerk administers the oath to
18 the jurors.)

19 THE COURT: Thank you, be seated.

20 Ladies and gentlemen, as I indicated, you have
21 been selected for the State versus Jonta Green. If
22 you all could bear with me one moment, I need to talk
23 with the lawyers to see how long of a luncheon recess
24 we need. I know we have some matters of law we need
25 to take up, and I don't want you all waiting while we

1 are doing that. In other words, I don't want to give
2 you an hour if we need an hour and a half to resolve
3 those matters.

4 So if you would go with the bailiff for me,
5 please. Please do not discuss the case in any manner
6 whatsoever. And this should only take a moment, we
7 appreciate your patience. I know you are hungry, I
8 am. So we are going to try to do this as quick as
9 possible. If you would go with the bailiffs for me,
10 please.

11 (Whereupon, the jurors exit the courtroom.)

12 THE COURT: As I understand it the only
13 pretrial matter is Biggers; is that correct?

14 MR. MATTSON: I have no pretrial matters at
15 this time.

16 THE COURT: Oh, okay. That works for me.

17 MR. DURANT: Just to clarify we do have three
18 identifications. Are you not getting into that?

19 THE COURT: Biggers is not mandatory. All
20 these people probably know him, don't they?

21 MR. DURANT: They do.

22 MR. MATTSON: Yes.

23 MR. DURANT: We have one person who did not
24 pick out the defendant in a photo lineup. He has
25 subsequent to that told me that he does know the

1 defendant and he refused to pick him out in the
2 lineup at the time.

3 THE COURT: That wouldn't be the subject of a
4 Biggers anyway.

5 MR. DURANT: I just wanted to bring it to the
6 Court's attention.

7 THE COURT: Are you going to call him as a
8 witness?

9 MR. DURANT: Yes, Your Honor.

10 THE COURT: Okay. So we have no pretrial
11 matter then?

12 So we can just break for lunch and start back
13 with opening arguments then?

14 MR. MATTSON: Yes, ma'am.

15 THE COURT: And opening instruction.

16 MR. MATTSON: Can Jonta go get lunch?

17 THE COURT: We are all going to get lunch.

18 MR. MATTSON: I wasn't sure if he was going to
19 lock-up.

20 THE COURT: Oh, his bond. He is going to be
21 taken into custody. Did you all bring him something?
22 You all need to bring him something. He will be
23 downstairs and I need somebody to be on point to take
24 the food down to him.

25 I assume, Mr. Mattson, you all are going to go

1 get him something. Or is his family here? Can they
2 go get him something to eat?

3 MR. MATTSON: The mother has arrived, she can
4 get him something.

5 THE COURT: Okay. Let's bring in the jury.

6 (Whereupon, the jurors enter the courtroom.)

7 THE COURT: Ladies and gentlemen, we are going
8 to break until a quarter to 4:00 for lunch. That
9 gives you an hour and 15 minutes. That may seem like
10 a long time but it really isn't.

11 Just as a heads-up, most restaurants downtown
12 quit serving lunch at 3:00. There is Brents down the
13 street, there is Joseph's, there is the Mills House.
14 There are some smaller restaurant that you really
15 have to know your way around to navigate to get to,
16 so I'm not going to suggest those.

17 Of course you are not bound by that, you can
18 eat wherever you like. But I don't want you to maybe
19 piddle a little bit, like I would do, and then get to
20 a restaurant and realize they stopped serving lunch.
21 I don't want you to have to have that experience.

22 You will return directly to your jury room and
23 the bailiffs will show you how to do that. Generally
24 we break between 12:30 and 1:00 for lunch, so please
25 don't think this is something we do everyday. I want

1 you to understand we would never abuse you in that
2 way.

3 So we will at that time have the Court's
4 opening instructions, the lawyer's opening arguments.
5 And I think we will probably be able to get in about
6 two witnesses before we break for the evening recess.

7 Again, we really appreciate your patience. I
8 hope you know how valuable you are to us. We would
9 not be able to do our jobs everyday without you all
10 being willing to be here with us and serve as jurors.

11 Your circuit is a very busy circuit. Out of
12 52 weeks of the year, we probably hold court probably
13 46 or 47 of those weeks with at least 5 courts
14 operating. So we have a lot of court in Charleston.
15 we have a large roster and large dockets. So again
16 we appreciate your patience.

17 Have a wonderful lunch and we will see you at
18 a quarter of 4:00.

19 (Whereupon, the jurors exit the courtroom.)

20 THE COURT: See you all at quarter to 4:00.
21 Enjoy your lunch.

22 (Whereupon, a recess was taken.)

23 THE COURT: Do we have all the exhibits
24 pre-marked?

25 MR. DURANT: State's Exhibits 1 through 29 are

1 in evidence.

2 THE COURT: Is that correct, Mr. Mattson?

3 MR. MATTSON: Yes, Your Honor.

4 THE COURT: And are there any defense exhibits
5 that have been marked?

6 MR. MATTSON: Not as of yet, Your Honor. I
7 will try to get those done for purposes of the
8 record.

9 THE COURT REPORT: It was 1 through 28.

10 THE COURT: State's 1 through 28.

11 (Whereupon, State's Exhibit Nos. 1 through 28
12 are admitted into evidence.)

13 MR. DURANT: State's No. 1 is a stipulation
14 that the parties have consented to, it's to be read
15 aloud to the jury.

16 THE COURT: What is the stipulation?

17 MR. DURANT: I can show it to you.

18 THE COURT: You handle it. I'm not going to
19 read it.

20 All right. I am going to appoint the
21 foreperson for expediency, Number 220. Please bring
22 her in last, that's the foreperson.

23 (Whereupon, the jurors enter the courtroom.)

24 THE COURT: You may be seated. Ladies and
25 gentlemen, I hope you all had pleasant lunch. And as

1 I indicated, you have been selected for the case of
2 the State versus Jonta Green. What I am going to do
3 is give you some preliminary instructions so that you
4 will know how we will be proceeding in the trial of
5 this case, and so that you may better understand the
6 procedures that we will follow.

7 You will be given the opportunity to take
8 notes. Mr. Major, if you would pass out the
9 notebooks for me and the pens. And I will give you
10 some additional instructions regarding note taking
11 near the end of this instruction.

12 These remarks, ladies and gentlemen, are not a
13 charge on the law. I will instruct on the law
14 applicable to this case at the end of the trial
15 before you retire to consider your verdict.

16 There is a sticker on the front of each
17 notebook, you should write your juror number on that
18 sticker so that you will be able to identify which
19 notebook belongs to you.

20 Ladies and gentlemen, this is merely an
21 explanation of the procedure that we will follow in
22 the trial of this case so that you may better
23 understand what is happening.

24 The defendant is charged by two indictments,
25 those being 2009-GS-10-113 and 116, with the offenses

1 of murder and possession of a firearm during the
2 commission of a violent crime, the elements of which
3 I will explain to you after all of the evidence has
4 been presented, and at the appropriate time when the
5 Court gives instructions on the law.

6 The indictments, ladies and gentlemen, are
7 simply the charge by which this case is brought into
8 court. And they are not, in any sense, evidence of
9 any of the allegations they contain.

10 The defendant has pled not guilty to the
11 indictments. The State, therefore, has the burden of
12 proving each of the elements of the indictments
13 beyond a reasonable doubt. It will be your duty,
14 ladies and gentlemen, to decide whether the state has
15 met that burden or not.

16 You are purpose as jurors is to find and
17 determine the facts. You are the sole judges of the
18 facts in this case. If at any time I make any
19 comment regarding the facts, you must disregard it.
20 Our constitution does not allow a trial judge to have
21 an opinion about the facts of a case in a jury
22 setting.

23 You are to determine the facts from the
24 testimony you hear and the other evidence introduced
25 in court. It is then for you to determine the

1 inferences which you feel may be properly drawn from
2 the evidence.

3 It is especially important that you perform
4 your duty of determining the facts diligently and
5 conscientiously because ordinarily there is no way to
6 correct an erroneous determination of fact made by a
7 trial jury.

8 On the other hand, and with equal emphasis,
9 the same law that makes you the judges of the facts
10 makes me the judge of the law. The law as given by
11 the Court is the only law you may consider. You must
12 accept and follow it, even though you may disagree
13 with it. I cannot tell you what the facts are, and
14 you cannot disagree with the Court as to what the law
15 is or what the law should be.

16 Your responsibility is to take the law as the
17 Court instructs it, and apply it to the facts as you
18 find them from the testimony of the witnesses and the
19 other evidence that is introduced. After doing that
20 you will render your verdict, a true and just
21 verdict, under the solemn oath that you have taken as
22 jurors in this case.

23 Until I advise you to begin your
24 deliberations, you must not discuss this case with
25 anyone; that includes your fellow jurors, your family

1 members, your friends, or anyone that may be involved
2 in the case. After the case is submitted to you, you
3 must discuss it only in the jury room among your
4 fellow jurors.

5 The attorneys and the parties have been
6 advised that they should not speak with you at all.
7 So if you should run into them in an elevator, or say
8 in the lobby or the garage, or a restaurant during
9 lunch and they don't speak with you, please don't
10 think they're being unfriendly, they are simply
11 strictly following the Court's instructions.

12 We would not want an innocent conversation to
13 be observed by someone and misconstrued. In other
14 words, we would not want someone to think that you
15 are inappropriately discussing the trial -- any
16 matter involved in the trial of the case.

17 During the trial you are not to read, listen
18 to, or watch any news reports about this case. This
19 includes anything that may be in the newspaper,
20 Internet, radio or television. You are not to do any
21 independent research of any type regarding any issue
22 or matter involved in this case.

23 You must not consider anything that you may
24 have read or heard about this case outside the
25 courtroom, whether before or during the trial. It is

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

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

12 In just a moment the solicitor will make what
13 is called an opening statement, in which he will
14 outline what he believes the facts in this case will
15 support, or what he believes the issues to be in this
16 case as he will go through the presentation of the
17 evidence. The attorney for the defendant may also
18 make an opening statement, although he is not
19 required to do so.

20 What the attorneys tell you during their
21 opening statements is not evidence in this case. It
22 is only their contention as to what they perceive the
23 issues to be in this case.

24 The evidence in this case will be presented to
25 you by the testimony of sworn witnesses from the

(1 witness stand, and/or by exhibits that may be
2 introduced into evidence.

3 From time to time during the trial you may
4 hear one of the attorneys say something like, Your
5 Honor, I object. Just as in sports, business, or any
6 other structured activity, there are certain rules we
7 must obey in the presentation of evidence. They
8 ensure that you receive the most trustworthy and
9 reliable evidence available.

10 An objection is the procedure that an attorney
11 uses to call a possible violation of these rules to
12 my attention as the judge of this court. And for
(13 this reason, you should never hold an attorney's
14 objection against them. Nor should you conclude from
15 the Court overruling or sustaining an objection that
16 I favor one side or the other.

17 Also from time to time you may hear one of the
18 attorneys say something like, Your Honor, we have a
19 matter of law to discuss, and they may ask to
20 approach the bench, or I may ask them to approach the
21 bench. And you'll hear this noise. And that is so
22 that you cannot hear us talking.

23 And that noise is directly over your heads.
24 And I've come to explain that because one time we
(25 were having a bench conference and I had a juror

1 raise his hand and he said, I can't hear you. And I
2 said, you are not supposed to hear us.

3 So that noise is designed so that you cannot
4 hear us while we are discussing matters of law. Or
5 again, as I have indicated, it might be necessary for
6 us to excuse you for a short while while we discuss
7 matters of law.

8 And the reason we do this is, as I have
9 explained, you are the judges of the facts. And
10 sometimes when I'm discussing matters of law with the
11 attorneys, it may be necessary for me to make some
12 comment about the facts in connection with ruling
13 whether a procedural rule or a statute or an
14 evidentiary rule applies. And for this reason we
15 excuse you from the courtroom so that in no way will
16 you be influenced by anything that the Court may say
17 or do in connection with the facts of this case.

18 In determining what the true facts are, you
19 must decide whether or not the testimony of a witness
20 or witnesses is believable. It will be the Court's
21 responsibility to rule as a matter of law as to
22 whether certain testimony is admissible at all or
23 not. But once it is admitted, it is a matter solely
24 for you to determine whether it is believable or not.

25 In deciding whether to believe a witness you

1 have the right to consider the interest of any
2 witness; the bias of any witness; the prejudice of
3 any witness; the opportunity for the witness to have
4 seen the matters and things about which the witness
5 may testify; and the way the witness acts on the
6 witness stand, something we commonly refer to as
7 demeanor.

8 You have a right to consider anything that is
9 in the record that will help you evaluate the
10 testimony of the witnesses. That means, ladies and
11 gentlemen, that it is your duty to pay close
12 attention to the witnesses, to observe them, to
13 listen to them, and to pay close attention to the
14 attorneys and to the Court.

15 Please do not allow your thoughts to wander
16 but give strict attention to the testimony. So that
17 at the end of the testimony, after the arguments of
18 counsel and the instructions or charge on the law as
19 given by the Court, you will then be in a position to
20 determine what the true facts are, and apply the law
21 to those facts and thus render a true and just
22 verdict in this case.

23 As I indicated, you will be given the
24 opportunity to take note. Note-taking is a privilege
25 that you may choose to exercise, or choose not to

1 exercise. Please do not feel compelled to take
2 notes. Not everyone finds note-taking helpful to
3 them.

4 If you should decide to take notes, please
5 don't try to record everything that is said. It
6 really is physically impossible. Even though you
7 might think you are taking it down verbatim, if you
8 were to go back and listen to it, you would find out
9 that the way you hear it and the way you write it are
10 really two very different things.

11 Each of us probably speaks at the rate of
12 about 200 words a minute, which is really a lot of
13 words whether you realize it or not. And in addition
14 to that, as I have indicated, as the fact finders it
15 is absolutely essential that you rely on your powers
16 of observation.

17 So if you allow note-taking to become a
18 distraction to you, it will dilute your ability to
19 observe the witnesses and make the appropriate
20 credibility decisions that are necessary as jurors.

21 If you should decide to take notes, you may
22 want to keep an outline of the main points and
23 arguments that are being made. So that when you
24 retire to deliberate, you can allow those notes to
25 refresh your memory.

1 Please remember that your notes are for your
2 specific and your individual purposes. They are only
3 to be used to refresh your own memory. They are not
4 to be shared with anyone else.

5 During breaks and recesses your notes will be
6 left in your seats so that we can make sure there is
7 no premature discussion about the case, and no
8 temptation to prematurely discuss what you may have
9 just heard in the courtroom.

10 Again I would remind you that your notes are
11 for your specific and your individual purposes. They
12 are only to be used to refresh your own memory. And
13 also be reminded that your notes should not be
14 considered any more reliable than someone else's
15 memory. Someone else's memory should be considered
16 just as reliable as any notes that may have been
17 taken by a juror.

18 It is your added duty, Madam Forelady, to be
19 the jury's spokesperson in court during jury
20 deliberations. It is also your responsibility to
21 fill out the form of the verdict. And just for the
22 rest of the panel, sometimes I allow jurors to elect
23 their foreperson. And sometimes, just in the
24 interest of time, I select the foreperson. There is
25 no magic to it. It's a completely random process.

1 That person does not have any greater vote or
2 voice than you do, it is simply an administrative
3 function. They write out questions that you may have
4 during jury deliberations, and they fill out the form
5 of the verdict. Again I emphasize, that person does
6 not have any greater vote or voice than you do.

7 But, Madam Forelady, I will give you
8 additional instructions at the conclusion of the
9 trial in your jury instructions.

10 In order to preserve everyone's rights, I'm
11 going to give the attorneys the opportunity to take
12 exception to anything that the Court has said by way
13 of opening instructions.

14 Are there any exceptions from the State?

15 MR. DURANT: None, Your Honor.

16 THE COURT: From the defense?

17 MR. MATTSON: None, Your Honor.

18 THE COURT: Ladies and gentlemen, I would ask
19 that you give the attorneys your undivided attention.

20 You may proceed, Mr. Durant.

21 MR. MCCOY: Thank you, Your Honor, may it
22 please the Court.

23 THE COURT: I'm sorry, Mr. McCoy. I
24 apologize.

25 MR. MCCOY: That's all right. I think

1 Rutledge is still suffering from his loss of a voice.

2 Mr. Mattson. The night of September 19, 2008
3 didn't have to end the way it did. On that night
4 25-year-old Brandon Parker lost his life. He was
5 shot once in the head, and he died at
6 in West Ashley.

7 He didn't get to die of old age in a hospital
8 surrounded by family, surrounded by loved ones. He
9 lost his life when a gun was placed to his head in
10 the driveway of his house and a single shot to the
11 head killed him. And he died when he collapsed on
12 the concrete of the driveway at

14 This trial is going to last about three or
15 four days. And in the three or four days you are
16 going to get to meet everybody who was there. You
17 are going to get to meet everybody who was out there
18 at the scene at the house at

19 You are going to get to see them take the
20 witness stand and tell you what they saw. They're
21 going to get right up there and tell you what they
22 saw. This is not a case about who did it. We know
23 who did it. Jonta Green is the one who murdered
24 Brandon Parker that night.

25 From the witnesses that you will hear that

1 will take the stand, they will tell you they knew
2 Jonta Green. They have known him for years. They
3 are going to tell you they saw him come to this
4 house, put a gun to Brandon Parker's head, and pull
5 the trigger one time.

6 You are going to hear some language in this
7 case that you may not hear every day. But it's
8 important for you, the jury, to hear everything, to
9 see everything that happened out there that night.
10 We are going to present it to you, to the best of our
11 ability, through the witnesses that take this stand.

12 Let me tell you a little bit more about this
13 residence. is the home of Ms.
14 Crawford, Ms. Mildred Crawford. She lives there,
15 that's her house, she lives in West Ashley.

16 She has two sons; one is Terrence Crawford,
17 and one is Sam Crawford. Both of these guys live at
18 the house with their mother. Now that night Terrence
19 Crawford, the son, came home from work. And he was
20 hanging out in the driveway. He was right here in
21 the driveway.

22 And he was joined by a few of his friends. He
23 was joined by Brandon Parker, he was joined by Carlos
24 Chisholm, Andrew Rivers, Carlton Stretch, and his
25 brother Sam was out there. And they were all hanging

1 out in the driveway. It was a nice, fall evening in
2 Charleston. The weather was nice, everybody was
3 outside enjoying the good time.

4 You are going to hear testimony from everybody
5 that was out there that later on, around 9 o'clock
6 that evening, Jonta Green and his brother Quantas
7 drove up into the driveway -- they drove up right
8 here -- got out of the car, and began talking to
9 everybody.

10 From the moment Jonta Green stepped onto the
11 scene the tension could be felt between Brandon
12 Parker and the defendant Jonta Green. They had a
13 past. Tension could be felt. Words were exchanged.
14 And when Jonta Green got close enough to Brandon
15 Parker he took a swing, and he punched Jonta Green in
16 the head.

17 From there a fistfight broke out. Jonta Green
18 and Brandon Parker were fist-fighting one another in
19 this driveway. Once this fistfight starts Jonta's
20 brother, Quantas, he doesn't like what he sees. He
21 gets out of the car, and he has a cane in his hand,
22 he walks with a cane. He walks up and begins using
23 this cane to hit Brandon Parker on the body and on
24 the head. And it's a two-on-one fight.

25 Now the commotion is going on outside, voices

1 are being raised, it's getting loud outside. The
2 woman of the house, Ms. Crawford, she is inside. She
3 doesn't like what she hears. She comes outside and
4 says, everybody stop what you are doing, get out of
5 my yard or I am calling the police. I don't want
6 this going on in my yard.

7 As soon as that happens, they listen to her,
8 they listen to Ms. Crawford. Tensions are still
9 high. Jonta and his brother get back in his car and
10 leave. By this time Brandon Parker is down in this
11 area. Terrence Crawford is done in this area.

12 When the car backs out of the driveway, it's
13 put into drive real fast. And it makes a sudden
14 lurch and an urge straight towards Terrence Crawford
15 and Brandon Parker. It backs them up into the bushes
16 and actually hits him a little bit.

17 After they back up like this, Jonta Green puts
18 the car back in reverse and he speeds out of there.
19 He leaves. And he heads off in this direction down
20 St. Claire.

21 You are going to hear testimony about the
22 neighborhood where this happened. You are going to
23 hear testimony about the circle. This neighborhood
24 is a circle. It will make a turn from St. Claire you
25 can make an immediate right, go up the road and make

1 another immediate right, come behind this house, make
2 another right, and end up making another right and
3 it's a giant circle.

4 And the witnesses will tell you on the scene
5 what they heard. The defendant's car had a loud
6 muffler, had loud pipes on the car. And they could
7 hear, vroom, speed up, vroom, speed up, and make all
8 the turns, go all the way around the full circle.

9 Ms. Crawford has gone back in the house. But
10 Jonta Green is not finished with what he started. He
11 is going to turn a fistfight and escalate it into
12 something else. When he comes back, he stops right
13 here. He gets out of the car.

14 But when he is making his way back into the
15 driveway, Ms. Crawford is still outside, everybody is
16 still outside, witnesses will tell you they can see a
17 gun in his waistband. They couldn't see it the first
18 time he was there.

19 He's walking now with purpose. He has got a
20 purpose now once he is back in this yard. He is
21 walking up the driveway, walking towards Brandon
22 Parker. Brandon Parker is situated back in this back
23 corner, right in here.

24 He says he is looking for his cane, he is
25 looking for the walking stick. But as he is walking

1 up that driveway, he's moving. He is walking with a
2 purpose. And when he gets up here, he passes Ms.
3 Crawford right here.

4 And Ms. Crawford says, I'm not going to let
5 anything like this happen in my yard. This is my
6 house, this is my yard. The defendant Jonta Green
7 says, you got some pussy in this yard that needs to
8 get out of here. Walking straight towards Brandon
9 Parker.

10 Once he gets to Brandon Parker a fistfight
11 breaks out again. There is a struggle. Everybody is
12 coming over there to kind of break it up and try to
13 stop this thing before it does get out of hand. But
14 the defendant Jonta Green pulls out a handgun, holds
15 it and pauses for a moment, holds the gun to Brandon
16 Parker's head and pulls the trigger one time. One
17 shot goes out.

18 After the shot rings out, you're going to hear
19 from everybody, it's chaos. Brandon Parker
20 immediately falls to the ground, immediately falls to
21 the concrete. Now everybody out here knows each
22 other. They have known each other for a long time.

23 After this exchange the gun is somehow handed
24 off and leaves the scene, handed off to Quantas his
25 brother, Jonta's brother. Quantas gets in the car

1 and leaves, he is gone.

2 Jonta stays to the scene. Maybe realizing
3 what's happened, maybe realizing what he has done.
4 Everybody is now frantic and trying to get Brandon
5 Parker into a car to head to the police, or head to
6 the hospital.

7 It doesn't get this far. Terrence Crawford
8 has already called 911, the cops are there within
9 minutes. The cops pull in the area, they stop
10 everybody, they call EMS. Now the scene is getting
11 secure. In this chaos, and everything that is going
12 on, Jonta Green slips off into the night and he is
13 gone.

14 Brandon Parker dies from those injuries. He
15 dies from a single gunshot wound to the head.
16 Witnesses are interviewed, investigations began,
17 evidence is collected. And you are going to hear
18 from every cop, or most of the cops that were out
19 there on that scene.

20 You are going to hear from crime scene
21 technicians. And you are going to hear about items
22 that were tested, they took to Columbia to test.

23 The next day Jonta Green is arrested for
24 murder. He turns himself in. He turns himself in
25 with his attorney. Another day, or few days after

1 that, the gun is turned into the cops as well.

2 Now Jonta Green has been charged with murder.
3 The law in this case is going to be very important.
4 I ask each of you to please pay careful attention to
5 the law, and pay attention to the witnesses that come
6 on the stand.

7 Jonta Green is charged with murder. What is
8 murder? Murder is the unlawful killing of another
9 with malice aforethought. You have to kill somebody,
10 and you have to have an evil intention. You have to
11 have something in your heart that drives you to do
12 something, drives you to do something that's evil.
13 That's malice aforethought.

14 It doesn't have to be born or premeditated
15 days before. It doesn't have to do that. It can be
16 minutes before, seconds before.

17 You are going to hear a lot about another
18 charge that's called voluntary manslaughter. What is
19 voluntary manslaughter? It's the unlawful killing of
20 a human being in the sudden heat of passion upon
21 sufficient legal provocation.

22 Please pay careful attention to these words.
23 It is very important to pay attention to this.
24 Especially pay attention to this, the sudden heat of
25 passion upon sufficient legal provocation which

1 mitigates the felonious killing to manslaughter,
2 while not need reason entirely showed knowledge and
3 volition, must be such as would naturally disturb the
4 sway of reason and to render the mind of an ordinary
5 person incapable of cool reflection and produce what
6 according to a human experience may be called
7 uncontrollable impulse to do violence.

8 You are going to hear a lot of talk about a
9 cooling off period that has to go along with
10 voluntary manslaughter. Does somebody have time to
11 cool off and think about what is going on. You're
12 going to hear a lot about that. Please pay careful
13 attention to the facts and witnesses that come to the
14 stand. The case law in this particular case, I
15 cannot stress to you the importance.

16 Ladies and gentlemen, Brandon Parker lost his
17 life at 25 years of age. And he lost his life at the
18 hands of the defendant, Jonta Green. I'm asking you
19 to hold him accountable for his actions and convict
20 him of murder. Thank you.

21 THE COURT: Mr. Mattson.

22 MR. MATTSON: May it please the Court.

23 THE COURT: Yes, sir. You may proceed.

24 MR. MATTSON: I'm old, I like to have
25 something to lean on. I'm Demal Mattson, I'm an

1 attorney representing Jonta Embray Green.

2 I have known Jonta for a good while. Went to
3 church with him yesterday. Heard the pastor say
4 something in the sermon just sounded real good
5 talking about people, life, and everything else.

6 When a person says, Lord, I never saw that
7 coming. You know, whether it was an unexpected death
8 or illness of a loved one or what have you, never saw
9 this coming with Jonta.

10 Number one, my client did bring a gun that
11 evening, this one. Which everybody at the scene
12 identified as chrome-plated gun. Oops. Number two,
13 my client had a reason for handling the gun. You've
14 heard the saying sometimes, if it weren't for bad
15 luck you'd have no luck at all.

16 What prosecution didn't tell you about Mr.
17 Green is that he has no left arm. Bad luck. He and
18 his cousins were climbing in a tree in the city of
19 Charleston near where they live. SCE&G had a high
20 tension wire that was uninsulated in the tree. Jonta
21 grabbed it. He's lucky to be alive.

22 Jonta has a hook, a prosthetic device. It's
23 almost useless to him. And I will show you as the
24 trial goes on. But the stump of an arm that that is
25 attached to is about that big around, and he cannot

1 raise it up much higher than this so he is a
2 one-armed individual.

3 About four years ago -- anyway Jonta received
4 a settlement with SCE&G a couple of years ago. He
5 decided he wanted to do something for his mother and
6 family so he bought a home out in Ladson. Sounds
7 real nice. They hadn't lived there more than a
8 couple months and they were the victim of a home
9 invasion --

10 MR. MCCOY: Objection, Your Honor.

11 THE COURT: Basis of the objection?

12 MR. MCCOY: Can we approach for a moment,
13 please?

14 (Whereupon, the following discussion was held
15 at the bench.)

16 MR. DURANT: Mr. Mattson, that has nothing to
17 do with --

18 THE COURT: Defense is going to be -- are you
19 going to try to raise it? Are you going to raise
20 self defense as a defense?

21 MR. MATTSON: Yes.

22 THE COURT: Are you going to raise self
23 defense as well? He is entitled to go into state of
24 mind.

25 MR. DURANT: The victim's. That is prior.

1 THE COURT: Doesn't matter. It's the client's
2 state of mind, not the victim's state of mind. Self
3 defense is what his state of mind is, how he came to
4 have his state of mind.

5 If he says, I was hurt in the past by someone
6 else unrelated to what follows. I'm going to give
7 him some latitude. You need to move along. I may
8 not let that evidence in.

9 (In open court.)

10 THE COURT: Okay, overruled. Goes to state of
11 mind as to the defendant's defense.

12 MR. MATTSON: Anyway, I'm not going to jump on
13 this. But in the home invasion a neighbor was
14 killed, another one was shot and crawled to a fire
15 station where he got emergency aid and lived. And
16 his mother was also in the house and pistol-whipped.

17 Okay. So the house, instead of being
18 something joyful, is now do we really want to live
19 there.

20 Approximately five weeks before the shooting,
21 another tragedy. And this is what really brought
22 Jonta to carrying the gun. His brother was the
23 victim of a carjacking, shot five times. Didn't die
24 because he had a medallion around his neck and the
25 bullet that hit him in the chest hit the medallion

1 and didn't penetrate. Got shot four times in the
2 lower body and leg. This is Quantas, this is the
3 help.

4 Jonta went around to this house for a purpose.
5 And I'm going to let him explain it to you. I'm not
6 going to get into all the details and nuances right
7 now. You will see them as they develop. This is not
8 the case that you have been painted by the
9 prosecution.

10 The prosecution and I are going to be painting
11 a different case for the simple reason that they have
12 got a job, and I have got a job. Their job is to
13 prosecute, mine is to defend.

14 You ladies and gentlemen of the jury, have the
15 most difficult job here in the courtroom. Remember
16 this morning Judge Dennis made the comment that well
17 he likes having a jury because he only has to do half
18 the job, he doesn't have to make the decision. Well
19 you have to make the decision. You have to decide in
20 my client's favor.

21 We can't help Brandon Parker. But the
22 interesting thing is, yes, there was some tension
23 between Brandon Parker and Jonta. It wasn't on the
24 part of Jonta, it was on the part of Brandon who had
25 just gotten out of the penitentiary.

23 In that first endeavor my client lost his
24 glasses. His brother, who isn't here yet, will be
25 here later on, lost his cane, piece of it over here

1 going into evidence that was broken. And my client,
2 lost his cell phone.

3 So they left. He went around the corner.
4 Realized that he didn't have his driving glasses,
5 realized he needed to get them, realized he'd lost
6 his cell phone and realized he didn't have the cane
7 and he went around the block and came back to get
8 them.

9 He actually got the permission from Ms.
10 Crawford, told her what he was doing. And she said,
11 hurry up I'm calling the police. And he was looking
12 for those items. He found his glasses. Somebody put
13 their foot on them in the first go-around so they
14 were useless. He found the broken cane, didn't find
15 his cell phone.

16 And there came Brandon Parker again. Real
17 afraid of my client, comes at him twice. My client
18 had stuck the pistol in his pants.

19 When Brandon saw the pistol he reached for it.
20 My client got it. They were fighting over the
21 pistol, a two-armed man versus a one-armed man, and
22 the gun went off. My client does not remember
23 pulling the trigger, doesn't know how the trigger got
24 pulled. But it went off and Brandon Parker fell to
25 the ground with a wound to the side, right about

1 here, point blank range.

2 What did my client do? He didn't know what to
3 do. He handed the pistol off to his brother and
4 says, get out of here. My client picks up Brandon
5 Parker with his one arm, hugging him, getting blood
6 all over him, yelling for help for somebody to help
7 him put Brandon Parker in the vehicle to take to the
8 hospital.

9 They get him in the car. About that time the
10 police show up, block him, won't let him leave, tells
11 him the ambulance is on the way and they stay and
12 take statements from everyone. I think you'll find
13 the statements very interesting. Because the
14 statements the police took are different than the
15 evidence.

16 I'm asking you to consider one thing about
17 murder. Murder requires malice, a black heart, I'm
18 going to kill that no-good gentleman. Where is he?
19 So far haven't seen or heard any of that in any of
20 the statements. Number one.

21 Number two, why would go to a party where
22 almost everybody knows you to kill somebody? Duh?
23 If you don't have malice and hate, you don't have
24 murder. You've got a homicide. Which is a term for
25 one human being killing another.

1 Then the question is does it drop down to
2 voluntary manslaughter, sudden heat of passion? It's
3 a big difference between murder and voluntary
4 manslaughter. But guess what? There is a third
5 alternative, involuntary manslaughter. It wasn't
6 meant to happen. It wasn't supposed to happen. It
7 was a mistake. It was an accident.

8 And finally you can have accident or self
9 defense, in which case you find my client not guilty.

10 This is serious, very serious. And I'm asking
11 you, ladies and gentlemen of the jury, to listen
12 carefully because the state must, that's a very
13 strong word, must -- they don't have an option --
14 prove my client's guilt beyond a reasonable doubt.
15 That's kind of hard to do sometimes because my client
16 is presumed innocent. Two very strong maxims of the
17 law.

18 If you are not convinced beyond a reasonable
19 doubt as to whether or not my client had the malice
20 in his heart to murder, then you have to go down and
21 say, okay, it's not murder. Let's go look at the
22 next one, voluntary manslaughter. If after you look
23 at voluntary manslaughter you say, hum, I am not
24 convinced beyond a reasonable doubt that's what
25 happened.

1 well we can go down to involuntary
2 manslaughter, hum. Involuntary manslaughter, an
3 accident, something that wasn't meant to happen. And
4 last, but not least, if you are not sure if that
5 applies beyond a reasonable doubt, then you must go
6 down to not guilty.

7 It's a simple process of elimination. So I'm
8 asking each and every one of you to listen to every
9 word, hang on to every word, and listen at the
10 contradictions. There is one very interesting one.
11 Didn't know it, but Brandon Parker was drinking that
12 night that he was killed. The blood-alcohol level of
13 .04, which means he was halfway to almost too
14 intoxicated to drive an automobile.

15 So this wasn't a matter of the saints, as they
16 would have you believe, that stretch and all these
17 other people were, versus the devil. The saints were
18 having trouble telling the truth. And you'll see
19 that throughout the case in what they told the police
20 officers.

21 Thank you very much.

22 THE COURT: You may call your first witness.

23 MR. DURANT: Thank you, Your Honor. State
24 calls Terrence Crawford.

25 MR. MATTSON: Your Honor, may we?

1 THE COURT: Yes.

2 (Whereupon, the following discussion was held
3 at the bench.)

4 MR. MATTSON: He and I agreed, we didn't make
5 a motion, that the factual witnesses are going to be
6 sequestered with the exception of the police officer.

7 THE COURT: You agreed they would be?

8 MR. MCCOY: Would be.

9 THE COURT: Okay.

10 MR. MATTSON: Thank you very much.

11 THE COURT: You are welcome.

12 (In open court.)

13 THE COURT: Will the witness please come
14 forward to be sworn.

15 Also, if anyone in the gallery has a cell
16 phone on, you need to turn it off because if it goes
17 off the deputies will take it and it will not be
18 returned to you.

19 MR. TERRENCE CRAWFORD,
20 after having first been duly sworn to state the
21 truth, the whole truth and nothing but the truth,
22 testified on his oath as follows:

23 THE COURT: You may proceed.

24 DIRECT EXAMINATION

25 BY MR. DURANT:

1 Q Mr. Crawford, good afternoon.

2 A Good afternoon.

3 Q Would you please tell the jury how old you
4 are?

5 A I'm 28 years old.

6 Q And do you live here in Charleston?

7 A Yes, I do.

8 Q Were you born here?

9 A Yes, sir, I was.

10 Q Spent all your life here?

11 A Yes.

12 Q Did you go to school here in Charleston?

13 A Yes, I have.

14 Q How far did you go?

15 A Graduated high school. Two-year technical
16 college.

17 Q What high school did you graduate from?

18 A Middleton High School.

19 Q Do you know what year?

20 A 2000.

21 Q Where do you live now?

22 A

23 Q Who did you live with?

24 A Still with my mother.

25 Q Anybody else live there with you?

1 A No.

2 Q Who is your mom?

3 A Mildred Crawford.

4 Q Do you recall the day of September 19 of 2008?

5 A Yes, I do.

6 Q Why do you recall that specific date?

7 A It was on that date that my friend Brandon
8 Parker was killed.

9 Q How long had you known Brandon Parker?

10 A I knew him 12, 13 years.

11 Q Was he a good friend of yours?

12 A Yes, he was.

13 Q Did you all go to school together?

14 A No. He went to the other high school across
15 town.

16 Q But you kind of grew up together?

17 A Yeah, we were in the same neighborhood.

18 Q And Brandon was at your house that day?

19 A Yes, he was.

20 Q About what time did he get there?

21 A I'd have to say around 2:00, 2 o'clock.

22 Q And this was Friday afternoon?

23 A Correct.

24 Q Who all was at your house that Friday
25 afternoon?

1 A It was Carlton Stretch, Andrew Rivers, Carlos
2 Chisholm and myself.

3 Q What about your mother, where was she?

4 A My mom, my mother didn't get off from work
5 just yet. She will still at her job.

6 Q Where were you all hanging out?

7 A We were just hanging out in the front yard on
8 the driveway.

9 Q Did you all have any plans for that Friday
10 night?

11 A We had planned to go to the Mojo block party
12 festival.

13 Q The Mojo?

14 A Mojo, yeah.

15 Q What is that, can you tell the jury?

16 A The Mojo festival is black heritage, black art
17 have come together. They have like little displays.

18 Q Is it a fun thing to go to on a Friday night?

19 A It's like a once-a-year thing. So for that
20 Friday, yeah.

21 Q Let me ask you, do you know how Brandon Parker
22 came to your house?

23 A He arrived with Carlton Stretch.

24 Q Do you know where they parked?

25 A They parked, they parked along the side

1 street, out along the street in front of our house
2 right near the mailbox.

3 Q Carlton Stretch, who is he?

4 A That's also a friend of mine.

5 Q How long have you known Carlton Stretch?

6 A I would say 15 years.

7 Q Good friend of yours?

8 A Yeah.

9 Q Did you all go to school together?

10 A No. Him and Brandon both went to St. Andrews.

11 Q But you are just good friends, kind of grew up
12 together?

13 A Yeah. We are in the same neighborhood, played
14 on the same basketball teams.

15 Q You also said that Carlos Chisholm was at your
16 house?

17 A Correct.

18 Q Who is Carlos Chisholm?

19 A Carlos Chisholm is a friend of mine from off
20 of Playground Road.

21 Q Over in west Ashley?

22 A Correct.

23 Q How long have you known Carlos?

24 A I've known him probably the same long time
25 like I have known Brandon, so.

1 Q Grew up?

2 A Yeah.

3 Q How did Carlos get to your house that day?

4 A I believe he drove his pickup truck. At the
5 time he had a pickup truck so he drove that.

6 Q Do you know where he parked that pickup truck?

7 A He parked the pickup truck in the driveway in
8 the center.

9 Q What about Andrew Rivers? Who is Andrew
10 Rivers?

11 A I have known Andrew longer than any of the
12 other three that were mentioned.

13 Q And how long?

14 A I would say almost my whole life really. We
15 both went to the same preschool together. And just
16 carried over to the same elementary school. And once
17 we went to middle school, we hung out.

18 Q This might be a little easier to look at.
19 This is what is already in evidence as State's No. 6.

20 MR. DURANT: And with permission from Your
21 Honor, I would like the witness to come down?

22 THE COURT: Uh-hum.

23 Q (By Mr. Durant) Terrence, this is State's No.
24 6. Have you seen this before? Do you recognize
25 this?

1 A Yes, I do.

2 Q what does that depict?

3 A That's our house and our driveway and the cars
4 that were there on that day.

5 Q Now I'm going to ask you to hold this and just
6 point with that. I want you to point out for the
7 jury when I ask you something.

8 where was Carlos Chisholm's car?

9 A Right there.

10 Q Okay. Now whose vehicle is to the left of
11 Carlos's?

12 A This one right here?

13 Q Yes.

14 A That's my truck.

15 Q what do you drive?

16 A well I did drive a 1996 Isuzu Rodeo.

17 Q That's where you had it parked?

18 A Correct.

19 Q Now what's the vehicle up top?

20 A This is my mother's Expedition right here.

21 Q where it that, is that a carport?

22 A Yes, it is.

23 Q Now there is another car off the driveway to
24 the right. Whose vehicle is that right there?

25 A That was my brother Samuel's.

1 Q What kind of vehicle was that?

2 A '97 Expedition.

3 Q And this next vehicle to the left of Sam's,
4 whose vehicle was that?

5 A That was Andrews Rivers' car.

6 Q Now does this diagram depict, as close as
7 possible, the arrangement of the cars on the night of
8 September 19th, 2008?

9 A Correct, yes.

10 Q You can resume your seat.

11 I'm go to go ask you this, do you know Jonta
12 Green?

13 A Yes, I do.

14 Q How long have you known Jonta Green?

15 A I would say since probably like 1996, '97.

16 Q So for almost 15 years or something?

17 A (Affirmative head shake.)

18 Q Is he a friend of yours?

19 A Um.

20 Q Was he a friend of yours?

21 A I knew of him, I didn't know close friends.

22 Q What was your relationship with him like?

23 A It was just common courtesy, hi, bye, and
24 talk.

25 Q Had he ever come over to your house?

1 A Yes, he had.

2 Q Did he ever come over to your house to see
3 you?

4 A Sometimes, yeah.

5 Q So you really didn't have any problems with
6 Jonta Green, did you?

7 A No, I didn't.

8 Q How about his brother Quantas. Do you know
9 Quantas Green?

10 A I just met him that year, so.

11 Q Did you have any problems with Quantas Green?

12 A No, I didn't.

13 Q What was your relationship with him like?

14 A It was same amount, social.

15 Q Did Jonta Green come to your house on
16 September 19th, 2008?

17 A Yes, he did.

18 Q How did he get there?

19 A I believe he drove.

20 Q Do you know if anybody was with him?

21 A Quantas was in the car with him at the time.

22 Q And where did he pull up?

23 A The first time he pulled up directly in front
24 of the driveway blocking it.

25 Q Yes, the first time. I need you to speak up

1 so that everybody can hear you.

2 So you said he pulled into the driveway?

3 A No, he pulled up in front of the driveway.

4 Q Will you show us on here?

5 A Right here.

6 Q Pulled up in the front of the driveway?

7 A Yeah.

8 Q Where were you when he pulled up?

9 A I was on the other side of the car. of
10 Carlos's truck.

11 Q You were on the other side of Carlos's truck?

12 A Right.

13 Q Who were you with?

14 A I was with Brandon, Stretch, Andrew and
15 Carlos.

16 Q And what was everybody doing when they pulled
17 up?

18 A Nothing really, we were just making plans to
19 go to the Mojo festival, so.

20 Q Well, what happens? What is the first thing
21 that happens when Jonta Green gets out of his car?

22 A When he first got out of the car it was just
23 handshakes.

24 Q Who was shaking hands?

25 A Basically everybody. Formal greeting, just

1 say hello, how are you doing, what is up. And we
2 were just discussing like what was going to happen
3 that night.

4 Q Well what about Brandon Parker, was he shaking
5 hands with Jonta Green?

6 A I did not see Brandon shake hands with Jonta.

7 Q How long does all that shaking hands business
8 last?

9 A No more than like under a minute. Just quick
10 handshake, and move on to the next person.

11 Q And what happened at that point?

12 A At that point Brandon got off the car.

13 Q Whose car is Brandon on?

14 A He was on the back of Carlos's truck on the
15 pull-out bed.

16 Q On the bed of his truck?

17 A Yeah. On the door of the bed of the truck.

18 Q I'm going to ask you to look behind you. The
19 is State's No. 9, it's already in evidence.

20 Do you recognize State's No. 9?

21 A Yes, I do.

22 Q What are we looking at here?

23 A This is the picture of my front yard on the
24 night in question.

25 Q And whose truck is that right there in the

1 yard?

2 A That's Carlos's truck in the middle right
3 here.

4 Q Is that where you all were when Jonta Green
5 pulled up?

6 A Yes, it was.

7 Q And the bed of the truck was down, the
8 tailgate?

9 A The tailgate was just like how it is up there.

10 Q Is that where Brandon was?

11 A Yeah.

12 Q And you said Brandon got down?

13 A Correct.

14 Q Off the tailgate?

15 A Right.

16 Q What happened when Brandon got down off the
17 tailgate?

18 A Some words were exchanged and then they
19 started scuffling.

20 Q Words were exchanged between who?

21 A Brandon and Jonta.

22 Q Were these -- do you know the exact words?

23 A No, I don't know the exact words in
24 particular.

25 Q Could you tell if they were spoken in a way

1 that were more excited, or were they --

2 A They were some few angry words.

3 Q Now was it just Brandon speaking these words,
4 or was it Brandon and Jonta?

5 A I would say at first it was Brandon, and then
6 Jonta came in after it. They went back and forth by
7 then.

8 Q What happened after these angry words were
9 spoken between these two?

10 A Well they started tussling with each other.

11 Q Can you use State's No. 9 to show us where
12 they started tussling?

13 A Along the passenger side of the pickup truck.

14 Q Were they in the driveway or were they off the
15 driveway?

16 A On and off. Because in this picture this car
17 right here was moved, it was actually in front of
18 that bush right there.

19 Q And that's Andrews Rivers' car?

20 A Correct.

21 Q The Oldsmobile?

22 A Correct.

23 Q And you said that it was next to Carlos's
24 truck?

25 A Correct.

1 Q Where was Quantas Green at this point when
2 they started tussling, if you know?

3 A I cannot recall where he was at the time.

4 Q I want you to describe this tussle. What all
5 can you tell us about this tussle.

6 A Well all I can say is that when the car was
7 moved there was like a very narrow little space way.
8 And once they started tussling and getting into it,
9 everybody tried to rush in that little area and try
10 to break them up so it was all just a bunch of chaos
11 and confusion by that point.

12 Q Well were punches thrown in the tussle?

13 A Yeah.

14 Q Who threw the first punch?

15 A Brandon.

16 Q Brandon. Your good friend Brandon threw the
17 first punch?

18 A Right.

19 Q Now was this punch, was Mr. Green, was he
20 blind-sided by this punch or --

21 MR. MATTSON: Your Honor, leading the witness
22 somewhat, we are getting into --

23 THE COURT: Is the objection leading?

24 MR. MATTSON: Yes.

25 THE COURT: No speaking objections.

1 Sustained, leading. Rephrase.

2 MR. DURANT: Thank you.

3 THE COURT: You're welcome.

4 Q (By Mr. Durant) So how was this punch received
5 by Jonta? What was Jonta's doing when he was
6 punched?

7 A I believe he was talking to Carlos Chisholm
8 about something. And when he turned around that's
9 when the punch came and hit him.

10 Q What happened at that point?

11 A Well they both squared up and engaged in the
12 fight with each other.

13 Q And did they fight?

14 A Yes, they did.

15 Q How long did it last?

16 A I would say it didn't last no longer than
17 seven, eight minutes at the most.

18 Q Do you consider seven or eight minutes to be a
19 long time, or a short amount of time?

20 A I consider it to be a short amount of time
21 considering.

22 Q But when they started fighting, what was
23 everybody else doing out there?

24 A Everyone else was outside trying to break them
25 up and separate the two parties from fighting.

1 Q Was anybody else getting in on this fight?

2 A No. At that point it was just between Brandon
3 and Jonta.

4 Q Well did everybody else just let it happen,
5 let them fight?

6 A No everybody else was -- it happened so fast
7 and they caught everybody off guard at first. But
8 then once they started getting to the fighting, then
9 everybody was trying to separate the two.

10 Q So you are saying it took seven or eight
11 minutes to separate these guys?

12 A From the neck, because the space was so narrow
13 at that point that when you have like about six
14 people running into that one little area, and fists
15 are flying and people are trying to break these two
16 people up, so.

17 Q Was there anybody else out there who jumped in
18 on the fight?

19 A Once the fight started I believe Quantas came
20 out and tried to help get his brother out of the way.

21 Q What did Quantas do?

22 A He was tangled up into the scuffle with him
23 just like everybody else.

24 Q Does Quantas have both of his hands?

25 A Can you repeat the question?

1 Q Do you know whether Quantas has both of his
2 hands, his arms?

3 A Yes, he does.

4 Q Besides his arms, did he have anything else in
5 this fight?

6 A He had a cane. He was walking with a cane
7 that night.

8 Q Did he bring a cane to this fight?

9 A Once he got out of the car he had to walk with
10 the cane so, yeah, he did bring his cane.

11 Q What did he do with the cane?

12 A He hit Brandon.

13 Q How do you know that?

14 A Because once we broke them up Brandon walked
15 to underneath our carport and he was touching the
16 back of his head and I saw the blood right from
17 there.

18 Q Did you see Quantas hit Brandon with the cane?

19 A I saw the cane strike Brandon in the head.

20 Q Did you see who was holding the cane when it
21 struck Brandon in the head?

22 MR. MATTSON: Your Honor, I don't mind --

23 THE COURT: Is there an objection?

24 MR. MATTSON: Leading.

25 THE COURT: Sustained, leading.

1 Q (By Mr. Durant) Did you see who hit Brandon
2 in the head with the cane?

3 A I believe it was Quantas because he was the
4 only one who had a cane.

5 Q Did anybody else ever have the cane in their
6 hand?

7 A No.

8 Q Were they finally able to get separated?

9 A Yes, they were, once my mother finally came
10 outside and tried to figure out what all of the
11 commotion was about.

12 Q Tell us about that.

13 A Well once the fighting started the guys got
14 rowdy and loud, so my mother came outside and wanted
15 to know what was going on. And she was asking, what
16 are you all doing, are you all fighting out there?

17 She told everybody that they had to leave
18 because she doesn't like -- she doesn't allow
19 fighting like that in her house or her yard.

20 Q Where was Brandon when your mother came out?

21 A Brandon was heading towards underneath the
22 carport of our house.

23 Q Where were you?

24 A I was still right around there. I was near
25 this bush right along here near Brandon because I

1 wanted to make sure he was all right. Because once I
2 saw him doing like this, blood was on his hand.

3 Q Could you see whether or not Mr. Green was
4 injured in any way?

5 MR. MATTSON: Excuse me, Your Honor, I would
6 like to know which Mr. Green.

7 THE COURT: Pardon me?

8 MR. MATTSON: He referred to Mr. Green. There
9 were two Greens out there.

10 THE COURT: Please refer to both first and
11 last names.

12 MR. DURANT: Thank you, Your Honor.

13 Q (By Mr. Durant) Could you see whether Mr.
14 Jonta Green was injured in any way?

15 A No, I couldn't.

16 Q Could you see whether anyone else out there
17 was injured in any way?

18 A To my knowledge no one else was injured.

19 Q So you told us that your mother came out and
20 wanted people to leave, right?

21 A Correct.

22 Q Did people begin to leave?

23 A Yes. People started to gather up and make
24 their plans to find someplace else to go.

25 Q What about Jonta Green, what did he do?

1 A Well once he left he -- well he actually
2 backed away. Then him and Brandon got into it again.
3 This time he drove his car up into the yard.

4 Q Did Jonta Green get in the driver's seat or
5 the passenger seat?

6 A I don't recall that part.

7 Q Who was driving the car?

8 MR. MATTSON: Objection, asked and answered,
9 Your Honor.

10 THE COURT: Overruled.

11 MR. DURANT: Thank you.

12 THE COURT: Watch the leading.

13 Q (By Mr. Durant) Who was driving the car when
14 it came back into the driveway?

15 A I think at that point Jonta was driving the
16 car.

17 Q Do you know or do you think?

18 A I know, yeah, he was driving the car.

19 Q And how do you know that?

20 A Well I remember seeing Quantas get into the
21 passenger seat. And Jonta and Brandon were still
22 having their words out. And that's when he moved the
23 car in and came to the driveway.

24 Q Now can you use this picture to show where
25 Brandon was when Jonta drove at him?

1 You can stand up if you need to.

2 A No, that's all right. Brandon and I were
3 right here in front of my truck with the lights on.
4 We were right out along here.

5 Q Can you show me one more time?

6 A Right here.

7 Q That's where you and Brandon were?

8 A Yeah.

9 Q So just want you to tell me exactly what
10 happens first when Jonta Green gets behind the wheel,
11 he is leaving your house at this point?

12 A Well when he drove up into the driveway he
13 pushed the car forward, and he pushed Brandon over
14 into this bush right here. I just happened to roll
15 off the hood and just narrowly bumped Carlos's pickup
16 truck right there.

17 Q Was anybody injured at that point?

18 A No. At that point, no. Both of us -- well
19 Brandon landed into the bush, he was backed into the
20 bush, and I moved out of the way, so.

21 Q What did Jonta Green do at this point?

22 A At that point he backed out of the yard and
23 proceeded down the street toward the stop sign at the
24 corner.

25 Q Using State's 9, which way did he go?

1 A This way.

2 Q He went that way?

3 A Yeah, this way.

4 Q So he had now left the scene?

5 A Correct.

6 Q What are you all doing?

7 A Well while he was gone I was checking to see
8 if Brandon was all right, if he needed anything, if
9 he needed me to give him a ride home.

10 Q What was Brandon at that point?

11 A Brandon was underneath the carport.

12 Q Where were you?

13 A Standing right along here.

14 Q You are still able to talk to Brandon
15 underneath the carport?

16 A Yeah. I'm sitting there talking to Brandon,
17 making sure he is all right.

18 Q What is your mom doing at this point?

19 A At that point my mom was standing outside with
20 us.

21 Q What about Andrew Rivers and Carlos Stretch
22 and Carlos Chisholm, are they trying to get out of
23 there? What are they doing?

24 A Yeah, they're all getting ready to leave the
25 yard.

1 Q were they able to leave?

2 A No, they weren't.

3 Q why not?

4 A Because I would say by the time everybody got
5 ready to go, Jonta was already back.

6 Q Jonta came back?

7 A Correct..

8 Q About how long was he gone?

9 A I would say no longer than two minutes at the
10 most.

11 Q How did he show up when he came back?

12 A Well when he came back he was -- he seemed
13 like he had calmed down a little bit, but he was
14 still walking around because apparently he was
15 searching for a pair of shades and the cane in
16 question.

17 Q Did he come back in the same car he left in?

18 A Yes, he did.

19 Q Who was driving when he came back?

20 A He was.

21 Q Did he get out of the car?

22 A Yes, he did.

23 Q Did he say anything when he got out of the
24 car?

25 A Yes. He said he apologized to my mother. He

1 was trying to find the cane for his brother because
2 his brother needed to cane to walk.

3 Q Was he saying anything to Brandon?

4 A I would say he was saying -- how can you say
5 it? He was saying stuff towards Brandon to get him
6 angry, like little things.

7 Q Using State's 9, where is the car parked when
8 he comes back?

9 A When he comes back, the car is right here.

10 Q Is it pulled into the driveway?

11 A Yes, it is.

12 Q And Jonta gets out of the driver's seat you
13 said?

14 A Correct.

15 Q Where does he go?

16 A First walks around the car and comes over here
17 looking for his shades.

18 Q Is that -- where is your mom?

19 A She is standing right here.

20 Q Does he say anything to your mom?

21 A Yes. He apologized to my mom for the scuffle.
22 But he said, you got some pussy in your yard you need
23 to get out.

24 Q Now do you notice whether or not he has a
25 weapon on him?

1 A No, I don't.

2 Q At that point?

3 A Correct.

4 Q Where is Brandon when Jonta is now up by
5 Carlos's truck and your mother?

6 A Brandon is still like nearby. He is like a
7 little bit further under the carport because I told
8 him just to step back and I would just see what is
9 going on.

10 Q And again, where are you?

11 A Right up here between the bush and the
12 driveway.

13 Q Are you aware of where this cane was that he
14 was looking for?

15 A No, I'm not.

16 Q Was he looking for anything else?

17 A He was looking it. To my knowledge he was
18 just looking for his cane, the cane had broken, so he
19 was looking for the cane and the shades.

20 Q To your knowledge did he find either one of
21 them?

22 A To my knowledge he found the shades. And it
23 was one part of the cane that was right along here,
24 and the other part of the cane was over on this side
25 over here.

1 Q Now I want you to describe his walk when he
2 got out of the car. Was he walking slow or fast?

3 A He was walking slow because he was still
4 looking around, he was looking down on the ground.

5 Q You said he was taunting Brandon?

6 A Well he didn't taunt. Once my mother was in
7 the yard at that point he toned it down, but he did
8 said that a little pussy you need to get out of your
9 yard.

10 Q I realize you are uncomfortable saying that,
11 but you've got to say what you heard, all right?

12 A All right.

13 Q So what happens after he says this to your
14 mother?

15 A Well Brandon steps forward. And I'm sitting
16 there between the two of them.

17 Q Between the two of who?

18 A Jonta and Brandon.

19 Q Okay. What's Brandon doing?

20 A Brandon is tensed up. He is just standing
21 there like the fight is about to happen again.

22 Q Who all is around?

23 A By that time it was the same; it was Carlos,
24 Andrew, Carlton myself, my mother, Brandon, Jonta.

25 Q Are they right there with you, or are they

1 spread out?

2 A Everyone is spread out.

3 Q Who is right there with you?

4 A Brandon and Jonta and my mother. They were
5 all in the same area.

6 Q So what happens. Tell us what happens?

7 A Well as he was walking up I'm trying to figure
8 out why he was walking up here because everything
9 happened down at the end of the driveway. Everything
10 happened down this area of the driveway, but he was
11 all the way up here in the front -- near the front
12 end of Carols's truck.

13 Q So did you think that was strange?

14 A Yeah.

15 Q And why did you think that was strange?

16 A Because I already knew that everything that
17 had gone on, everything went on at the bottom end of
18 the driveway, not near the house.

19 Q So tell us what happens? Brandon has now
20 stepped forward you say?

21 A Correct.

22 Q And you are right there with Jonta Green and
23 Brandon. And what is happening?

24 A Well I just happened to look over at Brandon
25 and the next thing you know him and Jonta -- Brandon

1 was walking towards Jonta and then Jonta started
2 walking towards Brandon and they get into it again.

3 Q How did they get into it?

4 A This time they're scuffling, they're going
5 back to wrestling all over again.

6 Q Based on your observations of this fight, was
7 Jonta Green able to handle himself?

8 A Yeah, at the time he could. Because like I
9 said Brandon had already gotten clocked in the back
10 of the head with the cane, so.

11 Q I mean he's got one arm. Was he at any kind
12 of disadvantage in this fight that you observed?

13 A My observation? Yes, he was at a
14 disadvantage, but at the same time he provoked the
15 fight.

16 Q Is anybody getting more hurt than the other
17 person?

18 A Well, no. Well no until Quantas steps in
19 because he gets out of the car too. He wants to look
20 for the cane also, so he gets out of the car. Then
21 it's Quantas, Jonta and Brandon, all three of them in
22 the scuffle. Then I join in, then my brother comes
23 outside.

24 Q Where does the scuffle with Quantas and Jonta
25 and Brandon happen? Where out here?

1 A Up front and in the front part of the truck,
2 right along this area right here.

3 Q In front of Carlos's truck?

4 A Correct.

5 Q Showing you State's 14 already in evidence.

6 What are we looking at here?

7 A That is my Isuzu Rodeo.

8 Q Does this depict the area where they were
9 scuffling the second time?

10 A No. They were scuffling more along the lines
11 of the front of the truck. This is how it ended
12 right here.

13 Q I want you to look at the picture. What
14 vehicle is there to the left?

15 A This one?

16 Q Not your vehicle.

17 A That's Carlos's truck.

18 Q The scuffle took place in front of his truck?

19 A Correct.

20 Q So in front of that truck right there?

21 A Right.

22 Q And tell us who all is in that scuffle again?

23 A That's Brandon, Quantas, Jonta, myself and my
24 brother.

25 Q What are you and your brother doing?

1 A We are trying to separate them again.

2 (Whereupon, a discussion was held at the bench
3 off the record.)

4 THE COURT: Madam Forelady, ladies and
5 gentlemen, we are going to take a very brief restroom
6 break after which I anticipate we will conclude this
7 witness and break for the evening, just for your
8 planning purposes.

9 If you would go with the bailiffs. Please
10 leave your notepads in the seats and do not discuss
11 the case.

12 (Whereupon, the jurors exit the courtroom.)

13 MR. MATTSON: Thank you very much, Your Honor.

14 THE COURT: You all go ahead and take a break.

15 (Whereupon, a recess was taken.).

16 THE COURT: Please bring in the jury.

17 (Whereupon, the jurors enter the courtroom.)

18 THE COURT: You may be seated. Ladies and
19 gentlemen, we will now resume with the examination of
20 the witness. You may proceed.

21 MR. DURANT: Thank you, Your Honor, may it
22 please the court.

23 THE COURT: Yes.

24 Q (By Mr. Durant) All right, Mr. Crawford, we
25 were talking about -- I think we left off at the

1 point where Quantas Green, Jonta Green, Brandon
2 Parker, you and your brother were up here in front of
3 Carlos Chisholm's truck?

4 A Correct.

5 Q What's going on?

6 A At that point we are all just trying to break
7 them up once again before another fight kicks off.
8 And all of the sudden a gun is pointed in the sky by
9 this time.

10 Q All right, who's got a gun?

11 A I'd have to say it had to be Jonta because
12 everybody else's hands were around his hand.

13 Q Don't tell us what you don't know. Do you
14 know if Jonta had a gun?

15 A I don't know if he had a gun, but I know by
16 that time the gun was in play.

17 Q Well let me ask you this, had you seen a gun
18 on anybody else that night?

19 A No.

20 Q Had you seen a gun on Quantas Green?

21 A No.

22 Q Had you seen a gun on Brandon Parker?

23 A No.

24 Q Did you have a gun?

25 A No, I don't own a gun.

1 Q Did your brother have a gun?

2 A No.

3 Q But you did see a gun?

4 A Correct.

5 Q You just don't know in whose hand at this
6 point you saw a gun in?

7 A Right.

8 Q What happens when a gun comes out?

9 A Well everybody who was near round started to
10 scatter and get out of the way.

11 Q All right. Who scattered?

12 A I know at one point when the gun was in the
13 air, once it came down right along here I moved this
14 way. I believe my brother, he went over by his
15 truck. Well he was headed towards his truck. And it
16 was just Jonta, Brandon and Quantas.

17 Q And you said you moved that way, you pointed
18 that way. And that way is over at the carport,
19 right?

20 A It's a little strip of land on the side of the
21 carport, yeah.

22 Q That's where you went?

23 A Yeah.

24 Q You keeping an eye on what is going on here?

25 A Yeah. I moved out of the way because the gun

1 was pointed at me at that point.

2 Q Did you see who was pointing the gun at you?

3 A It was -- it was -- no, I didn't see. I just
4 noticed the gun barrel was aimed towards me.

5 Q You didn't like that, did you?

6 A No.

7 Q So you tried to distance yourself from that
8 gun?

9 A Right.

10 Q Were you able to see what is going on over
11 there still?

12 A Yes, I was.

13 Q What's going on?

14 A By that time Jonta, Quantas and Brandon were
15 all had slammed into my truck along here. And by
16 this time Jonta had gotten free, so it was just
17 Quantas and Brandon right along here near my rear
18 driver's side window, I mean mirror.

19 Q And what happens?

20 A By this time Jonta has the gun pointed at
21 Brandon.

22 Q Now at this point do you see a gun in Jonta's
23 hand?

24 A Yes, I do.

25 Q This is the first time you clearly see it in

1 Jonta's hand?

2 A Correct.

3 Q Because you'd seen the gun before, you just
4 didn't know what hand?

5 A Correct.

6 THE COURT: Watch the leading, Mr. Durant.

7 MR. DURANT: Thank you, Your Honor.

8 Q (By Mr. Durant) So what happens at this
9 point?

10 A At this point Brandon was on my driver's side
11 door. Quantas had just gotten out of the way, he
12 went that way and --

13 Q I need you to speak up so the jury can hear
14 this.

15 A Brandon was along my driver door. Quantas had
16 already gotten out of the way once the gun was in
17 play. And Jonta was holding the gun at Brandon.

18 Q How far apart were Jonta and Brandon would you
19 say?

20 A I would say like maybe a foot away from each
21 other at the most.

22 Q Demonstrate to the jury how Jonta Green was
23 pointing this gun at Brandon?

24 A Like this. (Witness indicating.)

25 Q He had his arm fully extended like you are

1 doing?

2 A Correct.

3 Q Where was Quantas?

4 A Quantas had gotten out of the way of the gun
5 and he had moved along, I guess, along the side of
6 the front of my truck just to clear himself out of
7 the way at the time.

8 Q What did you see?

9 A Well I saw the two of them stand looking
10 straight at each other. And all of the sudden I
11 heard a loud bang. And by that time I thought that
12 he had hit Brandon in the shoulder from the way his
13 body had twisted because his body twisted towards the
14 front of the truck.

15 But as I went closer up to him I noticed how
16 Brandon's body kind of started going down. I noticed
17 it started looking like it was losing life as you
18 would say, was limp.

19 And I saw Brandon -- I saw blood bleeding from
20 Brandon. I thought it was from his shoulder, but as
21 I looked closer it was in his head.

22 Q How long did Jonta Green point this gun at
23 Brandon?

24 A It had to have been like a minute. Just it
25 happened so fast. Once the gun came out it was like

1 time sped up. So it like everything -- if it was a
2 minute or if it was two minutes, it was too long.

3 Q What was Brandon doing when the gun was
4 pointed at him?

5 A Brandon was just standing, like standing there
6 looking at Jonta with the gun in his hands.

7 Q And then he collapsed?

8 A Correct.

9 Q What happened when Brandon Parker hit the
10 ground?

11 A Jonta walked over to him and told him to get
12 up, get up. Once he saw that Brandon wasn't
13 responding he broke down and started shaking him
14 saying, come on, man, get up, get up, stop playing
15 and get up.

16 Q What was everybody else doing?

17 A By that time everyone -- once the gun sounded
18 off, everyone else scattered, got clear of the gun.
19 My mother went in the house to call the police. And
20 everybody else, they all went in separate directions.

21 Q Did you see where Quantas went?

22 A By that time I believe Quantas was in the car
23 by then.

24 Q Whose car?

25 A Jonta's.

1 Q Where was Jonta?

2 A He was still right there next to Brandon's
3 body.

4 Q Where was Andrew Rivers?

5 A I don't recall where Andrew went.

6 Q That's all right. Where was Carlton Stretch?

7 A Other than Jonta and Brandon and my brother
8 and mother, I didn't see any of the other
9 participants in the yard after the shot went off.

10 Q What if anything did you all do with Brandon
11 Parker?

12 A Well, we -- well I called 911. And while I
13 called 911 they all tried to pick Brandon's body up
14 and put it in the back of Andrew's car and take him
15 to the hospital.

16 Q But you called 911?

17 A Correct.

18 Q What were you telling them?

19 A I was telling them that my friend had been
20 shot and he needed the ambulance. But I was hysteric
21 at the time trying to.

22 Q You all were trying to get help for Brandon?

23 A Correct.

24 Q Trying to take him to the hospital?

25 A Correct.

1 Q How did you all try to do that?

2 A Well they took Andrew's car and they opened up
3 the back door and laid Brandon down in the car. One
4 person was in the driver's seat. I believe Carlos
5 Chisholm was in the driver's seat. Someone else was
6 in the -- I think Andrew River's was in the back side
7 of the passenger seat. And Jonta and my brought were
8 both trying to put Brandon's legs into the car at the
9 time.

10 Q Were you all able to get him into the car?

11 A Yeah.

12 Q And again, whose car were you all getting him
13 in?

14 A Andrew Rivers.

15 Q Showing you State's 20. What is that?

16 A That's Andrew's car right here.

17 Q That's the car you all were putting Brandon
18 in?

19 A Correct.

20 Q To take him to the hospital?

21 A Correct.

22 Q State's 22. Andrew's car?

23 A Yes. This is where they were trying to put
24 Brandon into the backseat right here.

25 Q Were they able to take him to the hospital?

1 A No because as soon as backed out of the
2 driveway, the ambulance and the police car came and
3 blocked them in so they had to pull back into the
4 yard.

5 Q So the police arrived on the scene pretty
6 quickly?

7 A Correct.

8 Q Was Brandon eventually taken away by EMS?

9 A Eventually, yes.

10 Q A lot of police showed up on this scene?

11 A Yes, that's correct.

12 Q Where was Jonta Green when the police showed
13 up on the scene?

14 A Jonta was putting Brandon's legs into the car
15 at the time. He was trying to get him into the car
16 so that he could get to the hospital.

17 Q You were aware of whether or not he remained
18 at the scene after the police showed up that night?

19 A No. After Brandon got shot, Stretch became
20 emotional and attacked Jonta. And Jonta was laying
21 on the ground right along over here by the car.

22 When the police came they tried to taze, we
23 call him Stretch. At the same time as I was trying
24 to calm down Stretch and get everything situated, he
25 just -- Jonta just disappeared. I didn't see where

1 he went.

2 Q Fair to say people were pretty upset at this
3 point?

4 A Yeah.

5 Q When the police showed up, did you tell them
6 what you knew about what happened?

7 A I told them everything that I knew up until
8 the incident.

9 Q You provided a written statement at the scene?

10 A I was emotional at the time so I couldn't
11 really provide a written statement at that time.

12 Q Did you provide a written statement in the
13 case?

14 A Yes, I did.

15 Q In fact you provided two written statements,
16 didn't you?

17 A Yes.

18 Q Do you know where you gave those statements?

19 A Well I know the first one they were in the --
20 the detectives were in the house talking to us. And
21 I kept asking them, is Brandon all right, is Brandon
22 all right, is Brandon all right? And no one would
23 give me an answer.

24 So eventually I started picking up on the vibe
25 that something wasn't right. And then they finally

1 told me what had happened. And at that point I
2 became real emotional. So I left the area and I had
3 a family member pick me up. And then the detective
4 came to where my family member stayed at and they
5 took me downtown.

6 Q Did you provide them with a statement then?

7 A Yes, I did.

8 Q Did you also look at a photographic lineup?

9 A Yes, I did.

10 Q And you picked Jonta Green out?

11 A Correct.

12 Q And why did you pick him out?

13 A Because he was the one who did the shooting.

14 MR. MCCOY: Judge, can we have one moment?

15 THE COURT: Yes.

16 MR. MCCOY: Thank you.

17 MR. DURANT: Your Honor, can we approach?

18 THE COURT: Uh-hum.

19 (Whereupon, the following discussion was held
20 at the bench.)

21 MR. DURANT: We just need to make sure we can
22 get in to --

23 MR. MATTSON: I believe it's without --

24 THE COURT: Custodian of the tape deals with
25 the tape, foundation of the tape. Has it been

1 admitted?

2 MR. MATTSON: No.

3 THE COURT: What number is it?

4 MR. DURANT: We haven't marked it yet.

5 MR. MATTSON: You want to play it now?

6 MR. DURANT: Yes.

7 MR. MATTSON: Okay.

8 THE COURT: Now the State is going to play
9 that, you are going to do cross, we doing redirect,
10 then we're going home.

11 (In open court.)

12 THE COURT: You may proceed.

13 States No. 29 for ID -- well is there any
14 objection to the admission of the 911 tape, Mr.
15 Mattson?

16 MR. MATTSON: No.

17 THE COURT: Will be marked and admitted as
18 State's No. 29 or next in line without objection.

19 (Whereupon, State's Exhibit No. 29 is admitted
20 into evidence.)

21 MR. MCCOY: Judge, for some reason the screen
22 has been turned off. We are working on getting that
23 turned back on. We well get that accomplished as
24 fast as possible.

25 THE COURT: Why don't you go ahead and ask the

1 next question you have of this witness.

2 MR. DURANT: Your Honor, I'm not going to have
3 anymore questions of this witness. I'm just going to
4 play the 911 tape.

5 THE COURT: Okay. While you all are figuring
6 that out, Mr. Mattson, why don't you go ahead and
7 proceed with the cross-examination of the witness.

8 MR. MATTSON: Thank you very much, Your Honor.

9 THE COURT: You're welcome.

10 CROSS-EXAMINATION

11 BY MR. MATTSON:

12 Q You're Terrence Crawford?

13 A Correct.

14 Q And on the date this happened you were at your
15 mother's home?

16 A Correct.

17 Q Okay. And several other people were there;
18 your brother was there, Stretch was there, and Andrew
19 was there, correct?

20 A Correct.

21 Q Okay. And you gave a statement, as I
22 understand it, and according to what the solicitor
23 provided me, that says you gave a statement to a Sgt.
24 Taylor at the scene?

25 A Correct.

1 Q Okay. And when you gave that statement, you
2 indicated that you and two individuals named Andrew
3 had been talking in the driveway since about 17:00
4 hours, 5 o'clock?

5 A Correct.

6 Q Okay. And you all were working on planning a
7 -- going to the Mojo Festival?

8 A Correct.

9 Q Okay. And the shooting took place at
10 approximately right around 21:00 hours?

11 A I don't know what 21:00 hours is.

12 Q In military time, you just take 12 o'clock and
13 keep counting, 13, 14, 15 for each hour. So 17:00
14 hours 5 o'clock, that's 12 plus 5. And 21:00 hours
15 is 12 plus 9, which would put it about 9 o'clock?

16 A All right.

17 Q Okay. Now and during this time you all were
18 planning on going to the Mojo Festival, and talking,
19 shooting the bull, right?

20 A Correct.

21 Q Was anybody doing any drinking around there,
22 alcoholic beverages?

23 A Yes.

24 Q Okay. Who all was drinking that you know of?

25 A I know myself, Andrew, both Andrews, and

1 that's about it.

2 Q Did you see Brandon doing any drinking?

3 A No.

4 Q Okay. What were you all drinking?

5 A Domestic beer. Bud -- they were drinking

6 Budweiser and I was drinking Ice at the time.

7 Q Okay. The police found a Crown Royal bag in

8 Andrew's automobile. Was anybody drinking hard

9 liquor, Crown Royal, that you saw?

10 A No, I didn't see anybody that was out there

11 with me drinking Crown Royal.

12 Q Did you see anybody drinking anything out of a

13 glass like a mix drink or anything?

14 A No.

15 Q Also in Andrew automobile they found green

16 plant material. Was anybody smoking dope out there?

17 A No.

18 Q It was just there. Did you know that Andrew

19 had a pocket scale in his pocket for measuring drugs?

20 A No, I didn't.

21 MR. DURANT: Objection, Your Honor, relevance.

22 THE COURT: Basis? I'm going to give you a

23 little latitude. But he is correct, it strains my

24 thought process on relevance.

25 MR. MATTSON: That was my last question on

1 that, Your Honor.

2 THE COURT: You may proceed.

3 Q (By Mr. Mattson) Now when you gave the
4 statement to Sgt. Taylor, you identified the pistol
5 that you saw in Jonta's hand as a chrome-colored
6 pistol; is that correct?

7 A Correct.

8 Q What is the color of this pistol?

9 A Black with ivory handle and a wood handle.

10 Q Okay. So definitely not chrome. Chrome being
11 bright and shiny like --

12 A Correct.

13 Q -- like the frame of your glasses?

14 A (Affirmative head shake.)

15 Q Then when you were being spoken with by Sgt.
16 Taylor, he says here that you indicated that you were
17 talking to two men named Andrew, but you refused to
18 identify them further; is that correct?

19 A Correct.

20 Q Then it says you indicated that Jonta and
21 Brandon were faced off with the pistol in Brandon's
22 hand pointing it at -- excuse me in Jonta's hand, I'm
23 sorry -- the pistol in Jonta's hand and he was
24 pointing it at Brandon a couple of feet away -- I'm
25 sorry, I know this isn't loaded but I'm not going to

1 point it at anybody, I've seen too much happen with
2 them -- and they stood that way for a minute or two.
3 That's what you said earlier, about a minute or two?

4 A Right.

5 Q Okay. Why don't you do me a favor. See that
6 clock on the wall? Let me get where I can see the
7 second hand. Flashy light.

8 Okay, when the second hand hits the 8, we are
9 going to stop doing and saying right now for one
10 minute.

11 One minute is up. When you time one minute on
12 the clock and look at all 60 seconds -- sorry, I was
13 going into an argument.

14 A minute is a long time, isn't it?

15 They were just looking at each other with the
16 gun being pointed, you said for one to two minutes,
17 correct?

18 A Correct.

19 Q Okay. Then earlier you said the fight lasted,
20 I believe you said -- believe me, I'm not going to
21 look at the clock for seven or eight minutes, thank
22 you. I want to leave here today too.

23 You said that first scuffle lasted for seven
24 or eight minutes?

25 A Correct.

1 Q That is two rounds of a boxing match, six
2 minutes. You said you didn't think that Jonta had a
3 disadvantage. How can a one-armed man not have a
4 disadvantage against somebody with two arms in a
5 fight, fistfight?

6 A Well he has an artificial arm with him at the
7 time too, so.

8 Q Do you know how high he can raise his
9 artificial arm?

10 A No.

11 Q Have you ever seen the size of his arm that's
12 under that artificial arm that moves it?

13 A No.

14 Q Do you know it's only about that big around?
15 Do you know that?

16 A No.

17 Q Okay. Let's assume it's only about that big
18 around. You can't do much defending with that one
19 arm like that if that were the case, can you?

20 A No.

21 Q Okay. And you said the brother Quantas jumped
22 in, had a cane. But Jonta wasn't hitting him with
23 the cane, was he, hitting Brandon, it was Quantas,
24 right?

25 A Correct.

1 Q Okay. So Brandon -- so Jonta didn't have
2 anything to do with the cane, that was the brother,
3 right?

4 A Correct.

5 Q Okay. Did you know that the brother had just
6 been the victim of an attempted carjacking --

7 MR. DURANT: Objection, Your Honor.

8 THE COURT: Basis?

9 MR. DURANT: It's not relevant.

10 THE COURT: Please approach.

11 (Whereupon, the following discussion was held
12 at the bench.)

13 THE COURT: Tell me why it's relevant.

14 MR. MATTSON: He is going into a fistfight,
15 they're holding him, surrounding him in. I want to
16 know what strength he had.

17 THE COURT: You need to ask that question.
18 That's not the question you asked. You asked whether
19 he knew he had been the victim of a carjacking. I
20 need to figure out how it's relevant.

21 MR. MATTSON: Well --

22 THE COURT: How is that relevant?

23 MR. MATTSON: Because --

24 MR. DURANT: We are not trying Quantas.

25 MR. MATTSON: They brought up what Quantas did

1 in the same way.

2 THE COURT: You think.

3 MR. DURANT: He got state of mind, you've got
4 to --

5 THE COURT: How is it relevant to his argument
6 of self defense? Self defense is his state of mind,
7 not his brother's state of mind.

8 MR. MATTSON: He didn't know until after.

9 THE COURT: Move on.

10 (In open court.)

11 THE COURT: Sustained, relevance.

12 Q (By Mr. Mattson) Were you aware that Quantas
13 had been in the hospital?

14 A No, I wasn't.

15 Q Okay. But you were aware that Quantas, when
16 he got out of the car, didn't get out of the car
17 waving the cane like a madman, he was walking with
18 it, wasn't he?

19 A Correct.

20 Q Okay. He was using the cane to move, Quantas?

21 A Correct.

22 Q Okay. Did that make you think there was
23 something wrong with Quantas?

24 A Yes.

25 Q Okay. Did there appear at that time to be

1 anything wrong with Brandon Parker?

2 A At first when he first got there he was very
3 quiet, kind of distant.

4 Q Yeah, but I mean he didn't appear to be
5 anything physically wrong with him? I mean he didn't
6 have a broken arm or --

7 A No.

8 Q -- an arm in a cast --

9 A No.

10 Q -- or walking with a cane or anything like
11 that. He appeared to be a normal, healthy
12 25-year-old black male about the same size as Jonta;
13 is that correct?

14 A Correct.

15 Q Okay.

16 All right, in your statement to Sgt. Taylor
17 you indicated that Jonta pushed Brandon Parker to the
18 ground and shot him in the head. Is that what you
19 told the sergeant?

20 A Yes.

21 Q But now you are saying they were standing up
22 across from each other when the shot was fired,
23 right?

24 A That's correct.

25 Q Okay. And the first time they got into the

1 altercation, I believe you said that Jonta was turned
2 and talking to -- was it Carlton?

3 A Carlos.

4 Q Carlos. And while he was turned and talking
5 to Carlos, Brandon punched him?

6 A Correct.

7 Q I call that a sucker punch. You ever heard
8 that term?

9 MR. DURANT: Objection, Your Honor.

10 THE COURT: Basis?

11 MR. DURANT: Argument.

12 THE COURT: Overruled.

13 Sir, do you need the question repeated?

14 THE WITNESS: No.

15 THE COURT: Do you want to answer the
16 question?

17 A Yes, we call it a sucker punch.

18 Q (By Mr. Mattson) Then they got in a squabble
19 and a tussle and everybody kind of got in it and they
20 got apart.

21 You said you didn't see Jonta hurt, but Jonta
22 left so you didn't get to see any marks or bruises on
23 Jonta, did you?

24 A No, I didn't.

25 Q Okay. Now you also indicated that you've

1 known Jonta Green for about 15 years?

2 A Give or take, yeah.

3 Q Okay. You ever seen Jonta in a fight with
4 anybody before this incident?

5 A No, I hadn't.

6 Q In fact the group that hung around at your
7 mama's house, they hung around there a good bit, they
8 all knew each other, didn't they?

9 A Yeah.

10 Q And there had been a fight for the gun?

11 A Correct.

12 Q And you said after Brandon sucker punched
13 Jonta they squared up. Those were your words?

14 A Correct.

15 Q You said they squared up for seven or eight
16 minutes. Then you said Quantas came over and he
17 tried to get Jonta out of the fight?

18 A Correct.

19 Q And when he came up, he had the cane. Quantas
20 had the cane he was walking with?

21 A Correct.

22 Q After all the noise of what started, Ms.
23 Crawford came out and asked everybody to leave,
24 correct?

25 A Correct.

1 Q Okay. At that time Jonta and his brother
2 Quantas got in the car in which they had arrived and
3 they left, correct? This is when he showed up the
4 first time.

5 A The first time he got to the car. But like I
6 said earlier, there was still some words going on
7 between the two, and Jonta came driving back into the
8 yard and he almost hit -- he hit Brandon into the
9 bush, Brandon stopped the car, hit the car along the
10 hood of the car, and pushed off the car and landed in
11 the bush.

12 I just barely got out of the way of the car,
13 and rolled out of the way in the last second.

14 Q He pulled out -- Brandon -- there was the
15 Isuzu Rodeo. What is that, what is this vehicle
16 here? That's the pickup truck, right?

17 A Correct.

18 Q That's the Rodeo?

19 A Correct.

20 Q And Jonta pulled up?

21 A He didn't pull that far

22 Q How far did he pull? It's hard to tell with
23 that red pointer.

24 A About right there. Because there is a bush
25 right here along the side behind this bush here.

1 Q Okay. Did Jonta appear to be a little bit
2 excited when he was leaving?

3 A Yes.

4 Q Whoops.

5 THE COURT: Be careful.

6 Q (By Mr. Mattson) I'm about to get excited and
7 fall over the tripod. Let me move that before I do
8 it for real. I'm getting too old. I don't bounce
9 like I used to when I hit the ground.

10 Okay. When Jonta showed up, was he wearing
11 glasses like he has on now? Is that what you refer
12 to as shades?

13 A No, he didn't have on those particular style
14 shades.

15 Q What type of shades did he have on?

16 A I would say more of the trendy.

17 Q Yeah, I don't mean the same thing. But you
18 refer to you are wearing shades, right?

19 A No, I'm wearing prescription glasses.

20 Q Do you know whether Jonta was wearing
21 prescription glasses?

22 A No, I never seen him with prescription glasses
23 on.

24 Q Did you ever look through his glasses?

25 A No.

1 Q Okay. When he showed up that night he was
2 wearing glasses?

3 A He was wearing shades.

4 Q Shades, okay. When you saw him getting in the
5 car to leave, he didn't have them on, did he?

6 A Correct.

7 Q Okay. Prescription glasses, you bought yours?

8 A Correct.

9 Q Expensive?

10 A Yes.

11 Q If you had prescription glasses and you lost
12 them, would you go back and look for them?

13 A Yes.

14 Q If you lost a cell phone, would you go back
15 and look there if you thought you knew the area in
16 which you lost it?

17 A Yes.

18 Q You said when Jonta came back the second time,
19 got out of the car, he said something to Ms.
20 Crawford?

21 A Correct. He apologized first, but then he
22 said, you need to get this pussy out of your yard.

23 Q Okay. And he also asked her, told her, can I
24 look for my glasses and cane?

25 A Correct.

1 Q Okay. And she told him, yes, but hurry up,
2 I'm dialing 911 to call the police?

3 A No. She was along the lines of, go ahead and
4 find your glasses, your shades, and then leave.

5 Q Okay. But at one point she told everybody she
6 dialed 911 and for everybody to leave, right?

7 A No, she told everyone to get out of the yard.
8 It wasn't until the second scuffle that she was
9 threatening to call the police once the two started
10 getting back into it the second time.

11 Q Okay. And you said when Jonta got there the
12 second time you knew he was looking for shades and
13 his brother's walking stick, correct?

14 A Correct.

15 Q And you stated that he was -- dime store
16 glasses -- that Jonta was walking kind of slow and
17 looking as if he were looking?

18 A Correct.

19 Q Then you said that Brandon stepped forward
20 towards him, tensed up like a fight was going to
21 start again?

22 A Yes, I said that. By that time though he had
23 already gone past my mother. The shade and the cane
24 were both at the lower half of our driveway. They
25 weren't anywhere near where Brandon was.

1 Q But if a fight lasted as you said six to seven
2 minutes and people were all over the yard, would you
3 have known exactly -- if you were in the middle of
4 the fight -- exactly where you were at all times for
5 six or seven minutes?

6 A Yes, I would have. Because like I said
7 earlier, the walkway spaced out between the two cars
8 was so narrow that they couldn't have gone anywhere
9 else. It had to be either at the back of the yard,
10 or further down near the ditch of the yard.

11 Q After you heard the shot, you said Jonta told
12 Brandon to get up and stop playing?

13 A Correct.

14 Q Then Jonta gave the gun to his brother Quantas
15 and basically told him to get out of there, didn't
16 he, leave, or you don't know?

17 A Correct.

18 Q You don't know it's correct or?

19 A He told him to leave.

20 Q Okay. And at that point did you see Jonta try
21 to pick up Brandon?

22 A Yes, I did.

23 Q And Jonta was trying to get people, I think
24 Stretch was one of them, to help him put Brandon in
25 the car, Andrew's car, to take him to the hospital?

1 A I believe it was Andrew who helped him. Yeah,
2 I don't think he asked Stretch. I think Stretch was
3 a little struck by the fact that a shot went off.

4 Q But Jonta was trying to get somebody to help
5 him?

6 A Correct.

7 Q Put him in the -- Brandon in the car to get
8 help, to get him to the hospital.

9 About that time the police showed up, right?

10 A Correct.

11 Q And they stopped everybody from leaving?

12 A Correct.

13 Q And Jonta was standing around and Stretch
14 jumped on him and that's when Jonta disappeared?

15 A Stretch was on top of him. I pulled Stretch
16 off because the officer threatened to taze him if he
17 didn't get off of Jonta at that time.

18 Q Okay. So Jonta left?

19 A Yes.

20 Q Okay. This shows

21 A Correct.

22 Q Okay. And this is the block or circle that
23 you were referring to?

24 A Correct.

25 Q Which consists of Wantoot,

1 Whitmarsh Drive and St. Claire Drive?

2 A Correct.

3 Q And this house, it

4 kind of -- let me see if this is the one. Anyway,

5 and their lots

6 almost, but not quite, back up to

7 ?

8 A Correct.

9 Q Okay. Do you know who lives in those houses?

10 Do you know a couple of young ladies who live in

11 those houses?

12 A No.

13 Q You don't know them? If I mentioned their

14 name, do you think you might know -- recognize their

15 names?

16 A Yeah, I guess so.

17 Q Okay. How about Stephanie and Alisa Jackson.

18 Does that ring a bell?

19 A No.

20 Q Okay. So you don't know who they are that

21 live back there?

22 A No.

23 Q Okay. What was Carlton Stretch wearing that

24 evening? Do you remember if he was wearing a light

25 blue striped shirt?

1 A I can't recall.

2 Q You can't recall, okay. Now how long after
3 the shooting did you leave? You said you were all
4 upset, you left and went somewhere. How long
5 afterwards?

6 A Well I left probably about maybe an hour or so
7 after the detectives finally got all the information
8 that they needed.

9 Q Then the police came and found you where --
10 after you had left?

11 A Correct.

12 Q Were you aware at the time that Brandon Parker
13 has just gotten out the penitentiary.

14 MR. DURANT: Objection.

15 THE COURT: Basis?

16 MR. DURANT: May we approach?

17 THE COURT: You may.

18 (Whereupon, a the following discussion was
19 held at the bench.)

20 THE COURT: How is that relevant?

21 MR. MATTSON: He just now -- excuse me?

22 THE COURT: How is that relevant?

23 It has to be relevant to something. He
24 doesn't -- it has to make some issue of consequence
25 more or less probable.

1 MR. MATTSON: Obviously testify, impeach
2 somebody.

3 THE COURT: Well it's your defense, it's a
4 complete defense. You have the burden of showing
5 that. They have the burden of disproving it.

6 But you still have to show some evidence of
7 what you claim that to be.

8 MR. MATTSON: Well --

9 THE COURT: Element of self-defense.

10 MR. MATTSON: It's really a matter just maybe
11 goes to credibility, trying to find --

12 THE COURT: He never said they were good
13 friends, they were acquaintances. Stopped by his
14 house every once in a while. That was his testimony.

15 MR. MATTSON: Okay.

16 THE COURT: I don't think they had any
17 developed friendship. That wasn't his testimony. So
18 what would it be relevant to?

19 MR. MATTSON: Nothing at this point in time,
20 Your Honor, until may be down the road.

21 THE COURT: Okay.

22 (In open court.)

23 THE COURT: The objection is sustained,
24 relevance.

25 MR. DURANT: Thank you, Your Honor.

1 THE COURT: You're welcome.

2 You may proceed.

3 Q (By Mr. Mattson) And you also stated to Sgt.
4 Taylor the victim was wrestling with Jonta for the
5 weapon, correct?

6 A Correct.

7 MR. MATTSON: Thank you. I have no further
8 questions.

9 THE COURT: Any redirect?

10 MR. DURANT: Briefly, Your Honor.

11 MR. MCCOY: Judge, may I have one moment to
12 try this one last time.

13 THE COURT: Go right ahead.

14 MR. MCCOY: I know everybody is ready to break
15 for the day.

16 THE COURT: Why don't we try that in the
17 morning.

18 MR. MCCOY: That's great.

19 THE COURT: Mr. Durant.

20 MR. MATTSON: I used to always ask my youngest
21 son to come fix these things.

22 MR. DURANT: If it's all right, we will
23 continue with just the questions on this in the
24 morning.

25 THE COURT: If you have any redirect you need

1 to ask it.

2 MR. DURANT: No redirect, Your Honor.

3 THE COURT: Okay.

4 Madam Forelady, ladies and gentlemen, we
5 appreciate your patience. I know we have gone well
6 beyond 5 o'clock, and please know that we do not take
7 your time for granted and I know that you have other
8 obligations that you have to meet in the evening.

9 But I felt it expedient to complete this
10 witness so that we could go forward without much
11 delay tomorrow.

12 During this break, please do not discuss this
13 case among yourselves or with anyone else. I know it
14 might seem simple to talk about what you have heard,
15 but to do that requires you to process that
16 information and draw conclusions based upon it, and
17 that by its very nature is what we call
18 deliberations.

19 So I know it may be difficult, but please be
20 on guard and refrain from doing that. Also, please
21 do not watch, read or listen to any media accounts
22 about this case. That includes anything that could
23 be on radio, television, Internet or newspaper.

24 Again, you are strictly instructed not to do
25 any independent research, no Google searches;

1 Ask.com, Bing, any kind of Internet searches on any
2 matter, Mapquest or anything else. I know people get
3 curious, they want to go to Google Earth and other
4 things to see the locations and other things, that is
5 strictly prohibited.

6 You must make a decision based solely on the
7 testimony that is presented from the lips of sworn
8 witnesses, and the other evidence that will be
9 introduced. You cannot engage in any independent
10 fact-finding. That is outside of your province as a
11 juror. So please strictly abide by that instruction.

12 We will resume in the morning at 9:30. You
13 will come directly to your jury room. And again,
14 please don't have any contact with anyone in or about
15 the courthouse. I would not want an innocent
16 conversation to be observed and misconstrued.

17 If you would leave your notepads in your
18 seats, we will see you in the morning at 9:30. Have
19 a great evening.

20 (Whereupon, the jurors exit the courtroom.)

21 THE COURT: Okay, we'll see you all in the
22 morning.

23 MR. DURANT: Your Honor, if I may approach.

24 THE COURT: Yes.

25 MR. DURANT: I know this is early in the

1 ballgame, but I have got a memo of opposition the
2 State will take later on down the road that I'm going
3 to give to the defense, as well to the Court, on why
4 involuntary manslaughter should not be charged.

5 Judge, what time do you want us here in the
6 morning?

7 THE COURT: 9:30.

8 MR. DURANT: Thank you.

9 (Whereupon, the proceedings in this matter
10 before the court were adjourned for the evening.)

11 * * * * *

1 THE COURT: State ready to proceed?

2 MR. DURANT: Your Honor, I'd like to call to
3 your attention some preliminary issues before we
4 begin. If we could, we would like to be apprised of
5 anytime that Mr. Mattson wanted to bring up the
6 victim's prior record or the fact that he may have
7 been incarcerated with any of these fact witnesses
8 before he asks the question

9 THE COURT: Mr. Mattson, would you like to
10 respond to the request?

11 MR. MATSON: Only to the extent, Your Honor,
12 that it may go to what Jonta knows about him. I'm
13 not going to bring it up again as far as the victim's
14 record except for what Jonta thought of his
15 reputation in the community. And I will get Mr.
16 Green --

17 THE COURT: I don't think that was the
18 inquiry. What they're asking is that if there are
19 other fact witnesses who have records, they want you
20 to let them know if you plan to impeach them with
21 their records. You really don't have to, but that's
22 what they're asking you to do I guess as a
23 professional courtesy.

24 MR. DURANT: Your Honor, actually, just to
25 clarify, the State's position is that the victim's

1 record in this case is not relevant.

2 THE COURT: It is relevant to the extent that
3 his reputation for violence. Because it goes
4 directly to his state of mind in terms of
5 self-defense.

6 MR. DURANT: Exactly. And we would like to be
7 able to cross-examine him on the his state of mind.
8 Therefore, we would like for that evidence to come
9 out with him.

10 THE COURT: Well, you don't have the ability
11 to cross-examine him. He doesn't have to testify.
12 He has no burden. They can bring it out through
13 other witnesses.

14 MR. DURANT: But it would be his state of
15 mind that other witnesses would be testifying --

16 THE COURT: It doesn't matter. He can prove
17 his state of mind through other people. He doesn't
18 have to testify, he has no burden. People have
19 self-defense all the time and don't testify. He
20 doesn't have to. As long as he stays within the
21 rules of evidence.

22 MR. DURANT: I understand, Your Honor. My
23 problem is that I can't cross-examine someone else
24 about the defendant's state of mind if the facts are
25 just rendered through another witness.

1 THE COURT: I can't anticipate what the
2 questions are going to be. But if his defense is
3 self-defense, he is entitled to go into the victim's
4 reputation for violence and he doesn't have to
5 testify to do that.

6 And there is nothing within the rules or the
7 constitution that requires him to testify. He
8 doesn't have to. He can exercise his right to remain
9 silent. He has no burden.

10 MR. DURANT: I'm not arguing with you on that,
11 Your Honor.

12 THE COURT: And I can't anticipate what is
13 going to happen. So I can't, you know, I'm not
14 clairvoyant. I don't know how it's going to come
15 out. You all will just have to make contemporaneous
16 objections and I have to take it as it comes.

17 Now, going back to the matter at hand, Mr.
18 Mattson, are you inclined to do what the solicitor
19 has asked of you?

20 MR. MATTSON: I will discuss it with him and
21 let him know what I am going to do, before I do it.

22 THE COURT: In the event that they have any
23 exceptions, correct?

24 MR. MATTSON: Yes.

25 THE COURT: All right. Now is there anything

1 we need to take up before we resume testimony?

2 MR. DURANT: Just wanted to make sure you are
3 on board with we wanted to start with playing this
4 911 tape and then move into our next witness.

5 Would you like Terrence Crawford to resume
6 his --

7 THE COURT: No, I think you all can just play
8 the tape. We had some technical issues on yesterday,
9 correct?

10 MR. MCCOY: Correct.

11 THE COURT: And there is no objection to the
12 tape, it has been admitted without objection. Mr.
13 Mattson has not objected to it being played.

14 Have you all tested it this morning to see
15 that it works?

16 MR. DURANT: We have, Your Honor.

17 THE COURT: And then who would your next
18 witness be?

19 MR. DURANT: Mildred Crawford.

20 THE COURT: Okay. And I haven't -- Mr.
21 Mattson has objected, and I've sustained those
22 objections, you really need to watch the leading. It
23 -- other than it being a violation of the rules of
24 evidence, it prolongs the questioning.

25 So you just need to ask the witness what they

1 saw, let them testify as to -- I don't interfere with
2 people trying their cases. I never liked people
3 doing it to me. So I try very hard not to do it to
4 anybody else.

5 I assume that you have a strategy in the way
6 you try a case and I don't want to interfere with
7 that. But I also have to be, you know, it is my
8 responsibility to make sure that we efficiently use
9 our time.

10 MR. DURANT: I understand you completely,
11 Your Honor.

12 THE COURT: So let's try to be mindful of that
13 today. Monday is always a long day, so we have a
14 fresh start today and I think we should get a lot
15 done.

16 Yes, sir?

17 MR. MATTSON: Nothing, I was just --

18 THE COURT: Oh, you were just standing?

19 Okay. Please bring in the jury.

20 (Whereupon, the jurors enter the courtroom.)

21 THE COURT: You may be seated. Good morning,
22 ladies and gentlemen, I hope you had a restful
23 evening. We will now resume with the trial
24 testimony.

25 Mr. Durant and Mr. McCoy, you may proceed.

1 MR. DURANT: Thank you, Your Honor. We are
2 going to play the 911 tape of Terrence Crawford now.

3 THE COURT: You may proceed.

4 (Whereupon, State's Exhibit No. 29, the 911
5 tape, is played in open court.)

6 MR. MCCOY: Your Honor, State would call
7 Mildred Crawford next.

8 MS. MILDRED CRAWFORD,
9 after having first been duly sworn to state the
10 truth, the whole truth and nothing but the truth,
11 testified on her oath as follows.

12 THE COURT: You may proceed.

13 MR. MCCOY: Thank you, Your Honor. May it
14 please the Court.

15 DIRECT EXAMINATION

16 BY MR. MCCOY:

17 Q Ms. Crawford, thank you for being here with us
18 this morning. I appreciate your time.

19 Could you tell the jury where you are from?

20 A I'm from Walterboro, South Carolina. I moved
21 to Charleston in 1963.

22 Q Can you tell the jury where you moved to when
23 you moved to Charleston?

24 A I moved to Then I moved to
25 Street, because I was single.

1 And then I got married and moved to
2 where I have resided now.

3 Q All right. Ms. Crawford, how long have you
4 lived at ?

5 A 30 years, 32 years.

6 Q Okay. Ms. Crawford, could you tell the jury,
7 do you have any children?

8 A I've got two boys.

9 Q And what are their names?

10 A Samuel and Terrence Crawford.

11 Q Okay. Ms. Crawford, do you work for a living?

12 A Yes, I do.

13 Q What do you do?

14 A I'm a seamstress at a sporting goods store.

15 Q And how long have you been a seamstress?

16 A Oh, I'm 64, so I guess about 50 years.

17 Q Long time?

18 A Long time.

19 Q Well, Ms. Crawford, I'm going to take you back
20 to September 19 of 2008. Do you remember that night?

21 A Yes, I do.

22 Q Tell the jury why you remember that night?

23 A Because something awful happened in my yard.
24 I came home from work, I usually get home from work
25 about between 5:00 and 5:30 in the evening. And I

1. was tired, so my son and some of his friends was in
2 the yard so I walked -- I got up and drove my car in
3 the yard, put it under my carport and I went in the
4 house.

5 As I was going in the house, I heard somebody
6 say, hi, Ms. Crawford. And I said, who's talking to
7 me? And they said, the young man said, me, Brandon.
8 And I said, Brandon? And he says, you remember me,
9 Ms. Crawford, me and Terrence worked together. How
10 are you doing? I said, I'm fine, I said, you
11 all right? And he said, yes, ma'am, I'm doing fine.
12 And I went into the house.

13 Q Let's back up for one second. When you say
14 you came home from work, do you remember what time
15 that was?

16 A I usually get home from work about between
17 5:00 and 5:30 or 6:00. It's according to what time I
18 leave work.

19 Q Okay. And you already just told us that
20 there were several people in the yard with your son.
21 And what son was in the yard?

22 A Terrence was in the yard.

23 Q Okay. And who were some of his buddies that
24 were in the yard?

25 A Brandon was there, Andrew was there. And I

1 spoke to them, and then I went into the house.

2 Q Okay. How long have you known Brandon?

3 A About -- not that long. Terrence knew him
4 longer than I do because he worked with him.

5 Q Okay. And there were several other people out
6 there. You've already said Andrew was out there.

7 How long have you known Andrew?

8 A Oh, ten years or longer.

9 Q Okay. So a little while?

10 A Yes.

11 Q Do you know Carlos Chisholm?

12 A Carlos, not as long as I knew Andrew.

13 Q Okay. Do you know Carlton Stretch?

14 A Yeah, I know Stretch a long time.

15 Q Okay. Were both of those fellows out there as
16 well?

17 A Yeah. Because that was Brandon that spoke to
18 me because he hadn't seen me in a while.

19 Q Okay. Ms. Crawford, I know things were hectic
20 and things were busy when you get home from work.
21 But when you got home and went in the house, what
22 were those guys doing outside?

23 A They were just standing up talking. And I
24 think they were getting ready to go to the MoJo block
25 party that night.

1 MR. MCCOY. Okay. Your Honor, may I approach
2 the witness?

3 THE COURT: You may.

4 Q (By Mr. McCoy) Ms. Crawford, I'm going to show
5 you what we have marked as already into evidence --
6 and you can still sit right there, you are fine right
7 there -- as State's Exhibit No. 6.

8 And I'd like for you just to take a look at
9 that and tell me if you know where that is or know
10 what that is?

11 A Yes, I do. It's my yard.

12 Q Okay. And also, Ms. Crawford, I'm going to
13 give you this pointer, it's a laser pointer and has a
14 button in it, Okay? And I'm just going to ask you a
15 couple of questions about the layout of your house?

16 A Okay.

17 Q Tell the jury a little bit about when you pull
18 into the driveway what you pull into?

19 A I pulled into the driveway, I was coming from
20 this way. I pulled into the driveway and went under
21 my carport. Right there, that's my car.

22 Q And there is a carport that covers this car?

23 A Yes.

24 Q Is it an open carport?

25 A Yes, it's an open carport.

1 Q Okay. When you pulled in, where was everybody
2 hanging out?

3 A They were like about right here by my car.
4 Right up in there right then when I went in the
5 house. But then Brandon came down to this part of
6 the yard because he was talking to me because I went
7 in the house this way.

8 Q Okay. And when you went in the house, what
9 were you going to do?

10 A I was going to go in the house and cook
11 something to eat because I was hungry and I was tired
12 that particular day.

13 Q Yes, ma'am. Tell me, once you went in the
14 house, was there an event or anything that happened
15 that caused you to come back outside?

16 A Yeah, I heard loud talking. So I went to the
17 door to see what was going on. And by that time they
18 were down right here in the driveway.

19 And I yelled from the porch, I said, what's
20 going on out there? And someone says, oh, they were
21 fighting. And I said, fighting? I said who's
22 fighting?

23 Q Okay. Ms. Crawford, let me ask you something.
24 Do you know who Jonta Green is?

25 A No. I have seen him a couple of times. He

1 came by my house one day to ask for Sam. But Sam, I
2 told him Sam wasn't home. He said, well, thank you
3 and he left.

4 Q Okay. Do you know who Quantas Green is?

5 A No, uh-uh.

6 Q Okay. When you came outside, did you have any
7 idea who was even fighting each other?

8 A No, I didn't. I sure didn't. Because when
9 Terrence and his friend was in the yard, they have
10 never fought in my yard.

11 Q Okay. And when you walked outside and see
12 this fighting, or you hear about it, what did you
13 decide to do after that?

14 A I went down, I stood on the porch and they
15 said they are fighting. I said, fighting? I said,
16 who's fighting? So I went down to the -- I came off
17 the porch and went down to the driveway and they had
18 just separated. So I told them after that, I said,
19 okay, everybody got to leave the yard.

20 Q Now why did you want everybody to leave the
21 yard?

22 A Because I don't allow that kind of carrying on
23 in my yard. You don't fight in my yard or you don't
24 curse in my yard.

25 Q Okay. Once you've come off the steps and

1 you've come down in the driveway and seen what's
2 going on, did you realize then who was fighting?

3 A Well all I know is the person that, his car
4 was like right here in the driveway, he pulled into
5 the driveway.

6 Q Okay.

7 A And I realized that whoever was in the car was
8 the person fighting. And then I found out that he
9 was fighting with Brandon.

10 Q Okay. And you don't like fighting in your
11 yard, you've already told us that?

12 A No. No.

13 Q What happened next when you told everybody to
14 leave?

15 A Well they were getting ready -- everybody --
16 well Brandon, I'm sorry, Jonta pulled out of the
17 yard. And then as he pulled out of the yard he
18 backed out of the yard this way.

19 Q Okay.

20 A And then he pulled back in the yard real fast.
21 And I thought he hit one of Terrence and Brandon with
22 his car because he tried to hit them with his car.
23 But they jumped off of the car.

24 Q Okay. Where were Terrence and Brandon
25 standing when Jonta drove back in the yard?

1 A Right there in the front of the bush at the
2 end of the yard.

3 Q Okay. By a big bush?

4 A Yeah. Because when he drove pack in the yard
5 he -- the tracks was right there in the front of that
6 bush where he drove back in the yard real fast.

7 Q Okay. When you say he drove back in the car
8 real fast, did he accelerate and hit the gas coming
9 back in the driveway?

10 A Yes, he did, he really did. And then I went
11 back to find out if one of them got hit by a car. I
12 said, he almost hit you with the car. And I went to
13 find out if one of them got hit by the car.

14 Q Okay.

15 A Because you could hear the squealing of the
16 wheels as he backed in. But he hit his gas pedal and
17 took off into the yard.

18 Q Okay. Now after this happened, Ms. Crawford,
19 I guess things are starting to die down a little bit.

20 A Yeah.

21 Q Are people starting to leave?

22 A I told them I said, everybody had to get out
23 of the yard, everybody leave. Then a young man came
24 and he said, Ms. Crawford, I'm going to take Brandon
25 out of the yard, my car is right there, I'm going to

1 put him in my car and I'm going to take him out of
2 the yard.

3 I said well, okay. Because, you know, I said
4 everybody got to go.

5 Q Okay. Now do you remember what direction
6 Jonta left after he had pulled back in the yard?

7 A I certainly do.

8 Q Okay.

9 A He went to the corner.

10 Q Show us on the map what direction he went.

11 A He was here. He went to the corner. He made
12 a right turn, all the way to the next corner. He
13 made another right turn. And then he came back
14 around. He made another right turn and he came back
15 down my street.

16 But in the meantime, there was a lady across
17 the street and she yelled, you all got to get out of
18 that yard because that car is coming back around the
19 corner. But --

20 Q Well, Ms. Crawford -- I'm sorry, go ahead.

21 A But before he could have gotten Brandon out of
22 the yard, he had gotten back to the house and he was
23 across the driveway in the street.

24 Q Now, Ms. Crawford, could you hear the car
25 going around, going around the, I guess, around the

1 block?

2 A You certainly could because that's how the
3 lady across the street heard it. Because you could
4 hear the car circling.

5 Q What could you hear?

6 A The loudness, the motor. It was an awful
7 sound just to hear it going around the block. It
8 seemed like it only took a couple of minutes to get
9 back around the block.

10 Q Well, Ms. Crawford, what did you think when
11 you saw that car pull back around and back in front
12 of your house?

13 A Well I was near the end of the driveway. And
14 when he came into the yard, I said, why did you come
15 back? He said to get his walking stick.

16 I said, walking stick? I said, well his
17 walking stick is over here because that's where the
18 first fight, from what I understand, started, at the
19 end of the driveway.

20 Q Okay. And when he got out of the car, where
21 are you standing, Ms. Crawford?

22 A I'm standing right here behind him.

23 Q Okay.

24 A Because he got out of the car and he started
25 walking this way.

1 Q And he starts walking away from where you say
2 the other stuff is?

3 A Yeah. I asked him, I said, where are you
4 going? I said, it's not up there. And he said, I'm
5 sorry for the way I act when I was hit first. He
6 said, but he sneak me, and I can't allow him to do
7 that to me because I've got one arm.

8 Q Okay. And did he say anything else?

9 A Yeah. He said, you got some pussy in your
10 yard you need to get out. And then I told him, I'm
11 not going to allow you to talk to me that way in my
12 yard. I said, I'm going to get my phone and I'm
13 calling the police.

14 Q Well what did he do, what direction did he
15 start to walk after he had spoken these words to you?

16 A He kept walking up to the carport. He kept
17 walking, he never stopped walking, he kept walking.

18 Q And, Ms. Crawford, where was Brandon situated
19 at this time?

20 A Brandon was under the carport but right about
21 right here. Because the fighting was near the end of
22 my car. Because I drove into the yard, the fighting
23 was at the end of my car. So Brandon was up here.
24 But he was here and he kept walking even after he
25 talked smart.

1 Q Did it look like he was looking for anything?

2 A No because he kept walking. I told him, I
3 said, it's not up there.

4 Q All right. Now, Ms. Crawford, tell me what
5 you saw next once he started walking up the direction
6 towards Brandon?

7 A Well then, after he said that, I went in the
8 house to get the phone. And he kept walking. And
9 then I went on the porch to get the phone. And then
10 as I got on the porch, then he started fighting
11 again.

12 Q What do you mean by fighting, you mean
13 fist-fighting?

14 A They were scuffling and fighting right here.

15 Q Wrestling around?

16 A Right there.

17 Q Okay. What happened next?

18 A I went in the house to get my phone, but I
19 couldn't find my house phone. Then later I found out
20 my youngest son had the house phone because he was
21 talking to my granddaughter on the phone, so he had
22 the house phone in his pocket.

23 Q Okay.

24 A So as I went back in the house to get the
25 phone, I heard the gunshot.

1 Q How many shots did you hear?

2 A I heard two.

3 Q Okay. And once you heard the shot, what did
4 you do next?

5 A I grabbed my cell phone because it was on the
6 back of the sofa. And I didn't even think that my
7 security, I could have used the phone on the
8 security system that I got in the house.

9 But I grabbed my cell phone and I dialed 911.
10 And I told them that someone got shot in my yard.
11 And then I went back outside and I asked them who did
12 he shoot. I kept saying, who did you shoot? And I
13 asked Brandon if he was all right, but he never did
14 answer.

15 Q Now, Ms. Crawford, did you see who shot
16 somebody?

17 A No, I didn't, but I know somebody got shot.

18 Q Okay. Did you know at the time when you were
19 in the house that Brandon was the one that got shot?

20 A Not a first. Then when I came outside, Andrew
21 came running in the house crying. And I went back
22 outside. But I knew it had to have been Brandon that
23 got shot.

24 Q Okay. Now, Ms. Crawford, did you see when
25 Jonta happened to walk past you, did you see a weapon

1 on him at all?

2 A No, I didn't.

3 Q Okay. Did you see a weapon on Brandon at all
4 when you happened to see him when you went in the
5 house from work?

6 A No. Uh-uh.

7 Q Okay. So you are telling the jury today that
8 you did not see who got shot or see who did the
9 shooting?

10 A No, I didn't.

11 Q Okay. Ms. Crawford, tell the jury a little
12 bit more about the scene after the shooting happened?

13 A Well it was awful. I heard someone yell, I
14 need help, somebody help me. And the person was
15 talking about Brandon and he was telling Brandon,
16 don't die, you are going to be all right, we will get
17 you to the hospital. But I didn't know who was
18 saying it.

19 Q Okay.

20 A Because the person when -- after the shooting,
21 I heard Jonta, or somebody yelled, get in the car,
22 get in the car and get going, and the car took off.
23 So I assumed he was in the car, Jonta was in the car.

24 Q Well let's back up because we might may be a
25 little bit confusing. When you are talking about the

1 car, what car are you talking about?

2 A I'm talking about Jonta's car.

3 Q Jonta's car is parked right down here?

4 A Right there.

5 Q You head somebody say, get going, get going?

6 A Yeah.

7 Q Now what happened to the car after that?

8 A The car -- the person in the car took off and
9 went to the corner. And I really don't remember
10 which way it turned. All I know is -- well I do, it
11 went this way and it turned and it went this way.

12 Q Okay. So the other car left?

13 A It left.

14 Q Okay. How long did it take the police to
15 arrive?

16 A Not long. Maybe five or ten minutes, maybe
17 less than that. Probably less than that.

18 Q Okay.

19 A Because I really don't have a time on it
20 because I was trying to figure out what was going on.

21 Q Yes, ma'am. Can you describe the scene as
22 chaos?

23 A It was. Everybody who was in the yard with
24 Brandon was crying and they was trying to help him
25 because he was laying on the ground by Terrence's

1 car. And they decided that, someone said, well,
2 let's take him to the hospital. Then they decided
3 they was going to put him in Andrew's car to put him
4 in the -- to take him to the hospital.

5 And then they put him in the car. And after
6 that I saw Stretch was beating somebody on the
7 ground.

8 Q Okay.

9 A And Terrence was over trying to pull Stretch
10 off the person, but I couldn't figure out who Stretch
11 was beating.

12 Q Who was he fighting?

13 A Jonta.

14 Q Okay. Did you know that or did you just hear
15 that later?

16 A No. At first I said it was right after they
17 put Brandon in the car, because he helped put Brandon
18 in the car to take him to the hospital.

19 Q Okay.

20 A And then Stretch was beating somebody so bad
21 on the ground I said, well, I told myself, I said, I
22 wonder who Stretch is fighting?

23 And he kept on. And then the police officer
24 came and he told Stretch, if you don't get off of him
25 I'm going to taze you. And Terrence grabbed Stretch.

1 And he told him, he said, back off or I'm going to
2 taze you.

3 So Terrence grabbed Stretch to pull Stretch
4 back and I grabbed Terrence and Stretch and pulled
5 them back out of the way. But I never really paid
6 attention to really who was on the ground.

7 Q Okay. Did there come a point in time where
8 you didn't see Jonta anymore on the scene?

9 A No -- yeah.

10 Q Okay.

11 A Because the person that was getting beat, we
12 pulled Stretch away, and I know the person got up but
13 I don't know what happened to the person.

14 Q Okay.

15 MR. MCCOY: Judge, may I have a moment?

16 THE COURT: You may.

17 MR. MCCOY: Ms. Crawford, I really appreciate
18 you answering my questions. The defense attorney is
19 going ask you a few questions. And I thank you for
20 your time.

21 THE COURT: Any cross-examination of the
22 witness?

23 CROSS-EXAMINATION

24 BY MR. MATTSON:

25 Q Good morning, Ms. Crawford.

1 A Good morning.

2 Q How are you today?

3 A I'm fine.

4 Q Good. You said you got home sometime between
5 5 and 6 o'clock?

6 A Yes.

7 Q That evening, correct?

8 A Yes.

9 Q Okay. Do you know if it was closer to 5:00 or
10 closer to 6:00, or you just somewhere in that area
11 because that's when you normally get home?

12 A That's my normal get-home time.

13 Q Okay. And when you got home, almost all these
14 people whose names you called out were already in
15 your yard?

16 A Okay.

17 Q Is that correct?

18 A Yes.

19 Q Okay. And that was somewhere between 5:00 and
20 6:00 in the afternoon?

21 A Yes.

22 Q Okay. Then the shooting and the fight and
23 that type of thing, all of that happened about a
24 little -- a couple of minutes before 9:00?

25 A I'm not sure of the time, but after they

1 struggled and everything he left, it should have been
2 around that time.

3 Q Okay. So from the time you got home around
4 5:00 or 6:00, until the time when everything happened
5 around 9 o'clock, three to four hours had passed,
6 sound about right?

7 A Yes.

8 Q Okay. And during that time you said somebody,
9 you heard somebody call your name and you turned
10 around and saw a young man standing there and he said
11 he was Brandon?

12 A Yes.

13 Q And that he used to work with your, I forget
14 which son it was, Samuel or Terrence?

15 A Terrence.

16 Q Terrence, okay. Had it been awhile since you'd
17 seen him?

18 A Yes.

19 Q Okay. Was he -- how long had it been since
20 you'd seen him? Do have any idea?

21 A No, I don't.

22 Q Not a matter of I mean like days or a couple
23 of years?

24 A I hadn't seen him in a while. Him and
25 Terrence -- Terrence used to give him a ride to work.

1 Terrence used to go pick him up and they used to ride
2 to work together. But I hadn't seen him in a while.

3 Q Okay. Did you consider him to be a friend of
4 Terrence's?

5 A Yes, he was. He was at the house that
6 Thursday. Terrence told me that Brandon came by to
7 talk to him. And I told him that -- I asked him
8 which Brandon. And he said, you remember Brandon
9 that worked with me.

10 Q Okay. And did Terrence have a cell phone?

11 A Yes.

12 Q Do you know what his number was back then? Is
13 it still the same one he has got now?

14 A I'm not sure.

15 Q Okay.

16 A It should be.

17 Q What about Samuel?

18 A I don't know whether he's still got the same
19 number or not.

20 Q Do you remember what his number used to be?

21 A No, I don't remember.

22 Q Okay. How old is Samuel?

23 A 35.

24 Q And Terrence?

25 A 28.

1 Q Okay. And Terrence indicated that he had gone
2 to tech school. Was that Trident?

3 A No. He went to Baylor Tech.

4 Q To what?

5 A Baylor Tech.

6 Q Baylor Tech. Okay. Did he successfully
7 finish it?

8 A Yes, he did.

9 Q Okay. About how old was he when he finished
10 that?

11 A Maybe 25, I'm not sure.

12 Q Okay. I'm just, I mean I don't need it down
13 to the month or the day. I'm just looking for some
14 approximations here. I'm not trying to trip you up
15 or anything like that, okay?

16 A Okay.

17 Q And where did you say you worked?

18 A He worked at World Market.

19 Q No, you.

20 A Oh, I work at a sporting goods store. I
21 didn't say the name, I just said I work at a sporting
22 goods store and I'm the seamstress.

23 Q Okay. Where was Samuel employed?

24 A He worked with his uncle. He do drywall.

25 Q Okay. Now do you know Stephanie and Alisa

1 Jackson?

2 A No, I don't.

3 Q Okay.

4 A Not by name anyway. I know a lot of people
5 but a lot of them I know by face, I don't really know
6 their name.

7 Q They kind of live a little bit catty-corner
8 from your backyard. I think you all's property lines
9 meet corner to corner in the back.

10 A Oh, okay.

11 Q What is that street back there?

12 A It's either . . . Because
13 north is on one side and south is on one side and
14 it's --

15 Q ?

16 A ? Sherwood Park. It's, no, one
17 of them is in the front of the pool.

18 Q Okay.

19 A I don't know exactly which is which.

20 Q It's

21 A Okay.

22 Q I wasn't trying to trip you up. I used to
23 date a girl back there a long time ago when I was in
24 college. And those two things always got me confused
25 that north and south because they change right there

1 in the middle.

2 A They do me the same to me.

3 Q Okay. This is -- this is back
4 here, correct?

5 A Behind the house?

6 Q Behind your house.

7 A Okay.

8 Q And this is ?

9 A Yes.

10 Q And this says ?

11 A Yes.

12 Q That's your house?

13 A Uh-hum.

14 Q And this house right here, let me find it, I
15 lost it again. Let's put a circle. Yours is

16 A Yes.

17 Q Okay. And right here is a house that the
18 corner of their lot meets the corner of your lot in
19 the backyard, correct?

20 A Okay.

21 Q And that's number, it looks like 1337 North
22 Sherwood?

23 A Yeah. There is somebody on
24 that they got the same number I got.

25 Q Okay. And during that period of time, do you

1 know who lives in that home?

2 A Nope. I don't know anyone. I know one lady
3 on that particular street and her name is Crawford
4 also. But other than that, I don't know anybody else
5 on the street.

6 Q Okay.

7 A Or the lady that lives on -- I know one other
8 lady she lived behind me and her property meet mine
9 on the left if we looking at it from the front, from
10 the front of my house.

11 Q Okay. And the one I am talking about is on
12 the right?

13 A Is on the right, yeah.

14 Q Okay. Now how often did these young men meet
15 in your yard? Is that a common thing?

16 A Yes, ever since they were young kids because
17 almost everybody that was in my yard has been in my
18 yard since they were kids.

19 My yard is the yard when you were children
20 they played ball in the front of my house all the
21 time. I don't know why. If somebody wanted water,
22 instead of going home and they lived across the
23 street, they would come in my house and get the
24 water.

25 Q Okay. And during that -- but how long did

1 these groups sort of show up at your house a couple
2 of times a week or on the weekend or is it?

3 A It's not a pattern. They come sometimes when
4 they get off work they'll come by. Sometimes they
5 don't.

6 Q Okay. And were they talking about going to
7 the MoJo Festival or party?

8 A Well it was the block party, I guess, that
9 they were talking about. But I know they were going
10 out because they were under the carport and they were
11 getting ready to leave when all this started.

12 Q Where was the MoJo party going to be? You
13 referred to it as a block party?

14 A It usually be downtown.

15 Q Okay. So they were going to go downtown?

16 A Yes.

17 Q Okay. Now during the period of time, you said
18 earlier that you don't allow cursing and fighting in
19 your yard; is that correct?

20 A That's correct.

21 Q What were these young men doing out there?
22 Were they drinking?

23 A Well I can't tell you whether they were
24 drinking or not. They weren't drinking when I was,
25 when I got home. I did not see any of them drinking.

1 Q okay. And do you allow drinking in your yard?

2 A They drink beer in my yard.

3 Q okay. Do you allow people to have drugs in
4 your yard?

5 A Well, if I don't see a drug then I don't know
6 it's there. But they know I don't allow that
7 particular thing in my yard. And I tell everybody
8 who come in my yard, don't come in my yard and do
9 things that you are not supposed to be doing.

10 Q okay. Did you know Brandon was drinking that
11 evening?

12 A No, I don't.

13 Q okay. Now when Brandon -- excuse me, when
14 Jonta came back the second time, he said Brandon had
15 sneaked him?

16 A He didn't say Brandon. He said, when I came
17 in the yard --

18 Q Uh-hum.

19 A -- he sneaked me. I can't allow him to do
20 this to me because I've got one arm.

21 Q okay. And what --

22 A And he said, I'm sorry for the way I act when
23 I first came in the first time I was here, I
24 apologize. And that's when he told me I had pussy in
25 my yard and I needed to get out.

1 Q Now what, to me what is when he said, somebody
2 sneaked him, what did that mean to you?

3 A When he walked in the yard the person ran
4 behind him and hit him. That's what it means.

5 Q Okay. Now when Jonta spoke with you?

6 A Uh-hum.

7 Q And apologized to you, did he appear to be all
8 excited or was he kind of calm?

9 A He apologize kind of calm.

10 Q Okay. Now did you ever see the weapon?

11 A No.

12 Q Did you ever make a statement to Sgt. Taylor
13 that somebody had a chrome-colored pistol?

14 A No, I did not.

15 Q So you don't know how that would have gotten
16 into Sgt. Taylor's statement?

17 A I haven't the slightest idea.

18 Q Okay.

19 A Because I'm not going to tell him something I
20 didn't see.

21 Q Well that's all I'm asking because it was in
22 Sgt. Taylor's statement.

23 MR. MCCOY: Objection to him testifying what
24 is in his statement or what is not in his statement
25 Sgt. Taylor's --

1 THE COURT: Whoa, whoa. Overruled, I'm going
2 to give him some latitude.

3 No speaking objections.

4 Ma'am, do you need the question repeated?

5 MR. MATTSON: No, she answered it to my
6 satisfaction.

7 THE COURT: You may proceed.

8 Q (By Mr. Mattson) Did you see a weapon when
9 they were supposedly wrestling for it?

10 A No, I didn't. All I know is somebody
11 hollered, there is a gun. And everybody -- in fact
12 Sam ran, he ran in the yard next door. And then
13 that's when I went in the house to get my cell phone,
14 I mean the phone, but I couldn't find it so I got my
15 cell phone.

16 I didn't see the gun. All I heard was
17 somebody said, the person said, oh shit, there's a
18 gun.

19 Q Do you know who said, you heard somebody say
20 help -- did you hear anybody say, help me get him in
21 the car, get Brandon in the car to go to the
22 hospital?

23 A Yeah.

24 Q Do you know who said that?

25 A No, I don't. All I know is I heard somebody

1 say it.

2 Q Okay. And did you see Jonta helping to put
3 Brandon in the car?

4 A No, I didn't.

5 Q Did you see him by the car?

6 A No.

7 Q Okay. Did you see when Brandon got put in the
8 car?

9 A No, I didn't. Because I was -- he was
10 situated between Carlos' truck which was on my
11 driveway.

12 Q Right.

13 A And Terrence's car. And he was laying down on
14 the ground right there. And I think I was back near
15 the house.

16 And then I went -- when the police came, he
17 parked across the driveway because they had him in
18 the car. They had moved Andrew's car from up near
19 the house, and it was slanted to back out of the
20 yard.

21 Q Would this be Andrew's car?

22 A Yeah.

23 Q Okay. And so the back of the car?

24 A It was, it was, yeah.

25 Q Was towards the driveway?

1 A Yeah. It was a little bit further down.

2 Q Okay. Little bit further down that way?

3 A Uh-hum.

4 Q Okay. And where was the fight taking -- you
5 know the fight with Stretch and?

6 A Whoever was he was fighting?

7 Q Yes.

8 A It was on this side of the car, right here on
9 the ground. Because the car was about right here,
10 parked like this. So they had put it in a position
11 to back it out of the yard.

12 Q But it was on the right, the driver's side of
13 the car, the fight was?

14 A Yeah. They had backed because they put
15 Brandon in the back. He was, as far as I know, they
16 put him on the back seat of the car.

17 Q Okay. And that's when you saw the fight near
18 the back?

19 A Yeah.

20 Q Was it by the back door of the car?

21 A Yeah.

22 Q Okay. Did you ever see who was involved in
23 that fight? I know you said you and your son tried
24 to break it up. Did you see Jonta involved in it?
25 Did you see that he was the one on the ground?

1 A I did not say me and my son was involved in
2 breaking it up. I said my son was pulling stretch
3 off the person.

4 Q Right.

5 A And then he grabbed stretch and then I grabbed
6 him and stretch and pulled them out of the way
7 because the police was going to taze both of them and
8 that's what he told them.

9 Q Right. Okay. You didn't see --

10 A I don't know who was on the ground.

11 Q Okay.

12 MR. MATTSON: I have no further questions.

13 THE COURT: Any redirect?

14 MR. MCCOY: Judge, I don't have any redirect.

15 THE COURT: Any objection to the witness
16 being excused from the State?

17 MR. MCCOY: No, ma'am.

18 THE COURT: From the defense?.

19 MR. MATTSON: None, Your Honor

20 THE COURT: Ma'am, you are excused.

21 Please call your next witness.

22 MR. MCCOY: State calls Sam Crawford.

23 MR. SAMUEL D. CRAWFORD, JUNIOR,

24 after having been duly sworn to state the truth, the
25 whole truth and nothing but the truth, testified on

1 his oath as follows:

2 THE COURT: You may proceed.

3 MR. MCCOY: Thank you, Your Honor. May it
4 please the Court.

5 THE COURT: Yes, sir.

6 DIRECT EXAMINATION

7 BY MR. MCCOY:

8 Q Sam, thank you for being here with me today.
9 I appreciate your time.

10 Can you tell the jury where you live right
11 now?

12 A

13 Q Okay. Can you also tell the jury how old you
14 are?

15 A 35.

16 Q Okay. Tell the jury what do you for a living?

17 A Construction. Sheet-rock finishing.

18 Q All right. How long have you been doing that
19 kind of work?

20 A About 15, 16 years.

21 Q Okay. Sam tell the jury where you grew up?

22 A

23 Q All right. So you've lived in this house all
24 your life?

25 A Since I was like five, something like that.

1 Q Okay. And you may need to, what I need for
2 you to do, Sam, I need you to lean forward and speak
3 clearly into that microphone so that I can hear you
4 and jury can hear you, okay?

5 A All right.

6 Q All right. Tell the jury who lives at
7

8 Q My mother Mildred Crawford, my brother
9 Terrence Crawford.

10 Q All right. Do you have any other brothers?

11 A Yeah. I have a half brother, he lives in
12 Atlanta.

13 Q Okay. Now, Sam, I'm going to ask you about a
14 few names, okay?

15 Do you know who Brandon Parker is?

16 A Yes, sir.

17 Q And how do you know Brandon Parker?

18 A Friend of my brother's from a long time ago.

19 Q Okay. Are you friends with him too?

20 A Yes.

21 Q All right. Okay.. You know a guy named Carlos
22 Chisholm?

23 A Yes, sir.

24 Q Okay. And how long have you known him?

25 A Probably since he is like 12 or 10.

1 Q Okay. Is he a buddy of yours?

2 A Yes, sir.

3 Q All right. How about a guy named Carlton
4 Stretch?

5 A Yes, sir.

6 Q Tell me how you know him?

7 A From the neighborhood. I usually take all
8 those guys to basketball games and stuff when they
9 were younger.

10 Q All right. So is he a buddy of yours?

11 A Yes, sir.

12 Q All right. How about Andrew Rivers?

13 A Yes, sir.

14 Q Same thing?

15 A Yes, sir.

16 Q He a friend of yours?

17 A Yes. I know them all on the same basketball
18 team.

19 Q All right. Tell the jury, do you know who
20 Jonta Green is?

21 A Yes, sir.

22 Q And how long have you known Jonta?

23 A Probably about almost the same time.

24 Everybody is from the same neighborhood.

25 Q Okay. And is he is friend of yours?

1 A Yes, sir.

2 Q All right. How about Quantas Green?

3 A Yes.

4 Q Do you know him?

5 A Yes.

6 Q How do you know him?

7 A That's Jonta's brother.

8 Q Is he a buddy of yours, too?

9 A Yes, sir.

10 Q And all these people that I have mentioned,
11 they are all friends of yours, did you hang out with
12 them as friends from time to time?

13 A Yes, sir.

14 Q And you spent time with each one of these
15 people?

16 A Yes, sir.

17 Q Okay. Now, Sam, I'm going take you back to
18 september 19 of 2008. Do you remember that night?

19 A Yes, sir.

20 Q okay. Tell the jury why you remember that
21 night.

22 A The reason was from what happened that -- at
23 the incident.

24 Q Okay. And if you're nervous that's all right.
25 But tell us what happened at the incident?

1 A I really didn't know exactly what was going on
2 because --

3 Q Okay. Did somebody lose their life?

4 A Yes, sir.

5 Q Okay. Who lost their life that night?

6 A Brandon Parker.

7 Q All right. Tell the jury what time you got
8 home that Friday?

9 A Probably about 4:30, 5 o'clock.

10 Q All right. And when you got home, was anybody
11 hanging out in the driveway?

12 A I can't recall. I believe it was my brother
13 and Andrew at the time. I'm not sure.

14 Q Okay. And do you have your own car?

15 A Yes, sir.

16 Q Where did you park your car when you came in
17 the house?

18 A Under the tree.

19 Q Under the tree? You are talking about right
20 here, is this the tree?

21 A I can't see that.

22 Q You can't see? I'm sorry about that. Let me
23 turn it a little bit more for you?

24 A Yes. That's where I always park my car there.

25 Q Okay. Is that your car?

1 A Yes, sir.

2 Q All right. Tell the jury what you did after
3 you parked your car after you got home from work.
4 Tell the jury what did you.

5 A After I got home from work I sat in the yard
6 for a little while, smoked a cigarette, and I went in
7 the house.

8 Q And what were you going in the house to do?

9 A Relax and take a shower.

10 Q Okay. During this day, during that day, did
11 you have an opportunity to talk to or call Jonta?

12 A Yes.

13 Q Okay. Tell the jury when you called him?

14 A I called him, I saw him at Amoco. I called
15 him probably about, not too long after I got home.
16 probably about 5:30, 6 o'clock.

17 Q Okay. So when you say you saw him at an
18 Amoco, you are talking about a gas station?

19 A Yes. It's a gas station up the street.

20 Q And did you see him earlier in the day?

21 A No.

22 Q Okay. You said -- what time did you see him
23 at the Amoco?

24 A When I got off I stopped by there. Stopped by
25 the store and get me a beer.

1 Q Okay. And you saw him there?

2 A Yes, sir.

3 Q Did you have a conversation with him there?

4 A Yes.

5 Q What did you say to him?

6 A I just asked him what was going on. If they
7 was going to go some place that night.

8 Q All right. And when did you make the phone
9 call to him?

10 A Like I said, probably about 5:30, 6 o'clock.

11 Q Did you make the phone call to him after you
12 had seen him?

13 A Yes, sir.

14 Q Okay. Did you talk to him in that phone call?

15 A No. I called him several times but he didn't
16 answer the phone.

17 Q All right. Did there come a point in time
18 that night that he ever called you back?

19 A No, sir.

20 Q Okay. Once you got home, when you've already
21 come home from work, you go inside the house to
22 relax. Did there come a point in time where you came
23 back outside the house?

24 A Yes, I did come back outside.

25 Q Tell the jury why you came back outside?

1 A Just to get a little air after I got out of
2 the shower.

3 Q All right. What did you see when you came
4 outside?

5 A There was nobody out there then. I was
6 standing in the yard. I saw, from my mother's house
7 you can see who comes up and down the street. I saw
8 him a couple of times, but he never called me back.

9 Q Okay. Now, Sam, did you see a fistfight
10 between Brandon Parker and Jonta Green?

11 A No, sir.

12 Q Okay. Did you see Jonta Green and Quantas
13 Green ever come into this yard?

14 A When -- well I was in the house when it all
15 started from what I know. So when I walked outside
16 it was like night so I really didn't see who all was
17 out there. But, yes, they were out there.

18 Q Okay. And when you say it's nighttime, what
19 time do you think it was when you walked outside the
20 house?

21 A Probably about, I don't know, probably about
22 8:30, 9 o'clock, something between there.

23 Q Okay. Now, Sam, did there come a point in
24 time where you realized that Sam -- or Brandon and
25 Jonta were fighting?

1 A After I walked out of the house, I heard a
2 noise. When I heard the noise, my mother usually,
3 anytime anybody gets loud in the yard she usually
4 runs anybody -- or runs everybody, they hang out
5 there. So I figured it was all handled.

6 Q What does run everybody mean?

7 A That means she'll tell, get out, get out of
8 the yard.

9 Q Okay. And you just told me something, you
10 said, I just heard a noise and that's when I came
11 outside. What noise did you hear?

12 A Just a bunch of hollering and hollering and
13 stuff going on. I didn't know. When I walked out
14 the door my mother was already outside so I thought
15 it was already calmed down. I didn't know what was
16 going on.

17 Q Okay. Now, Sam, did there come a point in
18 time where heard -- did you hear a gunshot that
19 night?

20 A Yes.

21 Q Okay. Where were you when you heard the
22 gunshot?

23 A I was across the street.

24 Q Okay. Did you see who caused the gunshot?

25 A No, I didn't see who caused the gunshot.

1 After the first fight, after they said they were
2 fighting, I was -- I looked and I thought it was dead
3 because they left or whatever.

4 So I went back in the house. I heard the,
5 well the gunshot came when he came back looking for
6 his glasses and cane. I found the glasses, but I
7 gave him the glasses. I told Brandon to go sit under
8 the carport and I was just trying to play everything
9 out at the time!

10 Q Okay. Let's back up for a moment because You
11 just said a lot of information.

12 After the first fight happened, and after
13 everything you thought you just said was dead?

14 A Yes.

15 Q Does Jonta and Quantas, do they come back?

16 A Yes, sir.

17 Q Okay. Tell me where you are when they come
18 back in the yard? Where are you standing?

19 Do you want use this pointer? Push this
20 button right here, it will make a little red light,
21 and you can show me where you were when they came
22 back for the second time?

23 A To the house.

24 Q Okay. And what did you say to Brandon?

25 A I told him to go right here. I said, just go

1 right here and everything will calm down.

2 Q Okay. And you just told us as well that you
3 found some glasses and gave them back to Jonta.
4 Where did you find these glasses?

5 A It was on the right of the driveway. It was
6 right over here.

7 Q Right over here?

8 A Yes, sir.

9 Q Did you pick these glasses up and hand them to
10 Jonta?

11 A Yes, sir.

12 Q Where were you when you did that? Where did
13 that exchange happen?

14 A Right, about right here, in this area.

15 Q Okay. After you -- you told us when he came
16 back, you were standing here. You told Brandon to go
17 under the carport. Did you come off the stairs at
18 that point and come down here?

19 A Yes. When I heard the noise erupted again, I
20 came back outside to see what was going on because I
21 asked everybody out there, I was like, what is going
22 on and nobody really knew.

23 Q Okay. After you gave the glasses to Jonta,
24 right around here?

25 A Yes.

1 Q where did he go?

2 A He proceeded up this way towards Brandon. And
3 he told Brandon, oh, you still here. And him and
4 Quantas came up there and they tried -- and they,
5 Brandon, Quantas and Jonta locked up and I was there
6 separating them.

7 And everybody scattered. And after I
8 separated them, everybody scattered. It was like me,
9 Quantas, Jonta and Brandon. And I had Quantas by the
10 waist, and Jonta and Brandon was locked up. And then
11 nobody would help me separate the guys.

12 So all of us eventually got locked up
13 together. And that's when I saw a gun came out. I
14 don't know who, where the gun came from, but
15 everybody -- the gun was in the air like this. And
16 all four of us was intertwined. And after I saw
17 that, I ran.

18 Q Okay. You don't know where the gun came from?

19 A I don't know where the gun came from. I was
20 just up there and it was all four of us locked,
21 intertwined together. So I couldn't get nobody to
22 help me separate them, so I ran over that way.

23 Q Okay. Let's go back a little bit. When you
24 say locked up, are you talking about a fistfight or
25 are you talking about wrestling? What are we talking

1 about here?

2 A Fistfight, wrestling, I mean like locked up.
3 I was trying to break it up. I didn't have anyone to
4 help me. Everybody done scattered.

5 Q All right. What makes you leave and run this
6 way?

7 A When I saw the gun I ran.

8 Q Okay. When you saw a gun you took off?

9 A Yes. After I didn't, after no one was there
10 to help me and I couldn't separate them by myself,
11 then a gun came out and I tried to fight and separate
12 them with the gun out and nobody would help me, I
13 ran. I was in no-man's land.

14 Q Okay. When you were running, where are you
15 going?

16 A This way.

17 Q Which way are you going? This way?

18 A Yes, this way.

19 Q Okay. Did you hear a shot?

20 A I heard a shot.

21 Q Where were you when you heard a shot?

22 A I was like, I had gotten like right over in
23 the neighbor's yard. I heard a shot and I came back.
24 When I came back, Brandon was laying on the ground
25 right here. I didn't know what happened, not

1 exactly, because he was laying on the side of his
2 head.

3 Q Okay.

4 A He was laying down on the side with his head
5 on the ground.

6 Q Okay. Tell me do you see what Jonta does
7 after you come back into the yard?

8 A When I come back into the yard Jonta is over
9 Brandon telling him, come on, you can make it.

10 Q Okay.

11 A And he was trying to get somebody to help him
12 get Brandon in the car. So I went over there and me
13 and him, and I can't remember who it was exactly,
14 that's when we put Brandon in the car and tried to
15 get him to the hospital.

16 But when we picked him up off the ground, I
17 knew he was already dead.

18 Q How did you know that?

19 A Because his brain was hanging out of his head.

20 Q Okay. What did Quantas do after you came
21 back?

22 A After I came back, he left. Jonta told him to
23 go and he was going to stay.

24 Q Okay. How long did it take the police to
25 arrive after all this happened?

1 A It happened in a flash of time. I can't give
2 you an exact time, I would probably say about five to
3 ten minutes.

4 Q Fast?

5 A Yeah, it was fast.

6 Q Okay. Did people actually get Brandon into a
7 car?

8 A Yes.

9 Q Okay. Whose car was it?

10 A It was Andrew's car was right here.

11 Q And what happened after that?

12 A After we got him in the car, by the time we
13 got him in the car that's when police came up.

14 Q Okay. Did you see Jonta having a fistfight
15 with anybody after that?

16 A Yes. Him and Stretch was fighting like right
17 here.

18 Q Okay. What were they doing?

19 A They were just fighting.

20 Q Did they stop once the police arrived?

21 A Police came up and told Stretch he was going
22 to taze him and that's when Jonta disappeared.

23 Q Okay. When you say Jonta disappeared, what
24 happened to him?

25 A I don't know.

1 Q Was he on the scene anymore?

2 A No, he disappeared.

3 Q Okay.

4 MR. MCCOY: Judge, may I have one moment?

5 THE COURT: Uh-hum.

6 Q (By Mr. McCoy) Sam, I have one final question
7 for you. This may be tough for you to remember but
8 let's, we can try to think back and at least ask.
9 Did you have a cell phone back then?

10 A Yes.

11 Q Okay. Do you remember what your phone number
12 was back then?

13 A I think it was .

14 Q .

15 A , I believe.

16 Q ?

17 A Yes. I believe that was it.

18 Q Do you have the same number right now?

19 A No.

20 Q Okay. But you think that's what your number
21 was on September 19, of 2008?

22 A Yes. Or I'm not too sure.

23 Q All right. Let me write that down, too. You
24 said either or what was the other one?

25 A something like that.

1 Q it's around there?

2 A Yes.

3 A All right.

4 MR. MCCOY: Well, Sam I appreciate it. The
5 defense attorney is going to ask you a couple of
6 questions now, okay?

7 THE WITNESS: Yes, sir.

8 MR. MCCOY: Okay, thank you.

9 THE COURT: Mr. Mattson.

10 CROSS-EXAMINATION

11 BY MR. MATTSON:

12 Q How are you doing today?

13 A All right.

14 Q You indicated you basically got home sometime
15 between 4:30 and 5 o'clock?

16 A Yes, sir.

17 Q Okay. You had been working that day?

18 A Yes, sir.

19 Q Okay. You live with your mother?

20 A Yes, sir.

21 Q Okay. And your brother lives with your Mama?

22 A Yes, sir.

23 Q Okay. Where was your brother Terrence, when
24 all this was going on, did you see him? Was he close
25 or away?

1 A He was in the yard at the time.

2 Q Do you recall where he was when Jonta and
3 Brandon were fighting the second time? Did you say
4 locked up? I think that was the term you used.

5 A Yes. He was under the carport.

6 Q You think he was under the carport?

7 A He was under the carport. Everybody ran in
8 different directions and he was under the carport.

9 Q Okay. Do you know where Stretch was?

10 A I believe he was the under carport, too.

11 Q But you did see Jonta that day at the Amoco
12 station?

13 A Yes, sir.

14 Q Where is that Amoco? Is that on 17?

15 A On 17, across the street from Krispy Kreme.

16 Q Okay.

17 A It's called BP now. We still call it the
18 Amoco.

19 Q Okay. And right on the corner out there --
20 hold on, let me get the name of the street. Make
21 sure I get the right street. Drive
22 goes into Highway 17 in a little shopping plaza; is
23 that right?

24 A Drive, no. Wantoot.

25 Q That's right, that's right, I got it now.

1 Wantoot goes into it.

2 And there is a little sports bar at that --

3 A George's.

4 Q What's the name of it?

5 A George's Bar and Grill.

6 Q Johnny's?

7 A George's.

8 Q George's Bar and Grill. Thank you.

9 A Yes, sir.

10 Q You indicated that after the shot you had
11 Jonta standing over Brandon saying something?

12 A Yes. He was telling him, you can make it.

13 Q You can make it?

14 A Yes. Come on, you can make it.

15 Q Okay. And did Jonta try to help put Brandon
16 in the car?

17 A Yes, me and him. Him and another person put
18 forth the effort.

19 Q Did Jonta try to pick up Brandon?

20 A Yes, sir.

21 Q By himself?

22 A No. I helped him.

23 Q You were helping him?

24 A Yes. I helped him try to get him to try and
25 take him to the hospital.

1 Q Because Jonta only had one arm and needed some
2 help? In other words, Jonta's only got one arm so it
3 would be hard for him to pick somebody up by himself,
4 is that?

5 A Yes. He got one arm, as you say. It would be
6 kind of hard for him to pick somebody.

7 Q Yeah. So that's why the two of you were
8 helping him put Brandon's body into Andrew's
9 automobile?

10 A Yes, sir.

11 Q Okay.

12 A But a person with two arms couldn't pick up
13 dead weight like that.

14 Q Yeah, I know.

15 A So it would require help.

16 Q Yeah. And after you all got Brandon's body in
17 the car, do you recall Jonta got in the automobile
18 with him or?

19 A No. After we got his body in the car we was
20 just trying to find somebody to drive the car.

21 Q Okay.

22 A The driver was just walking up at the time.

23 Q The driver was what? Walking up at the time?

24 A It was blocked.

25 Q Blocked?

1 A Yes. With a car in the driveway.

2 Q Okay. Whose car was that?

3 A It was Jonta's car.

4 Q The one Jonta came in?

5 A Yes.

6 Q Okay. And then Quantas, Jonta told Quantas to
7 go ahead and leave?

8 A Yes. He told him to go ahead and leave. He
9 was going to stay and try to help.

10 Q And Jonta said he was going to stay and try to
11 help?

12 A Yes, sir.

13 Q Okay. Then after Quantas pulled off in the
14 car, did Jonta ever get into the car with -- in
15 Andrew's automobile?

16 A No.

17 Q Hum?

18 A No.

19 Q No. Okay. And who was in the car with
20 Brandon?

21 A No one. I believe we was trying to get
22 somebody to drive the car.

23 Q Okay. And did anybody ever get in the car to
24 try to drive it that you are aware of?

25 I know a lot's going on, a lot of excitement.

1 A It happened so fast. By the time we was about
2 to pull out to try to take him to the hospital, the
3 police rolled up and they blocked the driveway.

4 Q Okay.

5 A So there was no movement. It wasn't possible.

6 Q And that's when you saw Stretch and Jonta
7 fighting?

8 A Yes.

9 Q Right by the car?

10 A In the middle of the yard.

11 Q Okay. And during that period of time, you
12 heard an officer threaten to taze them?

13 A No. He offered to taze Stretch.

14 Q He did taze him?

15 A No. He didn't get a chance because they
16 separated.

17 Q They separated, and that was the last time you
18 saw Jonta that evening, right?

19 A Yes.

20 Q Okay. You didn't see who produced the pistol?

21 A No. Didn't see who produced the pistol.

22 Q Okay. You say they were locked up and
23 wrestling and you saw a pistol in the air?

24 A We were locked up and wrestling and I saw a
25 pistol in the air. I was trying to separate them by

1 myself.

2 Q Right. You couldn't get any help?

3 A No.

4 Q Okay. And when you saw the pistol in the air,
5 did it appear to Jonta and -- you didn't have a
6 pistol in your hand?

7 A No, sir.

8 Q Okay. The only reason I wanted to ask that
9 question, I'm not trying to accuse you of anything at
10 all, but the three people who were there then were
11 you, Jonta and Brandon?

12 A And Quantas.

13 Q And Quantas, okay.

14 A Yes. Four.

15 Q And you saw the pistol in the air?

16 A Yes.

17 Q Could you tell who had the pistol?

18 A I couldn't tell who had the pistol.

19 Q Couldn't tell?

20 A No, sir.

21 Q Several -- more than one hand on it?

22 A Yes, sir.

23 Q Everybody who was scrambling for it?

24 A At the time, when it was pulling, pointed
25 toward the sky.

1 Q And so you unlocked yourself and got out of
2 the way, right?

3 A Yes, sir.

4 Q Okay.

5 A When I left it was still in the sky.

6 Q It was still in the sky, okay. Do you recall
7 about what time it was?

8 A It was dark.

9 Q Dark. Somewhere between 8:30, 9 o'clock?
10 I think that's what you said earlier, it was dark?

11 A I guess it was about 8:30 or 9 o'clock.

12 Q Okay. And was anybody outside drinking when
13 you were there?

14 A I don't know what they were doing.

15 Q Okay. You weren't hanging outside really, you
16 just kind of went outside and went back in the house
17 and then came outside again, correct?

18 A Yes, sir.

19 Q Okay. And you found the glasses.

20 A Yes.

21 Q And you found the broken walking stick?

22 A No, I didn't find that. The police found that
23 in the yard.

24 Q Okay. Did Jonta tell you he was looking for
25 his glasses and the walking stick?

1 A After I heard the noise, I walked back out the
2 door. My mother asked him, why did you come back?
3 And he said he came back to get the cane and the
4 stick -- I mean the cane and the glasses.

5 Q Right.

6 A And I figured after I helped him find the cane
7 and glasses everything would die down. I found the
8 glasses but I didn't find the cane.

9 Q Okay. Did he apologize to your mamma for
10 creating the disturbance the first time?

11 A Somewhat.

12 Q Okay. And he -- did you make a statement to
13 the police?

14 A No, I never made a statement. After the
15 situation, and what I went through that night, I just
16 was like shocked that I just --

17 Q Too upset?

18 A Yes.

19 Q Okay. Did you make a statement to anybody?

20 A No.

21 Q Okay. Did you ever make a statement? Did you
22 ever talk to anybody at the solicitor's office?

23 A Yes. After I got subpoenaed, I was the last
24 person to get subpoenaed.

25 Q Okay. When did you get the subpoena?

1 A I don't know.

2 Q That was to come to court today?

3 A No, it was before then.

4 Q What did the subpoena direct that you do?

5 A To come to the solicitor's office.

6 Q The subpoena was for you to come to the
7 solicitor's office?

8 A Yes, sir.

9 Q Okay. When you got that subpoena did you go
10 by there?

11 A Yes, sir.

12 Q And you talked to them?

13 A Yes, sir.

14 Q Okay. Anybody tape record that statement?

15 A No, sir.

16 Q Okay.

17 A Not to my knowledge. You have to ask them.

18 Q Okay. Do you recall approximately when you
19 got the subpoena to appear in the solicitor's office?

20 A It has been awhile now.

21 Q Before Christmas, after Thanksgiving, after
22 New Years, after Easter?

23 A It has been a while.

24 Q Okay.

25 A If you want me to get specific, I can bring

1 you the paper.

2 Q Yeah. I really would like to see those, if
3 you don't mind.

4 MR. MATTSON: I have no further questions.

5 THE COURT: Any redirect?

6 MR. MCCOY: No, ma'am.

7 THE COURT: Any objection to the witness being
8 excused from the state?

9 MR. MCCOY: No, ma'am.

10 THE COURT: From the defense?

11 MR. MATTSON: No, ma'am.

12 THE COURT: Sir, you are excused.
13 call your next witness.

14 MR. DURANT: Thank you, Your Honor.
15 state calls Andrew Rivers.

16 MR. ANDREW RIVERS,
17 after being duly sworn to state the truth, the whole
18 truth and nothing but the truth, testified on his
19 oath as follows:

20 THE COURT: You may proceed.

21 DIRECT EXAMINATION

22 BY MR. DURANT:

23 Q Andrew, how old are you?

24 A 28.

25 Q Are you employed?

1 A Yes, sir.

2 Q Where?

3 A World Market.

4 Q How long have you employed there?

5 A Almost five years.

6 Q Did you grow up in Charleston?

7 A Yeah.

8 Q How far did you go in school?

9 A To the 11th grade.

10 Q Then what did you do after that? Any other
11 schooling?

12 A I went and got my GED.

13 Q You have been working at World Market ever
14 since?

15 A Uh-hum.

16 THE COURT: Sir, please say yes or no.

17 A Yes, sir.

18 MR. DURANT: The court reporter needs to take
19 it down.

20 THE COURT: Yes. She can't take down uh-hum.

21 THE WITNESS: All right.

22 THE COURT: Thank you.

23 Q (By Mr. Durant) Thank you, sir.

24 Let me ask you about some folks here. Do you
25 know Brandon Parker?

1 A Yes.

2 Q How do you know Brandon Parker?

3 A I used to go to school with him and he is a
4 friend of mine.

5 Q How long have you known him?

6 A Probably since I was like 13 or something.

7 Q Was he a good friend of yours?

8 A Yes, sir.

9 Q What about Terrence Crawford, do you know him?

10 A Yes, sir.

11 Q Is he a friend of yours?

12 A Yes, sir.

13 Q How long have you known Terrence?

14 A My whole life.

15 Q You grew up with him?

16 A Yeah. We used to play basketball.

17 Q What about Terrence's brother Sam, do you know
18 Sam?

19 A Yes, sir.

20 Q And how do you know Sam?

21 A Because that's Terrence's brother.

22 Q So you've known him about the same amount of
23 time?

24 A Yes, sir.

25 Q So does that mean you know Mrs. Crawford as

1 well?

2 A Yes, sir.

3 Q And you've known her about the same amount of
4 time too?

5 A Yes, sir.

6 Q What about Carlton Stretch, do you know Carlton
7 Stretch?

8 A Yes, sir.

9 Q How do you know Carlton Stretch?

10 A I used to go to school with him and we are
11 from the same neighborhood.

12 Q Is he a friend of yours?

13 A Yes, sir.

14 Q And how long have you known him?

15 A Probably since middle school.

16 Q And Carlos Chisholm, do you know Carlos
17 Chisholm?

18 A Yes, sir.

19 Q About how long have you known him?

20 A My whole life.

21 Q Is he a friend of yours?

22 A Yes, sir.

23 Q Now what about Jonta Green, do you know Jonta
24 Green?

25 A Yes, sir.

1 Q How long have you known Jonta Green?

2 A I don't really like know him like that, you
3 know what I mean, I just know him from around the way
4 probably about a couple years or so.

5 Q Well if you would, just explain what knowing
6 him from around the way means. How do you know him?

7 A If I'm coming around, you know, people talking
8 and saying you know, you know how the word spread
9 when people are talking or whatever, you know, I know
10 him like from word of mouth and from like seeing him,
11 you know.

12 Q Would you consider him a friend?

13 A No.

14 Q Would you consider him an enemy?

15 A Yeah.

16 Q Now?

17 A Yep.

18 Q What about before September the 19th of 2008,
19 was he an enemy of yours at that time?

20 A No. He was just a regular person.

21 Q Did you have any problems with him before
22 September 19 of 2008?

23 A Nope.

24 Q Never had an altercation with him before?

25 A Nope.

1 Q What about his brother, Quantas? Had you ever
2 known Quantas Green?

3 A I never knew him, but I knew of him.

4 Q Was he friend of yours at that time?

5 A Nope.

6 Q Was he an enemy of yours at that time?

7 A Nope.

8 Q Did you have any problems with Quantas Green
9 before September 19, 2008?

10 A Nope.

11 Q Now do you remember that date, September 19,
12 2008?

13 A Yeah.

14 Q And why do you remember that date?

15 A That was the day Brandon Parker was killed.

16 Q Were you around when Brandon Parker was
17 killed?

18 A Yes, sir.

19 Q Where were you?

20 A In Ms. Crawford's yard.

21 Q Showing you a diagram we have been using,

22 MR. DURANT: Your Honor, with your permission,
23 can I have the witness come down and demonstrate with
24 this diagram?

25 THE COURT: He may.

1 MR. DURANT: Thank you.

2 Q (By Mr. Durant) Andrew, you come down here. I
3 want you to kind of stand to the side so the jury can
4 see this. I'm going to ask you a few questions. I
5 want you stand to the side and I want you to use this
6 pointer.

7 Now do you recognize this diagram?

8 A Uh-hum.

9 Q And what does this depict?

10 A This is Ms. Crawford's yard.

11 Q About what time did you come to Ms. Crawford's
12 yard on Friday, September 19th?

13 A Probably around 6 o'clock.

14 Q How did you get there?

15 A I drove.

16 Q And what did you drive?

17 A An Oldsmobile '98.

18 Q Where did you park when you came to the house?

19 A I parked right there. That's my car.

20 Q Who was there when you arrived?

21 A It was Terrence and Carlos was there.

22 Q And those are the only people who were outside
23 when you arrived?

24 A When I arrived, that's all.

25 Q Do you know what Carlos drives?

1 A It's a pickup truck.

2 Q Was his pickup truck there when you got there?

3 A Yeah. His truck's right there.

4 Q Do you know whose vehicle this was?

5 A That's Terrence's.

6 Q After you got there, and Carlos and Terrence
7 are there, did anybody else come to the house?

8 A Yeah. Carlton and Brandon.

9 Q And how did they arrive?

10 A Drove.

11 Q You are going to need to talk up, she is
12 struggling a little bit to hear you.

13 A Drove.

14 Q So Carlton and Brandon came and they drove?

15 A Uh-hum.

16 Q And what happened when they got there? What
17 were you all doing?

18 A Just hanging out, you know, drinking. I had
19 like a beer.

20 Q Were you over the age of 21?

21 A Yeah.

22 Q At that time?

23 A Yes, sir.

24 Q Are you aware of whether anybody was under the
25 age of 21?

1 A Nobody was underage.

2 Q And this was a Friday afternoon?

3 A I can't remember exactly what day it was.

4 Q So tell us who all, right now, is hanging out
5 in the driveway?

6 A Me, Carlton, Carlos, Brandon and Terrence.

7 Q And you all are just hanging out?

8 A Uh-hum.

9 Q Now did there come a time when anybody else
10 came to the house?

11 A Over there, Jonta pulled up.

12 Q Was he with anybody?

13 A He was with his brother, Quantas.

14 Q Where did he pull up?

15 A Right in the driveway, right there.

16 Q Did he pull into the driveway?

17 A Pulled in the driveway right here by the
18 truck.

19 Q Andrew, I need you to talk up. I know it's
20 hard over there but she's got to take down all this
21 information.

22 Q What happened when Jonta pulled up?

23 A He got out of the car. And Carlos was leaning
24 on the back of the truck right there. And I guess he
25 had some shoes for sale or whatever.

1 So he had to tell Carlos to come to the back
2 of his truck, you know, to show him the shoes or
3 whatever.

4 Q Jonta had shoes for sale?

5 A Yeah, in the trunk. So Carlos walked to the
6 back of the trunk for them to look at the shoes. And
7 he walked back up and like started to give us
8 handshakes or whatever.

9 Q Did you give Jonta a handshake?

10 A Everybody got a handshake then, right when the
11 time he came to leave.

12 And between that time, you know, it was like
13 some words said, you know. But I wasn't really
14 thinking about them, you know what I mean, because we
15 was just chilling out having a good time or
16 whatever.

17 And then, like right before he came to me, you
18 know, he was looking at Brandon was right there with
19 Carlos on the back of the truck, you know, he like
20 was saying, some couple of words was exchanged. I
21 cannot remember what it was, but.

22 Q Who was exchanging these words?

23 A Brandon and Jonta. Right before Jonta
24 extended his hand, you know, looking back like
25 talking to Brandon or whatever, that's when Brandon

1 had hit him.

2 Q Do you know what the demeanor of these words
3 were like?

4 A I can't remember exactly what he said. All I
5 know is, you know, like fighting words, you know.

6 Q They weren't friendly words?

7 A No, sir.

8 Q And then you said that Brandon hit Jonta?

9 A Yes, sir.

10 Q And what happened at this point? Where did
11 Brandon hit Jonta?

12 A This car right there was parked like straight
13 towards this bush right here.

14 Q That's your car?

15 A Yeah, that's my car. I was standing right
16 here on the back-hand side, the back driver door.
17 And it happened like between those cars right there.

18 Q Now what's the reaction from the people who
19 were out there once they begin to fight?

20 A We didn't know what was going on. We were
21 just letting them fight, you know.

22 Q Was anybody trying to break it up?

23 A No. Because, you know, you could tell it was
24 personal so that's what we do, we let them fight
25 one-on-one, you know.

1 Q Now was anybody -- did anybody appear to get
2 the better of the other person?

3 A No.

4 Q Did it appear that this was an equal fight?

5 A It didn't appear that it was an equal fight,
6 you know.

7 Q Well explain that. How did it not appear?

8 A Like, if you got one arm or whatever, you know
9 what I mean, you know that one arm is going to be
10 real strong, you know.

11 Q Well I suppose that's true. Was anybody
12 getting the worst of it?

13 A No.

14 Q And there is no question that Jonta Green has
15 one arm, right?

16 A Uh-hum,

17 Q How long does this fight go on?

18 A Probably like, probably like a minute, minute
19 and a half, something like that.

20 Q So a rather short fight?

21 A Yeah. But, you know, it seemed long, you
22 know.

23 Q Well did it eventually get broken up?

24 A Uh-hum.

25 Q And why is that?

1 A Because Quantas Green got out of the car and
2 tried to jump Brandon, you know.

3 Q Tell us about that. What did Quantas do?

4 A Quantas got out of the car with his cane. He
5 walked over. By this time, the fight had traveled
6 from right there to over here.

7 Quantas had got out of the car or whatever,
8 you know. And he started, he had the cane, the cane
9 he was walking with. He started swinging it at the
10 vehicle and that's when everybody jumped in to try to
11 break it up, you know, like.

12 Q Was it eventually broken up?

13 A Yeah. It was broken up.

14 Q What about Ms. Crawford? Is she out there at
15 the time?

16 A I can't remember.

17 Q Do you recall whether she ever came outside?

18 A Yeah, she came outside.

19 Q When do you recall that she came outside?

20 A When Jonta left and came back, and she was at
21 the head of the driveway right there and we were
22 trying to stop him from coming back in the yard.

23 Q Well let's back up. You said Jonta left?

24 A Uh-hum.

25 Q How did he leave?

1 A He left walking, storming back to his car. He
2 hopped in the driver car, backed out. Lot of stuff
3 happened. As a matter of fact, when them boys backed
4 up, them boys tried to hit Brandon.

5 Them boys, and right here, when them boys
6 pulled up in the yard they backed out this way so
7 that they could go this way. And them boys are like,
8 hit Brandon, let's hit this thing, let's hit this
9 thing. They tried to hit Brandon with the car. And
10 we are trying to get Brandon out of the way. So when
11 they pulled off, then that's when them boys come
12 back.

13 Q Okay. Which way did they go when they left?

14 A They went this way.

15 Q Which way did they come from when they came
16 back?

17 A That way, right there.

18 Q And did they park the car?

19 A They stopped in the middle of the street.

20 Q Who was driving when they came back?

21 A Quantas was driving when they came back.

22 Q And what happens when they park the car?

23 A They didn't park the car, it was running.

24 Quantas stopped right there in the middle of the
25 street. He came in the yard. And that's when Ms.

1 Crawford and them were right there in the driveway
2 and they tried to stop him from coming in the yard.

3 He said, he had to come to look for some
4 shades he dropped or something. I don't know.

5 Q Now in the previous fight, besides the cane,
6 did you see a weapon in anybody's hand?

7 A Not in nobody's hand.

8 Q Did you see a gun in anybody's hand?

9 A Uh-uh.

10 Q Did you have a gun?

11 A Uh-uh.

12 Q Did Brandon have a gun?

13 A Uh-uh.

14 Q Now what about when Jonta Green came back.

15 Did you see a weapon in anybody's hand at that time?

16 A Nope. I saw a gun in Jonta's waist, though.

17 Q Where did you see a gun in Jonta's waist?

18 A In the front.

19 Q Would you just kind of demonstrate on yourself
20 where you saw this gun?

21 A He had the gun right here in his shirt behind,
22 the gun was showing.

23 Q What were the lighting conditions out there
24 like at that time?

25 A Well the sun was going down, you know.

1 Q Was it night or light?

2 A Getting dark.

3 Q But you saw the gun in his waistband?

4 A Uh-hum.

5 Q And what did this gun appear to look like to
6 you?

7 A Well it appeared to be a chrome gun, you know.

8 Q So what happens once he gets out of the car
9 with this gun in his waistband?

10 A He came in the yard and he said he was looking
11 for some shades or something. So he went over, I
12 stood back and I helped him, trying to block him and
13 separate him from Brandon or whatever.

14 But I don't really know where Brandon was at
15 in the yard so I was just helping him look for his
16 shades. And I think Brandon was under -- as a matter
17 of fact Brandon was under the carport.

18 Terrence was holding Brandon back trying to
19 hide him from him. And so when he gave Brandon what
20 it already was or whatever, somehow they bumped into
21 each other again and started fighting again.

22 Q Well where did they bump into each other, do
23 you know?

24 A Yeah. Right up here. Right at the end of the
25 carport.

1 Q Now when Jonta got out of car down here, how
2 quickly does he walk up the driveway?

3 A It looked like he was looking for his shades
4 or whatever, probably, like not that quick until he
5 see Brandon.

6 Q What happened when he saw Brandon?

7 A He's going toward Brandon and start fighting
8 again.

9 Q He went towards Brandon?

10 A Uh-hum.

11 Q Where was Quantas?

12 A I don't know exactly where he was. He
13 probably still was in the car, but I don't know.

14 Q Where were you?

15 A Probably, as a matter of fact I was right up
16 in this area right here.

17 Q Did you see them go at it again?

18 A Uh-hum.

19 Q And what happens when they are going at it?

20 A Probably fought for like probably like 30
21 seconds and Jonta pulled a gun out, hit Brandon in
22 the head with it, and hit him again and that's when
23 the gun gone off. That's what I saw.

24 Q Did you see the gun go off?

25 A Yep.

1 Q whose hand was it in when the gun went off?

2 A Jonta.

3 Q Did you ever see the gun in Brandon's hand?

4 A No.

5 Q Did you see Jonta pull the gun out?

6 A Yep.

7 Q Did you see Jonta hit Brandon with the gun?

8 A Yep.

9 Q And after the gun went off, where were you?

10 A I was probably like on this side right here.

11 Q If you know, where was Carlton Stretch?

12 A I don't know.

13 Q If you know, where was Carlos Chisholm?

14 A I don't know.

15 Q You need to stand back a little bit and let
16 all the jurors just kind of see this if you can.

17 If you can demonstrate again, where were you
18 when the gun went off?

19 A I would say right there.

20 Q And where was the gun when it went off?

21 A Probably this area here.

22 Q Where was Carlos Chisholm when the gun went
23 off?

24 A I don't know.

25 Q Where was Terrence when the gun went off?

1 A Terrence was inside.

2 THE COURT: Sir, please repeat the answer, it
3 was muffled.

4 A He was inside his car.

5 Q (By Mr. Durant) Where was Sam when the gun
6 went off?

7 A I don't know.

8 Q What about Mrs. Crawford, do you know where
9 she was?

10 A I'm pretty sure she was outside, but I don't
11 know where she was.

12 Q What happened after the gun went off?

13 A Everybody was shook, you know, like. Nothing
14 really happened after the gun went off.

15 Jonta, he stood over Brandon and saying
16 something. I can't remember exactly what he said,
17 but like, I mean all I know is he like, he was like,
18 glad he did that, you know what I mean. Like but, it
19 was just like he was standing over him like saying
20 the same old things, you know. Like basically, you
21 know, he glad he did that, you know.

22 Q Why don't you resume your seat on the witness
23 stand. Let's talk about what happened after the
24 shot. After the shot, where was Brandon?

25 A On the ground.

1 Q Was he moving?

2 A No, sir.

3 Q What did you do?

4 A I stood there in shock for awhile. Then after
5 everybody started moving and running, that's when I
6 had to, you know, I had to snap out of it. And I
7 went over there and tried to help him, you know.

8 Q Who was doing -- who was helping?

9 A I know Jonta still was standing right there,
10 you know. But I was like, too, like, no, I don't
11 like to go by him, you know, with that gun and all
12 this and all this stuff going on or whatever, you
13 know.

14 But we gone over there and helping him, me,
15 and I think a matter of fact Carlos, too, we were
16 helping him get in my car.

17 Q Whose car?

18 A My car.

19 Q What was --

20 A Oldsmobile '98.

21 Q What was the plan?

22 A Was to get him to the hospital.

23 Q Did Jonta help try to get him in the car?

24 A He was saying, help, let's get him in the car,
25 whatever, you know.

1 Q Did you see what happened to the gun?

2 A No.

3 Q You don't know where it went?

4 A Uh-uh.

5 Q Were you able to take Brandon to the hospital?

6 A No, sir.

7 Q Why not?

8 A Well I wasn't the one driving my car anyway.

9 Q Who was?

10 A Carlos was driving my car.

11 Q Were they able to leave the yard?

12 A No, sir.

13 Q Why not?

14 A Because the city police came and pulled up and
15 stuff.

16 Q Did anything happen once the police got there?

17 A Yeah. When they got there, you know, they
18 came to the car or whatever. And really I don't even
19 know what happened at that point when the police
20 came.

21 Q Well did you stay around?

22 A Yeah, I stayed around.

23 Q Do you know if Jonta Green stayed at the
24 scene?

25 A Uh-hum.

1 Q He was there?

2 A Yeah.

3 Q Did you talk to the police that night?

4 A Yeah.

5 Q Did you provide them with a written statement?

6 A Yes, sir.

7 Q Did you tell them what you knew?

8 A Uh-hum.

9 Q Did you tell them that you knew who did the
10 shooting?

11 A No.

12 Q Why not?

13 A Because I didn't really get that much
14 information and all this stuff going on that night.
15 You know, too much running through my mind so I
16 couldn't really say anything like that.

17 Q What did you tell the police that night?

18 A Everything that happened.

19 Q Except for?

20 A Me knowing Jonta.

21 Q Were you provided with a photo lineup?

22 A Yes, sir.

23 Q That contained Jonta's picture, right?

24 A Uh-hum.

25 Q And you didn't pick him out?

1 A No, sir.

2 Q And why didn't you do that?

3 A Because I have been scared, you know. I
4 thought, you know, my life would have been in
5 jeopardy for that, you know what I mean? That's how
6 I was looking at it.

7 Q Why did you eventually decide to tell the
8 authorities that it was Jonta who did the shooting?

9 A I don't know. Brandon was my friend, you
10 know. And -- and you got to do what's right, you
11 know.

12 MR. DURANT: Thank you. Please answer any
13 questions the defense may have.

14 THE COURT: Mr. Mattson?

15 MR. MATTSON: Thank you.

16 THE COURT: You're welcome.

17 CROSS-EXAMINATION

18 BY MR. MATTSON:

19 A You said that Brandon was your friend?

20 A Yes, sir.

21 Q You had known him for over 15 years?

22 A No, I knew him since middle school.

23 Q Okay. When would that fall in time? When did
24 you finish middle school?

25 A I cannot remember them days like that.

1 Q But you knew him for awhile?

2 A Yeah.

3 Q Okay. Now you indicated that you now consider
4 Jonta your enemy, right?

5 A Yes, sir.

6 Q Okay. Now before that incident in September,
7 you didn't consider Jonta your friend or your enemy,
8 he was just someone you knew, right?

9 A I never really know him like that, but I knew
10 of him.

11 Q Okay. You weren't afraid of him at that time,
12 were you?

13 A No.

14 Q Okay. But after this happened, you were
15 afraid for your life to tell the police what
16 happened?

17 A No, I told them what happened.

18 Q Who did you talk to the first time when you
19 told them you didn't -- only thing you knew was it
20 was somebody with dreads?

21 A That was the city police department.

22 Q Okay. And you say you did that because you
23 were afraid for your life?

24 A Did what?

25 Q. Told them, didn't identify Jonta because you

1 were afraid for your life?

2 A Yes, sir.

3 Q Did you see Jonta and Brandon struggling over
4 the gun?

5 A There ain't no struggle over no gun.

6 Q Okay. No struggling over the gun. Where were
7 you standing?

8 A At what point?

9 Q When the gun came out, where were you
10 standing?

11 A Up in this area right here.

12 Q And where was Jonta and Brandon?

13 A Up in this area right here.

14 Q And where was Samuel Chisholm?

15 A Samuel Crawford?

16 Q Crawford, excuse me.

17 A I don't know where he was.

18 Q Okay. And how was the lighting outside at
19 that time?

20 A It was getting dark.

21 Q It was getting dark?

22 A Uh-hum.

23 Q And you know what color chrome is, right?
24 Bright and shiny?

25 A Uh-hum.

1 Q Is that a yes or no?

2 A Yes, sir.

3 Q And you are not colorblind?

4 A No, sir.

5 Q And you can tell the difference between
6 something that is silver and shiny and something
7 that's black?

8 A I say it was night, you know. So I'm not
9 really too sure if it was chrome or black, you know.
10 But it looked chrome.

11 Q If it was black, you would have had a harder
12 time seeing it, right?

13 A Nope.

14 Q No, okay. You can see something shiny in the
15 dark as well as you can see something that's black?

16 A The way he had this gun, he had his shirt
17 behind this gun so it was like clear, you know, you
18 could clearly see it.

19 Q So you could clearly see this black gun that
20 you said was chrome?

21 A (No response.)

22 Q It was your vehicle they were going to put
23 Brandon in, right?

24 A Yes, sir.

25 Q Where was the marijuana found?

1 A Probably in my glove box.

2 Q Oh. You are over 18 so, but is there an age
3 limit for possession of marijuana?

4 A I don't know.

5 Q You don't know. Is possession of marijuana
6 legal?

7 A No.

8 Q And on top of that, you had a scale in your
9 pocket, didn't you?

10 A No, it was not in my pocket.

11 Q Where was it?

12 A In the glove box.

13 Q And what do you use the scale for?

14 A To make sure, you know, I get what I pay for.

15 Q Or make sure what you sell?

16 A I don't sell anything, sir.

17 Q You don't sell anything?

18 A Nope.

19 Q Okay. And you also had a Crown Royal bag,
20 right?

21 A Yes, sir.

22 Q And you had been drinking some that night?

23 A Yeah, I had a beer. Uh-hum.

24 Q Just one?

25 A Probably had two.

1 Q Two beers enough for you to turn a black gun
2 silver?

3 A I don't know. It appeared to be chrome, you
4 know.

5 Q Uh-hum. Did the police take your marijuana?

6 A They took the car.

7 Q They took the car?

8 A Uh-hum.

9 Q And then, because they took the car, they got
10 you for marijuana, right?

11 A I don't know.

12 Q You ever get charged with possession of
13 marijuana?

14 A No, sir.

15 Q Ever get charged with possession of drug
16 paraphernalia for having the scale?

17 A No, sir.

18 Q And you indicated that you saw Jonta hitting
19 Brandon with the pistol when the pistol went off?

20 A Yeah. That's what it looked like because I
21 was standing in front a little distance, so.

22 Q Okay. That's what it looked like?

23 A Yes, sir.

24 Q Okay. And the black pistol looked like it was
25 chrome?

1 A I still don't really know what color the
2 pistol was, sir.

3 Q But you said in your statement it was chrome?

4 A Yeah. It appeared to be chrome, you know.

5 Q Does that look chrome?

6 A Nope.

7 Q Thank you. And the police officer asked you
8 directly in your statement I believe, did you
9 recognize the subject that shot Brandon?

10 A Yeah. They asked me.

11 Q That's what you were asked, right?

12 A Uh-hum.

13 Q Did the police officer ask you if you knew who
14 shot Brandon when you first gave him the statement?

15 A Yes, sir.

16 Q And you knew it was Jonta?

17 A Yes, sir.

18 Q But you told him it was somebody who had
19 dreads?

20 A Yes, sir.

21 Q So you lied to the police officer?

22 A Yeah. Because I didn't want to lose my life
23 out there, man. There's much more to it than that,
24 you know.

25 Q But you lied to the police officer?

1 A Yeah. I was scared.

2 Q Did you get arrested for making a false
3 statement to the police officer in the investigation
4 of a crime?

5 A Nope.

6 Q Still smoke pot?

7 A Yes, sir.

8 Q Still got a scale?

9 A No, sir.

10 Q You didn't replace the scale?

11 A They took it.

12 Q I said, you /didn't replace it?

13 A Oh, no.

14 Q Well how do you know they're not cheating you
15 when you buy pot if you don't have a scale?

16 A Uh-uh.

17 Q It has been almost a year and a half and you
18 are still buying pot and you don't have a scale,
19 right?

20 A Yes, sir.

21 MR. MATTSON: I have no further questions.

22 THE COURT: Any redirect?

23 MR. DURANT: No questions, Your Honor. Thank
24 you.

25 THE COURT: Any objection to the witness being

1 excused from the State?

2 MR. DURANT: For now, but subject to
3 rebuttal, Your Honor.

4 THE COURT: From the defense?

5 MR. MATTSON: At this time none, Your Honor.

6 THE COURT: Sir, you are excused subject to
7 being recalled. You may step down.

8 Madam Forelady, ladies and gentlemen, I'm
9 going to give you a brief morning recess to use the
10 restroom. During this break, please do not discuss
11 the case among yourselves. Please leave your
12 notepads in your seats. We will be out about ten
13 minutes.

14 (Whereupon, the jurors exit the courtroom.)

15 THE COURT: You may be seated. We will be at
16 ease for ten minutes.

17 Who are next series of State's witness?

18 MR. DURANT: State will call Carlton Stretch
19 and Carlos Chisholm.

20 THE COURT: And who else?

21 MR. DURANT: We can call Detective Fleming if
22 we need to before lunch.

23 THE COURT: I would imagine those witnesses
24 are not going to take us to 1 o'clock, are they?
25 They're all saying the same thing which is what they

1 saw.

2 MR. DURANT: I wouldn't think so. We could
3 probably get into Detective Fleming's testimony.

4 And just for planning purposes, what time did
5 we plan on coming back from lunch so I can?

6 THE COURT: Got to figure it out, depends on
7 how fast you all go forward. That's going to tell me
8 when I break for lunch.

9 MR. DURANT: Your Honor, I just want to bring
10 to the attention of the Court, and I've already told
11 Mr. Mattson this morning. Our gunshot residue
12 expert from SLED, Ila Simmons, her mother. -- it's
13 either her mother or father just passed away
14 yesterday.

15 THE COURT: Oh, my.

16 MR. DURANT: She's testifying, my
17 understanding is, in Sumpter in a trial I believe
18 this morning.

19 THE COURT: Uh-hum.

20 MR. Durant: So I plan on calling her
21 hopefully tomorrow, but.

22 THE COURT: You might want to have her get
23 here today. Sumpter is only an hour and 45 minutes.
24 I would imagine tomorrow she is going to be dealing
25 with her family matters. I would be.

1 MR. DURANT: We will try and get her this
2 afternoon.

3 THE COURT: You might want to talk to her and
4 see what her preference is. But if my mother or
5 father had died, I would not be coming here tomorrow.

6 MR. DURANT: All right. I understand that.

7 THE COURT: She's going to be dealing with her
8 family tomorrow. You might want to have a talk with
9 her and find out what her plans are.

10 MR. MATTSON: This is an unlucky case.

11 THE COURT: Yes. We need to accommodate her.

12 MR. MATTSON: Definitely.

13 (Whereupon, a recess was taken.)

14 MR. DURANT: I just spoke with Agent Simmons
15 at SLED. It's more agreeable for her to come testify
16 in the morning, first thing.

17 THE COURT: That's fine.

18 Ready to proceed? Please bring in the jury.

19 THE COURT: Who's the State's next witness?

20 MR. DURANT: Carlton Stretch, Your Honor.

21 (Whereupon, the jurors enter the courtroom.)

22 THE COURT: You may be seated. Ladies and
23 gentlemen, we will now resume testimony.

24 Call your next witness.

25 MR. DURANT: Thank you, Your Honor. The State

1 calls Carlton Stretch.

2 THE COURT: Sir, if you will come forward to
3 be sworn.

4 MR. CARLTON EDWARD STRETCH,
5 after having first been duly sworn to state the
6 truth, the whole truth and nothing but the truth,
7 testified on his oath as follows:

8 THE COURT: You may proceed.

9 DIRECT EXAMINATION

10 BY MR. DURANT:

11 Q Mr. Stretch, how old are you?

12 A 27.

13 Q What do you go by?

14 A Stretch.

15 Q Just go by Stretch?

16 A Uh-hum.

17 Q Did you have any brothers or sisters?

18 A Yeah. I got a little brother and a little
19 sister with my mom. And with my daddy, I got six
20 brothers, seven sisters.

21 Q Are you currently employed?

22 A No, sir, not right now.

23 Q You are not doing any kind of work?

24 A No, I was a temporary worker, but my temporary
25 job is over.

1 Q What was that?

2 A I was doing carpentry work.

3 Q What is your education?

4 A I dropped out in the 10th grade, but I went
5 back to Tech to get a basic construction trade.

6 Q To get what?

7 A A basic construction trade.

8 Q Is that a GED?

9 A No. That's a trade certificate.

10 Q Do you have your GED?

11 A No, sir.

12 Q And do you live here in Charleston?

13 A Yes, sir.

14 Q Did you grow up here?

15 A Yes, sir.

16 Q Did you go to school here?

17 A Yes, sir.

18 Q All right. Now I'm going to ask you about
19 some people, okay? I'm going to ask you about, first
20 of all, Brandon Parker. Do you know who Brandon
21 Parker is?

22 A Yes, sir.

23 Q How do you know Brandon Parker?

24 A One of my best friends.

25 Q How long have you known Brandon?

- 1 A Since sixth grade.
- 2 Q He was your best friend.
- 3 A Uh-hum.
- 4 Q Your closest friend?
- 5 A (Affirmative head shake.)
- 6 Q Did you all go to school together?
- 7 A Yes, sir.
- 8 Q Did you all hang out at one another's houses?
- 9 A Yes, sir.
- 10 Q Do you know his parents?
- 11 A Yes, sir.
- 12 Q He knows yours?
- 13 A Yes, sir.
- 14 Q What about Carlos Chisholm, do you know Carlos
- 15 Chisholm?
- 16 A Yes, sir.
- 17 Q How do you know Carlos?
- 18 A How long?
- 19 Q Well how long? How long have you known
- 20 Carlos?
- 21 A Since probably middle school.
- 22 Q Do you consider him a friend?
- 23 A Yes, sir.
- 24 Q What about Andrew Rivers?
- 25 A I know him.

1 Q How do you know Andrew?

2 A Same. All of us grew up around the same
3 neighborhood.

4 Q About how long have you known Andrew?

5 A Same time. Since about sixth grade.

6 Q Do you consider Andrew a friend?

7 A Yes, sir.

8 Q What about Terrence Crawford? Do you know
9 Terrence?

10 A Yes, sir.

11 Q How long have you known Terrence?

12 A I've know Terrence since elementary school.

13 Q Since elementary school?

14 A (Affirmative head shake.)

15 Q Were you all in elementary school together?

16 A No, sir.

17 Q Just at the same time?

18 A No. We played on the same basketball team at
19 Forest Park.

20 Q So you all played sports together?

21 A (Affirmative head shake.)

22 Q Would you consider Terrence a friend of yours?

23 A Yes, sir.

24 Q Do you know Terrence's older brother, Sam?

25 A Yes, sir.

1 Q About how long have you known Sam?

2 A Probably since I've been in ninth grade.

3 Q Would you consider Sam a friend of yours?

4 A Yes, sir.

5 Q Do you know Sam and Terrence's mother, Ms.

6 Crawford, Mildred Crawford?

7 A Yes, sir.

8 Q About how long have you known her?

9 A Probably around about ninth grade.

10 Q So for some years?

11 A Yes, sir.

12 Q Now let me ask you this. Do you know Jonta

13 Green?

14 A Yes, sir.

15 Q How do you know Jonta Green?

16 A All of us grew up in the same neighborhood.

17 Q How long have you known Jonta Green?

18 A Probably about since ninth grade.

19 Q So how long would that be, do you think?

20 A 12 years.

21 Q About 12 years? Before September the 19th of

22 2008, did you ever have any problems with Jonta

23 Green?

24 A We had, no, we just had one little incident.

25 Q I'm going to stop you right there.

1 MR. DURANT: Your Honor, may we approach?

2 THE COURT: Uh-hum.

3 (Whereupon, the following discussion was held
4 at the bench.)

5 MR. DURANT: I'll need to caution my witness
6 not to get into something I think he is about to get
7 into, a prior bad act. I did not mean to elicit it.

8 THE COURT: Just move on to the next question.
9 You stopped him from going into it. He said he had a
10 prior difficulty. What was the prior difficulty?

11 MR. DURANT: The defendant pulled a gun on
12 Brandon two weeks prior to this incident. We are not
13 trying to elicit that. It's a prior bad act at this
14 point.

15 THE COURT: You need to ask the next question
16 then that's eliminated.

17 MR. DURANT: Fine.

18 THE COURT: He didn't answer you, you stopped
19 him.

20 MR. DURANT: Glad I did.

21 THE COURT: You need to ask the next question.

22 (In open court.)

23 THE COURT: You may proceed.

24 Q (By Mr. Durant) All right, I don't want you
25 to answer that previous question, okay?

1 But was Jonta Green a friend of yours?

2 A Yes, he was a friend.

3 Q What about his brother, Quantas? Do you know
4 Quantas?

5 A Yes, I know him.

6 Q Was he a friend of yours?

7 A Yes, he was a friend of mine too.

8 Q And had you known him for approximately the
9 same amount of time you've known Jonta?

10 A Yeah.

11 Q All right. Now I want to talk about September
12 19th of 2008. Do you recall that date?

13 A Yes, sir.

14 Q And why do you recall that specific date?

15 A That be the day Jonta shoot Brandon.

16 Q Were you there?

17 A Yes, sir.

18 Q Where were you?

19 A Right there in Ms. Crawford's yard.

20 Q Do you know what county Ms. Crawford lives in?

21 A Charleston.

22 Q About what time did you come to Ms.
23 Crawford's yard that day?

24 A I want to say around 6:30.

25 Q Who did you come with?

1 A Me and Brandon came.

2 Q Who drove?

3 A I drove.

4 Q Who was there when you got there?

5 A Terrence had been there, Andrew, Carlos, Sam
6 been in the house. There were a couple of other
7 people out there too, I can't remember.

8 Q Well what did you all do when you all got
9 there?

10 A We were just out there sitting, talking. We
11 had a couple of drinks.

12 Q You all drinking some beer?

13 A Yes, sir.

14 Q Were there any plans to do anything else that
15 night?

16 A We were supposed to go to the Mojo, the Mojo
17 Festival had already started so we were going to go
18 down there.

19 Q Were you able to go to the Mojo Festival?

20 A No, sir.

21 Q What about Jonta Green, did he come to the
22 house that night?

23 A Yes, he came.

24 Q Where were you when he came?

25 A I was in front of Carlos's truck almost like

1 in the street, like at the end of the driveway.

2 MR. DURANT: Your Honor, can I have permission
3 to have the witness step down and use this exhibit as
4 well?

5 THE COURT: You may.

6 Q (By Mr. Durant) Stretch, will you come down
7 here and use this exhibit to go over what happened in
8 front of the jury.

9 You are going to need to speak up so the court
10 reporter can take down everything you are saying.
11 And we are going to try to give all of the jurors a
12 clear view of this diagram of what you are saying.
13 okay?

14 So I'm going to have you stand to the side as
15 far as you can to make sure everybody can see. We've
16 got a laser printer or pointer somewhere. It's right
17 here. It's got a little button.

18 If you would demonstrate for the jury where
19 you pulled up with Brandon?

20 A On the side of the road.

21 THE COURT: Sir, I need you speak up for me
22 because your back is to the court reporter.

23 A We were on the side of the road, parked on the
24 side right by Ms. Crawford's mailbox. That's where I
25 parked.

1 Q Actually, let me have you stand about right
2 here and you can still point.

3 Now so you parked right in here?

4 A Yes, sir.

5 Q And when Jonta pulled up, where did he pull
6 up?

7 A Right behind the truck in the driveway.

8 Q Now who was driving when he pulled up?

9 A Jonta.

10 Q Was he with anybody?

11 A With his brother, Quantas.

12 Q Where were you?

13 A Right there on the back of the truck.

14 Q And whose truck is that?

15 A Carlos.

16 Q Who was with you in the back of the truck?

17 A Me, Brandon was sitting down, and Andrew was
18 there.

19 Q What about Terrence, where was Terrence?

20 A I don't know where Terrence was at that time.

21 Q Well what happened when Jonta got out of his
22 car?

23 A All right. When he got out of his car, he
24 said, I seen you looking at me through the corner of
25 my eye, referring that to Brandon.

1 Q All right. I need you to speak up.

2 A He was there.

3 Q He said -- repeat that one more time?

4 A He got out of the car. And he said that, I
5 know that you are looking at me through the corner of
6 my eye. He walked off. He was referring that to
7 Brandon.

8 Q Okay. Did Brandon do anything at that point?

9 A All he did was jump off the truck. That's all
10 he did. And he was standing there.

11 Q And what happens?

12 A So he walked around the truck. He went --

13 Q Who walks around the truck?

14 A Jonta.

15 Q Okay. Show us where he walked around the
16 truck?

17 A This way. That was the left side of the
18 truck.

19 Q Okay. Where is Brandon?

20 A Brandon is still right there.

21 Q Okay. And where are you?

22 A I'm right here on this side of the truck.

23 Q All right. And so what happens?

24 A All right. Jonta went to the back of the
25 truck to talk to Carlos. So Quantas hop out of the

1 car. Quantas is coming to ball us up.

2 Q What's that?

3 A Quantas is hopping out the car and he ball us
4 up, gives us handshakes.

5 Q Balled you up?

6 A Yeah. Talking about, what's up, you know.

7 Q Did you give him a handshake?

8 A He give everybody a handshake.

9 Q That was Quantas?

10 A Yes, sir.

11 Q What about Jonta, did he give anybody a
12 handshake?

13 A No.

14 Q All right. Did Brandon give anybody a
15 handshake?

16 A No.

17 Q Okay. So now Jonta and Quantas are out of the
18 car?

19 A Uh-hum.

20 Q And Brandon is at the top of his truck over
21 here?

22 A No, Brandon's right here.

23 Q Brandon's over here, I'm sorry. And you said
24 Jonta came this way?

25 A Yeah, Jonta came. He was in front of the

1 truck now talking to Carlos.

2 Q Okay. Jonta's at the front of the truck
3 talking to Carlos?

4 A Yes, sir.

5 Q What happens?

6 A So after that Jonta moves, I guess he finished
7 talking to Carlos. So now he started to come towards
8 the side of the truck on this side where Brandon was
9 at. Right when he get to Brandon, that's when
10 Brandon swing on him.

11 Q Now was Jonta approaching Brandon in a
12 threatening way?

13 A No. He was walking.

14 Q And Brandon threw the first punch?

15 A Yes, sir.

16 Q What happened after Brandon threw this punch?

17 A After Brandon threw the first punch and Jonta
18 threw back, then that's when Quantas tried to jump
19 in. When I hear Drew say, no, you all don't try to
20 gang him, so that's when we tried to break everything
21 up.

22 Q Who tried to break everything up?

23 A Me and Drew. That's when everybody else
24 started to try to break everything up too. But it
25 went haywire.

1 Q Who all was involved in this fight?

2 A Really me and Drew was just pulling everybody
3 off each other. Really it was Quantas, because
4 Quantas was throwing blows at me, and Jonta was
5 trying to throw blows at B, too. So really them
6 three.

7 Q All right. Let me clarify something, B is
8 Brandon?

9 A Brandon, yes, sir.

10 Q Okay. You are referring to Brandon as B?

11 A Yes, sir.

12 Q So Jonta and Quantas, according to you, were
13 throwing blows at Brandon?

14 A Yes, sir.

15 Q Was anybody besides Brandon throwing blows at
16 Quantas or Jonta?

17 A No, not really. No.

18 Q Not really or no?

19 Q No. Because all I did was, I just -- all I
20 did was try to push Jonta off him. I went over to
21 Quantas after that, I think Drew went over to try to
22 pull Quantas back, too.

23 He started throwing blows and Jonta started
24 throwing blows, so we really just be in the middle of
25 everything.

1 Q Now at this point do you see a weapon in
2 anybody's hand?

3 A No, sir.

4 Q Do you see a guns in anybody's hand?

5 A No, sir.

6 Q Do you have a gun?

7 A No, sir.

8 Q Does Quantas have a cane?

9 A Yes, sir.

10 Q Does he do anything with that cane?

11 A I didn't see nobody do anything with the cane.

12 All I know is I grabbed the cane from Jonta, and
13 after he tried to swing on something, after he tried
14 to swing on me I grabbed the cane. But I threw the
15 cane down. I guess somebody else picked the cane up.

16 Q Where were you when you grabbed the cane from
17 Jonta?

18 A All of us over in this area right here. Right
19 in the grass.

20 Q About how long did this fight last before it
21 was broken up?

22 A A couple of minutes.

23 Q So it wasn't long?

24 A No, Not at all.

25 Q What about Ms. Crawford, where is she when all

1 this is going on?

2 A Ms. Crawford had been inside. As a matter of
3 fact Ms. Crawford came outside when the fighting
4 started. That's when Ms. Crawford came outside.

5 Q Did she do anything?

6 A All she kept saying is, you all have to get
7 out of my yard. That's all she was saying. You all
8 got to leave, you all got to go. I don't want this
9 mess in my yard.

10 Q So how did the fight end here?

11 A How it end right there? Really didn't end
12 because everybody still be yelling at each other
13 trying to get Jonta and them out of the yard. So
14 when they finally did leave they try to run me over.

15 Q Well tell us about that. How did they
16 eventually leave?

17 A They just got in the car and they left. They
18 tried --

19 Q Now you said that their car was in the
20 driveway?

21 A Yes, sir.

22 Q All right. How did they leave? Did they put
23 it in reverse or did they go forward?

24 A Put it in reverse.

25 Q Okay. Just walk us through it, how did they

1 leave?

2 A Him and Qantas jump in the car. So now
3 Brandon is at the end of the road. So while they was
4 pulling out -- while they are pulling out the back
5 out of the yard, they put the car in drive and tried
6 to run Brandon over going into the yard, like coming
7 back into the yard. But they couldn't go no further
8 because the truck was in there.

9 Q Now do you know who was driving?

10 A Yeah, Jonta.

11 Q All right. So what happens?

12 A So now they tried to run Brandon over, he
13 speed off. He circled, he come back around the block
14 probably about a minute later.

15 Q Which way did he go when he left the house?

16 A Toward 12.

17 Q He went that way?

18 A Yes, sir.

19 Q Okay. Now did he stay gone?

20 A No. He came back like within a minute.

21 Q Which way did he come back from?

22 A This side, from Whitmarsh side.

23 Q What happened when he came back?

24 A He stopped the car in front of the driveway,
25 got out of the car, told us he had to find his little

1 brother's cane.

2 Q Where are you when he came back and got out of
3 the car?

4 A When he came and got out, I had been under the
5 carport by Terrence and G.

6 Q Was anybody there with you?

7 A Brandon been under the carport, behind
8 whatever car under the carport. I believe the
9 Expedition was under the carport. He was behind
10 there.

11 Q So what happens when Jonta gets out the car?

12 A All right. When he get out of the car he
13 started walking up toward the side right here. Ms.
14 Crawford was yelling and saying, you got to get out
15 of my yard. You got to go. And everybody was trying
16 to run him out of the yard.

17 Q What's Brandon doing at that point?

18 A Brandon is still right there under the
19 carport. But then Sam came, Sam and Ms. Crawford
20 still telling Jonta to leave out of the yard. So now
21 Jonta got all the way almost under the carport.

22 So after that, that's when I don't know how
23 Brandon and Jonta get back in each other's face, but
24 them two in each other's face and somebody yelled, he
25 got a gun, and the gun gone off.

1 Q Did you see who had a gun?

2 A Yes.

3 Q Who had a gun?

4 A Jonta.

5 Q Where were you when you saw Jonta with a gun?

6 A I was right there by the black Rodeo.

7 Q Where was Jonta?

8 A On the other side. Right by the bushes on Ms.
9 Crawford's porch.

10 Q Did you see the gun go off?

11 A I heard it go off.

12 Q But you didn't see it?

13 A Didn't see it go off, I heard it go off.

14 Q Where were you when you heard it go off?

15 A I was like right where Carlos' truck at, I was
16 like in the front of that Isuzu. Terrence pushed me
17 out of the way right when they said that he got a
18 gun. I started to walk towards them, that's when
19 Terrence pushed me out of the way and that's when the
20 gun was going off.

21 Q Terrence pushed you out of the way?

22 A Yes, sir.

23 Q And that's when the gun went off?

24 A That's when I hear the gun going off.

25 Q You said that you don't know how they came to

1 going at it again?

2 A Yeah, I don't know how both of them got back
3 in each other's face.

4 Q But do you know where they got back to it
5 again?

6 A Yeah, right there. Right in front of the
7 bushes.

8 Q Was anybody else involved in the fight when
9 they went back at it again?

10 A No.

11 Q Where was Quantas?

12 A Quantas was behind them.

13 Q Quantas was where?

14 A I believe Quantas was behind them.

15 Q Behind who?

16 A Behind Jonta.

17 Q Do you know if Quantas was doing anything?

18 A No, sir. He was standing there.

19 Q Then according to your testimony the next
20 thing you know is you heard a shot?

21 A Shot going off.

22 Q You can resume your seat.

23 What happened after you heard the shot?

24 A I heard the shot. Everybody just been like in
25 shock. And all of a sudden I hear Drew say, oh, fuck

1 no. They ran to B, B on the ground.

2 Q What is that?

3 A They -- after the shot gone off and B hit the
4 ground, that's when everybody ran toward B to try to
5 help, you know, get him in the car. That's when I go
6 in the street, I started trying to call Kristen.

7 Q Call who?

8 A Kristen.

9 Q Who is that?

10 A Sister.

11 Q Brandon's sister?

12 A Yeah.

13 Q Do you know what they were trying to do with
14 Brandon?.

15 A Yeah. They were trying to put Brandon in
16 Drew car so we could take him to the hospital. But
17 the officer, by the time they were backing out of the
18 driveway the officer already had blocked the driveway
19 off so we couldn't drive him to the hospital.

20 Q Where was Jonta when this was all going on?

21 A To be honest, I really didn't know. Until the
22 officer -- until the officer got blocked off the
23 driveway. When the officer blocked off the driveway,
24 I saw somebody driving Drew's car in Ms. Crawford's
25 yard. That would be Jonta behind the wheel.

1 So then Jonta done put on the brakes. He
2 hopped in the backseat with B and he been saying,
3 wake up B, wake up B, wake up B, wake up B. So now
4 when I hear him saying that, that's when I ran
5 towards him and I grabbed him And I started boxing on
6 him.

7 Q You started boxing on who?

8 A Jonta.

9 Q Where the police there at this point?

10 A Police still been there.

11 Q Why were you boxing with on Jonta?

12 A Because Jonta just shoot B.

13 Q Did you get off of him?

14 A Yeah. They pulled me off of him.

15 Q Who pulled you off of him?

16 A Terrence. I believe it was Terrence.

17 Q What happened after you got off of Jonta?

18 A After I get off him, I ran back in the car
19 with B. And the officer was telling me to get out.

20 Q Did a bunch of police officers show up on the
21 scene at that time?

22 A Yeah. After that first one came, everybody
23 came after all that happened.

24 Q Did you stick around?

25 A Yeah, I stuck around.

1 Q Do you know whether or not Jonta was still
2 there?

3 A At that moment, no, I didn't know.

4 Q Do you know whether he was there later?

5 A Oh, yeah. He was not there later.

6 Q Did you talk to the police that night?

7 A Yes, sir.

8 Q Did you provide them with a statement?

9 A Yes, I did.

10 Q Where did you provide them with this
11 statement?

12 A Right there on

13 Q And what did you tell the police that night?

14 A I told them I didn't know what happened. I
15 didn't know what was going on.

16 Q Why did you tell them that?

17 A Because I didn't want to get involved with the
18 case. And we already knew Jonta stole -- and out on
19 the street so, kind of had our chance to get him
20 before, you know, the officers got him.

21 Q You were thinking about handling this on your
22 own?

23 A Yes, sir.

24 Q So you told the police officers that you
25 weren't even there when it happened, didn't you?

1 A Yes, sir.

2 Q Even though that was your best friend that was
3 shot?

4 A (Affirmative head shake.)

5 Q Did you stick with that story?

6 A No, sir.

7 Q Why not?

8 A Because the truth had to come out.

9 Q Did you talk to the police again?

10 A Yes, sir.

11 Q What did you tell the police the next time you
12 talked to them?

13 A The story right here I just told you.

14 Q So what is it, were you there?

15 A Yes, sir.

16 Q Is what you are telling this jury the truth?

17 A Yes, sir.

18 Q And tell this jury one more time why you lied
19 at first?

20 MR. MATTSON: Asked and answered.

21 THE COURT: Overruled. Sir, you may answer
22 the question.

23 Q (By Mr. Durant) Tell me why you lied the first
24 time.

25 A Because we wanted to do it, we wanted to get

1 revenge on our own because we already had knew who
2 did it.

3 Q Were you pretty upset that night?

4 A Very.

5 Q Were your emotions probably getting the best
6 of you?

7 A Yes, sir.

8 MR. DURANT: Thank you..

9 THE COURT: Any cross-examination of the
10 witness?

11 MR. MATTSON: Yes, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. MATTSON:

14 Q Who all discussed going to get Jonta?

15 A Nobody.

16 Q You said we decided, we knew who did it and we
17 wanted to get him before the police?

18 A I was referring to myself, sir.

19 Q You were referring to yourself? so you lied
20 to the police when you told them you weren't there?

21 A Yes, sir.

22 Q And you saw Brandon when the fight started.
23 Brandon swung on Jonta, right?

24 A Yes, sir.

25 Q Jonta was there and was trying to put Brandon

1 into the car of Anthony Rivers, you saw that?

2 A Andrew Rivers.

3 Q I think, wait a minute. You saw Jonta when he
4 was trying to put Brandon in an automobile after he
5 had been shot?

6 A Yes, sir.

7 Q Okay. Then you heard Jonta saying something
8 to Brandon?

9 A Telling him to wake up.

10 Q Don't die, wake up, that type of thing?

11 A Yes, sir.

12 Q Okay. And then you saw Jonta in the front
13 seat behind the wheel of the car?

14 A Yes.

15 Q Okay. And that's about the time the police
16 showed up and they couldn't go anywhere so Jonta got
17 out of the car?

18 A (Affirmative head shake.)

19 Q And got in the back seat?

20 A Uh-hum.

21 Q Is that a yes?

22 A Yes, sir.

23 Q I don't mean to be rude by saying that, but
24 sometimes don't want to get uh-hum and uh-uh
25 confused, okay?

1 And that evening you were wearing, I believe
2 the police identified you as wearing a blue-striped
3 shirt. Does that sound right, or do you recall?

4 A Yes, sir. A blue-striped shirt.

5 Q How were you planning on getting Jonta?

6 A Shooting him.

7 Q Did you have a gun?

8 A Not at that time.

9 Q You were going to get one?

10 Were you planning on getting one?

11 A I was planning on getting one, yes, sir.

12 Q Where were you going to get it?

13 A Don't know. I was going to get it.

14 Q You ever make a statement to the solicitor's
15 office?

16 A Yes, sir.

17 Q Okay. When was that?

18 A Probably about a month after the incident.

19 Q Okay. You know who it was you made the
20 statement to?

21 A Inspector Fleming.

22 Q Who?

23 A Inspector Fleming.

24 Q Okay. I'm sorry, did you say Fleming?

25 A Yes, sir.

1 Q Detective or --

2 A I thought he was. I know his name was
3 Fleming, sir.

4 Q Okay. Was he with the police department?

5 A Yes, sir.

6 Q Okay. Now how did you end up at the
7 solicitor's office?

8 A I drove there.

9 Q I mean, did somebody call you and ask you to
10 come, did you get a paper or what?

11 A No. Somebody called me and asked me to come
12 down.

13 Q Okay. Was that statement reduced to writing?

14 A Yes, sir.

15 Q How long were you there?

16 A I want to say about an hour.

17 Q At the time this took place, you were
18 unemployed at this time?

19 A Yes, sir.

20 Q Okay. Where did you say you worked at, was it
21 Walmart?

22 A No, sir.

23 Q Where do you work?

24 A Well I'm unemployed right now. I did a
25 temporary job a couple months ago.

1 Q Okay.

2 MR. MATTSON: I have no further questions.

3 THE COURT: Any redirect?

4 MR. DURANT: No further questions, Your Honor.

5 THE COURT: Any objection to the witness being
6 excused from the State?

7 MR. DURANT: None, Your Honor.

8 THE COURT: From the defense?

9 MR. MATTSON: No.

10 THE COURT: Sir, you are excused.

11 MR. DURANT: Your Honor, subject to recall.

12 THE COURT: Subject to recall.

13 Call your next witness.

14 MR. DURANT: Thank you, Your Honor. State
15 calls Carlos Chisholm.

16 MR. CARLOS JAMAL CHISHOLM,
17 after having been duly sworn to state the truth, the
18 whole truth and nothing but the truth, testified on
19 his oath as follows.

20 THE COURT: You may proceed.

21 DIRECT EXAMINATION

22 BY MR. DURANT:

23 Q Mr. Chisholm, good afternoon.

24 A Good afternoon.

25 Q Would you tell the jury how old you are?

1 A 29 years.

2 Q And are you employed?

3 A Yes.

4 Q Where are you employed?

5 A City of Charleston.

6 Q What do you do for the City of Charleston?

7 A I'm a technician.

8 Q Now I know you are soft-spoken, so you are
9 going to have to speak up pretty loud because this
10 lady here is going to take down everything that's
11 said, okay? And the jury needs to hear everything
12 you say as well.

13 So you work for the City of Charleston
14 parking?

15 A Mechanic.

16 Q Mechanic. In the garage?

17 A Yes.

18 Q Do you live here in Charleston?

19 A Yes.

20 Q Did you grow up here?

21 A Yes.

22 Q Did you go to school here?

23 A Yes.

24 Q How far did you go in school?

25 A 12th grade.

1 Q Did you graduated?

2 A Yes.

3 Q Where did you graduate from?

4 A St. Andrews High School.

5 Q Do you know what year?

6 A '98.

7 Q I'm going to ask you about some people
8 involved in this case, okay?

9 Let me ask you first of all about Brandon
10 Parker, do know who Brandon Parker is?

11 A Yes.

12 Q And how do you know Brandon?

13 A Grew up together.

14 Q How long have you known him?

15 A Say about 15 years.

16 Q 15 or so years?

17 A Yes.

18 Q Would you consider that he is a friend of
19 yours?

20 A Yes.

21 Q What about Terrence Crawford, do you know
22 Terrence?

23 A Yes.

24 Q How do you know Terrence?

25 A Grew up together.

1 Q Would you consider Terrence a friend?

2 A Yes.

3 Q Did you know him for over a decade as well?

4 A Yes.

5 Q What about Terrence's brother Sam, do you know

6 Sam?

7 A Yes.

8 Q How do you know Sam?

9 A Grew up together.

10 Q Friend of yours?

11 A Yes.

12 Q And what about Terrence and Sam's mother, Ms.

13 Crawford, Mildred Crawford, do you know her?

14 A Yes.

15 Q And have you known her for approximately the

16 same amount of time?

17 A Yes. About 10 years.

18 Q What about Andrew Rivers, do you know Andrew?

19 A Yes.

20 Q Is he a friend of yours?

21 A Yes.

22 Q How long have you known him?

23 A 15 years.

24 Q What about Carlton Stretch, Do you know

25 Carlton?

1 A Yes.

2 Q Do you know him as Stretch?

3 A Yes.

4 Q Is he a friend of yours?

5 A Yes.

6 Q How long have you known him?

7 A 12 years.

8 Q Now what about Jonta Green, do know Jonta
9 Green?

10 A Yes.

11 Q And how long have you known Jonta?

12 A 12 years.

13 Q How do you know him?

14 A Like I knew his family.

15 Q Would you consider Jonta a friend?

16 A Yes.

17 Q And you knew his family?

18 A Yes.

19 Q What about Jonta's brother Quantas, do you
20 know Quantas?

21 A Yes.

22 Q And how do you know Quantas?

23 A Through Jonta.

24 Q Would you consider Quantas of friend of yours?

25 A Yes.

1 Q All these people we have just gone over, would
2 you consider any one of them to be an enemy of yours?

3 A No.

4 Q All right. Now I want to talk to you about
5 September the 19th of 2008. Do you remember that
6 day?

7 A Yes.

8 Q And why is it that you remember that specific
9 day?

10 A Brandon got killed that day.

11 Q That's when Brandon was killed. Were you
12 there when Brandon was killed?

13 A Yes.

14 Q Where were you?

15 A We were in the yard. I was in the yard.

16 Q Whose yard?

17 A Ms. Crawford's yard.

18 Q About what time did you come over there that
19 day?

20 A Around about 7 o'clock, I think.

21 Q Around 7:00 at night?

22 A Yeah. It wasn't dark yet.

23 Q Now I really do need you to try to get that
24 voice out there, okay? It's a big courtroom, you got
25 to fill it.

1 A It wasn't dark yet.

2 Q It wasn't dark yet?

3 A No.

4 Q What were you driving?

5 A A Silverado truck.

6 Q What color was it?

7 A Burgundy.

8 Q Did you come with anybody?

9 A No.

10 Q Were you planning to come over there that
11 night?

12 A No.

13 Q How is it that you ended up over there around
14 7:00 at night?

15 A Well I was passing through, I was going to
16 one of my friend's house down the street and I saw
17 people outside.

18 Q Who was outside?

19 A A lot of my friends, Terrence and Sam -- no
20 Sam was not there -- Andrew, Stretch, a couple other
21 people.

22 Q And where did you park your truck?

23 A In the driveway.

24 MR. DURANT: Your Honor, permission for the
25 witness to step down.

1 THE COURT: Yes. The witness may step down.

2 Q (By Mr. Durant) Carlton, go ahead and come
3 around here. I think the best way to do it, I want
4 you to stand about right here, okay? This is a laser
5 printer -- pointer, hold that.

6 I'm going to set this up. Can you see this
7 clearly?

8 A Yes.

9 Q You might want to stand a little bit in front
10 of it, not too far. Now do you recognize this
11 exhibit?

12 A Yes.

13 Q And this depicts Ms. Crawford's home; is that
14 right?

15 A Yes.

16 Q Do you see your truck on this exhibit?

17 A Yes, sir.

18 Q Will you point it out for the jury?

19 A (Witness complies.)

20 Q That's where you parked?

21 A Uh-hum.

22 Q And you said when you pulled into the
23 driveway, correct me if I'm wrong, but I think you
24 said that Terrence was out there and Carlton Stretch
25 was out there, Brandon Parker was out there?

1 A Yes.

2 Q Andrew was out there?

3 A Yes.

4 Q So when you pulled up, what was going on?

5 A Just talking out there, having a good time.

6 Q Just hanging out?

7 A Yes.

8 Q Was anybody drinking?

9 A Most likely.

10 Q I mean were you over the age 21 at that time?

11 Were you over the age of 21 at that time?

12 A Yes.

13 Q You were 27 at the time?

14 A Yes.

15 Q Were you having anything to drink?

16 A No.

17 Q But some other people were, they were having a
18 beer, right?

19 A Yes.

20 Q So you all are just hanging out?

21 A Uh-hum.

22 Q Did there come a time when anybody else came
23 to the house?

24 A Yeah. Jonta came.

25 Q Where did he pull in?

1 A Like right here.

2 Q Did he pull into the driveway?

3 A Yes.

4 Q Where were you when he pulled in?

5 A I was sitting in my truck.

6 Q Now were you inside the cab or?

7 A I was like in the driver door.

8 Q I need you to speak up?

9 A In the driver door.

10 Q The driver door. Where was Brandon Parker?

11 A I want to say he was like in the --

12 Q Well if you don't know, don't tell us. But if
13 you know, tell us.

14 A I don't know exactly.

15 Q Well where was everybody generally when Jonta
16 pulled up?

17 A Like everybody was like scattered like up in
18 this area.

19 Q Was Jonta with anybody?

20 A Yeah, his brother.

21 Q What did he do once he pulled into the
22 driveway?

23 A Well he came out in the driveway, started
24 dapping everybody up. He talked to me, he was like
25 he wanted to buy some rims that I had.

1 Q Now dapping everybody up, we've just heard
2 what that is, but that's just shaking hands with
3 people?

4 A Yeah, shaking hands.

5 Q Okay. Did you shake hands with Jonta?

6 A Yes.

7 Q Did you shake hands with Quantas?

8 A Yes.

9 Q Do you know whether Brandon shook hands with
10 Jonta?

11 A No.

12 Q You don't know?

13 A No.

14 Q Now you said he said something about rims?

15 A Uh-hum, yes.

16 Q What was he saying about rims?

17 A That he wanted to buy some rims that I had.

18 Q Did you have rims with you?

19 A No.

20 Q What was he talking about?

21 A Another car that I had had some rims on there
22 that he liked and he wanted to buy them.

23 Q So did you stay up there by your truck when he
24 pulled in the driveway?

25 A Yes.

1 Q Where did you shake his hand?

2 A When he came up to my door, that's when I
3 shook his hand.

4 Q All right. Well what happened at this point?

5 A He was like he had some shoes in the car that
6 he was selling. So that's when I got out of my truck
7 and I went to his car to look at the shoes.

8 Q Did he go with you?

9 A No.

10 Q Did you go by yourself?

11 A I want to say his brother was over there with
12 me, with the shoes. I can't really remember.

13 Q Well don't tell us what you think, just tell
14 us what you know.

15 A All I know is I had been looking at the shoes
16 and that's all I know. I can't remember anymore than
17 that.

18 Q So you were down at his car looking at shoes?

19 A Uh-hum.

20 Q And what's the next thing that you know is
21 going on?

22 A All I heard, I started hearing lot of
23 scuffling. A lot of people saying, no, no stop.
24 And.

25 Q Did you see what was going on?

1 A No, not until it was over.

2 Q well what did it look to you like was going
3 on? what did you see?

4 A I saw someone was fighting.

5 Q Could you tell who was fighting?

6 A No.

7 Q Couldn't tell any of the people who were
8 fighting?

9 A No.

10 Q well did you eventually find out who was
11 fighting?

12 A Yes.

13 Q And who was fighting?

14 A It was Jonta, Brandon and Quantas.

15 Q Do you know how the fight stopped?

16 A They broke it up.

17 Q who broke it up?

18 A I want to say Andrew, Stretch, and those are
19 the people I can remember.

20 Q what about Ms. Crawford? what is she doing at
21 the time? Is she doing anything?

22 A Yeah. She was on the porch telling everybody
23 to stop and telling everybody to get out of her yard
24 and stuff like that.

25 Q Did people start to leave?

1 A Yes.

2 Q Who left first?

3 A I don't know who left first, but, I mean,
4 everybody was starting to leave.

5 Q Let me ask you this, did Jonta leave?

6 A Not right off.

7 Q Did he eventually leave?

8 A Yes.

9 Q How did he leave?

10 A Well he had backed up the car. And first he
11 was trying to hit Brandon with the car, and then he
12 eventually pulled out and sped off.

13 Q When there was that scuffle, did you see at
14 the time when you were in the yard if anybody had a
15 gun in their hand?

16 A No, I didn't see anything.

17 Q Did you have a gun in your hand?

18 A No.

19 Q Did you hear anybody saying there was a gun in
20 anybody's hand?

21 A No.

22 Q Who was driving when Jonta left?

23 A Jonta.

24 Q Now was he saying anything to Brandon?

25 A Talking junk, but I couldn't remember exactly

1 the words he was saying.

2 Q But he was talking to Brandon?

3 A Yes.

4 Q And talking junk?

5 A Uh-hum.

6 Q You said he pulled back into the driveway and
7 tried to hit him?

8 A Yes.

9 Q What happened after he did that?

10 A He just drove off.

11 Q Which way did he leave?

12 A This way.

13 Q Did he go this way or did he go this way?

14 A This way.

15 Q He went that way?

16 A Yes.

17 Q All right. Did he stay gone?

18 A No, he came back.

19 Q Where were you when he left?

20 A I was like up in this area.

21 Q Where were you when he came back?

22 A I was like in front of my car, my truck.

23 Q In front of your car?

24 A My truck, yes.

25 Q Now is the car that Jonta was driving, was it

1 loud or was it quiet kind of?

2 A It was loud.

3 Q Was it a muffler?

4 A He had pipes.

5 Q So when he left the house could you still hear
6 him?

7 A A little bit.

8 Q A little bit?

9 A Uh-hum.

10 Q Could you hear him until he returned?

11 A I heard him when he was coming back down the
12 street.

13 Q That's when you heard him again?

14 A Yes.

15 Q So there was a time when you didn't hear him?

16 A (Affirmative head shake.)

17 THE COURT: Sir, if you could say yes or no
18 for us.

19 THE WITNESS: Yes.

20 THE COURT: Thank you.

21 Q (By Mr. Durant) And where did he park when he
22 came back?

23 A Right here, in the corner.

24 Q And, again, where were you?

25 A Up there.

1 Q And what does he do when he comes back?

2 A He gets out of the car and it was like he was,
3 Ms. Crawford was like, you need to leave. He was
4 like, I just looking for my cane and stuff like that.

5 And you got some pussy niggers in the yard and
6 stuff like that. That's what he was saying.

7 Q Where was Brandon?

8 A I don't know where Brandon was. I didn't see
9 him.

10 Q But he told Ms. Crawford that? What you just
11 said?

12 A Yes.

13 Q Did he appear to be upset when he came back?

14 A Yes.

15 Q Was he acting out of control when he came
16 back? Or did he appear to be calm?

17 A A little bit in between.

18 Q Well when he got out of the car, did he run or
19 did he walk?

20 A He walked.

21 Q Where did he walk?

22 A Up towards the carport.

23 Q Did he call or stop at any time on the way up
24 to the carport?

25 A No.

1 Q What was that?

2 A No.

3 Q He walked straight up to the carport?

4 A Yes.

5 Q Did anybody get in his way at all on the way
6 up to the carport?

7 A No.

8 Q And when he was walking up to the carport
9 that's when he said what he said to Ms. Crawford?

10 A Yes.

11 Q What was the next thing that you know that
12 happened?

13 A He was walking up in this area right here.
14 And I saw Brandon.

15 Q Where did you see Brandon?

16 A Like right here, right at the light. And they
17 locked up again and started fighting again.

18 Q Did you see a gun on Jonta at any point?

19 A No.

20 Q Did you see a gun on anybody at any point?

21 A No.

22 Q Did you have a gun?

23 A No.

24 Q In either of those two fights, either of these
25 two situations where they are locked up, did anybody

1 appear to be getting the best of anybody else?

2 A No.

3 Q Was there a clear winner between the two?

4 A No.

5 Q Did you notice any significant injuries on
6 anybody?

7 A Brandon was bleeding from the head.

8 Q Brandon was bleeding from his head?

9 A Yes.

10 Q When did you notice that?

11 A After Jonta left the first time.

12 Q Did you notice whether Jonta had any
13 significant injuries on him at all?

14 A No.

15 Q What happened after they locked up up at the
16 top of the driveway near the carport?

17 A They was locked up in this area right here.
18 And Sam and Terrence, that's what I remember, trying
19 to break them up,

20 Q Sam and Terrence were trying to break them up?

21 A Yes.

22 Q What happens?

23 A I don't know what happened. All I saw when
24 Sam started ducking and started going over in this
25 area, so I started ducking myself to try to get out

1 of the way.

2 Q That's all we are asking. Only tell us what
3 you know. You never saw a gun?

4 A No.

5 Q Did you hear anything?

6 A I heard the gunshot.

7 Q Where were you when you heard a gunshot?

8 A Like up in this area.

9 Q How many gunshots did you hear?

10 A One.

11 Q What happened after you heard the gunshot?

12 A Started looking around to see what had
13 happened. Just started walking back a little way to
14 where they were at and saw Brandon lying down on the
15 ground.

16 Q What did you do when you saw Brandon laying
17 down?

18 A For a second I couldn't do nothing, I was just
19 shocked. I just --

20 Q Where was Jonta?

21 A He was still over by Brandon.

22 Q He was what?

23 A He was by Brandon.

24 Q What was he doing?

25 A He was standing over him just saying, you can

1 make it, stuff like that.

2 Q Where was Quantas?

3 A He went back to the car.

4 Q Who went back to the car?

5 A Quantas.

6 Q Did you see what he did? Did he stay or did
7 he leave?

8 A He left.

9 Q What about Jonta, did he stay or did he leave?

10 A He stayed.

11 Q And what happened?

12 A Tried to pick B up and put him in the car and
13 take him to the hospital.

14 Q Who tried to pick B up?

15 A Jonta, Sam, that's all I can remember.

16 Q Whose car were they trying to put him in?

17 A Andrew's car.

18 Q Plan was to take him to the hospital?

19 A Yes.

20 Q Were you going to do anything?

21 A I was driving.

22 Q You were going to drive Andrew's car?

23 A Yes.

24 Q Were you ever able to make it to the hospital?

25 A No.

1 Q why not?

2 A As soon as I was backing out, the police came
3 and blocked us in.

4 Q Did you get out of the car?

5 A Yes.

6 Q A lot of police arrive at the scene at that
7 time?

8 A Was only one, one car.

9 Q Did others come?

10 Q Yes.

11 A Were things pretty frantic at that point?

12 A Yes.

13 Q People were upset, weren't they?

14 A (Affirmative head shake.)

15 Q You can take your seat.

16 Did you stick around for a while after the
17 police showed up?

18 A Yes.

19 Q Your truck was processed?

20 A No. They never moved my truck.

21 Q They didn't take it?

22 A No.

23 Q Did you have any black powder or anything on
24 your truck?

25 A Yes.

1 Q Did you talk to the police that night?

2 A No.

3 MR. DURANT: Carlos, I want you to answer any
4 questions the defense may have.

5 THE COURT: Mr. Mattson, do you have any
6 questions for the witness?

7 CROSS-EXAMINATION

8 BY MR. MATTSON:

9 Q We have been up and down this driveway many
10 times already this morning.

11 Did you see how the second altercation between
12 Jonta and B started?

13 A Yes.

14 Q How?

15 A Jonta came and he yelled. He just -- Brandon
16 came and they just locked up, they started fighting
17 again.

18 Q So Jonta came in the yard and Brandon came
19 towards him and then they started fighting?

20 A Well, they -- Jonta was coming up to the
21 carport, and I guess they came together. I don't
22 know.

23 Q Did you see Brandon heading towards Jonta
24 some?

25 A It was kind of like mutual really.

1 Q Kind of went toward each other?

2 A Uh-hum.

3 Q Okay. Brandon was sitting on the tailgate of
4 your truck at one point? You don't recall?

5 A I don't remember.

6 Like I said, I was sitting in my car. So I
7 don't know who was sitting in, you know.

8 Q Okay. But when Jonta first arrived he was
9 trying -- he was wanting to buy some wheels, or also
10 known as rims, that you had?

11 A Yes.

12 Q Okay. And from another car that you owned?

13 A Yes.

14 Q Okay. And he was also had some shoes for
15 sale?

16 A Yes.

17 Q Okay. Did he come there, did he appear to
18 come there looking for anybody, like is Brandon here,
19 or was he kind of looking for you, or what?

20 A No, he wasn't. I think he asked where Sam was
21 at.

22 Q Asked where Sam was at?

23 A Yes.

24 Q Okay. But he didn't come there specifically
25 like he was looking for Brandon, did he?

1 A No.

2 Q Did you -- you never saw the gun, the weapon
3 that was used, did you?

4 A No.

5 Q Okay. And you said everybody had been
6 outside. What time did you go there? You said about
7 7:00, I believe?

8 A Yeah, around that time. It wasn't dark yet so
9 it was around that time.

10 Q Okay. Did you hear anyone in the group
11 talking about going to the MoJo Festival?

12 A No.

13 Q Okay. And you were there, you said it wasn't
14 quite dark yet when you got there?

15 A No.

16 Q So between 7:00 and 7:30, something like that?

17 A (Affirmative head shake.)

18 A Yes.

19 Q Yes. Because this was September and we were
20 still, I believe, at that time on daylight savings
21 time, weren't we?

22 A Yes.

23 Q Okay. And you stayed there until everything
24 was pretty well over, correct?

25 A Yes.

1 Q So you were around there for a while before
2 anything happened, and Jonta and them arriving,
3 right?

4 A Yes.

5 Q Okay. You didn't hear anybody discussing the
6 MoJo Festival?

7 A No.

8 Q Okay. And everybody was having a beer or
9 drinking some beer. You didn't have any, right?

10 A No.

11 Q Okay. Did you see Brandon drinking anything
12 alcoholic?

13 A I didn't see him drinking, but I wouldn't
14 doubt it.

15 Q But you what?

16 A I say I wouldn't doubt that he was drinking,
17 but I didn't see him drinking.

18 Q Okay. You see anybody smoking pot that night?

19 A No.

20 Q Okay. How often would you go around Ms.
21 Crawford's?

22 A I probably stop by like every day, really.

23 Q Every?

24 A Every day.

25 Q Every day, Okay. She seems to be a pretty

1 nice lady?

2 A Yes.

3 Q People hanging out in her yard almost every
4 day or?

5 A We grew up on the street so, you know,
6 everybody knows everybody. So if you see somebody
7 outside you might stop by and say hey.

8 Q So it is not unusual for a bunch of people to
9 be around there?

10 A No.

11 Q Okay.

12 MR. MATTSON: I have no further questions.

13 THE COURT: Any redirect?

14 MR. DURANT: No, Your Honor.

15 THE COURT: Any objection to the witness being
16 excused from the state?

17 MR. DURANT: Subject to rebuttal.

18 THE COURT: From the defense?

19 MR. MATTSON: None, Your Honor

20 THE COURT: Sir, you are excused subject to
21 being recalled.

22 Madam Forelady, ladies and gentlemen, we are
23 going to take advantage of this break in testimony to
24 take our luncheon recess. We are going to break
25 until 2 o'clock. During the break please do not

1 discuss the case among yourselves or with anyone
2 else. Please don't have any contact with anyone in
3 or about the courthouse. And please return directly
4 to your jury room. We will see you at 2:00. Leave
5 your notepads in your seats, please.

6 (Whereupon, the jurors exit the courtroom.)

7 THE COURT: See you all at 2:00.

8 (Whereupon, a recess was taken.)

9 THE COURT: Is the State ready to proceed?

10 MR. DURANT: State is, Your Honor.

11 THE COURT: Is the defense ready to proceed?

12 MR. MATTSON: Yes, Your Honor.

13 THE COURT: Please bring in the jury, Mr.

14 Robinson.

15 (Whereupon, the jurors enter the courtroom.)

16 THE COURT: Thank you, you may be seated.

17 Ladies and gentlemen, I hope you had a
18 pleasant lunch. We will now resume with the trial
19 testimony.

20 State may call its next witness.

21 MR. MCCOY: Thank you, Your Honor. We are
22 going to call Officer Greenleaf with the City of
23 Charleston Police Department.

24 MR. MATTHEW GREENLEAF,
25 after having first been duly sworn to state the

1 truth, the whole truth and nothing but the truth,
2 testified on his oath as follows:

3 THE COURT: Go ahead.

4 MR. MCCOY: Thank you, Your Honor. May it
5 please the Court.

6 DIRECT EXAMINATION

7 BY MR. MCCOY:

8 Q Officer Greenleaf, thank you for being with us
9 today, I appreciate your time.

10 Can you tell the jury where you are employed?

11 A I'm employed for the Charleston Police
12 Department.

13 Q Okay. How long have you been with them?

14 A About four years.

15 Q About four years. In those four years what
16 have been your duties?

17 A I have been a patrol officer in the West
18 Ashley District.

19 Q Okay. Is West Ashley broken into numerous
20 districts or is it one big district?

21 A It is one big district from bridge to bridge,
22 up to the county line.

23 Q Okay. And in your four years as a patrol
24 officer, have you received any sort of education or
25 training that has assisted you in your duties in west

1 Ashley?

2 Q I'm sorry?

3 Q Have you received any sort of training or any
4 kind of schooling that have helped you or assisted
5 you as an officer in dealing with the West Ashley
6 District?

7 A I have.

8 Q Okay. Tell the jury a little bit about that.

9 A I have attended the South Carolina Criminal
10 Justice Academy for basic law enforcement. I have
11 received additional training in traffic enforcement
12 and legal updates.

13 Q Okay. Officer Greenleaf, I'm going to go
14 ahead and take you back to September the 19th, 2008.
15 Do you remember that night?

16 A I do.

17 Q And tell me why you remember that night?

18 A At about 9 o'clock I was dispatched to a
19 shooting that had occurred at

20 Q Okay. And is this address or this residence,
21 what county is that in?

22 A That's in Charleston County.

23 Q Okay. And where were you when you received a
24 call to be dispatched?

25 A I was responding from St. Andrews Gardens

1 Apartments which is

2 Q Okay. How long do you think it took you to
3 get there?

4 A About two minutes.

5 Q Okay. So pretty fast?

6 A Yes.

7 Q Officer Greenleaf, once you arrived on the
8 scene, explain to the jury where you parked.

9 A I parked about one house down from When
10 I got there, Sgt. Edwards was already on scene. It
11 was dark. The only lights that were going were our
12 cruiser lights and a couple of streetlights down the
13 way. There were several individuals at the scene
14 when I got there.

15 Q Okay. Were you -- you said a sergeant was
16 already there, were you the second officer on the
17 scene?

18 A I was.

19 Q Once you walked up to the scene and you
20 actually got to the house, tell the jury what you
21 saw.

22 A When I got there Sgt. Edwards was directing a
23 vehicle back into the driveway at that residence. I
24 walked up into the yard and I saw a black male with
25 medium length dreads, a prosthetic arm, dressed in

1 all black get out of the driver seat and walk around
2 to the rear driver's side door attempting to get in.

3 He was grabbed from behind, thrown to the
4 ground by another black male.

5 Q Okay. So this guy with a prosthetic arm, did
6 he have an opportunity to make it into the back seat
7 of that car?

8 A No.

9 Q Do you know who it was that actually grabbed
10 the man with the prosthetic arm?

11 A No, I don't.

12 Q Tell the jury what you saw once he grabbed
13 him.

14 A Myself and Sgt. Edwards went and separated the
15 two men from fighting. The man who grabbed the man
16 with the prosthetic walked around to the other side
17 of the car, and the man with the prosthetic arm
18 walked away.

19 I did not see him anymore that night.

20 Q Walked away, what do you mean by that? Where
21 did he go?

22 A I don't know. As soon as the fight was broken
23 up, I went back to check in on the man in the back
24 seat, to the victim in the back seat with the gunshot
25 wound to the head.

1 Q Okay. And you no longer saw the man with the
2 prosthetic arm at that residence that evening
3 anymore?

4 A No, I did not.

5 Q Tell the jury a little bit about, as a first
6 responding officer or a second responding officer,
7 what are your duties when you arrive on the scene?

8 A Duty when I arrive on the scene is there is a
9 lot -- there is usually a lot of emotions, chaos
10 going on at the scene. There were several people
11 that were already there, witnesses, potential
12 witnesses, neighbors who had heard the shot.

13 I was the first to guarantee safety to myself
14 and other officers, give aid to any potential
15 victims, and then secure the scene.

16 Q Okay. And when you talk about a secured
17 scene, tell the jury when that means?

18 A Separating all potential witnesses so that we
19 can get a clear understanding of what occurred, what
20 took place.

21 Guarantee that there are no weapons or any
22 illicit items that are going on around us.

23 Q And as the second responding officer that
24 night, did you have any background as to why this
25 shooting occurred?

1 A No.

2 Q Did you have any background as to who did the
3 shooting?

4 A No, I did not.

5 Q Did you have any background as to who the
6 victim even was in the back seat of the car?

7 A No, i did not.

8 Q Okay. So you, as the second responding
9 officer, didn't know who any of the players were?

10 A No.

11 Q Okay. When we are talking about a secure
12 scene, are we talking about the yellow tape we see on
13 TV surrounding a scene?

14 A Partly.

15 Q Okay. Is it also important when you talk
16 about securing a scene, is it important to secure
17 that for the preservation of any evidence that may be
18 there?

19 A It is.

20 Q Okay. Did you have any idea if there is even
21 a murder weapon still on the scene?

22 A I did not.

23 Q Okay.

24 MR. MCCOY: Judge, may I have one moment?

25 THE COURT: (Affirmative head shake.)

1 Q (By Mr. McCoy) Officer Greenleaf, finally did
2 you partake or attempt to identify anybody at the
3 photo lineup?

4 A I did.

5 Q Were you able to identify the man with the
6 prosthetic arm in a six-pack photo lineup?

7 A No, I was not.

8 Q When you had an opportunity to view the man
9 with the prosthetic arm that evening, did you have a
10 good opportunity to look at his face and get details
11 of him?

12 A No. I, my main concern is in training was
13 always to pay attention to the hands to see and make
14 sure there were no weapons, and that's when I saw the
15 prosthetic arm. I was not focused on his face.

16 Q Okay. And what are the characteristics that
17 you did pick up from the man with the prosthetic arm?

18 A The medium length dreads. All dark clothing.

19 Q And the prosthetic arm?

20 A Yes.

21 MR. MCCOY: Okay. Thank you, Officer
22 Greenleaf, I appreciate your time.

23 THE COURT: Any cross-examination of the
24 witness?

25 CROSS-EXAMINATION

1 BY MR. MATTSON:

2 Q You saw the person with the prosthetic arm
3 when you got there. He was behind the wheel of the
4 car that had the victim in the back?

5 A Yes, sir.

6 Q And the man with the prosthetic arm then got
7 out of the driver's seat and got in the back seat
8 with the victim?

9 A Attempted to. He didn't quite make it.

10 Q Didn't quite make it because he was jumped by
11 the fellow with the white and blue striped shirt?

12 A Yes, sir.

13 Q Okay. And you and another officer managed to
14 get them apart. Did the other officer or you
15 threaten to tazer them or something? Did you hear
16 anybody threaten that, if you didn't?

17 A I did not. I don't even carry a tazer, sir.

18 Q Don't even carry a tazer. Must have been the
19 other officer, then. But anyway they got apart and
20 each of them went their own way then?

21 A Yes, sir.

22 Q Okay. Your job, as I understand it, then at
23 the scene was primarily, since you were the second
24 one on the scene, was to the secure the scene? You
25 were one of the officers there to secure the scene?

1 A I was the officer who was basically providing
2 added security for the victim until EMS got there.

3 Q Okay.

4 MR. MCCOY: Thank you very much.

5 THE COURT: Any redirect?

6 MR. MCCOY: No further questions, Your Honor.

7 THE COURT: Any exception to the witness being
8 excused from the State?

9 MR. DURANT: Not from the State, Your Honor.

10 THE COURT: From the defense?

11 MR. MATTSON: None, Your Honor.

12 THE COURT: Sir, you are excused.

13 Call your next witness.

14 MR. DURANT: Thank you, Your Honor, State
15 calls Detective Richard Holmes, Charleston Police
16 Department.

17 MR. RICHARD J. HOLMES,
18 after having first been duly sworn to state the
19 truth, the whole truth and nothing but the truth,
20 testified on his oath as follows:

21 THE COURT: You may proceed.

22 DIRECT EXAMINATION

23 BY MR. DURANT:

24 Q Officer Holmes, how old are you?

25 A 42 years of age.

1 Q where are you employed?

2 A Charleston City Police Department.

3 Q How long have you been with the Charleston
4 City Police Department?

5 A Since 1987, sir.

6 Q what is your current position?

7 A My current position is detective.

8 Q Is there a specific area that you are
9 detective?

10 A I'm investigating armed robberies.

11 Q what is your training and experience in law
12 enforcement?

13 A Graduated at the South Carolina Criminal
14 Justice Academy in 1990. Continuing education with
15 the Investigations Bureau. And I have continuing
16 education, I continue to yearly update my
17 investigation or investigative skills.

18 Q Were you a detective with the Charleston
19 Police Department in September of 2008?

20 A Yes, sir, I was.

21 Q What are your primary responsibilities and
22 duties as a detective?

23 A As a detective with the Charleston City Police
24 Department, my primary duties are to investigate
25 crimes once we are notified by the uniform supervisor

1 to respond to a scene to further the investigation.

2 Q Do you know about how many detectives the City
3 of Charleston Police Department employs?

4 A Somewhere in the area probably of about 30 to
5 40.

6 Q About how many are in your unit?

7 A In the robbery unit where I work, there is
8 about approximately seven of us in the robbery unit.

9 Q Do you work closely with Detective Jerome
10 Fleming?

11 A Yes, sir, I do.

12 Q Do you see him here in court?

13 A Yes, sir.

14 Q Do you work with him on this case?

15 A Yes, sir.

16 Q In your capacity as a detective with the
17 Charleston Police Department, did you become involved
18 in the shooting at on September the
19 19th of 2008?

20 A Yes, sir.

21 Q How were you brought into this case?

22 A Because the night in question I was the duty
23 detective coming on at 10 o'clock. So I was going to
24 be the midnight detective from 10:00 p.m. until 6:00
25 a.m. in the morning.

1 Q So will you tell the jury what the duty
2 detective, what their responsibility is?

3 A The duty detective is we investigate crimes
4 from 10:00 p.m. until 6:00 a.m. We handle all crimes
5 that come up.

6 Uniform officers would call us in case there
7 are situations we have to come out and investigate
8 the crime and continue with the investigation.

9 Q In that capacity did you respond to the scene?

10 A Yes, I did.

11 Q Do you know what county is
12 located in?

13 A Charleston County.

14 Q And what kind of area is this? Is it a
15 neighborhood?

16 A Yes, sir, a residential neighborhood.

17 Q And in your experience is this a high crime
18 neighborhood?

19 A No, sir, it's not.

20 Q It's not. It's generally a peaceful
21 neighborhood?

22 A Quite neighborhood, yes, sir.

23 Q Did you go to the scene?

24 A Yes, sir, I did.

25 Q Approximately what time did you arrive?

1 A Approximately I arrived on the scene somewhere
2 in the area of about 10 o'clock p.m. I arrived over
3 in the area of

4 Q What was going on when you got there?

5 A When I arrived on the scene, the scene was
6 secured. The previous detectives were already on
7 scene, so I arrived to assist them. Being I was the
8 night detective, I would continue the investigation
9 and aid in whatever way they needed to be aided.

10 Q Who was there from your police department?

11 A There were Sgt. -- I'm sorry -- Sgt. Taylor
12 was present at the scene, and there is also another
13 detective present prior to me arriving on scene. As
14 well as uniformed officers who were already on the
15 scene.

16 Q Did you talk to these officers at the scene?

17 A Yes, sir, I did.

18 Q Did they tell what they knew?

19 A Yes, sir.

20 Q What was the procedure at this point? What
21 were you all trying to do?

22 A At the point where I -- they instructed me
23 what was going on, we were trying to, at that time,
24 figure out who was the suspect on the case and
25 basically gather up information, speak to any other

1 witnesses who was present on scene at the time, and
2 gather all the evidence that we had on scene at that
3 time.

4 Q Did the Charleston County Police Department
5 Crime Scene respond to the scene?

6 A Yes, sir, they did.

7 Q Were they there when you arrived?

8 A Yes, sir.

9 Q Were they processing the scene?

10 A Yes, sir, they were.

11 Q In regards to witnesses who may know something
12 about this shooting, did you speak with any witnesses
13 at the scene?

14 A Upon my arrival I spoke with Sgt. Taylor who
15 advised me that there was a lady inside the house who
16 probably needed to be interviewed, which was Ms.
17 Mildred Crawford.

18 I went inside and spoke with Ms. Crawford who
19 was very upset at the time and attempted to gather
20 information from her at the scene at the time.

21 Q Were other people at the scene upset?

22 A Yes, sir.

23 Q Was Ms. Crawford able to talk with you at that
24 time?

25 A She gave me information that, yes, sir, that

1 would lead me to follow-up and continue the
2 investigation. And she advised me at that time in
3 reference to possibly speaking with somebody else who
4 was possibly on the scene at the time.

5 Q And based on your conversation with Ms.
6 Crawford, what did you do?

7 A Based on my conversation with Ms. Crawford,
8 she had advised me that her son, who was on scene
9 when this took place, had already left the area. I
10 advised her that I needed to speak with her son in
11 reference to what he had seen and what happened at
12 the scene.

13 Q And who are you talking about specifically?

14 A Terrence Crawford.

15 Q Did you speak with Terrence Crawford that
16 night?

17 A Yes, sir, I did.

18 Q Where was he located?

19 Q He was -- myself and Detective Fleming
20 responded down to Ashley Oaks Apartment located on
21 Highway 61. We went down to Ashley Oaks Apartment
22 and picked him up from that location.

23 He advised us that he would meet us down by
24 the pool at Ashley Oaks Apartment.

25 Q And did he speak with you?

1 A Yes, sir, he did.

2 Q Did he speak with you there or did you take
3 him somewhere?

4 A We took him, from that location we took him
5 back to the Charleston Police Department to continue
6 our investigation at our headquarters in the
7 Detective Bureau.

8 Q Did he come willingly?

9 A Yes, sir, he did.

10 Q Was he cooperative?

11 A Yes sir, he was.

12 Q Did he provide you with a written statement
13 that night?

14 A Yes, sir, he did.

15 Q Was he able to tell you who the shooter was?

16 A Yes, sir. He informed me who the shooter was.

17 Q Did you do any -- did you perform any kind of
18 police work to verify that he knew who the shooter
19 was?

20 A Yes, sir. Myself and Detective Fleming, what
21 we did was we compiled a photographic lineup. A
22 photographic lineup is a situation where we show the
23 defendant -- I'm sorry, show the witness at that time
24 to verify who he was speaking about in reference to
25 who he had identify for us on the shooting.

1 Q Who did he say was the shooter?

2 A He said the shooter was a party by the name of
3 Jonta Green.

4 Q Did you put Jonta Green's photo in with the
5 other five photos?

6 A Yes, sir, I did.

7 Q Was he able to pick that, Mr. Green out?

8 A Yes, sir, without hesitation.

9 Q That night, on the 19th, did you do anything
10 else to investigate this case?

11 A At that time I turned the investigation over
12 to Detective Fleming. Once the photographic lineup
13 and everything I had completed was turned over to
14 Detective Fleming.

15 Q So was Detective Fleming the case agent?

16 A He was going to be. Yes, sir, he was going to
17 be the case agent.

18 Q And that means your role as the duty detective
19 that night was fulfilled?

20 A Yes, sir.

21 Q Did you write a report in this case?

22 A Yes, sir, I did.

23 MR. DURANT: If I could beg the Court's
24 indulgence.

25 THE COURT: Uh-hum.

1 MR. DURANT: Thank you, Detective. Please
2 answer any questions the defense may have.

3 THE WITNESS: Yes, sir.

4 MR. MATTSON: No questions, Your Honor.

5 THE COURT: Any objection to the witness being
6 excused?

7 MR. DURANT: None from the State.

8 MR. MATTSON: None, Your Honor.

9 THE COURT: Sir, you are excused.
10 Call your next witness.

11 MR. DURANT: State calls Jerome Fleming.

12 MR. JEROME FLEMING,
13 after having first been duly sworn to state the
14 truth, the whole truth and nothing but the truth,
15 testified on his oath as follows:

16 THE COURT: You may proceed.

17 DIRECT EXAMINATION

18 BY MR. DURANT:

19 Q Detective Fleming, where are you employed?

20 A City of Charleston Police Department.

21 Q How long have you been employed there?

22 A July for me will be 15 years. July this year
23 will be 15 years for me.

24 Q What is your current position?

25 A I'm a detective assigned to the violent

1 crimes.

2 Q And when you say violent crimes, what kind of
3 crimes does that include?

4 A It includes murders, assault and battery with
5 intent kill, and assault and battery of a high and
6 aggravated nature. Any suspicious death or suicide I
7 investigate.

8 Q Have you had the opportunity to investigate
9 many murders?

10 A I have been involved in some, yes.

11 Q Approximately how many murder cases have you
12 investigated?

13 A Well whenever -- our unit is a small unit
14 consisting of maybe of about six people. So
15 initially whenever a call goes out, pretty much we
16 all get involved in the cases.

17 So you would say from -- I have been assigned
18 to the unit for approximately five years and been
19 involved -- have responded to about I would say half
20 of the calls that we've had regarding homicides.

21 Q And then is your standard procedure at the
22 Charleston Police Department that one detective
23 becomes the case agent?

24 A Yes.

25 Q And is that what your position is in this

1 case?

2 A This case was assigned to me, yes.

3 Q What is your education?

4 A I'm a graduate from the South Carolina
5 Criminal Justice Academy. Also attended classes for
6 detective training. Along with seminars regarding
7 death investigations.

8 Q How were you are brought into this case?

9 A I think during that day I had worked the day
10 shift. And typically members of the unit will
11 receive a call from the dispatcher requesting members
12 from our unit to show up to a particular scene.

13 Q And did that happen to you on September 19th?

14 A Yes. I received a call from the dispatcher
15 informing me that a shooting had taken place at
16 and requested for some officers to respond
17 to that locations because they didn't believe the
18 victim was going to survive.

19 Q And I'm forgetting if I covered this or not, I
20 think I did. But would you tell the jury what the
21 case agent's responsibility is for the case?

22 A The case agent would have the responsibility,
23 he is the person responsible for making sure all of
24 the reports and all the details as far as the
25 investigation are compiled in one particular, should

1 I say envelope.

2 And when the investigation is complete, that
3 information will be forwarded to the solicitor's
4 office for prosecution if there is a suspect arrested
5 in regards to a crime.

6 Q When you responded to the scene, what time was
7 it that night?

8 A I would say approximately 10:45 p.m.

9 Q Who all was there when you got there?

10 A When I arrived on scene the responding
11 officers were still there, along with our crime
12 scene. The on-duty detectives, they were there. And
13 I met up with Detective Holmes who was engaged in
14 conversation with a witness attempting to locate
15 another witness.

16 Q What is crime scene's job?

17 A The crime scene job is to go into that
18 particular crime scene to collect evidence, physical
19 evidence be it fingerprints, body fluids, physical
20 objects.

21 They would collect those objects and send them
22 off for testing, if need be, to assist us in
23 identifying people that may have been involved in
24 that particular crime.

25 Q And as the case agent, are you aware of

1 whether any physical evidence was obtained from the
2 scene?

3 A Among the items that were collected, I
4 believe there were a .45-caliber shell casing, a
5 spent shell casing, and a broken wooden stick
6 believed to be part of a cane.

7 Q Collected from the scene?

8 A Collect from the scene, yes.

9 Q Now in regards to speaking to any of the
10 witnesses that night, did you speak with any witness?

11 A I spoke with Ms. Crawford, briefly.

12 Q What was her demeanor when you spoke with her?

13 A I would say almost in a state of shock,
14 visibly upset. And she was in the process of trying
15 to locate her son, Terrence Green, for Detective
16 Holmes.

17 Q Terrence Crawford?

18 A Terrence Crawford, I'm sorry.

19 Q Based on your conversation with Ms. Crawford,
20 did you do anything?

21 A Yes. We learned the whereabouts of Terrence
22 Crawford, and Detective Holmes and myself responded
23 to the Ashley Oaks Apartment to meet with him.

24 Q Did you meet with him?

25 A Yes, we did.

1 Q Did you speak with him?

2 A Yes, we did.

3 Q Where did you speak with him?

4 A We spoke with him in the area of the pool,
5 pool house or pool at that location. And from there
6 he agreed to come down to city headquarters and speak
7 with us further.

8 Q Did you speak with him down at city
9 headquarters?

10 A Yes, we did.

11 Q Did he put a statement down in writing?

12 A He provided a written statement to Detective
13 Holmes. Yes, he did.

14 Q That night did anybody else talk to you about
15 what happened at the scene?

16 A I spoke, also spoke with Andrew Rivers. I
17 asked one of the officers to transport him to the
18 station also where I showed him a photo lineup in
19 regards to the statement that he had provided.

20 Q You said Terrence Crawford was shown a photo
21 lineup as well?

22 A Yes, he was.

23 Q And was Mr. Crawford able to pick out anybody?

24 A Yes. He identified Jonta Green as the
25 individual responsible for shooting Brandon Parker.

1 Q What about Andrew Rivers?

2 A I showed Andrew Rivers a photographic lineup
3 and he didn't pick anyone out of the lineup.

4 Q Did you that night speak with Carlos Chisolm?

5 A No.

6 Q Did you that night speak with Sam Crawford?

7 A No.

8 Q Did you that night speak with Carlton Stretch?

9 A No.

10 Q Are you aware of whether anybody did?

11 A Andrew Rivers provided his statement to Sgt.
12 Ambrose. Carlton Stretch also provided a statement,
13 I don't recall the name of the person he provided the
14 statement to. But the other names, Samuel Crawford
15 or Carlos Chisolm names were never brought up.

16 Q So what information on the night that this
17 happened, what information did you have that Jonta
18 Green had killed Brandon Parker?

19 A The information that we had from Terrence
20 Crawford was that he positively identified Jonta
21 Green as the person who killed Brandon Parker. And
22 that was done with a photographic lineup, saying he
23 was an eyewitness to the incident.

24 And from the statement that was provided by
25 Andrew Rivers, he stated a black male with dreadlocks

1 was the person that shot Brandon.

2 Q Based on that information that night, what did
3 you do?

4 A We obtained -- based on that information we
5 obtained an arrest warrant for Jonta Embray Green
6 with the charges of murder and the use of a weapon
7 during the commission of a violent crime, two
8 charges.

9 Q What day was that arrest warrant obtained?

10 A That arrest warrant was obtained on the 20th
11 of September, 2008 which was the following day;
12 should I say the a.m. hours that the warrant was
13 obtained.

14 Q After the warrant was obtained for Jonta
15 Green's arrest, did your investigation end?

16 A No, it did not. On October 17, 2008, I
17 believe, I met with Carlton Stretch, met with him.
18 And he provided me with a six-page statement
19 regarding the incident on that particular night. And
20 I also showed him a photo lineup.

21 Q And was he able to tell you what happened?

22 A He provided the statement naming Jonta Green
23 as the person who shot and killed Brandon Parker.
24 And he positively identified him in that photo lineup
25 that had been presented to him.

1 Q Now you said that was on October 17th?

2 A Yes.

3 Q Approximately two days shy of a month after
4 the murder?

5 A Yes.

6 Q And after talking with Carlton Stretch on the
7 17th, were you -- did you understand that there may
8 be even more witnesses?

9 A Yes. He provided me with the name of Carlos.
10 It was undetermined who Carlos was, but later I found
11 that it turned out to be Carlos Chisholm. I never
12 had the opportunity to locate him or interview him.

13 Q Are you of aware of whether Carlos Chisholm
14 was located?

15 A I'm aware your office did locate him and
16 interview him.

17 Q Did you do anything else to investigate this
18 case?

19 A From there I wrote up my reports and compiled
20 a entire package and forwarded it to the solicitor's
21 office, and maintained communication with the
22 solicitor's office regarding the case.

23 Q Are you aware of whether a gun was obtained in
24 this case?

25 A I am aware that there was a gun surrendered in

1 this case, yes.

2 MR. DURANT: Thank you, sir. Please answer
3 any questions the defense may have for.

4 THE COURT: Any cross-examination of the
5 witness?

6 MR. MATTSON: Thank you.

7 CROSS-EXAMINATION

8 BY MR. MATTSON:

9 Q Were you aware that Carlton Stretch who denied
10 -- were you aware that he denied having any firsthand
11 knowledge about the shooting when he was first
12 interviewed?

13 A I read his first statement and was aware of
14 that fact, yes.

15 Q Okay. Are you aware of the fact that Carlton
16 Stretch didn't identify Jonta because he wanted to
17 kill him?

18 A Not aware of that.

19 Q Hum?

20 A I learned that today in court.

21 Q Okay. And your statement also indicated, if
22 I'm correct that -- let me make sure I've got the
23 right statement, I think I'm getting a couple too
24 many of them here -- that the witness, Carlton
25 Stretch, also said that Brandon was the one who swung

1 on the defendant.

2 A I'm aware of that fact, yes.

3 Q Okay.

4 MR. MCCOY: I have no further questions.

5 THE COURT: Any redirect?

6 MR. DURANT: No further questions, Your Honor.

7 THE COURT: Sir, you may step down.

8 THE WITNESS: Thank you.

9 THE COURT: You're welcome.

10 Call your next witness.

11 MR. MCCOY: Thank you, Your Honor. State will
12 call Detective David Osborne.

13 MR. DAVID OSBORNE,
14 after having first been duly sworn to state the
15 truth, the whole truth and nothing but the truth,
16 testified on his oath as follows:

17 THE COURT: You may proceed.

18 MR. MCCOY: Thank you, Your Honor. May it
19 please the Court.

20 THE COURT: Yes, sir.

21 DIRECT EXAMINATION

22 BY MR. MCCOY:

23 Q Detective Osborne, thank you for being here
24 with us today. I appreciate your time.

25 Could you tell the jury where you are

1 employed?

2 A The Charleston Police Department.

3 Q And how long have you been with the Charleston
4 Police Department?

5 A Eight years.

6 Q Eight years. And in those eight years, what
7 have been your duties there?

8 A I worked two years on the street and I have
9 been in the detective unit ever since.

10 Q Okay. Six years in the detective unit, two
11 years on the street?

12 A Yes.

13 Q Have you received any sort of training or
14 education that have helped you as a police officer?

15 A I have received numerous amounts of training,
16 yes.

17 Q Can you fill the jury in a little bit about
18 those qualifications?

19 A Let's see I went to -- just off my head -- I
20 went to interrogation classes, I went to
21 investigation classes, I went to evidence classes, I
22 went to stolen car classes, robbery classes. Those
23 are just a few that I can think of.

24 Q Lot of classes?

25 A Yes.

1 Q Detective Osborne, as a detective with the
2 CPD, are you assigned to investigate a particular
3 kind of case?

4 A I'm in the homicide unit or violent crimes.

5 Q Okay. Violent crimes?

6 A Yes.

7 Q As we have heard from Detective Fleming also
8 what are -- what is classified as a violent crime?

9 A A shooting, obviously a murder, some robberies
10 that are aggravated in nature, perhaps an aggravated
11 rape, high-profile crimes, things of that nature.

12 Q Okay. How many detectives are in your unit?

13 A I think we have four and a supervisor.

14 Q Okay.

15 A Five and a supervisor.

16 Q And, Detective Osborne, did you have an
17 opportunity to become involved in a homicide that
18 occurred on 9/19 of 2008?

19 A Yes, I did.

20 Q Tell the jury how you became involved in that.

21 A On September 20th, I was working at the
22 station that day as a duty detective. And I received
23 a phone call at about 12:30 p.m. that a Jonta Green
24 -- actually I got a phone call from his attorney,
25 Demal Mattson, stating that Jonta Green was ready to

1 turn himself in.

2 Q Okay. Were you aware at this time that Jonta
3 Green had outstanding murder warrants?

4 A Yes, I was.

5 Q And how were you made aware of that?

6 A Well we communicate with each other in the
7 unit. so I was, although I wasn't the case agent, I
8 was somewhat familiar with the course of the
9 investigation at that point.

10 Q And as the duty detective, that's what you
11 just told us that's what you were that day, is it
12 your responsibility, I mean is that part of your job
13 classification to take this kind of a call and to
14 make a decision on what to do?

15 A Yes.

16 Q Okay. Detective Osborne, what happened next?

17 A While at the station I went downstairs. I met
18 with Demal Mattson and Jonta Green. And I went ahead
19 and advised him that he was under arrest and then
20 brought him in and began booking procedures.

21 Q Okay. When you observed Jonta Green, what did
22 he look like to you?

23 A Well I remember that he had short hair and
24 that he was missing an arm.

25 Q Okay. Did anything else stand out to you once

1 you saw him? Did he have any cuts or bruises or
2 anything about his face or body?

3 A No. I didn't see any injuries of any kind.

4 Q Okay. And when you take somebody into
5 custody and you serve a warrant, explain how that
6 process works.

7 A Well we will take him to the back, and once
8 you have him in the booking area there I'll read the
9 warrants to him and then I'll complete the booking
10 paperwork which basically just has the general
11 information, his name, date of birth, things like
12 that.

13 Q Okay. While you are doing this with the
14 defendant in this case, was his attorney present?

15 A No. His attorney wasn't allowed in the back.
16 I allowed his attorney to speak to him before I
17 brought him to the back. And I believe Mr. Green did
18 go ahead and take all his personal property and give
19 it to his attorney.

20 Q Okay. And as of now a detective that is
21 involved in this case, were you aware if there had
22 been a murder weapon or any sort of weapon that was
23 recovered from the scene or related to this case at
24 all?

25 A No. In fact I seem to recall when I notified

1 Detective Fleming, I'm almost certain that he asked
2 me to ask Mr. Mattson if he would speak to his client
3 and in an attempt to try and recover the murder
4 weapon.

5 Q Okay. And when he came on the 20th, did he
6 bring a gun with him?

7 A No, he did not.

8 Q Okay. Did there come a point in time that you
9 did receive a gun in this case?

10 A Yes.

11 Q Okay. Explain to the jury how that came
12 about.

13 A Well back on the 20th I spoke Mr. Mattson and
14 I related the information that Detective Fleming
15 asked me to and asked if he could speak to Jonta in
16 an attempt to try and recover the weapon and he said
17 he would.

18 On the 23rd I went by -- on September 23rd I
19 went by Mr. Mattson's office and then retrieved the
20 weapon there.

21 Q Okay. And who did you pick up the weapon from
22 there?

23 A It was from his clerk. He wasn't working that
24 day. I'm sorry. I wrote down the clerk's name, I
25 think it's on the chain of custody.

1 MR. MATTSON: It's the lady sitting over here.

2 THE WITNESS: Yes, it is.

3 Q (By Mr. McCoy) And how were you made aware to
4 even go to his attorney's office?

5 A Because he told me to.

6 Q Okay. You received a call that the weapon was
7 there?

8 A Yes, sir.

9 Q Okay.

10 MR. MCCOY: May I approach the witness, Your
11 Honor?

12 THE COURT: Uh-hum.

13 Q (By Mr. McCoy) Detective Osborne, I'm going
14 to show you what's already into evidence as State's
15 Exhibit No. 2. If you could take a look at that and
16 tell me what that is?

17 A That's the weapon that I recovered from his
18 office.

19 Q Okay. Is it the same weapon you recovered
20 from his office?

21 A Yes.

22 Q Could you hold that gun up for jury to see?
23 Thank you. Both sides of it.

24 Does it appear to have two different colored
25 handles on there?

1 A Yes, it does.

2 Q And tell the jury what color those handles
3 are?

4 A Brown and white.

5 Q So one side is brown and the other side is
6 white?

7 A Yes, sir.

8 Q Okay. Detective Osborne, once you received a
9 weapon that has been indicated to you as a murder
10 weapon in a case, what do you do with it next?

11 A Log it into evidence.

12 Q Okay. Explain for the jury how you go about
13 doing that.

14 A What you would do is you would fill out a
15 chain of custody just showing when you got the piece
16 of evidence, who you got it from. Then you would
17 take it into evidence, you would box it up, make it
18 safe, and then put that into a secure area.

19 Then the evidence custodian would then pick it
20 up and then put it into the actual evidence room.

21 Q Okay. Detective Osborne, once you've secured
22 a piece evidence or dropped it off, who has access to
23 it?

24 A No one. Except the evidence custodian.

25 Q So is it safe to say that an item is secure

1 once it is placed into evidence?

2 A Yes, sir.

3 MR. MCCOY: Judge, may I have one moment?

4 THE COURT: Uh-hum.

5 MR. MCCOY: Judge, may I approach?

6 THE COURT: Uh-hum.

7 (Whereupon, State's Exhibit No. 30 is marked
8 for identification.)

9 Q (By Mr. McCoy) Detective Osborne, I'm going
10 to show you what has been marked for identification
11 purposes as State's Exhibit 30. Could you take a
12 look at that and tell me what it is?

13 A This is a booking photograph of Jonta Green.

14 Q Okay. And in these photographs of the
15 defendant, Mr. Green, does he appear to be in the
16 same condition as when you viewed him the day you
17 booked him?

18 A Yes, minus the clothing. The clothing that he
19 is wearing here is Charleston County clothing attire.
20 But, yeah, as far as his looks, yes, it's the same.

21 Q And can you, from those photographs can you
22 see if there are any sorts of cuts or bruises on his
23 face?

24 A Nothing that appears to be fresh. He does
25 look like he's got some older scar running across the

1 back of his neck.

2 Q Okay. But this is fairly consistent with how
3 you viewed him the day he turned himself in?

4 A Yes.

5 MR. MCCOY: Your Honor, at this time I move
6 State's 30 into evidence.

7 THE COURT: Any objection, Mr. Mattson?

8 MR. MATTSON: None, Your Honor.

9 THE COURT: Marked and admitted without
10 objection.

11 (Whereupon, State's Exhibit No. 30 is admitted
12 into evidence.)

13 Q (By Mr. McCoy) In closing, Detective Osborne,
14 did Mr. Green complain to you about any ailments he
15 might be having that day?

16 A No.

17 Q Did he complain about any cuts or bruises or
18 anything that may be bothering him at all?

19 A No.

20 MR. MCCOY: Okay. Thank you, Detective
21 Osborne.

22 THE COURT: Any questions for the witness?

23 CROSS-EXAMINATION

24 BY MR. MATTSON:

25 Q How are you doing?

1 A Good.

2 Q It's has been a little while.

3 A Yes, it has.

4 Q That particular weapon, would you classify
5 that as being a 1911 model semiautomatic?

6 A I'm not really familiar with guns. On my
7 report -- well I know it is a semiautomatic by
8 looking at it. On my report I listed it as an 11.25,
9 a .45-caliber.

10 Q Okay. Not automatic, semiautomatic?

11 A Semiautomatic, yes, sir.

12 Q Right. During our conversation I indicated to
13 you about a cell phone that had some information on
14 it; do you recall that?

15 A I don't recall that.

16 Q Let me show you your statement, will that
17 help you?

18 A I am looking at it now. I think I see what
19 you are talking about.

20 Q Jonta received a phone call asking him to
21 return -- to come to the scene?

22 A Right, okay.

23 Q Can you read what that says in your report?

24 A Mr. Mattson asked the RO if the police had
25 recovered any cell phones from the scene -- I would

1 be the RO. The RO said he wasn't sure, why? Mr.
2 Mattson said Jonta received a phone call asking him
3 to return to the scene.

4 Q Okay. And then you discovered that you had
5 received -- there were some cell phones, correct,
6 that were recovered at the scene? I think page --

7 A Oh, yes, sir. Yes, there were cell phones and
8 I think I did assist with the search warrants of the
9 cell phones.

10 Q Right. And the search warrants were to allow
11 someone to do a forensic examination of the cell
12 phones, correct?

13 A That's correct.

14 Q Who would have done the forensic on the cell
15 phone?

16 A That would have been our CPD forensic unit.

17 Q Do you know who in fact did it?

18 A I don't know exactly which officer would have
19 done it.

20 Q Okay. So you would just kind of -- you were
21 gathering together the information primarily, such as
22 the .45, the cell phones and some bullet fragments
23 and a shell casing, is that?

24 A No. I mean my involvement in this was pretty
25 limited. I think this may have been the only

1 supplemental that I wrote on this case.

2 Other than retrieving the weapon and assisting
3 with booking in Jonta, and assisting with proposing
4 the search warrants for the cell phones.

5 Q Okay. I'd like you to read the next to last
6 sentence.

7 MR. MCCOY: Your Honor, I'm going to object to
8 the witness reading off his statement.

9 THE COURT: Is there a basis for the
10 objection?

11 MR. MCCOY: He can refresh his memory with it,
12 Your Honor.

13 Q (By Mr. Mattson) Do your notes indicate that
14 there's --

15 THE COURT: Mr. Mattson, there is an objection
16 pending.

17 MR. MATTSON: I was just going to rephrase
18 the question and ask him if he --

19 (Whereupon, the following discussion was held
20 at the bench.)

21 MR. MCCOY: It's his own report.

22 THE COURT: What report?

23 MR. MATTSON: This is from the detective's
24 report itself.

25 THE COURT: Is it his or someone else's

1 report?

2 MR. MATTSON: His, Osborne, it's his report.

3 THE COURT: Why can't he read from his report?

4 MR. MCCOY: I think you have to ask him a
5 question, not say your report says this.

6 THE COURT: You need to impeach him.

7 MR. MATTSON: No, I was going to get him to
8 verify something for me, not impeach.

9 THE COURT: Ask him a direct question, see if
10 he can answer it. If he cannot, let him use the
11 report to refresh his memory.

12 (In open court.)

13 THE COURT: Rephrase.

14 MR. MCCOY: Thank you, Judge.

15 THE COURT: You're welcome.

16 Q (By Mr. Mattson) Do you recall whether or not
17 there was Palm Treo 650 model cell phone recovered at
18 the scene?

19 A Well from my report I see that I did assist in
20 composing a search warrant for a Palm Treo, so I am
21 assuming that's where it was recovered.

22 Q Okay. Thank you.

23 Oh, yeah, I do have. You indicated that Jonta
24 Green, Mr. Green, did not have any bruises on his
25 head except for a scar on the back of his neck?

1 A That I can recall, yes.

2 Q Yeah. And that scar, did it look like a burn
3 scar?

4 A It does appear to be a burn scar, yes.

5 Q Okay. And did you inspect the rest of Mr.
6 Green's body?

7 A No.

8 MR. MATTSON: Thank you. I have no further
9 questions.

10 THE COURT: Any redirect of the witness?

11 MR. MCCOY: No, ma'am.

12 THE COURT: May the witness be excused from
13 the State?

14 MR. MCCOY: Yes, ma'am.

15 THE COURT: From the defense? Any exception
16 to the witness being excused?

17 MR. MATTSON: None, Your Honor.

18 THE COURT: Sir, you are excused.

19 Call your next witness.

20 MR. MCCOY: Judge, before we continue, I would
21 like publish a stipulation that we have between the
22 parties to the jury.

23 THE COURT: You may proceed.

24 MR. MCCOY: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 MR. MCCOY: Ladies and gentlemen, a
2 stipulation is an agreement that the two parties, Mr.
3 Mattson and the State, have come to a conclusion and
4 these are a set of facts that we have both agreed
5 upon in this case. I'm going to read these to you
6 right now, and these will also go back to you in the
7 jury room.

8 The parties hereby stipulate and agree that
9 the defendant, Jonta Embray Green, possessed one
10 H-A-F-E-S-A .45 automatic caliber pistol, model
11 Ballester Molina, serial number [REDACTED] on September
12 19th of 2008.

13 This is the same gun which fired the bullet
14 that resulted in the death of the victim, Brandon
15 Kyle Parker, on September 19, 2008. This gun was
16 brought to the residence of [REDACTED] in
17 Charleston County by the defendant before it fired
18 the bullet that was resulted in the death of the
19 victim, Brandon Parker.

20 This gun was turned over to the defense
21 counsel by Mr. Demal Mattson by an unknown party at a
22 time after September 20th, of 2008. On September
23 24th of 2008, defense counsel tendered this gun to
24 the Charleston Police Department and placed it in the
25 custody of Detective David Osborne.

1 THE COURT: Call your next witness.

2 MR. DURANT: State calls Anita Marie Moore.

3 MS. ANITA MAESTAS MOORE,

4 after having first been duly sworn to state the
5 truth, the whole truth and nothing but the truth,
6 testified on her oath as follows.

7 THE COURT: You may proceed.

8 DIRECT EXAMINATION

9 BY MR. DURANT:

10 Q Good afternoon, Ms. Moore.

11 A Good afternoon.

12 Q How you are you?

13 A Fine, thank you.

14 Q Good. Will you tell the jury where you are
15 employed?

16 A The Charleston Police Department.

17 Q And how long have you been employed there?

18 A A little over nine years.

19 Q What is your current position?

20 A Currently, I'm an associate criminalist in the
21 crime lab.

22 Q And what does it mean to be an associate
23 criminalist in the crime lab?

24 A I'm a chemist and I analyze controlled
25 substances. Then I will be training to do firearm

1 analysis and serology as well.

2 Q Was that your position back in September of
3 2008?

4 A No, it was not.

5 Q What was your possession then?

6 A At that time I was a crime scene technician
7 with the Charleston Police Department as well.

8 Q And what are your responsibilities and duties
9 as a crime scene technician?

10 A As a crime scene technician our duties are to
11 arrive at a possible crime scene, to observe the
12 scene, collect and preserve any physical evidence
13 that might be there.

14 Q In regard to this case, the case against Jonta
15 Green, were you brought into this case?

16 A Yes, sir, I was.

17 Q How were you brought into this case?

18 A On the day after the incident I obtained --
19 correction. I went and worked the autopsy at MUSC.

20 Q Do you know who the doctor was who was
21 performing the autopsy?

22 A I do. I think it was Dr. Shield.

23 Q Dr. Shield, Dr. Amy Shield?

24 A Yes.

25 Q And where was the autopsy performed?

1 A They're done at MUSC, autopsy/pathology.

2 Q And why were you at the autopsy?

3 A Because I was working that day.

4 Q Did you need to collect anything from the
5 autopsy?

6 A Yes. Usually when there was an autopsy done
7 when it's in regards to a criminal activity, we try
8 to attend all of them and the reason being is we want
9 to collect any evidence that is being found at the
10 autopsy. Which could be anything from the
11 fingerprints of the deceased, to their clothing, any
12 items that might be on them, projectiles that might
13 be the subject, hair fibers, fingernail clippings,
14 DNA.

15 Q Did you take photographs of the autopsy?

16 A I believe I did. That's our normal procedure.

17 Q Did you recover projectiles at the autopsy?

18 A Yes.

19 Q What about gunshot residue? Did you perform a
20 gunshot residue test kit on Brandon Parker?

21 A Yes, we did. If the incident has involved
22 some type of shooting, we try to collect a GSR, which
23 is a gunshot residue, on the victim.

24 Q And why is that important?

25 A There is two different reasons. To see if the

1 suspect was involved or to make sure if he had fired
2 a weapon at that time as well. It's just to rule out
3 any possible contamination, involvement, anything of
4 that nature.

5 Q I'm showing you what the State has labeled as
6 State's 8. This is already in evidence, but ask you
7 to take a look at it.

8 Do you recognize that?

9 A Yes, I do.

10 Q And how do you recognize that?

11 A On the evidence itself, when we collect it, we
12 actually put an evidence sticker on there which puts
13 the date, the location and my initials and my name.
14 The seal also as my initials and the date that it was
15 collected.

16 Q And what is that?

17 A This states that it contained two metal
18 fragments and a piece of copper jacketing which was
19 collected from the deceased.

20 Q And that was Brandon Parker?

21 A Yes.

22 Q And this is State's No. 4, it's already in
23 evidence as well. Ask you to take a look at it.

24 Do you recognize that?

25 A Yes, sir. This is the packaging that I did

1 with the gunshot residue kit. And that's also,
2 again, the evidence sticker has the name, what's in
3 it, and my initials and the date on the back of it.

4 Q Now how do you collect a gunshot residue
5 sample from somebody?

6 A The kits come prepackaged. When you open them
7 up they contain sticky tabs, it's just a little metal
8 container with a little sticky on the end. And you
9 use that to actually tab the hands of the person that
10 you are doing the gunshot residue on. And there is
11 one for the front and back of each hand.

12 Once we do the sticky tabs on a hand, we also
13 do a swab of nitric acid, which is a solvent that we
14 use, and we swab the hands; front and back of each
15 one. They go into special vials.

16 And we also take a control sample, to make
17 sure that the kit is working, which is away from the
18 hands, usually on the back or on the foot, somewhere
19 in that nature. Then they all get sealed and
20 submitted to evidence.

21 Q Did you also take the victim's fingerprints?

22 A I believe I did, yes.

23 Q What about a blood sample?

24 A I don't take the blood sample. They are
25 collected by a pathologist during the autopsy. Once

1 they collect it, they do turn over a sample, if there
2 is one available, and I believe there was one.

3 Q And with regard to the items that you
4 collected at this autopsy, what did you do with them?

5 A When we collect evidence, what we call bag and
6 tag. We label everything that we collect. We make
7 sure that it's properly packaged. We seal it. And
8 then we put it into an evidence locker so that it can
9 be transported to the main evidence custodian.

10 Q And while these items of evidence are in your
11 possession, do you do anything to damage or alter
12 them in any way?

13 A No, we do not.

14 MR. DURANT: Thank you. Please answer any
15 questions the defense may have.

16 THE WITNESS: Thank you,

17 THE COURT: Any questions for the witness?

18 CROSS-EXAMINATION

19 BY MR. MATTSON:

20 Q It is my understanding that you were at the
21 autopsy primarily to take possession of any physical
22 evidence that the autopsy produced?

23 A Yes, sir.

24 Q And you did administer, I guess you'd say, or
25 apply, the gunshot residue kit?

1 A Right. I took the samples for the gunshot
2 residue kit, yes.

3 Q Right. And you said you tabbed, is that sort
4 of like a sticky or something where you?

5 A It's a little plastic piece. And on the
6 bottom of it it's a circular disk and it's got a
7 tacky substance on it, and I'm not sure what that's
8 made of.

9 They come prepackaged, and that is what you
10 tab on, yes.

11 Q Hoping to pick up something?

12 A Any residue that's there, yes.

13 Q Okay. And I assume, you didn't say this, but
14 I would assume you are wearing rubber gloves to keep
15 the scene?

16 A Yes, sir. Generally I try to wash my hands
17 with an antibacterial gel, and then put gloves on
18 just to make sure there is nothing on me that will
19 transfer into the test.

20 Q Okay. You don't process the tabs, do you?

21 A No, sir, I don't.

22 Q That's sent away?

23 A Yes, sir.

24 Q And the acid bath is a swab that you use?

25 A Right. There is just little sterile cotton

1 swabs. And you just take the vial that has the
2 solution. And you just drop a couple of drops on the
3 swab to moisten it to where it can pick up any
4 debris.

5 Q Okay. And you don't interpret that either?

6 A No, sir. That's all part of the kit and it
7 gets sent to wherever it's going to be analyzed.

8 Q Okay. Now it is my understanding you
9 recovered two metal -- I wasn't listening close, I
10 was make notes that's why I'm re-asking this -- two
11 metal fragments and a piece of copper fragment?

12 A Yes, sir.

13 Q Where were they recovered from?

14 A They were recovered from the body, from the
15 autopsy.

16 Q So this was?

17 A The pathologist collects them and then they
18 turned them over to me.

19 Q Okay. So this would be something the doctor
20 would have removed from the?

21 A Yes.

22 Q Okay.

23 A You know as to exactly where it was inside his
24 body or the clothing, they will have it on their
25 record.

1 Q Your job then is to collect these, mark them,
2 seal them up, and send them up for someone else for
3 further work?

4 A Yes, sir.

5 MR. MCCOY: Thank you. No further questions.

6 THE COURT: Any redirect?

7 MR. DURANT: No redirect, Your Honor.

8 THE COURT: Any objection to the witness being
9 excused?

10 MR. DURANT: None from the State.

11 MR. MATTSON: No.

12 THE COURT: Ma'am, you are excused.

13 THE WITNESS: Thank you.

14 THE COURT: You're welcome.

15 You may call your next witness.

16 MR. DURANT: State calls Mary Phillips.

17 MS. MARY KATHERINE PHILLIPS,
18 after having first been duly sworn to state the
19 truth, the whole truth and nothing but the truth,
20 testified on her oath as follows:

21 DIRECT EXAMINATION

22 BY MR. DURANT:

23 Q Ms. Phillips, good afternoon.

24 A Good afternoon.

25 Q Would you tell the jury where you are

1 employed?

2 A City of Charleston crime scene unit.

3 Q How long have you been with the City of
4 Charleston crime scene unit?

5 A Approximately four years.

6 Q Have you had any other previous law
7 enforcement experience?

8 A I worked with the Charlotte Mecklenburg Police
9 Department crime scene unit for approximately five
10 years.

11 Q So you have been in crime scene for
12 approximately 8, 9 years?

13 A Yes, sir.

14 Q And this was your position in September of
15 2008?

16 A Yes, sir.

17 Q What are your duties and responsibilities as a
18 crime scene technician?

19 A Crime scene investigators respond to various,
20 numerous and different types of scenes for the
21 purpose of documenting by videos, by notes, and by
22 photographing different scenes.

23 We process anything on scene for fingerprints,
24 and we also collect evidence for the purpose of
25 further processing and to secure it.

1 Q What is your training and education in this
2 field?

3 A I have a four-year degree from Charleston
4 Southern University. I have a Bachelor of Science
5 in biology and criminal justice. And I have also
6 gone through the International Association for
7 Identification as a crime scene technician.

8 And I have done approximately about a year of
9 training when I was up with the Charlotte Mecklenburg
10 Police Department.

11 Q And in your capacity as a crime scene
12 technician with the Charleston Police Department, did
13 you have the occasion to respond to. ?

14 A I did.

15 Q On September 19, 2008?

16 A I did.

17 Q And what did you respond in reference to?

18 A A shooting.

19 Q What did you observe upon arrival?

20 A When I got there, there were several police
21 cars there. They had taped off the front of the
22 house. It was a single story house. There were
23 several cars parked, I would say, in the driveway as
24 well as the front yard. And it was all taped off by
25 crime scene tape.

1 Q What was your role when you arrived?

2 A I was the first person on the scene for the
3 crime scene unit, and my job was to secure the scene.
4 Pretty much get everybody out of it so that we could
5 secure anything that's in it.

6 Photograph the scene. Process anything that
7 needed to be processed for fingerprints as well as
8 recover any evidence from the scene.

9 Q Was the scene secured?

10 A Yes, sir.

11 Q How was that?

12 A Numerous officers were standing by, walking
13 both the roadway in front of the dwelling as well as
14 around the dwelling. And there was crime scene tape
15 all around the front of the dwelling as well.

16 Q Were you able to process the scene?

17 A Yes, sir.

18 Q What did you do to process?

19 A We took over all photographs of the house, the
20 vehicles that were there, just about everything
21 outside; including the houses adjacent to this house.

22 And we processed a lot of the vehicles that
23 were outside for fingerprints. And we did a video of
24 the scene as well. And we searched the property for
25 any additional evidence.

1 Q And you said you processed vehicles for
2 fingerprints?

3 A Yes, sir.

4 Q Do you know which vehicles you process for
5 fingerprints?

6 A I can tell you. I know there was
7 approximately three or four vehicles that we
8 processed. And there was one vehicle that we had
9 towed.

10 Let's see, we processed an Isuzu Rodeo that
11 was in the driveway. A Chevy Silverado that was in
12 the driveway. And a Ford Expedition that was in the
13 front yard of the dwelling. We had another vehicle
14 towed to the crime scene office.

15 Q And you processed those for fingerprints?

16 A Yes, sir.

17 Q And what are you looking for when you process
18 them for a fingerprint?

19 A Well fingerprints are, there are fingerprints
20 that aren't visible to the naked eye. So what we use
21 is a mixture of powders. We use both the silk and
22 the magnetic powder and we process the outside with
23 brushes for fingerprints.

24 Q Have you had the opportunity to lift latent
25 fingerprints before?

1 A Yes, sir.

2 Q Approximately how many times?

3 A I don't know. Several, several times. It's
4 part of our daily job in crime scene.

5 Q would you say hundreds of times?

6 A Yeah. Oh, yes.

7 Q Have you testified in court as an expert
8 witness before?

9 A Yes.

10 Q Have you qualified as an expert witness in the
11 area of fingerprint lifting?

12 A Yes, sir.

13 MR. DURANT: Your Honor, at this time, the
14 State asks that this witness be qualified as an
15 expert in general crime scene and fingerprint
16 detection.

17 THE COURT: Any questions or objections?

18 MR. MATTSON: None, Your Honor

19 THE COURT: So admitted.

20 MR. DURANT: Thank you.

21 Q (By Mr. Durant) will you tell the jury what a
22 latent fingerprint is?

23 A Latent fingerprints are fingerprints, they're
24 not visible to the naked eye so you are not going to
25 see them just when you walk by. Basically the oils

1 in your hands, they secrete through your fingertips
2 and when you touch something it leaves the ridge
3 detail of a fingerprint.

4 You just can't see it unless you put down a
5 powder.

6 Q Is powder the only way to detect a latent
7 fingerprint?

8 A On vehicles, like on this scene, yes. We also
9 use different techniques for different surfaces. For
10 paper, we uses a hydrant. For porous surfaces we use
11 a technique called Super-glue. Depends on the
12 surface.

13 Q Are some surfaces more conducive for leaving a
14 latent fingerprint than others?

15 A Most certainly.

16 Q What kind of surfaces are good for leaving
17 latent fingerprints?

18 A Ideally very clean glass would be perfect for
19 leaving fingerprints. Anything that is very smooth,
20 nonporous, things that are rather shiny and, you
21 know, have a slick coating to them.

22 Q And, you know, conversely, what kind of
23 surfaces would not be good?

24 A Oh, anything that's textured. A heavy texture
25 a lot of times what you'll get -- like I think of

1 computer equipment, things like that.

2 You can see when you put down the powder that
3 a fingerprint has been there but we get the texture
4 of it, and it's a microtexture. Kind of like the
5 interior of vehicles and computer equipment.

6 Q Did you recover any physical evidence other
7 than fingerprints?

8 A Yes, sir.

9 Q From the scene?

10 A Yes, sir.

11 Q What did you recover?

12 A Let's see, we recovered a fired shell casing,
13 a cigarette butt, a sandal that was observed to have
14 blood on it, a driver's license, and an ID card for a
15 Brandon Kyle Parker, a Palm One Treo cell phone, and
16 a broken wooden stick.

17 Q Do you recall where you found a shell casing?

18 A I do. It was on top of one of the vehicles.
19 It was on top of the Chevy Silverado that was parked
20 in the driveway. It was up near the windshield
21 wiper.

22 Q Do you recall where you collected the stick?

23 A The stick was in a -- it was right near a bush
24 that was at the edge of the driveway, to the left of
25 the driveway near the roadway.

1 Q All right. Behind you I think you will be
2 able to see, this is State's No. 19.

3 Do you recognize State's 19?

4 A I do.

5 Q And what are we looking at here?

6 A That would be the Chevy Silverado that was
7 parked in the driveway to the residence.

8 Q And what appears to the on the windshield
9 there?

10 A In that, well in the corner was where we found
11 the casing up here. That might be one of my
12 placards.

13 Q Let me show you another picture. This is
14 State's 26. And what are we looking at here?

15 A That is the front line of the windshield of
16 the Chevy Silverado with an evidence placard number 1
17 on it.

18 Q And State's 25?

19 A That would also be the evidence placard
20 adjacent to the fired shell casing where we located
21 it.

22 Q And did you collect this shell casing?

23 A Yes, sir.

24 Q Did you actually take this picture as well?

25 A Yes, sir.

1 Q All these pictures that we have from the crime
2 scene were from pictures that you took?

3 A Yes, sir.

4 Q And throughout this trial we have been looking
5 at this crime scene diagram?

6 A Yes, sir.

7 Q This is State's No., I believe it's 6.

8 Yes, 6.

9 Are you familiar with this?

10 A I am.

11 Q and why is that?

12 A I did that diagram.

13 Q You created this diagram?

14 A Yes, sir.

15 Q And that's based upon your observations at the
16 scene?

17 A Yes, sir.

18 Q And do these locations of the cars depict
19 where the cars were when you processed the scene?

20 A Yes, sir.

21 Q So these were the cars that you checked for
22 fingerprints?

23 A Yes, sir.

24 Q And did you obtain any latent fingerprints
25 from these cars?

1 A I did.

2 Q Can you tell us how many latents you lifted
3 from each car?

4 A Okay. I collected 11 latent fingerprints from
5 the Chevy Silverado; 7 from the Isuzu Rodeo; and 4
6 from the Ford Expedition.

7 Q And what did you do with all these latents?

8 A They were turned into our latent print
9 division for processing.

10 Q Did you do anything to alter or damage them
11 in any way after you collected them?

12 A No, sir.

13 Q With regard to the shell casing, what did you
14 do with it after you collected it?

15 A The shell casing was turned into our latent
16 recovery division for further processing for
17 fingerprints.

18 Q Did you do anything to alter or damage it?

19 A No, sir.

20 Q And what about the wooden stick? I'm showing
21 you what's again already in evidence as State's 5.

22 Do you recognize that?

23 A I do.

24 Q And how do you recognize that?

25 A This is -- well it's the wooden stick I

1 collected on the scene. And it also has my initials
2 and case number on it.

3 Q And what did you do with that when you
4 collected it?

5 A I also turned this into our latent recovery
6 division for processing for fingerprints.

7 Q Did you do anything else out at the scene that
8 day or that night?

9 A No, sir.

10 Q Did you write a report in this case?

11 A I did.

12 Q And did you detail how you processed this
13 scene?

14 A I did.

15 MR. DURANT: Thank you. Please answer any
16 questions the defense may have.

17 THE COURT: Any cross-examination of the
18 witness?

19 MR. MATTSON: May I have one moment, Your
20 Honor?

21 THE COURT: Yes.

22 CROSS-EXAMINATION

23 BY MR. MATTSON:

24 Q Good afternoon.

25 A Good afternoon.

1 Q You had me confused for a little while
2 yesterday when we had M.K. Phillips, somebody, the
3 Judge asked me is that Mary Phillips and I thought,
4 I don't know. But now I know.

5 Question. As you were with the crime scene
6 unit at the City of Charleston Police Department?

7 A Yes, sir.

8 Q And evidence that is gathered at the crime
9 scene is basically turned over to you to collect and
10 monitor and tag and what have you?

11 A Yes, sir.

12 Q And take photographs, and latent fingerprints,
13 et cetera, right?

14 A Yes, sir.

15 Q Okay. You don't actually do any fingerprint
16 identification yourself, do you?

17 A No, sir.

18 Q Your job is the collector of evidence?

19 A Yes, sir.

20 Q If someone found something at the scene,
21 should that be turned over to you?

22 A Ideally, yes. But they would probably leave
23 it where it was located.

24 Q Or call your attention to it?

25 A Yes, sir.

1 Q Okay. Looking through your report and
2 everything, I've looked through it a couple of times
3 and looked through it again. I mean it goes from,
4 you all even collected a cigarette butt, right?

5 A Yes, sir.

6 Q And a black sandal with blood, right?

7 A Yes, sir.

8 Q And a cell phone and the broken stick, et
9 cetera?

10 A Yes, sir.

11 Q Okay. I don't see anything in here where
12 anybody turned over to you any green plant material
13 that was found on the scene for processing. Do you
14 show that anywhere?

15 A No, sir, I don't recall that.

16 Q Okay. And do you recall anybody turning over
17 a pocket scale that was found at the scene?

18 A No, sir.

19 Q And do you recall anybody turning over to you
20 a Crown Royal bag?

21 A No, sir.

22 Q Okay. So you don't know anything about those
23 being found at the scene?

24 A No, sir.

25 MR. MCCOY: Thank you, ma'am. No further

1 questions.

2 THE COURT: Any redirect?

3 MR. DURANT: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. DURANT:

6 Q With respect to the Oldsmobile that was out
7 there at the scene, it's listed on your diagram?

8 A Yes, sir.

9 Q Did you process the Oldsmobile?

10 A No, I did not.

11 Q And why not?

12 A That vehicle was --

13 MR. MATTSON: Your Honor, I don't see where
14 his redirect has anything to do with my cross.

15 THE COURT: Repeat the question.

16 And the objection would be outside the scope.
17 No speaking objections. Repeat the question.

18 Q (By Mr. Durant) Did you process the
19 Oldsmobile?

20 A No, sir.

21 THE COURT: Overruled.

22 MR. DURANT: Thank you.

23 Q (By Mr. Durant) And why was that?

24 A The vehicle was towed back to our crime scene
25 unit until a search warrant could be obtained for it.

1 MR. DURANT: Thank you.

2 THE COURT: Any objection to the witness being
3 excused from the State?

4 MR. DURANT: None from the State.

5 THE COURT: From the defense?

6 MR. MATTSON: None, Your Honor.

7 THE COURT: You're excused, ma'am.

8 THE COURT: Madam Forelady, ladies and
9 gentlemen, you have been sitting about an hour and a
10 half. I'm going to give you all a brief restroom
11 break. During the break please do not discuss the
12 case and please leave your notepads in your seats.

13 If you will go with the bailiffs for me,
14 please.

15 (Whereupon, the jurors exit the courtroom.)

16 THE COURT: We are at ease for ten minutes.

17 (Whereupon, a recess was taken.)

18 THE COURT: State ready to proceed?

19 MR. DURANT: State's ready, Your Honor.

20 THE COURT: Defense ready to proceed?

21 MR. MATTSON: We are ready, Your Honor.

22 THE COURT: If anyone has any cell phones on
23 in the gallery, you should turn them off. If they go
24 off they will be confiscated by the deputies and will
25 not be returned to you.

1 MR. MATTSON: The Judge has very good hearing.

2 THE COURT: All right. Please bring in the
3 panel.

4 (Whereupon, the jurors enter the courtroom.)

5 THE COURT: You may take your seats.

6 State may proceed.

7 MR. DURANT: Thank you, Your Honor.

8 State calls Jennifer Wooley.

9 MS. JENNIFER WOOLEY,

10 after being duly sworn to state the truth, the whole
11 truth, and nothing but the truth, testified on her
12 oath as follows:

13 THE COURT: You may proceed.

14 MR. DURANT: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 DIRECT EXAMINATION

17 BY MR. DURANT:

18 Q Ms. Wooley, where are you employed?

19 A The Charleston Police Department.

20 Q And how long have you been employed with the
21 Charleston Police Department?

22 A About seven and a half years, sir.

23 Q What is your current position?

24 A I'm a crime scene technician and specializing
25 in latent fingerprint recovery.

1 Q How long has this been your position?

2 A I have been assigned to the crime scene unit,
3 in June it will be six years.

4 Q What is your education relative to this
5 position?

6 A I have a degree in Administration of Justice
7 with an emphasis in forensic science. I have gone to
8 the South Carolina Law Enforcement Academy.

9 Once I came into the crime scene unit, I went
10 through probably an eight to ten week training
11 program for education. From there I have been to
12 basic fingerprint at the South Carolina Criminal
13 Justice Academy, police photography at the FBI
14 Academy, been to a crime scene investigation of
15 latent print development class at the South Carolina
16 Law Enforcement Association.

17 I'm also a member of the International
18 Association for Identification and certified as crime
19 scene investigator.

20 Q And you said you specialize in latent
21 fingerprint recovery?

22 A Yes, sir.

23 Q What does that entail?

24 A Basically, as of today, my job, crime scene
25 techs will go out to scenes and gather evidence that

1 needs additional fingerprint recovery. They will
2 bring those back and transfer those into my custody
3 and I work basically in a lab doing chemical
4 processing to recover those fingerprints.

5 Q Approximately, if you can approximate, how
6 many items have you analyzed to determine if latent
7 fingerprints could be found?

8 A Say greater than 8,000.

9 Q Have you also testified as an expert witness
10 in latent fingerprint recovery?

11 A I have.

12 Q Approximately how many times?

13 A Once.

14 Q In what court?

15 A In the federal court.

16 Q Here in South Carolina?

17 A Yes, sir.

18 MR. DURANT: Your Honor, at this time State
19 moves to qualify Ms. Wooley as an expert in latent
20 fingerprint recovery and crime scene.

21 THE COURT: Any objection or questions?

22 MR. MATTSON: No objection.

23 THE COURT: Without objection. So admitted.

24 Q (By Mr. Durant) Ms. Wooley, pursuant to the
25 Charleston Police Department case number 0818831, did

1 you have an opportunity to examine items of evidence
2 in this case?

3 A Yes, I did.

4 Q What items did you examine?

5 A I believe I processed a fired shell casing and
6 a wooden stick.

7 Q And what did you process them for?

8 A Latent fingerprints.

9 Q Showing you what is already in evidence as
10 State's 5, ask you to take a look at that.

11 Do you recognize that?

12 A Yes, sir, I do. I actually have my initials
13 written on there for processing it.

14 Q How did this come into your possession?

15 A It was collected by crime scene tech Mary
16 Phillips and was transferred to me through a dropped
17 locker in the crime scene office.

18 Q And you analyzed this item for latent
19 fingerprints?

20 A Yes, sir, I did.

21 Q Did you recover any latent fingerprints?

22 A No fingerprints were recovered.

23 Q Showing you what's already marked as State's
24 3, it's already in evidence, ask you to take a look
25 at that.

1 Do you recognize that?

2 A Yes, sir, I do.

3 Q And how you do you recognize that?

4 A My initials are on the packaging for the item.

5 Q What is that?

6 A That's a fired shell casing.

7 Q Did you analyze the fired shell casing for
8 latent fingerprints?

9 A Yes.

10 Q Were you able to detect any latent
11 fingerprints on the shell casing?

12 A No fingerprints were recovered on the fired
13 shell casing.

14 Q An what do you do, if you were to have gotten
15 a latent fingerprint, what would you have done at
16 that point?

17 A I would have turned those over to the latent
18 fingerprint division.

19 Q Now as an expert in latent fingerprint
20 recovery, are you aware whether some surfaces are
21 more conducive for leaving latent fingerprints than
22 others?

23 A Absolutely. Surfaces are one of the largest
24 factors in the recovery of fingerprints.

25 Q With regard to either of these two items of

1 evidence, can you tell us anything about their
2 surface characteristics that would either make them
3 more conducive or less conducive for leaving latent
4 fingerprints?

5 A I have processed thousands of fired shell
6 casings and I have never recovered any fingerprint
7 from a fired shell casing.

8 The reason really for that is the main content
9 of a latent fingerprint, which is the latent part, is
10 a fingerprint is made up of your sweat. The main
11 content of that sweat is water.

12 Once that shell casing is heated up, once
13 because of the reaction of the gun, it evaporates
14 most of that water. In fact, it evaporated the
15 fingerprint.

16 Q And what about in regard to the stick?

17 A The stick is possible for a latent fingerprint
18 to be recovered on this. The -- actually has a kind
19 of satin finish to it. It would not be a great
20 surface, but it is certainly possible for
21 fingerprints to be on the side of it.

22 Q But again you did not recover any latent
23 fingerprint from either of those two items?

24 A I did not.

25 MR. DURANT: Thank you. Please answer any

1 questions the defense may have.

2 THE COURT: Any cross-examination?

3 CROSS-EXAMINATION

4 BY MR. MATTSON:

5 Q Are those the only two items you examined?

6 A That's -- from my recollection, yes, sir.

7 MR. MATTSON: No further questions.

8 THE COURT: Any redirect?

9 MR. DURANT: No redirect, Your Honor.

10 THE COURT: Any objection to the witness being
11 excused from the State?

12 MR. DURANT: No objection from the State.

13 MR. MATTSON: None, Your Honor.

14 THE COURT: Ma'am, you are excused.

15 You may call your next witness.

16 MR. DURANT: Thank you, Your Honor.

17 The State calls Kalesha Gill.

18 MS. KALESHA R. GILL,

19 after having first been duly sworn to state the
20 truth, the whole truth, and nothing but the truth,
21 testified on her oath as follows:

22 THE COURT: You may proceed.

23 DIRECT EXAMINATION

24 BY MR. DURANT:

25 Q Ms. Gill, good afternoon.

1 A Hello.

2 Q Where are you employed?

3 A I'm employed at the Charleston Police
4 Department in the latent fingerprint division.

5 Q How long has that been your position?

6 A It was eight years in -- well I started in
7 January of 2002. So eight years this last January.

8 Q And what are your duties in the latent print
9 division?

10 A I analyze and compare latent fingerprints that
11 are collected from a crime scene to a known
12 individual to try and identify who left those
13 fingerprints.

14 I also operate the automated fingerprint
15 identification system known as AFIS. And I verify
16 other latent print examiner's findings.

17 THE COURT: If you can speak directly into the
18 microphone for me, please.

19 Q (By Mr. Durant) You've just got to speak up
20 just a little bit.

21 THE COURT: You are a little soft-spoken. And
22 when you turn your head away it's hard for me and the
23 court reporter to hear.

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Thank you.

1 Q (By Mr. Durant) What is your education in
2 regards to latent fingerprints analysis?

3 A I graduated from the University of Arizona in
4 May of 2000 with a Bachelor's of Science degree.
5 After that, I enrolled in a course through the United
6 States Department of Justice which dealt with
7 fingerprint classification and recognizing
8 fingerprint patterns.

9 Once I got hired at the police department they
10 sent me to a basic fingerprint school through the
11 South Carolina Criminal Justice Academy, as well as
12 other schools.

13 I've been to a ridgology science workshop,
14 dimisitfying palm print symposium, advanced forensic
15 fingerprint identification course. And my most
16 recent accomplishment is becoming a certified latent
17 print examiner, as well as a certified crime scene
18 investigator through the International Association
19 for Identification.

20 Q So you've had the opportunity to compare known
21 standards of fingerprints with latent fingerprints?

22 A Yes.

23 Q And what kind of things are you looking for
24 when you perform that analysis?

25 A We latent examiners use a method called ACEV

1 which stands for analyze, compare, evaluate, and
2 verify. When you have a latent fingerprint, which is
3 an unknown fingerprint, you determine -- you analyze
4 that fingerprint and determine if there is enough
5 detail in there to be identified in the first place.

6 We consider a fingerprint either comparable
7 for non-comparable. Non-comparable means smudges or
8 just dust with no ridge detail.

9 And if there is enough detail in that
10 fingerprint, then we move on to the comparison in the
11 AV analogy. Which compares, then, would be having a
12 known print and a latent print side by side and
13 manually looking through a magnifying glass to
14 determine if those two fingerprints came from the
15 same person.

16 In the comparison phase, we use three levels
17 of detail. The first level of detail is the most
18 general or generic, and the third level is the most
19 specific.

20 Do you want me to go into that?

21 Q Well let me ask you this, approximately how
22 many times have you had the opportunity to compare
23 latent fingerprints with known standards?

24 A With my training and classes as well as
25 casework I would say tens of thousands.

1 Q Have you ever testified as an expert in
2 fingerprint examination before?

3 A Yes, I have.

4 Q Approximately how many times?

5 A I think it's 15.

6 MR. DURANT: Your Honor, at this time State
7 moves to qualify this witness as an expert in latent
8 fingerprint examination.

9 THE COURT: Any objections or questions?

10 MR. MATTSON: No, Your Honor.

11 THE COURT: So admitted without objection.

12 MR. DURANT: Thank you.

13 Q (By Mr. Durant) Ms. Gill, relative to CPD case
14 number 0818831, did you have the opportunity to
15 analyze fingerprints with known standards?

16 A Yes, I did.

17 Q What were you given specifically to look at?
18 You may refer to your report.

19 A I was given three different envelopes with
20 latent prints in them. The first envelope was a
21 known prints from an autopsy, fingerprints and palm
22 prints from Crime Scene Officer Anita Maestas.

23 I also received 22 latent fingerprints from
24 Crime Scene Officer Mary Phillips, and 21 latent
25 fingerprints from Crime Scene Officer Randy

1 Unterbrink.

2 Q And did you compare those latent fingerprints.
3 with known standards?

4 A Yes, I did.

5 Q Whose known standards did you compare them
6 with?

7 A I compared them with a Mr. Jonta Green, Andrew
8 Rivers, Terrence Crawford, Carlos Chisholm, Samuel
9 Crawford, Jr., Brandon Singletary, Andrew Dees, and
10 Rashard Gadsden.

11 Q And you analyzed each of these latent
12 fingerprints to determine if they matched any one of
13 these particular persons?

14 A Yes, i did.

15 Q Did any of these latent fingerprints come back
16 to Jonta Green?

17 A No, they did not.

18 Q Thank you.

19 MR. DURANT: Please answer any questions the
20 defense may have.

21 THE COURT: Any cross-examination of the
22 witness?

23 CROSS-EXAMINATION

24 BY MR. MATTSON:

25 Q Did you receive any matches in fingerprints?

1 A On this case?

2 Q Yes.

3 A Yes, I did match some of the latents.

4 Q Okay. And what is a known fingerprint, or I
5 think that's what you used. Yes, what is a known
6 fingerprint?

7 A A known fingerprint is if you look on the tips
8 of your fingers you can see raised ridges. And these
9 ridges are also on the palms of your hand and on the
10 soles of your feet.

11 Now a known fingerprint is when you take the
12 subject's finger and you roll it in ink, or use a
13 live scan which is a digital capture of that
14 fingerprint. And it leaves behind a visible
15 impression, and that's a known fingerprint.

16 Q Okay. So a known fingerprint is one that has
17 been taken by someone?

18 A Yes.

19 Q And known means it has a name that's
20 associated with it?

21 A That's correct. Yes, sir.

22 Q And what was the source of your known
23 fingerprints that you used in this case?

24 A These fingerprints were -- where did I get
25 them from?

1 Q Yeah. Why were they taken?

2 A I printed these off in our office. I printed
3 them off of AFIS.

4 Q What is AFIS?

5 MR. DURANT: Your Honor, may we approach?

6 THE COURT: You may.

7 (Whereupon, the following discussion was held
8 at the bench.)

9 MR. DURANT: I just didn't know if he was
10 trying to get into these prints were taken in
11 relation to an arrest or something like that, of any
12 of these people.

13 THE COURT: Open the door to what?

14 MR. MCCOY: It's a criminal act of the
15 defendant.

16 THE COURT: The defendant. What's the
17 question going to, Mr. Mattson?

18 MR. MATTSON: The source of them, whether they
19 had come from criminal --

20 THE COURT: What is that being offered to
21 show?

22 MR. MATTSON: Possible reliability of
23 witnesses.

24 THE COURT: Why didn't you ask them when they
25 were on the stand if they had criminal records for

1 impeachment instead of going this route? It would
2 have been if somebody asked them -- I still need to
3 make a determination about pursuant to 609.

4 MR. MATTSON: I'm sorry.

5 THE COURT: I still would have to make a
6 determination based on 609, an arrest is a bad act
7 not the subject of a conviction. That doesn't come
8 in against a witness. It can come in against the
9 defendant. Proof is clear and convincing evidence.
10 The Court determines if it's relevant, probative, not
11 prejudicial.

12 Witnesses are a whole 'nother story. You have
13 to strictly abide by 609, bad acts not the subject of
14 a conviction do not come in against --

15 MR. MATTSON: I know that.

16 THE COURT: An arrest in itself.

17 MR. MATTSON: Yes, ma'am

18 THE COURT: Has no probative value.

19 Conviction might because it is probative of
20 truthfulness. Why didn't you ask any of them if they
21 had a record?

22 MR. MATTSON: Because they're nickel and dime
23 convictions.

24 THE COURT: Misdemeanors. Any of them
25 untruthful?

1 MR. MATTSON: Uh-uh.

2 THE COURT: They would not come in anyway,
3 would they?

4 MR. MATTSON: No.

5 THE COURT: You are going to move along. Are
6 you agreeing to move along? Did you need to proffer
7 the question?

8 MR. MATTSON: That's fine.

9 THE COURT: You want to move along.

10 MR. MATTSON: I will move along.

11 I don't have any further questions.

12 (In open court.)

13 THE COURT: The question is withdrawn.

14 Anything further, Mr Mattson, of this witness?

15 MR. MATTSON: Nothing further.

16 THE COURT: Any redirect?

17 MR. DURANT: No. No redirect, Your Honor.

18 THE COURT: Any objection to the witness being
19 excused from the State?

20 MR. DURANT: None from the State, Your Honor.

21 THE COURT: From the defense?

22 MR. MATTSON: None from the defense.

23 THE COURT: Ma'am, you are excused.

24 State will call the next witness.

25 MR. MCCOY: Thank you, Your Honor.

1 state calls Dr. Cynthia Schandl of MUSC.

2 DR. CYNTHIA ANNA SCHANDL,

3 after having first been duly sworn to state the
4 truth, the whole truth, and nothing but the truth,
5 testified on her oath as follows:

6 THE COURT: You may proceed.

7 MR. MCCOY: Thank you, Your Honor. May it
8 please the Court.

9 DIRECT EXAMINATION

10 BY MR. MCCOY:

11 Q Dr. Schandl, good afternoon. Thank you for
12 coming down here. I appreciate your time.

13 Can you tell the jury where you are employed?

14 A Yes. I'm employed with the Medical University
15 of South Carolina within the department of pathology
16 and laboratory medicine under the section of autopsy.

17 Q Tell the jury what you do?

18 A I'm employed primarily as a forensic
19 pathologist. And so that encompasses pathology which
20 is the study of disease. And forensic pathology is
21 more specifically the study of the cause of death and
22 the manner of death.

23 So narrowing down pathology to that, that time
24 of one's life.

25 Q Fill the jury in a little bit about your

1 educational background.

2 A In order to become a forensic pathologist one
3 must complete a bachelor's degree, then complete
4 medical school, and get a medical license; so an M.D.

5 And then further get training after medical
6 school in what's called a residency program. I'm
7 trained in a residency program here at MUSC both in
8 anatomic and clinical pathology. And following that
9 training, one may choose to then specialize into a
10 field of pathology, such as forensic pathology.

11 And in order to do that you may choose to do a
12 one-year fellowship in that field, which I did. And
13 then there are also board examinations by the
14 American Board of Pathology that covers those areas
15 of pathology that I have trained in, anatomic
16 pathology, clinical pathology and forensic pathology.
17 All three of which I'm board certified.

18 Q Dr. Shandl, as a forensic pathologist do you
19 have the opportunity to perform autopsies on people?

20 A Yes. That is one of the main things that we
21 do as forensic pathologists.

22 Q And what reasons, what determines why somebody
23 would receive an autopsy?

24 A In this state, which is a coroner state, each
25 county has an elected official who is the coroner,

1 and that individual will determine which decedents,
2 which dead people, will be autopsied by a forensic
3 pathologist and which will not.

4 Generally speaking, the coroner will refer
5 those cases to us where foul play may be suspected,
6 so a homicide type case. Where someone may be
7 unattended and died at home but they have no history
8 of medical disease to attribute that death to.
9 Accidental deaths we may receive, including car
10 crashes, other accidents, accidents on the job, that
11 sort of thing. Suicides, sometimes we'll get some
12 cases such as those.

13 Q Dr. Schandl, how many forensic pathologist are
14 at MUSC in your department?

15 A We have four forensic pathologists at this
16 time.

17 Q And, Dr. Schandl, in your numerous years at
18 MUSC, approximately how many autopsies have you
19 performed?

20 A I have done over a thousand cases.

21 Q And, Dr. Schandl, every time in these thousand
22 cases you performed an autopsy, do you prepare a
23 report to find your conclusions?

24 A Yes, sir.

25 Q On every single one?

1 A Yes, sir.

2 MR. MCCOY: At this moment, Your Honor, I
3 would like to admit Dr. Schandl as an expert in
4 forensic pathology.

5 THE COURT: Any questions or objections?

6 MR. MATTSON: None, whatsoever, Your Honor.

7 THE COURT: So admitted without objection.

8 MR. MCCOY: Thank you, Your Honor.

9 THE COURT: You're welcome.

10 Q Now, Dr. Schandl, you did not perform the
11 autopsy on Brandon Parker; is that correct?

12 A That is correct.

13 Q Tell the jury who performed that autopsy?

14 A That autopsy was performed on the 20th of
15 September, 2008 by Dr. Amy Shield.

16 Q Can you tell the jury where Dr. Amy Shield is?

17 A Amy Shield, she was -- she did her fellowship
18 at our facility under the direction of myself and the
19 other pathologists there in 2008.

20 And then following that she was employed there
21 as faculty in 2008 when she did this case. And since
22 that time she has gone on to do another fellowship in
23 a different specialty.

24 Q Dr. Schandl, did Dr. Shield, when she
25 performed this autopsy, have an opportunity to

1 prepare a report on her findings?

2 A Yes, she did.

3 Q Have you had an opportunity to review this
4 report?

5 A Yes, sir.

6 Q And, Dr. Schandl, are you here today as an
7 expert to analyze her findings in her report?

8 A Yes, sir.

9 Q Now let's take a look at her report. Let's
10 take a look at what she has done on the autopsy she
11 performed.

12 Explain to the jury how you go about even
13 starting an autopsy?

14 A So, as I mentioned, the coroner will refer a
15 case to us and deliver the body to our facility at
16 MUSC to the morgue.

17 That body is then brought up to the autopsy
18 suite in whatever condition it was received. So if
19 it had clothing on, the clothing will still be on
20 that body. If attempts at resuscitation have been
21 made, then those devices will still be on the body.

22 At that point we will do what's considered,
23 what is called the external examination, which
24 involves photographs and diagrams of the body, again
25 from the outside. Including looking at the clothing,

1 which is then removed. And then looking at the
2 surface of the body for identifying features such as
3 hair color, height, scars, tattoos, that sort of
4 thing. As well as any evidence of injury which may
5 be a gunshot wound or a scrape or a cut, that sort of
6 thing.

7 Following the external examination, then the
8 autopsy continues to the internal examination, which
9 is what's classically thought of as an autopsy where
10 a Y incision is made, and the internal organs are
11 removed, examined. And in the case of our facility,
12 we also take sections of the those organs to look at
13 under the microscope.

14 Both looking for injury as well as any natural
15 disease processes.

16 Q Dr. Schandl, when a body comes in for an
17 autopsy, does the forensic pathologist take careful
18 care to examine and collect any external evidence
19 there may be?

20 A Yes. So evidence from our point of view is
21 anything that is, comes with or on that individual,
22 that body. So that would include clothing; it may
23 include, depending upon the case, fingernail
24 clippings; head hair; certainly blood so that you can
25 have something to look at your DNA evidence from; as

1 well as blood is sent for toxicological study. So
2 all those things we would consider evidence.

3 Q Dr. Schandl, before a forensic pathologist
4 performs an autopsy, do they have any background as
5 to what's happened to this person before they begin?

6 A Generally speaking the coroner will speak
7 directly to that forensic pathologist or their
8 trainee about the case that they are sending, and
9 provide what details are available at that time.

10 So however far the -- any sort of
11 investigation has progressed up to that time, that's
12 the information that we may receive.

13 Q And, Dr. Schandl, when a forensic pathologist
14 performs an autopsy, do have other people that are
15 there to assist them?

16 A Yes. Again it's very much dependent upon
17 different facilities. But in our facility we
18 generally have a pathologist assistant, an autopsy
19 technician and a trainee involved in the case.

20 Q And, Dr. Schandl, you've already testified
21 that you've had an opportunity to review Dr. Shield's
22 report. I'd like to take you to page three of her
23 report which is titled, evidence of injury.

24 Can you explain to the jury the findings that
25 Dr. Shield found as an evidence of injury that

1 relates to the victim Brandon Parker's head and neck
2 area?

3 A Yes. So during the course of the external
4 examination Dr. Shield found a gunshot wound, an
5 entrance gunshot wound to Mr. Parker's head about at
6 this area of the left forehead. And she also saw
7 that there was soot associated with that injury.

8 Further in the examination, in the external
9 examination, there were abrasions or scrapes to the
10 different areas, including the side of the nose, the
11 middle of the neck and this cheek.

12 Upon internal examination that gunshot wound
13 was associated with disruption of multiple areas of
14 the left side of the brain. So the left side of the
15 brain consists of multiple areas including the
16 frontal lobe and the parietal lobe. Those areas were
17 disrupted by the gunshot wound pathway.

18 There were also multiple hemorrhages into the
19 brain and around the brain that are associated with
20 this gunshot wound. And multiple skull fractures
21 associated with the gunshot wound.

22 In addition, she was able to recover three
23 fragments of a projectile. She found these fragments
24 both by looking in the brain matter itself, as well
25 as comparing to x-rays of the head to show where

1 those fragments were. And so she was able to recover
2 some fragments as well.

3 Q what causes a bullet to fragment once it
4 enters the skull?

5 A Essentially a bullet, just like any other
6 object, if it hits something it may fragment into
7 pieces. In this case, hitting the skull caused it to
8 break into pieces, including she found two gray
9 pieces, which would be the bullet itself. And then
10 she found a piece also of the jacket of the bullet.

11 so the bullet itself is made up of different
12 components including the jacket and then the gray
13 part in the middle which is the metal of the bullet
14 or the weight of it. And those pieces can separate,
15 and the pieces themselves can also break apart.

16 Q Was there evidence of an exit wound on Brandon
17 Parker?

18 A There was no evidence of an exit wound. And
19 by that we are talking about something to the skin
20 where the bullet -- so we have the bullet that
21 traveled from the left forehead back to about this
22 area of the head with fragments in between. But
23 there was no wound on the back of the head which
24 would suggest that pieces of the bullet had exited
25 that way.

1 Q I want to talk about what a forensic
2 pathologist can tell from looking at an entrance
3 wound on any number of victims.

4 Dr. Schandl, can you tell the jury what
5 stippling is?

6 A Yes. Stippling, which we don't have in this
7 case, is one of the ways that we attempt to assign
8 distance of fire. So how far was the end of the gun
9 or the muzzle of the gun to the target.

10 So there are a couple of findings that we can
11 identify to help us with that. One is, is there soot
12 on the wound. And the other one is there stippling
13 surrounding the wound.

14 So stippling is actual scrapes of the skin
15 that are surrounding that entrance gunshot wound.
16 Actual particles leaving the muzzle of the gun will
17 scrape the skin around the wound. That tells us that
18 the muzzle of the gun is in what we consider close
19 range to the victim. So not in contact and not
20 distant, but what we call close range.

21 So it's particulate matter coming out of the
22 muzzle of the gun scraping the skin. And when we see
23 something like that, you have an opportunity to
24 determine how far that muzzle was from that target by
25 test-firing the weapon because the pattern will

1 expand, the pattern of the scraping of the skin will
2 expand as the muzzle moves from the target.

3 In this case we had soot. And soot is a
4 marker of a contact gunshot wound. So soot also
5 comes out of the muzzle of the gun, the end of the
6 gun. And if it is deposited on the structures, it
7 suggests that the muzzle of the gun was actually up
8 against, opposed, in contact with the skin when the
9 shot was fired. And in this case that's what we have
10 is soot on the skin.

11 Q Does it make any difference whether the
12 interior of the gun or the barrel the gun is clean or
13 unclean when a bullet is fired?

14 A Well you'd certainly have different levels of
15 soot deposition depending upon whether perhaps the
16 gun has never been fired before, or whether there is
17 soot build up and so forth.

18 But generally speaking, some soot will be
19 deposited with a contact gunshot wound.

20 Q And again a contact gunshot wound means what?

21 A That just means that the muzzle of the gun,
22 the end of the gun is against the skin or against
23 that target, whatever that target would be.

24 Q And there was soot present on Brandon Parker?

25 A That's correct.

1 Q which is consistent with a contact gunshot
2 wound?

3 A That's correct.

4 Q And can a forensic pathologist, is there any
5 way for you to tell the trajectory or the pathway of
6 a bullet once it enters the body?

7 A What we can do is simply ascertain or figure
8 out what direction it went from the time that it hit
9 the target, in this case the forehead, to where the
10 projectile ended up. That's what we can do.

11 And in this case the projectile or the bullet
12 went backwards and slightly to the midline from the
13 left to the right.

14 Q Was there any sort of ability for you to tell
15 whether it was an upward or a downward shot?

16 A It was not apparent, did not appear to have a
17 great variance in it's upward or downward motion. So
18 it seemed to be mostly back. It did not appear to be
19 up or down.

20 Q And as a forensic pathologist, you have an
21 opportunity to also examine other wounds that would
22 be on a body?

23 A Yes.

24 Q Can you tell the jury the different kind of
25 wounds that you can see or bruises that you can see

1 when you perform autopsies?

2 A Well we -- broadly we separate wounds into two
3 categories; blunt force wounds and sharp force
4 wounds. So blunt force trauma would include such
5 thing as abrasions, which are scrapes; lacerations,
6 which is when something blunt would hit you but then
7 also break the skin, so it's worse than a scrape or
8 deeper than a scrape but still a blunt trauma.

9 And whereas sharp injuries would be those that
10 would be caused by something that has sharper edge,
11 such as a knife or possibly the edge of a board or
12 something that has a sharper edge.

13 So those are the ways that we divide injuries.
14 A contusion or a bruise is another example of a blunt
15 force injury. You can certainly have bleeding around
16 a sharp force injury, but that's a different
17 mechanism.

18 So you're having bleeding around something
19 rather than something due to a blunt force which
20 would cause a bruise or a contusion.

21 So these are all different classifications of
22 injuries that we may see.

23 Q Just so I understand you. It may be a knife
24 cut or any type of gash to the skin, is that
25 consistent with sharp force trauma?

1 A Again it -- what we are looking for when the
2 skin is actually split is to find sharp force trauma
3 versus blunt force trauma is evidence that there was
4 basically a cutting or a sharp edge.

5 And so what you can see when you are looking
6 at the skin or when you are looking at that wound, if
7 there is a blunt edge you can see that there is some
8 tissue bridging the between two edges. So you have a
9 laceration, which is a blunt force but still cuts
10 open the skin, you'll still have some tissue bridging
11 between that opening.

12 whereas if this was a cut with a knife, you
13 are not going to have any tissue bridging because
14 everything would have been cut by that shape edge.
15 So that's what we look for.

16 Q Okay. And is blunt force trauma, is that
17 consistent with being hit with a stick?

18 A That's -- that would be a form of blunt force
19 trauma.

20 Q Okay. Is that also consistent with being hit
21 with a fist?

22 A Yes.

23 Q How about being hit with maybe even a gun?

24 A Yes.

25 Q Okay. In this instance, in examining Dr.

1 shield's report on the autopsy of Brandon Parker,
2 were you able to find any evidence of blunt force
3 trauma on Brandon Parker?

4 A Yes. There was an abrasion, sort of a square
5 abrasion, in the middle of his -- the front of his
6 neck which we would call a pattern injury because it
7 looks like it was made by something of that
8 particular shape. It's a square in shape. I don't
9 know what, but a pattern injury because it has a very
10 angular appearance to it.

11 He also had some abrasions against the side of
12 his nose which could have been from any of those
13 possibilities of blunt trauma. And another little
14 abrasion or scrape to the side of his face.

15 Q Okay. Of these abrasions, the three that you
16 just described, are those consistent with blunt force
17 trauma?

18 A Yes, that's correct.

19 Q Okay. Dr. Shield, Dr. Schandl, I apologize,
20 I'm going to move you now to an area of Dr. Shield's
21 report that ends with her conclusions.

22 If could take a look at page eight of her
23 report. Can you explain to the jury what she found
24 in her final diagnosis of Brandon Parker?

25 A Yes. Under final diagnosis she states, Mr.

1 Brandon Parker had a gunshot wound to his head which
2 she describes as penetrating. What that means that
3 we can describe gunshot wounds either as penetrating
4 or as perforating.

5 A penetrating gunshot wound means that there
6 is no exit wound, so we would anticipate finding a
7 bullet or some fragments of that bullet in the body.
8 A perforating gunshot wound, on the other hand, would
9 be one that had an exit wound; so an entrance wound
10 and an exit wound.

11 So in this case it is a penetrating gunshot
12 wound because there is exit wound. It states that
13 the entrance wound was to the left side of the
14 forehead. It states that the range was probable
15 contact due to soot deposition on the skin and the
16 skull.

17 And then it lists injuries including
18 convoluted fractures of the skull with internal
19 beveling of the frontal bone, subdural and
20 subarachnoid hemorrhages, lacerations and contusions
21 of the brain.

22 So all that means, so convoluted fractures,
23 that just means that it wasn't just a single
24 fracture, many, many fractures to that skull.

25 Internal beveling, this assures a pathologist

1 of the direction of the bullet. In this case it's
2 quite clear there is only one wound and the bullet
3 was not in that, that's an entrance wound. But the
4 internal beveling also demonstrates that the
5 projectile was going in that direction.

6 And this is how the skull has two layers, two
7 layers of bone. So if you can imagine a projectile
8 coming through two layers of bone, the one, if it's
9 coming this way, there is going to be a smaller hole
10 on this first layer of bone. And then as it travels,
11 that piece of bone is going to hit on the second
12 piece of bone and it's going to push it out.

13 So you have a smaller hole and then a bigger
14 hole behind it because of those two layers of bone.
15 So that's all that inward beveling means is that the
16 inner table of bone has a wider hole than the outer
17 layer of bone. So that helps you with the direction
18 of the bullet.

19 Subdural and subarachnoid hemorrhages, we
20 mentioned that there was bleeding around the brain,
21 that's what these refer to. There are different
22 areas within the skull where you can have
23 collections of blood, two of those are subdural and
24 subarachnoid.

25 Lacerations and contusions of the brain. So

1 laceration, again we are talking blunt force trauma.
2 So a disruption of the brain tissue itself that we
3 talked about as the bullet traveled from the front to
4 the back. And contusions of the brain, that's
5 basically bruising of the brain or bleeding into the
6 brain tissue itself.

7 She then mentions bullet recovery, fragments
8 within the brain along the pathway were recovered.
9 The pathway from front to back and left to right that
10 we mentioned.

11 And then she also mentions the history, that
12 the decedent was pronounced dead at the hospital
13 after being shot in a car. So that's the information
14 that was provided to her prior to her beginning this
15 case.

16 Q Okay. And when autopsies are performed are
17 the decedents, is their blood examined?

18 A Yes. Generally speaking blood will be
19 available. There are cases where blood is not
20 available for examination and we will use other
21 things for purposes of toxicology and so forth.

22 In this case blood was available.

23 Q And I know this wasn't part of your expertise
24 or analysis, but if you could take a look at the
25 toxicology report. Was there any evidence of alcohol

1 in the descendent's body?

2 A Yes, there was. There was an alcohol level of
3 0.043 percent in the blood.

4 Q In the blood. That's the alcohol level of the
5 blood?

6 A That's correct.

7 Q Okay. And looking at his toxicology report as
8 well, is there any evidence of any other narcotics in
9 his system?

10 A No, no narcotics.

11 Q Okay. And finally, Dr. Schandl, on the first
12 page of Dr. Shield's report, what would be the cause
13 of death for Mr. Brandon Parker?

14 A The cause of death is penetration of skull and
15 brain due to gunshot wound to the head.

16 Q And in your expert opinion and Dr. Shield's
17 expert opinion, the manner of death was caused by
18 what?

19 A The manner of death in this case is homicide,
20 which means that one individual's life was taken by
21 another. One individual died because of another
22 individual's actions.

23 MR. MCCOY: Dr. Schandl, thank you for your
24 time. I appreciate it. Please answer any questions
25 the defense may have.

1 THE WITNESS: Thank you.

2 THE COURT: Any cross-examination of the
3 witness?

4 MR. MATTSON: Thank you.

5 CROSS-EXAMINATION

6 BY MR. MATTSON:

7 Q Good afternoon.

8 A Good afternoon.

9 Q After listening to all your schools and
10 courses when I could see you over here, I was looking
11 to see woman about 85 years old. That's how long it
12 would take me to get that many accomplishments in
13 life. Congratulations.

14 Question. Alcohol in the blood means there is
15 alcohol flowing to the brain, right?

16 A Yes.

17 Q Okay. And alcohol can cloud judgment,
18 correct?

19 A That is true.

20 Q Okay. You were talking about abrasions. Does
21 it say anywhere in the report how old these abrasions
22 appeared to be?

23 A Let me double-check. I don't believe that any
24 type of aging of the abrasions was attempted.

25 Q I didn't see any.

1 A No, sir.

2 Q Okay. So abrasions can come from blunt force
3 trauma which could be anything that is blunt force
4 against the skin?

5 A That's correct.

6 Q Could be from hitting the ground?

7 A Yes, you can certainly get blunt force when
8 you hit the ground.

9 Q And it could be if you had people trying to
10 put the victim in a motor vehicle and in the back
11 seat, two or three people trying get him in the back
12 seat to get him to the hospital, you can receive
13 abrasions like that if it hits the door, or?

14 A Yes, depending upon where the abrasion are,
15 it's possible that that could have caused blunt force
16 if someone is put into a car.

17 Q Generally you are trying to put someone in,
18 from what I understand, headfirst. You know, that
19 sort of leaves the head to hit things like the doors,
20 and the armrests and doorframes; is that a fair
21 statement?

22 A Yes. I do not know how Mr. Parker received
23 his abrasions.

24 Q Okay. Contact wound. When something like
25 gunpowder burns it creates soot or soot, I don't know

1 how, depending on where you are from it is like
2 tomato and tomato. But anyway, something burning
3 like gunpowder creates soot; is that a fair
4 statement?

5 A Yes.

6 Q And not all the gunpowder always burns and
7 ignites so you end up with bigger pieces of carbon
8 sometimes?

9 A Sometimes, yes.

10 Q Okay. And you look at these things in
11 comparison to the wound. If it's in the wound
12 itself, that indicates that the pistol or weapon that
13 fired the shot was what you call in contact, very,
14 very close to the skin at the time the weapon was
15 fired?

16 A If you find soot on the skin it suggests a
17 contact gunshot wound. It's different than when we
18 are talking about stippling, those are different
19 particles, particles that are able to actually scrape
20 the skin that gives you that distant kind of look.

21 The close range is stippling or scraping of
22 the skin, so it's a different mechanism.

23 Q That's more the, I guess you'd say, the
24 slightly larger unburned portions of the gunpowder
25 that because it's not up against the skin kind of

1 spreads out when it leaves the gun barrel?

2 A They spread out, that's right.

3 Q Okay. And the fact that there was no
4 stippling and that there was soot in the wound, I
5 believe that was the proper terminology, then this
6 was a contact wound?

7 A That's correct.

8 Q Okay. And I believe, I don't know what page
9 it is, I don't seem to have your page numbers. Ah,
10 here we go. On page two of nine, last complete
11 paragraph.

12 Does it indicate to you whether or not the
13 defendant had a, excuse me, whether the victim had
14 any tattoos?

15 A Yes, he had a tattoo.

16 Q What was that tattoo? What did it depict and
17 say?

18 A It states here that the tattoo had the words,
19 only the strong survive.

20 Q And it had a pointed stake or stick or
21 whatever?

22 A That is how it is described, a pointed stake
23 with the words, only the strong survive.

24 Q Okay. And again I'd like to refer you to
25 page eight of nine of your report. Got it?

1 A Yes, sir.

2 Q Okay. Under final diagnosis number two,
3 history. It says the decedent was pronounced dead at
4 the hospital after being shot in a car?

5 A Yes, sir.

6 Q Does that indicate that he was, this report
7 actually indicated he was in a car or motor vehicle
8 at the time he was shot, you see that?

9 A That is what it indicates. But, again, that's
10 just whatever information was available for Dr.
11 Shield at the beginning of the investigation.

12 Q Okay. But that information is apparently not
13 correct?

14 A I have no idea.

15 Q You have no idea.

16 I think we are just about done, give me one
17 minute.

18 MR. MATTSON: I have no further questions.
19 Thank you very much.

20 THE WITNESS: Yes, sir.

21 THE COURT: Any redirect?

22 MR. MCCOY: No, ma'am, no redirect.

23 THE COURT: Any objection to the witness being
24 excused from the State.

25 MR. MCCOY: None from the State.

1 THE COURT: From the defense?

2 MR. MATTSON: I'm sorry, I was conferring with
3 my client.

4 THE COURT: Any exception to the witness being
5 excused?

6 MR. MATTSON: Thank you very much, I have no
7 further questions of this lady.

8 THE COURT: Doctor, you are excused.

9 MR. MATTSON: She may be excused.

10 THE COURT: State may proceed.

11 Call your next witness.

12 MR. DURANT: Thank you, Your Honor.

13 State calls Susan Goodyear.

14 MS. SUSAN GOODYEAR,
15 after having first been duly sworn to tell the truth,
16 the whole truth, and nothing but the truth,
17 testified on her oath as follows:

18 THE COURT: You may proceed.

19 DIRECT EXAMINATION

20 BY MR. DURANT:

21 Q Good afternoon, Officer Goodyear. Will you
22 tell the jury where you are employed?

23 A I work for the Charleston County Detention
24 Center on Leeds Avenue.

25 Q And how long have you worked there?

1 A Seven years.

2 Q And what is your current position at the
3 Charleston County Detention Center?

4 A I am an FTI, I am in releasing right now. I
5 have been in booking for just about seven years.

6 Q Were you in booking in September of 2008?

7 A Yes, sir.

8 Q Among your duties as a booking officer, do you
9 maintain records of the people booked into the
10 Charleston County Detention Center?

11 A Yes, sir.

12 Q Does the Charleston County Detention Center
13 maintain these records in the normal course of its
14 business?

15 A Yes, sir.

16 Q Do you have access to or are you the custodian
17 of these records?

18 A Yes, sir.

19 Q Among the records kept in your office, is the
20 medical screening form for new inmates in the jail?

21 A Yes, sir.

22 Q And is this data entered on these forms at or
23 near the time the person is booked into the jail?

24 A Yes, sir.

25 Q Can you please explain the process for how

1 this form is filled out?

2 A Well we call the inmates out of the cell. We
3 bring them out. Bring them in front of us at the
4 desk and we ask them if they have, you know, if they
5 have been drinking or using any drugs before they
6 were arrested.

7 Ask them if they take any medication, you
8 know, just basically go down the line of what is
9 important that we need to know.

10 At that time we will have a spot on the
11 medical screening for us to put any extra comments as
12 if there's any visible injuries, if the person stated
13 anything has happened with them before they were
14 arrested. Whether they were in a fight or, you know,
15 a scuffle with the police officer or something. We
16 are always supposed to comment, put that in the
17 comments.

18 (Whereupon, State's Exhibit No. 31 is marked
19 for identification.)

20 Q (By Mr. Durant) At the request of my office,
21 the solicitor's office, were you asked to produce the
22 booking record for inmate Number 1134264, Jonta
23 Green?

24 A Yes, sir.

25 Q Do you have it with you today?

1 A Yes, sir.

2 Q Is this a copy of the original record
3 maintained the your office?

4 A Yes, sir.

5 MR. DURANT: Your Honor, at this time the
6 State moves into evidence State's No. 31, Jonta
7 Green's booking record.

8 THE COURT: Have you shown it to defense
9 counsel?

10 MR. MATTSON: Without objection.

11 THE COURT: Marked and admitted without
12 objection.

13 (Whereupon, State's Exhibit No. 31 is admitted
14 into evidence.)

15 Q (By Mr. Durant) Does this form indicate when
16 Jonta Green was booked into the jail?

17 A Yes, sir.

18 Q Does it indicate who booked him into the jail?

19 A Yes, sir,

20 Q And who was that?

21 A I, Officer Goodyear.

22 Q Did you go through these questions with Mr.
23 Green?

24 A Yes, sir. The only ones that we will not ask
25 them is our part, the examiner observations, which is

1 for us to observe if they're acting up, that is what
2 we will mark down as to whether we can tell if they
3 have been drinking, if their eyes are red, you know,
4 assaultive behavior, these are the only things that
5 we do not ask them.

6 Q And there are the yes/no questions
7 essentially?

8 A Yes, sir.

9 Q And did you note whether he had any obvious
10 signs of physical injury?

11 A That he had none to my knowledge that I could
12 see, other than he was missing one arm. That's it.

13 Q You noted that he was missing one arm?

14 A Yes, sir.

15 Q And I believe you also noted that he was
16 allergic to peanut butter and?

17 A Aleve.

18 Q Aleve?

19 A Yes, sir.

20 Q But there were no physical injuries?

21 A No physical injuries, no medication taken, no
22 medical problems.

23 Q He told you that he hadn't been to the
24 hospital recently?

25 A Yes, sir. He told me nothing other than

1 allergic to peanut butter and Aleve.

2 MR. DURANT: Thank you. Please answer any
3 questions the defense may have for you.

4 THE COURT: Any cross-examination of the
5 witness?

6 CROSS-EXAMINATION

7 BY MR. MATTSON:

8 Q Did you personally check his body for bruises?

9 A No, sir. I'm not qualified for that, other
10 than to look and see what they have on their face.

11 Q Okay. So you are not a medical professional,
12 a nurse or a doctor or anything like that?

13 A No, sir.

14 Q You just ask the questions?

15 A Yes, sir.

16 Q Okay. And you noticed there was no apparent
17 alcohol and drug ingestion recently by the, Mr Green?

18 A No, sir. Normally we can smell it.

19 Q Okay. And he didn't have his prosthetic arm
20 with him, did he?

21 A Not to my memory. I don't remember.

22 MR. MCCOY: I have no further questions.

23 THE COURT: Any redirect?

24 MR. DURANT: No redirect for this witness,
25 Your Honor. Thank you.

1 THE COURT: You're welcome.

2 Any objection to the witness being excused
3 from the State?

4 MR. DURANT: None from the State, Your Honor.

5 THE COURT: From the defense?

6 MR. MATTSON: None, Your Honor.

7 THE COURT: Ma'am, you are excused.

8 You may call your next witness.

9 MR. MCCOY: State calls Randy Unterbrink.

10 MR. RANDALL UNTERBRINK,
11 after having first been duly sworn to state the
12 truth, the whole truth, and nothing but the truth,
13 testified on his oath as follows:

14 THE COURT: You may proceed.

15 MR. MCCOY: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 MR. MCCOY: May it please the Court.

18 DIRECT EXAMINATION

19 BY MR. MCCOY:

20 Q Officer Unterbrink, I appreciate you being
21 here with us today. Thank you for driving down here.

22 Could you tell the jury where you work?

23 A I work in the crime scene unit at the
24 Charleston Police Department.

25 Q And how long have you been with the crime

1 scene unit?

2 A Eight years.

3 Q Tell the jury a little bit about your
4 education or training that helps you as a crime scene
5 unit officer?

6 A Well since I joined the unit they do send us
7 to different schools, photography, latent fingerprint
8 lifting.

9 In 2002 I was sent to Knoxville, Tennessee for
10 a 10-week class there with the National Forensic
11 Academy. After that of course continuing education.
12 I'm currently in school, personal basis going for my
13 masters degree.

14 Q Okay. We heard a little bit this morning,
15 this afternoon already from another officer in your
16 unit talked about latent fingerprints.

17 Can you tell the jury just briefly what is a
18 latent fingerprint?

19 A A latent fingerprint is a print that you can't
20 necessarily see. When you touch objects, you are
21 leaving behind sweat, oils, and such. And the print,
22 the detail that is on your finger, if you look at it
23 you see the ridge detail, that is left behind many,
24 many times.

25 And so because of it being sort of

1 water-based, you can't see it clearly usually, so
2 what you do is you enhance it by putting a powder on
3 it many times. There are other processes. But the
4 one of which, the one that is most common at least
5 for me, is by applying the brush and some very fine
6 powder and you apply it to that area and the powder
7 will adhere to the print. And that's where you then
8 can now see it because of the contrast.

9 Q Now I won't go into anymore details because
10 we have heard a lot about latent fingerprints already
11 today. But how many have you lifted since you have
12 been with crime scene unit?

13 A Hundreds and hundreds.

14 Q Okay. Is it an everyday occurrence for you?

15 A It's practically an everyday occurrence.

16 Q Okay. How many people are in your unit at
17 CSI?

18 A About eight.

19 Q I want to take you back to 9/19/2008. There
20 is a homicide that occurred on
21 Did you have an opportunity to perform any kind of
22 work in this case?

23 A Yes, I did.

24 Q Tell the jury what did you.

25 A My involvement in this case is centered solely

1 on a vehicle. I did not go to the scene that day.

2 My job was to process a vehicle which I
3 believe was on the 20th of the month. And I
4 processed it with the powder that I just mentioned.
5 The goal, of course, was to find any latent
6 fingerprints that might be on the vehicle, or
7 anything else within the vehicle that might be of
8 interest that might pertain to the case in some way.

9 Q And you just mentioned you didn't test this
10 car at the scene?

11 A That's correct.

12 Q Tell the jury where you did test it?

13 A It was at the crime scene unit which is on
14 Wappoo Road. That's where the crime scene unit is.
15 That is also where the vehicle bay is as well.

16 So whenever a vehicle needs to be processed
17 over a period of time, several hours, it is then
18 towed there so that we are in a more controlled
19 environment. Because we don't want any evidence that
20 might be on the car to wash away by rain or any other
21 means, so it is secured there. It is also protected
22 there as well.

23 Q How did the vehicle get from the scene to your
24 bay?

25 A The vehicles are towed.

1 Q Okay. So you arrived on the 20th to test this
2 vehicle?

3 A Yes.

4 Q Now how long did it take you to thoroughly
5 examine this car?

6 A It would have taken me a couple of hours,
7 that's pretty general.

8 Q And part of your examination, do you also
9 collect pieces of evidence that may be of interest
10 inside the car?

11 A That's correct, I do.

12 Q Do you make or do you document your findings
13 in reports?

14 A I do.

15 Q And do you have a copy of your report handy
16 with you today?

17 A I do not have it with me.

18 Q That's all right. I can walk up and show you
19 one.

20 MR. MCCOY: Judge, may I approach the witness?

21 THE COURT: You may.

22 MR. MCCOY: Thank you.

23 I'm going to mark this for ID only. I guess
24 this is State's 32. Thank you.

25 (Whereupon, State's Exhibit No. 32 is marked

1 for identification.)

2 Q (By Mr. McCoy) Officer Unterbrink, I'm going
3 to show you, for ID purposes only, what has been
4 marked as State's 32.

5 A Sure.

6 Q If you can take a look at that and just kind
7 of tell me what that is?

8 A This is a crime scene report that I have would
9 have written. Talking about the location which is
10 Wappoo Road, which I just mentioned, as well as the
11 vehicle.

12 Q Does it also list pieces of evidence that you
13 may have inventoried from this vehicle?

14 A Yes, it does.

15 Q Can you tell the jury a little bit about what
16 you took and what you recovered from inside this car?

17 A The items that I took and collected from the
18 vehicle, I will read through them. One was a purple
19 bag, it was cloth material but it was purple which
20 was found in a glove box. Also there was a digital
21 pocket scale, that I also found, which was within
22 that purple bag. Also a green leafy substance, it
23 was also in that same purple bag.

24 There was also a Motorola cell phone which was
25 in the back seat in the center area. A cell phone

1 car -- a cell phone charger that you plug in the car
2 was also in the back seat in the center area.

3 Also I collected, by the use of a cotton swab,
4 a red substance that I found, one of which was on the
5 back seat passenger side, that post between the
6 driver's side front and back doors. Also above the
7 wheel well on the driver's side near the back door.
8 And then also while I was processing the vehicle for
9 latent fingerprints, I found on the hood what came
10 into my view as I was doing that, were two partial
11 shoe prints.

12 It was just there, so I lifted it and
13 submitted that as well.

14 Q So you found -- were you actually able to lift
15 any latent prints off of the car?

16 A Yes, sir, I also did that as well.

17 Q Okay. So you found some latent prints?

18 A Yes, sir.

19 Q You found shoe prints?

20 A Yes, sir.

21 Q You found a red substance in the back seat?

22 A Yes, sir.

23 Q And you found numerous items that were also
24 inside the car?

25 A That's correct.

1 Q In your investigation of this car, your search
2 of this car, did you have any idea who this car
3 belonged to?

4 A I did not know anything of that, no, sir.

5 Q Okay. Did you have any background as to
6 happened in this homicide?

7 A I had very little because I did not show up at
8 the scene, I was not called there. I do know that it
9 involved a homicide. But beyond that, I was told to
10 process the car and anything that you find of
11 interest, go ahead and collect that and that was it.

12 Q Okay. And you spoke about some green leafy
13 substance that you found inside the car?

14 A Yes, sir.

15 Q Is that green leafy substance consistent with
16 marijuana?

17 A Yes, sir.

18 Q Do you have any idea whose marijuana that was?

19 A No, sir, I don't.

20 Q Did you collect that marijuana?

21 A I did.

22 Q Okay. And as well as the scale?

23 A That's correct.

24 Q As well as the bag that everything was found
25 in?

1 A That's correct.

2 Q Did you make any sort of arrest for whose
3 marijuana this was?

4 A No, sir, that's not my job.

5 Q Now when you say you collected these items,
6 and you secure latent fingerprints and you secure
7 pieces of evidence that are inside of a vehicle, tell
8 the jury how you do that, what you actually do to say
9 they're secure?

10 A As far as the latent fingerprints go, when I
11 see one, because of the powder for example, you put a
12 sort of like a scotch-tape really is what it is. You
13 lay it on top of that powder, and when you pull the
14 tape off the design that you see there, the pattern,
15 the fingerprint comes with it. So that keeps
16 everything in order.

17 You then place that tape on a blank card. So
18 now you have a white background and then you can see
19 the contrast, of course, with the black powder.
20 That's how we now are going to see this.

21 Those cards are then submitted to AFIS, which
22 is another unit that actually reads those. I don't
23 read prints. I collect prints. I submit them in a
24 secure box, which is then collected by ladies who
25 work in AFIS who then read it and do whatever they do

1 with it. So that's really the pattern that we take
2 with the latent fingerprints.

3 As far as the evidence goes, it's not really
4 all that different except that we are dealing with
5 objects. If it is a cell phone you simply identify
6 it, you mark it, you then bag it in some way and then
7 that is put into a secure closet where it is then
8 stored until it is needed at a later date.

9 Q So the evidence and the items that you collect
10 once you've secured them, does anybody else have
11 access to them?

12 A Yes. Back in this particular case we put them
13 in a locked cabinet. And another officer then will take
14 that evidence, take it down to the main station where
15 it has been kept for long term.

16 So the crime scene unit is for short-term
17 storage. And then it is transported to the main
18 police station on Lockwood Boulevard where it is kept
19 for longer storage.

20 Q All right. And the green leafy substance that
21 we've talked about already that you said is
22 consistent with marijuana, how would you describe the
23 amount that it was?

24 A It was a small bag. Very small bag.

25 Q Okay. So it was a small amount of marijuana?

1 A It was a small amount.

2 MR. MCCOY: Okay. Thank you, Officer
3 Unterbrink, I appreciate your time.

4 THE COURT: Any cross-examination?

5 CROSS-EXAMINATION

6 BY MR. MATTSON:

7 Q Do you know if the purple bag was ever
8 identified as being a Crown Royal bag?

9 A I understand it was a Crown Royal.

10 Q Okay. Then you found a digital pocket scale?

11 A Yes, sir.

12 Q Okay. And when you were doing the evidence or
13 latent fingerprint check on this motor vehicle, you
14 were checking for fingerprints anyplace you thought
15 you could logically find them having to do with the
16 crime?

17 A Anywhere I could find them, yes, sir.

18 Q Okay. I didn't see one of the digital pocket
19 scales or the Motorola cell phone. Are they on your
20 list?

21 A Yes, sir.

22 Q I mean as where you attempted to get latent
23 prints or got latent prints?

24 A No. I don't believe, I don't know if I had
25 anything off that particular item as far as prints

1 goes, no, sir.

2 Q Nothing on those, right?

3 A I'm looking here to see and, no, sir. No
4 prints from those items.

5 Q Okay.

6 MR. MCCOY: Thank you. No further questions.

7 THE COURT: Any redirect?

8 MR. MCCOY: No, ma'am. No redirect.

9 THE COURT: Any objection to the witness being
10 excused from the State?

11 MR. MCCOY: No, ma'am

12 THE COURT: From the defense?

13 MR. MATTSON: None from the defense.

14 THE COURT: Sir, you are excused.

15 You may call your next witness.

16 MR. MCCOY: Your Honor, may we approach?

17 THE COURT: Yes.

18 (Whereupon, the following discussion was held
19 at the bench.)

20 MR. DURANT: We have two witnesses left. It's
21 Ila Simmons from SLED and Kenneth Whitler from SLED.

22 THE COURT: You are not calling any other
23 people in your case in chief?

24 MR. DURANT: That's right. We are going to
25 call them first thing in the morning if that's all

1 right with you.

2 THE COURT: What about --

3 MR. DURANT: We are done except for those two
4 witnesses, Ila Simmons and Kenneth Whitler.

5 THE COURT: First thing in the morning.

6 (In open court.)

7 THE COURT: Madam Forelady, ladies and
8 gentlemen, we are going to take advantage of this
9 break in testimony to take our evening recess.

10 During the break please do not discuss this
11 case among yourselves or with anyone else. I'm not
12 aware of any media accounts about the case, but if
13 there are any, you are strictly instructed that you
14 are not to read, watch, or listen to anything that
15 might be in the newspaper, broadcast on the radio or
16 television or on the Internet.

17 And you are not to do any independent research
18 of any type regarding any issue or matter on the
19 Internet.

20 We will resume in the morning at 9:30. Again,
21 please don't have any contact with anyone in or about
22 the courthouse. I hope that you all have a pleasant
23 evening and we will see you in the morning at 9:30.

24 Leave your notepads in your seats, please.

25 (Whereupon, the jurors exit the courtroom.)

1 THE COURT: Anything before we break for the
2 evening from the State?

3 MR. DURANT: No, Your Honor.

4 THE COURT: From the defense?

5 MR. MATTSON: Nothing, Your Honor.

6 THE COURT: Have a good evening. See you at
7 9:30.

8 (Whereupon, the proceedings in this matter
9 before the Court were adjourned for the evening.)

10 * * * * *

1 THE COURT: We had two late jurors, the last
2 juror just arrived.

3 Do you all have any proposed request to
4 charge?

5 MR. DURANT: I do, Your Honor.

6 THE COURT: If you would give those to me, I
7 would appreciate it.

8 THE COURT: Mr. Mattson, do you have any? You
9 don't have to. Don't feel compelled to.

10 All right. State ready to proceed?

11 MR. DURANT: State is ready, Your Honor.

12 THE COURT: Defense ready to proceed?

13 MR. MATTSON: Yes, Your Honor.

14 THE COURT: Please bring in the jury.

15 Do you have your first witness ready, Mr.
16 Durant?

17 MR. DURANT: I will grab her right now.

18 (Whereupon, the jurors enter the courtroom.)

19 THE COURT: You all may be seated.

20 Ladies and gentlemen, I hope that you all had
21 a pleasant evening recess. We will now resume with
22 the trial of the State's case.

23 Mr. Durant, you may proceed.

24 MR. DURANT: Thank you, Your Honor.

25 The State calls SLED agent Ila Simmons.

1 MS. ILA SIMMONS,
2 after having first been duly sworn to state the
3 truth, the whole truth and nothing but the truth,
4 testified on her oath as follows:

5 THE COURT: You may proceed.

6 DIRECT EXAMINATION

7 BY MR. DURANT:

8 Q Good morning, Ms. Simmons.

9 A Good morning.

10 Q Will you please tell the jury where you are
11 employed?

12 A I work at the South Carolina Law Enforcement
13 Division, also known as SLED, in the forensics
14 laboratory trace evidence department.

15 Q How long have you been with SLED?

16 A Ten years.

17 Q How long have you been in the trace
18 examination?

19 A The entire ten years.

20 Q What is trace examination?

21 A Trace evidence involves several areas of
22 forensics. We analyze gunshot residue, gunpowder
23 residue, we perform paint and fiber comparisons, as
24 well as analyzing explosives and arsons.

25 Q What is your education and training in the

1 area of gunshot residue and trace evidence?

2 A I have a bachelor's of science degree in
3 chemistry. After completing that I went to work at
4 SLED. The first three years that I worked there, I
5 worked with a court-qualified and SLED-certified
6 trace evidence examiner who taught me how to collect
7 trace evidence and analyze trace evidence.

8 During that time I had to pass oral, practical
9 and written examinations with 100 percent efficiency.
10 After that I attend -- every year I attend seminars
11 from different agencies.

12 I'm also a member of the FBI's gunshot residue
13 symposium, where the FBI invites people who analyze
14 gunshot residue from around the world to come to
15 Quantico and discuss and establish standards and
16 practices for the analysis of gunshot residue.

17 Q How long have you been certified by SLED to --
18 in gunshot residue examination?

19 A Nine years.

20 THE COURT: Ms. Simmons, could you pull that
21 microphone toward you, it's stationary. Thank you.

22 You may proceed.

23 Q (By Mr. Durant) Approximately how many gunshot
24 residue tests have you examined?

25 A I have analyzed over 25,000 gunshot residue

1 samples.

2 Q Have you ever been qualified as an expert in
3 the area of gunshot residue examination?

4 A Yes, sir, I have, in state, federal and civil
5 courts over 150 times.

6 MR. DURANT: Your Honor, at this time the
7 State moves to qualify Ila Simmons as an expert in
8 gunshot residue.

9 THE COURT: Any objection.

10 MR. MATTSON: Without objection.

11 THE COURT: So admitted without objection.

12 Q (By Mr. Durant) What is gunshot residue?

13 A Gunshot residue is a mixture of microscopic
14 chemicals that come out of a gun when its fired. The
15 gunshot residue comes out in a cone-shaped cloud. It
16 can get on anything in close proximity to the weapon,
17 including the hands of the person firing the weapon.

18 Q How does gunshot residue get on somebody?

19 A They can fire a weapon, they can be in close
20 proximately to the weapon when it is discharged, they
21 can handle a weapon that has gunshot residue on it,
22 or they can handle any object that may have been
23 contaminated with gunshot residue.

24 Q What about a living human being, how long
25 would gunshot residue stay on a living human being?

1 A Gunshot residue will only remain up to six
2 hours. It begins to fall away immediately after
3 shooting the weapon. So beyond six hours, there will
4 be no gunshot residue left on someone.

5 Q How about somebody who has passed away?

6 A On someone who has passed away it's different
7 because the body stops sweating, you stop absorbing
8 things through the skin, and it can remain on the
9 hands indefinitely just like an inanimate object.

10 Q Can you tell the jury how samples are
11 collected?

12 A There is a standardized collection kit that we
13 provide to different agencies through SLED. It
14 consists of two parts. The first part is a
15 double-sided sticky tape that the investigator, or
16 whomever is collecting the kit, will take a sample
17 over the hands. They just dab it on the hands like
18 this.

19 And the second part of the kit is cotton swabs
20 that have treated with a very dilute acid and then
21 they are rubbed over the area of the hands. One
22 sample is collected from the right palm; a separate
23 sample from the back of the right hand; another
24 sample from the left palm; and a final sample from
25 the back of the left hand.

1 Q Relative to this case, did your lab receive a
2 gunshot residue kit for victim Brandon Parker?

3 A Yes, sir, we did.

4 Q Showing you what is already in evidence as
5 State's 4, ask you to take a look at it.

6 A Yes, sir, this is the gunshot residue kit we
7 received. It is marked with the laboratory
8 identification number.

9 Each case that comes into SLED is given an
10 independent identification number, as well as each
11 item of evidence that is submitted within that case
12 is given an item number. And that also has the item
13 number, it's marked with my initials as well.

14 Q When was it received?

15 A I will have to check my notes.

16 Q That's fine.

17 A It was received into our central login area on
18 February 12th of 2009 at 14:18.

19 Q What testing was performed on these samples?

20 A I analyzed them for the presence of gunshot
21 residue. Gunshot residue consists primarily of three
22 elements, lead, barium and antimony. We tested them
23 for concentrations of these three elements present.

24 Q What were the results of your testing on these
25 samples from Brandon Parker?

1 A On the right palm, the quantities of metals we
2 found did not indicate the presence of gunshot
3 residue. On the back of the right hand, we found
4 metals that may be associated with gunshot residue.

5 On the left palm, the metals we found did not
6 indicate the presence of gunshot. And on the back of
7 the left hand we found metals that may be associated
8 with gunshot residue.

9 Q Are these findings consistent with the victim
10 having handled a weapon?

11 A Generally when someone handles the weapon, the
12 palm of their hand is what's going to make contact
13 with the weapon. So if there is gunshot residue on
14 that weapon, the gunshot residue is going to be
15 transferred primarily to the palms.

16 However, primarily on the backs of the hands
17 is not consistent with simply handling the weapon.

18 Q In this case gunshot residue was detected on
19 the backs of the hands?

20 A Yes, sir.

21 Q Not on the fronts of the hands?

22 A No, sir.

23 Q Is it possible for somebody who is in close
24 proximity to a gun when it is fired, to have gunshot
25 residue placed on them, their person?

1 A Yes, sir. In fact about 65 to 75 percent of
2 people who have gunshot wounds have gunshot residue
3 on their hands if they're shot in a very close
4 distance just because this plume of gunshot residue
5 that comes out of the gun is going forward and can
6 get on the hands of someone if they're on the muzzle
7 end of the weapon.

8 MR. DURANT: Thank you. Please answer any
9 questions the defense may have.

10 THE COURT: Mr. Mattson.

11 CROSS-EXAMINATION

12 BY MR. MATTSON:

13 Q Good morning.

14 A Good morning.

15 Q Sorry you have to be here today. I understand
16 you have a family matter that you should be
17 attending.

18 A Yes. Thank you.

19 Q Gunshot residue back of right hand, or what
20 you found was consistent with gunshot residue on the
21 back of the --

22 A Was associated, yes, sir.

23 Q -- Brandon Parker's hands, correct?

24 A Yes, sir.

25 Q Now didn't find any on the palms of his hands?

1 A No, sir, I did not.

2 Q But if you had somebody who -- you say that
3 usually comes off of the weapon itself on the palm of
4 the hands?

5 A Yes, sir, it can be. When somebody handles a
6 weapon, you can get it on the palms of your hands.

7 Q That is assuming, of course, the weapon had
8 been fired before recently and hadn't been wiped down
9 or cleaned?

10 A Yes, sir. It would have to be take into
11 consideration that the gun had gunshot residue on it.

12 Q And with that assumption in mind, I know you
13 talked about gunshot residue on a live person kind of
14 going away, getting wiped off or what have you,
15 perspiration, you know, just lasts maybe six hours or
16 so, correct?

17 A Yes, sir, at the most six hours.

18 Q Deceased person who is not sweating, moving
19 around and doing normal things like washing their
20 hands or holding a cold, sweaty drink or something
21 like that, it can stay on there considerably longer?

22 A Yes, sir.

23 Q On an inanimate object, such as a gun, gunshot
24 residue can stay on there almost forever if nobody is
25 touching it, wiping it down or what have you?

1 A Yes, sir, unless it's removed.

2 Q Okay. And so the fact that there was no
3 gunshot residue on the palms of the hands of Brandon
4 Parker could be due to the fact that it was a clean
5 weapon, or his hands were on top of Jonta's hands?

6 A Yes, sir. If his hands were in a situation
7 where the gunshot residue would not get on the palms,
8 if his hands were, you know, in someway concealed,
9 like if his hands were on top of someone else's
10 hands, the gunshot residue would have gotten on the
11 backs of the hands and not the palms.

12 Q If the weapon was clean when his hands were on
13 it, the gunshot residue would still be on the -- when
14 the gun was fired, the gunshot residue would still
15 show up on the back of his hands?

16 A Yes, sir, unless some gunshot residue came out
17 around the trigger, and that is possible too.

18 Q And on a semiautomatic, gunshot residue would
19 also come out on the ejection port?

20 A Yes, sir, it can.

21 Q And on a revolver, a revolver is a dirtier
22 weapon when it's fired than a semiautomatic, isn't
23 it?

24 A Yes, sir, because it's not as tight as --

25 Q It's not as tight and there is a little space

1 between the cylinder and the barrel where you can
2 have splattering of gunshot residue?

3 A Yes, sir.

4 Q One time I had a piece of a bullet go in my
5 finger right there from a revolver that wasn't
6 indexed properly. It hurts.

7 So really it's kind of hard to draw any
8 conclusion about the absence of why there is gunshot,
9 no gunshot residue on the hands of the victim?

10 A Yes, sir. It is consistent with this person
11 being in the vicinity of a weapon in some way that
12 the gunshot residue did not go on the palms.

13 Q Thank you. But it's kind of hard -- we know
14 he was in the vicinity of the weapon because he got
15 shot in the head with it, and there was soot all
16 around it and that type of thing.

17 MR. MATTSON: So I have no further questions.
18 I'm sorry about your family and I have no reason for
19 this young lady to stay with us any longer and let
20 her get about any family business.

21 THE COURT: Any redirect?

22 MR. DURANT: No redirect, Your Honor, thank
23 you.

24 THE COURT: Ms. Simmons, you are excused.

25 THE WITNESS: Thank you.

1 THE COURT: Please call your next witness.

2 MR. DURANT: State calls Kenneth Whitler.

3 MR. KENNETH WHITLER,

4 after having first been duly sworn to state the
5 truth, the whole truth and nothing but the truth,
6 testified on his oath as follows.

7 THE COURT: You may proceed.

8 DIRECT EXAMINATION .

9 BY MR. DURANT:

10 Q Good morning, Mr. Whitler?

11 A Good morning.

12 Q Will you please tell the jury where you are
13 employed?

14 A I'm employed by the South Carolina Law
15 Enforcement Division, also known as SLED. I'm in the
16 forensic lab in the firearms department.

17 Q How long have you been with SLED?

18 A Since 1997.

19 Q How long have you been in the firearms lab?

20 A You mean working firearms?

21 Q That's correct.

22 A I have been a qualified examiner since 1991.

23 Q What kind of training and education do you
24 have in regards to firearms?

25 A Well firearms identification is what I do.

1 And it's not something that you go to college and get
2 a degree in. It has to be learned from other
3 qualified examiners.

4 When I was with the FBI laboratory, I
5 underwent their training program which involved
6 approximately a two-year training program where I
7 worked with qualified examiners on a daily basis, I
8 test-fired many guns, and examined literally
9 thousands of bullets and cartridge cases.

10 During the training period they give you tests
11 to work on. You also work on real cases. And at the
12 end of the training period when all the examiners
13 feel you have reached the level of competency needed
14 to do this work, they give you a series of three
15 final exams. And if you pass these three, then you
16 are certified by the FBI lab to do firearms
17 identification for them. I successfully
18 completed that program. And like I said, since 1991
19 I have been a qualified examiner in firearms
20 identification.

21 Q Are you certified by SLED in firearms
22 identification?

23 A SLED doesn't certify you but they have a
24 training period also. But because I was already
25 qualified when I basically retired from the FBI lab

1 on Friday and on Monday started working for SLED
2 doing the same thing.

3 Q In your occupation, have you had the
4 opportunity to examine firearms for identification?

5 A Yes, sir.

6 Q Approximately how many times?

7 A On the identifications, it could be thousands.

8 Q Have you qualified as an expert witness
9 before?

10 A Yes, I have.

11 Q In what areas?

12 A Firearms identification.

13 Q In what courts?

14 A Well I've been qualified approximately, and
15 testified as an expert in approximately 225 or more
16 state, federal and territorial courts.

17 MR. DURANT: Your Honor, at this time the
18 State moves to qualify Agent Whitler as an expert in
19 firearms identification.

20 THE COURT: Any objections or questions?

21 MR. MATTSON: None, Your Honor.

22 THE COURT: Admitted without objection.

23 Q (By Mr. Durant) Agent Whitler, pursuant to
24 SLED case number L09-02035, did you have the
25 opportunity to examine items of evidence in this

1 case?

2 A Yes, I did.

3 Q what did you examine?

4 A I examined a pistol, a cartridge case, a
5 bullet jacket fragment, and two lead fragments.

6 Q I'm showing you what is already in evidence as
7 State's No. 2. Ask you if you recognize that?

8 A Yes, I do.

9 Q And how do you recognize that?

10 A It has my initials, the case number and item
11 number on the barrel.

12 Q Do you know when it came into your possession?

13 A I don't have the exact date, no, I don't. But
14 I worked on the case in May of 2009.

15 Q Showing you what is also already in evidence
16 as State's 3. Ask you to take a look at that?

17 A Yes, I have seen this before.

18 Q What is that?

19 A It's a fired cartridge case.

20 Q And finally State's 8, it is already in
21 evidence as well.

22 A Yes, I have. This -- States Exhibit 8 is a
23 fired bullet jacket fragment and two lead fragments.

24 Q Are these the items that you examined in
25 regard to this case?

1 A That's correct.

2 Q What did you do with these items?

3 A Basically I test-fired the pistol, which is
4 State's Exhibit 2, to obtain test-fired bullets and
5 cartridge cases, that way I know where the test
6 samples came from because I physically fired them
7 myself.

8 The -- then I took those test-fired cartridge
9 cases and bullets and can microscopically compare
10 them to the submitted State's Exhibit 3 cartridge
11 case, and the bullet jacket fragment, which is
12 State's Exhibit 8, to see if I could identify those
13 items as having been fired by this pistol.

14 Due to a lack of sufficient corresponding
15 marks of value on the cartridge case, I was able to
16 determine that -- I was unable to say that the
17 cartridge case was fired by this pistol, however it
18 could have been fired from the pistol. There is
19 nothing to indicate it couldn't have been fired by
20 the pistol.

21 In regards to the two lead fragments that were
22 submitted as State's Exhibit 8, they have no marks of
23 value and they're unable to be identified with a
24 specific firearm. They are just two pieces of lead
25 that could have come from the core or some other

1 place.

2 The bullet jacket fragment was very small,
3 very damaged. There were not enough marks on that
4 fragment that even if every mark on that fragment
5 would have matched the test bullets, it still
6 wouldn't have been sufficient to say that it was
7 fired from that gun.

8 But the rifling characteristics, meaning the
9 width of the rifling impressions, were similar to
10 those on the test bullets. which means that this
11 fragment could have come from this pistol, or another
12 pistol with similar rifling. But because I could not
13 determine the caliber of this bullet, it could be
14 another caliber firearm that fires a bullet that puts
15 rifling impressions that are similar with this.

16 So that is where we ended up with all the
17 examinations.

18 Q So you couldn't definitively say that this
19 shell casing came from this gun?

20 A No, sir. It could have come from this gun or
21 another gun that put similar marks on the cartridge
22 cases.

23 Q Now is this finding surprising to you?

24 A No, it's -- some guns mark well, and some
25 don't. Some ammunition for some reason, maybe they

1 have slightly softer materials, pick up marks better,
2 than others.

3 So it's not unusual to have cartridge case
4 that you can't identify to the firearm.

5 Q With regard to the gun, did you have an
6 opportunity to test this gun to determine whether it
7 was working properly?

8 A When I received it, it was working.

9 Q And how did you determine that?

10 A We actually test-fired it. You load it with
11 the cartridges, you take it to the range or the water
12 tank room and shoot it. That's how I got the test
13 samples.

14 Q Now is there a certain amount of pressure that
15 must be applied to the trigger in order for this gun
16 to be used?

17 A The trigger pull of this gun was approximately
18 three and a half pounds.

19 Q And is that the only way this gun would fire?

20 A It's the only way I could make it fire.

21 Q Three and a half pounds?

22 A Roughly about half of gallon of milk.

23 Q And that's what's required to pull this
24 trigger?

25 A That's correct.

1 Q Some amount of force?

2 A Yes.

3 Q It wouldn't just go off on its own?

4 A It didn't while I had it, no.

5 MR. DURANT: Thank you, sir. Please answer

6 any questions the defense may have.

7 THE COURT: Mr. Mattson.

8 MR. MATTSON: Thank you.

9 THE COURT: You're welcome.

10 CROSS-EXAMINATION

11 BY MR. MATTSON:

12 Q Mr. Whitler, you seem to know a lot about
13 firearms.

14 A I know some about them, yes, sir.

15 Q Okay. Is this firearm similar to a 1911 model
16 pistol?

17 A Yes, it is. It's copied from it.

18 Q Okay. 1911 is a military pistol primarily
19 that I believe Browning designed and Colt built a lot
20 of for our armed forces?

21 A Yes, sir. It's military and a very popular
22 commercial pistol also.

23 Q Very reliable, good firearm?

24 A Most of the times, yes.

25 Q That's with anything that's mechanical, right,

1 most of the time your car works?

2 A Yes, sir.

3 Q Okay. And I believe the 1911 has something to
4 do with the date it was manufactured, or something
5 was started, it was designed?

6 A It could be when it was adopted.

7 Q By the military or something?

8 A About whenever there was a contract for it.

9 Q If I'm correct, that was pretty much the
10 firearm of choice of the United States for all of its
11 servicemen until around a little after the Vietnam
12 war when they went to the .9-millimeter?

13 A Yes, sir.

14 Q Okay. Now when you are looking for and doing
15 comparisons, those comparisons come from machining
16 marks primarily during the manufacturing of the
17 weapon; is that correct?

18 A That's correct.

19 Q So when a lathe, or whatever it is, is
20 machining the chamber that the bullet goes into and
21 is held before it's fired, and the cases is extracted
22 on a semiautomatic, you are looking for scratches on
23 the brass case from machining marks to compare with
24 -- then you shoot one yourself and you compare the
25 two bullets to see if you can match them up with the

1 machining marks is what you are doing?

2 A That is correct.

3 Q Okay. You can also -- I don't know, can you
4 also do that with the firing with the cap, with the
5 firing pin head, or is that less accurate?

6 A No. Actually most of the identifications are
7 made from the firing the primer which is part of the
8 cartridge. When the firing pin hits the cartridge,
9 that's when it ignites the gunpowder.

10 It's a very soft material. And usually if
11 there are any marks it's going to be picked up, it
12 will pick them up. Although it's not, like I said,
13 not guaranteed. In some case the primer doesn't pick
14 up marks.

15 Q Also machining marks are subject to wear?

16 A Yes, sir. Wear and use and abuse by the owner
17 or whoever uses the firearm.

18 Q So the more any weapon is shot, the more the
19 machining marks go away from the bullet passing
20 through the barrel, the shell going into the chamber,
21 the firing pin hitting the primer, all those cause
22 wear on the gun parts?

23 A Yes, sir.

24 Q Okay. So you cannot -- you can neither
25 confirm nor deny from your test with this particular

1 weapon that this weapon fired the shell casing. Is
2 that basically as I understand?

3 A Yeah. When I said it could have been fired by
4 it, or it could have been fired by another pistol
5 that has similar class characteristics. But there
6 was not enough marks to say that this cartridge case
7 was fired by this pistol.

8 Q Right. But you can't preclude that either?

9 A No, sir.

10 Q So like I said, you can really neither confirm
11 or deny it. It has some similar markings, but you
12 don't have enough markings to totally compare and
13 make a definitive statement?

14 A That's correct.

15 Q Okay. And where is the -- I know the lead
16 fragments don't show you anything. Where is the
17 copper jacket fragment?

18 A Right there.

19 Q These lead fragments also?

20 A Yes.

21 Q Well the lead fragments are covered by the
22 copper jacket; is that correct?

23 A That's correct.

24 Q So the lead fragments would not pick up any
25 rifling marks or grooves because they're not in

1 contact with the rifling that is machined into the
2 gun barrel?

3 A That's correct.

4 Q The rifling that's machined into the gun
5 barrel has a rate of twist to it, correct?

6 A Yes.

7 Q And that is to make the bullet spin when it
8 leaves the gun barrel so that it's stable in flight
9 and keeps flying with I guess you'd say the nose
10 pointed forward?

11 A Yes, sir.

12 Q And that keeps the bullet from tumbling and
13 becoming inaccurate and ineffective?

14 A That's correct.

15 Q And rifling has been in rifles since sometime
16 around the civil war. Isn't that when they came up
17 with rifling first?

18 A They had rifling before then.

19 Q They had it before then? Probably the Germans
20 came up with it.

21 A No, actually Davy Crocket brought it in.

22 Q Okay. So rifling is to stabilize the bullet?

23 A That's correct.

24 Q And the copper jacket that's on the bullet is
25 what is in contact with the rifling in the barrel?

1 A Yes.

2 Q What is the purpose of the jacket? Is it
3 primarily to prevent lead fouling of the rifling?

4 A No, it's to -- for pistols in particular makes
5 them more reliable. It's a harder material that you
6 try to use lead bullets in pistols, in many cases the
7 lead will deform when it's being fed, and it can jam
8 up.

9 It's also if you are trying to design a bullet
10 so that it can expand, or you put softer lead in it,
11 you try to have a bullet made of soft lead, half of
12 it -- not half of it -- but a lot of it would be
13 melted by the time it got down the barrel.

14 So bullets have to be very hard. And hard
15 lead does not expand very well. So if you make a
16 bullet with a copper jacket you can put softer lead
17 inside if you are trying to design higher performance
18 ammunition.

19 For military purposes they went with a ball
20 which is what a jacket is called, mainly because it
21 helps the feeding, and it protects -- the bullet is
22 more substantial because it's a harder material.
23 It's not subjected if it's in a magazine or being fed
24 through a gun, it's subjected, it's not as likely to
25 jam up or anything.

1 Q Okay. Now when you talked about the trigger
2 pull on this weapon, three and a half pounds, three
3 and a half pounds, I know there is no such thing as a
4 standard really because it can develop from
5 manufacturer to manufacturer, but somewhere between
6 three and five pounds of pressure is about what one
7 would consider an average trigger pull for that type?

8 A For that type of pistol, yes.

9 Q Okay. So this pistol does not have a hair
10 trigger?

11 A No, sir.

12 Q In looking at this pistol -- it's hard not to
13 point this thing at somebody in this courtroom --
14 this does not have the hammer block safety on the
15 grip that the military 1911 had, does it?

16 A No, sir, it doesn't.

17 Q This just has the safety on this side?

18 A Safety.

19 Q The hammer, I think it's blocks the hammer and
20 the trigger. The clip generally is a device which
21 would go in here?

22 A Yes, sir.

23 Q And it would have spring-loaded. And it would
24 have seven or eight cartridges in it, correct?

25 A Yes, sir.

1 Q That's pretty well standard for the 1911,
2 about seven or eight?

3 A For a regular magazines, yes, sir.

4 Q Yeah. And those bullets stay in that magazine
5 until someone pulls the slide back, let's it go
6 forward. And this one won't go all the way forward
7 because it's got the little thing on it to keep the
8 people from the courtroom to put a bullet in it, I
9 guess, and firing the weapon.

10 But as the slide goes back and goes forward,
11 it takes bullet out of the clip and feeds it into the
12 barrel or magazine -- the chamber. And it goes in at
13 an angle; is that correct?

14 A Yes, sir.

15 Q So the reason, one of the reasons for the
16 copper is where the slide is where the bullet hits
17 and gets guided into the barrel, the lead can foul it
18 to the extent that it will not load, correct?

19 A It could jam, yes.

20 Q So the copper is on there to make sure, as you
21 said, the weapon functions properly?

22 A Yes, sir.

23 Q Or reliably.

24 Could you get an age of this weapon?

25 A Not offhand. It's many years old.

1 Q Okay. Did you check the rifling and barrel
2 and things like that for wear?

3 A Not specifically for wear, no, sir.

4 Q Okay. And thought that was a safety. This
5 little pin right here, this little device right here
6 on the weapon by the trigger, is the clip release?

7 A Magazine release.

8 Q Magazine release. The magazine is what holds
9 the bullets. If you depress that button, if we had
10 it, the magazine would drop out and --

11 MR. DURANT: Your Honor, if he could as a
12 question.

13 MR. MATTSON: Okay.

14 THE COURT: Is there an objection?

15 Q (By Mr. Mattson) The magazine release, if you
16 mash it, what happens?

17 A The magazine would come out.

18 Q The magazine would come out. And you can
19 reload it by inserting another magazine?

20 A Yes, sir.

21 Q Okay. Sorry about that. I have a couple of
22 1911's. I love shooting them.

23 And you indicated that the weapon did not
24 accidentally fire when you had it?

25 A Yes, sir.

((1 Q Did you try to make it fire accidentally?

2 A We normally, when it comes in, we check it to
3 see if you can push the hammer, when the hammer is
4 cocked back, to see if you can push the hammer off.
5 And then we test-fire it.

6 Q Does this have a half-cock safety?

7 A It should. I'm not sure.

8 Q well I cannot get it to function with the
9 tape. But if a weapon is old and been fired a lot,
10 the sear can become worn on it?

11 A Yes, sir.

12 Q And the sear is the mechanism on the trigger,
(13 I believe, that just a little notch that holds the
14 mechanism from firing?

15 A Yes --

16 Q when you pull the trigger that little metal
17 separates and the hammer falls and hits the firing
18 pin and the weapon fires?

19 A That's correct.

20 Q You didn't get a very big piece of copper
21 jacket, did you?

22 A No, sir.

23 Q Did --

24 MR. MATTSON: I have no further questions.

(25 THE COURT: Any redirect?

1 Q And if it's on safety -- can't do it on this
2 one -- but it's pushed out?

3 A Yes, sir.

4 Q When it's off safety, this is pushed down?

5 A Yes, sir.

6 Q And if two people are struggling over this
7 weapon, it's possible if the safety was on for it to
8 come off by just the struggle for the gun?

9 A It's possible I guess.

10 Q Because all you have to do is -- it won't go
11 down it just won't go all the way up. All it has to
12 do is move down to that position there, correct?

13 A Yes, sir.

14 MR. MATTSON: Thank you. No further
15 questions.

16 THE COURT: Anything further from the State?

17 MR. DURANT: No further questions.

18 THE COURT: Any objection to the witness being
19 excused from the State?

20 MR. MATTSON: None, Your Honor.

21 MR. DURANT: None from the State.

22 THE COURT: Sir, you are excused.

23 You may call your next witness.

24 MR. DURANT: Your Honor, at this time the
25 State rests its case.

1 THE COURT: Madam Forelady, ladies and
2 gentlemen, the State has rested their case. There
3 are some matters of law I need to take up with the
4 attorneys, it will be very brief.

5 During this break, please do not discuss the
6 case among yourselves, and please leave your notepads
7 in your seats. It should take us maybe 10, 15
8 minutes at the most.

9 (Whereupon, the jurors exit the courtroom.)

10 THE COURT: Are there any motions?

11 MR. MATTSON: Yes, Your Honor.

12 THE COURT: You may proceed.

13 MR. MATTSON: Defense has a motion to dismiss
14 the charges against the defendant because of the
15 failure of the prosecution to prove the elements of
16 intent and malice as are required by law.

17 And based upon their failure to -- because of
18 their failure to prove intent and malice, I am
19 requesting that the charges of murder be dismissed
20 against the defendant.

21 This is based upon the fact the law that even
22 though a person may be in the unlawful possession of
23 a weapon, it does not imply intent. And in fact the
24 South Carolina Supreme Court, about four or five
25 months ago, recently decided a case that said trying

1 to infer a presumption of intent or malice by the use
2 of a pistol --

3 THE COURT: Actually that was the Court of
4 Appeals not the Supreme Court, and there were four
5 qualifying circumstances they said that. They said
6 it wasn't good law under certain circumstances. They
7 said that isn't any longer the law.

8 MR. MATTSON: That is correct. And based upon
9 that, we feel that they have not proven malice. They
10 have proven somebody who was concerned about their
11 safety and who was attacked twice.

12 And the only charge that should be pending at
13 this point in time against the defendant has been --
14 anyway, that the murder charge ought to be dismissed
15 against him for failure to prove.

16 THE COURT: State like to respond?

17 MR. DURANT: Your Honor, the State has proven
18 and presented evidence that the victim in this case
19 Brandon Parker died as a result of a gunshot wound.
20 It was a result of this defendant coming to the scene
21 with a gun. His actions demonstrated, with the
22 evidence that was brought to the stand, a malicious
23 intent, a depraved heart, a malignant recklessness
24 for the lives and safety of others. Because of his
25 actions Brandon Parker died as a result. This was

1 murder.

2 MR. MATTSON: Your Honor, their own witness
3 indicated that Jonta went by that particular location
4 in order to see about purchasing some rims from
5 Carlos. And he was also in the -- Sam Crawford had
6 called him several times on the phone. And he was
7 out selling -- he and his brother were out selling
8 some shoes and they showed those shoes to Carlos, at
9 which time my client was attacked by the victim.

10 Nobody said my client came there looking for
11 the victim. Nobody heard any curse words between my
12 client and the victim. Nobody -- when my client
13 went back the second time, he went by for the simple
14 reason he lost some expensive glasses, his brother's
15 cane that his brother needed for walking, and his
16 cell phone.

17 Thought everyone was gone. And again he and
18 Brandon ended up facing off against each other. I
19 could only say that under those circumstances, you
20 know, one of the reasons you show intent or malice is
21 when somebody goes hunting someone else.

22 In fact I could use Stretch, Carlton Stretch
23 as an example of a perfect example of murder. I
24 didn't tell the police who he was because we wanted
25 to get our hands on him before the police did so that

1 we could kill him. That would have been murder.
2 That would have been premeditated and a very obvious
3 intent; they're out hunting Jonta.

4 we don't have anything of that here. And we
5 have lots of explanations as to how this may have
6 happened about the fight. Obviously many of the
7 witnesses for the State, who were actually factual
8 witnesses at the scene, are in fact lying. And the
9 question is which story actually fits?

10 The Court must prove Jonta's guilt beyond a
11 reasonable doubt --

12 THE COURT: That State has to prove his guilt,
13 not the Court.

14 MR. MATTSON: I'm sorry. The State must prove
15 the defendant's guilt beyond a reasonable doubt. And
16 it's my belief that they have failed to do this and
17 carry their burden.

18 MR. DURANT: Your Honor, if I need to respond
19 just a little bit more. There is obviously a
20 difference between expressed malice and implied
21 malice.

22 THE COURT: I need to correct, I apologize,
23 Belcher is a Supreme Court decision. I'm so used to
24 Judge Kittredge being on the Court of Appeals. I saw
25 his name -- I apologize, go ahead.

1 MR. DURANT: And in Belcher, Justice Kittredge
2 wrote that the law, the permissive inference of
3 malice from the use of a gun would no longer be
4 charged to a jury. But he said that the State can
5 still argue that you can infer malice from the use of
6 a gun.

7 So certainly that fact exists in this case.
8 Express malice, the actual intent of going to kill
9 somebody. We have got words spoken to Ms. Crawford
10 when this guy showed back up with a gun that she has
11 got somebody at her house, and he used a very bad
12 word, that needs to get out.

13 We have got actual words and actions and a gun
14 brought to the scene. Back to a scene. He left,
15 came back with a gun. His actions demonstrate
16 nothing but malicious intent.

17 THE COURT: When considering a motion for
18 directed verdict, the Court is required to view the
19 evidence in the light most favorable to the State,
20 and all reasonable inferences in their favor.

21 The Court is only concerned with the existence
22 or nonexistence of evidence and not its weight. It's
23 not for the Court to act as the fact-finder. If
24 there is any direct or substantial circumstantial
25 evidence which reasonably tends to prove the guilt of

1 the accused, the Court must be submit the case to the
2 jury.

3 Of course that evidence must come above the
4 level of mere suspicion. And the evidence must be
5 such that the defendant's guilt may -- the accused's
6 guilt must be able to be fairly and logically deduced
7 from that evidence. And the Court is not required to
8 find that the evidence infers guilt to the exclusion
9 of any other reasonable hypothesis based on the facts
10 of the case.

11 Considering the evidence in the light most
12 favorable to the State, there is direct and
13 substantial circumstantial evidence reasonably
14 tending to prove the defendant's guilt or which his
15 guilt can be fairly and logically deduced.

16 Again, it is not for the Court to act as the
17 fact-finder. The issues that have been raised are
18 factual in nature, it goes to the weight. There have
19 been, based at least on the cross-examination two --
20 and what I anticipate there to be -- two different
21 versions of what happened that night.

22 The defense -- the State contends, at least
23 their case-in-chief, is that the parties were outside
24 talking, and in the light most favorable to the
25 state, Terrence Crawford testified that Brandon

1 struck the defendant, and then the scuffled ensued.

2 And there is some indication that the
3 defendant's brother began to use his cane, and that
4 Brandon had blood on the back of his head -- and I
5 won't go through all of that because we have all been
6 here listening to the testimony.

7 Then the defendant and his brother left the
8 scene with loud, squealing tires, et cetera, and then
9 returned. I would imagine that the defense's posture
10 is going to be that he came back to find his
11 brother's cane and his glasses.

12 The evidence in the light most favorable to
13 the State is when he returned, although he was
14 looking for his glasses and a cane, he made some
15 statements to Ms. Crawford, that being Ms. Mildred
16 Crawford, that would imply or could infer malice,
17 that being from circumstantial or direct evidence --
18 I mean from the circumstances surrounding the event.

19 And there is certainly in the form of direct
20 evidence from Ms. Crawford, as well as others who
21 testified, that he made the statement about what was
22 in her yard. And in addition to that, he made the
23 statement that I couldn't let him get the sneak
24 attack on me because of my disability. Those are my
25 words not his, I'm paraphrasing it.

1 Certainly that is -- the jury can
2 circumstantially infer from those statements that he
3 had malice. So malice is about state of mind. It is
4 about whether you have some intent in your heart to
5 do harm to someone.

6 And while the Court will not instruct of
7 course that malice can be inferred from the use of a
8 deadly weapon, I think the State can still argue that
9 he had a dangerous implement which is designed to
10 cause death. And they can still argue that. I don't
11 think there is anything in the opinion that restricts
12 them from doing that.

13 And it all becomes a jury issue as to whether
14 -- and again viewing the evidence in the light most
15 favorable to the State, the evidence from Mr. Samuel
16 Crawford -- make sure I have my names correct -- is
17 that they were all entangled in a struggle for this
18 gun, it was pointed to the sky, he untangled himself
19 from the three, and his last recollection is it was
20 still pointing in the sky when he basically ran for
21 cover.

22 However, Terrence Crawford's direct testimony
23 is that he saw the defendant point the gun at
24 Brandon, and that a period of time elapsed such that
25 it could be inferred that his actions were deliberate

1 in shooting the deceased.

2 So I think there is more -- there is direct
3 evidence, and there is certainly substantial
4 circumstantial evidence reasonably tending to prove
5 the defendant's guilt. And I'm certain that he is
6 going to argue that he acted in self-defense, at
7 least that's what I anticipate based on the jury
8 charges that have been submitted.

9 So we will just go from there. But at this
10 point there is certainly direct, as well as
11 substantial circumstantial evidence reasonably
12 tending to prove the defendant's guilt, or from which
13 his guilt could be logically and fairly deduced. And
14 it certainly raises far above the level of mere
15 suspicion. Therefore, the motion is denied.

16 Sir, could you stand for me please and raise
17 your right hand to be sworn.

18 Do you swear or affirm the testimony you give
19 will be the truth?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: You can put your right hand down.

22 Sir, state your full name for the record.

23 THE DEFENDANT: Jonta Green.

24 THE COURT: Is there any record that the State
25 would be seeking to introduce to impeach the

1 defendant's credibility?

2 MR. DURANT: Your Honor, nothing that we would
3 use to impeach directly. If something comes up he
4 does have a prior failure to stop for blue light and
5 prior unlawful carrying of a pistol.

6 THE COURT: Neither one of those rises to the
7 level which is required under the rule.

8 MR. DURANT: Not for character purposes. But
9 there may be some instances which a character witness
10 may testify, or perhaps the defendant, of his good
11 character, it may open the door.

12 THE COURT: Be very careful about opening the
13 door. Statements like law-abiding, never been in
14 trouble, all those things.

15 MR. MATTSON: I would never say he has never
16 been in trouble.

17 THE COURT: No a witness might. Because you
18 can't control what a witness is going to say. And if
19 they say that it's going to open the door because
20 then they can say, well, are you aware that he was
21 stopped for failure to stop for blue light.

22 People, when they aren't involved with someone
23 everyday, I mean most people don't tell folk that
24 they have been arrested and they have been convicted
25 of something. As a matter of fact, most people keep

1 it close to the vest and hope that it will never come
2 up in any kind of social situations.

3 So sometimes people really don't know the
4 ins-and-outs of a person's life. And when they know
5 them peripherally they'll make statements like, it's
6 a really good person, I just can't believe they have
7 ever been in trouble with the law, they are always --
8 you know, they sort of incidentally make statements
9 and I don't want the door to inadvertently be opened
10 because then that will open the door.

11 And it also goes to their level or their depth
12 of knowledge of him, when people make those kind of
13 blanket statements, because then it becomes a
14 credibility issue for the state to say, well, you
15 know him so well, did you know he did this, or did
16 you know he did that.

17 So I'm just saying as a general matter you
18 might want to be very careful and instruct your
19 witnesses.

20 MR. MATTSON: Yes, ma'am.

21 THE COURT: Because I don't want to have to
22 deal with the state arguing that they opened the door
23 to anything. Okay?

24 MR. MATTSON: I understand.

25 THE COURT: All right.

1 Sir, I am going to explain to you certain of
2 your rights. If you do not understand anything that
3 I say, please let me know. If you want me to explain
4 anything in more detail, please let me know.

5 Do you understand?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Sir, we have now reached the stage
8 of the trial where you may present your defense. You
9 have the right to claim the protections given to you
10 by the Fifth Amendment to the constitution of the
11 United States.

12 This amendment states in part, no person shall
13 be compelled in any criminal case to be a witness
14 against himself. This mean that you cannot be
15 required to testify in this case. You have the right
16 to testify on your own behalf. However, no one can
17 make you testify. This is a personal right, and no
18 one can waive this right except you.

19 If you decide to testify, you will be subject
20 to the same rules that govern other witnesses. And
21 you may be examined and cross-examined on any
22 relevant issue in this case. In addition, if you
23 have any convictions involving dishonest or false
24 statement, or for crimes punishable by imprisonment
25 for more than one year, and this court determines

1 that the probative value of admitting this evidence
2 outweighs its prejudicial effect to you, the
3 solicitor will be able to introduce your record to
4 attack your credibility.

5 If you decide to testify, this decision on
6 your part must be made freely, voluntarily, and
7 intelligently, with knowledge of the protections
8 given to you by the Fifth Amendment, and the
9 consequences of your decision to testify.

10 If you decide not to testify, I will instruct
11 the jury that they cannot give the fact that you did
12 not testify any consideration whatsoever, and that
13 there is to be absolutely no prejudice to you because
14 you did not testify. In fact, I will instruct them
15 that it cannot be discussed in any manner whatsoever
16 during the course of deliberations.

17 I will further instruct them that you have
18 absolutely no burden of proof in this case. It is
19 the burden of the State to prove your guilt beyond a
20 reasonable doubt. And it is the State's burden to
21 prove every element of the offenses beyond a
22 reasonable doubt.

23 So, sir, there will be absolutely no prejudice
24 to you if you decide not to testify. It is left
25 entirely up to you whether or not you testify. You

1 may speak with your attorney, your family members,
2 your friends or others, but the final decision will
3 be left entirely up to you.

4 Sir, do you understand your rights as I've
5 explained them to you?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Do you have any questions about
8 what I have explained to you?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: Have you discussed with your
11 lawyer about whether you want to testify?

12 THE DEFENDANT: I can do it now.

13 THE COURT: Okay. I will give you all a few
14 minutes to do that. I saw your family bringing some
15 clothes. Did you need to change your clothes?

16 THE DEFENDANT: It's kind of late now.

17 HE COURT: Give him the opportunity. If you
18 all could give his clothes to the deputies so that he
19 could change. I appreciate that greatly.

20 Mr. Mattson, how long do you need to talk to
21 your client about whether he wants to testify?

22 MR. MATTSON: I would like about 15 minutes,
23 Your Honor, and there is another reason for that.
24 Some of his witnesses are very elderly people from
25 church and they're a little slow in arriving. He has

1 got a brother who's doing all the transportation.

2 THE COURT: There should be some other
3 witnesses here because we have to move forward with
4 the trial.

5 I'm not going to prejudice him in any way, but
6 I cannot delay the proceeding for that purpose. So
7 the witnesses that you have here, you should prepare
8 them to go forward. Because you had a great number
9 of them listed, so you should have sufficient
10 witnesses that are present without those individuals,
11 correct?

12 MR. MATTSON: We have got about eight to ten
13 that we are actually going to use. And I anticipate
14 they will be very, very short dealing with Jonta's
15 character.

16 THE COURT: Okay. Let me know. I'm going to
17 give you until 5 until 11:00, that's 15 minutes, to
18 discuss with him whether he wants to testify. And
19 they have his clothes so he can change. And if we
20 need more time, because it takes more time for him to
21 change, just let me know.

22 MR. DURANT: Your Honor, we're under a general
23 sequestration order; is that right?

24 THE COURT: You all approached the bench at
25 the beginning of the trial and told me you all had

1 agreed to that. I didn't order it, but you all
2 agreed to it. So I assumed you all would abide by
3 that.

4 MR. MATTSON: Those were primarily fact
5 witnesses, but I don't care one way or the other.

6 MR. DURANT: I'd appreciate a sequestration
7 order at this part of the trial as well. We have
8 sequestered all of our witness throughout the trial.

9 THE COURT: I thought you all agreed to
10 sequestration. I didn't know it was an issue.

11 MR. MATTSON: I have no problem with that.

12 THE COURT: All right.

13 MR. DURANT: And if we could, if the Court
14 would order it, we would like to know birth dates of
15 witnesses for purpose of running rap sheets.

16 THE COURT: Well if Mr. Mattson has them. But
17 otherwise you all have at your disposal all the
18 State's records. You could have put their names in a
19 database, you could have got their social security
20 number and their birth dates from the highway
21 department. They would allow you to have it,
22 wouldn't they?

23 MR. DURANT: Well, Your Honor.

24 THE COURT: I'm not placing the burden on him
25 to provide things, go out of his way to provide it.

1 If he has it, fine. If you want to ask them if they
2 will talk to you and give to you their birth dates,
3 that's fine.

4 But at this late stage I'm not going to have
5 anybody jump through hoops to get birth dates. I
6 think it's a little late in the game now for that.

7 MR. MATTSON: I don't have any birth dates.

8 THE COURT: From any of the witness's present?

9 MR. MATTSON: Yes, some of them are present.

10 THE COURT: Who?

11 MR. MATTSON: Jonta, tell me who's present.

12 THE DEFENDANT: Ashley Thomas, George Thomas,
13 Dorothy Thomas, Rosalee Butler.

14 THE COURT: You said Dorothy Thomas is
15 present?

16 THE DEFENDANT: Uh-hum.

17 THE COURT: And who else?

18 THE WITNESS: George Thomas, Rosalee Butler,
19 Reverend Washington and Ashley Thomas.

20 THE COURT: Is that Alanzo Washington?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. If they're willing to speak
23 with you, Mr. Durant, I would suggest you ask that.

24 Or I guess we could just simply ask, do any of
25 your witnesses have records?

1 MR. MATTSON: I don't know. Do any of you all
2 have records?

3 A VOICE: No.

4 THE COURT: I'm sorry, did I hear somebody say
5 I do?

6 A VOICE: No.

7 THE COURT: Okay. Are any of them willing to
8 give the State their birth dates?

9 A VOICE: I will.

10 THE COURT: While we are on this break, Mr.
11 Durant, you can see about that. And we will be at
12 ease until 5 until 11:00.

13 (Whereupon, a recess was taken.)

14 THE COURT: Mr. Mattson, you asked for
15 additional time to speak with your client. Have you
16 had sufficient time to speak with him?

17 MR. MATTSON: Yes, Your Honor, I have.

18 THE COURT: Sir, please stand up for me and
19 I'll remind you that you are still under oath.

20 Have you had sufficient time to speak with
21 your lawyer about whether you should or should not
22 testify?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you wish to speak with him
25 anymore at this time?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Sir, do you wish to testify?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Okay. You may take your seat.

5 Mr. Mattson, are you ready to proceed?

6 MR. MATTSON: Yes, Your Honor.

7 THE COURT: Is the State ready to proceed?

8 MR. DURANT: The State is ready to proceed,
9 Your Honor.

10 THE COURT: Who's your first witness going to
11 be?

12 MR. MATTSON: Ms. Dorothy Thomas. She's in a
13 wheelchair.

14 THE COURT: Let's get her situated before we
15 bring the jury in.

16 MR. DURANT: Your Honor, could we clarify in
17 regards to character evidence and what the defense is
18 allowed to present or not.

19 THE COURT: You're going to have to make a
20 contemporaneous objection. I'm not going to give you
21 a tutorial on character evidence. He's going to ask
22 the questions. If you have an objection, if he opens
23 the door, that's on him. I have already -- I think I
24 have been very clear.

25 (Whereupon, the following discussion was held

1 at the bench.)

2 MR. MATTSON: Isn't there a ten year rule
3 about using, not with Jonta but maybe on the other
4 witnesses, someone has something about 14 years old.
5 I remember there is a ten year exclusion on that.

6 THE COURT: Who is it and what were they
7 charged with?

8 MR. MATTSON: Some marijuana.

9 MR. DURANT: I'm not getting into it.

10 THE COURT: Who is it that has the marijuana
11 charge?

12 MR. DURANT: I'm not going to get into it at
13 all.

14 THE COURT: Okay. You've all agreed on that
15 witness?

16 MR. MATTSON: Uh-hum

17 THE COURT: What else did you want?

18 Is that all you wanted?

19 MR. MATTSON: That's the only one. We may
20 have a couple little things with some of the people.

21 THE COURT: A couple little things, what are
22 you talking about?

23 MR. MATTSON: Maybe a little bit of simple
24 possession of marijuana.

25 THE COURT: That wouldn't come in. It has to

1 MR. DURANT: Another wrinkle in that is it
2 doesn't have to be the subject of a conviction, it
3 can just be other instances of conduct, character.

4 THE COURT: All the cases on character -- what
5 are they going to say that he did that? What are
6 they going to say?

7 MR. MATTSON: These two little ladies, they
8 have known him for awhile, he is a good fellow, he
9 takes them back and forth to church, he is a peaceful
10 individual and he's honest.

11 MR. DURANT: Your Honor, I have Mr. Moise's
12 book on character evidence open to 404. If I may
13 just hand you this.

14 THE COURT: Give me a moment, please.

15 MR. DURANT: Character, in Mr. Moise's book on
16 character evidence he says Rule 405, for example,
17 consider a witness who testifies under Rule 405(A)
18 that the defendant charged for committing a lewd act
19 upon a minor has a good reputation for caring about
20 the welfare of children.

21 The witness then may be cross-examined about
22 the rumors of the crime and acts reputed to the
23 accused regarding his character --

24 THE COURT: That is a little different. That
25 is direct in saying, I'm good with children, when you

1 have been accused of molesting a child. That's not
2 factually similar to this.

3 MR. DURANT: I only say that to say that if we
4 got into a situation where there is a pertinent
5 character trait that is brought up by the defense,
6 such as character for peacefulness.

7 THE COURT: If he you say he was peaceful, he
8 was convicted of assault.

9 MR. MATTSON: I get him to admit it so he
10 doesn't bring it up.

11 THE COURT: He's going to be asking other
12 people whether they know he has been convicted of
13 assault.

14 MR. MATTSON: They know he has been in trouble
15 before.

16 THE COURT: That's such a can of worms.

17 MR. MATTSON: I know that. If the jury
18 doesn't hear from him and get the truth from him --

19 THE COURT: I'm not telling you how to try
20 your case, I'm just making you aware it's a can of
21 worms.

22 MR. MATTSON: I know. I'm well aware.

23 MR. DURANT: There is also, as Mr. Mattson is
24 aware, the defendant pulled a gun on the victim two
25 weeks prior to this incident. You know, that's

1 really reason why the victim was upset.

2 MR. MATTSON: He totally denies it. There are
3 witnesses who say what happened.

4 MR. DURANT: I have a good-faith basis for
5 asking the witnesses if they know it if it becomes
6 relevant.

7 MR. MATTSON: They know it if it's true.

8 THE COURT: You have to have a separate
9 hearing on prior bad acts not the subject of a
10 conviction.

11 MR. DURANT: This would not be a prior bad
12 act, this would be --

13 THE COURT: Pulling a gun is a prior bad act
14 that's not the subject of a conviction.

15 MR. DURANT: It's not used for its truth, it's
16 used for impeachment.

17 THE COURT: Doesn't matter. You still have to
18 prove by clear and convincing evidence if it's not
19 the subject of a conviction.

20 You cannot just throw out there, do you know
21 he pulled a gun on the descendant two weeks before.
22 It doesn't pass the probative versus prejudicial
23 smell test.

24 MR. DURANT: No matter what question is asked,
25 cross-examiner must have a good-faith basis for

1 asking it about which the witness --

2 THE COURT: It's mixing apples and oranges. I
3 understand what you are saying but you are still
4 mixing apples and oranges.

5 I'm not going to let in anything close to what
6 he is charged with. You're getting dangerously close
7 to behavior proving conformity, which is not
8 admissible.

9 MR. DURANT: I would like the jury to --

10 THE COURT: You want the jury to believe he
11 pulled a gun on him two weeks before therefore he
12 shot him this time and it was deliberate.

13 MR. DURANT: I have a witness who would
14 testify to that.

15 MR. MATTSON: He was the one that wanted to
16 kill him.

17 MR. DURANT: Well the jury doesn't get to hear
18 this but this is a prior incident. I don't think it
19 has to be the subject of a prior conviction.

20 THE COURT: I'm not going there. It's more
21 prejudicial than probative. It's dangerously close
22 to acting in conformity therewith. Because you would
23 argue he pulled a gun on him two weeks before,
24 therefore he pulled a gun on him this day and he did
25 it deliberately with malice aforethought.

1 MR. DURANT: I cannot argue it in closing --

2 THE COURT: You would still be arguing
3 conformity therewith. It's a fine line. I'm not
4 going to let you argue it.

5 If he gets up there and they talk about he is
6 peaceful and all that stuff, you can ask them about
7 the assault conviction. That applies in the case on
8 credibility of being peaceful.

9 MR. MCCOY: How about the gun charge, unlawful
10 carrying?

11 THE COURT: That wouldn't pass the probative
12 versus prejudicial test either.

13 MR. MCCOY: How is that?

14 THE COURT: Because it is too close to the
15 offense he is charged with and it's still acting in
16 conformity therewith; if he had a gun before, he had
17 a gun that night and it was deliberate. And it
18 doesn't carry more than a year.

19 MR. MCCOY: It's not very peaceful.

20 THE COURT: It's not very peaceful. But if he
21 was charged with something other than something that
22 involved a gun, I would probably let it in. It's too
23 close to -- that's like saying --

24 MR. MATTSON: He wasn't pointing the gun.

25 THE COURT: -- you got -- yeah, but that's not

1 what he was charged with. He was charged with
2 unlawful carrying.

3 MR. MATTSON: No, I said it's not like he was
4 pointing it.

5 THE COURT: You know, the assumption and the
6 inference is if he was carrying it he would be
7 prepared to use it. That ain't far from pointing it.

8 MR. MATTSON: Well this happened to be his
9 mother's gun and his mother's car and the gun was
10 under the seat. That's why it was.

11 THE COURT: You don't get to get into all of
12 that, though.

13 MR. MATTSON: Yeah, I know. They can't go
14 there, I can't go there, we won't go there.

15 THE COURT: Self-defense, any prior
16 difficulties between the parties. What are the
17 alleged circumstances where he allegedly pointed a
18 gun at him before?

19 MR. DURANT: As it was told to me, Carlton
20 Stretch told me that two weeks before this incident
21 happened they were at Ashley Thomas's house. Stretch
22 was getting his hair braided by Ashley Thomas.
23 Ashley Thomas was the defendant's girlfriend.

24 The defendant came over and pulled a gun on
25 Brandon and told him to get out of the house.

1 Brandon and Carlton left. They don't see each other
2 until the defendant pulls up in the driveway on this
3 day.

4 And Brandon was still upset about having the
5 gun pulled on him. There was a reason Brandon hit
6 him, and it was over a girl.

7 THE COURT: That's what happened two weeks
8 before?

9 MR. DURANT: Two weeks.

10 THE COURT: Why did he pull the gun on Brandon
11 instead of the person whose hair she was braiding.

12 MR. DURANT: He thought Brandon was messing
13 around with his girl.

14 THE COURT: So that's the circumstances.

15 MR. MATTSON: He didn't shoot him, didn't
16 shoot at him.

17 THE COURT: The problem is though your client
18 could open the door and testify and that might become
19 relevant and admissible. That goes to prior
20 difficulties between the parties, self-defense
21 theory. The jury is entitled to consider that.

22 MR. MATTSON: We have two witnesses at the
23 house who say it didn't happen. Jonta asked him to
24 leave. Stretch is the one who wanted to kill him.

25 MR. MCCOY: After he killed his friend.

1 MR. DURANT: Tells you what character evidence
2 is found --

3 THE COURT: It's such a fine line. You have
4 to be careful that you don't go over the parameters
5 because when you start talking about character, you
6 start talking about propensity, you start talking
7 about conformity of action. You have to be very,
8 very careful because it is a fine line.

9 MR. DURANT: There is danger all over it.

10 THE COURT: Well there is always the
11 temptation to say, well he did it then, he did it
12 this time. That's how jury's think. That's why I
13 have been so very vigilant on how it is presented.
14 Whether you argue it or not, in their fact-finding
15 province they're going to be instructed that they can
16 infer anything from the evidence they think is
17 proper.

18 And that's the natural human tendency. You
19 did it before, you did it this time. It's just human
20 nature.

21 Prior difficulty -- evidence of prior
22 difficulty between the defendant and the victim may
23 be considered in deciding whether a threat existed,
24 whether the defendant had reason to believe the
25 threat existed.

1 Yeah, those other prior difficulties would
2 have to be with the victim toward the defendant, not
3 the defendant toward the victim.

4 It goes to his state of mind. So him pulling
5 the gun on somebody, that wouldn't come within the
6 ambit of prior difficulty. It would be if the
7 defendant pulled a gun on him previously. Malice.

8 MR. DURANT: We are talking about the
9 defendant's state of mind as he felt the victim might
10 be dangerous.

11 MR. MATTSON: If you think somebody is
12 dangerous you don't sucker punch him upside the head.
13 Everybody said it was the first hit.

14 THE COURT: The balancing test.

15 MR. DURANT: It's that same issue, it does
16 relate to the victim and the defendant. So ancillary
17 circumstance is the defendant's life, would have
18 nothing to do with why he felt threatened from the
19 victim.

20 THE COURT: No, prior difficulties would be
21 admissible if from the decedent towards the
22 defendant. It colors his frame of mind and why he
23 would have acted the way he acts.

24 For example, if the decedent had pulled a gun
25 on him two weeks before, that would be admissible

1 because that means that well, I felt threatened, I
2 felt threatened then and I was in fear of my life and
3 I felt threatened this time, so it wasn't out of the
4 blue.

5 MR. DURANT: As to relevant state of mind
6 issue, wouldn't it all have to relate to what the
7 defendant knew or thought about the victim, not what
8 he knew or thought about the world in general. And
9 all of this --

10 THE COURT: I agree with that, uh-hum.

11 MR. DURANT: So shootings, or whatever
12 happened to the defendant that had nothing to do with
13 this victim.

14 THE COURT: I'm going to have to cross that
15 bridge when we come to it. I don't know if he is
16 going to elicit that or not. You have to make a
17 contemporaneous objection to that.

18 MR. DURANT: He told me he would.

19 MR. MATTSON: It's going to --

20 MR. DURANT: You told me you were going to
21 elicit that.

22 MR. MATTSON: Elicit what?

23 MR. DURANT: Prior home invasions, all his
24 prior difficulties, his big sob story that had
25 nothing to do with the victim.

1 MR. MATTSON: Since it has nothing to do with
2 the victim, how does that open the door towards his
3 attitude towards the victim as to why he had a gun.

4 MR. DURANT: I'm just saying it would not be
5 relevant.

6 THE COURT: If he says something, says he
7 didn't have any difficulty with him, didn't have a
8 grudge, didn't have a problem, that's going --

9 MR. MATTSON: My client wouldn't --

10 THE COURT: If he gets on the stand and says,
11 I felt threaten by him, we had prior difficulties, he
12 threatened me before, I'm just letting you know you
13 are opening the door to them saying, isn't it correct
14 that it was the other way around. You pulled a gun
15 on him two weeks before.

16 MR. MATTSON: I understand. Yeah.

17 THE COURT: It's a fine line.

18 MR. MATTSON: I know.

19 THE COURT: And I can't anticipate how it's
20 going to unfold. I don't know. I'm going to have to
21 take it as it comes.

22 MR. MCCOY: You want a contemporary objection
23 when it comes to the defendant's state of mind,
24 what's happened to him in the world?

25 THE COURT: You have to make a contemporaneous

1 objection to preserve your right. I can't
2 anticipate. You know, it's a funny thing. Even when
3 you do things in camera, people will testify in
4 camera and then in the trial they testify totally
5 differently.

6 so it's hard to sort of anticipate what is
7 going to be said. I just have to hear it and we will
8 have to go from there. Or hear the question.
9 Because in camera people testify very differently
10 than they testifying at trial.

11 Then you think, that isn't what I heard. That
12 isn't what I based my ruling on. Then you go on the
13 stand and say something totally different.

14 MR. MATTSON: Tell me about it. I was not
15 going there.

16 THE COURT: You would not be able to read it.
17 My handwriting has gotten increasingly bad over the
18 years.

19 so I think if you say he is peaceful, I think
20 they get to cross-examine about was he convicted of
21 assault.

22 MR. MATTSON: That right.

23 THE COURT: So you agree that they would be
24 able to go into that?

25 MR. MATTSON: Sure. In fact I will even ask

1 him so I bring it out rather than they.

2 THE COURT: Well they're going to ask this
3 witness when she says he's peaceful, he takes me to
4 church, they're going to say, well aren't you aware
5 he was convicted of assault? She is probably going
6 to say no or she won't know. So that's what they're
7 stuck with. They don't get to go into the facts and
8 circumstance. I guess you said you'll deal with it
9 when he testifies.

10 MR. MATTSON: Yes.

11 THE COURT: Okay, then we don't need to be
12 talking about something that's resolved.

13 MR. MCCOY: Thank you, Judge.

14 THE COURT: You're welcome.

15 (In open court.)

16 THE COURT: All right. State ready to
17 proceed?

18 MR. DURANT: State is ready, Your Honor.

19 THE COURT: Defense ready to proceed?

20 MR. MATTSON: Yes, Your Honor.

21 THE COURT: Please bring in the jury.

22 (Whereupon, the jurors enter the courtroom.).

23 THE COURT: You may be seated.

24 Ladies and gentlemen, we appreciate your
25 patience as we disposed of those matters of law. We

1 will now resume with the trial testimony.

2 Mr. Mattson, you may proceed.

3 MR. MATTSON: Thank you.

4 THE COURT: You're welcome.

5 MS. DOROTHY B. THOMAS,

6 after having first been duly sworn to state the
7 truth, the whole truth and nothing but the truth,
8 testified on her oath as follows.

9 THE COURT: You may proceed, Mr. Mattson.

10 MR. MATTSON: Thank you.

11 DIRECT EXAMINATION

12 BY MR. MATTSON:

13 Q Ms. Thomas, I'm going to ask you to speak up
14 nice and loud because these gentlemen sitting over
15 Here --

16 A Can I go into all the different things that he
17 done?

18 THE COURT: Ma'am, we have to --

19 Q (By Mr. Mattson) You just answer my questions.

20 A Okay.

21 Q Your name is Dorothy Thomas?

22 A Dorothy Brown Thomas.

23 Q How old are you, Ms. Thomas?

24 A I'm 86. I'll be 87 tomorrow.

25 Q Tomorrow?

1 A Tomorrow is Friday, isn't it?

2 Q No, not quite.

3 A I will be 87 tomorrow. I'm happy as I can be
4 to meet Judges because I never been sick in my whole
5 life and I feel fine.

6 Q Ms. Thomas, do you know Jonta Green?

7 A Yes, I do.

8 Q How long have you known Jonta?

9 A I knew Jonta about two years.

10 Q Okay. And how do you know Jonta?

11 A One time I met Jonta, Jonta have never changed
12 from the time that I met him. He is what you call a
13 dedicated, he is a fine person, everybody loves him.
14 He sings in the church. He sings in the
15 church choir. Every time he walk in the church, the
16 people just give him a big hug. And I just love him
17 dearly.

18 Q You are not in the church choir, are you?

19 A Well I used to sing in the church choir and I
20 would sing. But I'm not in the choir now. I'm the
21 mother of the church, and I feel like the mother is
22 supposed to give up singing.

23 Q So this church is the St. Andrew's
24 Presbyterian Church on Bear Swamp Road?

25 A Right.

1 Q And I was with you on Sunday, wasn't I?

2 A Yes.

3 Q And Ms. Thomas, what do you know about Jonta
4 for telling the truth, what his reputation is?

5 A If you come a little closer to my ears don't
6 sound to good, I don't hear good.

7 Q Okay.

8 A I couldn't hear what you saying, I didn't want
9 to make no mistakes.

10 Q Does Jonta do anything to help you?

11 A Yes. Jonta, Jonta takes me to my -- to my
12 church. He takes me to my doctors. And anytime I
13 don't ask Jonta about going to the doctor, he call me
14 and say, what time are you going to the doctor. I
15 said, my time is Tuesday, but he said what time.

16 He said, well, I will be there on time because
17 I know you don't want to be late for your doctor.
18 But I said, take your time, don't over-speed because
19 every speed limit you got to pay that fee. Let me be
20 late.

21 Q Let me ask you a question. You said you were
22 the -- Jonta told me you were the church mother.
23 What is the church mother?

24 A Well the church mother is the oldest mother in
25 the church. And I was nominated the oldest mother in

1 the church.

2 Q So you have to live a long time?

3 A I'm living, I'm trying to live 100 years.
4 99-and-a-half would do.

5 Q Okay. Ms. Thomas, do you know Jonta's
6 reputation for being honest?

7 A Well, reputation he is honest. Anytime that I
8 would go anyplace, he'd call me. I didn't have to
9 call him, he'd call me and asked me when you're going
10 and where you're going and what time.

11 Q He's a good person?

12 A Oh, he's a good person.

13 MR. MATTSON: I don't have any further
14 questions for you. I want you to answer the
15 questions --

16 THE WITNESS: Can I go on? There are some
17 beautiful things he did to St. Andrew's Presbyterian
18 church.

19 MR. MATTSON: No, ma'am, that really doesn't
20 go into it. We just need to know what type of person
21 he is.

22 THE CLERK: He is a fine, he is a fine person.

23 MR. MATTSON: Okay.

24 THE CLERK: He is loving, he's kind. Every
25 time he walks into the church the members just hug

1 him up.

2 MR. MATTSON: Okay. Please answer any
3 questions these two gentlemen may have.

4 THE COURT: Any cross-examination of the
5 witness?

6 MR. DURANT: Thank you, Your Honor, may it
7 please the Court.

8 THE COURT: Yes, sir, you may proceed.

9 MR. DURANT: Ms. Thomas, thank you for coming
10 today. I don't have any questions for you. I wish
11 you happy birthday.

12 THE WITNESS: Can you come closer so that I
13 can hear you? When you're 80 you don't hear too
14 well.

15 MR. DURANT: I am not going to ask you any
16 questions, but thank you for coming. Wish you a
17 happy birthday.

18 THE WITNESS: I told him, I'm concerned he
19 didn't shoot, that no concern. Like how he go to
20 church, have no concern.

21 MR. DURANT: I'm not going to ask you any
22 questions.

23 MR. MATTSON: He said he wanted to wish you a
24 happy birthday.

25 THE WITNESS: Thank you.

1 THE COURT: Ma'am, you are excused.

2 Thank you, Mr. Robinson.

3 THE WITNESS: May I say one more thing before
4 I move?

5 MR. MATTSON: Judge, she said she would like
6 to say one more thing before she moves.

7 THE COURT: Sure.

8 MR. MATTSON: Yes, ma'am.

9 THE WITNESS: On Good Friday Jonta came to my
10 house and he said, before I go to my trial I want to
11 take you to your last doctor appointment. And that's
12 the word he said, and God be the truth, and I want to
13 say one thing more.

14 Because he really generous and I love him
15 dearly. And there are many friends like him in the
16 world, we would be in a better world to live in.

17 MR. MATTSON: Okay. Thank you very much.

18 THE COURT: Thank you, ma'am.

19 THE WITNESS: And one thing that I wanted to
20 say I don't remember.

21 MR. MATTSON: You are fine. You are older
22 than me and don't remember. I'm a lot younger than
23 you and I still don't remember things at times.

24 THE WITNESS: I remember things when I was in
25 school.

1 MR. MATTSON: Let me fix your legs.

2 THE WITNESS: When I was in school I remember,
3 I remember holding the lock when I was in the school
4 because I promised the Lord that I would go hold on
5 to the end. I'm going to hold on until I get 100
6 years old.

7 MR. MATTSON: Go for it.

8 Your Honor, my next witness is Rosalee Butler.

9 THE COURT: Okay.

10 MS. ROSALEE BUTLER,
11 after having first been duly sworn to state the
12 truth, the whole truth and nothing but the truth,
13 testified on her oath as follows:

14 THE COURT: You may proceed, Mr. Mattson.

15 MR. MATTSON: Thank you.

16 DIRECT EXAMINATION

17 BY MR. MATTSON:

18 Q MS. Butler, would you mind stating your age?

19 A Yes, 74.

20 Q 74. Are you involved in the Presbyterian
21 church on Bear Swamp Road?

22 A Yes, sir.

23 Q Was it Ashley -- what is the official name of
24 the church?

25 A St. Andrew's Presbyterian.

1 Q Okay. Now you are the church elder?

2 A Yes, sir.

3 Q Okay. Now what is the church elder's duties?

4 A Well it's mostly lead. And, you know, do
5 everything they put you to do.

6 Q So that's why you were leading the singing on
7 Sunday?

8 A Yes. Yes.

9 Q Okay. Is Jonta -- do you know Jonta Green?

10 A Yes, sir.

11 Q How long have you known Jonta?

12 A About four years.

13 Q And in what capacity have you known him?

14 A Well he comes to church regularly, of course
15 every Sunday, and on the choir. And he's everything
16 you ask him to do he is very smart, very bright.

17 Q Okay. He helps out with the church?

18 A Yes, he do. Yes, he do.

19 Q And do you know his girlfriend, Ms. Thomas?

20 A Yes, I do.

21 Q She comes to church with him?

22 A Yes, she does. He brings her.

23 Q Okay. Now are you aware of Jonta's reputation
24 in the community?

25 A Yes, sir.

1 Q Do you know his reputation for being honest
2 and truthful?

3 A Yes, sir, uh-hum.

4 Q What is that reputation?

5 A Well what he do and what he say is true, it's
6 real. Everything he say, he say he'll do it, he'll
7 do it, that's right.

8 Q Does he do anything for you specifically?

9 A Yes, he do. When I don't have a ride he pick
10 me up, bring me to church, take me back home.

11 Q Does he do that for more than one person?

12 A Oh, yes, everybody. Everybody, he's a
13 handyman.

14 Q Does he take you to the doctor?

15 A Oh, yeah. Sometimes I have a doctor, he come
16 take me to the doctor, wait on us.

17 Q Jonta does not hold any position in the
18 church, does he?

19 A Well he is a member of the choir. And the
20 children need director on the choir, he does that.
21 He is on the choir.

22 Q He directs the children?

23 A Yes, sir. Yes, he do.

24 Q Okay.

25 MR. MATTSON: I have no further questions,

1 ma'am. And please answer any questions that these
2 gentleman may have.

3 THE WITNESS: Okay.

4 THE COURT: Any cross-examination of the
5 witness?

6 MR. DURANT: Ms. Butler, I don't have any
7 questions for you. Thank you for coming.

8 THE COURT: Any objection to the witness being
9 excused from the State?

10 MR. DURANT: None from the State, Your Honor.

11 THE COURT: From the defense?

12 MR. MATTSON: None, Your Honor.

13 THE COURT: Ma'am, you are excused. Have a
14 good day.

15 Call your next witness.

16 MR. DURANT: One moment while I confer if you
17 don't mind, Your Honor.

18 THE COURT: Sure.

19 MR. ALANZO ARTHUR WASHINGTON,
20 after having first been duly sworn to state the
21 truth, the whole truth and nothing but the truth,
22 testified on his oath as follows:

23 THE COURT: You may proceed.

24 DIRECT EXAMINATION

25 BY MR. MATTSON:

1 Q You are a reverend at the --

2 A Wally Ford Presbyterian Church?

3 Q St. Andrew's Presbyterian Church?

4 A I'm the pastor at the Wally Ford Presbyterian
5 Church. I'm -- I help them. Their Pastor Charles
6 Simmons, he is deceased now.

7 Q Right, he had been there for many years?

8 A Yes.

9 Q But in your capacity you help them in the
10 church, the St. Andrew's Church?

11 A Yes.

12 Q And do you know Jonta Green?

13 A Yes.

14 Q How long have you known Jonta?

15 A I knew Jonta about now about three years.

16 Q About three years. How did you meet him?

17 A I met him when Elderly Pastor Simmons was
18 there. As pastor, he been out of Wally Ford Church
19 and I was more or less his supervising pastor. I
20 worked with him at St. Andrew's and therefore met
21 Jonta.

22 Q Where is your church located?

23 A Wally Ford is located on the corner of King
24 and Sumpter Street in downtown Charleston.

25 Q Okay.

1 A

2 Q okay. And how long have you been a minister?

3 A I have been pastoring now for 26 years.

4 Q Okay. How old are you?

5 A I am 61.

6 Q 61. What kind of dealings have you had with
7 Jonta?

8 A I, through Pastor Simmons, Jonta, working with
9 him, used to bring the young people to church, to
10 worship services and church school, and also to choir
11 rehearsal. So through the relationship with now
12 deceased lay Pastor Charles Simmons, I met Jonta and
13 had a working relationship with them.

14 Q In dealing with the children?

15 A Yes.

16 Q Okay. Have you been able -- do you feel you
17 have known Jonta long enough to form an opinion as to
18 his character for being an honest individual?

19 A From the time I knew him and working with the
20 children and in the church, I have known him to be an
21 honest individual.

22 MR. MATTSON: I have no further questions of
23 this witness.

24 THE COURT: Any cross-examination of the
25 witness?

1 MR. MATTSON: Please answer any questions
2 these gentlemen may have.

3 CROSS-EXAMINATION

4 BY MR. DURANT:

5 Q Reverend Washington, good afternoon.

6 A Good afternoon.

7 Q Did you know Jonta Green in September of 2008?

8 A September of 2008, yes.

9 Q Were you with him on September 19th of 2008?

10 A No.

11 Q Thank you, sir.

12 THE COURT: Any redirect?

13 MR. MATTSON: None whatsoever.

14 THE COURT: Any objection to the witness being
15 excused, from the State?

16 MR. MATTSON: No, Your Honor.

17 MR. DURANT: Not from the State.

18 THE COURT: Sir, you are excused.

19 You may proceed, Mr. Mattson.

20 MR. MATTSON: Thank you.

21 Your Honor at this time I'd like to call Mr.
22 George Thomas.

23 MR. GEORGE THOMAS, JR.,
24 after having first been duly sworn to state the
25 truth, the whole truth and nothing but the truth,

1 testified on his oath as follows:

2 THE COURT: You may proceed.

3 MR. MATTSON: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 DIRECT EXAMINATION

6 BY MR. MATTSON:

7 Q How old are you, Mr. Thomas?

8 A 56.

9 Q Good afternoon, and thank you for being here.

10 I see we have finally got into the afternoon hour.

11 What do you do for a living?

12 A I'm a -- well the owner of a used car lot.

13 Q Which one?

14 A Blue Parrot Auto Sales on Ashley Phosphate
15 Road.

16 Q Do you know Jonta Green?

17 A Yes, I do.

18 Q How long have you known Jonta?

19 A About seven years.

20 Q About seven years. Does Jonta date your
21 daughter?

22 A Yes, he does.

23 Q And they're childhood friends?

24 A Yes. Yes, uh-hum.

25 Q Long time?

1 A Yes.

2 Q Mr. Thomas, do you ever attend the St.
3 Andrew's Presbyterian Church on Bear Swamp?

4 A Yes, I do.

5 Q Okay. And does Jonta attend with you?

6 A Yes, he does.

7 Q How long have you all been attending that
8 church?

9 A I guess my mother has been attending there for
10 about eight years I guess.

11 Q Okay. Do you ever do anything with Jonta, you
12 know, other than having him date your daughter? Come
13 over to your house, go to church together, what do
14 you all do?

15 A Most of the time I work with the youth choir
16 so a lot of times he helped me with getting youth
17 choir to the church either for church service or for
18 choir rehearsal. And that's about all. I work all
19 the time so I'm gone a lot except for working and
20 dealing with church.

21 Q If you aren't out there, nobody is selling
22 your cars; is that right?

23 A That's right.

24 Q Has he ever done anything with your in your
25 business?

1 A Yeah, on occasion when we move cars from
2 Florida or someplace or something. At one point he
3 would go with me and go.

4 Q Do you feel you've known Jonta long enough to
5 form an opinion as to his reputation for being a
6 truthful person?

7 A Yeah. Like I said, I'm gone all the time but
8 somewhat, yes.

9 Q What is that reputation as you know it?

10 A He is always respectful to me and respectful
11 to my mother. For most of the elderly people I seen
12 him talk to, he seems to be somewhat, you know, an
13 honest person from what I have seen and the way he
14 treats me and my mother.

15 Q Treats people with respect?

16 A From what I have seen, right, people that I'm
17 around.

18 Q Okay. Hold on just one minute.

19 Are you married?

20 A Divorced.

21 Q Okay.

22 MR. MATTSON: I no further questions, Mr.

23 Thomas. Please answer any questions these gentlemen
24 may have.

25 THE COURT: Any cross-examination of the

1 witness?

2 MR. DURANT: Thank you, Your Honor, may it
3 please the Court.

4 THE COURT: Yes, sir. You may proceed.

5 CROSS-EXAMINATION

6 BY MR. DURANT:

7 Q You are Ashley Thomas's father?

8 A That's correct.

9 Q You've known Jonta a long time?

10 A Yes.

11 Q I don't have many questions for you. But you
12 said he is a good guy.

13 A From being around, yeah. Like I said, I work
14 all the time. When I'm around, he seems to be a
15 decent person and when he is around my mother.

16 Q I am assuming that you are aware he was
17 convicted of assault?

18 A No.

19 Q You are not?

20 A No.

21 Q And you yourself were -- you have a record as
22 well; isn't that right?

23 A I had a little problem at one time.

24 Q What was that?

25 A I think kind of a domestic problem with my

1 wife at one point.

2 Q What about weren't you convicted of burglary
3 back in 1996?

4 A Yeah. But that was changed because that was
5 -- it was, yeah, I was with the wrong person at the
6 wrong time. Somebody with me committed something
7 that I didn't know he was doing at the time.

8 Q Okay. Thank you, sir.

9 THE COURT: Any redirect?

10 MR. MATTSON: None, Your Honor.

11 THE COURT: Any objection to the witness being
12 excused, from the State?

13 MR. MATTSON: None, Your Honor.

14 MR. DURANT: None from the State, Your Honor.

15 THE COURT: Sir, you are excused.

16 Could counsel approach for me, please.

17 (Whereupon, the following discussion was held
18 at the bench.)

19 THE COURT: Be very, very careful with that
20 ten-year time limit. Just anybody else's record you
21 need to make sure, although he did not object.

22 MR. MATTSON: He had a four year sentence on
23 it dated from April.

24 THE COURT: He had a four year sentenced or he
25 had four years of probation?

1 MR. MATTSON: Four years suspended to 18
2 months probation.

3 THE COURT: That still would be beyond the ten
4 years. 19 -- 2006, calculated from the date of
5 release from confinement that's 2008, it's 2010.

6 MR. DURANT: My bad.

7 THE COURT: Yeah. Make sure you calculate it.
8 Thank you.

9 MR. DURANT: Thank you.

10 (In open court.)

11 THE COURT: You made proceed, Mr. Mattson.

12 MR. MATTSON: Let me see who else has arrived,
13 Your Honor.

14 MS. ALICIA JACKSON,
15 after having first been duly sworn to state the
16 truth, the whole truth and nothing but the truth,
17 testified on her oath as follows:

18 THE COURT: You may proceed.

19 DIRECT EXAMINATION

20 BY MR. MATTSON:

21 Q Alicia, how old are you?

22 A 26.

23 Q And do you know Jonta Green?

24 A Yes, I do.

25 Q Speak up a little bit louder to make sure

1 these people sitting down at end can hear you, okay?

2 A Yes, I do know Jonta Green.

3 Q Okay. And how long have you known Jonta?

4 A Over ten years. I have known him since about
5 middle school.

6 Q You all went to school together?

7 A Yes, we did.

8 Q How often would you see him?

9 A When we were younger like every day. But as
10 we have gotten older, like probably a couple of times
11 a months, here and there.

12 Q Okay. And now you know Quantas, his brother?

13 A Yes, I do.

14 Q How long have you known Quantas?

15 A I would say about five to six years now.

16 Q And are you employed?

17 A Yes, I am.

18 Q Where are you employed?

19 A Boeing.

20 Q Where?

21 A Boeing.

22 Q Okay. Do you know the Crawfords?

23 A No, I don't.

24 Q Do you know who they are?

25 A No, I don't.

1 Q You don't know Sam Crawford?

2 A Oh, not by the last name, but I know Sam.

3 Q You know Sam?

4 A Uh-hum.

5 Q You know Terrence?

6 A Yes, I do.

7 Q Okay. In relationship to where you live, you
8 lived at what, what was the address which you were
9 living in September 19th, 2008?

10 A

11 I didn't live there, that's where my mom
12 stays. But I'm over there a good bit of time.

13 Q Okay. Where is that on this map?

14 A Right here.

15 Q Right here. Right under the N for

16 ?

17 A Yes.

18 Q And do you know that Terrence and Sam live at

19

20 A Yes. You could see their backyard from my
21 mom's house.

22 Q You can see the backyard from your mother's
23 house?

24 A Yes.

25 Q And you all's backyards are almost kind of

1 coming together at a point?

2 A Yes.

3 Q On September the 19th, 2008, did you have an
4 occasion to see Jonta?

5 A Yes, I did.

6 Q And under what circumstances did you see him?

7 A Well after I got off from work that evening,
8 me and my niece, we went to the mall to go purchase a
9 pair of sneakers. Jonta had called my niece to tell
10 her that she didn't need to buy them from the store
11 again because he had some because at the time he was
12 selling shoes.

13 So we left the mall, and we went back to my
14 mom's house. A little bit after that, that's when
15 Jonta and Quantas came over. We stood in the front
16 yard and talked a little bit.

17 As we talked, his phone kept on ringing. And
18 I'm not quite sure if he answered the phone the first
19 time, but it kept on ringing during the process of us
20 talking. So he went ahead and answered it and I
21 guess it was somebody else wanting to buy a pair of
22 shoes.

23 I wasn't quite sure who it was he was talking
24 to on the phone. So I had to get home to my kids, so
25 I told him to stay out of trouble and I'll talk to

1 him later. And he said the whole purpose of him
2 selling shoes was for him to, you know, stay out of
3 trouble. He is trying to do something, you know, I
4 guess is good and making an honest living just by
5 selling those shoes. And that was the last time I
6 saw him.

7 Q What time was this approximately?

8 A The mall closes at 9:00, so it had to be
9 within the eight o'clock hour.

10 Q Okay. About -- what was the lighting like
11 outside, can you recall that?

12 A It wasn't completely dark, but it was getting
13 there.

14 Q It was getting there?

15 A Yes.

16 Q Did you ever look at the phone to see who was
17 calling or anything like that?

18 A No, I didn't.

19 Q Okay. Was there anybody else with you
20 outside?

21 A It was my niece Stephanie, Quantas and Jonta.
22 And my mom, she looked, we was in the doorway but she
23 knew they were out there.

24 Q Okay. And Stephanie, is she related to you?

25 A That's my niece.

1 Q Your niece?

2 A Uh-hum.

3 Q Okay.

4 MR. MATTSON: Thank you very much, I have no
5 further questions. Please answer any questions that
6 these gentlemen may have.

7 THE COURT: Any cross-examination of the
8 witness?

9 MR. DURANT: Thank you, Your Honor.

10 THE COURT: You're welcome. You may proceed.

11 CROSS-EXAMINATION

12 BY MR. DURANT:

13 Q That was the last time you saw Jonta that day
14 was when he left your house?

15 A Yes.

16 Q After he just got some calls?

17 A Uh-hum.

18 Q Do you know who was calling him?

19 A I wasn't quite sure. Like after I left, I
20 left before he left. But my niece was still there
21 and talking to them. So I had to go.

22 I wasn't quite sure who he was talking to on
23 the phone at that time.

24 Q And you don't know what he did or where he
25 went after he left your house?

1 A No, I don't.

2 MR. DURANT: Thank you.

3 THE COURT: Any redirect?

4 MR. MATTSON: None, Your Honor.

5 THE COURT: Any objection to the witness being
6 excused?

7 MR. MATTSON: No, Your Honor?

8 MR. DURANT: None from the State, Your Honor.

9 THE COURT: Ma'am, you are excused.
10 You may proceed.

11 MR. MATTSON: Your Honor, Stephanie Jackson.

12 MS. STEPHANIE JACKSON,
13 after having first been duly sworn to state the
14 truth, the whole truth and nothing but the truth,
15 testified on her oath as follows:

16 THE COURT: You may proceed.

17 DIRECT EXAMINATION

18 BY MR. MATTSON:

19 Q Ms. Jackson, how old are you?

20 A 19.

21 Q Are you employed?

22 A Yes.

23 Q Where are you employed?

24 A Starbucks.

25 Q Where?

1 A Starbucks.

2 Q Okay. Do you know Jonta Green?

3 A Yes.

4 Q Do you know his brother Quantas?

5 A Yes.

6 Q How long have you known them?

7 A Probably six years.

8 Q Both of them?

9 A Just Jonta.

10 Q Just Jonta, about six years?

11 A Yes.

12 Q On September 19th, 2008, were you living at
13 home with your mother?

14 A Yes.

15 Q And that was on

16 A Yes.

17 Q And is this the house here,

18 A Yes.

19 Q located right under the
20 N?

21 A Yes.

22 Q And do you know Sam and Terrence Crawford?

23 A Yes, sir.

24 Q And do you know where they lived?

25 A Yes, on right here. Yeah, they