

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

RECEIVED

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S.C. SUPREME COURT

SYLVESTER KEEJUAN KING,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-002278

APPENDIX

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF GREENVILLE	)	Case No(s) : 2014GS2307457
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	VOLUME 1 OF 3
Sylvester Keejuan King,	)	
	)	
Defendant.	)	

November 30 - December 2, 2015
Greenville, South Carolina

B E F O R E:

HONORABLE VICTOR C. PYLE, JR., Judge.

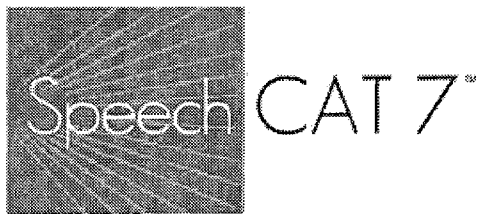
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1 P R O C E E D I N G S

2 (WHEREUPON, the proceedings begin on the 30th
3 day of November, 2015 at approximately 11:16 a.m.)

4 (WHEREUPON, State's Exhibits 1 through 68 are
5 marked for identification purposes.)

6 **THE COURT:** Okay. Anything before I bring
7 the panel up for jury selection?

8 **MS. MUNSON:** I don't think so Your Honor.
9 I do have a Jackson v. Denno hearing that we
10 need to do. I was about a little bit halfway
11 through pre-marking exhibits. Other than that,
12 the State is ready.

13 **MR. KORNFELD:** I do have a motion to
14 sequester witnesses.

15 **THE COURT:** All right. We will sequester
16 witnesses.

17 **MS. MUNSON:** Your Honor, one of the
18 witnesses is the son of the victim.
19 Statutorily, he has a right to be in here.

20 **THE COURT:** Certainly.

21 **MS. MUNSON:** The rest of them, that's
22 fine, Your Honor.

23 **MR. KORNFELD:** Your Honor, I understand if
24 that is your rule. I would just object.

25 **THE COURT:** I will allow him to stay in.

1 **MR. KORNFELD:** Sure.

2 **THE COURT:** Let's get the jury in. We're
3 going to have 35.

4 **(WHEREUPON,** the jury enters at approximately
5 11:24 a.m.)

6 **THE COURT:** Ladies and Gentlemen, if I
7 can have your attention, at this time, we will
8 select a jury in the case of the State against
9 Sylvester K. King.

10 Mr. King, would you stand up and turn
11 around and face the jury panel will me a moment
12 please sir? Turn -- that's fine. Thank you,
13 you can be seated.

14 Mr. King is indicted for Murder and,
15 secondly, for Possession of a Weapon during the
16 Commission of a Violent Crime. The indictment
17 alleges that on or about March 16, 2014, he
18 unlawfully and with malice aforethought killed
19 Janice Hackett by means of stabbing her, and
20 that she died as a result thereof. Count two
21 charges him with on or about the 16th the of
22 March 2000, he possessed or visibly displayed a
23 knife during the commission or attempted
24 commission of a violent crime, that being
25 murder.

1 At this time, I'm going to read out to you
2 a list of potential witnesses in the case. If
3 you will, please give me your attention.
4 Ronald Suber, Jonathan Horne, Shawnee Peeples,
5 Hal Harris, Jim Perry, Michael Fortner, Craig
6 Hawkins, Raymond Rivera, all with Greenville
7 County Sheriff's Office, Daniel Stipe, Sergeant
8 Carla Roberson, with the Anderson City Police
9 Department, Dustin Kretschmar, Sergeant Dar
10 Shaw, Timothy Nafziger, Jr., Dr. Jagannadha
11 Kandala, Dr. Ward with the county forensics
12 department. Dr. Michael Ward who is the chief
13 medical examiner for the county. Mr. Raquan
14 Lewers, L-E-W-E-R-S, Quianna Fernandez, Shakia
15 Prease, P-R-E-A-S-E, Sheila Martin, Keith
16 Lewers, Tori King Wilson, Keith Lewers. I
17 already read Keith Lewers.

18 At this time, I inquire do I have any
19 member of the panel who is related by blood or
20 marriage or connected by employment to the
21 defendant or to any potential witness to the
22 case? (No audible response.)

23 Are you sensible or aware of any bias or
24 prejudice with respect to the defendant, to the
25 State or to the subject matter of the case,

1 that being an alleged murder and possession of
2 a weapon during the commission of a violent
3 crime, or do you know any reason why you could
4 not give this defendant and the State a fair
5 and impartial trial based on the law and
6 evidence to be presented? If so, would you
7 please stand and give me your name? All right,
8 your name please ma'am?

9 **THE JUROR:** Sonja Sanders.

10 **THE COURT:** Yes, ma'am?

11 **THE JUROR:** I work with (Indiscernible.)

12 **THE COURT:** Would that fact in any way
13 interfere with your ability to be a fair juror
14 on this case?

15 **THE JUROR:** No.

16 **THE COURT:** Your name again?

17 **THE JUROR:** Sir?

18 **THE COURT:** Your name one more time.

19 **THE JUROR:** Sonja Sanders.

20 **THE COURT:** Thank you, ma'am.

21 Anyone else?

22 (No audible response.)

23 Do I have any member of the panel who has
24 any connection, family, business, social, or
25 otherwise, with Walt Wilkins, the Solicitor, or

1 with Judy Munson, who is the Assistant
2 Solicitor handling this particular case, or
3 with Alex Kornfeld, who is representing the
4 defendant? If so, please stand and give me
5 your name and what connection you might have.

6 Your name, sir.

7 **THE JUROR:** My name is Van Smith. My
8 daughter used to work for Mr. Kornfeld.

9 **THE COURT:** All right. Your name again?

10 **THE JUROR:** Van Smith.

11 **THE COURT:** Would that fact in any way
12 interfere with your ability to be a fair juror
13 on this case?

14 **THE JUROR:** No.

15 **THE COURT:** Thank you, sir. You are
16 qualified.

17 Now, finally, do I have any member of the
18 panel who, because of the subject matter of
19 this case could not be a fair and impartial
20 juror on the case? Would you please stand and
21 give me your name?

22 (No audible response.)

23 All right. Any other questions counsel?

24 **MS. MUNSON:** Nothing from the State, Your
25 Honor.

1 **THE COURT:** Mr. Kornfeld?

2 **MR. KORNFELD:** No, Your Honor.

3 **THE COURT:** All right. The strikes are 5
4 for the State, 10 for the defense.

5 Ladies and Gentlemen, as your name is
6 called, please come up front to this podium,
7 turn around and face counsel and await further
8 instructions. Thank you.

9 **THE CLERK:** Also, I'm going to point out
10 that there's a plug that's in the middle of the
11 room. So be careful as you come forward. Please
12 bring any personal belongings should you be
13 selected for the jury.

14 Juror Number 133, Jennifer Melancon.

15 What says the State?

16 **MS. MUNSON:** Please present the juror.

17 **THE CLERK:** Thank you.

18 What says the defendant?

19 **MR. KORNFELD:** Please seat the juror.

20 **THE CLERK:** Thank you. You may be seated
21 in the jury box.

22 Juror Number 172, Paul Singer.

23 What says the State?

24 **MS. MUNSON:** Please excuse the juror from
25 the trial of this matter.

1 **THE CLERK:** Thank you. You may be seated.
2 You are excused from the trial of this case.
3 Juror Number 30, Amanda Buchanon.
4 What says the State?
5 **MS. MUNSON:** Please excuse the juror from
6 the trial of this matter.
7 **THE CLERK:** Thank you. You may be seated.
8 You are excused from the trial of this case.
9 Juror Number 85, Carol Green.
10 What says the State?
11 **MS. MUNSON:** Please present the juror.
12 **THE CLERK:** What says the defendant?
13 **MR. KORNFELD:** Please excuse Ms. Green.
14 **THE CLERK:** Thank you. You may be
15 seated. You are excused from the trial of this
16 case.
17 Juror Number 69, Robert Flatford.
18 What says the State?
19 **MS. MUNSON:** Please present the juror.
20 **THE CLERK:** What says the defendant?
21 **MR. KORNFELD:** Please seat Mr. Flatford.
22 **THE CLERK:** Thank you. You may be seated
23 in the jury box.
24 Juror Number 147, Jean Pennington.
25 What says the State?

1 **MS. MUNSON:** Please present the juror.
2 **THE CLERK:** What says the defendant?
3 **MR. KORNFELD:** Please excuse Ms.
4 Pennington.
5 **THE CLERK:** Thank you. You may be
6 seated. You are excused from the trial of this
7 case.
8 Juror Number 189, Michael Turenne.
9 What says the State?
10 **MS. MUNSON:** Please present the juror.
11 **THE CLERK:** What says the defendant?
12 **MR. KORNFELD:** Please seat Mr. Turenne.
13 **THE CLERK:** Thank you. You may be seated
14 in the jury box.
15 Juror Number 3, Amy Ahler.
16 What says the State?
17 **MS. MUNSON:** Please present the juror.
18 **THE CLERK:** What says the defendant?
19 **MR. KORNFELD:** Please excuse Ms. Ahler.
20 **THE CLERK:** Thank you. You may be
21 seated. You are excused from the trial of this
22 case.
23 Juror Number 145, Michael Pate.
24 What says the State?
25 **MS. MUNSON:** Please present the juror.

1 **THE CLERK:** What says the defendant?

2 **MR. KORNFELD:** Please seat Mr. Pate.

3 **THE CLERK:** Thank you. You may be seated
4 in the jury box.

5 Juror Number 92, Elidia Henderson.

6 What says the State?

7 **MS. MUNSON:** Please present the juror.

8 **THE CLERK:** What says the defendant?

9 **MR. KORNFELD:** Please seat Ms. Henderson.

10 **THE CLERK:** Thank you. You may be seated
11 in the jury box.

12 Juror Number 98, Mitchell Howard.

13 What says the State?

14 **MS. MUNSON:** Please present the juror.

15 **THE CLERK:** What says the defendant?

16 **MR. KORNFELD:** Please seat Mr. Howard.

17 **THE CLERK:** Thank you. You may be seated
18 in the jury box.

19 Juror Number 209, Tanya Williams.

20 What says the State?

21 **MS. MUNSON:** Please present the juror.

22 **THE CLERK:** What says the defendant?

23 **MR. KORNFELD:** Please excuse Ms.

24 Williams.

25 **THE CLERK:** Thank you. You may be

1 seated. You are excused from the trial of this
2 case.

3 Juror Number 29, Nancy Bruce.

4 What says the State?

5 **MS. MUNSON:** Please present the juror.

6 **THE CLERK:** What says the defendant?

7 **MR. KORNFELD:** Please excuse Ms. Bruce.

8 **THE CLERK:** Thank you. You may be
9 seated. You are excused from the trial of this
10 case.

11 Juror Number 82, Robert Goldsmith.

12 What says the State?

13 **MS. MUNSON:** Please present the juror.

14 **THE CLERK:** What says the defendant?

15 **MR. KORNFELD:** Please excuse Mr.

16 Goldsmith.

17 **THE CLERK:** Thank you. You may be
18 seated. You are excused from the trial of this
19 case.

20 Juror Number 144, William Odom.

21 What says the State?

22 **MS. MUNSON:** Please present the juror.

23 **THE CLERK:** What says the defendant?

24 **MR. KORNFELD:** Please seat Mr. Odom.

25 **THE CLERK:** Thank you. You may be seated

1 in the jury box.

2 Juror Number 218, Van Smith.

3 What says the State?

4 **MS. MUNSON:** Please excuse the juror from
5 the trial of this matter.

6 **THE CLERK:** Thank you. You may be seated.
7 You are excused from the trial of this case.

8 Juror Number 119, Lucy Marshall.

9 What says the State?

10 **MS. MUNSON:** Please present the juror.

11 **THE CLERK:** What says the defendant?

12 **MR. KORNFELD:** Please excuse Ms.
13 Marshall.

14 **THE CLERK:** Thank you. You may be
15 seated. You are excused from the trial of this
16 case.

17 Juror Number 86, Christopher Greene.

18 What says the State?

19 **MS. MUNSON:** Please excuse the juror from
20 the trial of this matter.

21 **THE CLERK:** Thank you. You may be seated.
22 You are excused from the trial of this case.

23 Juror Number 139, David Moyer.

24 What says the State?

25 **MS. MUNSON:** Please present the juror.

1 **THE CLERK:** What says the defendant?
2 **MR. KORNFELD:** Please excuse Mr. Moyer.
3 **THE CLERK:** Thank you. You may be
4 seated. You are excused from the trial of this
5 case.
6 Juror Number 151, Robert Poole.
7 What says the State?
8 **MS. MUNSON:** Please present the juror.
9 **THE CLERK:** What says the defendant?
10 **MR. KORNFELD:** Please seat Mr. Poole.
11 **THE CLERK:** Thank you. You may be seated
12 in the jury box.
13 Juror Number 116, Linda Mallis.
14 What says the State?
15 **MS. MUNSON:** Please present the juror..
16 **THE CLERK:** What says the defendant?
17 **MR. KORNFELD:** Please seat Mr. Mallis.
18 **THE CLERK:** Thank you. You may be seated
19 in the jury box.
20 Juror Number 5, Onell Amor.
21 What says the State?
22 **MS. MUNSON:** Please present the juror.
23 **THE CLERK:** What says the defendant?
24 **MR. KORNFELD:** Please seat Mr. Amor.
25 **THE CLERK:** Thank you. You may be seated

1 in the jury box.

2 Juror Number 105, Peter Knoblauch.

3 What says the State?

4 **MS. MUNSON:** Please excuse the juror from
5 the trial of this matter.

6 **THE CLERK:** Thank you. You may be seated.
7 You are excused from the trial of this case.

8 Juror Number 186, Rosemary Thomas.

9 What says the State?

10 **MS. MUNSON:** Please present the juror.

11 **THE CLERK:** What says the defendant?

12 **MR. KORNFELD:** Please excuse Ms. Thomas.

13 **THE CLERK:** Thank you. You may be
14 seated. You are excused from the trial of this
15 case.

16 Juror Number 197, Denise Walsh.

17 What says the State?

18 **MS. MUNSON:** Please present the juror.

19 **THE CLERK:** What says the defendant?

20 **MR. KORNFELD:** Please seat Ms. Walsh.

21 **THE CLERK:** Thank you. You may be seated
22 in the jury box.

23 Juror Number 107, Lidiya Kuzmik.

24 What says the State?

25 **MS. MUNSON:** Please present the juror.

1 **THE CLERK:** What says the defendant?
2 **MR. KORNFELD:** Please seat Mr. Kuzmik.
3 **THE CLERK:** Thank you. You may be seated
4 in the jury box.
5 Juror Number 19, Barry Bishop.
6 That's 12. This is for the alternate.
7 **THE COURT:** All right.
8 **THE CLERK:** Oh, I'm sorry.
9 **THE COURT:** Okay. Now, we've got one
10 alternate. One for the State, two for the
11 defense.
12 **MR. KORNFELD:** Will you repeat what number
13 again.
14 **THE CLERK:** He's number 19 -- 19.
15 **MR. KORNFELD:** Thank you, Your Honor.
16 **THE CLERK:** What says the State?
17 **MS. MUNSON:** Please excuse the juror from
18 the trial of this matter.
19 **THE CLERK:** Thank you. You may be seated.
20 You are excused from the trial of this case.
21 Juror Number 35, Cynthia Byrd.
22 What says the State?
23 **MS. MUNSON:** Please present the juror.
24 **THE CLERK:** What says the defendant?
25 **MR. KORNFELD:** Please excuse Ms. Byrd.

1 **THE CLERK:** Thank you. You may be
2 seated. You are excused from the trial of this
3 case.

4 Juror Number 217, Brianna Sears.
5 What says the State?

6 **MS. MUNSON:** Please present the juror.

7 **THE CLERK:** What says the defendant?

8 **MR. KORNFELD:** Please seat Ms. Sears.

9 **THE CLERK:** Thank you. You may be seated
10 in the jury box.

11 **THE COURT:** All right. I need the balance
12 of the panel to report back downstairs to the
13 jury assembly room. Thank you.

14 (WHEREUPON, the jury exits at approximately
15 11:48 a.m.)

16 **THE COURT:** Swear the jury please.

17 **THE CLERK:** Yes, sir, Your Honor. Would
18 you please stand and raise your right hand.
19 The response to the oath is, I will. You shall
20 well and truly try case number 2014-GS-23-7457,
21 the State versus Sylvester Keejuan King,
22 indicted for Murder and Possession of a Weapon
23 during the Commission of a Violent Crime, and a
24 true verdict render according to the law and
25 the evidence, so help you God?

1 **(WHEREUPON, each juror responds.)**

2 **THE CLERK:** Thank you. You may be seated.

3 **THE COURT:** Ladies and Gentlemen, I am
4 going to excuse you for lunch at this time. We
5 will pick back up at 1:30. Now, you don't know
6 any more about this case other than what I have
7 briefly told you a few moments ago. But I need
8 to instruct you that from this point on, you
9 don't talk about this case among yourselves or
10 with anyone else. If anybody contacts you or
11 try to talk to you about this case, get their
12 names and addresses and report that to me.

13 I will ask that you keep your badges on
14 during the lunch recess so that everyone
15 involved will know that you are a juror on this
16 case and it would be highly improper for them
17 to talk about this case in your presence. With
18 that, I will excuse you and I will ask you to
19 be back at 1:30 and report to the jury room
20 where we will show you right now. Be back and
21 we will start the trial at that time. Thank
22 you so much.

23 **(WHEREUPON, the jury exits at approximately**
24 11:50 a.m.)

25 **THE COURT:** Now do I understand the only

1 motion there is a Jackson v. Denno hearing?

2 MS. MUNSON: From the State's position,
3 yes, Your Honor.

4 MR. KORNFELD: We have no further motions,
5 Your Honor.

6 THE COURT: All right. Why don't we go
7 and recess for lunch. And if you can be back at
8 1:15, that will give us a little more time to
9 do that before the jury. Will that suit?

10 MS. MUNSON: Yes, sir, Your Honor.

11 THE COURT: All right. Please be back at
12 1:15 ready to do the motion.

13 MS. MUNSON: Yes, sir.

14 MR. KORNFELD: Thank you, Your Honor.

15 (WHEREUPON, a lunch recess is taken.)

16 THE COURT: All right. Jackson v. Denno
17 hearing?

18 MS. MUNSON: Yes, sir.

19 THE COURT: All right. Solicitor, you may
20 proceed.

21 MS. MUNSON: Please the court. Your Honor,
22 the State calls Investigator Mike Fortner.

23 THE CLERK: Investigator, if you would,
24 come forward to be sworn in please. Please place
25 your left hand on the Bible and raise your

1 right.

2 **MICHAEL FORTNER**

3 having first been duly sworn, testifies as follows:

4 **THE CLERK:** Thank you. You may be seated.

5 Please state your name for the record.

6 **THE WITNESS:** Michael Fortner.

7 **DIRECT EXAMINATION**

8 **BY MS. MUNSON:**

9 **Q** Investigator Fortner, you interrogated the
10 defendant in this case; did you not?

11 **A** Yes, ma'am, I did.

12 **Q** On what date was that?

13 **A** March 26th of 2014.

14 **Q** What date was the date that the decedent was
15 found dead in her home?

16 **A** That would've been on the 16th, March 16th.

17 **Q** So when you interviewed the defendant, he was
18 in custody, correct?

19 **A** Yes, ma'am, he was.

20 **Q** He was restrained?

21 **A** Yes.

22 **Q** Where did you do the interview?

23 **A** In an interview room, which Greenville City
24 Police Department, at the time, had with video equipment.

25 **Q** Was anybody in the room with you besides the

1 defendant?

2 **A** Yes, there was. Investigator Rivera.

3 **Q** All right. When you first began talking with
4 the defendant, did you try to determine whether or not he
5 was under the influence of anything?

6 **A** I did, by observing him as I talked to him.

7 **Q** Well, what did you think?

8 **A** That he was not.

9 **Q** Okay. Did he appear to understand what you
10 were saying to him?

11 **A** He did. Yes, ma'am.

12 **Q** Did you understand what he was saying to you?

13 **A** I did.

14 **Q** Did he ask you for anything the whole time that
15 you were with him?

16 **A** No, he did not.

17 **Q** All right. Now, about how long were you with
18 him?

19 **A** I would say about an hour, hour and a half or
20 so.

21 **Q** Let me show you both things, Investigator,
22 State's Exhibits 1 and 2. Take a look at Number 1.

23 **A** Okay.

24 **Q** Do you recognize that?

25 **A** I do.

1 Q How do you recognize that?

2 A One, it has got my signature down at the bottom
3 of it, and then it has got Mr. King's signature on it as
4 well.

5 Q Did you see him sign that?

6 A I did.

7 Q All right. I'm also going to show you State's
8 Exhibit Number 2. Do you recognize that?

9 A I do.

10 Q What is that?

11 A It is the DVD that contains the interview with
12 Mr. King on it.

13 Q From beginning to end?

14 A Beginning until -- beginning to end, yes,
15 ma'am.

16 Q Have you looked at that before you came in here
17 today?

18 A I did, yes.

19 Q Is it a full recording of the event?

20 A It is, yes.

21 Q Has it been altered in any way?

22 A No.

23 Q Can you alter that? Can you?

24 A Can I? I cannot anyways, no.

25 Q Okay. Looking at State's Exhibit Number 1,

1 Investigator, what is the first thing that you did before
2 you began questioning the defendant?

3 **A** The first thing I did before I began
4 questioning him was, one, I knew he had to have a
5 cigarette at the time. I wanted to make sure he didn't
6 need to go to the restroom or anything like that. He had
7 a drink. So he did not need a drink or anything, which I
8 typically do that just to make sure their comfort needs
9 are met at that time. Then, when I get to the waiver of
10 rights, the first thing I do is I ask them their name,
11 address, how far in school they went, that kind of thing.
12 I always put that up there in the top left corner of the
13 waiver of rights form. Put the date and time on it.

14 Then, I read each one of the lines to whoever
15 it is that I am interviewing. I always ask them after I
16 read each one of the lines to place their initials out to
17 the side. Then I explain to them that just tells me that
18 we went over that line and that you do, in fact,
19 understand it. Then once I get done reading each one of
20 the lines to them and then initial each one, I always
21 have them read each one out loud to me. In this case, I
22 had him read the fourth line here.

23 After they get done reading it out loud to me,
24 I have them to sign their name after that. All that does
25 is indicate to me that whomever it is that I'm speaking

1 with is capable of reading as well.

2 Once I do that, I go down here and I read the
3 waiver of rights portion out loud to whoever it is that I
4 am interviewing. Then I usually review the word coercion
5 with whoever it is, because a lot of people aren't
6 familiar with that word, to indicate that we did, in
7 fact, go over it. I have them put their initials out to
8 the side of it just to show that we did go over it.

9 Q If you would, please, read into the record the
10 rights as you read them to Mr. King that day.

11 A Okay. It started off with, before we ask you
12 any questions, you must understand your rights. You have
13 the right to remain silent, anything you say can be used
14 against you in court. You have the right to talk to a
15 lawyer for advice before we ask you any questions and to
16 have them with you during questioning. If you have no
17 money to pay a lawyer's fee, the court will appoint one
18 to represent you without cost if you wish. If you decide
19 to answer questions now without a lawyer present, you
20 will still have the right to stop answering at any time.
21 You also have the right to stop answering at any time
22 until you talk to a lawyer.

23 Q All right. Did he appear to understand those
24 rights as you read them to him?

25 A He did, yes, ma'am.

1 Q Did he have any questions about any of the
2 rights in particular?

3 A He did not, no.

4 Q About --

5 A One thing that he did question me about was
6 that he had a concern that if he waived his right to have
7 an attorney there during the course of the interview,
8 would he be able to get an attorney at a later date. I
9 did explain to him that yes, if you decide to talk to me
10 right now without one, you can still get one at a later
11 time.

12 Q Did you offer him anything to get him to talk?

13 A I did not, no, ma'am.

14 Q Did you threaten him in any way?

15 A No.

16 Q Did he appear to want to talk to you?

17 A He did, yes.

18 Q Okay. After you read his rights and you
19 believed that he understood them, what was the next part
20 before you began the interview?

21 A I asked him, if he was willing to talk to me
22 without having an attorney with him, to sign his name.
23 Then, I typically get them to print their name underneath
24 their signature. Some people's signature is difficult to
25 read. Then I signed as a witness. In this case, Ramon

1 Rivera, Investigator Rivera, who was there with me also
2 signed it. Then we put down the time that we get done
3 discussing the rights.

4 **MS. MUNSON:** Your Honor, I have nothing
5 further at this time.

6 **THE COURT:** Mr. Kornfeld.

7 **CROSS-EXAMINATION**

8 **BY MR. KORNFELD:**

9 **Q** Deputy Fortner, what time of day was it that
10 you met with Mr. King?

11 **A** The interview began at about 12:25 in the
12 afternoon.

13 **Q** All right. You and Officer Rivera were in the
14 room together?

15 **A** Yes, sir.

16 **Q** Were you both sitting down the entire time?

17 **A** Not the entire time, but most of it, yes.

18 **Q** Were you and Officer Rivera facing him so that
19 you, Officer Rivera and Mr. King was in the corner; is
20 that correct?

21 **A** Mr. King was seated at a table, a round table,
22 whereas I also was seated at that same table with him.
23 Investigator Rivera was seated more off to the side in a
24 chair.

25 **Q** Who was closest to the door? Officer Rivera?

1 **A** Either him or myself; either one of us, yes.

2 **Q** When you explained that he had the right to an
3 attorney, was it your understanding that you told him
4 that you could get him an attorney, uh, but you didn't
5 know exactly when an attorney could get there to talk to
6 -- to be there so that he could talk to you in the
7 presence of an attorney?

8 **A** He asked me if, uh, -- I can't remember exactly
9 how it was that he asked. Basically what it was that I
10 told him was that if he wanted to have an attorney there
11 with him while he was talking to me, we would have to
12 make arrangements to get one there. Depending on
13 circumstances, I did not know how long that would take.

14 **Q** Okay. Deputy Fortner, no further questions at
15 this time.

16 **THE COURT:** Any redirect?

17 **MS. MUNSON:** No, sir, Your Honor, but if you
18 would like to see the notification of rights and the
19 waiver, we can show that to you before you make a
20 decision.

21 **THE COURT:** Do I need to see that?

22 **MR. KORNFELD:** Your Honor, we will stipulate
23 that the rights were given. I do have a motion.

24 **THE COURT:** All right. Thank you. You can
25 step down.

1 **THE WITNESS:** Yes, sir.

2 **THE COURT:** All right. Anything further,
3 Solicitor?

4 **MS. MUNSON:** No, Your Honor.

5 **THE COURT:** You have anything in reply, Mr.
6 Kornfeld.

7 **MR. KORNFELD:** Yes, Your Honor. Motion to
8 suppress the video. My client felt that he was
9 fenced in, that he did not have a right to an
10 attorney and that will be my motion, Your Honor.

11 **THE COURT:** I would have to deny your
12 motion. The State has shown by the greater weight
13 of the evidence that he was properly advised of his
14 constitutional rights. He was asked to voluntarily
15 waive those rights and make a statement. So that
16 would be an issue for the jury. All right. We're
17 ready to start the trial.

18 You want to make a brief opening statement to
19 the jury?

20 **MS. MUNSON:** Yes, Your Honor. Brittany Scott
21 will be doing that.

22 **THE COURT:** Okay. All right.

23 **MS. SCOTT:** If you don't mind, I will grab
24 that from the witness stand, State's Exhibit.

25 **THE COURT:** All right. Brief opening

1 statements. No arguing during your opening
2 statement.

3 **MS. SCOTT:** Yes, sir.

4 **THE COURT:** All right. Bring the jury in.
5 (WHEREUPON, the jury enters at approximately

6 **THE COURT:** All right. Brief opening
7 statements, Ms. Scott.

8 **MS. SCOTT:** Thank you, Your Honor. May it
9 please the Court and opposing counsel.

10 Members of the jury, my name is Brittany Scott.
11 I, along with Judy Munson, my co-counsel, we
12 represent the State in this case. If you can
13 remember when you were selected for this jury that
14 the judge told you you are here for a trial of
15 murder and possession of a weapon during a violent
16 crime. What do we know about murder? It is the
17 killing of a person without malice aforethought,
18 without just cause or excuse.

19 Who was killed? Janice Latonya Hackett. She
20 was a mother. She was an auntie. She was a
21 daughter. She is not here with us today because she
22 had an on and off volatile relationship with this
23 defendant.

24 You will hear testimony that in March of 2014
25 when she was killed that she was in the very home

1 that she had built in order to escape him, at the
2 home that she hoped would give her peace, give her
3 solitude. You will see when she was living with him
4 about a month or month and a half before she was
5 murdered, she decided to leave, pack her stuff up
6 and her son's stuff up and secretly go, not tell him
7 where she went, to cut off ties with him so that she
8 could start over. She did just that.

9 Now, you will hear testimony from witnesses on
10 the stand. It's important to let you know that
11 anyone who takes the stand, you can look at things
12 beyond what they say. Look at their demeanor. You,
13 as a juror, can determine people's credibility. You
14 can believe all of what they say, half of what they
15 say, none of what they say. I am asking you all to
16 pay close attention in this trial.

17 Now, I talked to you about who Janice is.
18 Unfortunately, when she died, when she was killed in
19 her home, her son, a teenager, young adults, if you
20 will, and his two friends found her there in her
21 bedroom. You will hear from them what they saw, how
22 just moments before, she was alive, they were in the
23 house, they were in the carport, things were fine.
24 They leave and they come back and she is dead.

25 They will tell you about a car, a mysterious

1 car that they saw. They didn't think that much
2 about it. Thought it was odd. You will later hear
3 that that car was the defendant's. Investigators
4 came out on the scene. You will hear from them. A
5 medical examiner came out as well. She was stabbed
6 eight times. This is a crime of passion. Eight
7 times, she is stabbed for her son to find her.

8 Now where do we find the defendant? Where does
9 he come in in all of this? Strangely, about an hour
10 after she's found dead in her home, stabbed, he is
11 in Anderson, getting medical treatment for a
12 mysterious stab, cut wound. He is there in Anderson
13 getting treatment. Law enforcement come out because
14 his injury is so gross. What does he tell them? I
15 was in this robbery at this liquor house and they
16 took my jewelry and that's what happened here.
17 They kept investigating -- they, being our
18 Greenville County Sheriff's Department -- and it
19 pointed to this to defendant. A lot will be said.
20 Think about what is not said. It points to
21 Sylvester King.

22 What happened to Janice shouldn't have
23 happened. Please do not get mixed up in peoples'
24 lifestyles and things that people have done in their
25 past. She should not have died and she certainly

1 should not have died that way.

2 At the conclusion of the trial, my partner Judy
3 Munson will give a closing argument. She will go
4 over the evidence that we presented to you today.
5 She's going to ask like I am asking you today to
6 find him guilty of murder and possession of a weapon
7 in a violent crime.

8 **THE COURT:** Mr. Kornfeld?

9 **MR. KORNFIELD:** Thank you, Your Honor. Ms.
10 Munson, Ms. Scott.

11 This case will very much read out like a
12 mystery novel that you may have read or like the
13 game Clue. There are some very important characters
14 that you will need to understand who they are, what
15 relationships they had, so that you can get a full
16 grasp of the story here.

17 The first person that I ask you to pay
18 attention to and know who she was is Janet -- Janice
19 Hackett-Lewers who is the decedent in this case.
20 She is the victim. We all agree that Ms. Lewers
21 died that night.

22 The next person I need you to understand or
23 remember who this person is is Raquan Keion Lewers.
24 This is the son of Ms. Hackett-Lewers and also the
25 son of a man named Keith Lewers, who was the husband

1 of Janice Hackett-Lewers, and also he was estranged
2 to Ms. Janice Hackett-Lewers. He is also, by all
3 accounts -- I think he would even admit that he was
4 an absent father up until just about the time that
5 he was going to reach the age of majority.

6 This is a dynamic story to be told. Raquan
7 Lewers, who I told you before was the son of Ms.
8 Janice Hackett-Lewers, states that he left --
9 depending on what testimony we get, we know was less
10 than 15 minutes according to what he, what I think
11 he will testify to. What he does when he leaves
12 there is up to you to decide.

13 Like any case, very much so this case, is the
14 facts, the facts, the facts. I think in this case,
15 we will see after all the evidence is put in, that
16 things are not always what they seem as we all know.
17 You see things, you jump to a conclusion and you say
18 that's it, that's what occurred. But if you look
19 closer in this case, it is a very dynamic case.
20 There's lot of different people involved, a lot of
21 different motives involved. You need to understand.

22 I would ask you to take into account why would
23 certain things be said about this. Red juice may
24 come into play. A gun may come into play. We will
25 get into all of that when testimony comes in.

1 You also know that it is going to be undisputed
2 that my client, Mr. King, admits to being at ■
3 ■■■■■ ■■■■■, which is the decedent's home. He
4 admits to being there. You also realize that when
5 he first goes in there, he panics. We'll find out
6 why he panics. But he was terrified. He goes to
7 AnMed. Another lady who he was involved with -- we
8 denied that he was involved with Ms. Janice Hackett-
9 Lewers. But another lady that he was involved with
10 took him to the hospital. He did not want to say in
11 her presence where he was.

12 I think when you see all of these things,
13 there's going to be a lot of reasonable doubt. When
14 you start putting timelines together, I ask you to
15 put timelines together, when did this happen, what
16 did this person say, how does it make sense. Match
17 it up. It is a mystery. Match it up. When you
18 match it up, things will not make sense.

19 I'm asking you to look at the evidence,
20 including forensic evidence. What kind of evidence
21 is there, forensic witnesses. I'm asking you to
22 look at the lack of evidence and I'm asking you to
23 put it all together and consider the whole case. If
24 you do that, I think we will come to the correct
25 verdict.

1 Now, as you know, and I'll go through this
2 quickly because I don't want to bore you about this.
3 It's a very important topic. Mr. King is presumed
4 innocent, he has the presumption of innocence the
5 entire trial until you, the jury, decide that he is
6 either not guilty, because there is not enough
7 evidence, or you decide that there's evidence that
8 you believe that he is guilty.

9 The burden will continue to be on the
10 government. That burden does not shift. If you
11 ever feel Mr. King certainly didn't prove anything,
12 we don't prove anything. We do not prove anything.
13 It's a burden that does not waver. That is a very
14 important distinction.

15 Now, there will still be some questions that
16 will be asked that may cause some issues. But in
17 the closing of this case, you will find that you
18 will have a hesitation in finding that Mr. King was
19 the one who murdered Ms. Janice Hackett-Lewers.
20 That's a reasonable doubt. Ladies and Gentlemen,
21 that is reasonable doubt that if you have that, you
22 find the defendant not guilty.

23 Again, I think that when you look at this as a
24 whole, this trial is going to be work, it is going
25 to be hard to understand everything. I have been

1 looking at this case for several months. You come
2 in and you don't know anything about the case and
3 you've got to come up with the timelines of when
4 this person -- it's going to be a lot of work. I
5 just ask you to do it. I thank you for doing the
6 work that you're doing here today. Thank you.

7 **THE COURT:** All right, Solicitor.

8 **MS. MUNSON:** Please the Court, Your Honor.
9 The State calls Jonathan Horne.

10 **THE CLERK:** Officer, if you would, come
11 around to be sworn in please. Please place your
12 left hand on the Bible and raise your right.

13 **JONATHAN HORNE**
14 having first been duly sworn, testifies as follows:

15 **THE CLERK:** Thank you. Would you please
16 state your name for the record?

17 **THE WITNESS:** Jonathan Horne.

18 **THE CLERK:** Thank you.

19 **DIRECT EXAMINATION**

20 **BY MS. MUNSON:**

21 **Q** Who do you work for, sir?

22 **A** Greenville County Sheriff's Office.

23 **Q** How long have you been with the sheriff's
24 office?

25 **A** About seven years.

1 Q What are your duties?

2 A I'm assigned to Uniform Patrol. We respond to
3 911 calls for service.

4 Q Were you working with the sheriff's office in
5 March of 2014?

6 A I was.

7 Q Were you on duty?

8 A Yes, ma'am.

9 Q Did you get a call in reference to this case?

10 A I did.

11 Q On what date?

12 A I believe it was around March 14th. I don't
13 remember the exact date in March.

14 Q Did you write an incident report in this case?

15 A I did.

16 Q When you wrote that report, was your memory
17 fresh?

18 A It was.

19 Q Would it help you to look at that incident
20 report?

21 A Probably would.

22 Q Take a minute to look at that.

23 A (Reviewing.)

24 Q After looking at that report, now, do you know
25 the date and time that you responded?

1 **A** Yes, ma'am. Around March 18th -- March 19th.
2 I'm sorry.

3 **Q** Is that the date that you wrote the report?
4 **A** Yes.

5 **Q** Did you write the report on the same day of the
6 incident?

7 **A** I believe I wrote that a day after the
8 incident, time after the incident.

9 **Q** You are not completely clear on the date? No
10 problem. Do you know -- where did you respond?

11 **A** It was [REDACTED] in Greenville, South
12 Carolina.

13 **Q** When you got there, do you know about what time
14 it was?

15 **A** I got there just before 11:30 that night.

16 **Q** Were there any other emergency personnel when
17 you got there?

18 **A** Yes, there were two other deputies with me when
19 I arrived on the scene.

20 **Q** Was there like one of you in each car?

21 **A** Yes, ma'am. There were three cars total that
22 arrived at the same time.

23 **Q** When you first got to the scene, what did y'all
24 do?

25 **A** We first arrived on [REDACTED]. We came

1 in from the southern entrance on White Horse Road. Then
2 we came up to where the residence would have been -- ■
3 ■ would have been on our right-hand side.
4 Myself and the two other deputies, we exited our car. We
5 came up to the victim's residence. There was no one
6 standing outside. So we knocked on the door to let them
7 know -- identified ourselves as Greenville County
8 Sheriff's office. At that time, three individuals came
9 out of the residence. Ms. Prease, Ms. Fernandez and then
10 Mr. Lewers.

11 Q How were they behaving?

12 A From what I remember, they were relatively
13 calm. Mr. Lewers was saying he just found his mother
14 deceased in her bedroom.

15 Q What did you do with the three individuals that
16 were in the house?

17 A When they came out, we didn't know what exactly
18 the nature of the call -- the exact details of what
19 happened, so we patted each one down just for safety and
20 then we handed them off to another deputy. They were
21 placed in three different patrol vehicles just to
22 separate them in case they were witnesses.

23 Q Okay. Did you find anything on any one of the
24 three individuals?

25 A No, ma'am, we did not.

1 Q Did any of one of them put up a fight about no,
2 you're not touching me?

3 A No, they did not.

4 Q Once the three individuals that were inside of
5 the house were removed and put in separate cars, who went
6 in next?

7 A Myself and another deputy at the time, Deputy
8 Suber, we were the only two deputies at that time that
9 went into the residence.

10 Q What door of the house did you go into?

11 A We entered through the front, main entrance of
12 the house, the front door.

13 Q Okay. As you went through the front door, did
14 you notice anything in the main living area?

15 A When we -- not in the main living area. When
16 we first stepped into the living room, we could see the
17 living room and kitchen area. I immediately noticed what
18 appeared to be blood, uh, just in front of the hallway
19 entrance.

20 Q Did you move towards the hallway?

21 A We did.

22 Q What did you see when you got to the hallway?

23 A When we got to the hallway, I just looked both
24 ways because we were clearing the residence, checked for
25 anyone else who may have been inside. To the left was

1 the kitchen area. I could see what appeared to be blood
2 on the floor, the walls, and then there was a door that
3 entered through the kitchen from the carport. There
4 appeared to be blood on that door. Then we move forward
5 into the hallway. There was blood on the carport and
6 blood leading into a bedroom on the right hand side.

7 Deputy Suber was in front of me. He entered
8 that bedroom first and found the victim lying on her bed
9 covered in blood. I walked up to the doorway. Deputy
10 Suber went and checked on her status. He said that she
11 appeared to be deceased.

12 Q Was there anyone else in the house?

13 A No, ma'am, we didn't locate anybody else in the
14 house.

15 Q At some point, did emergency personnel come in
16 the house?

17 A Yes. As soon as we checked the remainder of
18 the residence, myself and Deputy Suber exited the
19 residence. We called for the paramedics to come up. We
20 brought them into the house. They confirmed that the
21 victim was deceased. Then we exited the residence after
22 that.

23 Q Okay. After you walked out of the house, what
24 was the next thing that you did?

25 A I asked the other deputy to put up some crime

1 scene tape. He did that. I walked around the residence.
2 I walked to the left side of the residence where the
3 carport was. I saw what appeared to be some blood drops
4 on the driveway leading into carport as well as on the
5 door that led into the kitchen. There appeared to be
6 blood on the door and there was blood on the side of one
7 of the cars; I believe it was the victim's car that was
8 parked in the carport.

9 Q After -- in walking around the house, other
10 than the blood that you saw, what looked like blood that
11 you saw in the carport, did you notice anything else
12 about the house? Busted windows or anything like that?

13 A I don't recall seeing any kind of forced entry
14 on the doors.

15 Q Okay. After you did your walk around the house,
16 did you go anywhere else?

17 A I went -- we tried to check with some of the
18 neighbors. I went -- if you are standing in front of the
19 house, the house to the left of [REDACTED]. I
20 talked to those neighbors. They didn't recall seeing or
21 hearing anything. I didn't speak with any other
22 residents in the area.

23 Q Okay. Deputy, let me show you -- these are
24 State's Exhibit's Number 3, 4, 5, 6, 31, 30, 17. If you
25 can, just take a look at these.

1 **A** (Reviewing.)

2 Okay.

3 **Q** Do you recognize these exhibits?

4 **A** Yes, I do.

5 **Q** Are these true and accurate depictions of what
6 you saw when you got to [REDACTED]?

7 **A** Yes, ma'am, they are.

8 **MS. MUNSON:** Your Honor, at this time, I move
9 State's Exhibit's 3, 4, 5, 6, 17, 31 and 30 into
10 evidence.

11 **THE COURT:** Any objection?

12 **MR. KORNFELD:** No objection, Your Honor.

13 **THE COURT:** Without objection.

14 **(WHEREUPON, State's Exhibits 3, 4, 5, 6, 17, 30, 31**
15 **are admitted into the record.)**

16 **BY MS. MUNSON:**

17 **Q** Deputy, you may want to stand down. Otherwise,
18 it's going to be in your face.

19 **A** Okay.

20 **Q** Just remember to keep your voice up. All
21 right. Deputy, this is what is in evidence as State's
22 Exhibit Number 3. If you could, just take a look at
23 that.

24 **A** Yes, ma'am.

25 **Q** Explain for the jury what is on State's Exhibit

1 Number 3.

2 **A** This would have been the front of the residence
3 that faces [REDACTED]. This is the front door that
4 we entered when we first arrived on the scene. This
5 would have been the carport and the other door that leads
6 into the kitchen here and also, I believe, the victim's
7 vehicle parked under the carport.

8 **Q** You might want to stand over here just so they
9 can see.

10 **A** I'm sorry.

11 **Q** That's okay. You mentioned a car that had what
12 appeared to you to be blood on it.

13 **A** Yes, ma'am.

14 **Q** Where is that car?

15 **A** That car would have been the one parked here in
16 the carport.

17 **Q** Okay.

18 **A** Garage area.

19 **Q** Okay. I'm going to show you State's Exhibit
20 Number 4. Take a look at this.

21 **A** Okay.

22 **Q** What does this show?

23 **A** This shows just backed out a little bit from
24 the residence. I believe this was the vehicle the
25 victim's son had been in.

1 Q Was that vehicle on State's Exhibit Number 4,
2 was that there when y'all got there?

3 A Yes, ma'am. From what I recalled, it was.

4 Q All right. Now, State's Exhibit Number 5, what
5 does this show?

6 A This shows the entrance to the left of the
7 residence where the carport was that leads into the
8 kitchen area and that's the victim's vehicle.

9 Q All right. This is State's Exhibit 6.

10 A This was the door in the carport entrance that
11 leads into the kitchen where -- this here is the kitchen
12 area, the left side of the residence.

13 Q Can you see on State's Exhibit Number 6 what
14 you described as what you thought was blood on the door?

15 A I believe it was right in here, around the door
16 handle.

17 Q Okay. State's Exhibit 17. Set this up for us
18 here.

19 A Okay. The door here with a curtain was the
20 door entrance from the carport area. Back over here
21 would have been if you came into the residence into the
22 living room and looked left. This would have been the
23 kitchen area that you would see from the living room
24 hallway area.

25 Q So as you came into the residence, you looked

1 to your left --

2 **A** That's the kitchen area to the left.

3 **Q** The door with the curtain leads where?

4 **A** That leads outside to the carport, not the
5 front door but to the side door where the carport is.

6 **Q** Okay. Now then you went deeper into the house.
7 I'm showing you State's Exhibit Number 30.

8 **A** Okay.

9 **Q** What does this show?

10 I'm sorry. I am making everybody carsick.
11 There we go.

12 **A** This was the bedroom where we located the
13 victim. As soon as you walk in the front door, there is
14 a hallway area and it was a bedroom down the hallway to
15 the right.

16 **Q** Okay.

17 **A** I did not enter this room. That's the room
18 that Deputy Suber entered to check on the victim.

19 **Q** Is that an accurate --

20 **A** Yes, that's how the scene was, yes.

21 **Q** And then State's Exhibit Number 31.

22 **A** Again, the same bedroom where the victim was
23 located on the bed.

24 **Q** And where is the bedroom door when we're
25 looking at State's 31?

1 **A** I believe it's to the left. I never went into
2 the bedroom. I don't recall exactly where the door was. I
3 believe it was to the left area right over here.

4 **Q** Let's go back to, uh, if this helps you,
5 State's 30. From -- this is from the doorway view; is
6 that correct or not?

7 **A** I believe that is from the doorway.

8 **Q** All right. You can take a seat. Deputy, do you
9 remember what the weather was like that night?

10 **A** I believe it was a clear night. I don't recall
11 rain or anything.

12 **Q** All right. Let's look on State's Exhibit --
13 looking at State's Exhibit Number 3.

14 **A** Okay. (Reviewing.)
15 Okay. It had been raining.

16 **Q** Okay. All right. I have nothing further at this
17 time, Your Honor.

18 **THE COURT:** Mr. Kornfeld.

19 **CROSS-EXAMINATION**

20 **BY MR. KORNFELD:**

21 **Q** Deputy Horne, ---

22 **A** Yes, sir.

23 **Q** --- the night of the incident was March 16th,
24 2014; wasn't it?

25 **A** I don't recall the specific date.

1 Q Okay. Did you ever speak with, uh, any of the
2 people that were at the house at the time?

3 A Uh, Mr. Lewers was placed into my patrol
4 vehicle.

5 Q Okay.

6 A I didn't specifically have a conversation with
7 him.

8 Q Okay. All right. And Okay. Did you have any
9 contact with the two other people that were involved?

10 A Apart from just removing them from the
11 residence and passing them to another deputy, no.

12 Q Okay. Uh, did, uh, -- you said you saw blood on
13 the kitchen floor; is that correct? Did you see blood on
14 the kitchen floor? I'm sorry.

15 A There was blood on, like, a freezer in the
16 kitchen.

17 Q Okay. What about, uh, on the concrete outside
18 in the carport?

19 A Yes. What appeared to be blood drops.

20 Q Okay. When you did the, uh, protective sweep --
21 --

22 A Yes, sir.

23 Q --- you were the first, uh -- it was you,
24 Deputy Conlin; is that how you say his name?

25 A Yes, sir.

1 Q And Deputy Suber, correct?

2 A Yes, sir.

3 Q Was anybody else there or were y'all the first
4 to arrive?

5 A No, we were the first three on the scene.

6 Q All right. And you got there at approximately
7 11:30?

8 A Yes, sir.

9 Q All right. And did you ever take a picture of
10 the car that had blood on it?

11 A No, sir. I didn't take any photographs.

12 Q Okay. All right. Uh, when you did the
13 protective sweep, what all did that entail?

14 A That entailed we go into the residence with our
15 guns out just in case there happened to be another
16 suspect or person in the residence hiding that we're not
17 aware of, just to make sure the scene is secure, where
18 EMS and other personnel could come in.

19 Q How long did that protective sweep take you?

20 A Probably 10 or 15 seconds.

21 Q Okay. So you didn't check the attic or if there
22 was a crawl space or anything like that, correct?

23 A I don't recall checking those, no.

24 Q Okay. Uh, did you happen to notice if there was
25 any blood on Mr. Raquan Keion Lewers, his person or

1 shirt?

2 **A** I don't recall. It was dark. I don't remember
3 seeing that.

4 **Q** How long were you at the incident site, ■
5 ■■■■■■■■■■, from the time you got there at
6 approximately 11:30 until you left to go, I guess, I
7 assume, the LEC, the Law Enforcement Center; is that
8 correct?

9 **A** It was a little over two hours.

10 **Q** And you transported Mr. Lewers, Mr. Raquan
11 Keion Lewers to the LEC; is that correct?

12 **A** That's what I recall, yes, sir.

13 **Q** And what was the reason for that?

14 **A** Just standard procedure. They were in the
15 residence when the victim was located. So they were
16 transported to be interviewed.

17 **Q** All right. Okay. Did you have any other
18 involvement with this case once you dropped Mr. Raquan
19 Keion Lewers off at the LEC?

20 **A** No, sir.

21 **Q** Okay. Thank you, Mr. Horne. No further
22 questions.

23 **THE COURT:** Thank you. Will you step down?
24 Any redirect? I'm sorry.

25 **MS. MUNSON:** No, sir, Your Honor.

1 **THE COURT:** Thank you.

2 **MS. MUNSON:** We ask this witness be excused.

3 **THE COURT:** Any objection?

4 **MR. KORNFELD:** No objection.

5 **THE COURT:** Thank you, sir. You are excused.

6 **MS. MUNSON:** The State calls Quianna
7 Fernandez.

8 **THE CLERK:** Ms. Fernandez, if you will,
9 come forward to be sworn in please. Set your
10 book down. Place your left hand on the Bible
11 and raise your right.

12 **QUIANNA FERNANDEZ**

13 having first been duly sworn, testifies as follows:

14 **THE CLERK:** Thank you. You may be seated.
15 Would you please state your name for the record.

16 **THE WITNESS:** Quianna Fernandez.

17 **THE BAILIFF:** Now try.

18 **THE WITNESS:** Quianna Fernandez.

19 **THE CLERK:** Thank you.

20 **THE BAILIFF:** Okay.

21 **DIRECT EXAMINATION**

22 **BY MS. MUNSON:**

23 **Q** All right, Ms. Fernandez, how old are you?

24 **A** 21.

25 **Q** Where do you live now?

1 A Charleston.

2 Q Who do you live with?

3 A Me and my sister.

4 Q Are you married?

5 A No.

6 Q Have any kids?

7 A No.

8 Q Do you work outside the home?

9 A Yes.

10 Q Where do you work?

11 A Capital One.

12 Q Capital One?

13 A Uh-huh.

14 Q All right. How long have you been working
15 for them?

16 A About four months.

17 Q What do you do?

18 A I am a debt collector.

19 Q All right. Now, I want you to think back
20 to March of 2014 and the events that bring you here
21 today. Do you remember that?

22 A Yes.

23 Q All right. Were you dating anyone back
24 then?

25 A Yes.

1 Q Who were you dating?

2 A Raquan Lewers.

3 Q Raquan Lewers?

4 A Uh-huh.

5 Q All right. How long had you been dating
6 him?

7 A Almost a year.

8 Q All right. In that year, had you ever met
9 his mother?

10 A Yes.

11 Q How often would you see his mother?

12 A Probably seen her twice.

13 Q Did you get along with her?

14 A Yeah, we had conversations. We had
15 conversations.

16 Q Okay. Did it appear that Raquan got along
17 with her?

18 A Yeah.

19 Q All right. Now when you saw her, the first
20 time you ever met his mother, do you remember where
21 that was?

22 A Yes, at Rudy's Cell Phone Repair.

23 Q Okay. The next time you saw her, where was
24 that?

25 A Well, no, I met her a time before that.

1 The first time was when he was in jail.

2 Q Okay.

3 A And I met her at Rudy's.

4 Q Raquan had to go down the road for a little
5 bit; didn't he?

6 A Yeah.

7 Q You know what he did?

8 A No.

9 Q Okay. Do you remember the night that we
10 are talking about here?

11 A Yes, ma'am.

12 Q What were you doing in the evening?

13 A Well, I had just got back from Charlotte.

14 Q Okay.

15 A And then I had spoke to Raquan. He said we
16 wanted to see each other. So I called my best
17 friend. Then we went over there.

18 Q Who is your best friend?

19 A Shakia Prease.

20 Q So how did you and Shakia get over to
21 Raquan's house?

22 A She got her sister's car.

23 Q So did she come and pick you up?

24 A She picked me up from my house, and then we
25 went to his house.

1 Q Do you know about what time it was when
2 Shakia came to pick you up?

3 A It was around probably about 10:20.

4 Q Later on in the night?

5 A Uh-huh.

6 Q Where did you go when Shakia picked you up,
7 where did you go?

8 A We went to Raquan's house.

9 Q Did you go directly to his house?

10 A Yes, ma'am.

11 Q Had you ever been to that house?

12 A Yes, ma'am.

13 Q How many times have you been there?

14 A Probably two.

15 Q How long had he been living there? Do you
16 know?

17 A Not long, no.

18 Q So when you first got to Raquan's house,
19 where did y'all park?

20 A We parked like where the garage is.

21 Q Okay. And then when you got there, did you
22 go in the house? What was the next thing that you
23 did?

24 A No, we sat in the car. We were all on our
25 phones showing videos and talking.

1 Q Where was Raquan while you were sitting in
2 the car?

3 A He was in the car too. And I asked him to
4 put my phone on the charger. Then he went in the
5 house and came back.

6 Q So you pull up to his house. Where was he
7 when you first pulled up?

8 A He was in the house.

9 Q How did he know to come out?

10 A I called him.

11 Q About how long did it take him to come out?

12 A 30 seconds.

13 Q How did he seem?

14 A Fine.

15 Q You sat in the car for about how long?

16 A We sat in the car for probably about 15 or
17 20 minutes.

18 Q Then he gets out of the car?

19 A No, we were in the car. I asked him to put
20 my phone on the charger. So he left, went in the
21 house and came right back, not even a full two
22 minutes. Then we sat in the car for 15 or 20
23 minutes.

24 Q Okay. While y'all were sitting in the car,
25 what did you talk about?

1 **A** Who post what on Facebook and Instagram,
2 just talking.

3 **Q** Did you notice anything while you were
4 sitting in the car outside of Raquan's house?

5 **A** Yes. We were sitting there. We were all
6 on our phones. I am a very aware person. I turned
7 around. I was like, y'all don't see a car? It's a
8 car going slow by. But then nobody -- by the time
9 they looked back, it wasn't right there.

10 **Q** Okay. How many times did you see it?

11 **A** I only seen it once.

12 **Q** When you say -- tell the jury exactly what
13 drew your attention to it.

14 **A** It was going slow. On that road, it's not
15 -- it's like no one is really on that road. When you
16 go on that road, you see one car every 10 to 15
17 minutes. You don't really see a car on that road.
18 So when I see a car, I am very aware. I looked. It
19 was going really slowly. I was just, you don't see
20 the car?

21 **Q** What can you tell us about the car?

22 **A** I don't know. It looked black to me. It
23 was dark outside. It looks black.

24 **Q** Okay. Did you notice anything else about
25 it?

1 **A** No.

2 **Q** If it was big, small?

3 **A** To me, it looked more like a Crown Vic-type
4 car. Something around there.

5 **Q** Okay. Did you notice anything else about
6 it?

7 **A** No.

8 **Q** Okay. After y'all have been sitting there a
9 while and the car goes, did you eventually leave
10 Raquan's house?

11 **A** Yes. We left and went to the Citgo.

12 **Q** How long did it take you to get to the
13 Citgo?

14 **A** About a minute.

15 **Q** Okay. What did you do at the Citgo?

16 **A** I went in the Citgo, got some cigars and an
17 application and I came out.

18 **Q** Okay. When you left the Citgo, where did
19 you go?

20 **A** We left the Citgo and went to Greenville
21 Arms which is like another minute, maybe two.

22 **Q** Away from where you were?

23 **A** No, it is coming back towards his house.
24 It is on the opposite side, like a street over.

25 **Q** Okay. What happened at Greenville Arms?

1 **A** Raquan was sitting in the car. Somebody
2 walked up to the car, he addressed them and then we
3 pulled off.

4 **Q** Okay. How long was this thing at the car?

5 **A** Like 3 to 4 minutes.

6 **Q** What was going on with Raquan?

7 **A** Raquan made a transaction, made a sale.

8 **Q** Of what?

9 **A** Of weed to somebody.

10 **Q** Were y'all planning to smoke some weed?

11 **A** Yes, I was.

12 **Q** Did you get a chance to smoke weed when you
13 got back to Raquan's?

14 **A** No.

15 **Q** Had you had anything to drink?

16 **A** No.

17 **Q** So after the transaction, what was the next
18 thing that you did?

19 **A** We went back to his house and we sat in the
20 driveway talking. I said I'm going to go and mess
21 with your mama, just playing around, nothing serious.
22 He was like let me go check on her. He was going to
23 let her know that we were coming in the house.

24 **Q** Okay.

25 **A** Then, not even a full minute later, he was

1 just pulling on the door and pulling on the door. I
2 thought he was playing. He was just pulling on the
3 door and pulling on the door. He was like my mama
4 gone, she dead. I'm thinking I'm going to go in
5 there and she's going to smack me or something, so I
6 didn't think nothing of it. But then I got out of
7 the car.

8 Q So you told him you want to go in and see
9 his mom?

10 A Yeah.

11 Q When you say he went in and came out and
12 was pulling on the door, what do you mean?

13 A He went in the house. My phone was still
14 in there. He was supposed to had been going in there
15 to see her, to go get my charger -- my phone off the
16 charger. By the time he went in the house, he didn't
17 bring my phone back. It was like not even a full
18 minute he was rushing back out and pulling on my
19 door.

20 Q The door of the car?

21 A Yeah.

22 Q When he was pulling on the door, what did
23 y'all do?

24 A I was just looking at him. I didn't know
25 what to do. I didn't know what to do in a situation

1 like that. I just looked. I was like, okay, I'm
2 coming, I'm coming. Then I got out the door.

3 Q Did y'all go in the house?

4 A Yes.

5 Q You and Shakia?

6 A Yes.

7 Q Which door did you go in?

8 A I went through the garage door.

9 Q Did you notice anything in the garage?

10 A I didn't notice until I went up the stairs.

11 Q Until you went up the stairs?

12 A Yes. The door was wide -- the door was
13 open. Raquan went in before me. When he went in, I
14 looked and I just did like that. I looked at it
15 Shakia and I said for real. She came in the house.

16 Q When you came into the garage door, that
17 leads into the kitchen?

18 A Yes.

19 Q Where did you go from there?

20 A I went straight to her room.

21 Q What did you see when you got there?

22 A She was laying there like there. One knee
23 was up and one was down.

24 Q Did you try to talk to her?

25 A No.

1 **Q** How long were you in there with her?

2 **A** For like two minutes. I was panicking. I
3 didn't know what to do. I didn't know what my
4 response was supposed to be. I just kept saying call
5 911, call 911. I didn't know what to really say.

6 **Q** Did you move her at all?

7 **A** No.

8 **Q** Touch her?

9 **A** No.

10 **Q** Take anything from the house?

11 **A** No.

12 **Q** Now, earlier, did we ask you to watch some
13 video?

14 **A** Yeah.

15 **Q** What was that?

16 **A** It was a video of me walking in the store,
17 me getting the cigars, walking away, coming back and
18 getting an application.

19 **Q** Is it an accurate depiction of what you did
20 in the Citgo?

21 **A** Yeah.

22 **MS. MUNSON:** Your Honor, I would like to
23 play that for the jury. I have provided Mr.
24 Kornfeld a copy.

25 **THE COURT:** All right. Any objection, Mr.

1 Kornfeld?

2 MR. KORNFELD: No, Your Honor.

3 MS. MUNSON: This is State's Exhibit -- we
4 will just go ahead and play it. This is State's
5 Exhibit Number 51, Your Honor. At this time, I
6 would move it into evidence.

7 THE COURT: All right.

8 MR. KORNFELD: No objection.

9 (WHEREUPON, State's Exhibit 51 is admitted into
10 the record.)

11 (WHEREUPON, State's Exhibit 51 is played.)

12 BY MS. MUNSON:

13 Q All right. Ms. Fernandez, that is you at
14 the counter?

15 A Yes, ma'am.

16 Q Buying the cigars and getting the -- okay.
17 Now about how long do you think it took the police to
18 get there?

19 A About five minutes.

20 Q During that time, did anyone go in or out?

21 A No.

22 Q Did you see where Raquan was the whole
23 time?

24 A We were both in his room. I picked up my
25 -- I left out of her room, went straight to his room,

1 picked up my phone. He was on the phone. He was
2 calling his grandma. Well, he called the police
3 first and then he called his grandma. I was calling
4 the police on my phone.

5 Q When the police got there, did they do
6 anything with you?

7 A Yes. We set -- we were sitting on the
8 porch. We met them outside. I was trying to call my
9 mama but he took all of our phones. We just set
10 outside.

11 Q Do you remember any tests being performed
12 on you?

13 A Yes. It was a gunpowder. We thought it
14 was a gunshot wound. They did the gunpowder.

15 Q When you say you thought it was a gunshot
16 wound, why do you say that?

17 A As I seen a hole right here. I thought
18 that's what it was.

19 Q What was the gun test, how did that go --
20 what did they do exactly?

21 A He did some -- I don't really remember ---

22 Q Okay.

23 A --- exactly what he did.

24 MS. MUNSON: I have nothing further at
25 this time, Your Honor.

1 **THE COURT:** Mr. Kornfeld.

2 **MR. KORNFELD:** Yes.

3 **CROSS-EXAMINATION**

4 **BY MR. KORNFELD:**

5 **Q** Ms. Fernandez, how old were you at the time
6 of this incident?

7 **A** 19.

8 **Q** How old was Raquan Keion Lewers?

9 **A** 16.

10 **Q** And you said he had to go down the road for
11 a while. How long did you know Raquan?

12 **A** I knew Raquan for -- since October. It
13 wasn't a full year. It was October 2013.

14 **Q** Okay. All right. You went to the Citgo.
15 Isn't the Citgo on the corner of -- where's the Citgo
16 in relation to his house?

17 **A** If you pull out of their house and you go
18 down the street, it's probably like one light up.

19 **Q** Okay.

20 **A** It's just --

21 **Q** Okay. You say you sit in the car. And
22 before y'all go to the Citgo, Raquan takes your phone
23 and the charger into the house and charges it for a
24 little while. But you sit there for approximately 15
25 to 20 minutes; is that correct?

1 **A** Yes, sir.

2 **Q** And then you go, the next place you go is
3 the Citgo as we saw on the video. Then, you go to
4 Allen Arms, correct?

5 **A** Greenville Arms.

6 **Q** Greenville Arms. I apologize.

7 **A** You're okay.

8 **Q** Not Allen Arms, Greenville Arms. What is
9 Greenville Arms?

10 **A** It's an apartment complex.

11 **Q** Isn't Greenville Arms on kind of the same
12 loop as where [REDACTED] is?

13 **A** It leads into the apartment.

14 **Q** How many people live in Greenville Arms?

15 **A** I have no idea.

16 **Q** Okay. Are they are a lot of cars there?

17 **A** Yeah.

18 **Q** Okay. You left -- what did you buy?
19 Cigars?

20 **A** Yes, sir.

21 **Q** You were buying the cigars so that you
22 could take the tobacco guts out and make a blunt,
23 right?

24 **A** Yes.

25 **Q** Marijuana?

1 **A** Yes.

2 **Q** Mr. Raquan Keion Lewers was going to
3 Greenville Arms to, what you said earlier, make a
4 transaction. Was that so he could sell some marijuana
5 or sell some weed?

6 **A** Yes.

7 **Q** At that time, did he sell some weed?

8 **A** Yes.

9 **Q** Do you know who he sold the weed to?

10 **A** No.

11 **Q** Had you ever seen that person before?

12 **A** No.

13 **Q** Do you know what kind of vehicle that
14 person was in?

15 **A** He was on foot.

16 **Q** He was on foot?

17 **A** Uh-huh.

18 **Q** Okay. But was it on the property of
19 Greenville Arms?

20 **A** Yes.

21 **Q** What did the person look like?

22 **A** Well, he looked kind of Hispanic.

23 **Q** Hispanic?

24 **A** Yeah.

25 **Q** Tall or short? Do you remember anything

1 else about it?

2 **A** Like 5'4, 5'5.

3 **Q** Okay. All right. Okay. Did you see where
4 he came from to make the transaction?

5 **A** No.

6 **Q** All right. Okay. Earlier, he called his
7 grandmother and you called 911?

8 **A** Yes, sir.

9 **Q** Do you remember if he called his
10 grandmother first?

11 **A** He called 911 first.

12 **Q** And then he called his grandmother?

13 **A** Yes.

14 **Q** How quickly do you remember after he called
15 911, in your testimony, that he called his
16 grandmother?

17 **A** He called 911 as soon as they said they was
18 coming. He hung up the phone and called his
19 grandmother while I was calling 911 again off of my
20 phone.

21 **Q** Did he make any other calls other than
22 those two?

23 **A** No.

24 **Q** Just one call to 911 and one call to his
25 grandmother?

1 **A** Yes.

2 **Q** Okay. What did Raquan Keion Lewers do?

3 Did he have a job at that time?

4 **A** No.

5 **Q** What does PSC stand for?

6 **A** I think it's like Pinckney Street child.

7 **Q** You sure it's not Pinckney Street Crypts?

8 **A** No.

9 **Q** Do you know what it is?

10 **A** No.

11 **Q** Never heard of it before?

12 **A** No.

13 **Q** Why did you say you thought it was Pinckney
14 Street child?

15 **A** Cause I heard of him saying that before.
16 That's where he used to stay.

17 **Q** Where is child? Where is that?

18 **A** Child.

19 **Q** So as in to say that I am a Pinckney Street
20 child?

21 **A** I guess saying I'm from there.

22 **Q** Did you ever visit him on Pinckney Street?

23 **A** No, I didn't.

24 **Q** All right. Did Raquan make a transaction
25 of anything else other than marijuana at that time?

1 **A** No.

2 **Q** All right. Ms. Fernandez, no further
3 questions.

4 **THE COURT:** Any redirect?

5 **MS. MUNSON:** No, sir, Your Honor.

6 **THE COURT:** Thank you ma'am. You can step
7 down.

8 **MS. MUNSON:** The State calls Shakia Prease.

9 **THE CLERK:** Ms. Prease, if you will, come
10 forward to be sworn in please. Please place
11 your right hand on the Bible or your left hand
12 -- the other way around.

13 **SHAKIA PREASE**

14 having first been duly sworn, testifies as follows:

15 **THE CLERK:** Thank you. You may be seated.
16 Would you please state your name for the record?

17 **THE WITNESS:** Shakia Prease.

18 **THE CLERK:** Thank you.

19 **DIRECT EXAMINATION**

20 **BY MS. MUNSON:**

21 **Q** Ms. Prease, how old are you?

22 **A** 21.

23 **Q** Where you living now?

24 **A** I stay in Easley.

25 **Q** All right. Where were you living back in

1 March 2014?

2 A In Easley.

3 Q Still in the same place?

4 A Uh-huh.

5 Q Who do you live with?

6 A I live with my mom and my dad.

7 Q All right. Do you have any kids?

8 A No.

9 Q Do you work outside the home?

10 A No.

11 Q Do you remember the events that bring us
12 here today?

13 A Yes.

14 Q You know Quianna Fernandez?

15 A Yes.

16 Q Was your relationship with her?

17 A She is my best friend.

18 Q Y'all still talk?

19 A Yes.

20 Q Even though she is in Charleston?

21 A Yes.

22 Q During that time, did you know Raquan
23 Lewers?

24 A Yes.

25 Q How did you know him?

1 **A** He was her boyfriend at the time.

2 **Q** Okay. Have you ever met Raquan's mom?

3 **A** No.

4 **Q** Now, let's think back to the events that
5 bring us here. How did you -- did you see Quianna
6 and Raquan that night?

7 **A** Yes.

8 **Q** Who did you see first?

9 **A** Quianna.

10 **Q** How did you see her?

11 **A** I went and picked her up from her house.

12 **Q** When you picked her up from her house,
13 where did you go?

14 **A** We went to Raquan's house.

15 **Q** Have you ever been to Raquan's house
16 before?

17 **A** No.

18 **Q** Who was telling you how to get there?

19 **A** Quianna.

20 **Q** And when you got there, where did you park?

21 **A** I parked in the driveway.

22 **Q** All right. How long did you sit in the
23 driveway before you saw Raquan?

24 **A** About 15 minutes.

25 **Q** And --

1 **A** Well, before seeing him?

2 **Q** Right.

3 **A** He came right out when we pulled up.

4 **Q** All right. Then what did you do once he
5 got into the car?

6 **A** We just sat there in the car.

7 **Q** So who was driving?

8 **A** I was.

9 **Q** Who was in the front passenger seat?

10 **A** Quianna.

11 **Q** And he was in the back?

12 **A** Uh-huh.

13 **Q** And whose car was this that you were
14 driving?

15 **A** My sister's.

16 **Q** Let me show you, this is already in
17 evidence, Ms. Prease, as State's Number 4. You can
18 take a look at that. Is that the car that you were
19 driving?

20 **A** Yes.

21 **Q** Now, eventually, y'all left Raquan's house,
22 correct?

23 **A** Yes.

24 **Q** And went where?

25 **A** We went to the Citgo gas station up the

1 street.

2 Q When you got to the Citgo, who got out of
3 the car?

4 A Quianna.

5 Q Anybody else?

6 A No.

7 Q I'm sorry to do this to you, but I have to
8 back up a little bit. When you were sitting in the
9 driveway before you left to go to the Citgo, did
10 anything happen?

11 A No, other than he took her phone in the
12 house to put on the charger.

13 Q Okay. When he came back out?

14 A We went to the store after that.

15 Q Did you notice anything while you were
16 sitting in the car?

17 A No.

18 Q Anybody talking about anything?

19 A They had said they seen a car ride by.

20 Q But you didn't see it?

21 A No.

22 Q Okay. So you get to the Citgo and then
23 whenever Quianna comes back into the car, where did
24 y'all go?

25 A We went to Greenville Arms. It's an

1 apartment complex.

2 Q Had you ever been there before?

3 A I had, but like way before.

4 Q Okay. Who was directing you how to get
5 there?

6 A I already knew how to get there.

7 Q When you got there, did you go into an
8 apartment? What did you do?

9 A No, sat in the car.

10 Q Okay. Did anybody get out of the car?

11 A Raquan got out of the car.

12 Q All right. Where did he go?

13 A He went to meet a friend in the parking
14 lot.

15 Q Did you see him talking with anybody?

16 A His friend, one of his friends.

17 Q Okay. When you saw him with his friend,
18 where were they?

19 A Behind the car.

20 Q Were they inside the car, standing? What
21 were they doing?

22 A They were standing right behind the car.

23 Q Okay. About how long were they standing
24 behind the car?

25 A Two minutes.

1 Q What happened after that?

2 A He got back in the car. We left and went
3 back to his house.

4 Q That night, Ms. Prease, had you had
5 anything to drink?

6 A No.

7 Q Smoked any marijuana?

8 A No.

9 Q Were you about to smoke marijuana?

10 A Yes.

11 Q Okay. When you get back to Raquan's house
12 after going to the Citgo and Greenville Arms, when
13 you first got there, did anybody get out of the car?

14 A Not immediately.

15 Q How long did you sit there?

16 A About five minutes.

17 Q And then who got out first?

18 A Raquan got out of the car.

19 Q Why did he get out of the car?

20 A He got out of the car to go and get
21 Quianna's phone.

22 Q How long was he in the house?

23 A Like a minute.

24 Q Did you see which way he went into the
25 house?

1 **A** He went through the garage, the door into
2 the garage.

3 **Q** When he came back out of the house, which
4 way was he going? Which way did he come out from?

5 **A** The garage port.

6 **Q** When he came out from going in to get
7 Quianna's phone, did you see what he was doing?

8 **A** No, he came out and was pulling on the
9 passenger side door.

10 **Q** Passenger side front or rear?

11 **A** Front.

12 **Q** Was he saying anything?

13 **A** Yes.

14 **Q** What was he saying?

15 **A** He was saying my mom is dead. My mom is
16 dead.

17 **Q** Okay. What did y'all do?

18 **A** We thought he was playing. He was, like,
19 he wasn't kidding. We got out and followed behind
20 him.

21 **Q** Did you go into the house?

22 **A** Uh-huh.

23 **Q** What did you see when you got in the house?

24 **A** When we first walked in, it was blood
25 immediately. When you first walked in the door, it

1 was a trail of blood. It was blood all on the wall.
2 It was a bloody hand print on his bedroom door. We
3 walked in his mom's room and that's where we found
4 her.

5 Q Did you see her in the bedroom?

6 A Uh-huh.

7 Q Did you actually walk in there?

8 A Yes.

9 Q Did you touch her?

10 A No.

11 Q Did you move her?

12 A No.

13 Q Did you take anything away from her?

14 A No.

15 Q Did Raquan look any different than he was
16 from the time you first saw him that night, okay?

17 A Uh-huh.

18 Q You first pull up, he comes out and y'all
19 sit in the car. Did he look any different than to
20 when he came out and said that his mom was dead?

21 A No.

22 MS. MUNSON: I have nothing further at this
23 time, Your Honor.

24 THE COURT: Mr. Kornfeld?

25 CROSS-EXAMINATION

1 BY MR. KORNFELD:

2 Q Ms. Prease, when you left in the vehicle to
3 go to Citgo and then you went to Greenville Arms, you
4 gave a statement to the police, correct?

5 A Yes.

6 Q Did you write this statement or did you
7 allow them to prepare the statement?

8 A I allowed them. They were typing while I
9 was talking.

10 Q All right. At that time, did you tell them
11 that he was in there for no more than three minutes
12 and then he came out? Does that sound correct?

13 A I guess at the time, you can say that.

14 Q Today, you said no more than two minutes,
15 three minutes, about the same time?

16 A Yes.

17 Q Less than three minutes, we can agree on
18 that, correct?

19 A Yes.

20 Q When you said he went in there, where did
21 he go into?

22 A He went into the house.

23 Q Was it an apartment or an actual house back
24 there?

25 A It was an actual house. You mean when we

1 got to his house?

2 Q When he made the drug transaction.

3 A Oh, no, it was in a parking lot.

4 Q It was in the parking lot?

5 A Uh-huh.

6 Q He said he went in there, where did he go?

7 A He didn't go anywhere. He was standing
8 outside the car.

9 Q So he gets out of the vehicle ---

10 A Uh-huh.

11 Q --- and what part of the vehicle does he go
12 to?

13 A He went to the back of the car.

14 Q On the driver's side?

15 A It was like in middle in the back.

16 Q So he goes behind the car?

17 A Uh-huh.

18 Q And then somebody comes up to the car?

19 A Uh-huh.

20 Q Who is the person that comes up to the car?

21 A Some guy, Spanish guy.

22 Q A Spanish guy. Do you remember what he was
23 wearing, what did he look like?

24 A No. I wasn't paying attention.

25 Q Okay. All right. He gets back in the car

1 after that and y'all drive immediately back to ■

2 ■, correct?

3 A Uh-huh.

4 Q All right. Do you remember telling the
5 police that you can see blood on the back of Raquan
6 Keion Lewers' shirt?

7 A I didn't say that.

8 Q You what?

9 A I don't remember saying that.

10 Q You don't remember saying that?

11 A Huh-uh.

12 Q Do you remember seeing blood today on the
13 back of his shirt at all?

14 A No.

15 Q Do you remember seeing blood anywhere
16 outside?

17 A No.

18 Q Okay. Was it -- earlier you said it was a
19 trail of blood? Were those your words?

20 A Uh-huh.

21 Q Was it unmistakable that it was blood?

22 A No. I'm pretty sure it was blood.

23 Q So there was no doubt in your mind it was
24 blood?

25 A Uh-huh.

1 Q All right. When the officers gave you the
2 residue test, did you ever say that you thought it
3 was a gunshot?

4 A He thought it was a bullet wound on his
5 mom's neck so that's what we assumed.

6 Q Okay. So the officers gathered your hands
7 together to see if there was residue from pulling the
8 trigger of a gun, correct?

9 A Yes.

10 Q Were you ever handcuffed at any time during
11 this?

12 A Could you repeat that?

13 Q Were you ever handcuffed any time?

14 A No.

15 Q Was Quianna, or Ms. Fernandez, or Mr.
16 Raquan Keion Lewers ever?

17 A No.

18 Q Okay. All right. Did you ever -- was
19 there any weapons in the home that you saw?

20 A No.

21 Q Did Mr. Lewers ever carry a weapon that you
22 are aware of?

23 A No.

24 Q You said that you lived in Easley and even
25 at this time you're still living Easley?

1 **A** Yes.

2 **Q** Do you know what PSC stands for?

3 **A** Yes.

4 **Q** What does it stand for?

5 **A** Pinckney Street child.

6 **Q** And what does that mean?

7 **A** It is where he grew up.

8 **Q** Is it a group of any sort?

9 **A** No.

10 **Q** So is just like what anybody say, like a
11 neighborhood, like I'm from this?

12 **A** It's just a nickname that I was told he was
13 called.

14 **Q** That was his nickname?

15 **A** Uh-huh.

16 **Q** Who all called the police when you were
17 there? Was it just Raquan or did anyone else call
18 the police?

19 **A** It was both of them. They both called.

20 **Q** Raquan also called his grandmother?

21 **A** Yes.

22 **Q** Do you know if he called anyone else?

23 **A** No.

24 **Q** You don't know or he didn't?

25 **A** He didn't.

1 **Q** Okay. All right. All right. Is there --
2 there is an apartment on the same road as [REDACTED]

3 [REDACTED], correct? Greenville Arms?

4 **A** Yes, it's like a circle.

5 **Q** Okay. Do some of the people that are from
6 Greenville Arms go on [REDACTED]?

7 **A** I wouldn't know.

8 **MR. KORNFELD:** Okay. All right. No
9 further questions, Your Honor.

10 **THE COURT:** Any redirect?

11 **MS. MUNSON:** No, sir, Your Honor.

12 **THE COURT:** All right. Thank you, you can
13 step down.

14 **MS. MUNSON:** The State calls Raquan Lewers.

15 **THE CLERK:** Mr. Lewers, if you would, come
16 forward to be sworn in please. Please place
17 your left hand on the Bible and raise your
18 right.

19 **RAQUAN LEWERS**

20 having first been duly sworn, testifies as follows:

21 **THE CLERK:** Thank you. You can be seated.
22 Would you please state your name for the record?

23 **THE WITNESS:** Raquan Keion Lewers.

24 **THE CLERK:** Thank you.

25 **DIRECT EXAMINATION**

1 BY MS. MUNSON:

2 Q All right, Mr. Lewers, how old are you?

3 A 18.

4 Q And where do you live now?

5 A Lyman.

6 Q Okay. I want you to think back to March of
7 2014. The event that brings us all here today, do
8 you remember that?

9 A Yes, ma'am.

10 Q You know Sylvester Keejuan King, right?

11 A Yes.

12 Q Is that what you call him?

13 A Yes.

14 Q How do you know him?

15 A He used to date my mom for about -- I knew
16 him for a couple of years.

17 Q Okay. How old were you, would you say,
18 when your mom started dating the defendant?

19 A I would say 11 years old. Either 11 or 12.

20 Q Okay. Just to be clear, the person that we
21 are referring to, Keejuan, that dated your mom, is he
22 in the courtroom?

23 A Yes, ma'am.

24 Q You see him in the courtroom?

25 A Yes, ma'am.

1 Q Can you point him out for the jury?

2 A (Indicating.)

3 Q For the record, can you describe something
4 he is wearing?

5 A A green, white; and bald head, I think.

6 MS. MUNSON: Your Honor, the record will
7 show he has identified the defendant.

8 THE COURT: All right.

9 BY MS. MUNSON:

10 Q During the time that your mom was dating
11 the defendant, how did you get along with him?

12 A I hate to admit it, but I got along with
13 him great.

14 Q Okay.

15 Q Did you have a nickname for him? What did
16 you call him?

17 A Keejuan.

18 Q Did you call him anything else?

19 A (Shakes head.)

20 Q Was there ever a time when he was living
21 with your mother?

22 A Yes.

23 Q You were living there with them?

24 A Yes.

25 Q When was the first time you remember the

1 defendant living with your mother and you living
2 there as well?

3 **A** When I was 11 and they first started
4 dating, after a while, they moved in together.

5 **Q** You were okay with that?

6 **A** Yes.

7 **Q** Was anyone else living in the house with
8 you?

9 **A** His son, Keeshaun King.

10 **Q** His son, Keeshaun. How old was Keeshaun at
11 the time?

12 **A** He was, I believe, a year younger than me.

13 **Q** Okay. How did you get along with Keeshaun?

14 **A** Great.

15 **Q** The place that you were living and when
16 your mom and the defendant first started dating,
17 where was that? Do you remember?

18 **A** Piedmont, South Carolina.

19 **Q** All right. Was your mom working back then?

20 **A** Yes.

21 **Q** Do you know where she was working?

22 **A** Either Sara Lee baking factory or Haribo.

23 **Q** What is Haribo?

24 **A** Haribo is a plant that produces gummy bears
25 and stuff.

1 Q Okay. How long did you live in that home
2 when the defendant first started dating your mom?

3 A Maybe a year or two. I can't recall. It
4 was a good minute.

5 Q A good many years?

6 A Yeah, I would say over a year.

7 Q During that time, your relationship with
8 the defendant was what?

9 A It was okay.

10 Q Did you know any of his relatives?

11 A Not many.

12 Q Other than his son?

13 A No.

14 Q His son, Keeshaun, did he stay there with
15 the defendant the whole time or did he go somewhere
16 else?

17 A He was back and forth from his mom's house.
18 Some weeks he would spend with us and some weeks he
19 would spend with his mom.

20 Q Okay. At some point, y'all weren't living
21 there anymore. Where did you go after that?

22 A The first time, I believe my mom was trying
23 to get away and we moved to [REDACTED] in West
24 Greenville.

25 Q Okay.

1 **A** As I can recall, he wasn't there for a
2 while, but then they got back together again and
3 moved back in together and were back together.

4 **Q** Was that kind of how the relationship went?

5 **A** Yeah.

6 **Q** Would they argue sometimes?

7 **A** Yes, ma'am.

8 **Q** When you and your mom left from the first
9 place you were living to the second one, did the
10 defendant move with you?

11 **A** No.

12 **Q** But eventually he came again?

13 **A** Yes, ma'am.

14 **Q** Now, back in March 2014, where were you
15 living then?

16 **A** I believe I was incarcerated, ma'am.

17 **Q** For the whole year?

18 **A** For about eight months.

19 **Q** What did you go to prison for?

20 **A** Drug court and some stuff for my juvenile
21 record.

22 **Q** What stuff?

23 **A** Simple possession and armed robbery.

24 **Q** Did you hurt anybody in the armed robbery?

25 **A** No, ma'am.

1 Q So when you went to prison, where was your
2 mom living?

3 A At that time, I believe she was in either
4 [REDACTED] or that -- she was in [REDACTED], I believe.

5 Q [REDACTED], is that what you are saying?

6 A [REDACTED].

7 Q Okay. Generally, where is that?

8 A The middle of West Greenville off of
9 Washington Street near Pinckney Street.

10 Q So when you went to prison, she is living
11 on [REDACTED]. While you were in prison, did she ever
12 come to see you?

13 A Yes, ma'am.

14 Q Would the defendant ever come to see you
15 while you were in prison?

16 A Sometimes she would come by herself and
17 some days he would be with her.

18 Q Okay. Did he ever show up -- was there
19 ever a time that he came, the defendant, came to
20 visit you in prison and your dad came as well?

21 A Yes.

22 Q How did that go?

23 A I was sitting down talking with my dad and
24 we see my mama and Keejuan walk in the door. My dad
25 'just gave me a hug and said son, I don't want to

1 cause any drama in here. I'm just going to leave.

2 Q The defendant was with your mom coming to
3 see you?

4 A Yes.

5 Q When you got out of prison, who came to get
6 you from the prison?

7 A My mom.

8 Q Where did you go from prison?

9 A The day I got out of prison, my mom and my
10 brother came to get me and we went out to eat at
11 Applebee's. That's all I can recall.

12 Q Where were you living?

13 A She had a new place [REDACTED].

14 Q When you got out of prison, she was in a
15 different place?

16 A Yes, ma'am. She told me she was done with
17 him. I can still have a relationship with him if I
18 wanted to but try not to show him where we stayed --

19 MR. KORNFELD: Objection, Your Honor.

20 THE COURT: I sustain the objection.

21 MS. MUNSON: Okay.

22 THE WITNESS: She was just kind of like she
23 didn't want -- like anonymous. She wanted it to
24 be anonymous. She didn't want to stop me from
25 having a relationship with him because she

1 wasn't with him no more.

2 **BY MS. MUNSON:**

3 **Q** And did you have a relationship with him?

4 **A** I hate to say it, yes.

5 **Q** Did you maintain a relationship with his
6 son, Keeshaun?

7 **A** No.

8 **Q** Keeshaun ever come over to the [REDACTED]
9 residence?

10 **A** Yes.

11 **Q** How did that happen?

12 **A** He would ask to come spend time with us.
13 We were scared to bring him over because we didn't
14 know whether he was going to tell Keejuan where we
15 stayed. But my mom heart was so kind, would let him
16 come over.

17 **Q** The defendant's son visited y'all at the
18 [REDACTED] house?

19 **A** (Nods head.)

20 **Q** How far did you go in school?

21 **A** I was in recovering classes trying to get
22 my credits back together. I was in school for maybe
23 like no longer than two weeks.

24 **Q** You were in school for two weeks?

25 **A** You talking about when I got out, released

1 from jail?

2 Q Right.

3 A I was in for about two weeks maybe.

4 Q Do you work now?

5 A No, ma'am.

6 Q Why is that?

7 A Looking for a job.

8 Q Do you have any physical problems that
9 would keep you from doing that?

10 A Yes, ma'am. When I was younger, I was hit
11 by a UPS truck.

12 Q Okay. Do you remember how young you were?

13 A Eight years old.

14 Q As a result of that, was there some kind of
15 lawsuit going on?

16 A Yes, ma'am. We had a lawsuit with the UPS
17 company and sued the company.

18 Q You got a settlement out of it, right?

19 A (Nods head.)

20 Q And who was responsible for that money?

21 A My mom.

22 Q Who is responsible for it now?

23 A Me.

24 Q Let's move to the night that your mom died,
25 okay? Anyone else come over to the house before

1 Shakia and Quianna?

2 A No.

3 Q Did you call anyone?

4 A I can't recall. I called a lot of people.
5 I can't recall.

6 Q Do you remember what day of the week it was,
7 that your mom was killed?

8 A No, ma'am.

9 Q Was she home the whole weekend?

10 A No, ma'am. She had just got back from
11 vacation.

12 Q Where did she go on vacation?

13 A She went to -- where did she go? I know
14 she went to Dave and Busters. She had just started
15 dating somebody.

16 Q Okay. Had you ever met that guy?

17 A Yes, ma'am.

18 Q Did you like him?

19 A Yes, ma'am.

20 Q Had he ever been over to the [REDACTED]
21 house?

22 A No, ma'am.

23 Q About when did your mom get home that
24 weekend from being off with this other fellow?

25 A She came home around the time the sun

1 starts to go down. I remember it was kind of
2 starting to get dark. Me and her went to the Redbox.
3 We got a plate at a seafood restaurant. And she laid
4 down. I got on the phone with my girlfriend and told
5 her to come over.

6 Q Did they do that?

7 A Ma'am?

8 Q Did your girlfriend come over with her
9 other friend?

10 A Yes.

11 Q Now before your mom got home that weekend,
12 did you talk to anyone else, your dad, for instance?

13 A My dad came over. I was kind of sick at
14 the time. He bought me some soup. That is when she
15 was gone. She was gone for maybe about three days on
16 vacation before she came back.

17 Q Was your dad at the [REDACTED] house while
18 your mom was there?

19 A No. She was gone. He came to see me. I
20 told him I was feeling bad. He came and picked me up
21 and took me to get some soup and stuff.

22 Q How did he know how to get to the [REDACTED]
23 house?

24 A I told him.

25 Q All right. How long were you with your dad?

1 **A** Maybe an hour.

2 **Q** All right. So then, let's move up to
3 Shakia and Quianna coming over. How did you know
4 they were out front of your house?

5 **A** I'm very alert. I can hear everything kind
6 of.

7 **Q** When you heard them roll up, what did you
8 do?

9 **A** Just walked outside.

10 **Q** What did you do once you got outside?

11 **A** Got in the car. Told everybody what's up.

12 **Q** How long would you say y'all stayed sitting
13 out in the car?

14 **A** We stayed out maybe about 20 minutes. Then
15 she asked me to put her phone on the charger. I went
16 in.

17 **Q** She who?

18 **A** Quianna.

19 **Q** Okay. When you went back in the house, did
20 you see your mom?

21 **A** Yeah, I shut her door and told her I was
22 about to have company.

23 **Q** Okay. Did she respond to you?

24 **A** She was sleep.

25 **Q** How was she sleeping? Was she on the bed?

1 **A** Just laying on the bed, like on her back.

2 **Q** Okay. Where was her head? That's what I'm
3 getting at.

4 **A** Okay. This is the bed. This is the left
5 side of the bed and her head was up here like she was
6 just laying on the left side like over back.

7 **Q** Okay. Was her head and feet where her head
8 and feet normally are when a person is in bed?

9 **A** Yes, ma'am.

10 **Q** She wasn't across it in a weird way. All
11 right. You tell your mom you're leaving and then you
12 go with the girls. Okay. Where did you go first?

13 **A** First, we went to Citgo, I believe, to get
14 some cigars.

15 **Q** Okay.

16 **A** Then I asked them to take me to make a
17 sale.

18 **Q** Okay. Make a sale of what?

19 **A** Marijuana.

20 **Q** Had you ever sold to this guy before?

21 **A** Yes, ma'am.

22 **Q** About how long were you with him?

23 **A** Two or three minutes maybe.

24 **Q** Before you went to make a sale, had you
25 smoked any marijuana?

1 **A** No, ma'am. I was in drug court.

2 **Q** Were you going to that night?

3 **A** Yes, ma'am.

4 **Q** Okay. Had you had anything to drink?

5 **A** No, ma'am.

6 **Q** So after the drug deal, where did you all
7 go?

8 **A** Back home.

9 **Q** Did you stay outside again in the car?

10 **A** From what I remember, I remember pulling
11 back up -- I believe I was going to get her phone --
12 seeing blood all over the door. I started calling my
13 mom's name. I got scared. I thought it might've
14 just been some juice or something. I followed it to
15 her room. I didn't know what to do. From there, I
16 really don't remember half of the stuff that
17 happened.

18 **Q** Okay. When you saw your mother, did you
19 actually go into the room? Did you touch her?

20 **A** Yes, ma'am.

21 **Q** Did you move her?

22 **A** Yes, ma'am. I tried to shake her. I tried
23 to wake her up. But she wouldn't --

24 **Q** Okay. You shook her, but did you
25 physically move her position on the bed?

1 A No, ma'am.

2 Q After you saw that, what did you do?

3 A I ran back outside and grabbed on the door
4 trying to get Quianna and Shakia out of the car and
5 told him what happened.

6 Q Okay. Did they go back in with you?

7 A Yes, ma'am.

8 Q Let's move back to you and Quianna and
9 Shakia sitting in the car before you went to the
10 Citgo. Do you remember that?

11 A Uh-huh.

12 Q Did you notice anything while you were
13 sitting out there?

14 A Yes, ma'am.

15 Q What did you notice?

16 A We were all in a deep discussion. I
17 remember Quianna saying look. Then, when I turned
18 around, the car pulled off real fast.

19 Q It pulled off?

20 A Uh-huh. It was kind of going like creeping
21 like that. When we turned around, it pulled off real
22 fast.

23 Q What can you tell us about the car?

24 A It just looked like -- it kind of looked
25 like a Crown Vic. I know it was black.

1 Q Could you see anybody inside the car?

2 A I just seen a light skin tone to be honest.
3 I have bad eyesight.

4 Q Okay. Did you notice anything about if
5 there was any special equipment on the car?

6 A No.

7 Q I'm going to show you State's Exhibit's
8 Number 7, 8, 9, 10, 11 and 12. If you could, just
9 take a look at those please.

10 A (Reviewing.)

11 Q All right. Do you recognize these?

12 A Yes, ma'am.

13 Q Are they true and accurate depictions of
14 what you looked like when the police got there that
15 night?

16 A Yes, ma'am.

17 MS. MUNSON: Your Honor, at this time, I
18 move State's 7, 8, 9, 10, 11 and 12 into
19 evidence.

20 THE COURT: Any objection?

21 MR. KORNFELD: No objection, Your Honor.

22 (WHEREUPON, State's Exhibits 7 through 12 are
23 admitted into the record.)

24 BY MS. MUNSON:

25 Q If you don't mind coming down here please,

1 Mr. Lewers. I just don't want to blind you. Just
2 remember to keep your voice up. What we are looking
3 at now is State's Exhibit Number 7. What does this
4 show? Is that you?

5 A It is me standing up in front of the police
6 car.

7 Q Okay. And then Number 8. What does this
8 show?

9 A The police asking to take a picture of my
10 hand, the evidence.

11 Q Okay. Can you keep your voice up please.
12 All right. Now, we will look at Number 9. It is
13 probably better than this one.

14 A A picture of my hand from when I touched my
15 mom from trying to wake her up.

16 Q Now, Number 10?

17 A Another picture of my hand.

18 Q Okay. Number 11, what does this show?

19 A Clothes I was wearing that night.

20 Q Is that the front or the back of you?

21 A The front.

22 Q Okay. Then finally, Number 12?

23 A That's the back.

24 Q All right. You can go back up there now.

25 Mr. Lewers, the clothing that you are wearing that's

1 in those State's Exhibits that you had on when the
2 police got to the house, is that the same thing you
3 were wearing before the ladies came to get you?

4 **A** Yes.

5 **MS. MUNSON:** Beg the Court's indulgence.

6 (Pause.)

7 **BY MS. MUNSON:**

8 **Q** Mr. Lewers, when you came out of your house
9 when the ladies had gone there to pick you up, what
10 door did you come out of?

11 **A** The side.

12 **Q** Was it locked when you left?

13 **A** No, ma'am.

14 **Q** You did that on purpose or accident?

15 **A** I did it on purpose because I knew we were
16 coming right back.

17 **Q** Okay. How long would you say you were
18 gone?

19 **A** Only 10 or 15 minutes.

20 **MS. MUNSON:** Nothing further at this time,
21 Your Honor.

22 **THE COURT:** Mr. Kornfeld?

23 **CROSS-EXAMINATION**

24 **BY MR. KORNFELD:**

25 **Q** Raquan, you remember talking to

1 Investigator Fortner?

2 **A** No.

3 **Q** Do you know who that gentleman is in the
4 back with the brown suit on? Did you ever talk to
5 him?

6 **A** I believe so, but I can't recall.

7 **Q** Okay. Do you remember giving an interview
8 to the police?

9 **A** Yes.

10 **Q** All right. At that time, you told the
11 police you were gone about 5 to 6 minutes, correct?

12 **A** No.

13 **Q** So if that was reported, it was reported
14 incorrectly?

15 **A** Yes.

16 **Q** So you say you were gone for about 10
17 minutes?

18 **A** At least 10 minutes.

19 **Q** All right. Did you state that you thought
20 there was red juice in the house?

21 **A** Yes.

22 **Q** You've seen these pictures here, correct---

23 **A** Yes.

24 **Q** --- of the blood? What made you think at
25 that time that that was red juice?

1 **A** Because as I said, my daddy just took me to
2 buy a lot of soup and stuff. He also bought juice.
3 There was lots of juice in a refrigerator. I thought
4 maybe my mom might have just had spilled juice or
5 something. I would've never thought it would be
6 something like that.

7 **Q** All right. And when the two girls got to
8 the house, you left and went to Greenville -- left
9 Citgo and went to Greenville Arms, correct?

10 **A** Correct.

11 **Q** Who did you meet at Greenville Arms?

12 **A** A sale.

13 **Q** Who?

14 **A** A sale, a customer, a Mexican person.

15 **Q** What was his name?

16 **A** I don't recall.

17 **Q** You don't know his name?

18 **A** No, sir.

19 **Q** You don't know who you sell to?

20 **A** I know he was a friend of mine but I don't
21 know his name.

22 **Q** How did you meet up with him?

23 **A** School.

24 **Q** So you went to school together?

25 **A** Yes.

1 Q Where did you go to school?

2 A Berea High.

3 Q He also went to Berea High, but you don't
4 know his name?

5 A No.

6 Q And how did you conduct the sale? Through
7 text messages?

8 A I believe he had called my phone. I don't
9 remember really.

10 Q Okay. Isn't it true that you called your
11 grandmother, that was the first person that you
12 called?

13 A No. I called the police first, then my
14 grandma.

15 Q So if the State would have said otherwise,
16 that would be incorrect; is that what your statement
17 is?

18 A I'm confused -- yeah, incorrect.

19 Q Your testimony is that you called the
20 police?

21 A Police first. Then I called my grandma to
22 let her know what happened.

23 Q All right. You said that you have bad
24 eyesight here and you couldn't really tell but it was
25 a tone -- a Crown Vic, you thought you saw a Crown

1 Vic; is that right?

2 **A** No, I know I seen a black car. It looked
3 like a Crown Vic. I know I seen the tone of a light-
4 skinned person in the driver's seat.

5 **Q** Oh, okay. The tone of a light-skinned
6 person. All right. Were the windows tinted on that
7 vehicle?

8 **A** Kind of, sort of.

9 **Q** You could see through it at night anyway?

10 **A** Barely. It was kind of like a turnaround
11 and skirt off, like a glance.

12 **Q** All right. At that time, it appears that
13 you weren't scared at that time. You left the home,
14 correct?

15 **A** Correct.

16 **Q** You left the house unlocked, correct?

17 **A** Correct.

18 **Q** And you gave a statement to police,
19 correct?

20 **A** Correct.

21 **Q** Did you write your own statement or did the
22 police?

23 **A** They typed -- wrote it.

24 **Q** Did you review the statement?

25 **A** Not that I recall.

1 Q Did you sign off on it or anything like
2 that?

3 A Yes.

4 Q Okay. All right. When you first talked to
5 police in there, when you left the home, what did you
6 tell them that you were leaving to go do?

7 A To be honest, I probably totally -- like, I
8 didn't want them to know I was going to make a sale,
9 so I don't remember.

10 Q Would it be fair if you told him that you
11 were going to get candy?

12 A I don't remember, sir.

13 Q When the police were first on the scene,
14 did an officer -- Officer Perry, did he ask to see
15 your cell phone?

16 A Yeah.

17 Q You advised that you would not allow him
18 consent to the search, correct?

19 A No, I gave him my phone.

20 Q You did?

21 A Yes.

22 Q You sure about that?

23 A Yes.

24 Q You had just gotten back to Greenville from
25 being incarcerated for three weeks; is that right?

1 **A** No.

2 **Q** How long had you been back?

3 **A** You said how long was I incarcerated?

4 **Q** No, no, no, no. After you were released,
5 you went to Applebee's. How long before March 16th
6 of 2014 was that?

7 **A** About three weeks.

8 **Q** All right. Okay. You can probably tell me
9 what PSC stands for, correct?

10 **A** Pinckney Street child.

11 **Q** It's not Pinckney Street Crypts?

12 **A** No.

13 **Q** What does Pinckney Street child stand for?

14 **A** It's where I was raised.

15 **Q** You were raised off of Pinckney Street?

16 **A** Yes.

17 **Q** It has no gang affiliation at all?

18 **A** No gang.

19 **Q** You ever been in a gang?

20 **A** No.

21 **MS. MUNSON:** Your Honor, objection.

22 Relevance, asked and answered.

23 **THE COURT:** All right. He has responded
24 no.

25 **MR. KORNFIELD:** I understand. I

1 understand.

2 THE COURT: All right.

3 BY MR. KORNFELD:

4 Q Did you owe any money to anybody on March
5 16th, 2014?

6 A No.

7 Q Not at all?

8 A No.

9 Q Who is -- are you familiar with anybody by
10 the name of Crack?

11 A No.

12 Q Okay. You admitted that you sold marijuana
13 at the time and that you were in drug court at the
14 time. What other drugs did you sell at that time?

15 A Nothing.

16 Q Okay. Who is your biological father? His
17 name is Keith Lewers, correct?

18 A Yes.

19 Q And when did he first -- let me ask this,
20 is it safe to say that he, for the majority of your
21 life, was an absent father?

22 A He was there bits and pieces, but mostly
23 absent.

24 Q Okay. Your parents were still married at
25 this time, correct?

1 **A** Correct.

2 **Q** Did he first move -- the last time he moved
3 away from Greenville, was that in 2006?

4 **A** I don't know.

5 **Q** Okay. Do you know if you lived in LA for a
6 while?

7 **A** Yes. He just recently moved back from
8 California.

9 **Q** Okay. When he lived in LA, what was his
10 profession?

11 **A** He wanted to be a movie star.

12 **Q** Was he ever in any movies? Was he a movie
13 star?

14 **A** He was in maybe one or two.

15 **Q** Okay. Did they go to the big screen?

16 **A** Tyler Perry. I don't remember the name,
17 but it was some Tyler Perry movie.

18 **Q** Okay. All right. Did he have any speaking
19 role? What movie was it?

20 **A** It was a Tyler Perry movie. I can't
21 remember, Madea's Christmas or something. I can't
22 remember.

23 **Q** And Mr. Keith Lewers, your dad, moved back
24 here around 2013?

25 **A** I don't know.

1 Q You don't know when he moved back?

2 A Sir, I don't keep up with -- he was there
3 bits and pieces. I may talk to him once in a while
4 on the phone. I didn't keep up with him. I don't
5 know when he moved. I just know he recently moved
6 back from California, sir.

7 Q Okay. Did you tell the officers or any
8 officers that you considered Mr. King like your
9 stepdaddy?

10 A Yes.

11 Q Did your mother and Mr. Lewers -- how was
12 their relationship?

13 A It was starting to form. It wasn't bad.
14 They were still communicating and talking to each
15 other as we have a son and we got to take care of him
16 together. Wasn't no bad communication like that.

17 Q All right. When you were a young child,
18 you were hit by a UPS truck, correct?

19 A Correct.

20 Q And there was a settlement, correct?

21 A Correct.

22 Q Your mother became the conservator of that
23 settlement, correct?

24 A Correct.

25 Q When your mother died, how old are you?

1 **A** 17 -- 6 -- 17.

2 **Q** Did you immediately become the recipient of
3 that settlement amount at that time or what occurred?

4 **A** It was left in her name until I reached the
5 age of majority.

6 **Q** Did you have to go through probate?

7 **A** Tried, but I gave up.

8 **Q** Okay. Did your father ever control the
9 settlement? Did he become the conservator?

10 **A** No.

11 **Q** Did your parents ever -- did they ever have
12 disagreements about that settlement amount?

13 **A** Yes. My daddy felt like we should never
14 have closed the lawsuit, but my mom was ready to just
15 get it out of the way.

16 **Q** When Mr. Lewers moved back at that time,
17 did you communicate with him?

18 **A** Yes.

19 **Q** All right. Did he have any other love
20 interests at that time?

21 **A** You mean like girlfriends?

22 **Q** Yes.

23 **A** Yes.

24 **Q** He was engaged at that time; wasn't he?

25 **A** I don't recall, but he has always had

1 different girlfriends. They were in the process of
2 getting divorced, but they never got divorced.

3 Q Do you know if he was to be an expecting
4 father at that time?

5 A Yeah, I believe he had a baby on the way
6 around that time.

7 Q Do you know if he had a fiancée at that
8 time?

9 A No, sir.

10 Q On the night of the murder in this case,
11 did you and your father, Keith Lewers, have a text
12 message? Did you text that night?

13 A No, sir. You said the night of the murder?

14 Q Correct.

15 A No, sir.

16 Q Mr. Lewers -- did you text -- did you and
17 your biological father communicate on the day of the
18 -- that your mother was killed on March 16th, 2014?

19 A No. That morning that they finally
20 released me from jail, we communicated.

21 Q You didn't have any other communication
22 with him? What were the communications that you had?

23 A Just telling him what happened. He came
24 the same day or he was there the next day with the
25 whole family right after I told him.

1 Q Okay. All right. Raquan, I'm going to
2 show you a phone text messaging report maybe to
3 refresh your memory here. This states that it was
4 3/16/14, which was the date of the murder. Did he
5 ask you if you felt better? Do you remember these
6 text messages now?

7 A Oh yeah. Yeah, that's when I was telling
8 you about when we had went and got the soup and
9 stuff. He was just asking me if I felt better. I
10 remember now, yeah.

11 Q Yeah. Okay. Did y'all talk about the
12 location of where your mother was at that time?

13 A He knew. When he came to pick me up, he
14 picked me up from my house.

15 Q Did you tell him that you and your mother
16 were in -- at the house?

17 A No. He knew she was gone. She was on her
18 way back from out of town.

19 Q Okay. And the text message, did you not
20 say -- here. This is your text message. Did you say
21 yes, sir; yes, I feel better? Was this your outgoing
22 text message?

23 A It looks like it. I don't recall none of
24 this, sir. But yes, I probably did.

25 Q That was at 19:44 p.m. which is 7 p.m.,

1 7:44 p.m., correct?

2 A Yes.

3 Q Did you have any reason that night that you
4 thought that your biological father wanted to talk to
5 your mother?

6 A He had been wanting to talk to her because
7 he felt like they -- me and him had been talking. He
8 wanted to get back with her. It was just deep.
9 Wasn't nothing like that. He just wanted to talk,
10 you know, like when you're on the phone with your
11 parents and you, like, let your mama know to call me
12 or whatever.

13 Q All right. All right. Okay. All right.
14 You have a Facebook account, correct?

15 A Correct. Is this a picture of you dated
16 April 20th, 2014? Is that you?

17 A Yes, sir.

18 Q What kind of vehicle was this behind you?

19 A A Lamborghini.

20 Q This was approximately a month after you --

21 MS. MUNSON: Your Honor, I'm sorry. I'm
22 going to have to object. Unless it is in
23 evidence, I don't think he should be saying what
24 he is looking at. Let's move it into evidence.

25 THE COURT: I agree with that.

1 **MR. KORNFELD:** Yeah, okay. I will go
2 ahead and --

3 **MS. MUNSON:** If he wants to move it into
4 evidence, Your Honor, I'm not going to object.

5 **THE COURT:** All right.

6 **MR. KORNFELD:** All right. Can I just
7 take a second here, Your Honor?

8 **THE COURT:** She said she don't have any
9 objection to putting it into evidence if you
10 want to put it in.

11 **MR. KORNFELD:** Right.

12 **THE COURT:** Then you can cross-examine him
13 on it.

14 **MR. KORNFELD:** Okay. I would like to
15 mark this as Defendant's Exhibit 1.

16 **THE COURT:** All right.

17 **MS. MUNSON:** No objection.

18 **THE COURT:** All right. Without objection.

19 **(WHEREUPON, Defendant's Exhibit 1 is marked for**
20 **identification and admitted into the record.)**

21 **BY MR. KORNFELD:**

22 **Q** All right. So you already stated that you
23 understand this. You posted this a month after,
24 approximately a month after the death of your mother,
25 correct?

1 **A** I think so. I don't remember when I posted
2 that picture, sir.

3 **Q** This is your car, correct?

4 **A** No.

5 **Q** Well, you said it's your car on here; don't
6 you? Me and my brother?

7 **A** That's flexing. That was a picture -- a
8 car that somebody -- I seen a Lamborghini and they
9 let me take a picture in front of the car.

10 **Q** So this is -- your testimony here today is
11 that this is not your vehicle?

12 **A** No.

13 **Q** All right. Why would you say it's me and
14 my brother's? Why would you just say it is your car
15 if you're flexing?

16 **A** Why does that matter, sir?

17 **Q** Your answer could determine that. If you
18 are saying that you're flexing --

19 **A** Sir, I'm young. Young people love to post
20 pictures with stuff. I don't know if I mean anything
21 by it. It's just a picture of me in front of a car,
22 sir.

23 **Q** Do you have -- you stated you didn't have a
24 job. Did you have a job -- did you ever have a job?

25 **A** Yes.

1 Q Where did you have a job?

2 A Hardee's.

3 Q And did you get paid -- how much did you
4 get paid there?

5 A I work for three days, and I quit. I got
6 paid like \$150.

7 Q Did you make most of your money through
8 drug deal transactions?

9 A No. I made most of my money off of
10 cleaning my room and washing dishes and getting an
11 allowance from my mom.

12 Q Did you receive several hundred dollars at
13 one time to do that?

14 A No.

15 MR. KORNFIELD: All right. I would like to
16 mark this as Defendant's Exhibit Number 2.

17 THE COURT: Any objection?

18 MS. MUNSON: No, sir, Your Honor.

19 (WHEREUPON, Defendant's Exhibit 2 is marked for
20 identification and admitted into the record.)

21 BY MR. KORNFIELD:

22 Q You are in the picture on your Facebook.
23 This is you, correct?

24 A No.

25 Q That's not you?

1 **A** No.

2 **Q** Who is this?

3 **A** My older brother.

4 **Q** Okay. What is his name?

5 **A** Kenyatta Simmons.

6 **Q** All right. And you posted this with him on
7 several thousand dollars or ten 100s and several 20s,
8 why?

9 **A** Because I wanted to.

10 **Q** Was any of this your money at the time?

11 **A** No.

12 **Q** Okay. You had just gotten back three
13 weeks, at a time, from drug court. You were in drug
14 court and for an armed robbery?

15 **A** Uh-huh.

16 **Q** I know you don't know or at least you
17 didn't know that night the gentleman that went to
18 school with you at Berea, his name or anything about
19 him. But you know if you had any enemies at that
20 time?

21 **A** No, sir. I was friends with everybody I
22 knew.

23 **Q** Okay. Let's get back to where the parties
24 lived. Your mother, did she move to Greer in 2010?

25 **A** Yes, sir.

1 Q Isn't it true that Mr. King and your mother
2 only stayed together for a year?

3 A I don't recall.

4 Q Okay. When did you first meet Mr. King?

5 A One day, I came in from school and my mama
6 was like, I got somebody I want you to meet. He was
7 sitting -- I don't know when, but I can tell you how
8 it happened. He was sitting in there on -- next to
9 the kitchen by the little island. I walked and shook
10 his hand and walked in the room.

11 Q All right. When you were in DJJ, your
12 mother and Mr. King visited you, correct?

13 A Correct.

14 Q Together?

15 A Correct.

16 Q Were you passed any contraband at that
17 time? Do you know what contraband is?

18 A Uh-huh.

19 Q Were you passed any contraband at that
20 time?

21 A No.

22 Q You didn't receive any pills or anything?

23 A No.

24 Q Okay. Since all of this occurred, do you
25 know where your biological father is today?

1 **A** Atlanta.

2 **Q** When he returned here, was his job as a --
3 what was his job when he returned here?

4 **A** I have no clue.

5 **Q** Okay. All right. On the robbery, you said
6 you get along with everybody, did you get along with
7 those people as well?

8 **A** Sir?

9 **Q** Were you convicted of a robbery, armed
10 robbery? Did you say that?

11 **A** Uh-huh.

12 **Q** Did you get along with those people?

13 **A** Uh-huh.

14 **Q** Who were they?

15 **A** Tymeir Wharton.

16 **Q** Who was that?

17 **A** Tymeir Wharton.

18 **Q** What was that concerning?

19 **A** What you call it, a conspiracy? He was the
20 one that was with me when I did it.

21 **Q** Did that involve -- was that over drugs?

22 **A** No. It was childish and trying to -- a way
23 to get money the wrong way.

24 **Q** Thank you. No further questions.

25 **THE COURT:** Any redirect?

1 **MS. MUNSON:** Briefly, Your Honor.

2 **REDIRECT EXAMINATION**

3 **BY MS. MUNSON:**

4 **Q** Mr. Kornfeld was asking you about a
5 statement you gave to Detective Fortner after your
6 mother was killed. In that statement, do you recall
7 telling the detective about a conversation that you
8 had with the defendant after you got out of DJJ?

9 **A** I don't remember.

10 **Q** Did your mom ask you to call the defendant?

11 **A** I don't remember.

12 **Q** Do you remember talking with the defendant
13 at all after you got out of DJJ?

14 **A** No.

15 **Q** Nothing further, Your Honor.

16 **THE COURT:** Thank you. You can step down.
17 Take the jury out for a recess.

18 **(WHEREUPON, the jury exits at approximately**
19 3:22 p.m.)

20 **THE COURT:** All right. You have a couple
21 of exhibits you need to give to the reporter?

22 **MR. KORNFELD:** Yes.

23 **THE COURT:** That's all right. Leave them
24 there. I thought you had them at your desk.

25 **MR. KORNFELD:** I've got another exhibit.

1 I've got two of them.

2 **THE COURT:** I think I saw it on your desk.

3 **MR. KORNFELD:** I apologize. I want to
4 make sure they were admitted.

5 **THE COURT:** I think, without objection,
6 they were. All right. Take a short recess.

7 (WHEREUPON, a recess is taken.)

8 **THE COURT:** Okay. Bring them on.

9 (WHEREUPON, the jury enters at approximately
10 3:49 p.m.)

11 **THE COURT:** All right. Solicitor, are you
12 ready to proceed?

13 **MS. SCOTT:** The State calls Sheila Martin.

14 **THE CLERK:** Ms. Martin, if you would, come
15 forward to be sworn in please. If you would,
16 please come up here and place your left hand on
17 the Bible and raise your right.

18 **SHEILA MARTIN**

19 having first been duly sworn, testifies as follows:

20 **THE CLERK:** Thank you. Please be seated.
21 Would you please state your name for the record.

22 **THE WITNESS:** Sheila Martin.

23 **THE CLERK:** Thank you.

24 **DIRECT EXAMINATION**

25 **BY MS. SCOTT:**

1 Q Ms. Martin, do you know the defendant in
2 this case, Sylvester Keejuan King?

3 A Yes, I do.

4 Q How do you know him?

5 A We was friends.

6 Q You were friends?

7 A Uh-huh.

8 Q For how long?

9 A About a year.

10 Q Were you romantic friends?

11 A Yeah.

12 Q When you say for about a year, did that
13 friendship start in 2013?

14 A Yeah, right about that time.

15 Q How did it develop?

16 A We became closer.

17 Q How did you meet him?

18 A Facebook, Internet.

19 Q At some point, you met him physically?

20 A Yes.

21 Q Did you ever go to his home?

22 A No.

23 Q Did he ever come to your home?

24 A Yes.

25 Q In 2014, where were you living?

- 1 **A** [REDACTED].
- 2 **Q** What city is that?
- 3 **A** That's Anderson, South Carolina.
- 4 **Q** Anderson County?
- 5 **A** Uh-huh.
- 6 **Q** And who all lived in that home?
- 7 **A** Just me and my daughter.
- 8 **Q** That's the home that he would frequent?
- 9 **A** Excuse me?
- 10 **Q** Did he go over to that home a lot?
- 11 **A** I wouldn't say a lot.
- 12 **Q** Did he have a key or no?
- 13 **A** No.
- 14 **Q** How did he come over? Did he call you or
- 15 text you and say he was coming?
- 16 **A** Yes.
- 17 **Q** Is it safe to say that generally he would
- 18 let you know when he was coming?
- 19 **A** Yes.
- 20 **Q** Did you all ever have a joint bank account?
- 21 **A** No.
- 22 **Q** How about did you all share vehicles?
- 23 **A** No. He had his car and I had mine.
- 24 **Q** At any point in time, did you allow him to
- 25 borrow your car?

1 **A** Yes, I did.

2 **Q** Tell the jury how that happened. How did
3 that transpire?

4 **A** Well, he had said that his baby mama was
5 trying to find out where he lived at so he wanted to
6 borrow my car.

7 **Q** What car was he driving at the time?

8 **A** His car was in the shop, for one.

9 **Q** So when his car is in the shop, what was he
10 driving?

11 **A** He had a rental car.

12 **Q** Were you the one who were driving the
13 rental car?

14 **A** When he asked to borrow my car, yes, I was.

15 **Q** You all switched cars?

16 **A** Yes.

17 **Q** For how long did you have the -- well, the
18 rental truck?

19 **A** Almost 2 weeks.

20 **Q** Let's talk about when those two weeks were.
21 Was that in April 2014?

22 **A** I think that's about right.

23 **Q** His explanation for using your vehicle was
24 because he was afraid of his baby mama seeing the
25 car?

3 Q What kind of car did you let him borrow?
4 Describe the car for the jury please.

5 **A** My Mazda 626.

6 Q All right. I'm going to show you what has
7 already been marked as State's Exhibit for
8 identification purposes, Your Honor, 36, 37, 38, 39
9 and 40. Would you review these photographs for me?

10	A (Reviewing.)

11 That's my car.

12 Q These are a true, and accurate depiction of
13 your vehicle?

14 **A** Uh-huh.

15 Q How do you know that is your car?

16 **A** Because it got Blackberry on the front and
17 I bought it. I know is mine.

18 Q When you say it's got blackberry on the
19 front, what are you describing?

20	A This my car.

21 **MS. SCOTT:** At this time, the State would
22 like to admit --

23 **THE COURT:** Any objection to the
24 photographs?

25 **MR. KORNFELD:** No, Your Honor.

1 **THE COURT:** Without objection.

2 **MS. SCOTT:** 36, 37, 38, 39, 40 and 41 for
3 the court reporter.

4 **(WHEREUPON, State's Exhibits 36 through 41 are**
5 **admitted into the record.)**

6 **BY MS. SCOTT:**

7 **Q** All right. You mentioned something
8 blackberry. Are you referring to this tag here?

9 **A** Uh-huh.

10 **Q** And you put that there?

11 **A** Yeah.

12 **Q** Same vehicle?

13 **A** Same one.

14 **Q** How long did he have his vehicle for?

15 **A** I had it for a while.

16 **Q** I'm sorry. How long did he? How long was
17 he driving this vehicle for?

18 **A** He had it for about two weeks.

19 **Q** I want to show you State's Exhibit 40.
20 What do we have here on the back seat?

21 **A** One of his hats.

22 **Q** I'm sorry. Could you speak up?

23 **A** One of his hats.

24 **Q** All right. Do you see this here? How
25 about I bring up State's Exhibit 41 for you. What do

1 you see here, this large object here?

2 A A helmet.

3 Q I'm sorry?

4 A A motorcycle helmet.

5 Q Who's helmet is that?

6 A It's his.

7 Q Did you give anyone else permission to
8 drive your Mazda?

9 A Nobody but him.

10 Q Now, I want to talk about y'all's
11 relationship. Did y'all spend some time together in
12 February of 2014?

13 A Yes, we did.

14 Q Was that around Valentine's Day?

15 A Unfortunately, he had to leave on
16 Valentine's Day.

17 Q I'm sorry?

18 A Unfortunately, he had to leave on
19 Valentine's Day.

20 Q How about any time in February? Did y'all
21 have a date or at least come together?

22 A He came there late, but he left.

23 Q Okay. I want to draw your attention to
24 March of 2014. We just talked about February. How
25 is it that he came to your house in March of 2014?

1 Can you describe to the jury how that happened?

2 **A** Like I said, I called him earlier that day
3 because I was in Greenville.

4 **Q** Earlier what day?

5 **A** The 14th would be on a Sunday.

6 **Q** Sunday, would that be March 16th you're
7 talking about? Are you in March?

8 **A** Didn't you just say March?

9 **Q** Yes, ma'am.

10 **A** Uh-huh.

11 **Q** So he calls you?

12 **A** I called him earlier that day.

13 **Q** What happened?

14 **A** I asked him what was he doing. He was like
15 nothing.

16 **Q** Did you have any other conversations?

17 **A** I called. We talked again. He said he was
18 hanging with his cousins.

19 **Q** Were you expecting him to come over?

20 **A** He said he was.

21 **Q** He said he was coming over that day?

22 **A** He said he was with his cousins.

23 **Q** Did he show up at any point in time?

24 **A** Maybe almost 2 o'clock.

25 **Q** 2 o'clock in the morning?

1 **A** Uh-huh.

2 **Q** What were you doing at the time?

3 **A** I was already in my pajamas. Me and my
4 daughter was up. We heard a knock at the door.

5 **Q** Now, had he called just prior to coming to
6 your home at 2 a.m. in the morning?

7 **A** No, he did not call.

8 **Q** Were you expecting him at the 2 a.m. mark?

9 **A** No.

10 **Q** When he came to your home in Anderson, can
11 you describe to the jury his demeanor? What was he
12 like when he came into your home?

13 **A** He was just normal. I opened the door. I
14 said what's up. He said what's up. He walked to my
15 bedroom. I was in the kitchen for a little bit.

16 **Q** Did you eventually go to your bedroom?

17 **A** Yeah. I went in there. He was laying in
18 the floor.

19 **Q** He was laying in the floor?

20 **A** Uh-huh.

21 **Q** Was he laying in an Indian style? Was he
22 laying --

23 **A** Face down.

24 **Q** He is faced down on your floor?

25 **A** Uh-huh.

1 Q What else was he doing?

2 A I asked him what was wrong. I turned him
3 over. He said he been in a fight.

4 Q Did you notice anything about him when you
5 rolled him over?

6 A Not at first.

7 Q What did you notice later on?

8 A That his hand was bandaged up in a shirt.

9 Q Anything else about the bandage?

10 A It was a shirt. I took it off and I saw
11 the cut on his wrist.

12 Q Was it like a paper cut?

13 A No, just really deep.

14 Q What was it doing?

15 A It was still bleeding.

16 Q How was the blood?

17 A It was a lot.

18 Q Was it freshly bleeding or had it started
19 to heal?

20 A It was still freshly bleeding.

21 Q What did you do when you saw him bleeding
22 at this time?

23 A I asked him what happened. He said him and
24 his cousin got in a fight with some guys. Four guys.

25 Q They got in a fight with what?

1 **A** He said he was at a liquor house.

2 **Q** Did he tell you where, any more details?

3 **A** Just off White Horse Road. That's all he
4 told me.

5 **Q** What did you do now that you know he had
6 been in a fight and was bleeding?

7 **A** I asked him what happened. I told him to
8 call the police. If they jumped on you and did this
9 to you, call the police.

10 **Q** Did he tell you that he had been robbed or
11 just jumped on?

12 **A** Jumped on.

13 **Q** He is still on the floor at this time when
14 you are talking to him?

15 **A** Yeah. I'm on the floor with him looking at
16 his hand.

17 **Q** Any point in time, did you guys go to the
18 bathroom and bandage his hand?

19 **A** I got some towels at first. Then I'm like,
20 wait, let me get this bandage I got and wrap his hand
21 up and it.

22 **Q** Do you have any nursing training?

23 **A** I've been to school for nursing.

24 **Q** You wrapped it the best way you knew with
25 your training?

1 **A** Yeah, to stop the bleeding, put pressure on
2 it.

3 **Q** Was it still bleeding despite your bandage
4 that you placed on it?

5 **A** Yes.

6 **Q** He has been hurt. Tell the jury if he is
7 uttering anything. Is he pacing? Describe his
8 demeanor as he is telling you this story about being
9 jumped on.

10 **A** He just said he got jumped.

11 **Q** You mentioned earlier that he should call
12 the police?

13 **A** Yes.

14 **Q** Did you all have a phone call at that point
15 at the house to the police?

16 **A** No, we didn't.

17 **Q** To 911 or EMS?

18 **A** Nope.

19 **Q** Where did you all go after you bandaged his
20 hand and he is still bleeding?

21 **A** I took him to the emergency room.

22 **Q** Which emergency room?

23 **A** Anderson.

24 **Q** He came to your home, what car was he
25 driving?

1 A He was driving my Mazda.

2 Q The black car?

3 A Uh-huh.

4 Q Did he tell you the condition that car was
5 in when he took it to your house?

6 A He said he messed up my car.

7 Q He messed it up how?

8 A He said he had blood all in my front seat.

9 Q Did you later see the blood all in your
10 front seat?

11 A Yeah.

12 Q Going back to when you commit him to get
13 medical treatment, was that your idea, his idea or
14 everybody's idea?

15 A It was my idea.

16 Q You went to the Anderson county hospital?

17 A Uh-huh.

18 Q Were you able to review a tape before your
19 testimony today, a surveillance video ---

20 A Yes.

21 Q --- at the hospital. Was that a true and
22 accurate depiction of what had happened when you to
23 come to the hospital?

24 A Uh-huh.

25 Q Did you take anyone with you? You

1 mentioned your daughter earlier but it was just you
2 two?

3 **A** Just us two.

4 **MS. SCOTT:** The State would like to enter
5 into evidence, Your Honor, State's Exhibit 52.

6 **THE COURT:** Any objection?

7 **MR. KORNFELD:** No, Your Honor.

8 **THE COURT:** Without objection.

9 **(WHEREUPON, State's Exhibit 52 is admitted into**
10 **the record.)**

11 **(WHEREUPON, State's Exhibit 52 is played.)**

12 **BY MS. SCOTT:**

13 **Q** Watch out for that light again, okay? Do
14 you recognize those two people?

15 **A** Yes.

16 **Q** Who are they?

17 **A** Me and him.

18 **MS. SCOTT:** Court's indulgence, Your
19 Honor.

20 **BY MS. SCOTT:**

21 **Q** Does that date down there say March 17th,
22 2014?

23 **A** That's what it says.

24 **Q** That's early in the morning?

25 **A** Yes.

1 Q Can you tell the jury how he was behaving
2 at the hospital?

3 A He was calm. He was calm.

4 Q We're just going to watch this a few more
5 seconds. (Pause.)

6 While we are watching it, do you see that
7 white towel or bandage or object around his arm?

8 A Yes, I do.

9 Q Is that what you wrapped around his arm?

10 A Yes, I did.

11 Q From the time at the house to this
12 hospital, did you have to re-bandage him?

13 A Yeah, when we got in the room, they re-
14 bandaged it.

15 Q I'm sorry. Did you have to, when you were
16 at the house and you bandaged it once and you went to
17 the hospital, did you have to do a transition or
18 second bandage at any point?

19 A I think I bandaged it twice before we left.
20 He bled through the first bandage.

21 Q Okay. Now, at this time, you all were
22 talking about how you received the injuries. Did
23 this defendant ask you to participate in the story
24 about being robbed?

25 A I didn't say nothing. He said it on his

1 own.

2 Q Did he ask you to say that you were there?

3 A I didn't say I was there.

4 Q Without you saying that you said you were
5 there, did he ask you to involve yourself in that
6 robbery?

7 A I don't recall.

8 Q All right. At some point, does a nurse
9 come out and take you all back?

10 A Yes, she did.

11 Q How long do you remember being at this
12 hospital?

13 A Excuse me?

14 Q How long were y'all there? Was it minutes,
15 hours?

16 A We were there a couple of hours.

17 Q Can you speak up for the court reporter?

18 A A couple of hours.

19 Q Did law enforcement ever come out and talk
20 with you all about his injuries?

21 A Yes.

22 Q They spoke mainly to him?

23 A Yes.

24 Q Were you present when he was talking to law
25 enforcement about how he receive those injuries?

1 **A** Yes.

2 **Q** Did he tell law enforcement that you were
3 there?

4 **A** Yeah, he told law enforcement I was there.

5 **Q** But your testimony was you were not there?

6 **A** I didn't say anything.

7 **Q** Were you there when he was robbed?

8 **A** No, I was not.

9 **Q** You were at home with your daughter?

10 **A** True.

11 **Q** Now, he was discharged with pain medication
12 and instructions on how to keep the bandage clean?

13 **A** He came back the next day for surgery.

14 **Q** Okay. Y'all went back to your home in
15 Anderson County?

16 **A** Yes.

17 **Q** What did you all do after coming back from
18 the hospital?

19 **A** We just stayed -- we talked.

20 **Q** Were you ever concerned or worried about
21 his injury in the story he told you about how he got
22 it?

23 **A** Yeah, I kept asking him what happened. He
24 told me some guys jumped him.

25 **Q** He said he was jumped on?

1 **A** He and his cousin were jumped by four
2 people.

3 **Q** Did he say why he was jumped?

4 **A** He said somebody -- his cousin stepped on
5 one of those guy's shoes.

6 **Q** So he gave you details about this robbery?
7 He gave you details?

8 **A** You talking about the robbery that he said
9 -- I remember nothing about the robbery.

10 **Q** Well, the story that he told you. He went
11 into detail about his cousin's shoes?

12 **A** Yeah.

13 **Q** At some point, did you go and, I don't
14 know, get his medication for him?

15 **A** No.

16 **Q** What did you do when he was at the house
17 and y'all come back from the hospital?

18 **A** He said he needed a phone.

19 **Q** Did you get him a phone?

20 **A** Yeah, I went and got him a phone.

21 **Q** Where did you go?

22 **A** Family Dollar.

23 **Q** Did you take him with you or did you go on
24 your own?

25 **A** I went by myself.

1 Q While you were out getting the phone at the
2 Family Dollar, did you get a call from law
3 enforcement?

4 A Yes.

5 Q Was it from Anderson, the Anderson PD?

6 A I'm not sure who it was from.

7 Q All right. You talked with law
8 enforcement?

9 A Yeah.

10 Q Did you go back home after that?

11 A Yes.

12 Q Did you leave back out after that point?

13 A No, not at that time.

14 Q Did you tell him you had gotten a call from
15 law enforcement while you were at the Family Dollar?

16 A Yeah. When I came home, I told him.

17 Q What was his reaction?

18 A That he had to go.

19 Q That he had to go where?

20 A He just said he had to go.

21 Q He had to leave your home?

22 A Yeah.

23 Q Did you let him leave at that time?

24 A Me and him rode around.

25 Q Where did you all ride around?

1 **A** We rode around different places. Then we
2 were sitting in the AutoZone parking lot.

3 **Q** Okay. Did you get some stuff from
4 AutoZone?

5 **A** No, we were just sitting there talking.

6 **Q** All right. After you were talking, where
7 did you go from there?

8 **A** It was getting late. We came back.

9 **Q** You came back to your home in Anderson?

10 **A** Uh-huh.

11 **Q** And when you arrived -- I need to ask you
12 this, what car are you guys driving?

13 **A** Driving a rental car.

14 **Q** When he came to your house in the Mazda,
15 you took the rental car?

16 **A** Yes.

17 **Q** To the hospital?

18 **A** Yes.

19 **Q** Did you take the same rental car as you
20 were driving around to the Family Dollar?

21 **A** Yes.

22 **Q** And then again, I guess to the AutoZone
23 parking lot?

24 **A** Yes.

25 **Q** Where is the Mazda parked at this time?

1 **A** It's at my front yard.

2 **Q** Had you had a chance to look inside of it
3 to see what condition of it was?

4 **A** Yeah, I was trying to clean it. I really
5 couldn't get the blood out.

6 **Q** You said you mentioned earlier it was in
7 the front. Where in the front?

8 **A** Like on my seat, my steering wheel and my
9 base floorboard.

10 **Q** Is it safe to say it was everywhere on the
11 front seat?

12 **A** Basically on the left side.

13 **Q** After you were at the AutoZone, you said
14 you went back to the house. Tell the jury what you
15 encountered when you went back to your house.

16 **A** When I came home, it was polices all on my
17 street from the front to the back. He was like go
18 around. I went around. I said, my daughter at home;
19 I got to get home to my daughter. I said, I don't
20 know what's going on; you're not telling me nothing.
21 So he jumped out.

22 **Q** Were you still driving when he jumped out?

23 **A** Yeah.

24 **Q** Your car is in motion?

25 **A** But I was going slow.

1 Q When you said he jumped out, you're
2 driving, he is in the passenger front seat or back
3 seat?

4 A He is in the front.

5 Q What does he have on?

6 A He had on a T-shirt, jeans and some flip-
7 flops.

8 Q When he left, did he leave any of that
9 behind? Jeans, T-shirt, flip-flops, that's how he
10 got out of the car?

11 A Uh-huh.

12 Q And he jumped out of your car and took off
13 running where?

14 A I didn't see that part. I just know he
15 jumped out.

16 Q Did you call his name and ask him to come
17 back?

18 A I called him and told him to come back, but
19 he didn't come.

20 Q I will use -- for the record, I use my hand
21 out as if you were calling -- yelling out.

22 A I called him on his phone.

23 Q He didn't pick up?

24 A No.

25 Q When you arrived right there at the police,

1 when they were at your home, did he come back?

2 A No.

3 Q Did you talk with officers at that time?

4 A Yeah.

5 Q Did you allow officers access to your
6 Mazda?

7 A Yes.

8 Q The black car?

9 A Uh-huh.

10 Q Aside from cleaning it, were you aware of
11 anyone else that would've tried to clean it or move
12 it at that time?

13 A No. The cleaning stuff was still in the
14 car when the police came.

15 Q Did you also allow the officers to search
16 the rental car that you were in possession of?

17 A Yes.

18 Q Were any of his items in that car?

19 A He had a pair of tennis shoes in there.

20 Q Earlier, you mentioned he had on flip-flops
21 when he ran out, did he have on flip-flops when he
22 came to your house that morning unexpectedly?

23 A Yes.

24 Q Describe those shoes that were still in the
25 truck, the rental truck -- I'm sorry, the Mazda.

1 Describe those shoes that you mentioned just a minute
2 ago.

3 A The flip-flops?

4 Q No, ma'am, the sneakers.

5 A The sneakers, they were lime green. They
6 were lime green Jordans.

7 Q Did you know him to wear those often? Had
8 you seen him wear them in the past?

9 A Yes.

10 Q They were in the back of which car?

11 A In the truck.

12 Q In the truck? I'm trying to understand.

13 A He put them in the truck.

14 Q Okay.

15 A He put them in the truck.

16 Q When did he put them in the truck?

17 A I can't recall when he put them, but I just
18 know they were in there.

19 Q When you were riding around in the rental
20 car, they weren't there?

21 A No.

22 Q The shoes showed up in your truck later on
23 when he comes back with the Mazda?

24 A Yes.

25 Q Now we mentioned when he jumped out of the

1 moving car, did you ever have a conversation on the
2 phone after that?

3 **A** No.

4 **Q** Did he show up at your house unexpectedly
5 any other time after March of 2014?

6 **A** No.

7 **Q** Is Sylvester King in the courtroom today?

8 **A** Yes.

9 **Q** Would you point him out for the jury.

10 **A** (Indicating.)

11 Over there.

12 **Q** Now, the way he looks today, particularly
13 here -- when you were with him back in March at the
14 hospital, how was he wearing his hair?

15 **A** He had braids.

16 **Q** In the course of the year that you had been
17 dating him, had he been wearing braids?

18 **A** Yes.

19 **Q** When you met him on Facebook, did his
20 pictures all have him with braids?

21 **A** Some of them.

22 **Q** Had you known him to wear a different
23 hairstyle?

24 **A** When I met him, he was wearing braids.
25 Anything before that, I don't know.

1 Q Answer any questions defense counsel has.

2 **CROSS-EXAMINATION**

3 **BY MR. KORNFELD:**

4 Q Ms. Martin, when Mr. King came to your
5 house, he told you that he had gotten robbed off of
6 White Horse Road and he was laying in the floor at
7 your house, how long was he there before y'all took
8 him to the hospital?

9 A About 4 to 5 minutes to get him to go to
10 the hospital.

11 Q Okay. All right. The fact that he had
12 lost so much blood, did that affect how aware he was
13 of things? Did you notice anything as far as a loss
14 of blood with your nurse background and all?

15 A He was just quiet. He cried a little bit.

16 Q Did he ever go, like, close his eyes and
17 breathe deeply or anything like that?

18 A Yes, he did, a lot.

19 Q Okay. All right. You stated that you
20 dated Mr. King for about a year on and off, right?

21 A Yes.

22 Q Did Mr. King take you out for dinner from
23 time to time?

24 A We hung out.

25 Q Did he ever have any violent manner towards

1 you?

2 **A** Never.

3 **Q** When you said that you hang out, did y'all
4 usually hang out at your house?

5 **A** We hang out at my house. We hang out at
6 bars.

7 **Q** Okay. What attracted you to Mr. King?

8 **A** He chased me.

9 **Q** He chased you. Was he cordial? Was he a
10 gentleman?

11 **A** He was a gentleman.

12 **Q** All right. During the time that you dated
13 Mr. King, were y'all exclusive? Did he only date
14 you? Do you know?

15 **A** As far as I know, I thought it was me.

16 **Q** Okay. All right. Did Mr. King get along
17 with your grandson?

18 **A** Yeah.

19 **Q** Okay. Did you have any problem leaving Mr.
20 King alone with your grandson at any time?

21 **A** No.

22 **Q** Did y'all -- did Mr. King ever violently
23 yell at you at any time in the relationship?

24 **A** We had arguments. Everybody does.

25 **Q** Did you ever feel that it was anything

1 other than a normal argument?

2 **A** What do you mean?

3 **Q** Did you ever feel as though they were
4 threatening arguments or anything of that nature?

5 **A** No.

6 **Q** Okay. All right. No further questions.

7 **THE COURT:** Any redirect?

8 **MS. SCOTT:** No, sir.

9 **THE COURT:** Thank you. You want to excuse
10 this witness?

11 **MS. SCOTT:** Yes, Your Honor. May she be
12 excused?

13 **THE COURT:** Any objection?

14 **MR. KORNFIELD:** No, Your Honor.

15 **THE COURT:** Thank you. You are excused.

16 **MS. MUNSON:** Your Honor, the State calls
17 Sergeant Dar Shaw.

18 **THE CLERK:** Sergeant Shaw, if you would
19 come forward to be sworn in please. Place your
20 left hand on the Bible and raise your right.

21 **DARWIN SHAW**

22 having first been duly sworn, testifies as follows:

23 **THE CLERK:** Thank you. You may be seated.
24 Would you please state your full name for the
25 record.

1 **THE WITNESS:** Darwin Shaw. S-H-A-W.

2 **THE CLERK:** Thank you.

3 **DIRECT EXAMINATION**

4 **BY MS. MUNSON:**

5 **Q** Sergeant Shaw, who do you work for?

6 **A** The Department of Public Safety, Forensic
7 Division.

8 **Q** How long have you been with them?

9 **A** Next month will be 17 years.

10 **Q** Your rank is Sergeant?

11 **A** Yes, ma'am.

12 **Q** Does that involve any particular duties?

13 **A** I work the scenes like all the other
14 technicians, but also am a supervisor. I correct
15 reports. I review reports that would be a submitted
16 for any errors or problems. Then they get taken back
17 to the officer once those corrections are taken care
18 of.

19 **Q** Have you had any specialized training over
20 the years as far as crime scenes?

21 **A** I have -- actually, I have 21 years with
22 another department; 7 years, I worked on the road;
23 and 14 years, I was a detective. With 17 years here,
24 I've gone to numerous schools dealing with death
25 investigations, photography, various classes and

1 courses relating to crime scenes.

2 Q Can you say about how many death
3 investigations you have taken part in?

4 A With Greenville County, somewhere in the
5 area of 7 or 800.

6 Q Okay. Were you with the Greenville County
7 Department of Public Safety in March of 2014?

8 A Yes, I was.

9 Q Did you get a call in reference to this
10 case?

11 A I did.

12 Q You were the first one there, correct?

13 A That's correct.

14 Q As far as crime scene?

15 A That's correct.

16 Q How did that -- how does that go down?

17 A I was at home. I received a phone call at
18 home from one of our technicians that said that he
19 was responding out to a death investigation. As the
20 on-call supervisor for that week, it was my
21 responsibility to show up, to assist, if need be,
22 with the scene.

23 Q Okay. When you get to the scene, who are
24 the other two crime scene investigators who were
25 there?

1 **A** John Derby and Brian Totherow.

2 **Q** All right. Just the mechanics of it, when
3 you get to a death scene, was the first thing you do?

4 **A** The first thing you do is meet with the
5 officer, the investigators, try to determine some
6 kind of information as far as what is happening, what
7 has transpired; victim information, if you can give
8 that. Of course, in a case like this, when they
9 needed to get a search warrant, there are minimal
10 things that you could do until that search warrant
11 gets done. Some things you can do is photograph the
12 exterior, videotape the exterior. Nothing is done
13 until a search warrant is in hand.

14 **Q** Did that happen in this case?

15 **A** Yes, it did.

16 **Q** Once the search warrant was obtained, how
17 did y'all break up the work?

18 **A** The work is still done by Technician Derby.
19 He is the primary officer. Again, I am there to
20 assist, if need be. There is a procedure -- protocol
21 that we follow in any death investigation, in that
22 the technician or technician's investigator for the
23 agency, as well as an agent from the coroner's
24 office, all go into the scene at the same time so
25 that we can all see the scene as it is without

1 anything being done. Once the initial walk-through
2 is done and everybody gets out, we, as the
3 technicians, then proceed with photographing the
4 interior of the residence and also videotaping.

5 Q Did that happen in this case?

6 A It did.

7 Q What about a situation where you observe
8 something that needs to be collected?

9 Q Typically, because of the number of the
10 things that we work, we pretty much know what needs
11 to be collected as far as physical evidence.
12 Sometimes, we will correspond with the investigator.
13 Sometimes they may see something different than we do
14 that they would like to have collected. Then we
15 would get together with the investigator and let the
16 investigator know what action we have taken and what
17 evidence has been collected.

18 Q If you come across something that is
19 suspected blood, for example, what is the procedure
20 that you go through to take -- to collect that?

21 A Normally, what we are going to do is if it
22 looks like it's going to be blood, we conduct a
23 phenolphthalein test, which is a presumptive test for
24 blood. Basically, you take a Q-tip, you take a swab
25 of the suspected blood, you take a drop of alcohol, a

1 drop of phenolphthalein and a drop of hydrogen
2 peroxide. If it's, in fact, blood, it will turn it
3 bright pink immediately. That is a presumptive test.
4 Then, a subsequent swab will be taken of the area,
5 which is the swab that we would use for having
6 analyzed.

7 Q Okay. Once that second swab is taken, what
8 do you do with it?

9 A The Q-tip on the swab contains a plastic
10 vial. You unscrew the cap. You take your swab, you
11 put it back in, put it back in, screw it down. And
12 then there is an evidence recovery log that each
13 technician is responsible for as the evidence is
14 being collected. It gets put on the log as far as
15 what was collected, the item number it was given,
16 where it was collected from, the time it was
17 collected.

18 Q Why is all of that information so
19 important? Who did it, what time, where?

20 A It is all for evidentiary purposes to make
21 sure that what we are collecting is a chain of
22 custody for every piece of evidence -- for everything
23 that is collected. Once it goes from our hands, it
24 goes to Property and Evidence and it can go to court.
25 There is always a chain of custody for each piece of

1 evidence.

2 **Q** And what would happen at a crime scene if
3 one technician was in the middle of collecting
4 something, then another technician come along and
5 say, I got this, buddy, go ahead and go somewhere
6 else? Does that happen?

7 **A** No. Like I said, the training that we have
8 -- our technicians have to work for a certain length
9 of time before they are even clear to work death
10 investigations. That is also the reason why a
11 supervisor is there to oversee what is being done,
12 maybe make suggestions or recommendations. It is
13 basically to be an extra pair of hands and an extra
14 pair of eyes.

15 **Q** In this particular scene, what did you do
16 at the scene?

17 **A** I followed Technician Derby as the evidence
18 was being collected. There were swabs of suspected
19 blood that were being collected. I observed those
20 being collected and also the evidence recovery log
21 being filled out. He took possession of those.
22 Later on in the process, we have a chemical called
23 LCV, which was Leuco Crystal Violet. That is a
24 chemical that we can spray on suspected blood to help
25 enhance in areas. If you were to step in blood, the

1 farther you walk away, it dries or will dissipate.
2 You can take LCV and spray it and those prints can
3 become more prevalent.

4 Q Okay. Now, Technician Derby, you were
5 supervisor at the time?

6 A Yes.

7 Q Do you know where he is now?

8 A He is in Germany.

9 Q During the process -- what was his role in
10 the crime scene?

11 A He was the lead technician. Totherow
12 worked over him under his direction. Again, I
13 supervised and kept track of what was being done,
14 what was being processed.

15 Q You went through the entire scene?

16 A Yes, I did.

17 Q Let me show you a series of photographs.
18 Let me let you first look at -- this is State's 13,
19 14, 15, and 16. If you will, take a look at those.

20 A (Reviewing.)

21 Q Do you recognize those?

22 A I do.

23 Q Are these true and accurate depictions of
24 the front area coming in the front door of the house
25 at [REDACTED] ?

1 **A** They are..

2 **Q** Now, going to show you State's 18, 19, 20,
3 21, 22 and 23. Take a look at these.

4 **A** (Reviewing.)

5 **Q** Are these true and accurate depictions of
6 the kitchen area at the house on [REDACTED]?

7 **A** Yes.

8 **Q** Then I want to show you 24, 25, and 26..

9 **A** (Reviewing.)

10 **Q** Are these true and accurate depictions of
11 the hallway area of the house on [REDACTED]?

12 **A** Yes, they are.

13 **Q** Finally, I'm going to show you 27, 28, 29,
14 32 and 33.

15 **A** (Reviewing.)

16 **Q** Are these true and accurate depictions of
17 the bedroom where the body of Janice Hackett was
18 found?

19 **A** Yes, they are.

20 **Q** Thank you.

21 **MR. KORNFELD:** No objection, Your Honor.

22 **THE COURT:** Objection to any of these
23 photographs? All right. They are in evidence.

24 **MS. MUNSON:** All right. Your Honor, at this
25 time, I move State's 13, 14, 15, 16, 18, 19, 20,

1 21, 22, 23, 24, 25 and 26, 33, 32, 29, 28 and 27
2 into evidence.

3 **THE COURT:** Without objection.

4 **MS. MUNSON:** Thank you, Your Honor.

5 **THE COURT:** They are in evidence.

6 (WHEREUPON, State's Exhibits 13, 14, 15, 16, 18,
7 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32 and 33
8 are admitted into the record.)

9 **BY MS. MUNSON:**

10 **Q** All right. Sergeant Shaw, you might want to
11 come down over here. Starting with State's Exhibit
12 Number 16 -- this is State's Exhibit Number 16 --
13 please orient the jury from where this photograph is
14 taken.

15 **A** The front door of the residence is in this
16 area coming straight back from the bathroom here to
17 the left of the kitchen and to the right.

18 **Q** Did you see anything that appeared to be
19 blood or anything in this main area here?

20 **A** No, we did not.

21 **Q** Let's look at State's 13. Please orient
22 the jury where this is.

23 **A** This is the front door leading out into the
24 front porch. There is an end table next to the door.

25 **Q** Okay. Did you find anything of evidentiary

1 value either on the inside or the outside of the
2 front door where the house is?

3 A I did not.

4 Q Now, State's 14. What does that show?

5 A This is a photograph. This is the front
6 door as you're coming in. This is the archway that
7 led to the -- there are two bedrooms straight back;
8 and to the left is where the kitchen was at.

9 Q State's Number 15 here, can you orient us
10 on this photograph?

11 A This photograph was taken, this is an end
12 table right by the front door. The door is to your
13 left. The archway is to your right.

14 Q On the hardboard floors, did you look for
15 anything that might be of value here?

16 A Yes, we did.

17 Q Did you find anything?

18 A We did not.

19 Q Let's move to State's Exhibit Number 21.
20 Can you orient us to this?

21 A This is the photograph taken of the back
22 door from the carport in this direction. We come to
23 the kitchen. There is a closet here. The victim's
24 bedroom is off to the right back in the rear corner.

25 Q What does this appear to be on the spots on

1 the floor on State's 21? What does that appear to be
2 to you?

3 **A** It is suspected blood. There were blood
4 droplets on the floor.

5 **Q** Let's go to State's -- this is Number 20.
6 Okay. What is that showing?

7 **A** This is a photograph of the door. The door
8 to the carport is over to the left. This is just a
9 photograph showing, like, a shower curtain. It had
10 light blood on the floor. It showed blood droplets.
11 We do -- it is called four-cornering, but we take
12 various photographs, one photograph in this direction
13 and then we take another photograph over there just
14 to show a sequence.

15 **Q** Let's look at State's 18. Orient us here.

16 **A** This is the refrigerator. This is a
17 freezer. This is the door leading out to the
18 carport.

19 **Q** If you are in the carport and you go
20 through the door that is on State's Exhibit Number
21 18, you will be in the kitchen? You will be right
22 there?

23 **A** That's correct.

24 **Q** All right. Let's look at State's Exhibit
25 Number 23. Where are we going this way?

1 **A** This is the -- there is a closet to the
2 left. There is a hardwood floor, back in this
3 direction leading to the bedrooms. This is the
4 linoleum that leads out into the kitchen from the
5 hallway.

6 **Q** Okay. State's Exhibit 24?

7 **A** This is the same closet, the closet door
8 here. Immediately around to the left is the archway
9 that goes into the living room and the hardwood floor
10 going into the kitchen.

11 **Q** What does all of this substance appear to
12 be to you?

13 **A** Blood.

14 **Q** Okay. Let's look at 25, State's 25.

15 **A** This is the wall that leads out into the
16 kitchen. Again, the hardwood floor and the wall
17 going into the kitchen. This is the wall showing
18 areas of blood, blood swiped along the wall.

19 **Q** Okay, 26. Where are we, State's 26?

20 **A** Bathroom and spare bedroom out in the
21 hallway. There was a stand. The victim's bedroom is
22 off to the right. This was a stand that was out in
23 the hallway. The kitchen would be off to the left.

24 **Q** Let's look at State's 27. Does that stand
25 that you are talking about appear in State's 27?

1 **A** It does. This photograph was taken from
2 inside the victim's bedroom. That was the hallway.
3 That is the stand out in the hallway.

4 **Q** All right. Let's look at State's 28. From
5 what perspective was this taken?

6 **A** This is the head of the bed. The
7 photograph was taken from the foot of the bed. There
8 is a sequence of photos that were taken showing the
9 location of items in the room, as well as the victim
10 and where she was on the bed.

11 **Q** What does this appear to be on the victim
12 -- the door of the victim's bedroom?

13 **A** There was blood, blood swiped on the side
14 of the -- the exterior side of the bedroom door.

15 **Q** What about right here?

16 **A** That is where blood had gotten on the wall
17 and had dripped down in a horizontal location.

18 **Q** Okay. State's 29. From where is this
19 taken?

20 **A** This is the same. It is a little farther
21 to the right. You can see the headboard, the
22 mattress, the victim's legs, and again this is just
23 another view of the bedroom facing out towards the
24 door.

25 **Q** All right. What does this appear to be, or

1 do you remember what that was?

2 **A** It was a cell phone. It was a cell phone
3 on the bed next to the victim.

4 **Q** What about 32. State's 32?

5 **A** This photo is to show there is a stool next
6 to the bed by the victim's foot. There was a cell
7 phone as well as some throat lozenges on that stool.

8 **Q** Finally, we have 33. Where's this taken?

9 **A** This is the back of the bedroom door.
10 There was a shoe rack on the back of the door. This
11 is just showing these areas of blood on the interior
12 side of the bedroom door.

13 **Q** Interior side?

14 **A** The interior side.

15 **Q** Okay. Nothing further at this time, Your
16 Honor.

17 **THE COURT:** All right, Mr. Kornfeld.

18 **CROSS-EXAMINATION**

19 **BY MR. KORNFELD:**

20 **Q** Sergeant Shaw, did you have any other
21 involvement with the case other than collecting the
22 forensic evidence at that time?

23 **A** No, sir.

24 **Q** Okay. Did you happen to check to see what
25 size shoes?

1 **A** I did not.

2 **MR. KORNFELD:** No further questions, Your
3 Honor.

4 **THE COURT:** Thank you. May we excuse this
5 witness?

6 **MS. MUNSON:** Yes, sir.

7 **MR. KORNFELD:** No objection, Your Honor.

8 **THE COURT:** Thank you, sir.

9 **MS. MUNSON:** Your Honor, may we approach?

10 **THE COURT:** Sure.

11 (WHEREUPON, a bench conference is held off the
12 record.)

13 **THE COURT:** Okay. Ladies and Gentlemen,
14 we have reached a point where we will end for
15 the day. We will pick up tomorrow morning at
16 9 o'clock. Now, please remember, when you
17 leave, not to talk about this case among
18 yourselves or with anyone else. If anybody
19 contacts you and tries to talk to you about the
20 case, get their names and addresses and report
21 back to me in the morning. Please keep your
22 badges on and have them on when you come back in
23 the morning.

24 Now, before I release you, I need to read
25 to you an order which was issued by our Chief

1 Justice and the Supreme Court back in July of
2 2009 that applies to jury service. If you will,
3 give me your attention and I will read it to you
4 at this time.

5 The use of personal communication devices
6 has continued to increase dramatically.
7 Accordingly, I find it necessary to supplement
8 my order of August 25, 2000 related to the use
9 of pagers, cell phones and other personal
10 communication devices in courtrooms to include
11 the following direction of the court. The Court
12 shall instruct jurors selected to serve on a
13 jury that until their jury services concluded,
14 they shall not, A, discuss the case with others,
15 including other jurors, except as otherwise
16 authorized by the court; B, read or listen to
17 any news reports about the case; C, use a
18 computer, cellular phone or any other electronic
19 device with communication capabilities, while in
20 attendance at trial or during deliberation.
21 These devices may be used during lunch breaks,
22 but not to be used to obtain or disclose
23 information prohibited in subsection D below.

24 Subsection D reads, use a computer,
25 cellular phone or other electronic device with

1 communication capabilities or any other method
2 to obtain or disclose information about the case
3 when they are not in court. Information about
4 the case includes, but is not limited to, the
5 following: information about a party, witness,
6 attorney, court officer, news accounts of the
7 case, information collected for juror research
8 on any topics raised or testimony offered by any
9 witness and, finally, information collected for
10 juror research on any topic the juror might
11 think would be helpful in deciding the case.
12 Notice of the contents of this order shall be
13 given to jurors.

14 With that, I'm going to excuse you for the
15 day. Please keep your badges on and have them
16 on when you come back in the morning. Please be
17 back promptly 9 o'clock in the morning.
18 9 o'clock. Thank you.

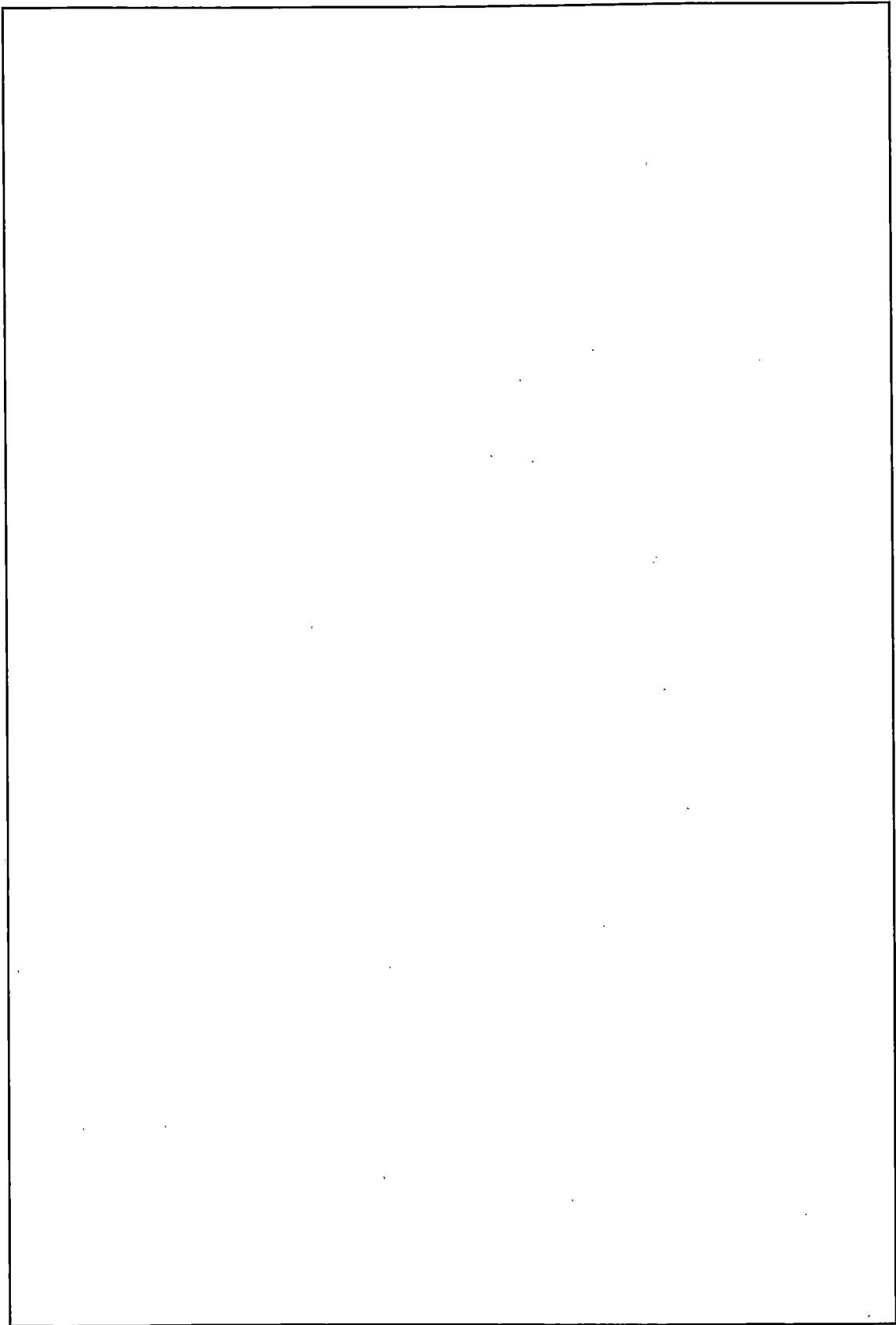
19 (WHEREUPON, the jury exits at approximately
20 4:47 p.m.)

21 THE COURT: All right. We will adjourn
22 and pick back up at 9 o'clock in the morning.

23 MS. MUNSON: Thank you, Your Honor.

24 (WHEREUPON, the Court recesses for the day at
25 approximately 4:48 p.m.)

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CERTIFICATE

177
177

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record, Volume 1 of 3, of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville, South Carolina, on this 26th day of April, 2016.

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

Teresa B. Johnson

Official Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF GREENVILLE	)	Case No(s) : 2014GS2307457
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	VOLUME 2 OF 3
Sylvester King,	)	
	)	
Defendant.	)	

November 30 - December 2, 2015
Greenville, South Carolina

B E F O R E:

HONORABLE VICTOR C. PYLE, JR., Judge.

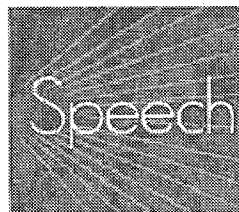
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P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 1st day of December, 2015 at approximately 9:03 a.m.)

THE COURT: All right. Anything before I bring the jury?

MS. MUNSON: Nothing from the State, Your Honor.

THE COURT: Okay.

MR. KORNFELD: No, Your Honor.

THE COURT: Bring them on.

(WHEREUPON, the jury enters at approximately 9:03 p.m.)

THE COURT: Good morning.

All right. Ms. Munson, you may proceed.

MS. SCOTT: The State calls -- and I'll have to get, Judge -- Officer Daniel Stipe.

THE CLERK: Sir, if you would, come forward to be sworn in. Please place your left hand on the Bible and raise your right.

DANIEL STIPE

having first been duly sworn, testifies as follows:

THE CLERK: Thank you. Please be seated.

DIRECT EXAMINATION

BY MS. SCOTT:

Q Would you state your name again for the

1 record?

2 **A** Officer Daniel Stipe.

3 **Q** And where do you work, Officer?

4 **A** Anderson City Police Department.

5 **Q** That's Anderson, South Carolina?

6 **A** It is.

7 **Q** On March 17th of 2014, were you dispatched
8 to the Anderson County hospital?

9 **A** I was.

10 **Q** What's the official name of that hospital?

11 **A** It has recently changed. It used to be
12 Anderson Area Medical Center, now it is AnMed Health,
13 I believe is the name of it now.

14 **Q** What was the time that you responded on
15 March 17th?

16 **A** I arrived at the hospital at 1:23 in the
17 morning.

18 **Q** And who did you encounter there?

19 **A** That's where I made contact with Sylvester
20 King and what I was told was his girlfriend, Sheila
21 Martin.

22 **Q** Now do you know how you got that call, how
23 you were dispatched to the hospital?

24 **A** I was dispatched to make contact with an
25 armed robbery victim.

1 Q Okay. Where was he and the female that was
2 with him when you made contact with him? What part of
3 the hospital?

4 A They were in the ER, uh, in a room inside
5 the ER.

6 Q Was he currently being treated at that ER?

7 A He was.

8 Q What did you think was the nature of his
9 injuries that he was being treated for?

10 A A cut to his hand that he received while he
11 was being -- or after the robbery.

12 Q First off, about that cut. Did you have an
13 occasion to look at that cut?

14 A I was.

15 Q How did that come about? How were you able
16 to look at the cut?

17 A Well, it was at a time when there was no
18 staff in there and he was bleeding from his hand.

19 Q And would you describe to the jury the kind
20 of bleed that you are talking about?

21 A At the time, it was a good bit of bleeding
22 because it was dripping blood.

23 Q Now, you said there was a robbery. What
24 details did he give you about the robbery that
25 resulted in that cut to his hand?

1 **A** He advised me that he had went to the
2 location at 127 Sanders Street, that's known as the
3 liquor house.

4 **Q** And where is that liquor house on Sanders
5 Street?

6 **A** It's in a very bad area of the community in
7 that area, also known as a drug community.

8 **Q** Is that community in Anderson?

9 **A** It is. It is Anderson city -- in Anderson
10 city limits, inside Anderson County.

11 **Q** And you are familiar with that liquor house
12 area?

13 **A** I am.

14 **Q** Okay. So what did he say happened at that
15 liquor house?

16 **A** Well, once he was there and hanging out, he
17 encountered some guys that were being disrespectful
18 to him or -- I'm sorry -- to his girlfriend.

19 **Q** To stop you there, Officer, the girlfriend
20 was the woman that he was with at the time?

21 **A** Yes, ma'am.

22 **Q** Sheila Martin?

23 **A** Yes, ma'am.

24 **Q** Continue.

25 **A** After they began being disrespectful to

1 him, he told me he just had to leave. During -- he
2 was walking back out to his car that was parked at
3 the road. As he was walking to his car, he said he
4 heard somebody holler at him. When he turned around
5 to make contact with the guys, he said he noticed
6 four guys walking up to him.

7 One of the guys told King that they didn't
8 know who he was and that he needed to give him that
9 -- I'm sorry. He needed to give them his jewelry.
10 The jewelry that he had was a gold necklace and two
11 gold rings. The value -- he told me the value of the
12 gold necklace and both of the gold rings was valued
13 at \$1080.

14 Q You documented that in a police report?

15 A I did.

16 Q What he told you?

17 A Yes, ma'am.

18 Q And the value of those rings?

19 A Yes, ma'am.

20 Q And jewelry?

21 A Yes, ma'am.

22 Q Were you able to get a written statement
23 from him after getting that oral narrative him?

24 A At the time, no, because of the situation
25 with his hand. The ER staff did come back in.

1 Usually I would like to get a written statement or
2 photographs to have it documented. But with the
3 injury to his hand, the ER staff was coming back in
4 to assess him, to take care of him, I was not able to
5 at the time. I knew our investigator would be able
6 to come back up in the morning and talk to him.

7 Q When you were talking to him, about how
8 long was your encounter with him?

9 A I would say approximately 20 to 30 minutes.

10 Q What do you do when you take a report --
11 get an incident like that reported to you, what's the
12 next step that you take?

13 A To document it, do the actual report, any
14 kind of -- if I were able to get photographs or able
15 to get a written statement, I'll have a case file and
16 it gets turned over to our investigator who --
17 whoever is assigned to the actual report.

18 Q Did this case get turned over to an
19 investigator?

20 A It did.

21 Q Just going back to the report, do you
22 document the names of the people that you talk to?

23 A I do.

24 Q Do you also document addresses they give
25 you?

1 **A** Yes, ma'am.

2 **Q** And perhaps phone numbers?

3 **A** Yes, ma'am.

4 **Q** In this case, did you do that for Mr.
5 Sylvester King and also Ms. Sheila Martin?

6 **A** Yes, ma'am.

7 **Q** All right. Answer any questions defense
8 counsel might have for you.

9 **CROSS-EXAMINATION**

10 **BY MR. KORNFELD:**

11 **Q** Officer, how do you say your last name
12 again?

13 **A** Stipe.

14 **Q** Okay. Officer Stipe, do you remember
15 whether or not Ms. Martin was doing most of the
16 talking or whether or not Mr. King?

17 **A** Mr. King.

18 **Q** What was his demeanor at that time?

19 **A** He was obviously concerned about his
20 injury. Like I said, I also believe that he was in
21 pain from the injury he was getting. I wasn't
22 necessarily able to question him as much. The
23 interrogation part of the questioning of the event,
24 he had very -- I want to say very little as far as
25 suspect descriptions. I tried to get as much as I

1 could from him as far as suspect descriptions. I
2 tried to get as much as I could from him as far as
3 suspects and weapons used and that type deal.

4 Q Officer Stipe, would it be fair to say that
5 Sheila was an asset to you at that time to facilitate
6 or supplement the facts? You said it was hard to get
7 information from him. At that point, did you look at
8 Sheila and ask her? How did that work out?

9 A It may be if I asked him a question -- if I
10 asked him a question, he's a victim. That's who I
11 want to talk to first and foremost. Depending on --
12 it doesn't always document in the report who I got
13 the information from because they were both together.
14 When I talked to them, they were both at the location
15 of where the incident happened at. So sometimes, he
16 might not know the answer. I may -- would have asked
17 her. But like I said, always in the report because
18 of everything, they were together throughout the
19 whole time, I don't always document in the report to
20 who I talked to.

21 Q Sure. This is in a hospital. Is it in an
22 emergency room or in another room?

23 A It is in an emergency room. I do believe
24 the night I made contact with them, it was in a big,
25 open room. There may have been some type of divider

1 to separate rooms or they may have even been in a
2 separate room.

3 Q So you are not equipped -- I believe you
4 said you are not equipped to -- for -- definitely not
5 for a video recording like you would at a LEC or
6 something like that or any recording; is that
7 correct?

8 A Now, we do start to have the body cameras.
9 At the time, I don't know if I had a body camera on
10 me or not at the time.

11 Q Okay. Thank you, Officer Stipe. No
12 further questions.

13 THE COURT: Any redirect?

14 MS. SCOTT: Nothing further from the
15 State, Your Honor.

16 THE COURT: Thank you.
17 Step down.

18 Can we excuse this officer?

19 MS. SCOTT: Carla Roberson.

20 MS. MUNSON: Yes, Your Honor.

21 THE COURT: All right.

22 THE CLERK: Would you please come forward
23 to be sworn in. Please place your left hand on
24 the Bible and raise your right.

25 CARLA ROBERSON

1 having first been duly sworn, testifies as follows:

2 **THE CLERK:** Thank you. You may be seated.

3 Would you please state your name for the record?

4 **THE WITNESS:** Carla Roberson.

5 **THE CLERK:** Thank you.

6 **DIRECT EXAMINATION**

7 **BY MS. SCOTT:**

8 **Q** Investigator Roberson, where do you work?

9 **A** Anderson Police Department.

10 **Q** That's the Anderson Police Department in
11 South Carolina?

12 **A** Yes.

13 **Q** Were you assigned a case that was produced
14 March 17th, 2014?

15 **A** Yes.

16 **Q** Did that case involve Sylvester King?

17 **A** Yes.

18 **Q** How did you get that case?

19 **A** I work violent crimes against persons.

20 Usually, when we get an armed robbery case, I handle
21 all armed robbery cases for the city of Anderson.
22 That case was assigned to me the morning of March
23 17th, 2014. I received it that morning.

24 **Q** You say you received it, what did you
25 receive, what kind of package did you receive?

1 **A** It's an incident. We come in every morning
2 and we check what cases that have been assigned to us
3 by our supervisors. The case was assigned to me that
4 morning.

5 **Q** Did you have the police report that was
6 generated by another officer, Daniel Stipe?

7 **A** Yes.

8 **Q** On that police report -- well, what are the
9 things that you are looking for in that police report
10 to start your investigation?

11 **A** Contact information, victim's information,
12 everything, incident uh, giving an overview of what
13 happened, what occurred the night before or allegedly
14 occurred the night before.

15 **Q** You mentioned that you received contact
16 information. Did you attempt to contact the people
17 that were involved in the robbery?

18 **A** Yes. The only number that I had was a
19 Sylvester King number.

20 **Q** Did you attempt to contact that number?

21 **A** Yes, I did.

22 **Q** What was that attempt to contact?

23 **A** It was unsuccessful.

24 **Q** All right. We know that phone numbers are
25 a way to contact someone. Was there an address

1 given?

2 **A** Yes.

3 **Q** Were you able to use that address to your
4 advantage to get in contact with him?

5 **A** Yes, and no one was home.

6 **Q** No one was home at the address?

7 **A** At the address that was given.

8 **Q** What was that address?

9 **A** I believe it was [REDACTED] [REDACTED]. It was in
10 Williamston, South Carolina, which is about 20
11 minutes away from the city of Anderson. It was [REDACTED]
12 [REDACTED], Williamston, South Carolina.

13 **Q** Now, also in particular to that incident
14 that was described by Mr. King, where is that
15 location he said he was robbed? What type of area
16 are we talking about?

17 **A** A drug infested area where, uh, you have
18 alcohol in the area. You do have alleged robberies
19 in the area. It's pretty much a drug infested area,
20 part of town, part of the city of Anderson.

21 **Q** Now, did you have any contact with any
22 other law enforcement than Anderson City Police?

23 **A** Yes, Detective Peeples called me that same
24 morning and wanted to know had I made contact with
25 Mr. King. And if not, if I could make contact with

1 him and have him to come down to the City of Anderson
2 to talk him about the case.

3 Q Answer any questions that the defense might
4 have for you.

5 MR. KORNFIELD: No questions for Sergeant
6 Roberson.

7 THE COURT: Thank you. You can step down.
8 Can she be excused?

9 MS. SCOTT: Yes, sir, Your Honor. Thank
10 you.

11 THE COURT: Thank you.

12 MS. MUNSON: Your Honor, the State calls
13 Craig Hawkins.

14 THE CLERK: Mr. Hawkins, if you would,
15 come over to be sworn in please. Please place
16 your left hand on the Bible and raise your
17 right.

18 CRAIG HAWKINS
19 having first been duly sworn, testifies as follows:

20 THE CLERK: Thank you. Please be seated.
21 Please state your name for the record.

22 THE WITNESS: Craig Hawkins.

23 THE CLERK: Thank you.

24 DIRECT EXAMINATION

25 BY MS. MUNSON:

1 Q Who do you work for, sir?

2 A I work with the Greenville County Sheriff's
3 Office Warrants Division.

4 Q How long have you been with the Sheriff's
5 Office?

6 A 15 years.

7 Q How long have you been in the warrant
8 division?

9 A Uh, 11.

10 Q Okay. What are your duties in the warrant
11 division?

12 A I'm assigned to the US Marshall Task Force
13 here in Greenville. We go out and apprehend violent
14 warrants that are assigned to us.

15 Q Okay. You don't go looking unless there is
16 a warrant?

17 A That's correct.

18 Q Okay. Did you become involved in trying to
19 locate someone involved in this case?

20 A Yes, ma'am. We had received active
21 warrants for a young man by the name of Sylvester
22 King.

23 Q All right. Who -- how did you go about
24 trying to locate him?

25 A Through interviews and surveillance, we

1 located Mr. King on the, I believe it was the 26th of
2 March at [REDACTED] [REDACTED] in Spartanburg,
3 apartment [REDACTED]

4 Q Prior to locating him there, what led you
5 to that apartment in Spartanburg?

6 A We found -- I guess it was one of his any
7 girlfriends or acquaintances. We located a female
8 down in Anderson, South Carolina. Watched a place
9 down there. Finally, we did a knock-and-talk. She
10 directed us to a female in Spartanburg that lived at
11 that address.

12 Q Who was the female that was interviewed in
13 Anderson?

14 A Martin, Ms. Martin.

15 Q Okay. You got information from her. Did
16 you go right then?

17 A Maybe the next morning, we started looking
18 at the apartment in Spartanburg. I believe it
19 belonged to a Kumiko Mitchell.

20 Q Okay.

21 A And we started surveillance on that
22 apartment.

23 Q Okay. So when you say you started
24 surveillance on the apartment, describe that.

25 A Sit back, watch and see if we saw Mr. King

1 or who was coming and going from the apartment.

2 Q Describe the area. Was it a second-floor
3 apartment, ground-floor?

4 A Ground-floor apartment.

5 Q Okay. Did it have a back entry or exit?

6 A Yes, ma'am, it had a front and back door.

7 Q How many of you were watching the apartment
8 that you were directed to by Sheila Martin?

9 A Sometimes start off with two and, I think
10 at most, five.

11 Q Okay. At some point, did you make contact
12 with the person who lived in the apartment, Ms.
13 Mitchell?

14 A We noticed -- uh, I was sitting on the back
15 door watching one day on the 26th of March. I
16 noticed -- we noticed Ms. Mitchell leave. At that
17 point, I noticed a subject open the back door and
18 stick his head out and then go back inside.

19 Q Okay.

20 A At that point, we surrounded the apartment
21 and made contact.

22 Q Where were you when you saw him stick his
23 head out?

24 A I was watching the back door.

25 Q In a car?

1 **A** I was sitting in my unmarked vehicle.

2 That's correct.

3 **Q** Was anybody in your car with you?

4 **A** No, ma'am.

5 **Q** How were you dressed?

6 **A** I was dressed in plain clothes with a raid
7 vest.

8 **Q** Okay. When you say he stuck his head out
9 and looked around, did y'all make eye contact?

10 **A** No. He never looked at me but I did notice
11 a black male subject stick his head out of the door
12 and then go back inside. He never physically came
13 all the way out.

14 **Q** Okay. When you surrounded the apartment,
15 what happened next?

16 **A** I was at the back door. A couple of my
17 guys were at the front door. They advised me that
18 they had contact with Sylvester King at the front. I
19 immediately ran around and had him thrown down right
20 at the doorway and put him in handcuffs.

21 **Q** He didn't give you any trouble?

22 **A** No, ma'am.

23 **Q** How much time did you spend with him?

24 **A** Well, once I stood him up and put him in
25 handcuffs, he rode with one of my workers. I just

1 followed them down. So maybe I was face-to-face with
2 him for no more than 10 minutes.

3 Q Okay. About what time of the day was this?

4 A Mid-day.

5 Q Okay. So it was at night?

6 A No, ma'am. It was not night.

7 Q Do you think you would recognize him if you
8 saw him again?

9 A Yes, ma'am.

10 Q Do you see him today?

11 A Yes, ma'am.

12 Q Could you point him out for the jury
13 please?

14 A (Indicating.)

15 Q Can you describe something he is wearing
16 for the record?

17 A He's wearing either a light gray or a white
18 button-up shirt.

19 MS. MUNSON: Your Honor, may the record
20 reflect that he has identified the defendant.

21 THE COURT: All right.

22 BY MS. MUNSON:

23 Q When you got him, where did you take him?
24 Where did your coworker take him?

25 A We transported -- I followed behind -- we

1 transported him directly to the Greenville County Law
2 Enforcement Center where he was turned over to
3 homicide investigators.

4 **MS. MUNSON:** Okay. I have nothing further
5 of this witness, Your Honor.

6 **THE COURT:** Cross-examination?

7 **MR. KORNFELD:** Mr. Hawkins, no questions.

8 **THE COURT:** May we excuse the witness?

9 **MS. MUNSON:** Yes, sir, Your Honor.

10 **THE COURT:** Thank you, sir.

11 **THE CLERK:** Would you please come forward
12 to be sworn in. Please place your left on the
13 Bible and raise your right.

14 **SHAWNEE PEEPLES :**

15 having first been duly sworn, testifies as follows:

16 **THE CLERK:** Thank you. You may be seated.
17 Would you please state your name for the record.

18 **THE WITNESS:** Shawnee Peeples.

19 **THE CLERK:** Thank you.

20 **DIRECT EXAMINATION**

21 **BY MS. MUNSON:**

22 **Q** Who do you work for, ma'am?

23 **A** I work for the Greenville County Sheriff's
24 Office.

25 **Q** How long have you been with the Sheriff's

1 Office?

2 **A** I've been there over 14 years.

3 **Q** What division are you assigned to now?

4 **A** I'm currently assigned to the Criminal
5 Investigations Division.

6 **Q** What other jobs have you had with the
7 sheriff's office?

8 **A** I worked uniform patrol for six years. I
9 worked in the juvenile division. I worked in family
10 violence. I'm currently assigned to homicide.

11 **Q** When did you become involved in this case?

12 **A** I became involved on March 17th, 2014.

13 **Q** What were you supposed to be doing? What
14 was your task?

15 **A** I was just helping with the case. It
16 happened the night before. I was listening to them
17 as they were talking about the case and just finding
18 out what I could do to help piece some things
19 together.

20 **Q** When you say you were listening to them,
21 who are you talking about?

22 **A** The guys in homicide. I was assigned to
23 family violence at the time of this incident.

24 **Q** Okay. At some point, did you get some
25 information that sort of gave you an idea?

1 **A** Yes. When I was back there, there was a
2 name that came up, Mr. Sylvester King. I was advised
3 that that day he called in to work and he told his
4 job that he was a victim of a home invasion where he
5 was injured.

6 **MR. KORNFIELD:** I object unless the
7 foundation is laid, Your Honor.

8 **THE COURT:** I overrule. Go ahead.

9 **BY MS. MUNSON:**

10 **Q** So there was information that he called out
11 of work and been a victim?

12 **A** Yes.

13 **Q** What did you do with that information?

14 **A** As soon as I heard he was injured, I
15 decided to take it upon myself to start calling the
16 area hospitals to see if he went to the hospitals to
17 get medical attention for his injuries. I first
18 called the Greenville Memorial Hospital. Then I
19 called St. Francis Hospital. He hadn't been seen at
20 those two hospitals. When I pulled his driver's
21 license, I saw he had an address in Williamston which
22 is in Anderson County. So then I called AnMed. When
23 I called AnMed, they advised that he had been seen at
24 AnMed Hospital in Anderson County.

25 **Q** What did you do with that information?

1 **A** I contacted AnMed. They confirmed it. I
2 obtained an order for production of record for the
3 medical records. They also advised me that the
4 Anderson City Police Department was contacted. I
5 contacted the police department and asked them to
6 send us a copy of that report. I also contacted
7 their security department to see if they could get
8 footage from the hospital the night that he was
9 there.

10 **Q** Footage of what?

11 **A** Footage of him coming into the hospital to
12 seek treatment.

13 **Q** Once you asked for that information, did
14 you go collect it?

15 **A** I did. I drove to Anderson and I obtained
16 that information.

17 **Q** All right. After you did that, did you
18 speak with anyone else involved in the case?

19 **A** Yes, I was with Investigator Fortner. We
20 spoke to Mr. Jakevious Wright.

21 **Q** Okay. And who was he?

22 **A** He was the current boyfriend.

23 **Q** Of who?

24 **A** Of the deceased.

25 **Q** Did you reach out to anyone else in the

1 case?

2 **A** I did speak to some family members. They
3 gave information about vehicles and other things that
4 Mr. King would be driving.

5 **Q** Did you have a conversation with anyone
6 else in Anderson other than the police and the AnMed
7 Hospital?

8 **A** Yes, they were trying to make contact with
9 the female. Her name was Sheila Martin. She lived
10 in Anderson. I attempted to call her to see if we
11 could talk to her, but she was very rude to me on the
12 phone and she hung up with me.

13 **Q** Okay. When you got her on the phone, did
14 you identify yourself?

15 **A** Yes, I did.

16 **Q** How did you identify yourself?

17 **A** I identified myself as Investigator Peeples
18 with the Greenville County Sheriff's office.

19 **Q** Did you tell her what you wanted?

20 **A** I told her I just needed to talk to her.
21 She was very -- she just didn't want to hear it and
22 she hung up the phone on me.

23 **MS. MUNSON:** I have nothing further at this
24 time, Your Honor.

25 **MR. KORNFIELD:** No questions for

1 Investigator Peeples.

2 THE COURT: Thank you. You can step down.
3 Can she be excused?

4 MS. MUNSON: Yes, Your Honor. Okay. May we
5 approach, Your Honor?

6 THE COURT: Sure.

7 (WHEREUPON, a bench conference is held off the
8 record.)

9 THE COURT: Take the jury out for a short
10 recess.

11 (WHEREUPON, the jury exits at approximately
12 9:30 a.m.)

13 THE COURT: How much time do you think you
14 need?

15 MS. MUNSON: Maybe 10.

16 THE COURT: Okay. That is fine.

17 (WHEREUPON, a short recess is taken.)

18 THE COURT: All right. We ready?

19 MR. KORNFELD: I just have a preliminary
20 matter. I think we are in agreement. I just
21 want to put it on the record. There is a
22 possible evidentiary issue, in my opinion, I
23 don't know if there would be or not, but with
24 the DNA evidence coming in. On the other hand,
25 we would like the evidence in. I just want to

1 make sure my client knows that on the record
2 that we are bringing that and that we want that
3 evidence on the record.

4 Is that correct, Mr. King?

5 **MR. KING:** Yes.

6 **THE COURT:** Okay.

7 **MS. MUNSON:** Let me see if they are out
8 there. (Pause.)

9 They are two DNA experts. They've been on
10 the way for about 10 minutes.

11 **THE COURT:** Okay.

12 **MS. SCOTT:** We're ready, Your Honor.

13 **THE COURT:** You ready? Okay. Bring the
14 jury please..

15 **(WHEREUPON,** the jury enters at approximately
16 9:59 a.m.)

17 **THE COURT:** All right, Solicitor. You may
18 proceed.

19 **MS. MUNSON:** Thank you, Your Honor. May
20 it please the court. The State calls Timothy
21 Nafziger.

22 **THE CLERK:** Mr. Nafziger, if you would,
23 come forward to be sworn in. Please place your
24 left hand on the Bible and raise your right.

25 **TIMOTHY NAFZIGER**

1 having first been duly sworn, testifies as follows:

2 **THE CLERK:** Thank you. You may be seated.
3 Would you please restate your name for the
4 record?

5 **THE WITNESS:** Timothy Nafziger.

6 **THE CLERK:** Thank you.

7 **DIRECT EXAMINATION**

8 **BY MS. MUNSON:**

9 **Q** Who do you work for, sir?

10 **A** I work with the Greenville County
11 Department of Public Safety in the DNA lab.

12 **Q** How long have you been with them?

13 **A** Almost a year and a half.

14 **Q** Where were you working before that?

15 **A** I had several jobs. But I taught. I was an
16 adjunct instructor of, uh, -- in the Biology
17 department at Piedmont Tech most recently.

18 **Q** Okay. Tell the jury about your educational
19 background.

20 **A** I have a Bachelors degree in biological
21 science from Clemson and a Masters degree in
22 entomology from Auburn.

23 **Q** You have any specialized training in the
24 field of serology?

25 **A** I was trained for five months under the DNA

1 technical leader after I was hired here, and I take
2 an annual proficiency exam as well.

3 Q Have you passed the annual proficiency
4 exams?

5 A Yes.

6 Q What do you do for the DNA lab?

7 A My main job is biological screening and
8 basically screen for human bodily fluids on evidence
9 and take samples to be used for DNA analysis.

10 Q How often -- how many screenings would you
11 say you have done in your time at Greenville County?

12 A I have done approximately 1800 individual
13 items that I have examined in over 200 cases.

14 Q Have you ever been qualified as an expert
15 in the field of serology in the courts of Greenville,
16 South Carolina?

17 A Yes, I have.

18 Q How many times?

19 A Twice previously.

20 MS. MUNSON: Your Honor, at this time, I'd
21 offer Mr. Nafziger as an expert in the field of
22 serology.

23 THE COURT: Any voir dire pertaining to
24 his expertise?

25 MR. KORNFELD: No, Your Honor.

1 **THE COURT:** Thank you. He's qualified.

2 **BY MS. MUNSON:**

3 **Q** Now, Mr. Nafziger, did you screen some
4 samples in this case?

5 **A** I did.

6 **Q** Approximately how many or can you say
7 exactly how many samples?

8 **A** Let me just look in my report.

9 **Q** Yes, sir.

10 **A** I examined 50 items in this case.

11 **Q** Okay. First of all, where did you get these
12 items?

13 **A** I received them all from Property and
14 Evidence. I picked them up at the counter at the Law
15 Enforcement Center downtown.

16 **Q** Then what do you do with them when you get
17 the samples?

18 **A** When I collect the items, I bring them back
19 to the DNA lab. They are in my possession the whole
20 time. I secure them in our DNA freezer, one, or in a
21 cabinet in our lab. Our entire lab is secure.

22 **Q** When you begin to work on these samples,
23 first of all, what do they -- describe what they look
24 like when you get them.

25 **A** They are all in sealed packaging in one

1 form or another depending on what the evidence type
2 is.

3 Q When you are looking at the samples when
4 you first get them, do you examine the seals of the
5 packaging?

6 A I do. I make sure they are sealed before I
7 work on them.

8 Q Are there any samples that you examined in
9 this case that appear to have been tampered with or
10 mishandled?

11 A No, they were not.

12 Q All right. So just describe for the jury
13 what you are doing with each one of these samples?

14 A Most of the samples I received in this case
15 are swabs. Some of them were touch DNA or contact
16 DNA. There was really no test that I needed to do.
17 I just simply sampled the swab and put it in a small
18 tube and stored it for DNA analysis later. Some
19 items, if they were of -- a lot of items in this case
20 were of suspected blood. Those cases, I would run a
21 presumptive test for blood on each of those before I
22 sampled them.

23 Q If you get a swab, for example, and then
24 you test it to see if it is presumptive for blood,
25 what is the next thing that you do with it?

1 **A** I will sample. Sometimes, even if it is
2 negative, I note whether it is negative or positive.
3 Sometimes there can be contact DNA of another sort.
4 We know that further on when the DNA analyst does it.
5 I don't do that part. But I will take the sample and
6 put it in a tube and store it in our DNA freezer for
7 further DNA analysis.

8 **Q** Okay. The samples that you get, are they
9 identified in any way?

10 **A** Yes, I give them each -- when I bring in
11 the items from Property and Evidence, I give them
12 each a number, a lab number so it can help me keep
13 track of them. Then, I give them a sub-item number
14 when I take a sample from that item. Each of those
15 are identified by a sub-item number and I also create
16 a barcode label that I attach to the packaging. I
17 seal them each in an individual envelope and place a
18 barcode label on them.

19 **Q** For example, if you have a swab that is
20 listed as DK-2, first of all, do you know what the DK
21 stands for?

22 **A** It is my understanding that it is typically
23 the initials of whoever collected it.

24 **Q** All right. You get a sample that says DK-
25 2, do you give it a different number?

1 **A** I do.

2 **Q** Okay. What's the purpose of that?

3 **A** It just helps us track our items. When I
4 get an item, I just number them 1 through however
5 many I have. In this case, 50. So all the items I
6 picked it up were numbered 1 through 50. In my
7 report, I note the original item number, for example,
8 DK-2. If I'm just looking at my report, DK-2 is Item
9 2 in my report.

10 **Q** Okay. Now, you were talking about
11 presumptive test for blood and then you screen for
12 DNA, is that what you do?

13 **A** That's basically what happens when I get a
14 presumptive test for blood. The tests I run did not
15 -- do not indicate human blood. It can be any type,
16 it can come from any organism that has red blood but
17 it's just a screening. It doesn't tell me for sure
18 if there is human DNA but there is likely DNA at that
19 point. So I take that and it's worth handing on to
20 the DNA analysis to test.

21 **Q** What about swabs that you say were for
22 touch DNA? Did you get any of those in this case?

23 **A** Yes, we did or I did. I don't do any
24 screening if it is touch DNA. Often, it's a very low
25 amount of DNA anyway with that. So I just simply

1 sample the swab and the DNA analyst will make further
2 determination.

3 Q You prepare it for the DNA analyst?

4 A That's correct.

5 Q The items that you got -- I am referring to
6 Item 4 and Item 40, now what were they?

7 A Those were the references, the known
8 references that we were given for this case.

9 Q Reference, explain what you mean by that.

10 A A reference is a known DNA sample from
11 someone. We have to have it, the DNA analyst will
12 ultimately have to have a known sample to compare the
13 evidence to. So that's what those were for.

14 Q How were they listed?

15 A Those are listed as reference items at the
16 end of my report.

17 Q Okay.

18 A I have them numbered as Item 4 and Item 40.

19 Q What were the items that you have as 4 and
20 40?

21 A The items that I have, Item 4 was the blood
22 spot of Janice Hackett-Lewers. I have it listed as
23 case item number NEF-R. And Item 40 were buccal swabs
24 from Sylvester Keejuan King. The item number was
25 NEF-V.

1 **MS. MUNSON:** Have nothing further at this
2 time, Your Honor.

3 **THE COURT:** Mr. Kornfeld?

4 **MR. KORNFELD:** No questions, Your Honor.

5 **THE COURT:** Thank you, sir. You can step
6 down.

7 Can he be excused?

8 **MS. MUNSON:** Yes, ma'am -- yes, sir, Your
9 Honor.

10 **THE COURT:** Thank you, sir.

11 **MS. MUNSON:** The State calls Dr. Kandala.

12 **THE CLERK:** Dr. Kandala, if you would,
13 come forward to be sworn in please.

14 **JAGANNADHA KANDALA**

15 having first been duly sworn, testifies as follows:

16 **THE CLERK:** Thank you. You may be seated.
17 Please state your name for the record.

18 **THE WITNESS:** My name is Jagannadha
19 Kandala.

20 **THE CLERK:** Thank you.

21 **DIRECT EXAMINATION**

22 **BY MS. MUNSON:**

23 **Q** Who do you work for, Doctor?

24 **A** I work for the Department of Public Safety
25 in the Forensic Division.

1 **Q** How long have you been there?

2 **A** About seven and a half years.

3 **Q** Do you have any prior experience in the DNA
4 field?

5 **A** Yes, I worked in research and teaching for
6 about 25 years, teaching microbiology and working in
7 microbiology for 25 years.

8 **Q** Okay.

9 **A** And then, I worked 16 years in the DNA
10 Forensics.

11 **Q** All right. What is your current title at
12 the DNA lab in Greenville?

13 **A** I am the technical leader for the DNA lab.

14 **Q** What does that involve?

15 **A** Basically, I am also an analyst, but I take
16 care of the DNA lab.

17 **Q** Okay. Tell the jury about your educational
18 background.

19 **A** I have a BS in biology and chemistry, a
20 Masters in chemistry, a Masters in microbiology and a
21 PhD in biochemistry.

22 **Q** Did you have any particular training in the
23 field of DNA?

24 **A** I have been working with DNA analysis and
25 research itself, so this is only a minor part of it.

1 I also got training in forensics in 1997 for about a
2 year. Then, I started working. I have a come here
3 in 2008 as the DNA technical leader and started the
4 lab.

5 Q Okay. Now, Dr. Kandala, how many DNA
6 analysis -- analyses would you say that you have done
7 in your years?

8 A The number of cases may be exceeding more
9 than 100.

10 Q Okay.

11 A 100 to 150. But the number of samples I
12 might have done is probably in the thousands.

13 Q All right. Have you ever been qualified as
14 an expert in the field of DNA analysis in the courts
15 of South Carolina?

16 A Yes.

17 Q How many times, sir?

18 A I cannot recall, but more than -- this
19 year, more than 15 times maybe.

20 MS. MUNSON: Okay. Your Honor, at this
21 time, offer Dr. Kandala as an expert in the
22 field of DNA analysis.

23 THE COURT: Any voir dire?

24 MR. KORNFELD: No, Your Honor.

25 THE COURT: He is qualified.

1 BY MS. MUNSON:

2 Q Dr. Kandala, did you get -- did you analyze
3 the samples in this case?

4 A Yes.

5 Q And from where did you get the samples you
6 analyzed?

7 A Normally, in the lab, Mr. Nafziger gets all
8 the samples from the Property and Evidence. He does
9 the serology for the lab. From there, he stores them
10 in the lab -- freezer in the DNA lab, and then the
11 DNA analyst, another analyst or I, take them from the
12 freezer and then analyze them for the DNA.

13 Q Okay. Did you do that in this case?

14 A Yes.

15 Q So what exactly is involved in the DNA
16 analysis?

17 A In DNA analysis, what we do is we take the
18 DNA samples, extract the DNA, purify the DNA from the
19 study cell material, and then quantify the DNA.
20 Quantification is necessary because in the next step,
21 what is called the bottomless chain reaction, we copy
22 the DNA. We need only a nanogram of DNA. In order
23 to know how much DNA is there in the extracted
24 material, we go and quantify that. From there, we
25 take one nanogram of DNA; and then amplify that or

1 copy that; and then analyze it on the machine to get
2 a profile from the DNA.

3 Q Now the machinery that you use in the lab,
4 is it in proper working order?

5 A Yes, it is always tested before working.
6 All the materials are validated. We also quantify
7 proficiency. Two proficiencies are done for the
8 analyst -- DNA analyst. And then, we verify them all.

9 Q So the machinery you use in this case,
10 prior to working on this case, the machinery was
11 performing properly?

12 A Yes, also, we run on the machine a known
13 sample always supplied by the company. We call that
14 positive control.

15 Q Okay.

16 A Also, we use a negative control, which
17 doesn't have a sample, to show that the machine
18 doesn't give any DNA out of it.

19 Q Doctor, in layman's terms, what exactly is
20 DNA?

21 A It is a blueprint in every organism. It
22 stores all the necessary material. Anybody who is --
23 any organism which has DNA, all the material is the
24 genetic material, which is a blue copy of it.

25 Q Okay. Earlier in your testimony, you said

1 that you extract the DNA and then purify it?

2 **A** Uh-huh.

3 **Q** Does that change the DNA in any way?

4 **A** No.

5 **Q** Okay.

6 **A** It only -- because a cell, in general, what
7 it has got is a lot of other molecules in it like
8 RNA, proteins and other kinds of material. So what
9 we are trying to do here is take out the DNA,
10 separate it out from the rest of the material in the
11 cell.

12 **Q** Okay. Now, how many items did you work on
13 in this particular case?

14 **A** I think I have worked on about 30 samples,
15 if I am correct on this. If you want me to count, I
16 can count it. (Pause.)

17 I think it was 55 samples probably.

18 **Q** Okay. Now, when you extract the DNA and
19 its copy ---

20 **A** Yes.

21 **Q** --- what's the next thing that you do?

22 **A** Often, the ramification copying, the DNA is
23 amplified. Because we are trying to separate human
24 being to human being in this case. So, there are 16
25 areas on the DNA that we copy, small pieces of DNA.

1 These 16 areas will not be the same in two people,
2 except for maternal twins. So, when we look at the
3 16 areas, they differ definitely between two people,
4 except for the maternal twins.

5 Q Maternal twins?

6 A Yes.

7 Q Okay. Now after you did your analysis,
8 then you compared to the references that you had, ---

9 A Yes.

10 Q -- in your examination, did any of the
11 samples that you examined matched the DNA of Janice
12 Hackett-Lewers?

13 A Yes.

14 Q If you don't mind, Doctor, just go through
15 your report and tell the jury which samples.

16 A Yes. I have a swab from the kitchen closet
17 doorknob, swab from son's bedroom doorknob, swab from
18 victim's bedroom doorknob, swab of suspected blood
19 from top steps to rear kitchen door, suspected swabs
20 from Samsung cell phone on the stool in the victim's
21 bedroom, swabs from buttons of Samsung cell phone on
22 the stool in victim's bedroom, suspected blood swabs
23 from Samsung Verizon phone, swab from touchscreen of
24 Samsung Verizon phone, suspected blood swabs from the
25 charger of Samsung Verizon phone, fingernail

1 clippings from right hand of Janice Hackett-Lewers,
2 finger nail clippings from left hand of Janice
3 Hackett-Lewers, DNA profile obtained from each of
4 these items match each other and is from a single
5 female individual. This DNA profile matches Janice
6 Hackett-Lewers. And excluding an identical twin,
7 Janice Hackett-Lewers is the source of this DNA to a
8 reasonable degree of scientific certainty.

9 Q Okay. Did you have any samples that you
10 examined that matched the DNA of Sylvester King?

11 A Yes.

12 Q What were those?

13 A Swab from exterior side knob of rear
14 kitchen door, swab of suspected blood from rear
15 passenger door handle of vehicle in the carport, swab
16 of suspected blood from carport ground near rear
17 passenger door, swab of suspected blood from exterior
18 car of port window -- from -- of carport window, swab
19 of suspected blood from interior of rear door on
20 driver's side, swab of suspected blood from rear door
21 frame on driver's side, swab of suspected blood from,
22 uh, -- this is a floor mat, and swab of suspected
23 blood from a carpet from floor mat from front
24 passenger side, and swab of suspected blood from
25 interior of the front windshield, swab of suspected

1 blood from top of steering column, swab of suspected
2 blood from front of steering wheel, swab of suspected
3 blood from turn signal shifter, sample reddish-brown
4 stain on the carpet cut piece, swab of brown stain on
5 the vehicle carpet large stain, swab from blood
6 stain, the seat.

7 Q All right.

8 A The DNA profile obtained from each of these
9 items match each other and is from a single male
10 individual. This DNA profile matches Sylvester
11 Keejuan King. And excluding an identical twin,
12 Sylvester Keejuan King is the source of this DNA to a
13 reasonable degree of scientific certainty.

14 Q All right. Now, Dr. Kandala, did you sample
15 some other -- the results of other samples, were they
16 mixed or didn't match anybody at all?

17 A There are other samples that matched -- or
18 either we could not separate them. They are a
19 partial or the DNA is very little DNA.

20 Q There's not enough DNA?

21 A Right.

22 Q What, for example, sample that you have as
23 9-1? What was that sample?

24 A Swab from front interior door handle on the
25 driver side.

1 Q Okay.

2 A DNA results obtained from this swab are
3 consistent with a mixture of two people, a major male
4 and a trace contributor. The major contributor
5 matches Sylvester Keejuan King. And excluding an
6 identical twin, Sylvester Keejuan King is the source
7 of this DNA to a reasonable degree of scientific
8 certainty.

9 The trace contributor is an unknown and --
10 what loci means is the 16 areas we were talking
11 about. We call them -- each one is a locus and the
12 plural is the loci. So four areas, just a very
13 little amount so it cannot be clearly said who it
14 belongs to. That's all.

15 Q So, for example, 9.1, he's the major
16 contributor, but there is not enough DNA to where you
17 can say it's for sure him, correct?

18 A In this case?

19 Q Correct.

20 A No, no, no. In this case, we can say the
21 male is, yes.

22 Q The major contributor?

23 A Yes. He is -- we can say that he is the
24 source of this DNA.

25 Q Then there's somebody else's DNA there?

1 **A** It is a small amount. We cannot say
2 basically who it belongs to.

3 **Q** If their DNA is there -- if there's DNA
4 there, does that necessarily mean there is blood
5 there?

6 **A** Not necessarily. It can be anything.

7 **Q** For example, if I cut my hand and I touched
8 this tabletop, my blood and my DNA are going to be
9 there, right?

10 **A** (No audible response.)

11 **Q** Maybe?

12 **A** The situation is when it is a very, very
13 trace amount of DNA, we will not be able to say that.

14 **Q** Well, if I am actively bleeding and touch
15 this, however --

16 **A** Definitely, yes.

17 **Q** If before I touch this with my bloody hand,
18 somebody else has been here. Is it possible their
19 DNA can mix with mine and we just don't know --
20 there's not enough?

21 **A** The major -- because it is a blood swab,
22 the major will be the person we are talking about,
23 the major.

24 **Q** Right.

25 **A** The minor can be blood or anything else.

1 **Q** Right. Okay. That's what I was asking.
2 I'm sorry. I didn't ask it very well.

3 **A** Yes, no problem.

4 **MS. MUNSON:** I have nothing further at
5 this time, Your Honor.

6 **THE COURT:** All right. Mr. Kornfeld.

7 **CROSS-EXAMINATION**

8 **BY MR. KORNFELD:**

9 **Q** Dr. Kandala, when you got these blood
10 samples, is it safe to say that you're doing this
11 from a -- you're a scientist. You're doing this
12 from a scientific background, correct?

13 **A** Yes, of course.

14 **Q** And you are trying to get the truth. You
15 don't have any dog in this fight. You just want to
16 find out who's blood it is or what DNA?

17 **A** We don't have any idea when it comes to the
18 lab. It's just a swab. All we are trying to do is
19 we prepare the DNA and then we are supplied with a
20 known sample.

21 **Q** Right.

22 **A** Then, what we are doing is just extract the
23 DNA, do all the blood swabs; and then compare with
24 the, uh, -- if we have a known person, we will
25 compare it. If we don't have it, then we say it is

1 an unknown person.

2 Q And the controls -- I'm sorry. The
3 controls in this case -- you have two controls. Is
4 that the correct terminology? Ms. Janice Hackett-
5 Lewers and Sylvester Keejuan King?

6 A They are not controlled. They are the known
7 samples. They are different samples.

8 Q Okay. You got those samples from Mr.
9 Timothy Nafziger, the known samples?

10 A Yes, they are given in the Property and
11 Evidence, all the samples.

12 Q Okay.

13 A And then, as a serologist, he goes and
14 picks it up. Then he gives a number to it and then
15 places all the samples in the freezer to be analyzed.

16 Q Okay. Were you given any other known
17 samples other than Mr. King and Ms. Janice Hackett-
18 Lewers?

19 A No, if I remember correctly.

20 Q All right.

21 A Let me check. Yeah, those are the two
22 samples I have.

23 Q Okay. All right. I would like to go back
24 to item 9-1 that is in your report.

25 A Yes.

1 Q In your report, the major contributor, I
2 believe you said it was Sylvester King, the
3 defendant. Didn't you also write on the bottom of
4 that report, Item 9-1 that Janice Hackett-Lewers is
5 not a contributor to the DNA?

6 A Yes.

7 Q Okay. And we also have Item 13-1.

8 A Yes.

9 Q And in that, we found that -- was the major
10 contributor Ms. Janice Hackett-Lewers?

11 A Uh-huh.

12 Q And I'm assuming she didn't have an
13 identical twin, which there's been no allegation of
14 that. And you also stated that there were, between
15 many of the loci in this mixture, there were two or
16 three different, uh, -- what's the word?

17 A Alleles. Because human beings are called
18 (Indiscernible) because when they are born, they are
19 born half of the chromosomes from the father and half
20 the chromosomes from mother. Because they get the
21 chromosome from father and chromosome from mother, at
22 each place, then it would be two alleles at each
23 point we are looking at -- each locus we are looking
24 at. Sometimes, they may be the same or they may be
25 different. When it is different, we'll find two of

1 them. If they are the same, we will find only one at
2 any place.

3 So, here, we're talking about -- with each
4 locus there are alleles. These alleles -- two alleles
5 which are present to each. We're looking at -- this
6 is a mixture. The mixture we could define as at
7 least two people there, a male and a female kind of a
8 thing. Here, what we're saying is major is the --
9 major match is Janice Hackett and minor alleles --
10 what we look at are very small amounts -- they match
11 Sylvester Keejuan King.

12 Q Okay. But what I am asking about, uh, 9-1
13 /--

14 A Yes.

15 Q I'm trying to make it less complicated for
16 myself and, hopefully, the jury. But the major match
17 is Sylvester King, correct?

18 A Yes.

19 Q There is a trace contributor that is
20 unknown although you know that it is not Janice
21 Hackett-Lewers, correct?

22 A Correct.

23 Q Then, Item 31 -- 30-1, the major
24 contributor is Mr. King, correct?

25 A 31?

1 Q 30-1.

2 A 30-1.

3 Q Yes, 30-1.

4 A 30-1 is -- yes, major contributor is
5 Sylvester Keejuan King.

6 Q And then in the last part of that, 30-1 ---
7

8 A Uh-huh.

9 Q --- no conclusion can be drawn from the
10 partial profile. That's where you went into your
11 testimony about the --

12 A For the minor contributor. If you read
13 first the sentence, the minor contributor is present
14 only at those four or five places, whatever it is.
15 And then, from that minor contributor, we cannot draw
16 any conclusions.

17 Q All right. And then, if you look at Item
18 47-1:

19 A Yes.

20 Q All right. There was a DNA mixture of two
21 people, correct?

22 A Uh-huh.

23 Q A major unknown female and a minor
24 contributor; is that correct?

25 A Yes.

1 Q Okay. And Janice Hackett-Lewers was not a
2 contributor to that; is that correct?

3 A Yes.

4 Q All right. And then there is also 47-2,
5 there was DNA from at least three individuals?

6 A Yes. These are not -- these are swabs
7 taken from the sole of the shoe.

8 Q Okay.

9 A People do walk in the --

10 Q Sure. But in that, you found the DNA was
11 three individuals, correct?

12 A Yes.

13 Q One of those individuals was Janice
14 Hackett-Lewers?

15 A Uh-huh.

16 Q Another one was Sylvester King?

17 A Uh-huh.

18 Q And a third was unknown, correct?

19 A Yes.

20 Q Okay. Looking back at your report, did you
21 find any, under results and conclusions, I guess it's
22 like a -- almost like a chapter in a book to let us
23 know where blood was found. Did you find any of Mr.
24 King's blood in the bedroom that you tested that was
25 told to you that was in the bedroom?

1 **A** I have to look at the samples. There were
2 so many samples.

3 **Q** Sure. Yeah.

4 **A** (Reviewing.)

5 There is one that says swab from victim's
6 bedroom doorknob, which is her DNA.

7 **Q** Where are you looking?

8 **A** It is her DNA only.. 16-1.

9 **Q** 16-1, I thought you stated earlier before
10 that those were DNA profiles that matched Janice
11 Hackett-Lewers?

12 **A** Yes, that's what I said. Her DNA.

13 **Q** I'm asking about Mr. King. Did you find
14 any DNA of Mr. King in the bedroom?

15 **A** I don't see here any.

16 **Q** Thank you, Dr. Kandala. No further
17 questions.

18 **THE COURT:** Any redirect?

19 **MS. MUNSON:** No, sir, Your Honor. We'd ask
20 that this witness and Mr. Nafziger be excused.

21 **THE COURT:** Can we excuse the doctor?

22 **MR. KORNFIELD:** Yes, Your Honor.

23 **THE COURT:** Thank you. You're excused.

24 **THE WITNESS:** Thank you.

25 **MS. MUNSON:** Your Honor, the State calls

1 Investigator Michael Fortner.

2 **THE CLERK:** Investigator, if you would,
3 come forward to be sworn in please.

4 **MICHAEL FORTNER**

5 having first been duly sworn, testifies as follows:

6 **THE CLERK:** Thank you. You may be seated.
7 Would you please state your name for the record?

8 **THE WITNESS:** Michael Fortner.

9 **THE CLERK:** Thank you.

10 **DIRECT EXAMINATION**

11 **BY MS. MUNSON:**

12 **Q** Who do you work for, sir?

13 **A** The Greenville County Sheriff's Office.

14 **Q** How long have you been with the sheriff's
15 office?

16 **A** A little over 22 years.

17 **Q** What division are you currently assigned
18 to?

19 **A** Currently, I'm a part of the homicide unit.

20 **Q** How long have you been in homicide?

21 **A** About two years and four months.

22 **Q** And where were you before homicide?

23 **A** Before homicide, I was in robbery.

24 **Q** Did you have any other jobs with the
25 sheriff's office?

1 **A** I did. When I started in 1993, I started
2 off in uniform patrol. From uniform patrol, I
3 transferred to the Criminal Investigation Division,
4 call CID, where I started off in white-collar crimes.
5 From white-collar crimes, I did that about two years,
6 two and a half years. From there, I went to family
7 violence. In family violence, I worked there about
8 two years or so. I then went to robbery. Worked
9 robbery at that time maybe about two, two and a half
10 years. From robbery, I went back to white-collar
11 crimes for about another two years or so; and then
12 went back to armed robbery where I did that about
13 five years or so; and then transferred to homicide.

14 **Q** So working in robbery and in homicide, have
15 you been to a lot of crime scenes?

16 **A** Yes, I have.

17 **Q** Have you been to crime scenes as the lead
18 investigator?

19 **A** Yes.

20 **Q** Is that your role in this case?

21 **A** It is. Yes, ma'am.

22 **Q** About how many crime scenes would you say
23 you been to ---

24 **A** Homicide.

25 **Q** --- that involved death?

1 **A** Oh, boy. Actually gone to the crime scene
2 itself?

3 **Q** Yes, sir.

4 **A** I would say 70 to 80 probably over the
5 years.

6 **Q** Okay. Now, when did you first become
7 involved in this case?

8 **A** When I got the phone call on March 17th,
9 just a little bit after midnight. The incident
10 itself actually happened on the 16th. But when I got
11 called, it was a little after midnight on the 17th.

12 **Q** Were you on duty?

13 **A** On call. Everybody takes a week on call.
14 That was my week on call.

15 **Q** When you got this call, where did you go?

16 **A** I responded to [REDACTED] in
17 Greenville.

18 **Q** What county is it?

19 **A** That's in Greenville County.

20 **Q** Greenville County. When you got there, were
21 there any other emergency personnel there already?

22 **A** There were.

23 **Q** Who was there that you can remember?

24 **A** My sergeant was there, Sergeant Miller,
25 Uniform Patrol Sergeant McNeely was there, Deputy

1 Suber was there, Deputy Horne was there, Deputy
2 Coroner Kent Dill was there from the coroner's
3 office. Eventually, a couple of forensic guys showed
4 up for processing of the scene.

5 Q Was EMS there?

6 A Not when I arrived, they were not.

7 Q Okay. Had the body of the deceased been
8 removed by the time you got there?

9 A No, she was still there.

10 Q Okay. So when you got there as the lead
11 investigator, what's the first thing you do?

12 A The first thing I did was gather
13 preliminary information. Uniform patrol provided me
14 the name of the son who was present and his
15 girlfriend and her friend who were there. I got their
16 information. They had already been transported to
17 the Law Enforcement Center by the time I arrived on
18 the scene.

19 Q Okay.

20 A They were being interviewed by other
21 investigators. Once I got the preliminary
22 information and everything, another investigator got
23 us a search warrant for the house so we could process
24 the house. Once that was done, myself, Forensics and
25 Deputy Coroner Kent Dill, we then made entry into the

1 house to do what we call like a walk-through, just
2 walked through and looked everything over real good
3 and discussed with Forensics what probably needed to
4 be collected and processed and whatnot. At that
5 time, I leave.

6 Q When you went into the house, which door
7 did you go in?

8 A We went in through the front door, the main
9 front door, not the carport door.

10 Q Okay. Who went in with you?

11 A It would've been me, Kent Dill and Sergeant
12 Shaw possibly, and John Derby.

13 Q This is State's Exhibit Number 3 that's in
14 evidence. Does this show the door that you went in?

15 A Right, that would be the front door.

16 Q Okay. When you got there, Investigator
17 Fortner, I'm looking at State's Exhibit Number 4, was
18 this white Ford Escape in the driveway?

19 A It was, yes.

20 Q As you began your walk-through of [REDACTED]
21 [REDACTED], go in the front part of the house, for
22 purposes of the investigation, did you see anything
23 that caught your eye?

24 A No, not in the living room, nothing.

25 Q Did you just go, like, living room and then

1 move on or did you look around?

2 **A** Oh, no, we look around. We're looking for
3 blood or anything that might be of interest.

4 **Q** Okay. And then as you moved out of the
5 main room, where was the next place that you went?

6 **A** When you walk through the living room, you
7 go into the hallway area. You look to the left and
8 you see the kitchen. You look to the right down the
9 hallway. It's just a short little hallway. You see
10 the bathroom and a couple of bedrooms.

11 **Q** Okay. Did you notice anything in the
12 hallway?

13 **A** Yes.

14 **Q** What did you see there?

15 **A** Large amounts of blood on the floor or the
16 walls. You can see the kitchen, the blood on the
17 floor of the kitchen, on the door, on the
18 refrigerator that's there. On that chest freezer, a
19 large amount of blood on it. Of course, when you
20 turn to the right, you see more blood going down the
21 hallway. Blood on the walls in a hallway leading
22 down the hallway into the bedroom. And then, of
23 course, the victim in her bedroom and the blood in
24 the bedroom.

25 **Q** Did you go into the bedroom?

1 **A** I did.

2 **Q** And observed the victim laying there?

3 **A** I did.

4 **Q** I'm not asking in gallons or anything. But
5 how much blood did you see?

6 **A** The bed was saturated with it. The
7 comforter that she was lying on top of was so
8 saturated that it really wasn't even capable of
9 soaking up all of the blood. There was actually -- I
10 mean it's almost like -- I'm not going to say pools
11 of it, but you could tell where it wasn't capable of
12 soaking it all up.

13 **Q** Okay. After you did your walk-through, what
14 was the next thing that you do?

15 **A** Once we do the walk-through, I went
16 outside. I let Forensics process the house. I had
17 contact with a couple of the other investigators
18 about processing -- or progress being made with the
19 interviews with the son and his two friends.

20 Once it started getting daylight, I did a
21 walk around the house looking for a weapon possibly.
22 I was looking for both a knife and possibly a gun.
23 We were told, initially upon arrival, that it was a
24 gunshot victim. But from talking with Sergeant Shaw
25 in Forensics, in his experience, he told me with

1 large amounts of blood, to him, it appeared more
2 consistent with a cutting.

3 Q When you walked around the house, did you
4 find anything that you collected, anything of
5 interest?

6 A I did not, no.

7 Q Did you look in that white Ford Escape that
8 was out there?

9 A We did, yes.

10 Q Okay. Look at it how? Did you go through
11 it?

12 A Yes. We opened it up, went through it. It
13 was part of the search warrant. Photographed it,
14 went through everything in it.

15 Q Okay. Did you find any blood in there?

16 A We did not, no.

17 Q You say it was getting daylight as you were
18 leaving?

19 A When I left, it was daylight. It was
20 probably 7:30-ish or so in the morning when we left.

21 Q As lead investigator, while you are there
22 and Forensics are doing their thing, what are you
23 doing?

24 A Coordinating with other investigators that
25 are involved. Maybe uniform patrol, might ask them

1 to do a couple of things. In this case, they knocked
2 on a couple of doors for us to see if they could find
3 anybody that may have seen or heard anything that
4 night.

5 Q Did you find any other witness that came
6 forward out there at [REDACTED]

7 A We did not, no.

8 Q Okay. Now, as you are looking at the scene,
9 as part of your investigation, did you get
10 information about what Raquan Keion Lewers had told
11 the other investigators?

12 A I did, yes.

13 Q Let's just get it out there, Investigator.
14 You thought maybe he was a suspect; didn't you?

15 A Sure.

16 Q Why is that?

17 A Well, the main reason why we, of course,
18 initially started feeling that he may have been our
19 suspect was his story was that he told us that when
20 he called his friends, his friends come over and then
21 he goes out to them instead of them coming in to him.
22 Then, they leave. At that time, they were saying
23 maybe 10 minutes or so they were gone. In that short
24 amount of time, they get back and they find his mom
25 in the condition that he found her in. I was

1 suspicious of that. It was a short time frame for
2 something like that to happen.

3 Q On the scene, you didn't see him, did you?

4 A I did not. No, he was not there.

5 Q And hadn't talked to him?

6 A Correct.

7 Q Did you follow that? Your instinct, did you
8 follow it? Did you try to rule him out?

9 A Sure.

10 Q Did you eventually?

11 A Eventually, we were able to rule him out,
12 yes.

13 Q All right. Now, did you have a conversation
14 with another fellow that you thought might've been a
15 suspect?

16 A I did, yes.

17 Q Who is that?

18 A Keith Lewers, which was actually the
19 husband to Janice.

20 Q Is there another fellow that you talked to?

21 A Yes.

22 Q What was his name?

23 A Jakevious Wright.

24 Q Who was he in this case? Why did you want
25 to talk to him?

1 **A** He was a current boyfriend of Janice,
2 coworker at work. They were dating at the time.

3 **Q** Okay. Now, after you did leave the scene,
4 when it was getting daylight, what was the next thing
5 you did?

6 **A** Responded to the Law Enforcement Center.
7 At that time, it was Monday morning. This happened
8 on Sunday night. This was Monday morning. We come
9 in. The other investigators that I was working with
10 were coming in. They were gracious enough to assist.
11 One of the things I wanted to do was find Mr. Lewers,
12 Keith Lewers, the husband, and also wanted to find
13 the defendant, Mr. King, as well. That was kind of
14 our top two priorities at that time.

15 **Q** Did you find -- were you successful in
16 finding the defendant?

17 **A** I was not, no.

18 **Q** When was the first time that you spoke with
19 the defendant?

20 **A** I actually called the phone number that was
21 provided to me. I did not get at answer, so I left a
22 message asking him to call me. Later, I got a call
23 from him. Probably by that time, it was probably
24 sometime in the afternoon.

25 **Q** On what date?

1 **A** That would have been the 17th.

2 **Q** Did you get a call back from him... or from
3 him?

4 **A** I got a call from him.

5 **Q** Okay.

6 **A** I spoke to him on the phone. I asked him
7 -- I mean, I explained to him that I needed to speak
8 with him. He said, well, he couldn't because he was
9 at work at the time. I made arrangements for him to
10 come in. I think I want to say it was about 7
11 o'clock that evening he was supposed to come in and
12 see me.

13 **Q** Okay. He wasn't at work, was he?

14 **A** No, he was not.

15 **Q** Okay. Now, after he didn't come in to see
16 you, what was the next thing he did?

17 **A** We went looking for him, of course, looking
18 for Mr. Lewers. Mr. Lewers was found. He was
19 brought in to the Law Enforcement Center. That's
20 when I spoke with him. I also wanted to speak with
21 the son again, Raquan, as well as his two friends. I
22 personally did not get to speak with them that night
23 or, I guess, early morning hours when the incident
24 first occurred. I wanted to speak with them. Like I
25 said, we were suspecting the son initially as

1 possibly being our suspect. I wanted to talk to him
2 personally.

3 Q When was the first time the name Sylvester
4 King came into the investigation?

5 A It would've been that evening. When I got
6 there, I was provided with the name Sylvester King as
7 being a boyfriend of the victim.

8 Q All right. Now, so you interviewed Mr.
9 Lewers. By then, it's the 17th, 18th?

10 A No, this is all the 17th.

11 Q Okay. What was the next thing that went on
12 in your investigation?

13 A We spoke to Mr. Lewers. We spoke to his
14 son. Then, one thing led to another. Eventually, we
15 came up with a possibility that Mr. King would be in
16 Anderson ---

17 Q Okay.

18 A --- at a girlfriend's house, Sheila Martin.

19 Q Okay.

20 A Investigator Peebles called Ms. Martin.
21 She hung up on her. A couple of deputies, for me,
22 responded out to the house in Anderson to hunt for
23 Mr. King.

24 Q All right. They didn't get him, did they?

25 A No, they did not.

1 Q At some point, did you come face-to-face
2 with Mr. King?

3 A I did, yes.

4 Q When was that?

5 A That would've been on March 26th, I believe
6 it was.

7 Q Okay.

8 A Yes, March 26th, 2014, after he was picked
9 up on the warrants I had signed on him.

10 Q Okay. Do you remember who it is that
11 brought him into the Law Enforcement Center?

12 A Deputy Craig Hawkins, who was up here
13 earlier.

14 Q Okay. When he got to the Law Enforcement
15 Center, did you want to interview him?

16 A I did.

17 Q Now, when you decided you wanted to
18 interview him, let's go through that process.

19 A Okay.

20 Q He was under arrest, correct?

21 A He was, yes.

22 Q Not free to leave?

23 A Not free to go. No, ma'am.

24 Q Where did you interview him?

25 A At the time, the county did not have

1 recorded interview rooms. I borrowed one of
2 Greenville City's recorded interview rooms.

3 Q When you say it's a recorded room, did you
4 record the interview ---

5 A I did.

6 Q --- with the defendant?

7 A Yes, video. Yes, ma'am.

8 Q Who was in on the interview with you?

9 A It was myself and Investigator Ramon
10 Rivera.

11 Q Okay. Generally, what size room is this?

12 A I would say maybe about 10-by-10 room.

13 Q Okay. Is there any furniture in there?

14 A There is. There is a table and two or
15 three chairs.

16 Q Okay. How are you and Investigator Rivera
17 dressed?

18 A Kind of like I am now.

19 Q Okay. Did you have your side arms?

20 A We did, yes.

21 Q When you begin to speak with him, did you
22 notice anything about, I mean, his condition, was he
23 under the influence of anything?

24 A No, he was not.

25 Q Did he complain of any health issues?

1 **A** He did not.

2 **Q** Did he ask you for anything?

3 **A** He did not, no.

4 **Q** Before you can question him, what was the
5 first step that you take?

6 **A** Like you see on TV, he is under arrest so I
7 have to read him his rights, which we have a form
8 that we do that with.

9 **Q** All right. Let me just show you a few
10 things here, Investigator Fortner. These are State's
11 Exhibits 1 and 2. Take a look at these.

12 **A** All right.

13 **Q** Do you recognize these exhibits?

14 **A** I do, yes.

15 **Q** How do you recognize them?

16 **A** One, this is the waiver of rights. It's
17 got my signature down at the bottom as a witness.
18 And then this here would be the DVD that contains the
19 recorded interview with Mr. King. I recognize that
20 because it has got my initials up here and item
21 number that I've put down in Property and Evidence.

22 **Q** Have you reviewed State's Exhibit Number 2?

23 **A** I have, yes.

24 **Q** Is it an accurate recording of your
25 interview with the defendant?

1 **A** It is, yes.

2 **MS. MUNSON:** Your Honor, at this time, I
3 move State's Exhibit 1 and 2 into evidence.

4 **THE COURT:** Any objection?

5 **MR. KORNFELD:** No, Your Honor.

6 **THE COURT:** Without objection.

7 **(WHEREUPON, State's Exhibits 1 and 2 are admitted**
8 **into the record.)**

9 **BY MS. MUNSON:**

10 **Q** Let me just hand you State's Exhibit Number
11 2, Investigator. If you would, please, explain for
12 the jury exactly how you go about informing the
13 defendant of his rights.

14 **A** All right. The first thing I do is I get
15 the individual's name, birthdate, address, phone
16 number, that kind of thing. Fill out this up here.
17 Then, I, of course, put the date and the time that
18 the interview started. On this case, it started --
19 it was on March 26th of 2014. The interview started
20 at approximately 12:25 in the afternoon.

21 Once I do that, I read each one of these
22 lines, which are the rights, out loud to the
23 individual I'm interviewing. Then I have them put
24 their initials out here to the side.

25 **Q** You read them out loud to the defendant?

1 **A** I did, yes.

2 **Q** All right. Is there one line that he
3 actually signs?

4 **A** Yes. After I read each line and he
5 acknowledges that he understands it, he places his
6 initials. I always have them read one out loud for
7 me so I know that individual I'm talking to can read.
8 He read the fourth line out loud to me. Then I have
9 them sign their name after that so I know they read
10 it out loud to me.

11 **Q** After you advised him of his rights, did he
12 appear to understand them?

13 **A** Yes, ma'am. He did.

14 **Q** Did he have any questions about them?

15 **A** No, ma'am. He didn't.

16 **Q** Did he ask you to repeat anything or stop?

17 **A** No.

18 **Q** All right. After you advised him of his
19 rights, what was the next thing that you did on that
20 form?

21 **A** All right. After we advise him of his
22 rights, we have the waiver of rights right here. I
23 read it out loud whoever it is I'm speaking with. It
24 uses the word "coercion" here. A lot of people
25 aren't familiar with it. I generally go over that

1 word with them and get them to put their initials
2 next to it to indicate that we did go over that word.

3

4 Q If you don't mind, Investigator, please
5 read out loud what his rights are and then the waiver
6 of rights.

7 A Okay. It starts off with, before we ask
8 you any questions, you must understand your rights.
9 You have the right to remain silent. Anything you
10 say can be used against you in court. You have the
11 right to talk to a lawyer for advice before we ask
12 you any questions and to have them with you during
13 questioning. If you have no money to pay a lawyer's
14 fee, the court will appoint one to represent you
15 without cost if you wish. If you decide to answer
16 questions now without a lawyer present, you will
17 still have the right to stop answering at any time.
18 You also have the right to stop answering at any time
19 until you talk to a lawyer.

20 Once we go all through that, I then read
21 the waiver of rights which says I have read the
22 statement of my rights and understand what my rights
23 are. I am willing to make a statement and answer
24 questions. I do not want a lawyer at this time. I
25 understand and know what I'm doing. No promises or

1 threats have been made to me. No pressure or coercion
2 of any kind has been used against me.

3 Q Did y'all offer him anything?

4 A No, we did not.

5 Q Did anybody threatened him?

6 A No.

7 Q Or tell him he had to talk to you?

8 A No, we did not.

9 Q Did you have a conversation with him, in
10 particular, about whether or not he can get a lawyer?

11 A We did, yes.

12 Q And explain to the jury what that was
13 about.

14 A His concern was that if he decided to talk
15 to me without an attorney being there, whether he
16 would be allowed to get an attorney at a later time.
17 I explained to him that, yes, he would be able to get
18 an attorney at a later time if he chose to waive his
19 right to an attorney at the time of the interview.

20 Q At that point, did you begin interviewing
21 him?

22 A Once he signed the form, we did. Yes.

23 Q What did he tell you about whether or not
24 he even knew Janice Hackett? What did he tell you
25 about their relationship?

1 **A** He acknowledged that he knew her and that
2 they were boyfriend and girlfriend. She kind of cut
3 it off with him and moved out.

4 **Q** Okay. Before we go any further, I want to
5 show you State's Exhibit 53, 54 and 55. Take a look
6 at these.

7 **A** (Reviewing.)

8 Okay.

9 **Q** Do you recognize those?

10 **A** I do.

11 **Q** Who took those photographs?

12 **A** I took the pictures.

13 **Q** Who are they of?

14 **A** Mr. King, Sylvester King.

15 **Q** Is that what he looked like when you saw
16 him on the 26th? Is that when it was?

17 **A** It is March the 26th, yes.

18 **MS. MUNSON:** Okay. Your Honor --

19 **MR. KORNFELD:** No objection, Your Honor.

20 **THE COURT:** Without objection.

21 **MS. MUNSON:** 53, 54 and 55.

22 **(WHEREUPON, State's Exhibits 53, 54 and 55 are**
23 **admitted into the record.)**

24 **BY MS. MUNSON:**

25 **Q** Let me show you these quickly. Let's get

1 the projector on the screen.

2 **THE COURT:** Can you reach it?

3 **THE BAILIFF:** Will you reach it? It's a
4 little short. Thank you.

5 **BY MS. MUNSON:**

6 **Q** All right. Investigator Fortner, this is
7 State's Exhibit Number 53. Is this the condition the
8 defendant was in after you interviewed him?

9 **A** Right. This was at the conclusion of the
10 interview.

11 **Q** What's this right here?

12 **A** A Mountain Dew he had to drink.

13 **Q** What is State's Exhibit Number 54?

14 **A** That's a picture of Mr. King's left hand.

15 **Q** That was taken when you interviewed him
16 some 10 days after the incident?

17 **A** Correct.

18 **Q** Okay.

19 **A** Right.

20 **Q** What does this show?

21 **A** That's the underside of his left hand. The
22 first one is kind of up on top here. The other one
23 is on that meaty part of the palm.

24 **Q** Okay. So he admitted he knew Janice and
25 then they broke up?

1 **A** Yes.

2 **Q** All right. What did he tell you about the
3 night of March the 16th?

4 **A** He said that Janice had actually come over
5 to his house on [REDACTED], I think it is;
6 picked him up there; and took him over to her house.

7 **Q** All right. What went on at Janice's house?

8 **A** At some point, they laid down to go to bed.
9 Mr. King said he noticed the bedroom door come open
10 and an individual was standing there and says
11 something to the effect of, oh, hell no; and, at that
12 time, produced a knife and started attacking them
13 with the knife.

14 **Q** Attacking him?

15 **A** Well, him and -- he was laying in between
16 what would have been where this suspect was and where
17 Janice was at.

18 **Q** Okay. That's how he got that cut?

19 **A** That's how he says he got cut, during the
20 course of the fight with the individual.

21 **Q** This individual comes in. Did he give you
22 a description of this individual?

23 **A** Nothing other than he said he was a black
24 male and kind of muscular. That was all he could
25 say.

1 Q Did he say he was tall, short?

2 A No, he did not.

3 Q Did he compare his size to this attacker's
4 size?

5 A During the course of the interview, he made
6 mention that he was not as big as this guy was.

7 Q That he was not as big as the attacker?

8 A As the attacker, yes.

9 Q What did he do when this guy comes in the
10 bedroom and begins to attack?

11 A He tried to defend himself as well as Ms.
12 Lewers or Hackett. He said he jumped up and runs out
13 of the house thinking that Janice was following after
14 him.

15 Q Okay.

16 A He runs outside. He runs down the street
17 to what I'm thinking he was describing to be Broadway
18 Apartments, which if you're familiar with them, near
19 the intersection of Broadway Drive and White Horse
20 Road, where he flags down a Hispanic individual in a
21 white pickup truck, pays him \$20 for a ride to his
22 house.

23 Q His house where?

24 A [REDACTED] in Greenville..

25 Q Did you go to that house?

1 **A** I did, yes.

2 **Q** Pursuant to a search warrant?

3 **A** Yes.

4 **Q** What did he say that he did while he was at
5 his house?

6 **A** He said he went inside -- inside the house
7 and got the keys to the black Mazda that he was
8 borrowing from Sheila Martin.

9 **Q** Then what did he do?

10 **A** At that time, he drives to Ms. Martin's
11 house in Anderson.

12 **Q** Where along this route did he call 911?

13 **A** He didn't.

14 **Q** So you went to [REDACTED]. Do you
15 know what date that was?

16 **A** I can get it for you. (Pause.)

17 **Q** Investigator, if I showed you a copy of
18 that search warrant, would that help?

19 **A** Yes.

20 **Q** Okay. What I've just handed you,
21 Investigator, what does that appear to be?

22 **A** This is the search warrant that I obtained
23 for the house at [REDACTED] in Greenville.

24 **Q** On what date was that executed?

25 **A** It was executed on March 20th of 2015 at

1 about 5 o'clock in the afternoon.

2 Q March 20th?

3 A March 20th.

4 Q When is it that you talked to him?

5 A March 26th.

6 Q Okay. So you were at the house on

7 [REDACTED] before you interviewed him?

8 A Yes, ma'am.

9 Q Where did you get the information about the
10 house at [REDACTED]?

11 A From doing interviews with family and
12 friends.

13 Q Okay. When you did interview him, he told
14 you that that was his house?

15 A He did, yes.

16 Q Let me show you a group of exhibits here.
17 This is State's Exhibit 56, 57, 58, 59, 60, 61, 62,
18 63, 64, 65, 66 and 67. Take a look at those.

19 A (Reviewing.)

20 Q Okay. Do you recognize those, Investigator
21 Fortner?

22 A Yes, ma'am. I do.

23 Q Are these true and accurate depictions of
24 the defendant's home on [REDACTED] when you
25 went there on March 20th?

1 A They are, yes.

2 Q Okay. Now, Investigator Fortner, this is
3 State's Exhibit Number 56. What does it show?

4 A This would be the picture of the front door
5 of the house at [REDACTED].

6 Q Okay. And now what is 57?

7 A That's just a closer photo of the house, of
8 the front door.

9 Q Okay. This area down here, the walkway,
10 did you find any blood or anything there?

11 A We did not, no.

12 Q All right. And what is this, this yellow
13 dot on State's Exhibit 57?

14 A It is a three-by-five card that was left in
15 the door by one of his girlfriends that left the card
16 there.

17 Q All right. And this is 58?

18 A Now, that's just the picture of the front
19 door of that card there as well.

20 Q Is this your reflection in that door?

21 A It is.

22 Q So you are taking these pictures?

23 A I am.

24 Q All right. State's Exhibit Number 59.

25 A All right. That would be the front door

1 from the inside.

2 Q So the porch is here?

3 A Correct.

4 Q This is the inside of the house on this
5 side?

6 A Yes.

7 Q Now, State's Exhibit Number 60. What does
8 this show?

9 A It's the doorknob to the front door.

10 Q Okay. The lock mechanism here?

11 A The lock, deadbolt.

12 Q Did you notice any blood or anything on
13 that door?

14 A No, we did not.

15 Q Is that the door that y'all went in?

16 A It is, yes.

17 Q How did you get in?

18 A Key from the landlord.

19 Q Okay. Were there any other doors that were
20 available to get in the house?

21 A There was. There was a door on the back
22 side.

23 Q Did you look at the doors on the back side?

24 A We did, yes.

25 Q Did you find anything back there?

1 **A** No, we did not.

2 **Q** Okay. This is State's Exhibit Number 61.

3 Right here, what does this show?

4 **A** That's just the inside of the main front
5 door.

6 **Q** So if my hand is on this doorknob, I'm
7 closing the door. I'm inside the house ---

8 **A** You're inside the house.

9 **Q** --- and this is the door?

10 **A** Correct.

11 **Q** And nothing here either?

12 **A** No.

13 **Q** This is State's Exhibit 62. What does this
14 show?

15 **A** This would be the kitchen of the house.

16 **Q** All right. Did you notice anything in here
17 around the sink? Anything ---

18 **A** No.

19 **Q** --- on the counters? Nothing?

20 **A** No, ma'am.

21 **Q** All right. And State's 63.

22 **A** Again, it's the kitchen area. That would
23 be the back door there.

24 **Q** What is this? It looks like a bag on the
25 doorknob. What is that?

1 **A** A garbage bag.

2 **Q** Okay. Now, State's Exhibit 64, what does
3 this show?

4 **A** The bathroom to the house. Did you notice
5 any blood or anything on the sink or in the tub ---

6 **A** No, we did not.

7 **Q** --- or on the toilet?

8 **A** No, ma'am.

9 **Q** Okay. And then State's 65.

10 **A** It would be the laundry area, washer and
11 dryer.

12 **Q** Was there anything in the laundry?

13 **A** No.

14 **Q** All right. Anything of evidentiary value
15 anywhere in State's 65?

16 **A** No, ma'am.

17 **Q** What does State's 66 show?

18 **A** This would be the living room area.

19 **Q** The door that is pictured in State's 66, is
20 that the kitchen door?

21 **A** Right. That's the back door that leads into
22 the kitchen there.

23 **Q** This is State's 67. What perspective is
24 this taken from?

25 **A** This would be taken, if I remember

1 correctly, from the front door. If you are standing
2 in the front door looking into the residence.

3 Q Finally, State's 68.

4 A That's standing pretty much there right in
5 the front door area, the living room. That's just a
6 different angle.

7 Q As you are going through this house, what
8 are you looking for?

9 A The main thing I'm looking for is blood on
10 the ground. At this time, we were aware that Mr.
11 King had been cut pretty severely. I'm looking for
12 any blood that might be at the house, either his or,
13 potentially, Janice Hackett's blood, a knife that may
14 have been used in the crime because we never did
15 recover a knife that we know to be used in this,
16 anything else that might've been of evidentiary value
17 to us.

18 Q Okay. After you leave there -- let's back
19 up to the conversation you had with a fellow named
20 Mr. Wright. Do you remember that conversation?

21 A I do, yes.

22 Q Okay. Let me get you to take a look at
23 State's 55.

24 A Okay.

25 Q Do you recognize that?

1 **A** I do.

2 **Q** Is that another photograph you took?

3 **A** It is.

4 **Q** What is that a photo of?

5 **A** A photo of Jakevious Wright's phone,
6 Jakevious Wright, being her current boyfriend at the
7 time, and there was a picture of some text messages
8 that was going on between him and Janice Hackett.

9 **Q** Okay.

10 **MS. MUNSON:** Your Honor, I move State's 53
11 into evidence.

12 **THE COURT:** Any objection?

13 **MR. KORNFELD:** No, Your Honor.

14 **THE COURT:** Without objection.

15 **(WHEREUPON, State's Exhibit 53 is admitted into**
16 **the record.)**

17 **(WHEREUPON, State's Exhibit 69 is marked for**
18 **identification purposes.)**

19 **BY MS. MUNSON:**

20 **Q** Let me ask you just orientation-wise, if
21 you could, stand up. Before I start asking you about
22 this, Investigator, this is State's Exhibit Number
23 69. Do you recognize this?

24 **A** I do, yes.

25 **Q** The back side of State's 69, do you

1 recognize that as well?

2 **A** I do.

3 **Q** Do these truly and accurately depict the
4 locations of the addresses we've just been talking
5 about?

6 **A** Yes.

7 **MS. MUNSON:** At this time, I move State's
8 69 into evidence.

9 **THE COURT:** Any objection?

10 **MR. KORNFELD:** No, Your Honor.

11 **THE COURT:** Without objection.

12 **(WHEREUPON, State's Exhibit 69 is admitted into**
13 **the record.)**

14 **BY MS. MUNSON:**

15 **Q** Let's set this thing up, Investigator.
16 This is more my speed. Let's see. What we are
17 looking at is, if you could explain for the jury --
18 and just make sure they can all see you. Let's move
19 this a little closer to them. There we go. What is
20 depicted on State's 69 here?

21 **A** This is the map of the general area of
22 [REDACTED] where the incident took place at.
23 From here, this is the Citgo that she talked about
24 where they went to to get the cigars at the corner of
25 Saluda Dam Road and White Horse Road. Then, this is

1 which is the apartment complex where they went and
2 purchased the marijuana.

3 Q Did you draw that route, Investigator?

4 A I did, yes.

5 Q How far is it?

6 A From here to the Citgo station is about a
7 half a mile. From the Citgo station to the
8 apartments, I didn't know where exactly the
9 apartments are at. I just drove to about the middle
10 part of the apartments. That was .8 miles. From
11 there back to the house on [REDACTED] was
12 another half mile.

13 Q So it is not much distance?

14 A No.

15 Q How long did it take you to drive that
16 route approximately?

17 A Five minutes maybe, driving.

18 Q Going the speed limit?

19 A Traffic and everything.

20 Q Just driving, not stopping anywhere?

21 A From there, I pulled into the parking lot
22 to record my mileage. Then I reset my mileage and
23 then drove to the apartment complex and stopped there
24 and then recorded the mileage.

25 Q You didn't go in the Citgo?

1 **A** No.

2 **Q** You didn't get out and do a marijuana deal
3 at Ashe Drive?

4 **A** No.

5 **Q** Okay. All right. Let's look at the other
6 slide. Now, what is shown in this second slide,
7 State's 69?

8 **A** Again, you've got the house where the
9 incident took place, the Citgo station, Ashe Drive
10 Apartments. Then you got [REDACTED], which is
11 where Mr. King was residing at and where we did the
12 search warrant.

13 **Q** Okay. You can go back to your seat now.
14 All right. Now, Investigator, this --

15 **MS. MUNSON:** Your Honor, at this time, I
16 would like to play the interview. It is a
17 little over an hour long.

18 **THE COURT:** All right. Let's give the jury
19 recess before we do that. Take the jury out.

20 **(WHEREUPON, the jury exits at approximately**
21 **11:10 a.m.)**

22 **THE COURT:** All right, Solicitor, how are
23 we doing time wise? I'm trying to figure out as
24 far as lunch.

25 **MS. MUNSON:** Dr. Ward, I tried to get him

1 earlier, Your Honor. He could not be here until
2 2:00.

3 **THE COURT:** Okay.

4 **MS. MUNSON:** After Investigator Fortner, I
5 have Deputy Suber. That should be it, except
6 for Dr. Ward.

7 **THE COURT:** Can you give me some idea
8 about --

9 **MR. KORNFELD:** Yeah, I've talked to --
10 well, if we do put up any witnesses at all, the
11 only ones it will be will be my client and his
12 sister who is sequestered out there. I don't
13 suspect that will take longer, and, at least,
14 questions from me, than 45 minutes to an hour,
15 if he wants to go up.

16 **THE COURT:** All right. Let's get some
17 menus for the jury.

18 You can step down.

19 **THE WITNESS:** Yes, sir.

20 **THE COURT:** All right. Take a short
21 recess.

22 **MS. MUNSON:** Before we do that, I neglected
23 to move State's 57 through -- 56 through 67 into
24 evidence.

25 **THE COURT:** Any objection?

1 **MR. KORNFIELD:** No, Your Honor.

2 **MS. MUNSON:** Thank you.

3 **(WHEREUPON, State's Exhibits 56 through 67 are**
4 **admitted into the record.)**

5 **(WHEREUPON, a short recess is taken.)**

6 **(WHEREUPON, State's Exhibit 70 is marked for**
7 **identification purposes.)**

8 **THE COURT:** All right. You ready?

9 **MS. MUNSON:** Yes, sir.

10 **THE COURT:** All right. Bring the jury in.

11 **(WHEREUPON, the jury enters at approximately**
12 **11:32 a.m.)**

13 **THE COURT:** All right, Solicitor. You may
14 **proceed.**

15 **MS. MUNSON:** Thank you, Your Honor.

16 **BY MS. MUNSON:**

17 **Q** Investigator Fortner, I have one other
18 thing to show you, State's Exhibit Number 58, that
19 little yellow thing?

20 **A** Yes.

21 **Q** Now, I'm showing you State's Exhibit Number
22 70. Take a look at that.

23 **A** Okay.

24 **Q** What is State's Exhibit 70?

25 **A** This is the index card that was in the

1 picture here.

2 Q On the defendant's door?

3 A It is, yes.

4 Q Can you read that out loud --

5 MS. MUNSON: First of all, Your Honor, I
6 move State's 70 into evidence.

7 THE COURT: Any objection?

8 MR. KORNFELD: No, Your Honor.

9 (WHEREUPON, State's Exhibit 70 is admitted into the
10 record.)

11 BY MS. MUNSON:

12 Q Can you read that in -- out loud?

13 A Yes, the card says, Keejuan, please call me
14 ASAP. I'm worried about you, babe. Please call me.
15 I love you, Kumiko.

16 Q Who's Kumiko?

17 A A girlfriend of his that lives over in
18 Spartanburg.

19 Q Okay. Is that the same girlfriend he was
20 found with in Spartanburg at her house?

21 A It is, yes.

22 MS. MUNSON: Your Honor, at this time, I
23 would request permission to play the video.

24 THE COURT: All right.

25 (WHEREUPON, State's Exhibit 2 is played.)

1 **MS. MUNSON:** I have nothing further of this
2 witness, Your Honor.

3 **THE COURT:** All right. Any questions?

4 **MR. KORNFELD:** Sure.

5 **CROSS-EXAMINATION**

6 **BY MR. KORNFELD:**

7 **Q** Detective Fortner, did you arrive -- do you
8 know exactly what time you arrived at the house, if
9 it was on 3/16 or 3/17?

10 **A** By that time, I would've gotten up, gotten
11 undressed, and driven there from my house, it was
12 probably somewhere in the area of 1 o'clock in the
13 morning.

14 **Q** And you arrived -- there were already
15 officers on the scene, but you drove your own
16 vehicle?

17 **A** Yes.

18 **Q** Nobody else was in the vehicle with you?

19 **A** No, sir.

20 **Q** And you stated that Raquan and the two
21 ladies were already gone from the house by the time
22 that you got there; is that right?

23 **A** That's correct. They had been transported
24 by some deputies. Uniform patrol had taken them down
25 to the Law Enforcement Center.

1 Q All right. Did you have occasion to know
2 whether or not, uh, -- whether Raquan allowed anyone
3 to look at his phone? Do you know one way or the
4 other?

5 A He refused to give consent. But using a
6 search warrant, we did look at it, yes.

7 Q Okay. There were two vehicles at the [REDACTED]
8 [REDACTED] location, the incident location,
9 correct?

10 A Actually, there was three.

11 Q Okay. We will go over the two that I know
12 about. There was a '94 Buick, correct?

13 A Correct. Yes, sir.

14 Q That was registered to the victim's mother?

15 A I think it was. Yes, sir.

16 Q Okay. There was a 2001 Ford Escape; is
17 that correct?

18 A Yes, sir.

19 Q That was registered to a person named
20 Antron Arnold; is that correct?

21 A Yes.

22 Q Who was that?

23 A I was told it was the mother to Shakia
24 Prease.

25 Q I'm assuming you never talked to anybody

1 named Antron Arnold; is that correct?

2 **A** That's correct. I did not.

3 **Q** What other vehicle was there at the time?

4 **A** There was a Mercury Milan that was actually
5 parked in the carport, up underneath the carport.

6 **Q** Do you know what year that was?

7 **A** I've got it in here. It was a 2006 Mercury
8 Milan.

9 **Q** Who did the vehicle belong to? You know?

10 **A** I believe -- I don't have that in here, but
11 I'm pretty sure it was registered to the victim, Ms.
12 Lewers.

13 **Q** Okay. All right. And on the next day --
14 well, I'm trying to clear this up. You went in with
15 Forensics with, I guess you said before, Sergeant
16 Shaw?

17 **A** I think it was Sergeant Shaw and Derby,
18 Forensic Tech Derby.

19 **Q** Was anybody else there at that time?

20 **A** During the walk-through?

21 **Q** Yeah.

22 **A** Kent Dill with the solicitor's -- the
23 coroner's office was with us.

24 **Q** So y'all finish up there at the scene and
25 put the yellow tape around this crime scene. Then,

1 you leave and you continue the investigation,
2 correct?

3 **A** Once Forensics finishes up that morning,
4 it's 7:30 or so in the morning when we finish up
5 there. Then, I respond to the Law Enforcement
6 Center. Like I said, the other investigators were
7 coming in Monday morning and kind of presented to
8 them what we had up to that point.

9 **Q** Okay. The next day, did you receive a call
10 from John Hackett?

11 **A** That probably had been the same day, the
12 17th.

13 **Q** That's what I meant. Sorry. We were at
14 3/16 and now we're at 3/17, the next day ---

15 **A** Okay.

16 **Q** --- after 7:30. You received a call from
17 John Hackett; did you not?

18 **A** I do seem to remember getting a call from
19 him, yes, sir.

20 **Q** He's the brother of the victim, Janice
21 Hackett-Lewers; is that correct?

22 **A** Yes, sir.

23 **Q** After speaking with him, did you call
24 Raquan's grandmother?

25 **A** I did, yes.

1 Q That was because you wanted to speak with
2 Raquan, correct?

3 A Yes, sir.

4 Q And you are still in the investigative
5 stage at that point trying to gather evidence. And
6 all you know at this point is Janice Hackett-Lewers
7 is dead?

8 A Correct.

9 Q And you did a walk-through and that three
10 people were at the home at the time, which was Raquan
11 Keion Lewers, Ms. Fernandez and Ms. Prease?

12 A Correct. Yes, sir.

13 Q All right. So when you spoke to Raquan's
14 grandmother, were you allowed to talk to Raquan at
15 that time?

16 A I was not. I believe he was sleeping at
17 the time.

18 Q All right. Okay. And did that strike you
19 as odd that he had slept after such a traumatic event
20 of that nature? Did you read into that at all as an
21 investigative tool? What did you think about that?

22 A First of all, it's been a long night, up
23 all night like that. It would be a pretty traumatic
24 thing for a teenager to go through to come home and
25 find his mother dead with blood everywhere. So the

1 stress from that, the shock from that and being up
2 all night, nah, I wouldn't think that would be
3 unusual.

4 Q All right. Sometime later, you made
5 arrangements to -- for Keith Lewers to come in for an
6 interview; didn't you?

7 A I did, yes, sir.

8 Q All right. When did you find out that
9 Keith Lewers was the husband of Janice?

10 A Probably -- exactly when, I don't know.
11 Probably after I returned to the Law Enforcement
12 Center and started gathering some more information
13 and became aware of the settlement that had come
14 through with the traffic accident that had occurred.
15 Somehow or another, I learned. Probably maybe from
16 the grandmother may be how I learned.

17 Q Okay. When both Keith and Raquan -- they
18 did give statements, correct?

19 A They did, yes, sir.

20 Q All right. And they came to the LEC at the
21 same time; didn't they?

22 A First time, Mr. Keith Lewers, he came down
23 by himself for an interview. I explained to him that
24 I needed to speak with his son again. After we
25 finished with our interview, he left. And later that

1 evening, he brought his son back for us.

2 Q All right. And did you see anything
3 improper with that at the time?

4 A I'm not sure what --

5 Q Did you see anything -- did that pique your
6 interest, the fact that Keith came to give his
7 interview and then he went back and got Raquan to
8 give an interview?

9 A Nah. No, sir.

10 Q Weren't you concerned at that time that
11 Keith Lewers was a possible suspect?

12 A Sure.

13 Q Weren't you also -- you didn't rule out
14 Raquan as a suspect at that time either, right?

15 A Correct.

16 Q So they would have had time to collaborate
17 any type of story that they could come up with
18 between that time, correct?

19 A Sure. I mean, they had all -- once Raquan
20 left that morning from the LEC from the first
21 interview that he had that night with the other
22 investigators, they had hours to do that.

23 Q When Raquan finally did come into the
24 station or the LEC, he told you -- he tells you about
25 the red juice; do you remember that?

1 **A** Yes, sir.

2 **Q** Did that strike you as odd at all that he's
3 talking about red juice or anything like that?

4 **A** That was odd.

5 **Q** Is that because the scene was very gruesome
6 and most definitely blood?

7 **A** Well, right, once he realized what
8 happened. When he first walks through the door, he
9 doesn't realize what's happened at this time. He is
10 not thinking this is blood everywhere. I mean, he's
11 trying to -- in his mind, he's trying to figure out
12 what it is. He was thinking about the red juice they
13 had just purchased earlier that day.

14 **Q** Did you bring any photos or had taken any
15 pictures of this red juice?

16 **A** No, sir. We did not.

17 **Q** All right. And that is that because you
18 didn't think it was important or what was the reason
19 behind that? Just a lot of things going on?

20 **A** A lot of things going on.

21 **Q** Okay. And you knew -- from talking to Mr.
22 Lewers when you interviewed Mr. Lewers, you learned
23 that -- you learned about his history, correct?

24 **A** Correct.

25 **Q** And you told him before coming in that it

1 was important that he come in so that you can rule
2 him out as a possible suspect?

3 **A** Correct. Yes, sir.

4 **Q** Okay. And when he came in, you also learned
5 that they were married but had been separated from
6 around 2005 or '6, is that -- what did you learn?

7 **A** Correct. They had a, uh, -- that they had
8 met in the late '90s, this is kind of when they got
9 together. Ended up getting together. Had Raquan. He
10 said during that time it was kind of off-again on-
11 again relationship. They would be together and then
12 they would be apart. Then, in 2005 is when they
13 pretty much permanently separated their ways. Mr.
14 Lewers went out to California at that time.

15 **Q** And he lived in several parts of
16 California. If you can help me remember all of them,
17 it was LA, Thousand Oaks, there was another one?

18 **A** Ventura, I think it was.

19 **Q** Ventura. All around the, I guess, the LA
20 area, correct?

21 **A** I believe so, yes.

22 **Q** And he told you he went out there -- what
23 did he tell you he went out there for?

24 **A** He was pursuing a career in the music and
25 entertainment business.

1 Q All right. And he told you or you found out
2 that he came back here because he had a fiancée?

3 A Correct. Yes, sir.

4 Q And his fiancée was pregnant with twins?

5 A I believe so. Yes, sir.

6 Q When was the due date of his fiancée?

7 A That, I don't know.

8 Q Okay. When he had a fiancée, did he tell
9 you what he was do -- he had moved back, right?

10 A Yes, sir. He had moved back at this time.

11 Q All right. So he had been absent that whole
12 time, moves back. What career does he have when he's
13 in -- he's living Spartanburg, correct?

14 A I think he was, yes.

15 Q What career did he have at that point?

16 A Off the top of my head, I can not remember
17 what he told me.

18 Q Did he say he was going to be like a
19 pastor? You don't remember at all?

20 A I don't remember at all. But now that you
21 say that, I do think it was to be a minister or
22 something. Yes, sir.

23 Q Okay. Did you ever check to see if he
24 actually had any church or anything like that?

25 A No, sir. I did not.

1 **Q** Okay. Okay. He didn't give you a kind of
2 business card or anything?

3 **A** No.

4 **Q** And, uh, you questioned Keith trying to
5 find out where he was that night, correct?

6 **A** Correct. Yes, sir.

7 **Q** He also tells you -- you find out that --
8 he says -- you find out -- who's Carl Lewers? Do you
9 remember?

10 **A** No, I don't. Maybe his brother.

11 **Q** I think Carl -- it's in the report. Page
12 8. Wasn't Carl his father?

13 **THE COURT:** How much longer do you have?

14 **MS. MUNSON:** I'm sorry, Judge?

15 **THE COURT:** I just wanted to ask him how
16 much further he has to cover.

17 **MR. KORNFELD:** Probably --

18 **THE COURT:** Well, why don't we take a
19 recess at this time so the jury can have some
20 lunch?

21 **MR. KORNFELD:** Okay.

22 **THE COURT:** Okay. Take the jury out. Give
23 them lunch.

24 **(WHEREUPON, the jury exits at approximately**
25 1:19 p.m.)

1 **THE COURT:** Let's try to get back at 2
2 o'clock. Okay?

3 **MS. MUNSON:** Thank you, sir.

4 **(WHEREUPON, a lunch recess is taken.)**

5 **THE COURT:** Be seated. Counsel, approach
6 please.

7 **(WHEREUPON, a bench conference is held off the**
8 **record.)**

9 **THE COURT:** All right. Are we ready to
10 go?

11 **MS. MUNSON:** Yes, sir, Your Honor.

12 **THE COURT:** All right. Bring them on.

13 **(WHEREUPON, the jury enters at approximately**
14 **2:14 p.m.)**

15 **THE COURT:** Okay, Mr. Kornfeld, you may
16 proceed.

17 **BY MR. KORNFELD:**

18 **Q** Officer Fortner, I was asking you about
19 Keith Lewers' statement about where he was on the
20 night of the murder. That night, he gave the name
21 Carl Lewers and Jasmine Hunter; is that correct?

22 **A** Yes, he did.

23 **Q** Is Carl Lewers his father?

24 **A** Yes, sir.

25 **Q** Did he -- did you find out that he was in

1 bad health? Or did you know about his -- did you
2 ever meet with Mr. Lewers?

3 A I never met with the father.

4 Q Carl?

5 A Carl Lewers, correct.

6 Q Did you meet with Jasmine Hunter?

7 A No, sir. I did not.

8 Q She was the stated fiancée of Mr. Keith
9 Lewers?

10 A Yes, sir.

11 Q All right. Do you know how old Jasmine
12 Hunter was at the time?

13 A No, sir. I do not.

14 Q All right. Do you know if she was actually
15 pregnant?

16 A I do not. No, sir.

17 Q All right. Can you describe what Keith
18 Lewers -- if you were trying to describe him to
19 somebody who had never seen him, what would Keith
20 Lewers look like?

21 A I would say he is probably 5'10, 5'11,
22 maybe 200 pounds or so, short cut haircut, probably
23 late 30s, early 40s.

24 Q All right. He's black, right?

25 A Yes, sir.

1 Q Is he light-skinned, dark-skinned? What
2 would you say?

3 A I would say a medium, I guess, medium
4 complexion.

5 Q All right. Do you remember the interview
6 you had with him?

7 A I do, yes.

8 Q Do you remember him laughing in the
9 interview?

10 A Yeah. I mean, periodically. Yes, sir.

11 Q Did that cause you to have any concern when
12 you were having an interview with him, the fact that
13 his wife had just been killed?

14 A Did not cause me any concern, no, sir.

15 Q What kind of vehicle does Mr. Lewers
16 have?

17 A That, I couldn't tell you. I do not know.

18 Q And we know that Mr. King had -- I have
19 pictures of it here, a Mazda 626, correct?

20 A Yes, sir.

21 Q And in gathering through your evidence, did
22 you believe at first that it was a Crown Victoria
23 that you were looking for?

24 A You talking about once we talked to Raquan?

25 Q Yes. Yes.

1 **A** Based on what he was saying, sure, that's
2 what we felt like we might be looking for.

3 **Q** You've seen a Mazda 626 and a Crown
4 Victoria, correct?

5 **A** Yes, sir.

6 **Q** They are not the same -- are they the same
7 body style?

8 **A** No, not really, no.

9 **Q** Okay. And Ms. Munson said before -- Ms.
10 Munson, the solicitor, said before that you had some
11 concerns at the beginning that Raquan may have had
12 something to do with the death of his mother,
13 correct?

14 **A** That's correct, yes.

15 **Q** Did you ever say that it makes it looks
16 like it is him, referring to Mr. King?

17 **A** I don't understand. What?

18 **Q** When you had concerns about Raquan possibly
19 being a suspect involved somehow, your reasons for
20 that were what?

21 **A** The fact that he was home, went outside to
22 his friends and let his friends come inside the house
23 and then returning in such a short amount of time.

24 **Q** Okay. I think you said that. I just needed
25 to have my memory refreshed. So when you were doing

1 your investigation, did you ever say that it looks
2 like Raquan -- not Raquan. He makes it look like he
3 did it. It makes it look like it's him, referring to
4 Raquan making it look like it's Mr. King?

5 **A** I don't recall ever saying that. I may
6 have.

7 **Q** If we had the video of that, would that
8 refresh your memory, one way or the other, the
9 forensic video?

10 **A** Sure.

11 **Q** Okay.

12 **MR. KORNFELD:** Your Honor, I would like to
13 mark this DVD as Defense Exhibit Number 3.

14 **THE COURT:** Okay.

15 **MR. KORNFELD:** It is entitled Crime Scene
16 Video 1-14-040017. At the bottom, it says ■
17 ■ -- it doesn't actually say
18 circle, C-I-R-period, Gville, SC 29617, 03-17-
19 14.

20 **THE COURT:** Any objection?

21 **MS. MUNSON:** No, sir, Your Honor. Is he
22 going to want to play just a certain part of it?

23 **MR. KORNFELD:** Yes. Your Honor, I just
24 want to start at 48 seconds and have it go
25 through to about 1:20.

1 **MS. MUNSON:** I have no objection to that as
2 long as it's in evidence and if the jury wants
3 to see the whole ---

4 **THE COURT:** All right.

5 **MS. MUNSON:** --- two hours or however long
6 it is ---

7 **THE COURT:** Okay.

8 **MS. MUNSON:** --- that they have the
9 opportunity to do that.

10 **MR. KORNFELD:** I don't think this video --

11 **THE COURT:** Mark it.

12 **(WHEREUPON, Defendant's Exhibit 3 is marked for**
13 **identification purposes.)**

14 **(WHEREUPON, a portion of Defendant's Exhibit 3 is**
15 **played.)**

16 **BY MR. KORNFELD:**

17 **Q** All right. Officer Fortner, that is you
18 talking with Sergeant Shaw, I believe?

19 **A** That is me. I'm talking with -- I don't
20 know. I don't think it was Sergeant Shaw though.

21 **Q** Do you remember -- it's been so long. Do
22 you remember that conversation?

23 **A** Not specifics. But I remember discussing
24 with somebody how we felt that maybe Raquan might be
25 involved in this.

1 Q Okay. All right. We know that he had a
2 settlement from being in an accident, a monetary
3 settlement ---

4 A Yes.

5 Q --- from --

6 A I didn't know it at the time. But yes, we
7 do know that.

8 Q Right. Right. I understand. And if --
9 you may not know. If Ms. Lewers dies, who becomes
10 the conservator of that settlement?

11 A Well, my understanding was it would be the
12 father, Keith Lewers.

13 Q All right. Do you know where Mr. Keith
14 Lewers is today?

15 A I understand he lives in Atlanta. I don't
16 know that for sure.

17 Q All right. Have you had any conversations
18 with him since you interviewed him at the Law
19 Enforcement Center?

20 A No, I have not.

21 Q All right. Had you ever met or had reason
22 to know about Raquan Keion Lewers prior to this
23 incident?

24 A Did I know of him?

25 Q Yeah.

1 **A** Of Raquan?

2 **Q** Right.

3 **A** Yes.

4 **Q** Okay. Is that from your previous -- from
5 working, from your job?

6 **A** Yes, sir.

7 **Q** When Sylvester King told you about the -- I
8 don't know if he said Mexican or Hispanic. Officer
9 Rivera said Hispanic -- male that picked him up from
10 the apartments that were close by, ---

11 **A** Correct.

12 **Q** --- you found that hard to believe,
13 correct?

14 **A** Yes, sir.

15 **Q** It sounded like Officer Rivera let him know
16 that he spoke in Spanish and that y'all did your own
17 -- what did you do to try to find any, uh, Mexican
18 guy, white vehicles, anything like that?

19 **A** Nothing.

20 **Q** Okay. And you were talking about different
21 girlfriends and different things. I think you said
22 Kumiko was the girlfriend, which as you looked into
23 things, it may have been difficult. Kumiko Mitchell
24 was actually his fiancée, correct?

25 **A** I believe they'd just recently got engaged

1 at that time. Matter of fact, I think it was -- if I
2 remember correctly, what he said was that she had
3 spent the weekend with them, that weekend Friday and
4 Saturday prior to this thing happening. They got
5 engaged during that time.

6 Q Okay. All right.

7 MR. KORNFIELD: Your Honor, I would like to
8 -- well, I'll ask him a question about this.

9 BY MR. KORNFIELD:

10 Q You were notified about forensics from
11 Captain Jack Kellett. Did he have a briefing with
12 you or speak with you?

13 A No, sir.

14 Q Well, I'm going to show you something that
15 -- a forensic analysis report that I spoke to Ms.
16 Munson about. Have you ever seen this before?

17 A I have, yes.

18 Q What is that?

19 A It is saying that Raquan Lewers'
20 fingerprints were located within the house on the
21 kitchen storm door. Two of them from the kitchen
22 storm door; one on the freezer that was in the
23 kitchen; and then one from the interior door frame on
24 the kitchen door.

25 MR. KORNFIELD: At this time, I would like

1 to mark this forensic latent print analysis
2 report as Defense Exhibit 4 and move it into
3 evidence.

4 THE COURT: Any objection?

5 MS. MUNSON: No objection.

6 MR. KORNFIELD: Your Honor, I want to make
7 sure also -- I know we marked this, but I can't
8 remember if I moved Exhibit Number 3 into
9 evidence and would like to do that now as well.

10 THE COURT: All right. Any objection?

11 MS. MUNSON: No, sir, Your Honor.

12 THE COURT: All right. It's in evidence.

13 (WHEREUPON, Defendant's Exhibit 4 is marked for
14 identification and admitted into the record.)

15 (WHEREUPON, Defendant's Exhibit 3 is admitted
16 into the record.)

17 BY MR. KORNFIELD:

18 Q Earlier, I asked Mr. Raquan Lewers about
19 some pictures concerning him in front of a fancy
20 Ferrari. This was from his Facebook, he said. But
21 have you ever seen this picture?

22 A No, sir. I have not.

23 Q Okay. Did you ever -- so you never talked
24 to him about anything concerning his settlement?

25 A Not particularly, no, sir.

1 Q Do you know what occurred with his
2 settlement at all in this case?

3 A Regarding?

4 Q Like who got -- earlier, you know, when
5 someone dies or is deceased -- he was under the age
6 of majority of the time?

7 A Right.

8 Q It would likely go to the father because
9 they were still married.

10 A That was my understanding.

11 Q Did you ever find out if the father
12 received, would have become the conservator of that
13 money or whether Mr. Raquan Lewers reached the age of
14 majority and then got the money?

15 A I do not know. I did not check into that.

16 Q Okay. [REDACTED] or [REDACTED]
17 [REDACTED] over off of White Horse Road -- you have been
18 around for a long time. You know that area well, I
19 would assume, correct?

20 A Slightly, yes, sir.

21 Q Greenville Arms is very close by.

22 A Correct.

23 Q That is an apartment complex, correct?

24 A Correct.

25 Q Is it a safe place to be?

1 **A** It is probably not your best apartment
2 complex in town, no.

3 **Q** Okay. Concerning the drug transaction that
4 Raquan stated on the stand earlier, do you remember
5 that?

6 **A** I do.

7 **Q** Did you ever find out, were you ever able
8 to find out who he had a drug transaction with?

9 **A** I did not, no, sir.

10 **Q** All right. He also said it was a Hispanic
11 gentleman. Were there a lot of Hispanic gentleman
12 over off of White Horse Road in the area? Is that a
13 high population for Hispanics?

14 **A** Very high, yes, sir.

15 **Q** All right. Since the 26th of last year,
16 after you interviewed -- I think you interviewed him
17 on the 26th, correct?

18 **A** That is correct, yes, sir.

19 **Q** Has there been any more investigation that
20 has been continued since that time? Or was this
21 pretty much a closed case at that time?

22 **A** Pretty much, at that point, it was a closed
23 case, yes, sir.

24 **Q** Okay. Detective Fortner, no further
25 questions.

1 **THE COURT:** Any redirect?

2 **MS. MUNSON:** Two questions, Your Honor.

3 **THE COURT:** Okay. Step down.

4 **MS. MUNSON:** First of all, how do you --

5 **THE COURT:** Oh, I'm sorry.

6 **MS. MUNSON:** Excuse me.

7 **REDIRECT EXAMINATION**

8 **BY MS. MUNSON:**

9 **Q** How do you compare Keith Lewers in body
10 size to the defendant?

11 **A** Probably the same.

12 **Q** Okay. And the Mazda 626 and the Crown Vic,
13 we're talking about four-door cars, was there
14 something else in particular about the car that you
15 were looking for other than it was black?

16 **A** We were. We were told that the vehicle had
17 aftermarket rims on it. That's one of the other
18 things that we were looking for in addition to the
19 Crown Vic or dark-colored car.

20 **MS. MUNSON:** Nothing further, Your Honor.
21 Thank you.

22 **MR. KORNFELD:** Just one question about the
23 aftermarket rims.

24 **RE CROSS EXAMINATION**

25 **BY MR. KORNFELD:**

1 **Q** Weren't you told about the aftermarket
2 rims, on the Crown Victoria that you were looking
3 for, that these were 22s?

4 **A** We were told that the vehicle that was seen
5 driving by slowly by the house, that it was a dark
6 vehicle and that it had aftermarket rims on it.

7 **Q** Did they tell you if those were -- the
8 color of the rims, shiny, silver, anything like that?

9 **A** No, they just said it had aftermarket rims
10 on it.

11 **Q** All right. And there was no other
12 description other than just aftermarket?

13 **A** Correct. Yes, sir.

14 **MR. KORNFELD:** Okay. No further questions,
15 Judge.

16 **THE COURT:** Thank you. You can step down.

17 **MS. MUNSON:** The State calls Ronald Suber.

18 **THE CLERK:** Mr. Suber, will you come
19 forward to be sworn in please. Please place
20 your left hand on the Bible and raise your
21 right.

22 **RONALD SUBER**

23 having first been duly sworn, testifies as follows:

24 **THE CLERK:** Thank you. You may be seated.
25 Would you please state your name for the record?

1 **THE WITNESS:** Ronald Dwayne Suber, Jr.

2 **THE CLERK:** Thank you.

3 **DIRECT EXAMINATION**

4 **BY MS. MUNSON:**

5 **Q** Who do you work for now, sir?

6 **A** Currently, I'm employed by Greenville
7 Health System.

8 **Q** What do you do for them?

9 **A** I am an assistant down in the MRI
10 department.

11 **Q** Okay. Back in March of 2014, who were you
12 working for?

13 **A** Greenville County Sheriff's office.

14 **Q** How long did you work for the sheriff's
15 office?

16 **A** Approximately three years.

17 **Q** All right. And what were your duties?

18 **A** I was assigned to the patrol division as a
19 road deputy.

20 **Q** Did you get a call in reference to this
21 case?

22 **A** Yes, ma'am. I did.

23 **Q** On what date?

24 **A** It would have been March 16th, 2014,
25 roughly 11 o'clock at night.

1 Q All right. Where did you go in response to
2 the call that you got?

3 A Responded at [REDACTED] in
4 Greenville.

5 Q When you went over there, was anybody else
6 in your car?

7 A No, ma'am. It was just myself.

8 Q When you got to the scene, were there any
9 other deputies there?

10 A Yes, ma'am. There were several deputies
11 that arrived with me at about the same time.

12 Q All right. Well, when you got there, was
13 anybody -- any emergency personnel in the house
14 already?

15 A No, ma'am.

16 Q All right. So what did you do when you
17 first got there?

18 A Myself and several other deputies
19 approached the house. We had received a call that an
20 individual had been found dead inside the residence.
21 We approached the house, tried to make contact with
22 someone.

23 Q And how did you do that?

24 A Knocked on the door. Announced ourselves
25 as sheriff deputies.

1 Q And which door did you knock on?

2 A The front door.

3 Q Did you get any response?

4 A Initially, no, ma'am.

5 Q All right. So then what did you do after
6 that?

7 A Knocked again. Announced ourselves again.

8 It was at that time that we could hear some movement
9 in the house and, I believe, heard a voice -- heard a
10 male say, wait a minute.

11 Q Okay. And how long was it? Was it more
12 than a minute before they --

13 A No, it was relatively quickly someone came
14 to the door and opened it up.

15 Q Okay. And when you saw this person open the
16 door, what did you do?

17 A Initially, not knowing whether, you know,
18 this was a suspect or not, we just had him come out.
19 He was secured and made sure he didn't have any
20 weapons on him. We asked him if there was anyone
21 else in the residence.

22 Q Okay. And was there anyone else in there?

23 A There was -- there were two females.

24 Q Did you bring them out as well?

25 A We did. We brought them out. They were

1 secured as well.

2 Q All right. The male subject, did he
3 identify himself to you?

4 A He did. He stated that -- he stated that
5 his mom was inside.

6 Q Okay.

7 A He was her son.

8 Q All right. How was he acting when you got
9 there?

10 A Very jittery. Just kind of -- you could
11 tell something was going on, something was wrong.

12 Q Okay. What was he saying to you as far as -
13 - well, let me ask you this, how long after you got
14 the call did you get to the scene?

15 A It would have been from where I was, a
16 minute or two, if that.

17 Q Okay. So you got there within a minute.
18 About how long was it that you had contact with the
19 subject who said he was the deceased's son?

20 A Roughly another minute.

21 MS. MUNSON: Your Honor, at this time, I
22 want to ask him about what this subject said as
23 an excited utterance exception to hearsay rule.

24 THE COURT: Proceed.

25 MS. MUNSON: All right.

1 **THE COURT:** You object?

2 **MR. KORNFELD:** Yeah, I would object. I
3 don't think that is a correct -- I don't think
4 that is a correct exception. He testified
5 earlier.

6 **THE COURT:** I will allow it. Go ahead.

7 **BY MS. MUNSON:**

8 **Q** What did he tell you?

9 **A** As we were getting him secured, he
10 immediately began saying that, uh -- I believe I
11 wrote it in this report, if you will excuse me one
12 second. (Pause.)

13 He kept saying that he believed his
14 mother's boyfriend had done it because he kept saying
15 they were hiding from him.

16 **Q** Okay.

17 **A** And when asked who the boyfriend was, he
18 stated the name Sylvester King.

19 **Q** Did you eventually go in the house?

20 **A** Yes, I did.

21 **Q** What did you find the house?

22 **A** We went inside the house to make sure there
23 was no one else hiding in the house and see if there
24 was a victim inside. Eventually, it led up to
25 finding the victim. She was deceased in the bedroom.

1 Q Did you actually go in there and look at
2 her?

3 A I did, yes.

4 Q Did you move her or touch her?

5 A No, ma'am. It was readily observable to me
6 that she was deceased.

7 Q Okay. Did you move anything around in the
8 room?

9 A No, ma'am.

10 Q Did you let anyone else move anything
11 around?

12 A No, ma'am.

13 Q Let me show you one -- did you go around
14 the outside of the house as well?

15 A I personally did not, but we had deputies
16 that did go around the outside of the house to secure
17 and make sure no one was hiding outside.

18 Q Okay. Did you go through the kitchen?

19 A Yes, ma'am, I did.

20 Q Let me show you State's Exhibit Number 48.
21 Do you recognize that?

22 A Yes, ma'am, I do.

23 Q Is that an accurate depiction of the
24 outside of the kitchen door and the carport?

25 A Yes, ma'am. I would've seen it from the

1 inside view, but yes.

2 MS. MUNSON: Your Honor, I will move
3 State's 48 into evidence.

4 MR. KORNFIELD: No objection, Your Honor.

5 THE COURT: Without objection.

6 MS. MUNSON: I have nothing further, Your
7 Honor. Nothing further of this witness.

8 (WHEREUPON, State's Exhibit 48 is admitted into
9 the record.)

10 THE COURT: All right.

11 CROSS-EXAMINATION

12 BY MR. KORNFIELD:

13 Q Mr. Suber, other than the night of the
14 incident, did you have any other involvement
15 whatsoever in this case?

16 A No, sir.

17 MR. KORNFIELD: I have no further
18 questions.

19 THE COURT: Thank you. You can step down.

20 MS. MUNSON: Your Honor, we ask that this
21 witness be excused.

22 THE COURT: Any objection?

23 MR. KORNFIELD: No objection.

24 THE WITNESS: Thank you, Your Honor.

25 MS. MUNSON: The State calls Dustin

1 Kretzschmar.

2 **THE CLERK:** Sir, would you please come
3 forward to be sworn in. If you would, place
4 your left hand on the Bible as you come forward
5 and raise your right.

6 **DUSTIN KRETSCHMAR**

7 having first been duly sworn, testifies as follows:

8 **THE CLERK:** Thank you. You may be seated.
9 Would you please state your name for the record.

10 **THE WITNESS:** Dustin Kretzschmar.

11 **THE CLERK:** Thank you.

12 **DIRECT EXAMINATION**

13 **BY MS. MUNSON:**

14 **Q** Who do you work for, sir?

15 **A** Greenville County Forensics.

16 **Q** What do you do for them?

17 **A** I collect evidence and document scenes that
18 we respond to.

19 **Q** How long have you been doing that?

20 **A** Five years.

21 **Q** All right. As far as collecting evidence
22 and documenting crime scenes, is part of that, does
23 fingerprints have anything to do with that?

24 **A** Yes, ma'am. We try to collect any
25 fingerprints that we find on the scene by dusting or

1 any other chemical means.

2 Q Have you had any training on where to look
3 for fingerprints?

4 A Yes, ma'am.

5 Q In your training, are you taught that every
6 time somebody touches something, there's going to be
7 a fingerprint?

8 A No, ma'am.

9 Q Now, did you get a call in reference to
10 this case?

11 A Yes, ma'am.

12 Q Where did you go first as far as this case?
13 I responded to the morgue at Greenville Memorial
14 Hospital.

15 Q What was the purpose of you being at the
16 morgue?

17 A In reference to an autopsy.

18 Q All right. When you got there, were you
19 able to see the body that was being autopsied?

20 A Yes, ma'am.

21 Q And what was -- what did the body look
22 like? Clothed, unclothed?

23 A When I got to the morgue, she was still
24 lying on -- in the transport bag. She had her
25 clothing on there. Her bags -- her hands were bagged

1 and secured. She had suspected blood covering the
2 majority of her body.

3 Q Okay. When she was in that state, did you
4 do anything as far as your job on the case?

5 A Yes, ma'am. So at that point, we document
6 the victim through photographs before we touch or do
7 anything with the victim. Then at that point, we go
8 into trying to collect any trace evidence that might
9 be on her torso or legs ---

10 Q Okay.

11 A --- and things of that nature.

12 Q So after -- after the body is -- what
13 happens after you get done with the body in the state
14 that it was in when it got there?

15 A Once we document the state that she was in,
16 like I said, we will collect any physical evidence
17 that's on her, collect the clothing and take
18 fingernail clippings. And then after everything is
19 collected that could be from the victim, the victim
20 is washed down and taken to the table for the
21 autopsy.

22 Q You stay there when the body is washed
23 down?

24 A Yes, ma'am.

25 Q And the clothing is removed?

1 **A** Yes, ma'am.

2 **Q** What did you notice once the body had been
3 washed off?

4 **A** Once she was washed off, there are several
5 injuries to her shoulder and neck area.

6 **Q** Okay. And after you -- when you see those
7 injuries, did you document and photograph those as
8 well?

9 **A** Yes, ma'am. Then we, like you said,
10 document and photograph those injuries.

11 **Q** Did you have another role to play in this
12 case?

13 **A** I did. On the 19th of March, I processed a
14 vehicle that was at the crime scene office that I
15 worked at.

16 **Q** Okay. When you say you processed the
17 vehicle, what does that mean?

18 **A** Again, before we do anything with the
19 vehicle, we want to photograph the state that it's
20 in. I photographed the entire exterior of the
21 vehicle, anything that's pertinent on the car as far
22 as damage. Then, I go into collecting DNA from -- or
23 possible DNA swabs from the door handle so I can get
24 into the vehicle. Once I can open the doors and open
25 the trunk, then I will continue to photograph and

1 document everything inside the vehicle.

2 Q Did you do that in this case?

3 A Yes, ma'am.

4 Q When you find the substance that you are
5 suspicious might be blood, what do you do with that?

6 A First, we'll perform a presumptive
7 phenolphthalein test. What that is, is there's three
8 chemicals. We will take a swab of whatever that
9 substance is, put a drop of three different
10 chemicals, alcohol, phenolphthalein and hydrogen
11 peroxide on there. If it turns it bright pink, it's
12 possible that it is suspected blood. It's still not
13 100 percent.

14 Q Okay.

15 A We believe it's blood and we collect that
16 substance.

17 Q Did you get any positive results when you
18 were processing the car?

19 A There were several substances that we
20 wanted to test on the interior of the driver-side
21 doors, on the seats, car seats. There were some floor
22 mats that also had suspected blood on there. We
23 tested all of those and they came back positive
24 through the presumptive test.

25 Q After you collect these things and you seal

1 them up, what do you do with them?

2 **A** I collect them, package them, seal them
3 with evidence tape and then I transport them to our
4 Property and Evidence section at the Law Enforcement
5 Center.

6 **Q** Let me show you a few things here. I'm
7 showing you State's Exhibit 42, 43, 44, 45, 46 and
8 47. If you will, just take a look at those please.

9 **A** (Reviewing.)

10 **Q** Do you recognize those?

11 **A** Yes, ma'am.

12 **Q** Are they true and accurate depictions of
13 the vehicle you processed on the 19th?

14 **A** Yes.

15 **MS. MUNSON:** Your Honor, I move State's 41,
16 42, -- I'm sorry -- 42, 43, 44, 45, 46 and 47
17 into evidence.

18 **THE COURT:** Any objection?

19 **MR. KORNFELD:** No objection.

20 **(WHEREUPON, State's Exhibits 42 through 47 are**
21 admitted into the record.)

22 **BY MS. MUNSON:**

23 **Q** Just take a look at these quickly. This is
24 State's Exhibit 42. What does this show Mr.
25 Kretschmar?

1 **A** This is on the steering wheel of the
2 vehicle that I processed. And in the left-hand corner
3 of the steering wheel, it's suspected blood that,
4 again, we tested for presumptive -- used the
5 presumptive test, and then collected.

6 **Q** Is that the area where this pinpoint is?

7 **A** Yes.

8 **Q** Okay. State's Number 43.. What does this
9 show?

10 **A** That is the cent -- front-center console to
11 the vehicle.

12 **Q** Was there anything in here that was
13 presumptively positive for blood?

14 **A** Again, I believe there is tissue in the
15 bottom. Yes, ma'am, to the right, there is suspected
16 blood on there and then in the corner, yes, ma'am.

17 **Q** Okay. State's 44.

18 **A** That is the front driver's side seat.

19 **Q** I'm so sorry. There we go.

20 **A** Actually, if you were to turn it clockwise.
21 There you go. Back. There we go. That's going to
22 be the front driver's side seat and floorboard. On
23 the seat, there is more suspected blood.

24 **Q** Did you take note of what this is?

25 **A** I did. I collected that. It's, I believe,

1 OxiClean cleaner.

2 Q Okay. State's 45.

3 A That is the same picture of the same area.
4 We removed the entire seat from that area to get a
5 clear picture of underneath the front driver's seat.

6 Q And this area here?

7 A That's more suspected blood.

8 Q Underneath the seat?

9 A Yes, ma'am.

10 Q Now, what does this depict?

11 A That's going to be the bottom side of the
12 seat, front driver's side seat that we removed. And
13 on the top edge there of the cushion, again, is more
14 suspected blood.

15 Q If a person was sitting, their legs would
16 be here, ---

17 A Yes, ma'am.

18 Q --- right?

19 A Yes, ma'am.

20 Q Pointing down. So it's just the seat out of
21 the car turned on the back?

22 A Correct. That's going to be the underside
23 of the seat.

24 Q Finally, this is 47. What does this
25 depict?

1 **A** That is gonna be one of the floor mats that
2 was resting on the front passenger seat. I believe
3 there was suspected blood on that one as well on the
4 top in the corner.

5 **Q** This was the front passenger seat?

6 **A** That was -- it wasn't on the floor board.
7 It was actually sitting on the seat itself. It was
8 just a floor mat that was resting on the seat.

9 **Q** Okay. I have nothing further, Your Honor.

10 **THE COURT:** Mr. Kornfeld?

11 **MR. KORNFIELD:** No questions, Your Honor.

12 **THE COURT:** Step there.

13 **THE WITNESS:** Thank you.

14 **MS. MUNSON:** Your Honor, we ask that he be
15 excused.

16 **THE COURT:** Any objection excusing him?

17 **MR. KORNFIELD:** No, Your Honor.

18 **MS. MUNSON:** The State calls Dr. Michael
19 Ward.

20 **THE CLERK:** Dr. Ward, if you would, come
21 forward to be sworn in please. Would you please
22 place your left hand on the Bible and raise your
23 right?

24 **MICHAEL WARD**

25 having first been duly sworn, testifies as follows:

1 **THE CLERK:** Thank you. You may be seated.
2 Would you please state your name for the record.

3 **THE WITNESS:** Michael Eugene Ward.

4 **THE CLERK:** Thank you.

5 **DIRECT EXAMINATION**

6 **BY MS. MUNSON:**

7 **Q** Who do you work for, sir?

8 **A** I am employed by Pathology Associates of
9 Greenville, which is a local pathology group, and by
10 Greenville County as the Chief Medical Examiner.

11 **Q** How long have you been the Chief Medical
12 Examiner for Greenville County?

13 **A** Since 1997.

14 **Q** Were you still connected with the medical
15 examiner's office before '97?

16 **A** I came in 1995. Prior to 1997, I was the
17 deputy medical examiner. In 1997, I became the
18 chief.

19 **Q** What does a medical examiner -- what is
20 that job about?

21 **A** Well, I am a -- the job of the medical
22 examiner in Greenville County is to investigate
23 deaths to determine cause and manner of death.

24 **Q** And what is the main way that you go about
25 determining cause and manner of death?

1 **A** It's the autopsy process.

2 **Q** Briefly, what is an autopsy?

3 **A** An autopsy is a detailed physical
4 examination performed on a person after they have
5 died. It involves an external examination, looking
6 at the external surface for any injury or natural
7 disease and then a continuation of that examination
8 to the inside of the body to look at organs and
9 tissues to determine any trauma that may have
10 happened there or any natural disease that may be
11 present.

12 **Q** All right. Would you please tell the jury
13 about your educational background?

14 **A** I received my Bachelors degree in biology
15 from the University of Alabama. I have a Masters
16 degree in forensic science from the University of
17 Alabama in Birmingham. I received my medical degree
18 from the University of South Alabama, which is in
19 Mobile. I did a four-year anatomic pathology
20 residency at the Medical University of South Carolina
21 in Charleston, and a one-year fellowship in forensic
22 pathology at the University of New Mexico. I am board
23 certified by the American Board of Pathology in both
24 anatomic and forensic pathology.

25 **Q** What is forensic pathology?

1 **A** Pathology is the study of disease and
2 disease processes and how they affect man. Forensic
3 pathology takes that one step further incorporating
4 the -- what you learn as a pathologist to interpret
5 disease, do autopsies and then in interpretation of
6 those autopsies to determine cause and manner of
7 death and then to present that information in the
8 court of law.

9 **Q** How many autopsies could you say that you
10 performed, Dr. Ward?

11 **A** Well over 5000.

12 **Q** Have you ever been qualified as an expert
13 in the field of forensic pathology in courts of South
14 Carolina?

15 **A** Numerous times, yes.

16 **Q** And in any other states?

17 **A** North Carolina, New Mexico, those are the
18 three.

19 **Q** Are you licensed to practice medicine in
20 South Carolina?

21 **A** I am.

22 **MS. MUNSON:** Your Honor, at this time, I
23 offer Dr. Ward as an expert in the field of
24 forensic pathology.

25 **THE COURT:** Any voir dire?

1 **MR. KORNFELD:** No, Your Honor.

2 **THE COURT:** He's qualified. Proceed.

3 **BY MS. MUNSON:**

4 **Q** Dr. Ward, did you do an autopsy related to
5 this case?

6 **A** Yes, ma'am. I did.

7 **Q** On what date?

8 **A** March 17th, 2014.

9 **Q** And where are the autopsies performed?

10 **A** The autopsy facility for Greenville County
11 is on the campus of Greenville Memorial Hospital
12 downtown at Grove Road.

13 **Q** Okay. What was the name of the person on
14 whose body you did this autopsy?

15 **A** Janice Latonya Hackett.

16 **Q** What is the first thing you did regarding
17 the autopsy?

18 **A** The first portion of the autopsy, this
19 autopsy is like any autopsy. We examine the body as
20 it arrives to us. So they are received in a body
21 bag. We open the body bag to look at the external
22 surface to see how she's dressed, to document how
23 she's dressed, to document the condition of the body,
24 to photograph the external surface of the body and to
25 make diagrams of any injuries that we may see on the

1 external surface of the body.

2 Q Did you notice any external injuries on
3 Janice Hackett?

4 A Yes, we did.

5 Q What did you find?

6 A That there were multiple sharp force
7 injuries to Ms. Hackett. These included stab wounds,
8 which are sharp force injuries that are deeper than
9 they are long, and there were incised wounds, which
10 are cuts which are longer than they are deep. I can
11 go through those if you would like.

12 Q Sure. Well, let me ask you this, did you
13 prepare a diagram ---

14 A Yes, I did.

15 Q --- related to this case?

16 A Yes, I did.

17 Q And would it be helpful in explaining to
18 the jury what you found in autopsy?

19 A It certainly would, yes.

20 Q Okay. I'm showing you State's Exhibits 49
21 and 50, Dr. Ward. If you would, take a look at
22 those?

23 A Yes.

24 Q Do you recognize those?

25 A I do.

1 **Q** Are these the diagrams that you prepared?

2 **A** Yes, state's examine -- I'm sorry. State's
3 Exhibit 49 is a representation of the head-body
4 diagram that we use. State's Exhibit 50 is a front
5 and back of the body diagram that I prepared for
6 today.

7 **Q** All right. Thank you, Dr. Ward.

8 **MS. MUNSON:** Your Honor, I'm offering
9 State's 49 and 50 into evidence.

10 **THE COURT:** Any objection?

11 **MR. KORNFELD:** No objection.

12 **(WHEREUPON, State's Exhibits 49 and 50 are admitted**
13 **into the record.)**

14 **BY MS. MUNSON:**

15 **Q** All right, Dr. Ward.

16 **THE COURT:** Have they been marked?

17 **MS. MUNSON:** I'm sorry?

18 **THE COURT:** Have they been marked?

19 **MS. MUNSON:** Yes sir.

20 **THE COURT:** Okay.

21 **BY MS. MUNSON:**

22 **Q** Dr. Ward, let's first look at State's
23 Exhibit Number 50. Let me ask you this first. On
24 State's Exhibit 50, are there any injuries of note
25 below the waist?

1 **A** No, ma'am.

2 **Q** Okay. Let's take a look at, uh, -- just go
3 through these wounds, if you would.

4 **A** Well, as I said, there are two types of
5 sharp force injuries. There are incised wounds, or
6 cuts, and stab wounds. She has three separate
7 incised wounds. One to the front portion of the
8 right wrist. One to the front portion of the right
9 shoulder and one to the left upper shoulder in the
10 back. Those are incised wounds or cuts of the skin.
11 She has eight separate stab wounds which are deeper
12 than they are long. There are four of them
13 represented here.

14 When I do my body diagrams in autopsy, I
15 number the stab wounds. But they are for my
16 convenience in referring at trial, not for -- not to
17 indicate what I think the order of occurrence was.
18 The first we can see is a stab wound that I numbered
19 as number 4 which is right at the junction of the
20 skull with the posterior neck. This is a superficial
21 stab wound. It only goes through the skin of the
22 upper neck before it hits the bone of the skull. It
23 did not penetrate into the skull. This will be a
24 superficial stab wound.

25 This is a separate stab wound called number

1 7 in the midline of the upper back which goes through
2 the skin in the deep musculature of the upper back to
3 hit the seventh cervical vertebrae in the back. It
4 goes through the skin musculature all the way down to
5 the bone of the seventh cervical vertebrae.

6 Then, on the front, we see two separate
7 stab wounds which are numbered five and six. These
8 are above the clavicle. So they're in the right
9 outside portion of the neck, above the clavicle.
10 They both go from her right to her left and towards
11 the midline. They merge. The wound track of number
12 5 and the wound track of number 6 merge within the
13 soft tissues of the neck within this region here.
14 Those are the sharp force injuries on this body
15 diagram.

16 Q Okay. Now, let's look at state's --

17 A I'm sorry. I apologize number 8 is right
18 here.

19 Q Okay.

20 A This is another stab wound which goes
21 through the skin and subcutaneous tissues, or the fat
22 beneath the skin, of the left shoulder. It goes
23 through the skin and actually exits out right here
24 causing this incised wound to the skin. This incised
25 wound correlates with stab wound number 8. So it

1 goes in and then out right here.

2 Q So it goes in -- number 8 ---

3 A In here.

4 Q --- goes in there?

5 A Yes, ma'am.

6 Q And then out ---

7 A Out right here. So it would be from Ms.

8 Hackett's, from her right to her left and downward to
9 exit the skin here.

10 Q All right. Now, let's look at State's
11 Number 49, this diagram. There you go.

12 A This is a four-view representation of the
13 head of Ms. Hackett. We'll concentrate on the right
14 side of her head. Here within is what we call the
15 right parietal region or the right side of the skull
16 is a superficial stab wound. Again, it only goes
17 through the skin and subcutaneous tissues of the
18 scalp impacting the underlying bone, but does not go
19 through the bone into the brain. Again, a
20 superficial stab wound.

21 And then there are two stab wounds to the
22 right side of the neck; stab wound number 1 here in
23 the front part of the neck just beneath the angle of
24 the jaw, passes from her right to her left towards
25 the midline and merges with the area of the neck call

1 the posterior pharynx. In the posterior pharynx is
2 the opening to the esophagus and the opening to the
3 trachea. This stab wound goes through the skin and
4 muscles of the neck to the midline causing damage to
5 those soft tissues and a great deal of bleeding into
6 the neck so that she swallows blood and that she
7 aspirates blood or breathes blood down into her
8 lungs.

9 The second stab wound to the right side of
10 the neck is number 2. Stab wound number 2, also very
11 similar to stab wound number 1, goes from her right
12 to her left and downward this way. This wound
13 incises or cuts the right internal jugular vein.
14 That's the vein that drains the right half of your
15 head, taking blood back from your head to your heart.
16 It is a very large vein. It carries a great deal of
17 blood. So from this wound would have been a great
18 deal of blood loss because of the damage, the
19 underlying right internal jugular vein. These are
20 the two most potentially fatal wounds. This wound,
21 number 1, which goes to the midline of the pharynx
22 causing a great deal of pulmonary aspiration, or
23 breathing of blood into the lungs, and stab wound
24 number 2 which incised the right internal jugular
25 vein resulting in a great deal of blood loss through

1 this defect to the outside of the skin.

2 Q Okay. Now, Dr. Ward, let me ask you a
3 little bit more detail about the incised wound on her
4 right arm.

5 A Yes, ma'am.

6 Q Let me show you State's Exhibit Number 34.

7 A Yes.

8 Q Do you remember this -- looking at this
9 photograph?

10 A I have seen this photograph, yes.

11 Q Is this an accurate depiction of that
12 incised wound of the arm at the time of the autopsy?

13 A Yes, it is.

14 MS. MUNSON: All right. I move State's 34
15 into evidence.

16 MR. KORNFELD: No objection.

17 THE COURT: Without objection.

18 (WHEREUPON, State's Exhibit 34 is admitted into the
19 record.)

20 BY MS. MUNSON:

21 Q Dr. Ward, let's talk about this particular
22 wound. It might be a little hard to orient. Now, if
23 you could show the jury on your own arm where is this
24 wound.

25 A This is the right arm, and so this is

1 towards the elbow. This is towards the hand. So, on
2 my arm, it is in this area here². On her arm, here.
3 Her arm is laying much like this. You can see the
4 creases of her palm here. It would be much of this
5 area here.

6 Q All right. This very dark area in the
7 middle of the wound on State's 34, what is that?

8 A That is blood.

9 Q Are there any particular vessels in this
10 area that could cause significant bleeding?

11 A Yes. Within that region, there is the
12 radial artery. If you will, this is the one that we
13 always used to take our pulse. Where you can push in
14 here and feel your pulse, that's the radial artery,
15 which is directly in relationship to this incised
16 wound of the hand -- of the wrist. I'm sorry.

17 Q When an artery is cut, is that different
18 than when a vein is cut?

19 A Yes, it is.

20 Q What's the difference?

21 A The reason that we take our pulse is to see
22 how fast our heart is beating. The reason we use
23 arteries is because, in an artery, you can feel the
24 pulse pressure. Each heartbeat, you feel it pulsing
25 through. After it goes through the capillaries and

1 is draining back towards the heart in the vein, you
2 don't feel that pulse pressure. It is just more of a
3 flow. So in an arterial injury, if you damaged the
4 artery, then you get what we call arterial spurting,
5 which is where blood is forced out and spurt after
6 each heartbeat. It will come out in a spurt, spurt,
7 spurt with each heartbeat.

8 Q All right.

9 A Which is different from venous which would
10 flow out of the wound.

11 Q The jugular vein injury that you were
12 talking about earlier, that was -- wouldn't do any
13 spurting, correct?

14 A That is correct.

15 Q However it would be significant bleeding,
16 as you said?

17 A That's correct.

18 Q I know you didn't go to the crime scene,
19 Dr. Ward. But I'm showing you what is in evidence
20 already as State's Exhibit Number 18 and State's
21 Exhibit Number 26. Okay. If you could, just take a
22 look at those.

23 A (Reviewing.)

24 Yes, ma'am.

25 Q Are there anything on those exhibits that

1 is consistent with arterial spurting?

2 **A** State's Exhibit 26 shows a wall mostly --
3 almost at waist height which shows this linear, looks
4 like two linear patterns of blood spatter on the
5 wall, which would be consistent with arterial spurt.
6 State's Exhibit 18 shows the photograph of a linoleum
7 floor and what looks like maybe a chest-type freezer.
8 On the chest-type freezer on the front and on the
9 top, again, is blood splatter consistent with
10 arterial spurting.

11 **Q** Thank you, Dr. Ward. Let me just put these
12 on the presenter so the jury can see what we're
13 seeing. All right. Now, this is State's Exhibit 26.
14 Is this -- you've got the presenter.

15 **A** In this region here, you said there's
16 multiple spots coming across, multiple spots coming
17 across. That's not consistent with blood flowing and
18 just dripping from your hand. This is arterial
19 spurting so that it comes out under pressure and
20 casts itself across the wall like that.

21 **Q** Okay. And this as State's Exhibit Number
22 18. Can you show the jury on this exhibit where
23 you're talking about?

24 **A** Across the top of the freezer. It's in a
25 linear pattern here and then here and then across the

1 front of the freezer.

2 Q Okay. Thank you, Dr. Ward. As part of the
3 autopsy, do you do toxicology tests on the deceased?

4 A Yes, we do.

5 Q Did you do that with Ms. Hackett?

6 A We did.

7 Q Did you find anything in her system, any
8 drugs or alcohol in her system?

9 A Toxicological analysis of Ms. Hackett's
10 blood was negative. There was no alcohol. There were
11 no commonly used drugs of abuse.

12 Q Dr. Ward, do you have an opinion as to the
13 cause of death of Janice Hackett?

14 A Yes, ma'am. I do.

15 Q What is that opinion?

16 A Ms. Hackett died as a result of multiple
17 stab wounds of the head and neck.

18 Q Do you have an opinion as to the manner of
19 her death?

20 A I do.

21 Q What is that opinion?

22 A Manner of death in this case will be
23 homicide.

24 MS. MUNSON: Nothing further, Your Honor.

25 MR. KORNFELD: No questions, Your Honor.

1 **THE COURT:** Thank you, Doctor.

2 **THE WITNESS:** Thank you.

3 **MS. MUNSON:** If it please the Court, Your
4 Honor, that is the State's case.

5 **THE COURT:** All right. Take the jury out
6 please.

7 **(WHEREUPON,** the jury exits at approximately
8 3:10 p.m.)

9 **THE COURT:** All right.. Any motions, Mr.
10 Kornfeld?

11 **MR. KORNFIELD:** Yes, Your Honor. I make a
12 motion, a Rule 19 of the South Carolina Rules of
13 Criminal Procedure motion. There is no
14 competent evidence here to move forward and hand
15 this over to a jury due to the fact of several
16 different amounts of DNA. There is no murder
17 weapon that has been produced. And, uh, that
18 would be concerning my Rule 19 motion.

19 I also have a motion concerning, I believe
20 that Ronald Suber's testimony concerning what
21 Raquan Keion Lewers said was not a excited
22 utterance. Therefore, it should've been
23 excluded.

24 **THE COURT:** I have to disagree with you.
25 I think there is direct and circumstantial

1 evidence to go forward. Your motion is denied.

2 **MR. KORNFELD:** Your Honor, may I have five
3 minutes to speak with my client?

4 **THE COURT:** Sure.

5 **MR. KORNFELD:** I will just go over here
6 with him.

7 (WHEREUPON, Mr. Kornfeld consults with Mr. King.)

8 **THE COURT:** Okay. Put him under oath
9 please.

10 **THE CLERK:** Yes, sir, Your Honor.

11 (WHEREUPON, the defendant's first duly sworn.)

12 **THE COURT:** You can be seated now, uh, Mr.
13 King. Mr. King, we have arrived at a point in
14 your trial where you need to make a decision on
15 whether you will or will not testify in your
16 defense. You understand that?

17 **MR. KING:** Yes.

18 **THE COURT:** Now, I need to advise you that
19 you have a perfect right to take the stand and
20 testify and tell the jury your side of the
21 story. Okay. You understand that?

22 **MR. KING:** Yes.

23 **THE COURT:** If you make that decision,
24 then you become like any other witness in the
25 case. You become subject to cross-examination

1 by the Solicitor. I don't know whether you have
2 any type of criminal record for which you can be
3 impeached, but if you do, the Solicitor could
4 impeach you. You understand that?

5 **MR. KING:** Yes.

6 **THE COURT:** I also need for you to
7 understand that you don't have to take the
8 stand. A defendant never has any responsibility
9 or burden to take the stand and testify in his
10 or her own defense. You understand that?

11 **MR. KING:** Yes.

12 **THE COURT:** That is because it is your
13 constitutional right not to do that. You don't
14 have to take the stand. You don't have to
15 testify. If that is your decision, I will tell
16 the jury that they in no way can hold that
17 against you. You understand that?

18 **MR. KING:** Yes, sir.

19 **THE COURT:** Now have you talked with your
20 attorney concerning whether or not you will or
21 will not testify in your own defense?

22 **MR. KING:** Yes, sir.

23 **THE COURT:** Sir?

24 **MR. KING:** Yes, sir.

25 **THE COURT:** What decision have you made?

1 **MR. KING:** I'm not going to testify.

2 **THE COURT:** All right. That's your
3 decision. You under -- has anyone used any
4 force or made any threats against you not to
5 testify?

6 **MR. KING:** No, sir.

7 **THE COURT:** Has your attorney put any
8 weight on you on whether or not to testify?

9 **MR. KING:** No, sir.

10 **THE COURT:** In other words, you're telling
11 me that this is your decision that you made
12 freely and voluntarily not to take the stand and
13 testify in your own defense; is that correct?

14 **MR. KING:** Yes, sir.

15 **THE COURT:** Okay, that's fine.

16 Okay, Mr. Kornfeld.

17 **MR. KORNFELD:** Your Honor, I would just
18 like to make it known to the court that I
19 believe -- Assistant Solicitor Munson and I
20 discussed whether or not he had any impeachable
21 defenses that she planned to bring. She's
22 stated that she would not, concerning any
23 criminal record.

24 **MS. MUNSON:** That's correct, Your Honor.

25 **THE COURT:** That's fine.

1 **MR. KORNFELD:** And I just ask that we take
2 a --

3 **THE COURT:** I understand now you have one
4 witness?

5 **MR. KORNFELD:** That's correct.

6 **THE COURT:** Solicitor, do you have
7 anything in reply?

8 **MS. MUNSON:** I don't know, Your Honor.

9 **THE COURT:** All right. I understand.

10 **MS. MUNSON:** I do have one thing to ask the
11 Court. I made a mistake and I closed my case
12 without getting State's Exhibit Number 68
13 actually formally into evidence. It has been
14 shown to the jury. I would request permission
15 respectfully to reopen my case for the purpose
16 of entering 68.

17 **THE COURT:** All right.

18 **MR. KORNFELD:** We don't have an objection
19 to that.

20 **THE COURT:** All right.

21 **MS. MUNSON:** Thank you, Your Honor.

22 **(WHEREUPON, State's Exhibit 68 is admitted into the**
23 **record.)**

24 **THE COURT:** You have any further motions
25 at this time?

1 **MS. MUNSON:** No, Your Honor.

2 **MR. KORNFELD:** No, Your Honor.

3 **THE COURT:** All right. You've got a
4 witness on the way?

5 **MR. KORNFELD:** Yes, Your Honor. I spoke
6 with her before I came in. She said she would
7 be here in about 10 minutes.

8 **THE COURT:** Okay.

9 **MR. KORNFELD:** Your Honor, may I go out in
10 the hallway?

11 **THE COURT:** Certainly.

12 (WHEREUPON, there is a pause.)

13 **THE COURT:** Bring them in.

14 (WHEREUPON, the jury enters at approximately
15 3:38 p.m.)

16 **THE COURT:** Okay, Mr. Kornfeld.

17 **MR. KORNFELD:** Your Honor, the defense
18 calls Tori King Wilson to the stand.

19 **THE CLERK:** Ms. Wilson, if you will, come
20 forward to be sworn in. If you would, please
21 place your left hand on the Bible and raise your
22 right.

23 **SENTORIA WILSON**

24 having first been duly sworn, testifies as follows:

25 **THE CLERK:** Thank you. You may be seated.

1 Would you please state your name for the record

2 **THE WITNESS:** Sentoria Yoshanda King Wilson.

3 **THE CLERK:** Would you spell your first
4 name for the court reporter.

5 **THE WITNESS:** S-E-N-T-O-R-I-A.

6 **THE CLERK:** Thank you.

7 **DIRECT EXAMINATION**

8 **BY MR. KORNFELD:**

9 **Q** Tori, you are the sister to Mr. Sylvester
10 King; is that right?

11 **A** Yes, sir.

12 **Q** And are you his older sister?

13 **A** Yes, sir.

14 **Q** How much younger is Mr. King then you?

15 **A** About 18 months.

16 **Q** Okay. You and he have the same biological
17 father and mother; is that correct?

18 **A** Yes, sir.

19 **Q** Your father passed away in 2002 of lung
20 cancer? Is that correct?

21 **A** It was emphysema, I think.

22 **Q** Okay. Okay. I apologize. Then, your
23 mother, she died in 2012?

24 **A** Yes.

25 **Q** Of heart failure?

1 **A** Yes.

2 **Q** All right. You don't have any other
3 siblings other than you and Mr. King, correct?

4 **A** No.

5 **Q** All right. Let's go through your -- you
6 lived together as adolescents, until you reached the
7 age of majority, with him the entire time, correct?

8 **A** Yes.

9 **Q** All right. Did you attend the high school
10 at Carolina High?

11 **A** Yes, sir.

12 **Q** After leaving Carolina High, did you enroll
13 in the Army?

14 **A** Yes, sir.

15 **Q** Did you enroll immediately after leaving
16 Carolina High in the Army or was there a --

17 **A** It was a gap.

18 **Q** How long of a gap?

19 **A** Maybe 8 to 12 months.

20 **Q** All right. And then how many years did you
21 serve in the Army?

22 **A** I served four years active duty and I
23 served one year Army reserve and one year Army
24 National Guard.

25 **Q** All right. You now have been honorably

1 discharged from the Army; is that correct?

2 **A** Yes, sir.

3 **Q** You are currently in -- are you currently
4 in school now?

5 **A** Yes, sir. I'm getting my Masters in social
6 work.

7 **Q** Where are you getting your Masters from?

8 **A** The University of South Carolina.

9 **Q** Okay. Where did you receive your
10 undergraduate degree from?

11 **A** Anderson University.

12 **Q** Okay. All right. Thank you. Also, you are
13 married, correct?

14 **A** Yes, sir.

15 **Q** And you have two children?

16 **A** Yes, sir.

17 **Q** I'm going to ask you about your
18 relationship with Mr. King. What kind -- how often
19 did you see Mr. King before this incident? Would you
20 say that you saw him once a week, twice a week, once
21 a month? What would you say?

22 **A** Maybe once biweekly, but we did talk over
23 the phone often.

24 **Q** All right. And you lived in Greenville at
25 the time?

1 **A** Yes, sir.

2 **Q** How far away did you live from Mr. King?

3 **A** Maybe about 15 minutes or so.

4 **Q** All right. Did you have occasion to know
5 the deceased in this case, Ms. Janice Hackett-Lewers?

6 **A** I did.

7 **Q** How many times did you meet Ms. Lewers?

8 **A** I can't give you an exact number.

9 **Q** That's okay.

10 **A** When she came to family functions, you
11 know, those times were like Christmas and --

12 **Q** That's okay. I'm sorry. Let's take a
13 moment here. (Pause.)

14 When did you first meet Janice?

15 **A** I cannot recall the date. It's probably
16 been several years ago.

17 **Q** All right.

18 **A** I didn't know her very well. But like I
19 said, I did know her because she would come to, like,
20 our family events and stuff.

21 **Q** All right. Do you know who your brother
22 was dating at that time?

23 **A** Which time?

24 **Q** At the time that Janice Hackett-Lewers was
25 murdered, which would be March 16th, 2014.

1 **A** I know that he was dating -- well, I don't
2 know about dating. But I know that he was going out
3 with a young lady named Sheila.

4 **Q** Okay.

5 **A** I had known that another lady he would talk
6 to was Kumiko.

7 **Q** Okay. All right. At that time, did you
8 know whether or not -- were those the only two women
9 that you knew about at that time?

10 **A** Yeah.

11 **Q** All right. And did you ever have occasion
12 to see if Mr. King was ever violent towards Ms.
13 Janice Hackett-Lewers or any other woman?

14 **A** No, I never saw him be violent towards her
15 or any other woman.

16 **Q** All right. Now, had anybody -- did you
17 have reason to believe that anybody accused him of
18 being violent for domestic violence at any time in
19 the past?

20 **A** No. The extent that I would hear from
21 Janice is my nephew would say they would be into it
22 sometimes.

23 **Q** Okay.

24 **A** But he didn't go into detail about -- you
25 know, when somebody says "into it", I automatically

1 assume arguing.

2 Q All right. And did your brother -- what
3 kind of relationship did he have with your two
4 children?

5 A My children, uh, very close. Since my
6 parents passed away, he had to take a larger role in
7 their lives.

8 Q For a short period of time, didn't he stay
9 at your house for a short period of time?

10 A Yes. Do you want me to go in detail about
11 that?

12 Q I just want to know where he stayed at your
13 house, for how long and what activities, if any, did
14 he have with your children.

15 A He stayed at my house for maybe from a week
16 to two weeks.

17 Q Okay. When was that?

18 A Probably maybe around January/February time
19 frame.

20 Q Of?

21 A 2014.

22 Q Okay. All right. And he played video games
23 with your children and things like that? I want to
24 kind of rewind to another time in Mr. King's life.
25 You're aware of the allegations against your brother,

1 correct?

2 **A** Yes, sir.

3 **Q** All right. Concerning knives, did you ever
4 see your brother with a knife?

5 **A** No, sir.

6 **Q** All right. Did he have any fear of knife
7 -- fear of knives or sharp objects that you are aware
8 of?

9 **A** Yes. When we were little, we were playing
10 in the kitchen. I accidentally knocked him on the
11 floor. It cut the entire part of his face out. If
12 it had been an inch further, he would have died.

13 **Q** All right.

14 **A** After that, he stayed away from them. He
15 did like guns, but he didn't mess around with
16 anything sharp.

17 **Q** All right. And does he still have that
18 scar today on the left side of his face?

19 **A** Yes, sir.

20 **Q** Okay. Let's talk about it. Did you ever go
21 to his house, you ever been to his house?

22 **A** His new place?

23 **Q** Well, any of his -- his home. But yeah,
24 sure, we'll go with the new place.

25 **A** The night I was supposed to go, he was so

1 excited about having it. He had had his very own
2 place that he could be happy in. My girls and I were
3 supposed to go and visit because my nephew wanted to
4 play with them. I was so tired that night, on the
5 night that Janice, uh, -- what happened to her and I
6 didn't get to go because I was so tired.

7 Q Okay.

8 A I take some form of responsibility because
9 had I been there, had I went, I feel like that he
10 would have been home. He wouldn't have been in this.
11 Ultimately, my brother wouldn't be in this situation.
12 He wouldn't be in this situation. I feel so terrible
13 for them, because I know and he knows what it's like
14 to lose your loved one.

15 Q All right. Just try and take a short
16 break. Take a minute here.

17 A It was my responsibility for me to look out
18 for him. It was my responsibility to look out for
19 him.

20 Q Okay.

21 A He has a problem with, if somebody needs
22 him going, without assessing the situation.

23 Q All right. Did you -- how much did you know
24 about his relationship with Janice as far as
25 transportation? Had you ever seen Janice pick Mr.

1 King up at a house? Do you recall that?

2 **A** What I can recall is them being in the car
3 together, uh, going places together, uh, maybe
4 towards the beginning.

5 **Q** Okay.

6 **A** She probably picked him up a couple of
7 times from my mom's house, but I can't give you
8 specifics..

9 **Q** Okay. All right. Concerning knives, did
10 Mr. King -- I'm talking about not only a knife that
11 would considered a weapon, but did he have steak
12 knives at his house?

13 **A** I didn't get to visit his new place. But
14 when I moved him, when I was responsible for moving
15 his out, I didn't see any.

16 **Q** Okay. When you say responsible, are you
17 talking about at [REDACTED]?

18 **A** Yes, we had to go and remove his things
19 from there.

20 **Q** Okay. You had occasion to eat with him,
21 correct?

22 **A** Yeah, we went out to eat for his birthday.
23 All of us did.

24 **Q** All right. All right. Okay. Let me just ask
25 you a couple more questions. I'm sorry.

1 **A** Growing up, uh, no. It's hard to think
2 back being up here. But when we went out to go eat
3 to celebrate his birthday, we went to a Chinese
4 restaurant.

5 **Q** Okay.

6 **A** He didn't -- I don't remember anybody
7 having them then.

8 **Q** Okay. All right. Well, okay. Tori, I
9 don't have any further questions. Thanks for being
10 here. Sorry.

11 **THE COURT:** All right, Solicitor.

12 **CROSS EXAMINATION**

13 **BY MS. SCOTT:**

14 **Q** Ms. Tori, I am Brittany Scott. I'm with
15 the State in this case. This is your baby brother?

16 **A** Yes.

17 **Q** When you were in the Army -- I think you
18 said four years?

19 **A** Yes.

20 **Q** Were y'all writing back and forth or were
21 you in the states?

22 **A** I was in California. I would come home on
23 my breaks, every break I got. I got 30 days a year.
24 So I would come home. I talked on the phone to my
25 family a lot.

1 Q What about to your brother?

2 A Yes. Yes. All of my family.

3 Q At some point, you were introduced to Ms.
4 Janice Lewers?

5 A Yes.

6 Don't -- don't show me. Don't do it.

7 Q It's not what you think it is. Do you
8 recognize this person?

9 A Uh-huh.

10 Q Who is that person?

11 A That's Janice.

12 Q You knew her for how many years?

13 A Several. Maybe like, uh, -- it's hard to
14 put a number on things, but maybe four, five. I don't
15 --

16 Q When you found out what happened to her,
17 did you reach out to your brother?

18 A Of course.

19 Q Were you able to immediately contact him or
20 were you looking for him and searching for him?

21 A I was able to -- when you say immediately,
22 like, I think -- it happened over in the morning
23 time, right?

24 Q Yes, ma'am. It happened March 16th. Were
25 you able to talk to him March 17th?

1 **A** Yes.

2 **Q** Were you able to talk to him the March
3 18th?

4 **A** I cannot recall.

5 **Q** Was it difficult or easy to reach him?

6 **A** It was easy. The first time I spoke with
7 him, the first maybe one to three times I spoke with
8 him. I think the initial -- I was supposed to be over
9 to his house for dinner or to visit his home, his new
10 place. And I was not able to go. So I just assumed
11 he went into bed -- went to bed. When my aunt called
12 me that morning and I remember trying to call him, I
13 don't remember how many times it took for me to get
14 him on the phone but I did speak to him.

15 **Q** Where was he?

16 **A** I do not know. I was basically asking him
17 did he hear what had happened.

18 **Q** Did you ask where he was or you are saying
19 you just didn't know where he was?

20 **A** I didn't ask.

21 **Q** Now, we talked about this photograph. At
22 this time, the State would like to move this
23 photograph into evidence, Your Honor.

24 **THE COURT:** Any objection?

25 **MR. KORNFIELD:** No objection, Your Honor.

1 **THE COURT:** Without objection.

2 **(WHEREUPON, State's Exhibit 71 is marked for**
3 **identification and admitted into the record.)**

4 **MS. SCOTT:** For the record, it is marked
5 as State's Exhibit 71.

6 **THE COURT:** All right.

7 **MS. SCOTT:** Permission to publish it to
8 the jury?

9 **THE COURT:** Yes.

10 **BY MS. SCOTT:**

11 **Q** Now, you mentioned also about the death of
12 your family, your parents ---

13 **A** Uh-huh.

14 **Q** --- and him being your only sibling?

15 **A** Yes.

16 **Q** And you understand the hurt that this
17 family has gone through ---

18 **A** Of course.

19 **Q** --- about this incident?

20 **A** Of course.

21 **Q** Did you attend her funeral?

22 **A** I wanted to so bad. But my family advised
23 against it. But I did want to because I truly, I
24 hurt for this family because I know what it feels
25 like to lose a loved one. So I did not go against my

1 family -- because my family did not think it was a
2 good idea, but I did pray for them and I still do
3 pray for them constantly.

4 Q On March the 16th, you didn't have the
5 dinner that you were hoping to have with your
6 brother?

7 A I was supposed to go visit. I said dinner,
8 but I was supposed to be -- I didn't know what we
9 were going to do. I was just supposed to go and see
10 his new house. He was just so excited about it. He
11 had just gotten new furniture. He wanted me to come
12 and see it and my nephew wanted me to come and bring
13 my daughters.

14 Q Did you know he was involved with a woman
15 named Kumiko Mitchell that that was his fiancée at
16 the time?

17 A He was talking about her to me that night.

18 Q You also mentioned a woman named Sheila
19 Martin?

20 A Uh-huh.

21 Q Did you know of any other women at that
22 time that he may have been seeing?

23 A I didn't know, but I really didn't get into
24 my brother's love life unless he brought it to my
25 attention.

1 Q Did he ever bring to your attention that
2 Janice was accusing him of spying on her?

3 A No.

4 Q Of spyware being on her phone from him?

5 A Not until he was locked up did he bring
6 that to my attention.

7 Q But while you were -- before this happened,
8 you didn't know much about his love life?

9 A As far as him dating a whole bunch of
10 women, no. I knew -- I knew that -- I knew -- I know
11 that he loves women. I was never surprised. But as
12 far as me being into the intricate details of that,
13 no, I was not into it.

14 Q Is it safe to say what you know about the
15 women in his life is what he tells you?

16 A Well, some of them. Not the mother of his
17 children who he was with for the longest. She was
18 immersed into my family.

19 Q Aside from her, is it safe to say the other
20 women, aside from his children's mother, you only
21 know about their dealings with each other based on
22 his narrative to you, what he tells you about?

23 A Uh-huh. And when everything was happening
24 and what Kumiko told me, when everything happened. I
25 talked to her several times.

1 **MS. SCOTT:** Okay. Nothing further for
2 this witness, Your Honor.

3 **THE COURT:** Any redirect?

4 **MR. KORNFELD:** Just one question here.

5 **REDIRECT EXAMINATION**

6 **BY MR. KORNFELD:**

7 **Q** Tori, nothing was ever brought to your
8 attention until today about any spyware or threats or
9 any of those things; were there?

10 **A** No, sir.

11 **Q** Thank you.. No further questions.

12 **THE COURT:** Thank you. You can step down.

13 **THE WITNESS:** Thank you.

14 **THE COURT:** May this witness be excused?

15 **MR. KORNFELD:** Yes, sir.

16 **MS. MUNSON:** No objection, Your Honor

17 **MR. KORNFELD:** Your Honor, that will
18 conclude our case, the defense rests.

19 **THE COURT:** Anything in reply, Solicitor?

20 **MS. MUNSON:** No, sir, Your Honor.

21 **THE COURT:** All right. Ladies and
22 Gentlemen, the testimony in this case is
23 complete. What we have remaining is the final
24 arguments by the attorneys and then my charge on
25 the law. We will do that in the morning.

1 Before letting you go, I need to tell you
2 that in a trial in a criminal case, a defendant
3 has no burden whatsoever, he or she does not
4 have to take the stand and testify or present
5 evidence because that's his or her own
6 constitutional right. The burden is always on
7 the state to prove a defendant guilty beyond a
8 reasonable doubt. Now, the decision by the
9 defendant in this case not to take the stand and
10 testify in his own defense cannot be taken by
11 you in any manner whatsoever. I will charge you
12 more fully on this during the course of my
13 charge.

14 I will excuse you and ask you to be back
15 promptly at 9 o'clock in the morning. Please
16 keep your badges on and have them on when you
17 come back in the morning. Thank you very much.
18 See you in the morning.

19 (WHEREUPON, the jury exits at approximately
20 4:13 p.m.)

21 **THE COURT:** All right. Anything before we
22 adjourn?

23 **MS. MUNSON:** Nothing from the state, Your
24 Honor.

25 **MR. KORNFELD:** Your Honor, I just renew

1 the motions that I made at the close of the
2 State's case, the same two motions.

3 **THE COURT:** All right.

4 **MR. KORNFELD:** The no competent evidence
5 Rule 19 of South Carolina Rules of Civil
6 Procedure that said there was no direct or
7 circumstantial evidence of reasonable doubt to
8 put to a jury. The other objection is still
9 Ronald Suber's statement that what Raquan stated
10 was an excited utterance. It was not stated in
11 his report. Mr. Raquan Lewers testified here
12 today. I don't believe that an actual basis was
13 made for that. Those are my two.

14 **THE COURT:** Respectfully, I would deny
15 your motions. All right. Please be back at 9
16 o'clock in the morning.

17 **MR. KORNFELD:** Thank you, Your Honor.

18 **MS. MUNSON:** Thank you, Your Honor.

19 **(WHEREUPON, the Court recesses for the day.)**
20
21
22
23

CERTIFICATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville, South Carolina, on this 26th day of April, 2016.

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

Teresa B. Johnson

Official Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF GREENVILLE	)	Case No(s) : 2014GS2307457
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	VOLUME 3 OF 3
Sylvester King,	)	
	)	
Defendant.	)	

November 30 - December 2, 2015
Greenville, South Carolina

B E F O R E:

HONORABLE VICTOR C. PYLE, JR., Judge.

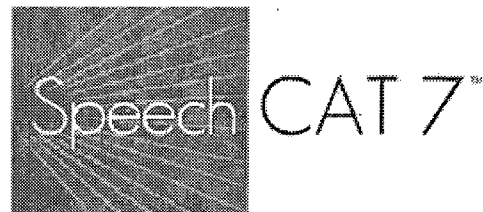
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P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 2nd day of December, 2015 at approximately 9:05 a.m.)

THE COURT: I think our jury is on the way up. Is there anything before we start with argument?

MS. MUNSON: Nothing from the State, Your Honor.

MR. KORNFELD: Nothing from the defendant, Your Honor.

THE COURT: Solicitor, are you going to waive opening?

MS. MUNSON: Yes, sir.

THE COURT: All right. Sir, you will go first.

(WHEREUPON, the jury enters at approximately 9:08 a.m.)

THE COURT: Good morning.

Mr. Kornfeld, you may proceed.

MR. KORNFELD: Thank you, Your Honor. Ladies and Gentlemen of the jury, on Monday morning when you first came in and I spoke with y'all, I think I told you that this case would be like a murder mystery or like Clue. There were several different things that went on

1 today or throughout the trial. I think now
2 that all the evidence is in, that is what
3 occurred and there are a lot of different
4 people involved and evidence and lack of
5 evidence and different things to see. I
6 appreciate everyone looking at all the
7 evidence. I can tell that you were all paying
8 attention during the whole thing. This was a
9 difficult case. It was a tough case.

10 I think what we learned about on March
11 16th, 2014 was that Janice Hackett-Lewers was
12 brutally stabbed in her home on [REDACTED]
13 [REDACTED]. I think that the evidence has shown
14 that there is reasonable doubt that Mr. King
15 did not murder Ms. Janice Hackett-Lewers. I
16 think it goes farther than that. But as you
17 can see -- we'll get into that more, but if
18 there is a reasonable doubt at the end -- we
19 know there was reasonable doubt at the
20 beginning when we went through the testimony of
21 Mr. Fortner. Today, there is still reasonable
22 doubt.

23 I would like to go through things and try
24 to bring everything together so that we can
25 understand what occurred in this case. We know

1 that Raquan Lewers, the son of Ms. Janice
2 Hackett-Lewers, left the home. When he left
3 that home is debatable, but we know the two
4 women, Ms. Fernandez and Ms. Prease, one was a
5 friend and his girlfriend at the time, they --
6 their testimony was they never entered the home
7 at that time. They showed up. They got the
8 car charger. They weren't there for very long.
9 They went to Citgo. They went to Greenville
10 Arms and they would state, depending on who
11 testified, that they were gone between five and
12 six minutes to fifteen minutes. They were not
13 gone very long.

14 What occurs between the time that they
15 leave and the time that they get back is
16 crucial and it's important to understand what
17 occurred. One, we know from the testimony of
18 all three of the, uh, -- Raquan, Ms. Prease and
19 Ms. Fernandez, that they left to go buy a cigar
20 so that they could go smoke weed out of it. We
21 also know that Raquan went to Greenville Arms
22 so that he could do a transaction, so that he
23 could make a drug deal.

24 It is important to understand that when he
25 made that drug deal, nobody would even let us

1 know who the drug deal was for. Raquan tells
2 us that he met up with a person that he went to
3 school with, that was his family, that lived
4 very close to him. Yet he doesn't know his
5 name, what he had him in his phone as or
6 anything like that. He would not divulge that
7 information. As a matter of fact, we learned
8 from Detective Fortner that when one of the
9 other officers asked to see his phone, he still
10 would not allow them to see his phone. Now,
11 why is that so important? Well, for one thing,
12 it gives us some insight as to what kind of
13 person Raquan Keion Lewers is, what he was
14 doing at the time on March 16th, 2014.

15 It is important to understand that he was
16 just released from DJJ, which is the Department
17 of Juvenile Justice. He had admitted that he
18 had an armed robbery. He did not admit to
19 being involved in a gang, but as you know, I
20 asked him what PSC stood for. I think, I hope
21 that y'all remembered that part of the trial.
22 He says it means Pinckney Street Child. I
23 submit to you that -- I would argue to you that
24 that that is not what that means. I will argue
25 to you that that means Pinckney Street Crypts.

1 Why was he called the Pinckney Street child? He
2 says that's because of the neighborhood that he
3 was from. We heard no testimony about him
4 being from any part of that neighborhood.

5 It's an important thing because when people
6 get involved in gangs, it is an underworld.
7 They do not want to divulge information or
8 anything. He had just gotten out. He states
9 he has no enemies. He admits to robbing
10 someone and just getting out. He's involved in
11 drug deals. He leaves and goes and does a drug
12 deal.

13 Even here when we are on -- in a case
14 concerning his own mother, he would not divulge
15 information. That is our -- the gang, he would
16 not even divulge the information. There are
17 lots of different motives that come from that,
18 and what makes this case so complex. You can
19 understand that part of the story.

20 The next part of the story is, you remember
21 how when I asked him had he talked to his
22 father, his biological father, Keith Lewers,
23 who is still married or at the time was still
24 married to Janice Hackett-Lewers. This is
25 important because for most of Raquan's

1 adolescent life, his biological father was not
2 involved. He was not around in his life. All
3 of a sudden, he comes back around 2013, after
4 being out in California.

5 This was also about the time that Mr.
6 Raquan Lewers is about to reach the age of
7 majority in the next couple of years. It is
8 also about the time when Mr. Keith Lewers tells
9 Investigator Fortner that he has a fiancée and
10 that she is pregnant at the time. How
11 convenient would it be if he could go ahead and
12 marry his fiancée who was pregnant at the time?
13 You know, you can't get married if you are
14 already married.

15 That's also an important part because we
16 learned from Raquan that I asked him, did you
17 have any text messages with your father during
18 the day -- during that night. First, I said
19 incorrectly. He said no, no, no. Then I said
20 what about during that day. Yeah, but not at
21 night. It was important. I showed him some
22 text messages. Why did your father want to
23 speak with your mother? Why did he want to
24 know if she was home or not? Why is that
25 important? Well, Raquan tells us it wasn't

1 like that. He was just trying to see, just
2 trying to talk, you know, that's how things
3 like that go. But I don't know how things like
4 that go.

5 From what we have heard, he didn't even
6 know -- remember I asked him, where is your
7 father today. I don't know. I have no idea.
8 I think he's in Atlanta. When did you talk to
9 him? I don't really talk to him. But during
10 that time when he has a fiancée that's
11 pregnant, when Raquan reached the age of 18 and
12 when Raquan has a settlement from being hit by
13 a UPS truck, he appears.

14 We learned from the interrogation video of
15 Mr. King that Mr. Lewers, Mr. Keith Lewers and
16 Ms. Janice Hackett-Lewers would argue about
17 that sometimes. They would argue about who
18 should be the conservator of that insurance
19 settlement. After this case goes on and after
20 Ms. Lewers is killed in her home, we don't hear
21 anything else about Mr. Keith Lewers. We learn
22 from Detective Fortner when I asked him and
23 candidly he stated --I asked him and he stated
24 that he was a suspect. I said, did you check
25 out the statement concerning where he was with

1 his fiancée and his father? I hope you
2 remember that. That's an important thing. The
3 answer was no, he didn't check it out. He
4 didn't check it out at all. It's important to
5 check out the alibis. I also asked, what kind
6 of car does Mr. Lewers drive or did he drive at
7 the time? He did not know.

8 When we asked concerning the interrogation
9 of Officer Rivera -- he was in the video. He
10 did not testify but he was in the video with
11 Mr. Fortner. He said, you know I speak
12 Spanish. We check these stories out. Okay.
13 White Horse Road over there, high Hispanic
14 population. I asked Officer Fortner what
15 investigation did y'all do. Remember what he
16 said? None. None. No investigation.

17 This is where doubt starts to really set in
18 for me. There's a whole lot of motive here.
19 There's background. There is several different
20 areas that it could have occurred. One, we
21 know that there was at least, at some point,
22 reasonable doubt. Detective Fortner says -- I
23 want to make sure that I read correct. He says
24 and I quote, make it look like it's him.
25 Talking about Raquan making it look like it's

1 Sylvester.

2 So soon after that, the investigation ends
3 and then there is no more investigation into
4 why it happened. There is no real talk about
5 what kind of motive it would be, a motive of a
6 settlement, to be a conservator over a
7 settlement, the motive of other people that
8 might be in the drug gang or be involved in
9 gangs that would have threats against Mr. Keion
10 Lewers, who had just been released about two or
11 three weeks prior.

12 And then we continue on, not only a month
13 after, about a month, April 20th, 2014, we find
14 that Raquan actually posted pictures of himself
15 with what appears to be a Lamborghini and says
16 someone asked, that's your car? Me and my
17 brother's. I asked him about that -- this is a
18 month after. When I asked him about that, he
19 said, that's flexing. Is that flexing or is
20 this his vehicle? Why is he in front of this
21 vehicle a month after receiving a settlement?
22 After his mother dies? Why does he have this
23 vehicle? Why is he in a picture in this vehicle
24 afterwards?

25 We also know that he doesn't work and he

1 got most of his money, from what he tells us,
2 from doing stuff around the house for his
3 mother. He says this picture isn't him. It
4 looks like him to me. It is on his Facebook.
5 That's for you to decide. It looks like him to
6 me.

7 When we look back at the -- at Sylvester
8 King's lifestyle, he had dated Janice Hackett-
9 Lewers in the past, but was not dating her at
10 this time. They were friends. It was almost
11 like you had this boyfriend, you're going out
12 with this guy, I'm going out with Kumiko, I'm
13 going out with Ms. Martin. She had just gone
14 down and would confide in him whenever Keion
15 would get in trouble or was down at DJJ. They
16 went down together. Mr. Keith Lewers went down
17 by himself.

18 You also heard the testimony of Raquan
19 about the bedroom. Mr. King also tells us
20 about the bedroom. He says it was really dark
21 back there. He also tells us, I don't see real
22 good. I can't see real good. The video from
23 Mr. King, he says it was dark in the bedroom.
24 Mr. King was there at that time. Raquan did
25 not go back in the bedroom. Raquan did not

1 know who was in there. Raquan was more
2 interested in getting to Citgo so that they
3 could get blunts or so they could go and smoke
4 and make a drug deal. Now, it is also
5 important because you've got to look at the
6 facts and little clues throughout this time
7 span.

8 Officer Fortner states it in the video, if
9 he was so scared that he thought that he saw
10 that vehicle, why didn't he locked the door?
11 Why didn't he notify his mother? Why doesn't
12 he do any of this? Why does he say, it's a
13 Crown Vic? We know that wasn't true. We know
14 he didn't have a Crown Vic with him at that
15 time. His Crown Vic was in the shop. He's
16 trying to pin it on somebody.

17 As Mr. King says in his statement to the
18 cops when he was interrogated that this ain't
19 right, this ain't right. There's more to the
20 story. There is more to the story. We learned
21 about it the last couple of days.

22 We also need to know how relevant it is
23 that Mr. Raquan Lewers first says that, one, it
24 was a gunshot. That's important because when
25 Tori King Wilson gave her compassionate

1 testimony, she also explained to us, one, she
2 didn't find any knives whatsoever in the house;
3 two, that he had an accident when he was a
4 young child and had scars on him. Raquan knew
5 this.

6 He says, it looks like there was Kool-Aid
7 all in there that I got with my dad earlier
8 that day. Kool-Aid. You will see some of
9 these gruesome photos. You will see them
10 again. In no way, shape or form in any state
11 of mind does it look like Kool-Aid. It's very
12 dark. It's very splattered. This is not Kool-
13 Aid. Not only that, I will argue there wasn't
14 even any Kool-Aid there. They took pictures of
15 everything around. There was no Kool-Aid.
16 There was no Kool-Aid around anywhere.

17 Let's talk about after the home invasion
18 when Mr. King leaves, as he states in his
19 testimony, when he gets -- when he was
20 interrogated. He runs out of the house. He
21 does not save Janice's life. He runs out. He
22 explains how he is on the video. He gets
23 stabbed. He runs out.

24 The testimony is that a Hispanic male
25 picked him up and took him to his house on

1 [REDACTED]. He gets in his vehicle and then
2 drives to Ms. Martin's home. To understand
3 this, at first off, it does not look rational.
4 The only way that it would is if you understand
5 how deep he was involved with gang activity and
6 how scared he was of Mr. Lewers, of Mr. Keith
7 Lewers, of these possibilities of these other
8 people that may be out to get the young Raquan
9 Keion Lewers. If you understand that and if
10 you understand how, as he says, how terrifying
11 it would be that you can't go anywhere because
12 he was so terrified that the gang will come in
13 and come after you or come after your family,
14 then it starts to make more sense.

15 As it says in his interview, the older
16 Lewers, he says he knows people. He's got
17 people. That's a scary time. That is a scary
18 time, folks. He panicked. He really panicked.
19 You can't say what you would do in at home
20 invasion at that time. You would like to think
21 that you would call 911. But you can't say
22 that, especially if there are gang undertones
23 involved that you are worried about.

24 When I asked Detective Fortner about
25 interviewing Mr. Keith Lewers and asked him if

1 it was concerning that he was laughing and
2 things of that nature. He says not really.
3 Then I asked him what are the dimensions of the
4 people. I believe he said, about like Mr. King
5 or similar to Mr. King. That's also important.

6 When we look at this, you look at motive as
7 to why some people would do something like
8 this. Mr. King had no motive. He had no
9 motive to do this. He had several girlfriends
10 or women that he goes out with. He is friends
11 with Ms. Janice Hackett-Lewers. He was engaged
12 at the time. He was engaged to Kumiko
13 Mitchell. It was really -- there's no reason
14 for him to do this. There's no motive.

15 On the other hand, there is a whole lot of
16 motive, as we've already gone over, as to
17 settlement, being able to marry. That's a
18 motive right now. Whether or not there was a
19 drug deal involved case where he says, Mr.
20 Raquan says he doesn't have any -- that he
21 doesn't have -- it's hard to decide whether or
22 not he really believes that, if he's trying to
23 cover or if he is just that out of touch. It's
24 very important.

25 We go over to Dr. Kandala. Remember him?

1 He was the, what I will call the DNA guy. He
2 goes through all the DNA. There is at least a
3 third DNA that was involved in there that was
4 not Janice Hackett-Lewers. There is a third
5 DNA that we don't know anything about. We know
6 that none of the DNA of Mr. King was found in
7 the bedroom of Ms. Janice Hackett-Lewers. That
8 is huge, folks. That is a huge fact.

9 We know that Raquan was in the home by
10 himself when he got back to [REDACTED]
11 by himself for some time. I don't know how
12 long he was in there for but we know he was the
13 first one there on the scene when he came back
14 from only 10 minutes. Even Detective Fortner
15 tells us that was a little weird. You've only
16 been gone for a short period of time and that
17 occurred like that. It was a little too
18 convenient, a little too much like a setup, a
19 little too much like someone was trying to
20 frame somebody.

21 We know the last thing that Raquan said to
22 me while he was on the stand testifying under
23 oath, I asked him about different things. The
24 thing he said to me, he said that sometimes you
25 get money the wrong way. We can agree on that.

1 Absolutely, we can agree on that. That
2 settlement they would have is a way to get
3 money the wrong way.

4 Ladies and Gentlemen, I told you earlier
5 before and it still is important today, but at
6 any time during this trial, you ever thought,
7 well, Alex didn't prove that or Mr. King didn't
8 say anything on that, the burden really does
9 not shift. It really doesn't. It never shifts
10 to us. Everybody in this courtroom they would
11 agree with me that the burden does not shift
12 and that they've got to prove this case beyond
13 a reasonable doubt.

14 In this case, I will use the analogy of the
15 six-shooter. Everybody knows what a six-
16 shooter is. It is a pistol. It has got six
17 chambers and you got one. Would it be
18 advisable for somebody to tell somebody to pull
19 the trigger because a bullet wouldn't come out?
20 Is that reasonable doubt? Would that be
21 reasonable to do? It doesn't seem reasonable
22 to me.

23 This is as high as the stakes get. If
24 there is reasonable doubt, which there is, I
25 ask that you find my client, Mr. Sylvester

1 King, not guilty. Thank you.

2 THE COURT: Okay. Solicitor.

3 MS. MUNSON: May it please the Court, Your
4 Honor.

5 Mr. Kornfeld.

6 Ms. Scott and I and Mr. Kornfeld don't
7 agree on a lot in this case. We know that in a
8 few minutes you're going to go back to the jury
9 room and after careful consideration and
10 thoughtful deliberation, you are going to come
11 in here and deliver a verdict that speaks the
12 truth.

13 Mr. Kornfeld is obviously an advocate. Ms.
14 Scott and I are obviously advocates. You,
15 Ladies and Gentlemen, are advocates is well.
16 You are advocates for the truth. The truth is
17 that this defendant maliciously, ferociously,
18 intentionally murdered Janice Hackett while in
19 possession of a weapon.

20 I want to talk briefly about the law and
21 then I will offer you a reasonable conclusion
22 that you can draw from the facts. We talked
23 about presumption of innocence and the judge is
24 going talk to you about that again. It is not
25 just something we say. It's not just he's

1. presumed innocent. It's really important and
2. it should be. It was often said that
3. presumption of innocence is like a robe of
4. righteousness that sits about the shoulders of
5. the defendant. It remains with him or anybody
6. accused of a crime unless and until that robe
7. has been removed by you, the jury, after being
8. firmly convinced that he is guilty of the
9. crime. Ladies and Gentlemen, I say to you,
10. when you go back to the jury room and
11. deliberate, every single thread that holds that
12. robe of righteousness together is going to fall
13. away. He will stand before you guilty.

14. His Honor is also going to talk to you
15. about circumstantial evidence. You hear that
16. on TV all the time. Oh, that case is no good.
17. There is circumstantial evidence. In this
18. courtroom, the only definition of
19. circumstantial evidence that matters is the one
20. that Judge Pyle is going to give you. We know
21. that you will take the law as the judge gives
22. it to you.

23. Something important that the judge is going
24. to tell you about circumstantial evidence is
25. that it is not less valuable than direct

1 evidence. This is direct evidence that I'm
2 holding a paperclip. You see me holding it.
3 If I went outside and somebody asked me for a
4 paperclip and I gave them one, that is direct
5 evidence.

6 In this case, there is a lot of
7 circumstantial evidence. For example, there
8 was no testimony, nobody testified I saw that
9 defendant with a deadly weapon, in this case, a
10 knife, while committing a violent crime. We
11 have plenty of circumstantial evidence that a
12 knife was used. We know that a knife was used.
13 The question is, did he have the knife while he
14 murdered Janice Hackett?

15 Sometimes you will hear the analogy about
16 circumstantial evidence, it is just like
17 putting links in a chain. The problem with
18 that analogy, I respectfully say to you, is
19 that what if one link breaks, you lose the
20 whole thing.

21 Circumstantial evidence is more
22 appropriately compared to a robe. When you are
23 in the jury room and you consider a fact,
24 Janice Hackett was killed, it was homicide and
25 you are firmly convinced that she was killed.

1 That is one strand of the robe, was a deadly
2 weapon used? If you are firmly convinced of
3 that another strand is added to the robe. Fact
4 by fact by fact, these strands come together to
5 form a robe. I submit to you that when you are
6 done deliberating the robe that you have will
7 be fully strong enough to carry the State's
8 burden of proof in this case.

9 The judge is going to talk to you a little
10 bit about the statement the defendant made.
11 Before you consider that statement, you and
12 only you can determine whether or not it was
13 voluntary and that he knew what his rights were
14 and chose to give them up. The statement
15 pretty much speaks for itself. You have the
16 waiver of rights. I'm not going to go into
17 that, but if you are convinced that the
18 statement was voluntary and you want to
19 consider it, then you can do so.

20 He's also going to talk to you about
21 credibility, believability. You are the sole
22 judges of the credibility and believability of
23 witnesses. You kind of like wonder, geez,
24 we're sitting here on this really important
25 case. It's important to the State. It's

1 important to Mr. King. Why don't we get some
2 kind of training or at least a pamphlet or
3 something? Because, Ladies and Gentlemen, when
4 we're talking about when credibility, this is
5 something you've done before you came into this
6 courtroom and it's something you are going to
7 do when you leave. How do you do that?

8 How do you decide whether or not you
9 believe someone? You listen, you watch, you
10 compare it to other things that you know. Then
11 you make a decision. That's what this is
12 about. I'm not trying to imply that it's just
13 some simple thing that's not important. What I
14 am saying is decision-making of this matter is
15 something you've done before and it is
16 something you will do again.

17 The judge will give you the definition of
18 murder and the definition of possession of a
19 weapon during a violent crime. You might have
20 some idea in your head right now what you think
21 murder is. I would ask you to dump it to the
22 point that it is contrary to what Judge Pyle is
23 going to tell you. Again, the definitions of
24 the law in this courtroom, the only ones that
25 matter are his. Just as the judgment on the

1 facts of this case is solely for you.

2 I anticipate he's going to tell you that
3 murder is the intentional killing of another
4 person with malice aforethought. Okay. What's
5 malice aforethought? He will explain to you
6 what malice is. Doesn't necessarily mean I
7 hate you. It is an evil intent or wicked
8 condition of the heart. It is called a heart
9 fatally bent on mischief.

10 There is direct malice, such as me saying
11 to someone I am going to kill you, and there is
12 inferred malice where you don't really hear the
13 person say it but you can infer it from their
14 actions. I will leave the rest of that to the
15 judge.

16 Malice aforethought does not mean --
17 aforethought does not mean there needs to be
18 proof of a lying in wait or anything of that
19 nature. His Honor is going to tell you that we
20 have to prove to you that at the time the
21 defendant killed Janice Hackett, that's what
22 was in his head, not that he planned it two or
23 three years ago.

24 Motive. The defense wants you to consider
25 motive. Ladies and Gentlemen, motive is not an

1 element of murder. Would it be helpful? Yes.
2 But it is not an element of the defense.
3 Frankly, what could possibly make sense about
4 going into someone's home, cutting them that
5 many times and killing them? It just doesn't
6 make sense. It's not an element of murder.

7 We talked about credibility earlier. Let's
8 just talk a little bit about the credibility of
9 witnesses. When you are judging their
10 credibility, you are not asked to judge them as
11 people. Your verdict is not going to be, we,
12 the jury, find unanimously that Raquan Keion
13 Lewers is a thug. You are not being asked to
14 do that. You are not being asked to make a
15 decision as to whether or not the defendant is
16 a playboy or has a lot of women. What you are
17 asked to do is stick to the facts.

18 You have feelings about this case.
19 Everybody does. These photographs are not easy
20 to look at. You have feelings. You may not
21 like Raquan. You may not want him to date your
22 daughter. You may not like the defendant. The
23 issue is, do you believe what they are telling
24 you?

25 If Raquan is going to get up there and tell

1 a big old lie, why didn't he come up there and
2 tell you, I saw him. When I saw that car drive
3 by, I saw him, I know it was him. Why didn't
4 he tell you that? Why didn't he tell you, oh
5 yeah, I talked to the defendant. He told me he
6 was going to kill my mom. He didn't tell you
7 that. If he was going to lie, why didn't he
8 really lie?

9 Now, he certainly lied to Investigator
10 Fortner. He didn't want to own up to the fact
11 that he was out there selling weed. That's
12 something you can consider. We know that you
13 will.

14 One person's credibility I would like you
15 to pay particular attention to -- and I know
16 you will pay attention to everything -- is the
17 testimony of Tori Wilson, the defendant's
18 sister. She's an accomplished woman, served
19 our country, working on her Masters, has a
20 family. She was utterly destroyed on that
21 stand with grief and guilt. She told you if I
22 had gone to see my brother, if I had just gone
23 over there. She loved Janice. Obviously, she
24 did. She felt like she could have kept her
25 brother from going over there and killing

1 Janice. She's never going to get over that.

2 Let's talk briefly about the testimony of
3 Ms. Prease and Ms. Fernandez. I submit to you
4 they don't have a dog in the fight. They saw
5 what they saw. They saw a car. The car
6 speeds away. There is really not a lot to do
7 there. They could've told you, oh, yes, I did
8 see a guy in a car. I watched the news.
9 That's the same guy I saw in the car. They
10 didn't do that. They're doing the best they
11 can to tell you what they saw.

12 We have to talk about the credibility of
13 the defendant. He was so destroyed and afraid
14 that he had to run out of the house, can't even
15 think to call 911. By the time he gets to the
16 Anderson hospital, he's still so upset he can't
17 even think to call 911, even anonymously and
18 say, hey, I'm not telling you who I am or where
19 I am but there is a woman over there on
20 [REDACTED] [REDACTED] that might need some help,
21 goodbye. He couldn't even think to do that.

22 But he had his wits about him enough to
23 tell Officer Stripe, yeah, I was robbed. It
24 was four guys, they stole a watch and two rings
25 and the value was \$1080. That's not true.

1 It's just not true.

2 When he tells Detective Fortner,
3 Investigator Fortner that this guy comes in and
4 starts stabbing and he -- he runs away. We'll
5 get to that in a minute. Then Investigator
6 Fortner said, why didn't you call 911? What he
7 did not say is, oh, you know what, I didn't
8 call 911 because I left my phone in the house.
9 He was laid up in the bed with this woman. You
10 see how she was dressed. He's laying in the
11 bed with her with his shoes on and his cell
12 phone in his pocket and his jacket on on a cold
13 rainy night? He says I just didn't think to
14 call, not I left all my stuff because I had to
15 jump up and run out so fast. It's just not
16 true. It's not believable.

17 Then he tells you that Janice picked him
18 up, took him to her house. Even on the video
19 the defense introduced -- you can hear the
20 detective in the background saying what Raquan
21 had said, oh, shit, how did he find out where
22 we were. Another deputy testified that Raquan
23 was very upset and said we were hiding from
24 him. Raquan told you he didn't know where we
25 lived. There was even a discussion between

1 Raquan and his mother about whether or not they
2 should allow the defendant's son to come to the
3 [REDACTED] [REDACTED] house because maybe the
4 defendant's son would tell the defendant where
5 they were living. I submit to you that he sure
6 did.

7 A reasonable conclusion that you can draw
8 from the facts, Ladies and Gentlemen, is this,
9 in February and March of 2014, the defendant
10 and Janice Hackett were starting anew. We know
11 that from his sister. You remember her
12 talking about how she was excited for him and
13 he was excited that he had his own place over
14 there on [REDACTED] [REDACTED] And Janice was
15 starting her new life away from him with her
16 son. Even moved out into this new home while
17 he was still in prison.

18 Janice goes out with a new guy. Janice is
19 not telling him where she lives. He does not
20 like this. He does not like this. Janice goes
21 away for the weekend. She comes home on March
22 the 16th, after a nice weekend, sending nice
23 texts back and forward with her new boyfriend
24 starting her life new.

25 Raquan was at the house. Had his dad come

1 over and bring him some medicine. Everything
2 was fine. While that's going on, the defendant
3 is spending part of the weekend with his
4 fiancée, Kumiko Mitchell. Remember on his
5 statement, he says she leaves his house on
6 [REDACTED] and goes back to Spartanburg.
7 She goes to prepare a nice dinner for him. I
8 submit to you that a reasonable conclusion to
9 draw from the facts is he took that opportunity
10 to do a little drive-by, go see if he could
11 find out where she was and make sure he let her
12 know, I know where you are. You don't run from
13 me. So he drives by.

14 As he drives by the [REDACTED] [REDACTED] house,
15 he sees the white car, he sees the Escape. He
16 knows that they had seen him. Whoever is in
17 the car, he knows they saw me. He drives off
18 quicker. If Raquan believed that it was the
19 defendant, certainly he may not have left. The
20 kids go do what they do. Detective Fortner
21 said the circle is about five minutes. The
22 circle that he took -- that the kids took from
23 [REDACTED] to the Citgo over to do the drug
24 deal, that's about five minutes without doing
25 anything. Drive to one place. Write down the

1 mileage. Drive to the next place. Write down
2 the mileage. Drive back.

3 We know that Quianna went into the store,
4 got her cigars and started to leave the store,
5 went back and got the application. That is on
6 video. Then get back in the car. Drive over
7 and do the drug deal. Maybe it was 10 minutes.
8 Maybe it was 15. I'll tell you one thing, it
9 was short or long enough for him to kill her.
10 You might think that's not enough time. That's
11 not enough time. How much time does it take to
12 walk from the kitchen door to a bedroom? I
13 submit to you it's not reasonable to conclude
14 anything other than that Janice Hackett was
15 moving fast, trying to get away. So when he
16 drops by, sees the car, notices the car gone,
17 he goes in.

18 We know he went in the kitchen door, the
19 carport door. That's where it all started. We
20 know that because of this ferocious injury that
21 he inflicted on her right arm. I submit to you
22 it's reasonable to conclude -- we don't know.
23 We don't know if she heard something. We don't
24 know if she went into the kitchen to get
25 something to drink. We don't know why she went

1 into the kitchen but we know it started there.
2 Perhaps she opened the door with her left hand.
3 They argued. I found you. No, you didn't, get
4 out of there. I'm sure that words were
5 exchanged and then she sees the knife. Raises
6 her hand. This is how he responded.

7 You heard Dr. Ward talk about this injury,
8 how it hit an artery. Every time Janice
9 Hackett's heart beat, blood was coming out.
10 That's kind of how we know it started at the
11 kitchen. We know she was in the kitchen. We
12 see that. We also know it started at the
13 kitchen because of what the doctor called
14 arterial spurting on the freezer, on the floor,
15 on the freezer, on the floor. Every time.

16 How hard do you think her heart was
17 beating? She's going through the kitchen and
18 headed back towards her bedroom. Why do you
19 think she would go back towards her bedroom? A
20 reasonable conclusion you can draw from those
21 facts is because that's where the cell phones
22 were. She's running. She is not walking
23 slowly. This is not a five-minute trip. This
24 is not a two-minute trip. I respectfully
25 submit to you that it was seconds. It took her

1 seconds. She's going through the kitchen. You
2 can see as she is coming to the kitchen,
3 there's a wall on the right, wall on the left.

4 Look at these blood smears. We know that
5 she was cut on the shoulder. The height of
6 that, I'll submit to you, that she may have
7 been even down at that point. He's continuing
8 to cut her. She's trying to get away. She's
9 going fast. She's making it. She's getting
10 through. She's in the hallway. More arterial
11 spurting in the hallway.

12 You will notice that this arterial spurt is
13 on the right side. You might be saying, wait a
14 minute, she's cut on the right arm. If she is
15 running down the hallway, why is the blood not
16 on the other side of the hallway is what I'm
17 telling you. If she is running this way, her
18 right arm is cut, why is the spurting on the
19 left? I submit to you respectfully, Ladies and
20 Gentlemen, that she was going backwards. When
21 she finally gets to her bedroom, you can see
22 her socks. They're off her heels. He's coming
23 at her, she is going backwards and then it
24 happens.

25 While he's grabbing her and stabbing her,

1 there's blood everywhere obviously. The knife
2 is wet. She is wet with the blood. He is wet
3 and cuts himself. While he is cutting her, he
4 cut himself. Now, that's not good for him. At
5 this point, now it is about him.

6 Maybe he didn't even make it into her
7 bedroom. You'll have these photographs back
8 there. When you see the space between the bed
9 and the wall, he may not even have seen how
10 small the space is. He might not have even
11 made it to the bedroom because he cut himself
12 and then he had to get out.

13 Look at the way she's laying on the bed.
14 Remember, we talked to Keion about when he left
15 how she was normally in the bed. Head at the
16 headboard. Feet at the feet. Look how she is
17 in this bed. She swung across the back of the
18 bed. Now, if he's laid up in the bed with her
19 with his arm around her in some loving way --
20 and again, is he going to be in the bed with a
21 cell phone, with his shoes on, hat?

22 Look where she is. Her head is toward the
23 back of the bed. There's not a whole lot here.
24 Janice Hackett bleeds to death. Not just
25 bleeding to death, but remember what Dr. Ward

1 said. The cuts just below the jaw line. She
2 is breathing blood. She is swallowing blood.
3 She is dying.

4 The kids get home. Quianna says I want to
5 go talk to your mama. Raquan knows she's
6 tired. She just come home from a long weekend.
7 He goes to check on her and finds her like
8 this.

9 What does Mr. King do? He knows he can't
10 go to his fiancée, right? They had dinner
11 plans. It would have been perfect if he
12 could've gone in there, done what he did to her
13 and then go meet with Kumiko. He'd have an
14 alibi and everything would be great. But he
15 cut himself. That caused him a problem.

16 He didn't call his sister. Obviously, his
17 sister knows him. He didn't say, sis, I'm in
18 trouble. I got jumped. I need some help. No,
19 he had to get these other people involved. He
20 goes to Sheila, who I submit to you probably
21 figured something was up, and tells this
22 ridiculous story about being jumped. They go
23 to the hospital.

24 By this time, I submit to you the defendant
25 is thinking, I think I'm going to be good.

1 I've been here, been to the hospital. I didn't
2 go to the hospital around there. I didn't get
3 the cops down in Greenville County. I might be
4 good. I might've gotten away with it.

5 Then Investigator Peeplès calls Sheila
6 Martin. Sheila Martin says, what is up with
7 this. Why is Greenville County calling me?
8 What was his response? I don't know, honey. I
9 have no idea. His response is, I got to go.
10 And boy, did he. Whenever he is in the car
11 with Sheila Martin driving back towards
12 Sheila's house and they see law enforcement
13 around, what did he do? He jumped out of a
14 moving car and ran and ran and ran. Didn't say
15 goodbye to Sheila and Sheila never heard from
16 him again after that.

17 All of this is going on on the 20th of
18 March. She's killed late night on the 16th.
19 On the 20th of March, detectives are at his
20 house on [REDACTED] that he says he went to
21 with that bloody mess. Not a speck of blood.
22 He didn't go there. He had to tell you, he had
23 to tell Investigator Fortner that he did go by
24 [REDACTED] because he's thinking, wait a
25 minute, I can't say that I drove over to her

1 house. I have to say that she got me. Then I
2 went back. I had some random Hispanic guy --
3 listen, Ladies and Gentlemen. Is anybody late
4 at night going to allow some other person in
5 their car who was bleeding like crazy for \$20
6 and take me to [REDACTED]? That's not
7 reasonable.

8 So he goes, stays with Sheila and then runs
9 off. Sheila didn't want to admit it because
10 Ms. Scott asked her several times, did he ask
11 you to lie, did he ask you to lie? Her only
12 answer was well, I didn't. I didn't. Meaning
13 I did not tell the Anderson officers that I was
14 with him. He told the Anderson officers that
15 he was with her, that they were together and
16 someone was disrespecting his woman.

17 Then he ends up with Ms. Mitchell who, by
18 the way, was worried about him. His fiancée,
19 he hadn't even contacted her at all. How do we
20 know this? On the 20th of March, when the
21 investigator went by there, he said call me,
22 babe. He is nothing but on the run, running
23 from what he did. He is doing it now.

24 Kumiko Mitchell told you that whenever he
25 shows up at her house -- this was not a planned

1 thing, by the way. He just shows up. He had
2 braids. Yet, when he is caught, the hair is
3 gone. He has changed his appearance. He is
4 hiding. He is running. Is he running from a
5 gang? Is he running from Keith Lewers? On his
6 statement, there is nothing about I am afraid
7 of Keith Lewers, he said he was going to kill
8 me. He was trying to get you to believe that
9 Keith Lewers is the one who killed Janice
10 Hackett.

11 What about that? This settlement and gang
12 stuff? You know what's going on there, Ladies
13 and Gentlemen, this defendant wants to take you
14 all by the hand and walk you down to find
15 something that you're never going to find.
16 Where is the knife? You're never going to find
17 a knife. He wants you so focused on what is
18 not here that you will not consider what is.

19 What's here? Proof beyond a reasonable
20 doubt that he is guilty of the murder of Janice
21 Hackett. He doesn't want you to think. He
22 doesn't want you to reason. Like I said, he
23 wants you down in the weeds looking for
24 something you are not going to find.

25 When you were given your badge to be on

1 this jury, you were given more than just a
2 place to be for a couple of days. We do so
3 much appreciate your patience. You were handed
4 the sword of justice. When you bring it down
5 in one way, you cut away the ties that bind
6 innocent people to this courtroom. When you
7 bring it down another way, you strike down the
8 guilty without prejudice, without bias, without
9 hesitation. On behalf of the people of
10 Greenville County, strike him down. He's
11 guilty. Thank you.

12 **THE COURT:** All right. Ladies and
13 Gentlemen, I do not allow anyone in or out of
14 the court during my charge. So if anyone needs
15 to leave, now is the time to do it.

16 Mr. Foreman, Ladies and Gentlemen of the
17 jury, as you know, in this case, this defendant
18 has been indicted for murder and also for
19 possession of a knife during the commission of
20 a violent crime. Now, with respect to murder,
21 this is a statutory offense in Section 15-3-10
22 of our code of laws provides as follows: murder
23 is the killing of any person with malice
24 aforethought either expressed or implied. So
25 what are the elements of murder which the State

1 must prove beyond a reasonable doubt? First of
2 all, the State must prove that there was a
3 killing of another. Secondly, the State must
4 prove that it was done with malice
5 aforethought, either expressed or implied.

6 Now with respect to the first element, that
7 is, the killing of another, I charge you that
8 the killing of a human being is called
9 homicide. All homicides are not punishable by
10 law. For example, where one kills another in
11 self-defense, this is known as excusable
12 homicide or where someone kills a fleeing armed
13 robber, this is known as justifiable homicide.
14 Neither of these homicides is punishable in law
15 or by law. As a necessary element of murder,
16 the homicide must have been unlawful, that is,
17 without just cause or excuse.

18 With respect to the second element, malice
19 aforethought, expressed or implied, I charge
20 you that malice is a legal term of art which
21 implies wickedness and excludes a just cause or
22 excuse. Malice means a condition of the mind
23 or heart which prompts one to take the life of
24 another without just cause or excuse. Our
25 Supreme Court has defined malice by saying it

1 springs from a heart devoid of social duty or
2 obligation and is one fatally and deliberately
3 bent on mischief.

4 Now, to prove malice, it is not necessary
5 for the State to prove that the defendant had a
6 feeling of hatred or ill will toward the victim
7 in the case. The statute says malice must be
8 aforethought. Aforethought simply means
9 deliberate or planned. In other words,
10 aforethought means that malice must have been
11 in the mind a sufficient length of time to have
12 produced the act that caused the death. Now,
13 no long period of time must have existed if it
14 was there long enough to bring on the act that
15 caused the death. It is sufficient in point of
16 time.

17 Now, the statute says that malice may be
18 expressed or that it may be implied. Expressed
19 malice, Ladies and Gentlemen, means there is
20 some direct proof of malice. For example, when
21 a person by word of mouth states this hatred or
22 ill will for another or where there is evidence
23 of previous threats or lying in wait or plans
24 to take human life. That is expressed malice.
25 Implied malice, on the other hand, may be shown

1 from the facts and circumstances surrounding an
2 incident or event. Implied malice exists where
3 there is no actual intent to killing a person,
4 but is called by conduct, which the law regards
5 as showing such an abandoned state of mind as
6 to be the equivalent to an actual intent to
7 kill.

8 I charge you, Ladies and Gentlemen, that it
9 may be manifested by facts and circumstances
10 attending the transaction. However, Ladies and
11 Gentlemen, I charge you that this implication
12 is one of fact and not of law. It is simply an
13 evidentiary fact to be taken into consideration
14 by you, the jury, along with all the other
15 evidence in the case and is to be given such
16 weight as you think it deserves. It may
17 authorize a conviction if that result is not
18 required.

19 If facts are proved sufficient to raise an
20 implication of malice, this implication is not
21 conclusive and is always for the jury to
22 determine from all the evidence in the case if
23 malice has been proved beyond a reasonable
24 doubt.

25 Now the defendant in this case also has

1 been indicted for possession of a knife during
2 the commission of a violent crime. Section 16-
3 23-490 of our Code of Laws provides in part, as
4 follows, where a person is in possession of a
5 knife or visibly displays what appears to be a
6 knife during the commission of a violent crime
7 and is convicted of committing or attempting to
8 commit a violent crime, he or she must be
9 imprisoned in addition to the punishment
10 provided for the principal crime.

11 So, before the defendant can be convicted
12 of this offense, he must have been found guilty
13 by you, the jury, of, in this instance, murder.
14 The State must prove beyond a reasonable doubt
15 that this defendant was in possession of or
16 displayed what appeared to be a knife during
17 the commission of murder.

18 Ladies and gentlemen, I charge you that our
19 rules of evidence ordinarily do not permit
20 witnesses to testify as to opinions or
21 conclusions. An exception to this rule exists
22 as to those whom we call expert witnesses,
23 witnesses who by reason of their education and
24 experience have become expert in some art,
25 science, profession or calling, may state an

1 opinion as to relevant and material manner in
2 which they profess to be an expert and they
3 also state their reasons for that opinion.

4 Now, you should consider any expert opinion
5 received into evidence in this case and give it
6 such weight as you think it deserves. If you
7 should decide that the opinion of an expert
8 witness is not based upon sufficient evidence,
9 education or experience or if you should
10 conclude that the reasons given in support of
11 that opinion are not sound or that the opinion
12 is outweighed by other evidence, then you may
13 disregard that opinion in its entirety.

14 An expert's testimony is to be given no
15 greater weight than that of any other witness
16 simply because he has been declared to be an
17 expert. You are not required to accept the
18 expert's opinion even though it be
19 uncontradicted.

20 Ladies and Gentlemen, in a trial of the
21 case, the State can rely on direct evidence, on
22 circumstantial evidence or on a combination of
23 the two. Now, direct evidence proves the
24 existence of a fact by using one or more of our
25 five senses without there even being

1 inferences. For example, the testimony of a
2 person who asserts or claims to have actual
3 knowledge of a fact, that is an eyewitness,
4 that is direct evidence. Circumstantial
5 evidence, on the other hand, is where certain
6 facts known for using one or more of our five
7 senses gives rise to a logical inference or
8 conclusion that other facts exist without
9 directly proving those facts. It is proof of a
10 chain of facts and circumstances indicating the
11 existence of a fact.

12 Now, as I've said, the State may rely on
13 either or both of this type of evidence, direct
14 or circumstantial, and neither is inferior to
15 the other. The one is as good as the other and
16 equally convincing to you, the jury. I charge
17 you that you should weigh all of the evidence
18 in this case and, after doing so, if you are
19 not convinced that this defendant is guilty
20 beyond a reasonable doubt, then you must find
21 him not guilty.

22 Now, Ladies and Gentlemen, as jurors in
23 this case, you have a function or a
24 responsibility that is entirely separate and
25 distinct from my function as the judge in this

1 case. I am prohibited by the Constitution of
2 this state from charging you on the facts of
3 this case. I am also prohibited from
4 discussing the facts of the case with you in
5 any way or manner, letting you know what my
6 personal feelings, if any, are about this case.
7 Therefore, if during the course of this trial
8 or during the course of my charge, you have a
9 feeling or you have been left with an
10 impression that I have a personal feeling about
11 this case one way or another than you disregard
12 that feeling.

13 It is your duty and your duty alone to
14 weigh the testimony and evidence presented in
15 this case and to pass upon the credibility or
16 the believability of the witnesses you heard
17 testify. In this connection you have the right
18 to believe all that a witness told you or you
19 can disbelieve all that a witness told you.
20 You can believe a part of what a witness told
21 you and disbelieve a part of what a witness
22 told you. You can believe one witness against
23 several or you can believe several witnesses
24 against one. You also have a right to take
25 into consideration any bias or prejudice or

1 sympathy that you feel a witness might have in
2 the case.

3 Now, it is my duty in this case to charge
4 you the law applicable to the facts presented
5 in the case. It's not a question of what you
6 think the law might be or what it should be.
7 It is not necessarily what the lawyers may have
8 told you it is. Under your oath, you are
9 required to take the law as I give it to you,
10 apply that law to the facts as you determine
11 those facts to be and to write your verdict
12 accordingly.

13 Ladies and Gentlemen, in this case as in
14 all criminal cases, this defendant comes into
15 this courtroom presumed to be innocent. This
16 presumption continues and carries through the
17 entire trial until and unless it is removed by
18 evidence that satisfies you of his guilt beyond
19 a reasonable doubt. Now, some of you may have
20 served as jurors in civil cases in the past.
21 If so, you were most likely told that it is
22 only necessary to prove that a fact was more
23 likely true than not true. But in criminal
24 cases, the State's proof must be more powerful.
25 As I told you, it must be beyond a reasonable

1 doubt.

2 Proof beyond a reasonable doubt, Ladies and
3 Gentlemen, is proof that leaves you firmly
4 convinced that this defendant is guilty of the
5 charges. There are very few things in this
6 life that we know with absolute certainty. In
7 criminal cases, our law does not require proof
8 that overcomes every possible doubt. If, based
9 on your consideration of the evidence in this
10 case, you are firmly convinced that this
11 defendant is guilty, then you must find him
12 guilty. If, on the other hand, you think there
13 is a real possibility that he is not guilty,
14 you must give him the benefit of that doubt and
15 find him not guilty.

16 Ladies and Gentlemen, our law does not
17 compel a defendant in a criminal case to take
18 the witness stand and testify. No presumption
19 of guilt may be raised and no inference of any
20 kind may be drawn from this defendant's
21 decision not to testify. Our law never imposes
22 upon a defendant in a criminal case the burden
23 or duty of calling any witnesses or producing
24 any evidence or testifying. Therefore, the
25 decision of this defendant not to take the

1 stand and testify on his behalf can not be
2 taken, discussed or considered against him in
3 any manner whatsoever.

4 Ladies and Gentlemen, if, from the evidence
5 in this case, you have a reasonable doubt about
6 whether or not this defendant was guilty as
7 charged in this indictment, it is, as I told
8 you, your duty to acquit. Under the oath that
9 you took in this case, you swore to try this
10 case based solely on the testimony and evidence
11 presented in this courtroom. I charge you that
12 it is your duty to lay aside all outside
13 opinions, bias or prejudice or sympathy you may
14 have in reaching your verdict. The word
15 verdict, Ladies and Gentlemen, is taken from
16 the Latin word "veredicto". It means to speak
17 the truth. You have no friends to reward or
18 enemies to punish in this case. I charge you
19 to abide by your oath and return a verdict that
20 speaks the truth.

21 You will have in the jury room with you the
22 indictment. This indictment does not
23 constitute evidence. It simply sets forth the
24 allegations by the State. This is the legal
25 document that brings this case into the

1 courtroom and presents it to you for your
2 determination.

3 Now, with respect to each count, count one,
4 murder, count two, possession of a weapon
5 during the commission of a violent crime, your
6 verdict must be unanimous. That is all 12 of
7 you must agree.

8 Mr. Foreman, you will find a place on the
9 back of this indictment which says verdict and
10 I have written in count one and count two.
11 Count one, of course, is the one for murder.
12 Count two is the one for possession of the
13 weapon. Whatever the unanimous verdict of the
14 jury is on each count, guilty or not guilty,
15 please write it out in that space and sign your
16 name as foreperson of the jury.

17 Now, it is my duty to go over my charge
18 with the lawyers. I need you to step back into
19 the jury room. Don't begin deliberating until
20 I send word in for you to do so. Thank you.

21 **(WHEREUPON, the jury exits at approximately**
22 **10:21 a.m.)**

23 **THE COURT:** All right. Anything further
24 from the State?

25 **MS. MUNSON:** No, sir, Your Honor.

1 **THE COURT:** Anything further from the
2 defense?

3 **MR. KORNFELD:** No, sir, Your Honor.

4 **THE COURT:** All right. Let's get all the
5 exhibits together and tell them to deliberate.

6 Now with respect to my alternate, do I need
7 to have her stay or can we release her and go
8 with 11?

9 **MS. MUNSON:** I will not object to that,
10 Your Honor.

11 **MR. KORNFELD:** No objection.

12 **THE COURT:** We will let her go back?

13 **MR. KORNFELD:** No objection. Yeah, that's
14 fine.

15 **THE COURT:** All right. Bring the
16 alternate to me.

17 (WHEREUPON, the alternate juror is released.)

18 **THE COURT:** All right, folks. Be at
19 ease. Don't leave the courthouse.

20 (WHEREUPON, deliberation of the jury begins at
21 approximately 10:25 a.m.)

22 (WHEREUPON, the Court resumes at approximately
23 11:29 a.m.)

24 (WHEREUPON, the jury enters at approximately
25 11:31 a.m.)

1 **THE COURT:** All right. Ladies and
2 Gentlemen, you have three questions. The jury
3 is asking where defendant's DNA was found at
4 the scene of the crime, the jury is asking
5 where the victim's DNA was found outside the
6 victim's house, also the jury is asking the
7 ownership of two cell phones found in the
8 victim's bedroom.

9 Now, Ladies and Gentlemen, you will recall
10 during the course of my charge I explained to
11 you that I am the judge of the law, but you are
12 the judges of the facts. These are factual
13 questions that you have sent in. I cannot
14 answer those questions for you. I don't know
15 if the questions can be answered. But what I
16 need to tell you is that these, being questions
17 of fact, are for you to determine, like I said,
18 I don't know whether from the evidence as you
19 remember it, if they were answered or not. If
20 they weren't, then they weren't and I can't do
21 anything to help. So I need you to retire to
22 continue with your deliberations. Thank you.

23 **(WHEREUPON,** the jury exits at approximately
24 11:33 a.m)

25 **THE COURT:** All right. Be at ease.

1 (WHEREUPON, deliberation of the jury continues.)

2 (WHEREUPON, the Court resumes at approximately
3 12:47 p.m.)

4 THE COURT: Anything further before I
5 bring the jury in?

6 MS. MUNSON: Nothing from the State, Your
7 Honor.

8 MR. KORNFELD: Nothing, Your Honor.

9 THE COURT: All right, Ladies and
10 Gentlemen, I want you to understand we've got a
11 verdict. I will bring the jury in shortly.
12 But I hope you understand I am not going to
13 condone or permit any outbursts or any kind of
14 displays of emotion regardless of the verdict.
15 Should there be any, that will constitute
16 contempt of court and you will be taken into
17 custody. Anyone not understand what I just
18 said?

19 (No audible response.)

20 Okay. Bring in the jury.

21 (WHEREUPON, the jury enters at approximately
22 12:49 p.m.)

23 THE COURT: Mr. Foreman, if you've
24 reached a verdict, would you hand it to the
25 bailiff please, sir.

1 **THE JUROR:** Yes, Your Honor.

2 **THE COURT:** All right. Please publish the
3 verdict.

4 **THE CLERK:** Yes, sir, Your Honor. Your
5 Honor, this is case Number 2014-GS-23-7457, the
6 State versus Sylvester Keejuan King, indictment
7 for murder and possession of a weapon during
8 the commission of a violent crime. Count one,
9 for murder, guilty. Count two for possession
10 of a weapon during the commission of a violent
11 crime, guilty. Signed foreperson, Robert
12 Poole.

13 If this was your verdict in the jury room
14 and continues to be your verdict now, please
15 raise your right hand.

16 (WHEREUPON, each juror responds.)

17 **THE CLERK:** Thank you.

18 **THE COURT:** Anything further from the
19 jury, Counsel?

20 **MS. MUNSON:** No, sir, Your Honor.

21 **MR. KORNFELD:** No, Your Honor.

22 **THE COURT:** Thank you, Ladies and
23 Gentlemen, for your service on this case. I
24 think maybe you might be free for the week.
25 What I need for you to do is to report

1 downstairs to the jury assembly room. Like I
2 said, I think you are through.

3 Let me take this opportunity to thank you
4 for coming and serving. I am well aware of the
5 fact that jury service is a burden to you. I
6 know it's difficult for you to take time out
7 from your job and family to serve on jury duty.
8 I do hope you understand the importance of
9 being here this week. Without your presence,
10 we could not get off from our docket the cases
11 that we do. It's a very important service you
12 performed. I thank you so much for that
13 service. If you will, report downstairs to
14 Judy in the jury assembly room. Thank you.

15 (WHEREUPON, the jury exits at approximately
16 12:51 p.m.)

17 THE COURT: Any motions?

18 MR. KORNFELD: Yes, Your Honor. I would
19 just at this time renew the motions that I made
20 at the close of the case. A Rule 19 motion in
21 which there was no competent evidence in which
22 the defendant could reasonably be found guilty.
23 Also make a motion concerning Ronald Suber's
24 statement or testimony of Raquan Keion Lewers'
25 statement that was ruled an excited utterance.

1 I believe that was incorrectly admitted. Your
2 Honor, for these reasons, I would renew those
3 motions and add them in this for a motion for
4 new trial, Your Honor.

5 **THE COURT:** And I would have to deny
6 those motions. (Pause.)

7 All right. Now Mr. King, you exercised your
8 constitutional right not to testify during
9 their trial. But at this time, you have a right
10 to address the Court concerning sentencing.
11 Is there anything you would like to say now?

12 **MR. KING:** Yeah.

13 **THE COURT:** All right, sir.

14 **MR. KING:** I just want to let everybody
15 know that I'm innocent. I feel that a lot of
16 things weren't presented in my case and I'm
17 going down for a murder for something I didn't
18 commit to a good friend of mine. It's hard on
19 me. I know it's hard on me, my family, their
20 family. I know it's not fine on either because
21 there still is going to be no closure at the
22 end. Whether I go to prison now, there's
23 still going to be the hurt between both
24 families.

25 **THE COURT:** All right, sir.

1 Mr. Kornfeld?

2 **MR. KORNFELD:** Your Honor, would you like
3 me to speak on behalf of the Court or -- Your
4 Honor, I believe he's 36 years of age.

5 **MR. KING:** 36.

6 **MR. KORNFELD:** 36 years of age. He has
7 very little criminal record. I think he has a
8 financial charge; is that correct?

9 **MS. MUNSON:** It's a fraudulent check.

10 **MR. KORNFELD:** Fraudulent check.

11 **MS. MUNSON:** Breach of peace. Nothing bad.

12 **MR. KORNFELD:** Breach of peace. Your
13 Honor, you saw he was a productive member of
14 society until this occurred for the most part.
15 And I would just ask that you give him a
16 sentence which gives him the possibility to see
17 the light of day outside of a correctional
18 facility.

19 **THE COURT:** Solicitor?

20 **MS. MUNSON:** His prior record, Your Honor,
21 is in 2000, breach of peace, fraudulent check,
22 driving under suspension and unlawful
23 possession of a pistol in 2003. I believe that
24 Kenyatta Simmons, who is Janice's son, would
25 like to address the court.

1 **THE COURT:** Sure. Come around.

2 **SPEAKER:** I just want to say I just don't
3 understand why --

4 **THE COURT:** Hold on. You have to come up
5 front so we can -- I can't hear you. All
6 right. Now your name, please, sir.

7 **SPEAKER:** Kenyatta Simmons.

8 **THE COURT:** All right. What do you have
9 to say?

10 **SPEAKER:** I just want to address and say
11 that I thank the jury for, you know, doing
12 what, you know, they thought was the right
13 thing.

14 Keejuan, I want to tell you that I don't
15 understand how could you do something like
16 that, you know, to my mother, man. She was
17 there for you. She was there for you numerous
18 of times, man, and you turned around and did
19 that. Now my brother, Keion, my uncles, my
20 sister, everybody got to go through this now.
21 What I'm supposed to tell my grandkids about
22 they grandmother? Somebody that -- you had my
23 grandkids too.

24 **MR. KING:** Right. You know I would never
25 would hurt nobody. You know I never have.

1 **THE COURT:** All right.

2 **MS. MUNSON:** Thank you, Mr. Simmons.

3 **THE COURT:** Thank you, sir.

4 **MS. MUNSON:** One more thing, Your Honor.

5 This defendant has sentenced this family to
6 life without Ms. Hackett. So I would
7 respectfully request that the court sentence
8 him to life.

9 **THE COURT:** Anything else, Mr. Kornfeld?

10 **MR. KORNFELD:** No, Your Honor.

11 **THE COURT:** All right. Mr. King, although
12 you maintain your innocence, which you have a
13 perfect right to do, there's no question in my
14 mind that there was substantial amount of
15 direct and circumstantial evidence to find you
16 guilty. I certainly agree with the verdict of
17 the jury. On the indictment for murder, the
18 sentence of the Court is you be committed to
19 the Department of Corrections for life. On the
20 Possession of a Deadly Weapon, five years.

21 **MS. MUNSON:** Thank you, Your Honor.

22 **THE COURT:** Thank you.

23

24 **(WHEREUPON, the proceedings conclude at**
25 approximately 12:59 p.m.)

CERTIFICATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record, Volume 3 of 3, of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville, South Carolina, on this 26th day of April, 2016.

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

Teresa B. Johnson

Official Court Reporter

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Sylvester Keejaun King, Appellant.

Appellate Case No. 2015-002541

Appeal From Greenville County
C. Victor Pyle, Jr., Circuit Court Judge

Unpublished Opinion No. 2018-UP-195
Submitted April 1, 2018 – Filed May 9, 2018

AFFIRMED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Alphonso Simon, Jr., both of
Columbia; and Solicitor William Walter Wilkins, III, of
Greenville, all for Respondent.

PER CURIAM: Sylvester Keejaun King appeals his convictions of murder and possession of a weapon during the commission of a violent crime, for which the trial court sentenced him to an aggregate term of life imprisonment. On appeal, King argues the trial court abused its discretion in allowing two instances of

inadmissible hearsay testimony. We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred in allowing Deputy Suber's testimony: Rule 801(c), SCRE ("Hearsay' is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted."); *State v. Ladner*, 373 S.C. 103, 116, 644 S.E.2d 684, 691 (2007) ("The general rule is that hearsay is not admissible."); *id.* ("There are, however, numerous exceptions to this rule, such as the excited utterance exception."); *id.* ("The rules of evidence define excited utterance as a 'statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.'" (quoting Rule 803(2), SCRE)); *State v. Sims*, 348 S.C. 16, 20, 558 S.E.2d 518, 521 (2002) ("The rationale behind the excited utterance exception is that the startling event suspends the declarant's process of reflective thought, reducing the likelihood of fabrication."); *State v. Stahlnecker*, 386 S.C. 609, 623, 690 S.E.2d 565, 573 (2010) ("Three elements must be met for a statement to be an excited utterance: (1) the statement must relate to a startling event or condition; (2) the statement must have been made while the declarant was under the stress of excitement; and (3) the stress of excitement must be caused by the startling event or condition."); *Ladner*, 373 S.C. at 116, 644 S.E.2d at 691 ("A court must consider the totality of the circumstances when determining whether a statement falls within the excited utterance exception, and that determination is left to the sound discretion of the trial court."); *Stahlnecker*, 386 S.C. at 623, 690 S.E.2d at 573 ("The passage of time between the startling event and the statement is one factor to consider, but it is not the dispositive factor."); *Sims*, 348 S.C. at 22, 558 S.E.2d at 521 ("Other factors useful in determining whether a statement qualifies as an excited utterance include the declarant's demeanor, the declarant's age, and the severity of the startling event.").

2. As to whether the trial court erred in allowing Investigator Peebles's testimony: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial [court]."); *id.* at 142, 587 S.E.2d at 693-94 ("Issues not raised and ruled upon in the trial court will not be considered on appeal."); *id.* at 142, 587 S.E.2d at 694 ("A party may not argue one ground at trial and an alternate ground on appeal.").

AFFIRMED.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

HUFF, GEATHERS, and MCDONALD, JJ., concur.

FORM 5

STATE OF SOUTH CAROLINA)

County of Greenville)Sylvester Leejane King)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2018-CP-23-0 2013**APPLICATION FOR
POST-CONVICTION RELIEF**18 MAY 24 AM 9:31
Paul Wickensimer CDC GVL SC**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correction Institution
2. Name and location of Court which imposed sentence Greenville County
General Sessions
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2014GS2307457 / Murder
 - (b) 2014GS2307457 / Poss. Weapon During Violent Crime

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) (12-2-2015) (sentenced to life, for Murder indictment)
- (b) (12-2-2015) (sentenced to 5 years for Poss. Weapon During Violent Crime)
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. The South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Affirmed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. Submitted April 1, 2018 - Filed May 9, 2018
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished Opinion No: 2018-UP-195
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) (See Attachments)
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) (See Attachments)
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

10(A) Ineffective assistance of counsel for failure to discharge his duty of due diligence to investigate the evidence, facts, and witness(es) in the case.

(B) Ineffective assistance of counsel for failure to provide a proper defense for physical evidence in the case.

(C) Ineffective assistance of counsel for his abandonment of his client during trial.

(11)(A)(1) Counsel failed to properly and fully investigate the case.

(2) Counsel failed to properly and fully prepare Petitioner for testimony in the case.

(3) Counsel failed to adequately investigate the alleged crime scene or the allegations so as to be prepared to present testimony through direct and cross-examination of relevant evidence related to the matter.

(4) Counsel failed to interview or call as a witness a number of people who would have relevant information in this matter.

(5) Counsel failed to request a preliminary hearing so Petitioner could more adequately be informed about case.

(6) Counsel failed to spend adequate time with Petitioner reviewing discovery with him.

(7) Counsel failed to challenge the testimony of the State's witness(es) and failed to adequately object and preserve objections to portions of the witness(es) testimony, and failed to effectively cross-examine the witness(es) on their testimony.

(8) Counsel failed to move for a pretrial motion for a Directed Verdict.

- (9) Counsel failed to move for a Directed Verdict at the end of the State's case, or at the end of the entire case.
- (10) Counsel failed to move for a pre-trial motion to suppress the evidence from the case.
- (11) Counsel failed to challenge or move to quash the indictment, before the jury is sworn, that indictment is not sufficient.
- (12) Counsel failed to provide a valid defense for trial.
- (13) Counsel failed to request a Competency hearing to evaluate the Petitioner, and see if he was incompetent at the time of his trial.
- (14) Counsel failed to move for a Fast and Speedy trial. Petitioner lost certain witness(es) that could of testified on his behalf, pursuant to the 21 month delay for trial.
- (15) Counsel failed to object to the State's hearsay, and circumstantial evidence being admitted at trial.
- (16) (A)(B)(C) Ineffective Assistance of Counsel: This is the only venue I am aware of for these type of claims.

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

N/A

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) (See Attachment)
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____
 (b) your trial, if any? Yes
 (c) your sentencing? _____
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Alex Hornfeld, Esquire
16 Whitsett St., Greenville, S.C., 29601
 ii. _____
 iii. _____

(b) the proceedings at which each such attorney represented you:

i. Alex Hornfeld - (Jury Trial)
 ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:

(reverse and remand)

20. Are you now under sentence from any other court that you have not challenged?

N/A

STATE OF SOUTH CAROLINA)

County of Greenville)

VERIFICATION

I, Sylvester King, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Sylvester King ✓

SWORN to and subscribed before me this 21st day of May, 2018.

Nancy C Merchant (L.S.)
Notary Public

My Commission Expires: 1-23-2023

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Sylvester King, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Sylvester King ✓
Applicant

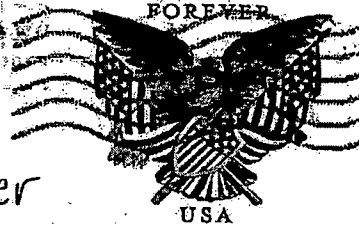
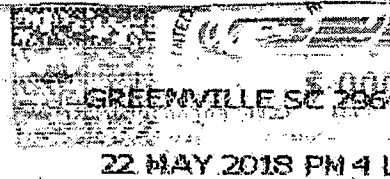
SWORN or affirmed to and subscribed before me this

21st day of May, 2018.

Nancy C. Marchant
Notary Public

My Commission Expires: 1-23-2023

Sylvester King #366399
Q1A-114



430 Oak Lawn Rd.

Paul B. Wickensimer

Pelzer S.C. 29669

RECEIVED

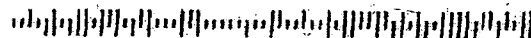
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2018-CP-23-03013

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29601-219099



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	
	)	2018-CP-23-3013
Sylvester Keejaun King, #366399,	)	
	)	
Applicant,	)	
	)	RETURN TO APPLICATION
v.	)	FOR POST-CONVICTION RELIEF
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Comes now Respondent, above named, by and through the Office of the South Carolina Attorney General, and hereby files its Return to Application for Post-Conviction Relief filed by Applicant on May 24, 2018, and received by Respondent from the Clerk of Court from Greenville County on June 4, 2018. To the extent Applicant's claims are too vague to warrant a specific response, Respondent moves for a more definite statement. Otherwise, Respondent submits Applicant's claims are without merit and should be denied as a matter of law. In support of this response, Respondent would show this Court:

I. PROCEDURAL HISTORY/BACKGROUND

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. Applicant was indicted by the Greenville County Grand Jury during the August 2014 Term for one count of Murder and one count of Possession of a Weapon during the Commission of a Violent Crime (2014-GS-23-7457). (Attachment No. 1). Applicant was represented by Alex Kornfeld, Esquire. The State was represented by Assistant Solicitors Judith M. Munson, Esquire and Brittany Scott, Esquire, both of the Thirteenth Judicial Circuit Solicitor's Office. On November 30 – December 2, 2015, Applicant proceeded to a trial by a jury before the Honorable Victor C. Pyle, Jr., Circuit Court

Judge. Applicant was found guilty of both charges on December 2, 2015. (Tr. 417). Judge Pyle sentenced Applicant to life confinement for the murder conviction and five (5) years confinement for the possession of a weapon during the commission of a violent crime conviction. (Tr. 422).

Applicant timely served and filed a Notice of Appeal. (Attachment No. 3). On appeal, Applicant was represented by Robert M. Dudek, Esquire, Chief Appellate Defender with the South Carolina Commission on Indigent Defense, Division of Appellate Defense. (See Attachment No. 4).

Applicant's appeal was perfected with the filing of a Final Brief of Appellant. (Attachment No. 3). In his Brief, Applicant asserted two arguments. First, he contended the court erred by allowing Sheriff's Deputy Suber to testify the decedent's son, who was a prime suspect in the murder, told him that he believed his mother's boyfriend [Applicant] was the murderer because he kept saying they were "hiding from him," since this testimony was not admissible as an excited utterance, and it was inadmissible prejudicial hearsay. Second, he argued the court erred by allowing Greenville Sheriff's Investigator Peebles to testify that she heard someone at Applicant's place of business allegedly told someone else that Applicant had had "called into work," and told someone at work that "he was a victim of a home invasion where he was injured," since this testimony was inadmissible prejudicial hearsay.

The State, through Assistant Attorney General Alphonso Simon Jr. filed its Final Brief of Respondent. (Attachment No. 5).

The South Carolina Court of Appeals issued an opinion affirming the convictions on May 9, 2018. (Attachment No. 6). The Remittitur was issued on May 25, 2018. (Attachment No. 7).

II. ATTACHMENTS

For the purpose of this Return, the Respondent incorporates the following records:

1. Indictment;
2. Transcript of Record;
3. Notice of Appeal;
4. Final Brief of Appellant;
5. Final Brief of Respondent;
6. South Carolina Court of Appeals unpublished Opinion;
7. Remittitur;
8. Records of the Greenville County Clerk of Court regarding subject convictions;
9. Applicant's records from the South Carolina Department of Corrections;
10. Record on Appeal;
11. Application for Post-Conviction Relief.

The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III. CLAIMS RAISED IN AMENDED APPLICATION

In his application for post conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

- 10(a) Ineffective assistance of counsel for failure to discharge his duty of due diligence to investigate the evidence, facts, and witness(es) in the case
- 10(b) Ineffective assistance of counsel for failure to provide a proper defense for physical[sic] evidence in the case.
- 10(c) Ineffective assistance of counsel for his abandonment[sic] of his client during trial.
- 11(a)(1) Counsel failed to properly and fully investigate the case
- 11(a)(2) Counsel failed to properly and fully prepare[sic] Petitioner for testimony in the case.

- 11(a)(3) Counsel failed to adequately investigate the alleged crime scene or the allegations so as to be prepared[sic] to present testimony through direct and cross-examination of relevant evidence to the matter.
- 11(a)(4) Counsel failed to interview or call as a witness a number of people who would have relevant information in this matter.
- 11(a)(5) Counsel failed to request a preliminary hearing so Petitioner could more adequately be informed about case.
- 11(a)(6) Counsel failed to spend adequate time with Petitioner reviewing discovery with him.
- 11(a)(7) Counsel failed to challenge the testimony of the State's witness(es) and failed to adequately object and preserve objections to portions of the witness(es) testimony, and failed to cross-examine the witness(es) on their testimony
- 11(a)(8) Counsel failed to move for a pretrial motion for a Directed verdict.
- 11(a)(9) Counsel failed to move for a Directed Verdict at the end of the State's case, or at the end of the entire case.
- 11(a)(10) Counsel failed to move for a pretrial motion to suppress the evidence from the case.
- 11(a)(11) Counsel failed to challenge or move to quash the indictment, before the jury is sworn, that indictment is not sufficient.
- 11(a)(12) Counsel failed to provide a valid defense for trial.
- 11(a)(13) Counsel failed to request a competency hearing, to evaluate the Petitioner, and see if he was incompetent at the time of his trial.
- 11(a)(14) Counsel failed to move for a fast and speedy trial. Petitioner, lost certain witness(es) that could of testified on his behalf, pursuant to the 21 month delay for trial.
- 11(a)(15) Counsel failed to object to the State's hearsay, and circumstantial evidence being admitted at trial.
- 11(a)(16)(A)(B)(C) Ineffective Assistance of Counsel: This is the only venue I am aware of for these type of claims.

IV. FACTS PRESENTED AT TRIAL

On March 16, 2014, Appellant Sylvester Keejuan King ("King") stabbed his ex-girlfriend, Janice Hackett, to death in her home in Greenville. The victim suffered three separate incised wounds; one to the front portion of her right wrist, one to the front portion of her right shoulder, and one to the left upper shoulder in the back. (Tr. 322). She also had eight separate stab wounds. One was a superficial stab wound that went through the skin of her upper neck and stopped before it hit the bone of the skull. (Tr. 322). Another wound was to the midline of her upper back. This wound hit her seventh cervical vertebrae in the back. (Tr. 322-23). The victim suffered two separate stab wounds right above the clavicle. (Tr. 323). She was also stabbed once on the left shoulder. (Tr. 323). On the right side of her head, she suffered another superficial stab wound that did not penetrate the skull. (Tr. 324). There were also two stab wounds to the right side of her neck. (Tr. 324). The pathologist testified that the two neck wounds were the two most potentially fatal wounds. (Tr. 325). The victim died as a result of multiple stab wounds of the head and neck. (Tr. 330).

A. King and the victim had previously dated.

King and the victim were, at one time, in a relationship. (Tr. 93). According to Raquan Lewers, the victim's son, King and the victim lived together for a year or two. (Tr. 96). At one point, the two broke up. (Tr. 96). They got back together, and moved in together again. (Tr. 97). While Lewers was held in a juvenile detention facility, King and the victim broke up again. (Tr. 99). The victim moved away, and according to Lewers, she did not want King to know where she lived. (See Tr. 100). She did allow King's son, who would live with the couple along with Lewers when they were living together, to visit after the two ended their relationship. (Tr. 100).

During the defense case, King's sister, Sentoria Wilson, testified that she was aware that King and the victim were in a relationship at some point in time. (Tr. 340). She recalled seeing Hackett at family functions and events. (Tr. 340-41). Wilson never saw King be violent towards the victim or any other woman, but she also recalled that sometimes her nephew, King's son, would say that King and the victim would "be into it" sometimes.¹ (Tr. 341).

B. On March 16, 2014, the victim returned home from a weekend trip with a new boyfriend.

Lewers recalled that his mother had been out of town that weekend, but she just returned to her Greenville home from vacation on the day she was killed.² (Tr. 102). She had just started dating someone new. (Tr. 102). Lewers testified that she arrived home around the time the sun started to go down. (Tr. 102-03). He went with her to a Redbox, and to pick up some food from a seafood restaurant. When they returned home, the victim went to bed. (Tr. 103).

C. Lewers spends time with his girlfriend and her friend outside of the victim's home.

Lewers called his girlfriend, Quinna Fernandez, and told her to come over after his mother went to bed. (Tr. 103). Fernandez got a ride from her friend, Shakia Prease. (Tr. 62, 80). Fernandez indicated that Prease picked her up around 10:20 pm. (Tr. 63). The two drove over to the victim's and Lewers' house. (Tr. 62, 80).

When the two arrived, Lewers walked out of the house and got into Prease's car. (Tr. 63, 80-1, 104). Prease was in the driver's seat, Fernandez sat in the front passenger seat, and Lewers got into the back seat. (Tr. 81). The three talked and played on their phones. (See Tr. 64-5, 104). After about fifteen to twenty minutes, Lewers went back inside the house to connect

¹ Wilson stated that her nephew did explain what he meant when he was saying "into it," but she assumed he was talking about arguing. (Tr. 341-42).

² Lewers also testified that his father, Keith Lewers, had stopped by the house earlier in the day because Lewers was sick. (Tr. 103). Lewers' father got Lewers some soup and other supplies. (Tr. 103).

Fernandez's phone to a charger. (Tr. 64, 82, 104). Lewers informed his mother that he was about to have company, and he shut her bedroom door. (Tr. 104). He noted that she was asleep at that time. (Tr. 104-05). Lewers went back outside. (Tr. 105). Lewers did not lock the carport door when he left because he knew they would be right back. (Tr. 110, 114).

When he returned to the car less than two minutes later, the three continued hanging out in the car for another fifteen to twenty minutes. (Tr. 64, 74). During that time, both Lewers and Fernandez saw a car drive by slowly. (Tr. 65, 107). Lewers saw the car as creeping along, and then it pulled off real fast. (Tr. 107). Both described the vehicle as being a black car that looked like a Crown Victoria. (Tr. 65-66, 107, 114). Prease did not see the car, but she did recall Lewers and Fernandez talking about the car. (Tr. 82).

After hanging out in the car for a while, the three went to a nearby Citgo gas station to purchase some cigars.³ (Tr. 66, 73, 82, 105). Fernandez went inside, purchased some cigars and obtained an employment application, and returned to the car. (Tr. 66). Lewers then asked Fernandez and Prease to take him to the Greenville Arms, a nearby apartment complex, to make a marijuana sale. (Tr. 67, 74, 82, 105). They drove to the complex. Id. While parked in the parking lot, Lewers got outside and sold marijuana to someone he knew. (Tr. 67, 75, 83). Lewers got out and walked behind the car. (Tr. 83, 88). Lewers took two to three minutes to make the sale. (Tr. 83-4, 88, 105). After the sale was completed, the three drove back to Lewers' home, the victim's residence. (Tr. 67, 84, 106).

Prease, Fernandez and Lewers sat in the car in the driveway and talked for a while. (Tr. 67). Prease thought they were back for about five minutes before Lewers went inside to retrieve Fernandez's phone. (Tr. 84). Lewers recalled going into the house to get Fernandez's phone. (Tr. 106). Fernandez recalled Lewers stated he was going to go inside to check on his mother,

³ They planned to use the cigars to smoke marijuana. (Tr. 67, 74, 84, 106).

the victim. (Tr. 67). He was also going to let her know that the three would be coming inside of the house. (Tr. 67). Prease noted that Lewers went through the garage/carport door to enter the house, and he came out the same door. (Tr. 85).

D. Lewers finds his mother's body in her bed.

When he went, he saw blood all over the door. (Tr. 106). As he walked in, he started calling his mother's name, and he got scared. (Tr. 106). He followed the blood, which he was hoping was juice, to her room. (Tr. 106; see Tr. 112). Lewers went into the victim's room, and he tried to wake her up. (Tr. 106). He noted that he touched her, and that he shook her, but she did not physically move her position in the bed. (Tr. 106-07).

Lewers ran back outside and pulled on the door of the car, trying to get Prease and Fernandez out of the car. (Tr. 67-8, 84, 85, 107). Prease and Fernandez both indicated this was within a minute of Lewers going inside the house. When he returned to the car, he pulled at the passenger side door. (Tr. 67-8, 84, 85). Fernandez recalled Lewers "was like my mama gone, she dead." (Tr. 68, ll 3-4). Prease testified that "[h]e was saying my mom is dead. My mom is dead." (Tr. 85, ll 15-6). Prease and Fernandez initially thought he was joking, but Lewers indicated he was not kidding. (Tr. 85). Fernandez then stated she wanted to go see Lewers' mother. (Tr. 69).

Prease and Fernandez then got out of the car, and the three then went inside the house. (Tr. 85). Lewers, Prease and Fernandez entered the house through the carport door. (Tr. 69). Lewers went in first, and Prease and Fernandez followed. (Tr. 69, 85). Fernandez noted the door was wide open. They walked through the kitchen, and they went straight to the victim's bedroom. (Tr. 69). Prease recalled there was blood immediately when they walked in the carport door. (Tr. 85). She observed a trail of blood; there was blood all on the wall, and there

was a bloody hand print on Lewers' bedroom door. (Tr. 86). The three walked into the victim's bedroom and saw her. (Tr. 86).

Fernandez testified that one of the victim's knees was up, and the other was down. (Tr. 69). They were in the room for two minutes. Fernandez recalled she kept saying call 911. (Tr. 70). Both Fernandez and Prease confirmed they did not touch the victim or take anything from the house. (Tr. 70, 86).

Fernandez and Lewers both went to Lewers' bedroom. (Tr. 71). Lewers called the police first. (Tr. 72, 76). After speaking with them, he called his grandmother. (Tr. 72, 76). While Lewers was speaking with his grandmother, Fernandez called the police from her phone. (Tr. 72, 76).

Initially, three Greenville County Sheriffs' Deputies arrived on the scene in response to the 911 call. (Tr. 45-6; see Tr. 300-01). The deputies knocked on the front door and announced they were with the sheriff's department. (Tr. 47, 301-02). In response, Lewers, Fernandez, and Prease came out of the front door of the house. (Tr. 47, 302). Deputy Suber testified that Lewers indicated to him his mother was inside. (Tr. 302). The three teenagers were checked for weapons and were secured by the deputies. (Tr. 47, 302). Suber testified that while Lewers was being secured, Lewers expressed that he believed King was the one who killed his mother, and he did not know how King knew where they lived. (Tr. 303-04; Defense Exhibit 3).

After the teenagers were secured, the deputies went into the house and cleared the residence. (Tr. 48-9, 304). Both Deputy Horne and Deputy Suber saw the victim lying in her bed, deceased, and covered in blood. (Tr. 49, 304-05).

Investigator Michael Fortner with the Greenville County Sheriff's Office arrived at the crime scene just a little after midnight on March 17. (Tr. 237-39). When he arrived, Lewers, Fernandez and Prease had already been transported to the Law Enforcement Center to be

interviewed. (Tr. 240). The victim's body was still at the scene. (Tr. 240). Fortner, the forensics team, and Deputy Coroner Dill entered the house and did a walkthrough to identify potential evidence that needed to be collected. (Tr. 241-42). He noted there were large amounts of blood on the floor and the walls, on the floor of the kitchen, on the door, on several appliances in the kitchen, and in the hallway leading to the victim's bedroom. (Tr. 242). Fortner also noted the victim's bed was saturated in blood. (Tr. 243).

After the walkthrough, the forensics team processed the house. (Tr. 243). Fortner contacted other investigators to check on the progress with the interviews with Lewers, Fernandez, and Prease. (Tr. 243). Fortner also walked around the house looking for a possible weapon. (Tr. 243). No weapon was found.

Law enforcement did canvas the neighborhood to see if anyone heard or saw anything that night. (Tr. 50, 245). No witness came forward. (Tr. 50, 245). Fortner testified that he received information regarding Lewers' statements to law enforcement, and they initially thought he may be a suspect. (Tr. 245). Law enforcement was later able to rule him out as a suspect. (Tr. 246).

E. King tells one of his girlfriends that he was injured in a fight outside of a liquor house in Greenville.

Sheila Martin, one of King's girlfriends at the time of the stabbing, lived in Anderson at the time. (Tr. 132-33). She owned a Mazda 626, and she allowed King to borrow her car while his car was in the shop.⁴ (Tr. 133-35). King and Martin spoke earlier in the day on March 16, 2014. King had indicated he was hanging out with his cousins, but he also advised Martin that he would come over to her residence later in the day. (Tr. 138).

⁴ King had told Martin that he was trying to prevent his baby mama from knowing where he lived, so he asked if he could borrow her car while his was in the shop. (Tr. 134). Martin drove King's rental car during that period. (Tr. 133-35).

King did not arrive at Martin's residence until almost 2 a.m. (Tr. 138). At that point, Martin was not expecting him, and King had not called to say he was still coming. (Tr. 138-39). When she opened the door, King came and walked to Martin's bedroom. (Tr. 139). When Martin went into the bedroom, King was laying on the floor, face down. (Tr. 139). When she turned him over, he told her he had been in a fight. (Tr. 140). His hand was bandaged up in a shirt. Martin took the shirt off of the hand, and saw a really deep cut on King's wrist. (Tr. 140). The cut was still bleeding, and there was a lot of blood. (Tr. 140). King's explanation was that he and his cousin got into a fight with four guys at a liquor house. (Tr. 141). King also told her that he messed up her car, and there was blood all in the front seat.⁵ (Tr. 143). Martin tried to get King to call the police, and she attempted to re-bandage the wound and apply pressure to stop the bleeding. (Tr. 141-42).

F. King tells an Anderson City Police officer that he was injured during a robbery outside of a liquor house in Anderson.

Martin then took King to the emergency room at the Anderson County hospital. (Tr. 142-43). At the hospital, King was re-bandaged twice. (Tr. 145). King also spoke with law enforcement about his injuries. Officer Daniel Stipe of the Anderson City Police Department was the officer who responded to the Anderson County Hospital. (Tr. 188-89). Stipe testified that King indicated he was at a liquor house in Anderson. (Tr. 190). While there, he encountered some guys that were disrespectful to him and to his girlfriend, Ms. Martin. (Tr. 190-91). They left, and while they were walking back to his car, four guys approached and told him that he needed to give up his jewelry. (Tr. 191). King claimed that a gold necklace and two

⁵ Martin confirmed her Mazda was bloody. There was blood on the seat, the steering wheel, and base floorboard. (Tr. 151). Martin attempted to clean it, but she could not get the blood out. (Tr. 151). Martin also indicated King had left a pair of tennis shoes in the rental car. (Tr. 153, 154).

gold rings valued at \$1080 were taken from him. (Tr. 191). King could not give a written statement because of his injury. (Tr. 191).

According to Martin, King told the officer at the hospital that he claimed he was robbed, and he stated Martin was present when the robbery occurred. (Tr. 146-47). Martin did note that when she asked King about the incident later, King maintained he and his cousin were jumped by four people because his cousin allegedly stepped on one of the guy's shoes. (Tr. 147-48). Martin did not recall King telling her anything about a robbery. (Tr. 148).

G. King runs away from a potential encounter with law enforcement.

After Martin and King left the hospital, they went back to Martin's home. (Tr. 147). She left King at her home, and she to get King a cell phone from a Family Dollar. (Tr. 148). While there, Martin received a call from law enforcement. (Tr. 149). When she returned home, Martin told King about the phone call she received. (Tr. 149). In response, King said he had to go. (Tr. 149). The two then drove around to different places. (Tr. 149-50). When they were heading back to Martin's residence later that day, officers were on Martin's street. (Tr. 151). King asked Martin to go around and to not return to her residence, but Martin refused because her daughter was home. (Tr. 151). In response, King jumped out of the moving car. (Tr. 152). Martin did not know what he did after he jumped out of the car. (Tr. 152).

Craig Hawkins, who was with the Greenville County Sheriff's Office Warrants Division, found King at a residence in Spartanburg on March 26, 2014. (Tr. 200-01). The apartment belonged to Kumiko Mitchell, another of King's girlfriends. (Tr. 201). King was arrested that morning and transported to the Greenville County Law Enforcement Center. (Tr. 203-05).

H. Law enforcement investigation continues.

Investigators sought to speak to several other potential suspects, including Lewers' father, the victim's current boyfriend, and King. (Tr. 246-47). Fortner eventually spoke with

King by phone, and the two made arrangements for King to speak with investigators. (Tr. 247-48, 249). King did not show up at the arranged time. (See Tr. 248). Fortner testified that law enforcement searched King's house in Greenville, and they found keys to the Mazda he borrowed from Sheila Martin. (Tr. 261). Nothing else of evidentiary value was found at the house. (Tr. 262-67).

The victim's DNA was found in a swab from the kitchen closet doorknob, swab from son's bedroom doorknob, a swab from victim's bedroom doorknob, swab of suspected blood from top steps to rear kitchen door, suspected swabs from Samsung cell phone on the stool in the victim's bedroom, swabs from buttons of Samsung cell phone on the stool in victim's bedroom, suspected blood swabs from Samsung Verizon phone, swab from touchscreen of Samsung Verizon phone, suspected blood swabs from the charger of Samsung Verizon phone, and fingernail clippings from the victim's hands. (Tr. 225-26). King's DNA was found on the exterior side knob of the rear kitchen door; on the rear passenger door handle of the vehicle that was located in the carport; on the ground near the rear passenger door by the car under the car port; on a swab on the exterior carport window; from the interior of the rear door on the driver's side of a car; on the rear door frame on the driver's side of the car; on the floor mat from the front passenger side of the car; from the interior of the front windshield of the car; from the top of the steering column, from the front of the steering wheel; on the turn signal shifter; on the vehicle's carpet. (Tr. 226-27). King's DNA, the victim's DNA, and a third individual's DNA was found on the sole of King's tennis shoes that were recovered from the vehicle at Martin's residence. (Tr. 235).

I. King claims he is also a victim in his statement to law enforcement.

King gave a statement to law enforcement. In his statement, he admitted he knew the victim and that they had broken up. (Tr. 259). He claimed that on the night of the stabbing, she

had picked him up at his house in Greenville and took him to her house. (Tr. 259). The two laid down to go to bed. According to King, he noticed the bedroom door come open, and an individual was standing there. (Tr. 259). That individual said something to the effect of "oh, hell no;" and at that time, the individual produced a knife and started attacking King and the victim with the knife. (Tr. 259). That was how King explained his hand was cut. (Tr. 259). King described the assailant as a black male who was kind of muscular. (Tr. 259). King asserted the assailant was larger than King. (Tr. 260).

King further told law enforcement that he tried to defend himself and the victim. (Tr. 260). He jumped up and ran out of the house thinking the victim was following him. (Tr. 260). King then ran down the street, where he claimed to flag down a man in a white pickup truck. (Tr. 260). King claimed he paid the man \$20 for a ride to his house in Greenville. (Tr. 260).

V.

The State denies the allegations for relief presented in this application.

In Applicant's first set of allegations, he asserts trial counsel was ineffective. These allegations are without merit. A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland v. Washington). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland v. Washington. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). Respondent specifically responds to each of the allegations as follows:

11(a)(1) Counsel failed to properly and fully investigate the case

This first allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what additional investigation should have been done, and it fails to assert what additional information could have been obtained with additional investigation.⁶ Applicant is obligated to state his allegations with specificity, including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(2) Counsel failed to properly and fully prepair[sic] Petitioner for testimony in the case.

This second allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what additional preparation counsel should have been done to prepare Applicant to testify at trial. Respondent would note Applicant chose not to testify at trial. (Tr. 334). Applicant is obligated to state his allegations with specificity, including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247

⁶ The Clerk of Court records reflect counsel obtained funding for an investigator.

(1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(3) *Counsel failed to adequately investigate the alleged crime scene or the allegations so as to be prepared[sic] to present testimony through direct and cross-examination of relevant evidence to the matter.*

This third allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what additional preparation and investigation counsel should have done to prepare Applicant for trial. Nor is it clear what further investigation would have discovered. Applicant is obligated to state his allegations with specificity, including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(4) *Counsel failed to interview or call as a witness a number of people who would have relevant information in this matter.*

This fourth allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what additional witnesses should have interviewed or contacted, and it fails to assert what additional information could have been obtained from these witnesses. Applicant is obligated to state his allegations with specificity, including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by

the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(5) *Counsel failed to request a preliminary hearing so Petitioner could more adequately be informed about case.*

Respondent submits that the claim raised in this action cannot be resolved on the merits based upon the available state court records. The South Carolina Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Thus, the State requests an evidentiary hearing on this issue. Respondent would note there is no constitutional right to a preliminary hearing as long as there is some determination of probable cause prior to an extended restraint of liberty following arrest. See United States v. Kabat, 586 F.2d 325 (4th Cir.1978). Furthermore, in South Carolina, a preliminary hearing is not held if the defendant is indicted by the grand jury or waives presentment before the preliminary hearing can be held. Rule 2(b), SCRCrimP.

11(a)(6) *Counsel failed to spend adequate time with Petitioner reviewing discovery with him.*

Respondent submits that the claim raised in this action cannot be resolved on the merits based upon the available state court records. The South Carolina Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Thus, the State requests an evidentiary hearing on this issue.

11(a)(7) *Counsel failed to challenge the testimony of the State's witness(es) and failed to adequately object and preserve objections to portions of the witness(es) testimony, and failed to cross-examine the witness(es) on their testimony*

This seventh allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what evidence Applicant believes counsel should have challenged. Further, Applicant does not identify what objections counsel should have made, or how his cross-examination of witnesses should have been different. Applicant is obligated to state his allegations with specificity, including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(8) *Counsel failed to move for a pretrial motion for a Directed verdict.*

Applicant's eighth allegation of error is without merit. Counsel cannot be found ineffective for not moving for a directed verdict pre-trial.

When a motion for a directed verdict of acquittal is made in a criminal case, the trial court is concerned with the existence or non-existence of evidence, not its weight. The accused is entitled to a directed verdict when the evidence merely raises a suspicion of guilt. The accused also is entitled to a directed verdict when the State fails to present evidence on a material element of the offense charged. However, if the State presents any evidence which reasonably tends to prove the defendants [sic] guilt, or from which the defendants [sic] guilt can be fairly and logically deduced, the case must go to the jury. On appeal from the denial of a motion for directed verdict, this Court must view the evidence in a light most favorable to the State.

State v. Pittman, 373 S.C. 527, 546, 647 S.E.2d 144, 153 (2007)(quoting State v. Brown, 360 S.C. 581, 586-87, 602 S.E.2d 392, 395 (2004)). By its very nature, a directed verdict motion

cannot be made pre-trial. The State must have the opportunity to present its case. Since a directed verdict cannot be made pre-trial, counsel cannot be found deficient for not presenting such a motion. This claim for relief should be denied and dismissed as a matter of law.

11(a)(9) *Counsel failed to move for a Directed Verdict at the end of the State's case, or at the end of the entire case.*

Applicant's ninth allegation of error is without merit. Contrary to Applicant's assertions, trial counsel did move for a directed verdict at the end of the State's case. (Tr. 331-32). The motion was denied by the trial court. *Id.* Trial counsel also renewed the motion at the close of the defense's case. (Tr. 354). Again, the trial court denied the motion. *Id.* Since trial counsel moved for a directed verdict at the end of the State's case and at the end of the entire case, Applicant's claim in this allegation is without factual support. This claim should therefore be denied and dismissed with prejudice.

11(a)(10) *Counsel failed to move for a pretrial motion to suppress the evidence from the case.*

This tenth allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what evidence Applicant believes counsel should have moved to suppress prior to trial. Applicant is obligated to state his allegations with specificity, including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(11) *Counsel failed to challenge or move to quash the indictment, before the jury is sworn, that indictment is not sufficient.*

Applicant is not entitled to relief upon his eleventh claim of ineffective assistance of trial counsel. He cannot show trial counsel was deficient in not moving to quash the indictment. He also cannot show he was prejudiced.

In determining whether an indictment meets the sufficiency standard, the trial court must look at the indictment with a practical eye in view of all the surrounding circumstances. See State v. Means, 367 S.C. 374, 383, 626 S.E.2d 348, 353-54 (2006); Gentry, 363 S.C. at 103, 610 S.E.2d at 500; State v. Gunn, 313 S.C. 124, 130, 437 S.E.2d 75, 78 (1993); State v. Wade, 306 S.C. 79, 83, 409 S.E.2d 780, 782 (1991); State v. Guthrie, 352 S.C. 103, 108, 572 S.E.2d 309, 312 (Ct.App.2002) (citing State v. Adams, 277 S.C. 115, 126, 283 S.E.2d 582, 588 (1981); State v. Reddick, 348 S.C. 631, 637, 560 S.E.2d 441, 444 (Ct.App.2002)); see also Evans, 363 S.C. at 507-09, 611 S.E.2d at 516-17 (noting all the surrounding circumstances must be weighed to make an accurate determination of whether the defendant was prejudiced by a lack of notice and an insufficient indictment). Accordingly, the sufficiency of an indictment is examined objectively, from the viewpoint of a reasonable person, and not from the subjective viewpoint of a particular defendant. Means, 367 S.C. at 383, 626 S.E.2d at 353-54. Further, whether the indictment could be more definite or certain is irrelevant. Gentry, 363 S.C. at 102-03, 610 S.E.2d at 500. As repeatedly noted by our appellate courts:

An indictment is sufficient if the offense is stated with [enough] certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon. The true test of the sufficiency of an indictment is not whether it could be made more definite and certain, but whether it contains the necessary elements of the offense intended to be charged and sufficiently apprises the defendant of what he must be prepared to meet.

See Means, 367 S.C. at 383, 626 S.E.2d at 353-54; Gentry, 363 S.C. at 102-03, 610 S.E.2d at 500; State v. Ham, 259 S.C. 118, 191 S.E.2d 13 (1972); State v. Walker, 366 S.C. 643, 661, 623 S.E.2d 122, 131 (Ct.App.2005); State v. Adams, 354 S.C. 361, 374, 580 S.E.2d 785, 792 (Ct.App.2003); Guthrie, 352 S.C. at 108, 572 S.E.2d at 312.

State v. Tumbleston, 376 S.C. 90, 97-98, 654 S.E.2d 849, 853 (Ct. App. 2007).

Here, Applicant's indictments were sufficient to apprise him of the charges he faced. The murder indictment stated,

That SYLVESTER KEEJAUN KING did in Greenville County, on or about the 16th day of March, 2014, unlawfully and with malice aforethought kill JANICE HACKETT by means of by means of stabbing her, and that JANICE HACKETT died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

It outlined the elements of murder, provided the time and place Applicant was alleged to have committed the murder, and identified the means by which Applicant killed the victim. Similarly, the possession of a weapon during the commission of a violent crime indictment was sufficient. It stated,

That SYLVESTER KEEJAUN KING did in Greenville County, on or about the 16th day of March, 2014, possess or visibly display a knife during the commission or attempted commission of a violent crime, to wit: Murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

It outlined the elements of unlawful possession of a weapon during the commission of a violent crime, provided the time and place Applicant was alleged to have committed the crime and identified the violent crime committed, and referenced the statute at issue. Applicant has not identified any insufficiency of either portion of the indictment. Thus, he cannot show that counsel was deficient. Further, Applicant has not identified how he was prejudiced. Altogether, he is not entitled to relief upon this claim as a matter of law. This claim for relief should be denied and dismissed with prejudice.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(12) Counsel failed to provide a valid defense for trial.

This twelfth allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what defense Applicant

believes counsel should have asserted at trial. Applicant is obligated to state his allegations with specificity, including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.⁷

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(13) *Counsel failed to request a competency hearing, to evaluate the Petitioner, and see if he was incompetent at the time of his trial.*

While there is no evidence in the state court record that would indicate Applicant was not competent to stand trial, Respondent submits that the claim raised in this action cannot be resolved on the merits based upon the available state court records. The South Carolina Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).⁸

11(a)(14) *Counsel failed to move for a fast and speedy trial. Petitioner, lost certain witness(es) that could of testified on his behalf, pursuant to the 21 month delay for trial.*

This fourteenth allegation of error is without merit. Applicant fails to show that counsel was deficient, and Applicant fails to establish he was prejudiced.

⁷ Respondent would also note that potential defenses were limited in this case in light of Applicant's statement to law enforcement in which he admitted to being at the victim's house, but claimed someone else attacked him and the victim. (Tr. 259-60).

⁸ Respondent would also note that potential defenses were limited in this case in light of Applicant's statement to law enforcement in which he admitted to being at the victim's house, but claimed someone else attacked him and the victim. (Tr. 259-60).

In this claim, Applicant asserts trial counsel should have moved for a speedy trial. He asserts there was a twenty-one month delay, and he lost witnesses as a result of the delay. Respondent submits Applicant cannot show trial counsel was deficient, or that he was prejudiced by trial counsel's decision not to file a motion for a speedy trial.

First, Applicant fails to show that trial counsel was deficient in not filing a motion for a speedy trial. "A criminal defendant is guaranteed the right to a speedy trial." State v. Cooper, 386 S.C. 210, 216, 687 S.E.2d 62, 66 (Ct.App.2009), citing U.S. Const. amend. VI; S.C. Const. art. I, § 14; State v. Pittman, 373 S.C. 527, 548, 647 S.E.2d 144, 155 (2007). However, "[t]here is no universal test to determine whether a defendant's right to a speedy trial has been violated." Cooper, 386 S.C. at 216, 687 S.E.2d at 66 (citing State v. Waites, 270 S.C. 104, 107, 240 S.E.2d 651, 653 (1978)). "[T]he determination that a defendant has been deprived of this right is not based on the passage of a specific period of time, but instead is analyzed in terms of the circumstances of each case, balancing the conduct of the prosecution and the defense." Pittman, 373 S.C. at 549, 647 S.E.2d at 155; see Cooper, 386 S.C. at 217, 687 S.E.2d at 66.

A reviewing court should consider four factors when determining whether a defendant has been deprived of his or her right to a speedy trial: 1) length of the delay; 2) reason for the delay; 3) defendant's assertion of the right; and 4) prejudice to the defendant. Barker v. Wingo, 407 U.S. 514, 530, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972); see also State v. Brazell, 325 S.C. 65, 75, 480 S.E.2d 64, 70 (1997). These four factors are related and must be considered together with any other relevant circumstances. Barker, 407 U.S. at 533, 92 S.Ct. 2182.

Cooper, 386 S.C. at 216-17, 687 S.E.2d at 66.

In reviewing a speedy trial claim, analysis begins "with the 'triggering mechanism' of a speedy trial claim, which is the length of the delay." State v. Langford, 400 S.C. 421, 442, 735 S.E.2d 471, 482 (2012).⁹

⁹ In Langford, this Court noted the other factors should not be examined until there was some delay that was presumptively prejudicial. Id. at 442, 735 S.E.2d at 482 (quoting Barker).

The clock starts running on a defendant's speedy trial right when he is "indicted, arrested, or otherwise officially accused," and therefore we are to include the time between arrest and indictment. United States v. MacDonald, 456 U.S. 1, 6, 102 S.Ct. 1497, 71 L.Ed.2d 696 (1982). The Supreme Court was quick to remind in Barker, however, that even the length of time necessary to trigger the full inquiry "is necessarily dependent upon the peculiar circumstances of the case." 407 U.S. at 530-31, 92 S.Ct. 2182. Thus, a simple prosecution for ordinary street crime may have a lower threshold for a presumptively prejudicial delay than a more complex conspiracy case. Id. at 531, 92 S.Ct. 2182; see also id. at 531 n. 31, 92 S.Ct. 2182 (suggesting that a delay of nine months could have been presumptively prejudicial in a case that depended on eyewitness testimony (citing United States v. Butler, 426 F.2d 1275, 1277 (1st Cir.1970))).

Langford, 400 S.C. 421 at 442, 735 S.E.2d 471 at 482.

In Applicant's case, twenty months elapsed between the date of Applicant's arrest and his trial. While this time was lengthy, it was not outside the parameters of cases in which a lengthy delay was not considered to constitute a violation of the right to a speedy trial.¹⁰

Barker provides not only should the reason for the delay be considered, but also that those reasons should be examined as to relative justification:

Closely related to length of delay is the reason the government assigns to justify the delay. Here, too, different weights should be assigned to different reasons. A deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government. A more neutral reason such as negligence or overcrowded courts should be weighted less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant. Finally, a valid reason, such as a missing witness, should serve to justify appropriate delay.

¹⁰ See Langford, supra (twenty-three month delay reviewed in armed robbery, first degree burglary and kidnapping case); Pittman, supra (reviewing three year delay between arrest and trial in murder case); Waites, supra (reviewing two year four month delay in assault and battery of a high and aggravated nature and pointing and presenting a firearm); Cooper, supra (reviewing forty-four month delay on murder re-trial). See also State v. Brazell, 325 S.C. 65, 480 S.E.2d 64 (1997) (reviewing three years and five months delay in armed robbery and murder case); State v. Kennedy, 339 S.C. 243, 528 S.E.2d 700 (Ct.App. 2000), affirmed by State v. Kennedy, 348 S.C. 32, 558 S.E.2d 527 (2002) (reviewing two year and two month delay in grand larceny, first degree burglary and financial transaction card fraud case); State v. Smith, 307 S.C. 376, 415 S.E.2d 409 (Ct.App. 1992) (reviewing three year delay in murder case).

Barker v. Wingo, 407 U.S. at 531. Here, there was no discussion regarding the delay in Applicant's trial on the record. Respondent would note the Clerk of Court records reflect counsel was still likely conducting his investigation through August 2015, which was when he obtained funding for an investigator. (See Attachment No. 8). This may have caused some of the delay in the case being called to trial.

"[T]he defendant's assertion of or failure to assert his right to a speedy trial is one of the factors to be considered in an inquiry into the deprivation of the right." Barker, 407 U.S. at 528. Multiple assertions of the right will weigh heavily in a defendant's favor. See, for example, United States v. Bass, 460 F.3d 830, 837 (6th Cir. 2006) ("Between his arraignment and trial, Bass filed three motions to dismiss based upon speedy trial grounds: (1) in January 1999, two months after the arraignment; (2) in March 2000; and (3) in March 2002. Accordingly, Bass asserted his right to a speedy trial, and this factor weighs in his favor.").

As already noted, the delay itself is not dispositive of whether a violation has occurred. Neither is the time at issue dispositive of prejudice. Pittman, 373 S.C. at 551, 647 S.E.2d at 156) (rejecting Pittman's argument "that the delay of his trial was so lengthy that it not only meets the requisite finding of delay, but also that the delay is presumptively prejudicial"). Other courts have examined similar delays and declined to find presumptive prejudice.¹¹ The Supreme Court in Barker specifically noted the damage that may very well be done to the prosecution's case:

A second difference between the right to speedy trial and the accused's other constitutional rights is that deprivation of the right may work to the accused's advantage. Delay is not an uncommon defense tactic. As the time

¹¹ See United States v. Blanco, 861 F.2d 773, 778 (2nd Cir. 1988) (rejecting general assertion of prejudice in ten year delay between indictment and trial where defendant at fault in delay and where "delay can just as easily hurt the government's case"); United States v. Tchibassa, 452 F.3d 918, 925-927 (D.C.Cir. 2006) (finding no presumptive prejudice where defendant more at fault than government in eleven year delay). Accord United States v. Mendoza, 530 F.3d 758, 764-765 (9th Cir. 2008) (noting that if government had "exercised due diligence," for speedy trial claim on delay of eight years, defendant would have had to have shown "specific prejudice to his defense" rather than assessing presumptive prejudice).

between the commission of the crime and trial lengthens, witnesses may become unavailable or their memories may fade. If the witnesses support the prosecution, its case will be weakened, sometimes seriously so. And it is the prosecution which carries the burden of proof. Thus, unlike the right to counsel or the right to be free from compelled self-in-crimination, deprivation of the right to speedy trial does not per se prejudice the accused's ability to defend himself.

Barker, 407 U.S. at 521.

In reviewing all of the factors, Applicant could not show he would have been entitled to relief based upon an assertion of his right to a speedy trial. There was no evidence the delay was the result of any attempt from the State to hinder Petitioner's ability to present a defense. Petitioner has presented no argument or evidence reflecting he suffered any prejudice as a result of the delay in his trial. He has not identified any witness that was unavailable because of the delay, nor has he indicated what information those witness(es) could provide. Since there is no merit to this claim, Applicant cannot show that trial counsel was deficient. Further, Applicant cannot show that he was prejudiced. See, e.g., Werts v. Vaughn, 228 F.3d 178, 203 (3rd Cir. 2000) ("counsel cannot be ineffective for failing to raise a meritless claim"); see also Almon v. U.S., 302 F.Supp.2d 575, 586 (D.S.C.2004) ("There can be no ineffective assistance of counsel for failing to raise a claim which is not legally viable."). This claim should be denied and dismissed with prejudice as a matter of law.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

11(a)(15) *Counsel failed to object to the State's hearsay, and circumstantial evidence being admitted at trial.*

This fifteenth allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what alleged hearsay counsel should have objected to, and it fails to assert what circumstantial evidence was improperly admitted at trial. Applicant is obligated to state his allegations with specificity, including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.¹²

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

Respondent would note trial counsel did properly object to the admission of hearsay offered through Deputy Suber, and the testimony was admitted over counsel's objection. Applicant challenged the admission of the testimony on appeal, and the Court of Appeals affirmed the trial court's admission of the testimony.

To the extent Applicant refers to the testimony from Investigator Peebles regarding information she obtained while calling Applicant's employer, Respondent submits Applicant's assertion is without merit. As found by the Court of Appeals, a hearsay objection to Peebles' testimony was not preserved for appellate review. Respondent submits Applicant cannot show that counsel was ineffective. First, counsel was not deficient in not presenting a hearsay objection to the testimony. The statement from King's employer was properly admitted through

¹² Respondent would also note that the reference to the ABA Guidelines for Appointment and Performance of Counsel in Death Penalty Cases is not applicable in this action as this was not a capital case.

Investigator Peeples' testimony because it was not hearsay. The statement was not offered from the truth of the matter asserted. Instead, it was merely offered to show why Peeples proceeded to call local hospitals to see if King was treated for any alleged injuries. As such, the statement was properly admitted by the trial court.

Evidence is not hearsay unless it is an out of court statement offered to prove the truth of the matter asserted. State v. Brown, 317 S.C. 55, 63, 451 S.E.2d 888, 894 (1994) (internal citations omitted). "Additionally, an out of court statement is not hearsay if it is offered for the limited purpose of explaining why a government investigation was undertaken." Brown, 317 S.C. at 63, 451 S.E.2d at 894 (citing United States v. Love, 767 F.2d 1052 (1985), cert. denied, 474 U.S. 1081, 106 S.Ct. 848, 849, 88 L.Ed.2d 890 (1986)). Evidence explaining why law enforcement is in a particular area has been held to be relevant information for the jury to consider. State v. Johnson, 318 S.C. 194, 197, 456 S.E.2d 442, 444 (Ct. App. 1995) (citing State v. Davis, 309 S.C. 56, 419 S.E.2d 820 (Ct.App.1992)).

Here, the King's statement to his employer that he was injured in a home invasion was not entered for the truth of the matter asserted. The testimony presented by Peeples after the reference to the statement shows the intent of introducing the statement was to explain why Peeples took certain actions in the investigation. Peeples testified that after hearing the statement, she called local hospitals to see if King sought treatment for the injuries he would have suffered in the home invasion. (Tr. 207). After learning that King also had an address in Anderson County, Peeples contacted the hospital in Anderson County to see if he was treated for injuries. (Tr. 207). After confirming he was treated, Peeples obtained an order for production of records for the medical records for the treatment and contacted the Anderson City Police Department to obtain a copy of the police report that was generated from King's hospital visit.

(Tr. 208). She also contacted the hospital's security department to obtain video footage of King's visit at the hospital. (Tr. 208).

The State did not use the statement in any other manner during the trial. It was not utilized in closing argument, and no other witness referred to the statement. In light of the limited use of the statement only to explain why Peeples contacted local hospitals regarding King, the record supports a finding the statement was not hearsay and was properly admitted at trial. See Caprood v. State, 338 S.C. 103, 111, 525 S.E.2d 514, 518 (2000) (finding statements made regarding unrelated crimes did not constitute hearsay when "officers were explaining their actions in pursuing the defendants and the statements were not offered for their truth."); see also State v. Thompson, 352 S.C. 552, 559, 575 S.E.2d 77, 81 (Ct. App. 2003) (finding officer's testimony regarding statement by bystander was not hearsay because it was not entered for the truth of the matter asserted, but "rather to explain and outline the officers' investigation and their reasons for going to the Thompsons' home.").

Further, Applicant fails to show he was prejudiced by the admission of the testimony. As noted above, the State did not use the statement in any other manner during the trial. It was not utilized in closing argument, and no other witness referred to the statement. In light of the limited use of the statement only to explain why Peeples contacted local hospitals regarding King, Respondent submits Applicant cannot show there was a reasonable probability of a different result at trial had counsel presented a hearsay objection to this testimony. Thus, to the extent Applicant is asserting this as part this claim, the claim should be denied and dismissed with prejudice.

11(a)(16)(A)(B)(C) Ineffective Assistance of Counsel: This is the only venue I am aware of for these type of claims.

This sixteenth allegation of error is too vague for Respondent to offer anything more than a general denial. Applicant is obligated to state his allegations with specificity, including

supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

VI.

In Applicant's second primary allegation, he asserts trial counsel was ineffective in failing to provide a proper defense for physical[sic] evidence in the case. This allegation is without merit. A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland v. Washington). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland v. Washington. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). This allegation of error is too vague for Respondent to offer anything more than a general denial. Based upon the allegation presented, it is not clear what physical evidence Applicant thinks counsel should have challenged or how it should have been challenged. Applicant is obligated to state his allegations with specificity,

including supporting facts. S.C. Code § 17-27-50 (1976). The State submits it is entitled to summary dismissal of the application based on Applicant's default in this regard.¹³

Should this Court disagree, our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

VII.

In Applicant's third primary allegation, he asserts trial counsel was ineffective because counsel abandoned Applicant at trial. This allegation is without merit. A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland v. Washington). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland v. Washington. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

This allegation of error is too vague for Respondent to offer anything more than a general denial. Respondent would note the transcript reflects counsel did not abandon Applicant during his trial. To the contrary, counsel presented actively cross-examined witnesses, presented a

¹³ Respondent would also note that potential defenses were limited in this case in light of Applicant's statement to law enforcement in which he admitted to being at the victim's house, but claimed someone else attacked him and the victim. (Tr. 259-60).

defense witness, and vigorously represented Applicant throughout the criminal trial. Absent a more specific reference to how Applicant was abandoned, Respondent submits this claim is wholly without merit and should be dismissed as a matter of law.

Our Supreme Court has determined that if an issue of ineffective assistance of counsel raises a question of fact that may not be completely refuted by the record, it will require an evidentiary hearing. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983). Therefore, if this Court does not grant summary dismissal as requested above, the State will request an evidentiary hearing on this issue.

VIII.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

IX.

WHEREFORE, premises considered, the Respondent requests a more definite statement regarding the allegations presented in claims 10 and 11(a)(1), (2), (3), (4), (7), (10), (12), (15), (16), claim 10(b), and claim 10(c) of this Application. Respondent further requests an evidentiary hearing solely for the purpose of determining whether the Applicant's trial counsel was ineffective.

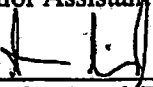
Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ALPHONSO SIMON JR.
Senior Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

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Columbia, SC 29211
Telephone: (803) 734-6305

September 4, 2018

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
IN THE THIRTEENTH JUDICIAL CIRCUIT

2018-CP-23-3013

Sylvester Keejaun King, #366399,)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

State of South Carolina,)

Respondent.)

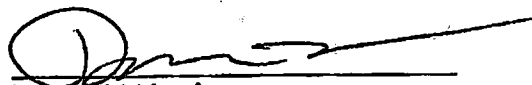
1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return, with attachments, in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Susannah Conyers Ross, Esq.
 Ross & Enderlin, PA
 330 East Coffee Street
 Greenville, South Carolina 29601

RETURN ATTACHMENT LIST:

1. Indictment;
2. Transcript of Record;
3. Notice of Appeal;
4. Final Brief of Appellant;
5. Final Brief of Respondent;
6. South Carolina Court of Appeals unpublished Opinion;
7. Remittitur;
8. Records of the Greenville County Clerk of Court regarding subject convictions;
9. Applicant's records from the South Carolina Department of Corrections;
10. Record on Appeal;
11. Application for Post-Conviction Relief.

DATED this 4th day of September, 2018.

A handwritten signature in black ink, consisting of a large, stylized capital 'D' followed by a series of loops and a long horizontal stroke extending to the right.

Donna D'Alessio
Legal Assistant to Alphonso Simon, Jr.
Senior Assistant Attorney General

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

SYLVESTER KING,
APPLICANT.

SUPPLEMENTAL APPLICATION

v.

THE STATE OF SOUTH CAROLINA,
RESPONDENT.

CASE # 2018-CP-23-3013

13 OCT 26 AM 8:29
Cait Wickenshaw-00051150

This matter comes before the Court by way of application of post conviction relief filed May 24, 2018, alleging a number of allegations of ineffective assistance of trial counsel. A Return was made on September 4, 2018. This application is intended to incorporate Mr. King's application and add allegations of Fifth, Sixth, Eighth and Fourteenth Amendment violations of the Constitution of the United States & Art. I Sec. 3, 10, & 14 of the South Carolina Constitution due to ineffective assistance of plea counsel for:

(1) failing to make a hearsay objection to Investigator Shawnee Peoples statement, "I was advised that that day he called into work and he told his job that he was the victim of a home invasion where he was injured"; (R. p. 159, l. 2)

(2) failing to request jury voir dire as to whether any of the jurors had been victims of a violent attack; (p. 14)

(3) failing to object to witness Raquan Lewers testimony that he believed his mom was trying to get away from Mr. King; (R. p. 96, l. 22)

(4) failing to point out that at the time of the stabbing Mr. King and the victim had been separated for four years, not the year or two witness Raquan Lewers said; (R. p. 96)

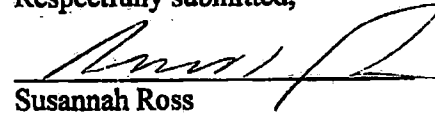
(5) failing to fully investigate and clarify for the jury whose phones were found at the scene and used to call 911, DNA evidence, and shoe print evidence; (R. 415)

(6) advising Mr. King not to testify; and

(7) failing to secure or advise Mr. King of a plea offer.

The Applicant also alleges a Due Process violation based on his failure to get a fair trial by an impartial jury.

Respectfully submitted,



Susannah Ross
Attorney for the Applicant
330 E. Coffee St,
Greenville, SC 29601
(864) 242-0029

Greenville, South Carolina

This 11 day of October, 2018

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
SYLVESTER KING,

Applicant,

vs.

THE STATE OF SOUTH CAROLINA,
Respondent.

IN THE COURT OF COMMON PLEAS

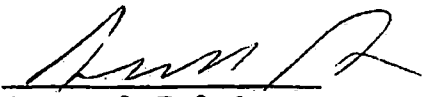
2018-CP-23-3013

AFFIDAVIT OF SERVICE
BY MAIL

18 OCT 23 AM 8:29
Paul Wickensimer CDD G/L SC

1. I am the attorney for the Applicant in the above-captioned matter.
2. Regular communication by mail exists throughout the state of South Carolina and this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Supplemental Application** on the above-captioned matter on the following person by depositing the same in the United States mail with proper postage affixed thereto:

Attorney General
Alan Wilson
P.O. Box 11549
Columbia, SC 29211
Attn: DeShawn Mitchell


Attorney for Defendant

This 18 day of October, 2018

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF COMMON PLEAS
2018-CP-23-03013

SYLVESTER KEEJUAN KING,
APPLICANT,)

vs.)

STATE OF SOUTH CAROLINA,
RESPONDENT.)

TRANSCRIPT OF RECORD

ORIGINAL

October 24, 2018
Greenville, South Carolina

B E F O R E:

THE HONORABLE ALEX KINLAW, JR., JUDGE.

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

SUSANNAH C. ROSS, ESQ.
Attorney for the Applicant

DESHAWN H. MITCHELL, ESQ.
Attorney for the Respondent

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(AW) - Denotes Applicant's Witness
(RW) - Denotes Respondent's Witness

Page No.(AW) SYLVESTER KEEJUAN KING:

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
(Applicant's Exhibits)			
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All Exhibits were retained by the Clerk of Court for
Greenville County.

P R O C E E D I N G S

THE COURT: Yes, sir.

MR. MITCHELL: May it please the Court, Your Honor.

This is 2018-CP-23-3013, Sylvester King v. the State of South Carolina. The Applicant is presently incarcerated in the South Carolina Department of Corrections pursuant to orders of the Greenville County Clerk of Court.

The Applicant was indicted by the Greenville County Grand Jury during the August 2014 term for one count of murder, and one count of possession of a weapon during the commission of a violent crime. He was represented by Mr. Alex Korn -- Kornfeld.

On November 30th through December 2nd, 2015, the Applicant proceeded to trial by a jury before the Honorable Victor C. Pyle. The Applicant was found guilty of both charges on December 2nd, 2015, and was sentenced to a life confinement for the murder conviction, and five years for the possession of a weapon during the commission of a violent crime.

He filed a timely notice of appeal. The South Carolina Court of Appeals issued an opinion affirming the convictions on May 9, 2018. And the remittitur was issued on May 25th, 2018.

The Applicant filed a post-conviction application on

1 May 24th, 2018. He's present in the courtroom today
2 represented by Ms. Ross.

3 THE COURT: All right. Ms. Ross.

4 MS. ROSS: Thank you, Your Honor.

5 May it please the Court.

6 I filed a supplemental application in this case,
7 which has some additional allegations.

8 Does Your Honor have a copy of that?

9 THE COURT: Have you seen that?

10 MR. MITCHELL: I have, Your Honor. And it should be
11 in that packet as well.

12 THE COURT: All right. And I do have it, yes, ma'am.

13 MS. ROSS: Okay. That has some additional issues
14 beyond the ones Mr. King put in his application.

15 THE COURT: All right.

16 MS. ROSS: And I -- and I would just bring Your
17 Honor's attention the last one, the failure to object to a
18 jury instruction that asked the jury to seek a verdict
19 that speaks the truth.

20 And, at this point, we would go ahead and call
21 Mr. King to the stand.

22 THE COURT: Very well.

23 Mr. King, come around.

24 THE CLERK: Mr. King, please, place your left hand on
25 the Bible and raise your right hand.

1 WHEREUPON,

2 SYLVESTER KEEJUAN KING,
3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 You may be seated.

6 Please state your full name for the record.

7 THE WITNESS: Sylvester Keejuan King.

8 DIRECT EXAMINATION

9 BY MS. ROSS:

10 Q Okay. Mr. King, do you understand what a PCR,
11 post-conviction relief, hearing is?

12 A Yes, ma'am.

13 Q And do you understand you'd be back in the position
14 you were in before the plea [sic] if you -- if you win or
15 prevail, or are granted relief in this case?

16 A Right.

17 Q And that is your wish to proceed?

18 A Yes.

19 Q Okay. You've alleged ineffective assistance of
20 counsel. Can you tell the Court why?

21 A Well, failing -- failing to investigate my -- the
22 crime scene, calling witnesses that could testify, and...

23 Q Okay.

24 A And just -- just the crime scene alone, and DNA, and
25 the witnesses.

1 Q Okay. Well, let's start -- did you -- how many times
2 did you meet with your lawyer?

3 A Maybe five, which was no longer than five to seven
4 minutes.

5 Q Okay. And did you review discovery in the case?

6 A I did. And every time -- he really -- he really
7 wouldn't go over -- over my discovery with me. And any --
8 any time if I would ask him something, he would just tell
9 me it wasn't important. And that was most of the things I
10 was asking him.

11 Q Now, did he discuss DNA evidence with you in the
12 case?

13 A No. I -- I brought that up to him. And he -- once
14 again, he said it wasn't important, that it really wasn't
15 an issue, the -- the DNA wasn't an issue.

16 Q Now, what was he telling you was the issue?

17 A He just -- he was just, basically, saying that the
18 courts wouldn't believe nothing that -- I think Mr. Lewers
19 was saying and I was saying about -- about it.

20 Q Who is Mr. Lewers?

21 A Raquan Lewers, he was -- he was -- he was a friend of
22 mine of -- of the mother's -- of Janice Hackett.

23 Q And she was stabbed and killed; correct?

24 A Right.

25 Q And so your attorney was telling you the Court

1 wouldn't believe Mr. Lewers?

2 A Right. He said neither one of us. But he -- I felt
3 that if he would have, you know, investigated more -- more
4 things into it, it would have been -- it would have been a
5 little different, a whole lot more different than what
6 things was made at the scene.

7 Q Okay. Now, tell him -- tell the Court how things
8 would have been different and what he would have found out
9 if he'd investigated a little more.

10 A By -- by -- when Raquan Lewers was making up lies
11 saying he -- he identified me on the crime scene and
12 saying that he witnessed my vehicle, that I was doing --
13 doing spinning wheels and he witnessed me riding by --
14 riding by, which was -- wasn't true.

15 If he would have called the witnesses like -- like,
16 the guy that was locked up that told me about the murder
17 that the guys had did and Raquan Lewers, and if he would
18 have got with the investigators and -- and I guess
19 interviewed them or -- or had them come and testify -- I
20 mean not -- not testify, but tell -- investigate them, I
21 think that all -- everything would have came out then.
22 And everybody -- they could have went and got -- arrested
23 the guys who was doing it.

24 Q Okay. And you sent a letter to the Court telling
25 what happened, and then sent it to the Clerk of Court

1 telling what happened in the case. And with that, the --
2 the car that Raquan said came to the scene that he thought
3 was yours, was that your car that he described?

4 A It was a -- a 2000 black Crown Vic with big old
5 chrome rims, like, 28-inch rims.

6 Q Was that the car you were driving at the time?

7 A My -- my car was in the shop at the time.

8 Q Okay. And you could have shown that your car was at
9 the shop?

10 A Yes, ma'am. I had records in my car.

11 Q And all the evidence in -- in the case at trial that
12 came out was that that was not the car you were driving?

13 A Correct.

14 Q Okay. Now, when you went to Anderson -- did you go
15 to Anderson after the scene and go to the hospital?

16 A Yes, ma'am.

17 Q Now, when you went there, what did you tell your --
18 your friend and law enforcement about what had happened?

19 A I told them I had got robbed at my friend girl's
20 house. Then I -- once -- once they came and gave me the
21 morphine for -- for all the -- the stabbing and all -- and
22 stabbing and all the cuts on my hand, well, I -- I think
23 that's the last that I know before the doctor came in and
24 was doing a procedure on me, so.

25 Q So did you tell them you were jumped at a liquor

1 house in Anderson?

2 A No, ma'am.

3 Q What did you tell them?

4 A I just told them I got robbed -- I just got robbed at
5 my friend girl's house. And then the statement -- I guess
6 the statement she made to them later said that -- that at
7 somebody's liquor house. I don't even know what a liquor
8 house is with the address on it.

9 Q Now, you didn't testify to that at trial, did you?

10 A No, ma'am.

11 Q Why didn't you testify?

12 A Once again, Alex Kornfeld told me not to testify.
13 And that if I would have testified, it would have opened
14 up a -- some kind of worms he was saying, different worms,
15 or something he was saying.

16 Q What kind of prior record did you have?

17 A Just a bad check and a breach of peace.

18 Q Did he talk about what kind of worms would come out
19 if your prior record wouldn't be an issue?

20 A No, ma'am. He just -- he just said it would open up
21 a whole bunch of worms if I testified.

22 Q Now, on the record, you were told you had the option
23 to testify and you said you didn't want to. Why did you
24 say that?

25 A Because I -- I -- he didn't prepare me for it. And I

1 didn't -- I didn't know what to say or do.

2 Q Now, did you want to go to trial the whole time on
3 this?

4 A Yes, I did.

5 Q Okay. Now, in your application, you allege that you
6 didn't get a preliminary hearing. Is that the case?

7 A Correct.

8 Q And you had a number. I've got it in front of me.
9 And I can ask you, specifically, about certain allegations
10 that you made that we haven't covered.

11 Let me just talk briefly about a shoe print. Was
12 there a shoe print taken from the scene?

13 A It was a -- it was an actual -- I think the whole
14 shoe print mold there that they -- I think the
15 investigators took. And they had -- they had my shoe --
16 my shoe print -- my shoe print mold. I guess they were
17 trying to match it up to the shoe prints they found there.
18 And they -- they had my shoes in evidence. But I don't --
19 I never seen -- I never seen the shoe print. It was just
20 in the discovery.

21 Q Okay. Let's talk about that briefly.

22 A Okay.

23 Q So in the discovery, there was a shoe print taken
24 from the crime scene, which was a blood -- blood-spattered
25 crime scene. And you've seen the pictures; right?

1 A Yes, ma'am.

2 Q And your shoes were taken out of your car?

3 A Right.

4 Q And was there anything -- they didn't match, did
5 they?

6 A No, ma'am.

7 Q And did your lawyer bring that out to the jury?

8 A No. Once again, when I told him -- I said, they --
9 there's a shoe print mold there in my motion of discovery.
10 And he -- he went -- he went again and said that wasn't --
11 that wasn't important. That wasn't an issue.

12 Q Okay. And the only thing that did come out about the
13 shoes at all was about your shoe; correct?

14 A Right.

15 Q And do you recall what -- what your attorney asked
16 the investigator about the DNA on your shoe?

17 A I think...

18 Q I'll refer you to Page 235 of the transcript. Let's
19 see. In that is -- is your attorney's cross-examination
20 of the DNA expert. And your attorney brings up the shoe;
21 correct?

22 A (There was no verbal response.)

23 Q On Line 6 and 7.

24 A These are not -- these are swabs taken from the sole
25 of the shoe.

1 Q And then your attorney brings out that one contained
2 DNA from -- it contained DNA from three individuals;
3 right?

4 A Right.

5 Q And one of those was Janice Hackett-Lewers?

6 A Right.

7 Q And one was you?

8 A Right.

9 Q Okay. So your attorney brought that out the only
10 time it's mentioned in the trial; correct?

11 A Correct.

12 Q Now, did you get a chance to review the DNA results
13 in your case?

14 A (There was no verbal response.)

15 Q Have you seen this before?

16 A (There was no verbal response.)

17 Q Did you review that with your lawyer, this -- this
18 DNA stuff?

19 A (There was no verbal response.)

20 Q No?

21 A No.

22 Q Okay.

23 A No, ma'am.

24 Q We'll wait on that then.

25 Now -- and as far as the shoe, it came out to the

1 jury that there was DNA on your shoe from you and the
2 victim in the case; right?

3 A Right.

4 Q But the shoe print did not match. There was no
5 evidence that the shoe print found matched your shoe, was
6 there?

7 A No, no, ma'am.

8 Q And so none of that had come in at the time it was
9 brought out about the DNA evidence?

10 A No, ma'am.

11 Q And the State didn't bring out anything about the DNA
12 evidence?

13 A No, ma'am.

14 MS. ROSS: Now, I'm looking through to see if
15 you've -- I've missed one of your issues.

16 I beg the Court's indulgence.

17 (Pause.)

18 BY MS. ROSS:

19 Q Do you feel like you had a grip on what the discovery
20 and evidence was against you before the trial?

21 A No, no, ma'am.

22 Q How do you think your trial attorney could have more
23 effectively cross-examined witnesses against you?

24 A I feel that he -- he could have spent more time in
25 going -- in going over the motion of discovery and

1 evidence than what -- what he did. It -- it -- I
2 believe it would have been a whole lot better if he -- if
3 he would have just investigated it and took the time and
4 called the -- the other witnesses who was there and the
5 ones who knew about it and just -- and just let -- that
6 singled me out.

7 Q Okay. How about -- you said that he failed to move
8 for a directed verdict at the beginning or end of the
9 case?

10 A Right.

11 Q And you said that -- what should he moved to have
12 suppressed at pre-trial? You said he --

13 A The -- the four DNAs, the four different DNAs.

14 Q So he didn't have a suppression hearing regarding the
15 DNA evidence taken?

16 A No. And my -- nor -- either my clothes.

17 Q All right. Did the -- did the State -- did they have
18 your clothes?

19 A It was in property and evidence. But didn't
20 nobody -- I tried to get the -- my shirt, shoes, and
21 pants. And he -- like, once again, he said it wasn't
22 important. He wouldn't get them or I guess do the proper
23 channels to get them.

24 Q Okay. Now -- and he didn't move to quash the
25 indictments?

1 A No, ma'am.

2 Q And you stated he failed to provide a valid defense
3 for trial?

4 A Right.

5 Q What would that defense have been? What did you
6 talk -- discuss as your defense?

7 A I said I think the witness -- the witness -- the key
8 witness to it, I think if he would have -- if he would
9 have got the guys when I was telling him that -- you know,
10 I said, look, I know the guy that's across the hall from
11 me. I think if he would have went and got with the
12 investigators and got the guys who, actually, did it, the
13 outcome would have -- I think it would have been a whole
14 lot different if they could have got the right person,
15 instead of just holding everything on me.

16 Q All right. And were any of those witnesses lost due
17 to the delay in your trial going forward?

18 A Yes, ma'am.

19 Q And you feel like he should have moved for a speedy
20 trial to avoid that?

21 A Right. He -- right.

22 Q Okay. And you, also, stated that he failed to object
23 to hearsay and circumstantial evidence?

24 A Right.

25 Q Now, you filed an appeal; correct?

1 A Yes, ma'am.

2 Q And in that appeal, have you read the opinion that
3 came out?

4 A I -- I did one time. I believe it -- I think it was
5 denied.

6 Q It was denied. And then there was a hearsay
7 statement from the investigator, Shaunee Peoples, that
8 came in?

9 A Yes, ma'am.

10 Q Do you recall that being an issue?

11 A Yes, ma'am.

12 Q And your lawyer didn't object to that?

13 A He -- he didn't.

14 Q And I'll refer you to Page 159, Line 2.

15 MR. MITCHELL: I'm sorry. What page is that?

16 MS. ROSS: I think I've got -- I'm confused because
17 there are two sets of numbers on the transcript. I think
18 I've got the wrong 159.

19 MR. MITCHELL: I think you're referencing the record
20 on appeal.

21 MS. ROSS: Yeah.

22 BY MS. ROSS:

23 Q 207, Line 2. And that's when -- can you read that to
24 yourself, just 1 through 5?

25 A When I was -- when I was -- when I was back there,

1 there was a -- a name that came up, Mr. Sylvester King. I
2 was advised that -- that day that he -- that he called
3 into work. And he told his job that he was a victim of a
4 home invasion where he was injured.

5 Q Now, Mr. Kornfeld objected, didn't he?

6 A Right.

7 Q But did he object based on hearsay? What did -- what
8 did he say his objection was? And it's right here.

9 A He said, I object -- it just says, I object unless
10 the foundation is laid.

11 Q All right. Now, do you recall the Court of Appeals
12 found that because that objection was not hearsay, the
13 issue was not preserved for appeal?

14 A Right.

15 Q And so they just dismissed that issue?

16 A Yes, ma'am.

17 Q Okay. He, also, failed to object in the place on
18 Page 96, Line 22. This is Raquan Lewers testifying. And
19 on Line 22, he talks about what he believes his mom
20 thought. And there was no objection, was there?

21 A No, ma'am.

22 Q And I believe the theory of the State's case was this
23 was a broken heart kind of murder situation, the stabbing.
24 How long -- did your lawyer bring out how long y'all had
25 been separated?

1 A Well, I -- I met Ms. Janice Hackett in 2009. And we
2 dated from 2009 to 2010, maybe nine months. And we
3 still -- we still remained friends because of our kids.
4 But our relationship -- we've never been in no -- in no
5 active relationship. But we was just friends from -- from
6 2009 to 2010. But no -- no sexual contact or any kind
7 of -- or no physical evidence, or nothing like that. We
8 was just good friends.

9 Q And Raquan said that it had been -- it had been maybe
10 a year on Page 94. Was that correct, that it'd been a
11 year since y'all had broken up?

12 A That's what he -- that's what he said. But we
13 were -- I'm saying we had never been in a relationship
14 from -- we was in a relationship from 2009 to 2010 before
15 all this.

16 Q And your lawyer didn't question Raquan about that or
17 try to jolt his memory?

18 A No, no, ma'am.

19 Q Now, the jury had questions about DNA evidence. They
20 had a question after the trial; correct?

21 A Right.

22 Q Do you recall what that was about?

23 A It -- a cell phone. I know it was a cell phone, and
24 I think -- I think the shoe print.

25 Q All right. And your lawyer hadn't -- they -- they

1 were still questioning the stuff. Your lawyer clarified
2 that -- those issues for them?

3 A No, ma'am. Still -- even the 911 call, the DNA
4 evidence, or the shoe prints.

5 Q All right. And just on -- I'm going to refer you to
6 Page 412, Line 18. I'd ask you, what does the Judge
7 instruct the jury to do on Line 18 there?

8 A I charge you to -- to abide by your oath and return a
9 verdict that speaks the truth.

10 Q All right. Now, at the end of the jury charge, your
11 lawyer had an opportunity to object or show exceptions to
12 the jury instruction. Do you recall if he had any
13 exceptions?

14 A No, ma'am.

15 Q All right. I'll refer you to Page 416, Line 8. Did
16 he have anything further?

17 A He -- he said -- he said --

18 Q Oh, I apologize. I think I've got the wrong page. I
19 believe it's on Line [sic] 414, Line 1, and 2, and 3.

20 A He said, Nothing further from the Defense. No, sir,
21 Your Honor.

22 Q All right. So he didn't preserve any objections to
23 the jury instruction that asked --

24 A No, ma'am.

25 Q -- the jury to -- to seek the truth.

1 All right. That's the issues 'that' -- that I had that
2 you and I wanted to point out to the Court. Do you have
3 anything further?

4 A That -- that was it.

5 MS. ROSS: Okay. I've got no further questions.
6 Please answer any questions the State has for you.

7 THE COURT: Mr. Mitchell.

8 MR. MITCHELL: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. MITCHELL:

11 Q Good morning, Mr. King.

12 How are you?

13 A Good morning.

14 Q So how many times during the course of Mr. Kornfeld's
15 representation did you meet with him again?

16 A I want to say five to seven. But no -- no longer
17 than five minutes because he had -- he had more clients
18 that -- you know, to talk to than me.

19 Q Okay. So did you get a copy of your discovery in the
20 case?

21 A I did right at -- right at the end, right before we
22 were getting ready to go to trial.

23 Q Okay. And so he -- it's your contention that he
24 didn't go over it with you?

25 A No, ma'am -- I mean, no, sir. I'm sorry.

1 Q Oh, you're fine. You're fine.

2 And so let's talk about prior to going to trial. Did
3 you ever receive any plea offers at all?

4 A No, sir.

5 Q So you never got any plea offers. So you just ended
6 up at trial because of that?

7 A Right.

8 Q Okay. So let's talk about in preparation for trial.
9 What type of defenses did you and your attorney talk
10 about?

11 A That he didn't -- nothing. I -- he -- he really --
12 he didn't even point out nothing really. I -- I tried to
13 go with -- I guess with the DNA, and the shoe prints, and
14 everything like that with him. Every time I would ask
15 him, you know, about that, he would just say it wasn't
16 important, or he wouldn't spend enough time with me to go
17 over my -- the discovery.

18 Q So going into trial, you didn't know what your
19 defense was going to be?

20 A No. He -- he never -- he never told me he had one.

21 Q Okay. So you were just sitting at the table blind?

22 A I didn't -- that was my first time -- I -- being in
23 trouble with something serious like that. So I didn't
24 know. I really -- I didn't know my rights.

25 Q Okay. Did you give your attorney any potential names

1 of witnesses that he could call?

2 A I -- I did that, too. And -- well, when I told him I
3 know the people who -- the guy who -- who robbed me, he
4 said -- he said that it wasn't important. And I said,
5 well, you can go -- I said, well, the guy -- I told him --
6 I said, the guy is right across the hall from me. You can
7 get with the investigators or the police and go -- go have
8 him arrested or -- or question him. But he never -- he
9 never did.

10 Q So who -- what -- what are the names of these people
11 that -- people that you wanted him to contact for you?

12 A I know -- I know for sure that one of them's name is
13 Steven named a/k/a Craig. That's -- that was the guy who
14 was there. And one of them's named Chris. And I think
15 the girl that -- Coco, and -- and Carlos. And, see,
16 Ray -- those are Raquan's friends. And that's -- and when
17 I found out, you know, I -- I told him you can just get
18 with the investigators or get with Raquan. But nothing
19 was ever done about them.

20 Q Okay. So let me ask you this. At some point prior
21 to being arrested, you suffered an injury from an
22 altercation; right?

23 A I -- a lot of them --

24 Q Okay. So -- I apologize. I didn't mean to cut you
25 off.

1 You suffered an injury and you had to go to an
2 Anderson County hospital or EMS; right?

3 A Right. Correct.

4 Q Okay. So what was the cause of that -- that injury?

5 A I got stabbed here, cut here. And the cuts across my
6 hand and cuts -- I think it's two cuts here from trying to
7 block the guy.

8 Q Okay. And that was my question. So that happened
9 because you got into some type of fight, or something like
10 that?

11 A I didn't.

12 Q You didn't?

13 A Just trying to protect myself.

14 Q Protect yourself from what?

15 A From them -- all of them in the house on me.

16 Q From what? I'm sorry.

17 A The -- the guys.

18 Q What guys?

19 A That was in the house. It was more people in the
20 house.

21 Q Okay. So I know you gave a statement to police that
22 you were inside the victim's house that night; right?

23 A Right.

24 Q Okay. And that somebody came in and tried to attack
25 both of you; right?

1 A Right.

2 Q Okay. So was there ever a --

3 A See, I -- I was at home, you know, getting ready
4 for -- I was -- I was -- actually, I was engaged to be
5 married on May 18th. So my friend -- my friend showed up,
6 you know. She had got some money and was going to do some
7 running around for me, you know, like paying for my cake,
8 and the reception, and stuff like that.

9 So she -- she showed back up later. That's --
10 that -- I guess that's when everything was going on at her
11 house. And she showed up saying that the guy was trying
12 to jump on her son. Because he just had got out of DJJ
13 for robbery, you know. So he owed them some money.

14 So I -- I wasn't thinking nothing about it. So I
15 just rode her over there. And we went over there. And
16 that's when the guy showed up.

17 Q All right. So let me ask you this. One of your
18 friend girl's, as you describe her, testified at trial,
19 too; right?

20 A Sheila Martin, yeah.

21 Q And she testified that you sustained your injuries
22 from a fight that you were engaged in; right?

23 A Right.

24 Q But there was, also, another story saying that you
25 sustained your injuries while you were in the victim's