

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

RECEIVED
SEP 27 2019
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MARCUS QUANTE TODD,

APPELLANT

APPELLATE CASE NO 2018-002024

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 1 (VIDEO)**

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3
 4 THE STATE OF SOUTH)
 5 CAROLINA)
 6 -vs-) TRANSCRIPT OF RECORD
 7) 2016-GS-42-03958
 8) 2016-GS-42-03959
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B E F O R E:

THE HONORABLE J. DERHAM COLE, JUDGE.

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

DERRICK B. BULSA, DEPUTY SOLICITOR
 ATTORNEY FOR THE STATE

MEGAN MORICLE, ASSISTANT SOLICITOR
 ATTORNEY FOR THE STATE

PAT ANDERSON, ATTORNEY AT LAW
 ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
 CIRCUIT COURT REPORTER

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1 (PROCEEDINGS, SEPTEMBER 18, 2017)

2 THE COURT: All right. We are here in the matter
3 of the State versus Marcus Quantae Todd.

4 You are Mr. Todd?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Ms. Anderson, do you represent him?

7 MS. ANDERSON: Yes, sir.

8 THE COURT: All right.

9 How does your client wish to proceed with his
10 case?

11 MS. ANDERSON: He would like to proceed with a
12 bench trial.

13 THE COURT: Is that true, Mr. Todd?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you had plenty of time to talk
16 with your lawyer about your decision to have a bench trial,
17 or to have a jury trial, or to enter a plea of guilty?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you understand that any time
20 that you are charged with a crime, just as you are right
21 now, that you have an absolute right to remain silent?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: In other words, you have got to answer
24 my questions right now, but you don't have to answer any
25 questions that might tend to incriminate you or tend to

1 prove you guilty of any crime the State claims that you
2 committed, but I'm just getting background information right
3 now to determine how best to proceed in your case and
4 whether it's in your best interest to proceed as you have
5 indicated, or to make some other choice.

6 So you understand, though, you do have an absolute
7 right to remain silent? And that means nobody can make you
8 take the witness stand, or testify, or make statements, or
9 answer questions that might tend to prove you guilty.

10 You also, when you are charged with a crime, have
11 a right to have a lawyer assist you and represent you in the
12 case and that's why you have Ms. Anderson.

13 Did you hire her or was she appointed by the
14 court?

15 THE DEFENDANT: Hired.

16 THE COURT: Okay. And how long has she been
17 representing you?

18 THE DEFENDANT: Sixteen months now.

19 THE COURT: Sixteen months?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And have you had plenty of time to
22 talk to her about your cases and about your decision as to
23 how to go forward to dispose of your cases?

24 THE DEFENDANT: Could you repeat that, please?

25 THE COURT: Have you had time to talk with her

1 about your cases, that is, what the State claims that you
2 did, and your decision as to how to proceed with your cases?

3 THE DEFENDANT: I would like more time without a
4 jury because of the facts of the situation.

5 THE COURT: All right. Well, do you understand
6 what you are charged with right now?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And what are you charged with?

9 THE DEFENDANT: Murder and kidnapping and I think
10 possession of a firearm.

11 THE COURT: During the commission of a violent
12 crime?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And so you know what the State claims
15 that you did?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And did Ms. Anderson share with you
18 all of the information provided her by the prosecutor that
19 they would show in court in order to try to prove you guilty
20 of these crimes?

21 THE DEFENDANT: No, we initially went over a
22 video. I still need time to look over several videos.

23 THE COURT: What videos?

24 THE DEFENDANT: I believe there is one by --

25 THE COURT: Well, let me find out from Ms.

1 Anderson.

2 What videos is he --

3 MS. ANDERSON: There are five videos. Several of
4 just --

5 THE COURT: Who made the videos?

6 MS. ANDERSON: The solicitor's office provided
7 them to me.

8 One of them is of the scene when my client was
9 putting Mr. Jermaine West in his car.

10 THE COURT: And who made that video?

11 MS. ANDERSON: Darekus Jones.

12 THE COURT: Was it a cell phone video?

13 MS. ANDERSON: Yes, sir.

14 THE COURT: All right. And you have been provided
15 a copy of that?

16 MS. ANDERSON: Yes, he's seen it.

17 THE COURT: And you seen that?

18 MS. ANDERSON: Yes, about ten times.

19 THE COURT: And you have shown that to Mr. Todd?

20 THE DEFENDANT: Uh-huh.

21 THE COURT: What are the other four videos?

22 MS. ANDERSON: There are videos of the officers
23 cameras, personal cameras, and they are interviewing some
24 people at the scene and then doing the crime -- that's the
25 forensics.

1 THE COURT: All right. And how many law
2 enforcement body cams videos do we have?

3 MS. ANDERSON: I believe two.

4 THE COURT: Is that right?

5 MR. BULSA: There was one officer had multiple --
6 or one officer had a body cam video at the crime scene that
7 went on for a couple of hours, and then there were two
8 officers that had body cam videos at the location where the
9 vehicle was found.

10 THE COURT: All right. So there are three body
11 cam videos?

12 MR. BULSA: Yes, sir.

13 THE COURT: And they have all been turned over to
14 Ms. Anderson?

15 MR. BULSA: Yes, sir.

16 THE COURT: Ms. Anderson, you have shown those to
17 Mr. Todd?

18 MS. ANDERSON: Yes, sir, I have.

19 THE COURT: All right. And then the remaining
20 video is the crime scene video?

21 MS. ANDERSON: It's a -- it was of, our
22 information, the documents they provided me for discovery,
23 which are in these four books right here, and pictures of
24 the crime scene and where they found the car.

25 THE COURT: Well, what's the video?

1 MS. ANDERSON: There is no video.

2 THE COURT: Oh, there is not?

3 MS. ANDERSON: It was on -- I'm sorry, it was on a
4 CD.

5 THE COURT: Oh, okay.

6 Okay. So there are four videos and then there is
7 a CD with all the evidence that they intend --

8 MS. ANDERSON: Yeah.

9 THE COURT: -- to introduce?

10 MS. ANDERSON: Yes, sir.

11 THE COURT: And then have you -- and you have
12 shown Mr. Todd each of the videos?

13 MS. ANDERSON: Yes, and he's had a copy of all the
14 papers discovery that we have gotten --

15 THE COURT: Okay.

16 MS. ANDERSON: -- which is like six hundred pages.

17 THE COURT: And you have talked to him --

18 MS. ANDERSON: He's had that.

19 THE COURT: You have talked to him about the
20 discovery?

21 MS. ANDERSON: Yes, sir.

22 THE COURT: All right.

23 Mr. Todd, Ms. Anderson says she's been over
24 everything with you.

25 THE DEFENDANT: Recently two days ago I saw the

1 video and until then I haven't been able to see it.

2 THE COURT: Okay. But you have seen them now?

3 THE DEFENDANT: Yes, sir, what was it, Saturday
4 afternoon and Sunday.

5 THE COURT: Okay. Well, you will still have an
6 opportunity to talk to your lawyer about your -- about the
7 evidence and the videos, too, for that matter.

8 But you and she have talked about how you want to
9 proceed with your case?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And did she explain to you that you
12 can plead guilty, or you can have a bench trial, a trial
13 before a judge, or you can have a jury trial? Did she talk
14 to you about the jury trial?

15 THE DEFENDANT: Yes, sir, we had a discussion
16 about it.

17 THE COURT: All right. And do you understand what
18 a jury trial encompasses; that is, what occurs at a jury
19 trial?

20 THE DEFENDANT: Not exactly. Can you explain it
21 to me?

22 THE COURT: Sure.

23 If you had a jury trial -- we have a larger panel,
24 more than twelve, probably fifty, selected randomly. They
25 come to court and they are qualified to serve and they serve

1 as jurors in cases that might be called for trial.

2 If you elect to have a jury decide your case, then
3 twelve people are selected from that larger panel or pool of
4 jurors. You and Ms. Anderson and the solicitor decide the
5 jury makeup. In other words, y'all select the people that
6 are going to sit as those twelve. They sit over there in
7 that jury box and they listen to the testimony and they
8 consider all the evidence that's introduced during the trial
9 and they determine what the facts are as they relate to all
10 these allegations contained in the indictment. And then
11 once they decide the facts, they apply the law that I
12 provide them and they determine whether or not you are
13 guilty of any crime the State claims that you committed.

14 Before a jury can find you guilty, all twelve of
15 those jurors have to be convinced of your guilt beyond a
16 reasonable doubt. Your guilt has to be proven beyond a
17 reasonable doubt, no matter who tries your case, but if a
18 jury tries the case, all twelve jurors have to be convinced
19 of your guilt beyond a reasonable doubt, and the burden is
20 on the prosecutor to convince them of that fact.

21 And so you can have a jury trial and you still
22 have the right to remain silent. You still don't have to
23 take the witness stand and testify. You can't be called as
24 a witness without your consent. You could call other
25 witnesses, if you wanted to, but you are under no obligation

1 to call any witness or introduce any evidence.

2 Do you understand your right to have a jury make
3 the decision in your case?

4 THE DEFENDANT: Yes, sir. I would like a jury
5 trial, if that's possible.

6 THE COURT: Well, of course, it's possible.
7 That's why we are here.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: How did you come to the decision that
10 you wanted to have a bench trial?

11 THE DEFENDANT: I come to the decision because it
12 was based solely on the jurors and, you know, no bias
13 factors in the case.

14 Due to you explaining the situation to me, I would
15 like to proceed with a jury trial.

16 THE COURT: You are saying that Ms. Anderson
17 didn't explain that jury trial process to you?

18 THE DEFENDANT: Not really. Not clearly.

19 THE COURT: Okay.

20 THE DEFENDANT: I didn't -- not clearly.

21 THE COURT: So you prefer to have a jury make the
22 decision rather than the judge?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. Well, the jury panel will be
25 here the first thing in the morning, so we will pick a jury

1 then.

2 THE DEFENDANT: All right.

3 THE COURT: Do we have any matters we need to
4 address before the --

5 MS. ANDERSON: I have a motion to suppress.

6 THE COURT: Okay.

7 All right. The motion is to suppress any and all
8 videos, unless the persons who are being interviewed on the
9 videos are going to be present to testify so that they can
10 be cross-examined.

11 Those videos interviews, Mr. Bulsa, as I
12 understand it, there were three body cam videos and some of
13 those I guess include interviews with potential witnesses,
14 is that true?

15 MR. BULSA: The State only intends to present one
16 body camera video, Your Honor. That was at the scene where
17 the vehicle was located.

18 There was a short -- it wasn't really an
19 interview. It was a short discussion of the gentlemen
20 pointing out where he found the vehicle. That person is
21 going to testify as well.

22 THE COURT: Okay. So there is no person who was
23 interviewed or who was asked questions on a video that will
24 not --

25 Well, let me state that differently.

1 You don't have any person who made a statement on
2 the video that you intend to introduce that statement,
3 unless that person takes the witness stand and testifies, is
4 that true?

5 MR. BULSA: That's correct, Your Honor.

6 THE COURT: Okay. All right.

7 So the motion to suppress is not necessary, unless
8 you have some other component to it.

9 MS. ANDERSON: No, sir.

10 THE COURT: All right. So any person who is
11 interviewed on the video, that person will testify.

12 MS. ANDERSON: Yes, sir.

13 THE COURT: If -- if the State intends to
14 introduce the statement.

15 All right. What other matters do we have?

16 MS. ANDERSON: I have no other matters.

17 MR. BULSA: Your Honor, I don't know that the
18 State will go into this, but the way this case went down, it
19 might be alluded to.

20 Your Honor, the defendant was on probation at the
21 time this shooting happened. He was on probation for a case
22 that occurred in 2014, on the same street where this crime
23 was committed. He was -- he pled guilty as an accessory
24 after the fact to an assault. Part of his sentence was a
25 no-contact provision with the victim in this case, but the

1 victim was the alleged victim of the alleged shooting on
2 2014.

3 We may seek to introduce that, based on however
4 the testimony comes out. That would be another bad act
5 under 404 (b). We would seek to introduce it as an intent
6 and a motive of the defendant to shoot Mr. Jermaine West.

7 A lot of that is going to depend upon
8 cross-examination of how Ms. Anderson presents her case, if
9 we have to go that far.

10 THE COURT: Well, my understanding is that you
11 don't actually intend to introduce that in your case in
12 chief, unless the defense makes it relevant to their
13 examination of the State's witnesses?

14 MR. BULSA: Yes, sir.

15 MS. ANDERSON: That's not a problem.

16 THE COURT: You don't have any need to introduce
17 that?

18 MS. ANDERSON: No.

19 THE COURT: Those facts?

20 MS. ANDERSON: It depends on who he calls. I have
21 a long list, but --

22 THE COURT: You have the witness list, do you not?

23 MS. ANDERSON: I can't see that that, me having to
24 go into the video with any of these witnesses.

25 THE COURT: Okay.

1 Well, let's just say this. Before that type of
2 information can be disclosed to the jury, before any witness
3 can ask that, we will have to address the admissibility of
4 that testimony or that evidence before it's introduced
5 before the jury.

6 MS. ANDERSON: Yes, sir.

7 MR. BULSA: I can do that.

8 Your Honor, based on some pretrial discussions
9 with Ms. Anderson, she made comments about a location where
10 the victim was at being a drug house. We don't feel any
11 reference to that being a drug house as being relevant in
12 this case. We would move that she not be precluded to
13 characterize that location as a drug house.

14 MS. ANDERSON: Your Honor, the reason my client
15 went to that house is to buy marijuana and that was his plan
16 to testify to that is why he was at that house.

17 I didn't say I would call it a drug house, but
18 that is why he was going there, and he did buy marijuana
19 while he was there.

20 THE COURT: Well, I mean, obviously I don't know
21 all the facts of the case like each of you do, so -- is that
22 something that's going to be an issue?

23 MR. BULSA: He didn't buy drugs, as far as I'm
24 aware of, at that location. He didn't buy any marijuana.

25 THE COURT: Well --

1 MR. BULSA: I think it's a means by the defense to
2 disparage the victim because the victim was visiting the
3 people at the residence where he was killed.

4 THE COURT: All right. Well --

5 MS. ANDERSON: Where he was shot.

6 MR. BULSA: Shot. Where he was shot.

7 THE COURT: Again, let's -- let's do -- let's do
8 it this way.

9 I assume that that would only come in if Mr. Todd
10 were to testify. He would testify about why he went and
11 what he did when he was there.

12 MS. ANDERSON: Yes.

13 THE COURT: So before that type of information can
14 be disclosed before the jury, we'll also have to determine
15 the admissibility of that prior to.

16 MS. ANDERSON: Yes, sir.

17 THE COURT: So before any discussion, any
18 question, or any testimony can be elicited regarding that
19 fact, we will have to address it outside of the jury's
20 presence. Okay?

21 MS. ANDERSON: Yes, sir.

22 THE COURT: All right. Anything else?

23 MR. BULSA: No, sir.

24 MS. ANDERSON: No, sir.

25 THE COURT: All right, Mr. Todd, do you still want

1 to go forward with your jury trial?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. We will be in recess until
4 9:30 in the morning, at which time we will select a jury.

5 In the meantime you can look over those videos
6 with Ms. Anderson, if you need to.

7 (END OF REQUESTED TRANSCRIPT OF RECORD)

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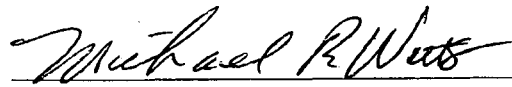
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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 18th day of September, 2017.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 1, 2019



Michael R. Watts
Circuit Court Reporter

1 STATE OF SOUTH CAROLINA) IN THE COURT OF
2) GENERAL SESSIONS
3 COUNTY OF SPARTANBURG) OF THE SEVENTH
4) JUDICIAL CIRCUIT
5)
6 STATE OF SOUTH CAROLINA,)
7)
8 Plaintiff,) TRANSCRIPT OF RECORD
9 vs.) 2016-GS-42-3958
10) 2016-GS-42-3959
11)
12 MARCUS QUANTE TODD,)
13)
14 Defendant.)
15)
16)

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11 September 19-20, 2017
12 Spartanburg, South Carolina

12

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B E F O R E:

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HONORABLE DERHAM J. COLE, Judge.

15

16

A P P E A R A N C E S

17

DERRICK BULSA, ASSISTANT SOLICITOR
For The State

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MEGAN MORICLE, ASSISTANT SOLICITOR
For The State

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PATRICIA J. ANDERSON, ESQUIRE
For The Defendant

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Julie A. Cendroski,
Circuit Court Reporter
Seventh Judicial Circuit

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		Photograph of Markers in Yard	59	89
		STATE'S EXHIBIT NO. 13,		
		Photograph of Marker # 1	59	89
		STATE'S EXHIBIT NO. 14,		
		Photograph of Marker # 2	59	89

EXHIBITS			
		<u>MARKED</u>	<u>ENTERED</u>
1	STATE'S EXHIBIT NO. 15,		
2	Photograph of Marker #3	59	89
3	STATE'S EXHIBIT NO. 16,		
4	Photograph of Marker #4	59	89
5	STATE'S EXHIBIT NO. 17,		
6	Photograph of Marker #5	59	89
7	STATE'S EXHIBIT NO. 18,		
8	Photograph of Marker #6	60	89
9	STATE'S EXHIBIT NO. 19,		
10	Photograph of Marker #7	60	89
11	STATE'S EXHIBIT NO. 20,		
12	Photograph of Marker #8	60	89
13	STATE'S EXHIBIT NO. 21,		
14	Photograph of Marker #9	60	89
15	STATE'S EXHIBIT NO. 22,		
16	Photograph of Ground	60	89
17	STATE'S EXHIBIT NO. 23,		
18	Photograph of Street	60	89
19	STATE'S EXHIBIT NO. 24,		
20	Photograph of Blood on Street	60	89
21	STATE'S EXHIBIT NO. 25,		
22	Photograph of Street with Cars	60	89
23	STATE'S EXHIBIT NO. 26,		
24	Photograph of Street & Woods	60	89
25	STATE'S EXHIBIT NO. 27,		
	Photograph of Woods and	60	89
	Crime Tape		
	STATE'S EXHIBIT NO. 28,		
	Photograph of Woods and		
	Road Gate	60	89

	EXHIBITS		
		<u>MARKED</u>	<u>ENTERED</u>
1			
2			
3			
4	STATE'S EXHIBIT NO. 29,		
5	Photograph of Woods and		
6	Road Gate	60	89
7			
8	STATE'S EXHIBIT NO. 30,		
9	Photograph of Woods Close Up	60	89
10			
11	STATE'S EXHIBIT NO. 31,		
12	Photograph of Car in Woods	61	89
13			
14	STATE'S EXHIBIT NO. 32,		
15	Photograph of Side of Car	61	89
16			
17	STATE'S EXHIBIT NO. 33,		
18	Photograph of Top of Car	61	89
19			
20	STATE'S EXHIBIT NO. 34,		
21	Photograph of Tire in Mud	61	89
22			
23	STATE'S EXHIBIT NO. 35,		
24	Photograph of Front Side of Car	61	89
25			
26	STATE'S EXHIBIT NO. 36,		
27	Photograph of the Front of Car		
28	In Woods	61	89
29			
30	STATE'S EXHIBIT NO. 37,		
31	Photograph of Back Side of Car	61	89
32			
33	STATE'S EXHIBIT NO. 38,		
34	Aerial View Map of Woodruff St.	61	89
35			
36	STATE'S EXHIBIT NO. 39,		
37	Photograph of Back Left of Car	61	89
38			
39	STATE'S EXHIBIT NO. 40,		
40	Photograph of Back of Car	61	89
41			
42	STATE'S EXHIBIT NO. 41,		
43	Photograph of Trunk of Car	61	89
44			
45	STATE'S EXHIBIT NO. 42,		
46	Photograph of Backseat of Car	61	89

EXHIBITS

	<u>MARKED</u>	<u>ENTERED</u>
STATE'S EXHIBIT NO. 43, Photograph of Fishing Gear In Backseat of Car	62	89
STATE'S EXHIBIT NO. 44, Photograph of Backseat Floor	62	89
STATE'S EXHIBIT NO. 45, Photograph of Backseat Floor	62	89
STATE'S EXHIBIT NO. 46, Photograph of Bucket in Backseat	62	89
STATE'S EXHIBIT NO. 47, Photograph of Key and Bag	62	89
STATE'S EXHIBIT NO. 48, Photograph of Markers in Backseat	62	89
STATE'S EXHIBIT NO. 49, Photograph of Markers 18, 19 And 21 in Backseat of Car	62	89
STATE'S EXHIBIT NO. 50, Photography of Marker 20	62	89
STATE'S EXHIBIT NO. 51, Photograph of Markers 24, 25, 26 and 27	62	89
STATE'S EXHIBIT NO. 52, Photograph of Marker 25	62	89
STATE'S EXHIBIT NO. 53, Photograph of Marker 25 Close up	62	89
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STATE'S EXHIBIT NO. 55, Photograph	90	91

	EXHIBITS		
		<u>MARKED</u>	<u>ENTERED</u>
1			
2			
3			
4	STATE'S EXHIBIT NO. 56, Photograph	90	91
5			
6	STATE'S EXHIBIT NO. 57, Photograph	91	91
7			
8	STATE'S EXHIBIT NO. 58, Photograph	91	91
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10	STATE'S EXHIBIT NO. 59, Car Keys	121	121
11			
12	STATE'S EXHIBIT NO. 60, Two Blood Swabs	213	215
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14	STATE'S EXHIBIT NO. 61, Two Blood Swabs	213	215
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16	STATE'S EXHIBIT NO. 62, Two Blood Swabs	213	215
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18	STATE'S EXHIBIT NO. 63, SLED Forensics Shell Casings	240	241
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20	STATE'S EXHIBIT NO. 64, Two Blood Swabs from Roadway	240	241
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22	STATE'S EXHIBIT NO. 65, Two Blood Swabs From Walkway	240	241
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1 THE STATE VERSUS MARCUS Q. TODD, DAY ONE OF TRIAL

2 THE COURT: Any matters to address before the
3 jury is brought in?

4 MR. BULSA: Yes, sir. When I was reviewing the
5 indictments, count two was typed incorrectly, so that
6 needs to be withdrawn.

7 THE COURT: Okay.

8 MR. BULSA: And that's it.

9 THE COURT: Count two is going to be dismissed?

10 MR. BULSA: Yes, sir.

11 THE COURT: All right.

12 MR. BULSA: Your Honor, we were sharing
13 photographs with defense counsel and so far she is
14 agreeing to enter several pictures. We're getting those
15 premarked.

16 THE COURT: Yeah, we'll talk about it after we
17 get the jury picked.

18 MR. BULSA: Yes, sir.

19 THE COURT: Ms. Anderson, do you have a witness
20 list?

21 MS. ANDERSON: Yes, sir. I passed one up
22 yesterday.

23 THE COURT: I don't have it. Have you seen it?

24 MR. BULSA: I saw it up there this morning.

25 THE COURT: You saw it up here this morning?

1 MR. BULSA: That's where I looked for the
2 indictments. I saw them.

3 THE COURT: Well, somebody's been up here because
4 I don't have it. I've got a motion to suppress, and
5 I've got three warrants, and I've got your witness list,
6 and I've got the indictment.

7 MR. BULSA: I'm sorry, I confused you with that.

8 THE COURT: Motion to Suppress. All right. Any
9 requests for voir dire?

10 MS. ANDERSON: Yes, sir.

11 THE COURT: I need those too.

12 MR. BULSA: Ours are standard except for number
13 six, Your Honor.

14 MS. ANDERSON: I'm sorry, Your Honor. Well, I
15 can't find it, but mine was basically standard.

16 THE COURT: Okay.

17 MS. ANDERSON: Have you ever been convicted, you
18 or any member of your family been convicted of a violent
19 crime. I don't know what happened to it.

20 THE COURT: Bring the jury around, please.

21 THE BAILIFF: Yes, Your Honor.

22 THE COURT: And this event is alleged to have
23 occurred in the Woodruff community, is that what I
24 understand?

25 MR. BULSA: Yes, sir. The address is [REDACTED]

1 Woodruff Street.

2 (Jury panel enters courtroom at 9:50 a.m.)

3 THE COURT: Good morning, ladies and gentlemen of
4 the jury panel, my name is Derham Cole. I'm a resident
5 judge here in the Seventh Judicial Circuit and I'll be
6 presiding over criminal court here in this courtroom
7 this week.

8 The first case that we have in this courtroom is
9 going to require a sum of your participation. It is the
10 case of the State versus Marcus Quante Todd. Mr. Todd
11 has been charged in two separate indictments with two
12 separate and distinct criminal offenses; although, they
13 are alleged to have arisen out of one particular event
14 or a course of events, which the state alleges occurred
15 back on May the 23rd of 2016.

16 The indictments are charging papers. It's like
17 an arrest warrant, but before someone can be brought
18 into this court and in the General Sessions court to
19 stand trial on the charge, they have to be brought here
20 by way of an indictment, so the indictment is a charging
21 paper.

22 In this case the two indictments charge Mr. Todd
23 with the crimes of murder and kidnapping. The State
24 alleges that on or about May the 23rd of 2016, that Mr.
25 Todd did unlawfully, seize, confine, kidnap or abduct or

1 carry away Jermaine Rondell West without authority of
2 law.

3 They also allege on May the 23rd of 2016, that
4 Mr. Todd did here in Spartanburg County willfully and
5 with malice of forethought kill Jermaine Rondell West by
6 shooting him with a handgun and that he died as a
7 proximate result of that gunshot wound.

8 Now, as to those allegations and as to each of
9 those charges, the defendant, Mr. Todd, has entered a
10 plea of not guilty. And the plea of not guilty places
11 upon the State the burden of proving the allegations
12 that they have made by a way of each of these
13 indictments, the burden of proving each of the essential
14 elements of the crimes that are alleged against the
15 defendant and, therefore, the burden is upon the State
16 to establish the defendant's guilt to the satisfaction
17 of 12 jurors beyond a reasonable doubt before any
18 verdict of guilty could be returned as to either of the
19 charges brought against the defendant.

20 And so, we're gonna be selecting probably 14 of
21 you, 12 to serve as primary jurors, two additional
22 jurors to serve as alternates. And by the way of your
23 participation, you're gonna be called upon simply to
24 listen to testimony that will come from the witness
25 stand and to consider any other evidence that might be

1 introduced during the trial of the case.

2 At the trial's conclusion, you'll be called upon
3 to consider all that evidence, to determine the facts as
4 they relate to the allegations made against the
5 defendant; and after determining those facts, you'll
6 apply the law that I will have provided you.

7 And the jury will determine whether or not the
8 defendant has been proven guilty of a crime beyond a
9 reasonable doubt. And if he has been so proven, then
10 the verdict will be guilty as to that charge. And if he
11 has not done so freely, then the verdict will be not
12 guilty as to that particular charge.

13 Before we begin with jury selection, I've got
14 some folks that I'm gonna introduce to you. The purpose
15 of these introductions is to find out if any juror is
16 related by blood or marriage to any of the people
17 involved in the trial of this case. That includes the
18 defendant. That includes the alleged victim, as well as
19 their respective families. That includes the lawyers
20 and that includes any potential witness that I'll recite
21 a list for you.

22 I need to find out if you're connected by blood
23 or marriage to any of these people or if you have any
24 other connection with any of these people or any members
25 of their respective families. In other words, do you

1 attend church with any of these folks or their families?
2 Do you go to school with them? Are you employed at the
3 same place that they are employed? Do you socialize
4 with them, or do you simply know them in any fashion
5 whatsoever?

6 So as these folks are introduced, if you have any
7 connection at all, I'll ask that you please stand so
8 that we can determine what that connection is and
9 whether or not it would have any bearing upon your
10 decision or impair your ability to be fair and impartial
11 if you were selected to serve as a juror in the case.

12 Now, first of all, as I told you, the defendant,
13 the person who is accused of having committed each of
14 these offenses was Marcus Quante Todd. Mr. Todd, if
15 you'll stand and face the jury panel so they may see who
16 you are. (Complies.) Okay, thank you.

17 Seated with Mr. Todd at the counsel table is
18 Patricia Anderson. She is Mr. Todd's lawyer, she'll be
19 assisting him in the trial of the case.

20 As I've said, the victim of the kidnapping, as
21 well as the murder, alleged in the indictment is
22 Jermaine Rondell West. Are any of Mr. West's family
23 members present?

24 MR. BULSA: Yes, sir. Ms. Thompson.

25 THE COURT: Okay. Which ones are they?

1 MR. BULSA: Eva Thompson is the mother.

2 THE COURT: All right. This is Eva Thompson.
3 She's the mother of Jermaine Rondell West and she's
4 being introduced. She might be a potential witness, but
5 certainly you can see who she is and determine if you
6 know Mr. West by knowing who his mother is.

7 Presenting the case on behalf of the State are
8 Derrick Bulsa and Megan Moricle. They are both
9 assistant circuit solicitors for the Seventh Judicial
10 Circuit.

11 Potential witnesses to be called during the trial
12 include Lisa Barker. Now, when I call your names out,
13 some of these witnesses may be in the courtroom and some
14 are not, but if you know somebody by that name but
15 you're not sure if it's the same person, just stand and
16 let me know of that fact and we'll try to narrow down
17 the identification of that witness for your benefit.

18 Lisa G. Barker, Gerald Crowe, Nicole Disabatino,
19 Barbara Glenn, Olajawaun Goggins, Latoya Jeter, Darricka
20 Jones, Elaine Meredith, Brittney Pearson, Chris Switzer,
21 Johnny Thomas, Eva Thompson, Prennis Thompson, Sercorya
22 Todd, Alan Bledsoe, formerly with the police department,
23 Darryl Dawkins, Woodruff Police Department; Rob Hinson,
24 Woodruff Police Department; Thomas Clark, Tim Davis,
25 Richie Foster, William Gary, Steve Henderson. And each

1 of those, beginning with Mr. Clark through Mr.
2 Henderson, are employed by the Spartanburg County
3 Sheriff's Department.

4 The next six witnesses are also employed with the
5 sheriff's department. They include Jonathan Lawson,
6 Brandon Letterman, Fred Lux, Justin Mosley, Sean Nix and
7 Robert Rosenberg.

8 We also have Tara Mabry and Susan Crocker,
9 employed by the South Carolina Department of Probation,
10 Parole and Pardon Services. We've got a James
11 Armstrong, employed with the Greenville County Crime
12 Laboratory. We have Spike McCraw, Maryann Boehm and
13 Doris Yarbrough, each employed by the South Carolina Law
14 Enforcement division. And -- well that appears to be
15 all the potential witnesses.

16 All right. Now I've got a number of jurors
17 standing so I'll start to my right and go backwards.
18 Then I'll jump the aisle and we'll start from the front
19 and we'll work backwards. I need for you to give me
20 your name, also give me your juror number. Then tell me
21 what person you have some connection with and tell me
22 what that connection is.

23 I'll begin with you, ma'am.

24 POTENTIAL JUROR 110: Madison Morris, 110. And I
25 know Megan Moricle.

1 THE COURT: Okay. And how do you know her?

2 POTENTIAL JUROR 110: We have mutual friends.

3 THE COURT: Just socially?

4 POTENTIAL JUROR 110: Yes.

5 THE COURT: Okay. And would that have any
6 bearing in your decision in this case if you were
7 selected?

8 POTENTIAL JUROR 110: No, sir.

9 THE COURT: Thank you, be seated.

10 Yes, ma'am.

11 POTENTIAL JUROR 81: Sandra Hines, Number 81. I
12 know Ms. Meredith Dale's family.

13 THE COURT: You know who?

14 POTENTIAL JUROR 81: Donna.

15 THE COURT: You know who? I'm sorry, I can't
16 hear you.

17 POTENTIAL JUROR 81: Meredith Dale's mother,
18 Donna.

19 THE COURT: Meredith Dale?

20 MR. BULSA: She was Mr. West's fiancée.

21 THE COURT: Okay. But she's not a witness.

22 MR. BULSA: No, sir.

23 THE COURT: Oh, okay. Do you know who -- all
24 right. Would that have any bearing in your decision in
25 this case?

1 POTENTIAL JUROR 81: No.

2 THE COURT: All right. How do you know her?

3 POTENTIAL JUROR 81: Her mom used to be my
4 daughter's Brownie leader back in the day.

5 THE COURT: Okay. But that would have no affect
6 on your decision?

7 POTENTIAL JUROR 81: No.

8 THE COURT: Thank you, ma'am, be seated.

9 There may be some people over here who were not
10 -- who are not a witness, so if you recognize them --
11 could you all just stand and face the jury panel so they
12 can see who you are. (Complies.). All right. If you
13 recognize these folks right off, I'd ask you to stand.
14 Thank you.

15 All right. Name and number, please, sir.

16 POTENTIAL JUROR 140: I'm 140, Steven Rhodehamel,
17 and I'm a very good friend of Derrick Bulsa. He's a --

18 THE COURT: All right. And how do you know him?

19 POTENTIAL JUROR 140: -- life family.

20 THE COURT: Sir?

21 POTENTIAL JUROR 140: He's a life family, even
22 though he's not blood family, so...

23 THE COURT: All right. And how do you know him?

24 POTENTIAL JUROR 140: Just known him ever since I
25 grown up. We've spent holidays at his house and he's

1 been at holidays at our house. Our families get
2 together.

3 THE COURT: Okay. Would that have any bearing in
4 your decision in this case if you were selected?

5 POTENTIAL JUROR 140: I think it could, so I
6 don't know.

7 THE COURT: All right. You think there's a
8 reasonable probability that it could?

9 POTENTIAL JUROR 140: I do.

10 THE COURT: All right. Excuse juror 140 from the
11 service in the trial of the case, but don't leave yet.

12 All right. Front row, your name, ma'am?

13 POTENTIAL JUROR 125: Kimberly Parham, Juror
14 Number 125. Steven Henderson, one of the sheriffs, is
15 my cousin.

16 THE COURT: All right. And would have that any
17 bearing in your decision?

18 POTENTIAL JUROR 125: No, sir.

19 THE COURT: And is that relationship by blood or
20 by marriage?

21 POTENTIAL JUROR 125: Blood.

22 THE COURT: And do you know what degree of
23 kinship?

24 POTENTIAL JUROR 125: Second cousin.

25 THE COURT: Okay. It would have no bearing in

1 your decision?

2 POTENTIAL JUROR 125: No, sir.

3 THE COURT: Thank you, be seated.

4 Next up. Yes, ma'am.

5 POTENTIAL JUROR 139: I'm Natalya Reznichenko,
6 and I think you called police officer Hogsed. If that's
7 the same one ---

8 THE COURT: David Hogsed, he used to be at the
9 sheriff's department. He's at Wofford College now. He
10 used to work for the city police too.

11 POTENTIAL JUROR 139: I'm not sure if that's the
12 same one, but I had a student named Chase Hogsed and his
13 dad was a police officer.

14 THE COURT: Okay. Well, there are not that many
15 Hogsed's around, so I'm guessing that's gonna be fair to
16 assume that it is. So let's just, for the purpose of
17 this question, let's assume that that child is his
18 child. And what's your connection with Chase Hogsed?

19 POTENTIAL JUROR 139: I used to be his teacher
20 several years ago.

21 THE COURT: Okay. And where was that?

22 POTENTIAL JUROR 139: Boiling Springs
23 Intermediate.

24 THE COURT: All right. Would that have any
25 bearing in your decision in this case?

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POTENTIAL JUROR 139: (Shakes head back and forth.)

THE COURT: Thank you, be seated.
Next.

POTENTIAL JUROR 144: Jonathan Richardson, Number 144.

THE COURT: All right.

POTENTIAL JUROR 144: Brandon Letterman, I've known him for a number of years professionally and socially.

THE COURT: And how do you know Brandon Letterman?

POTENTIAL JUROR 144: Initially it was at work at Wofford College.

THE COURT: Okay.

POTENTIAL JUROR 144: And then just socially with each other's child.

THE COURT: All right. Would that have any bearing in your decision in the case if you were selected?

POTENTIAL JUROR 144: No, sir.

THE COURT: All right, thank you. Be seated.
Yes, sir.

POTENTIAL JUROR 37: Timothy Copeland, Juror

1 Number 37. And I know Steven Henderson by acquaintance
2 and Latoya Jeter is my wife's first cousin.

3 THE COURT: All right. You know Sheriff
4 Henderson?

5 POTENTIAL JUROR 37: Yes.

6 THE COURT: And how is it that you know him?

7 POTENTIAL JUROR 37: Just an acquaintance from
8 years, years ago.

9 THE COURT: Okay. And you know Latoya Jeter?

10 POTENTIAL JUROR 37: Yes, sir.

11 THE COURT: And how do you know Ms. Jeter?

12 POTENTIAL JUROR 37: It's my wife's first cousin.

13 THE COURT: First cousin, okay. Would either of
14 those connections have any bearing in your decision in
15 this case if you were called upon to serve?

16 POTENTIAL JUROR 37: It may have.

17 THE COURT: Sir?

18 POTENTIAL JUROR 37: It may have.

19 THE COURT: Well, do you think there's a
20 reasonable probability that it could?

21 POTENTIAL JUROR 37: Yes, sir.

22 THE COURT: All right. We'll excuse juror 37
23 from the trial of the case, but don't leave yet.

24 All right, next row. Yes, ma'am.

25 POTENTIAL JUROR 121: Holly Padgett, Juror Number

1 121. William Gary is a client of mine through my job,
2 through work.

3 THE COURT: All right. So how long have you had
4 that connection?

5 POTENTIAL JUROR 121: Five years or so maybe.

6 THE COURT: All right. And would that have any
7 bearing in your decision in the --

8 POTENTIAL JUROR 121: No, sir.

9 THE COURT: -- case if you were selected?

10 POTENTIAL JUROR 121: No, sir.

11 THE COURT: All right. Thank you, you may be
12 seated.

13 Yes, ma'am.

14 POTENTIAL JUROR 153: I'm Tammy Simmons, I'm
15 Juror 153. And Barbara Glenn, Latoya Jeter, Kim Davis,
16 Darryl Dawkins. I'm from the town of Woodruff, so I'm
17 familiar with this case.

18 THE COURT: All right. Would your connection
19 with any of those potential witnesses have any bearing
20 on your decision?

21 POTENTIAL JUROR 153: I believe so.

22 THE COURT: Well, do you think it's a reasonable
23 probability that it could?

24 POTENTIAL JUROR 153: I do.

25 THE COURT: All right. Juror 153 is excused from

1 serving in the trial, but don't leave yet.

2 Next.

3 POTENTIAL JUROR 89: I'm Derek Lindsey, Juror 89.

4 I was a police officer in Woodruff, so I know Darryl
5 Dawkins, Rob Hinson.

6 THE COURT: How long ago, how long ago were you
7 employed there?

8 POTENTIAL JUROR 89: Probably three years ago.

9 THE COURT: Okay. So you weren't there when --

10 POTENTIAL JUROR 89: No, sir, I was not.

11 THE COURT: -- this event occurred?

12 POTENTIAL JUROR 89: I was actually in Duncan.

13 THE COURT: Okay. Would, would your connection
14 with the department there have any bearing upon your
15 decision?

16 POTENTIAL JUROR 89: Yes.

17 THE COURT: All right. Juror 89 is excused from
18 service in the case, but don't leave yet.

19 Next.

20 POTENTIAL JUROR 1: Mallory Alexander, Juror
21 Number 1. And Sean Nix is my cousin through marriage.

22 THE COURT: And will that have any bearing in
23 your decision?

24 POTENTIAL JUROR 1: No.

25 THE COURT: Thank you, be seated.

1 Anybody else need to respond to the question of
2 having some connection with anybody involved in the
3 trial of the case or any potential witness? And that
4 would include anybody else in the solicitor's office. I
5 don't know if y'all felt the need to respond to that,
6 but if you know anybody else employed with the Seventh
7 Judicial Circuit Solicitor's Office, I need to know that
8 too. So if so, please stand. All right, none
9 responded.

10 All right. This is an event, which I have said,
11 the State alleges occurred back on May the 23rd of 2016.
12 It is alleged to have occurred at or near a residence of
13 ████ Woodruff Street in the town of Woodruff. Does any
14 juror think or believe that you might have heard, seen
15 or read anything that relates to this particular case?
16 In other words, have you been exposed to any type of
17 information that relates to this particular case by way
18 of any source, whether it be television, radio,
19 newspaper, or individuals talking about it,
20 conversations at work, school or church? If you've been
21 exposed to any type of information about the case, I
22 will ask you to please stand.

23 All right, your name?

24 (Potential juror sat back down.)

25 All right, anybody else? I'm gonna ask if

1 anybody needs to respond to that question, please stand
2 now so I don't have to just keep asking for anybody else
3 to stand. It is redundant, and so it should be
4 unnecessary and it's irritating to other jurors for me
5 to have to keep asking the same question over.

6 All right. Your name and number, please, ma'am.

7 POTENTIAL JUROR 81: Sandra Hines, Number 81.

8 THE COURT: All right. And from what source --
9 don't tell me what the information was that you
10 received, but just tell me from what source you received
11 some information.

12 POTENTIAL JUROR 81: Just from TV and radio.

13 THE COURT: All right. And about what's the most
14 recent information you have been exposed to?

15 POTENTIAL JUROR 81: Not anything recent.

16 THE COURT: Nothing recent?

17 POTENTIAL JUROR 81: Huh-uh.

18 THE COURT: All right. And do you remember the
19 details of those -- of that information that you have
20 been exposed to previously?

21 POTENTIAL JUROR 81: Just remember that ---

22 THE COURT: Don't tell me about the facts or
23 anything, just do you remember the details of the
24 information that you were exposed to previously?

25 POTENTIAL JUROR 81: That he ---

1 THE COURT: No, no, my answer -- your answer
2 should be yes, I do have a memory of it or, no, I don't.

3 POTENTIAL JUROR 81: Yes, sir.

4 THE COURT: You do, okay. Is there anything
5 about which you have been exposed to previously that
6 would interfere with your ability to be fair and
7 impartial in this case?

8 POTENTIAL JUROR 81: I don't think so.

9 THE COURT: Okay. And is it something -- and let
10 me say this in respect, and this applies to everybody
11 who's standing, if it relates to information you've been
12 exposed to, it's not important that you have been
13 exposed to information. It's important that you not
14 allow it to influence your judgment unless that same
15 information is presented here in court.

16 In other words, it might be that you have a
17 newspaper article and it said that the defendant in this
18 case was charged with murdering Jermaine Rondell
19 Williams. Well, that's gonna be presented here in
20 court. But, now, everything that you might have heard,
21 seen or read about it might not be presented. It might
22 not even be correct.

23 So my point is this: If you've heard something
24 or you saw something or you read something from some
25 other source and not your personal knowledge, and that

1 information is not presented in court; in other words,
2 it doesn't come out during the trial of the case, it's
3 not something that a juror may consider because it might
4 not even be accurate. It might not be correct, you see?
5 It might not be valid information and that might be the
6 reason it's not presented during the trial of the case.

7 So my point is that if you have received
8 information about the case and it's something that is
9 not presented during the trial of the case, would you be
10 able to ignore it, avoid it, put it out of your mind and
11 not allow it to influence your judgment or your decision
12 in the case?

13 POTENTIAL JUROR 81: I think I couldn't.

14 THE COURT: Okay, you couldn't. All right.

15 Juror 81, we'll excuse you from service in the trial.

16 All right, next. Your name and number, please.

17 POTENTIAL JUROR 31: Sophia Clarke, Number 31.

18 THE COURT: All right. And from what source have
19 you been exposed information about the case?

20 POTENTIAL JUROR 31: Newspaper.

21 THE COURT: Newspaper?

22 POTENTIAL JUROR 31: Yes, sir.

23 THE COURT: And what's the most recent article
24 that you saw or read?

25 POTENTIAL JUROR 31: Back about the time that

1 this first happened.

2 THE COURT: Back at the time that this was
3 alleged to have occurred in May of 2016?

4 POTENTIAL JUROR 31: Yes, sir.

5 THE COURT: And do you have a specific
6 recollection of what you did read?

7 POTENTIAL JUROR 31: No, sir.

8 THE COURT: You don't. And if during the trial
9 or during jury deliberations, you did recall something
10 that you read, but it's something that had not been
11 presented during the trial of the case because it was
12 not evidence in the case, would you be able to ignore
13 it, to avoid and not allow it to influence your
14 decision?

15 POTENTIAL JUROR 31: Yes, I do.

16 THE COURT: All right, thank you very much.
17 Juror 31 you may be seated.

18 Yes, sir.

19 POTENTIAL JUROR 78: Kenneth Hicklin, Number 78.

20 THE COURT: All right. And from what source have
21 you been exposed to in connection about the case?

22 POTENTIAL JUROR 78: The news.

23 THE COURT: The news?

24 POTENTIAL JUROR 78: Yes, sir. I was watching
25 the news this morning and they talked about the case.

1 THE COURT: All right. So you saw it on
2 television this morning?

3 POTENTIAL JUROR 78: Yes, sir.

4 THE COURT: All right. And do you recall what
5 you saw?

6 POTENTIAL JUROR 78: Just a ---

7 THE COURT: Just yes or no, do you recall what
8 you saw?

9 POTENTIAL JUROR 78: Yes, sir.

10 THE COURT: Okay. And did it say any more than
11 the identification of the defendant and the person who
12 is alleged to have been killed?

13 POTENTIAL JUROR 78: No, sir.

14 THE COURT: Okay. And obviously that's gonna
15 come out during the trial. In fact, I've already told
16 you about that by reading the indictments. But was
17 there anything else that you remember that you saw on
18 television?

19 POTENTIAL JUROR 78: No, sir.

20 THE COURT: And could you avoid considering any
21 information if it was not introduced during the trial?

22 POTENTIAL JUROR 78: Yes, sir.

23 THE COURT: And not allow it to influence your
24 decision?

25 POTENTIAL JUROR 78: Yes, sir.

1 THE COURT: All right, thank you. That's Juror
2 78. You may be seated.

3 Yes, sir.

4 POTENTIAL JUROR 37: Timothy Copeland, Juror 37.

5 THE COURT: All right.. Mr. Copeland, you've
6 already been excused, so you won't need to provide any
7 additional information right now.

8 Yes, sir.

9 POTENTIAL JUROR 124: Anthony Paone, 124. I read
10 it in the Harold Journal this morning.

11 THE COURT: This morning?

12 POTENTIAL JUROR 124: Yes, sir.

13 THE COURT: And do you happen to recall what you
14 did read?

15 POTENTIAL JUROR 124: I do.

16 THE COURT: And was there anything more than the
17 identification of the defendant and the person who's
18 alleged to be the victim?

19 POTENTIAL JUROR 124: No.

20 THE COURT: No. And if there was, by chance, if
21 you did recall something else, would you be able to put
22 it aside and not allow it to influence your decision if
23 it did not come up during the trial of the case?

24 POTENTIAL JUROR 124: Yes, sir.

25 THE COURT: All right, thank you. You may be

1 seated. Juror 124.

2 Anybody else? (No response.)

3 Okay. I told you what the case was about,
4 basically what the allegations are. The defendant is
5 charged with kidnapping and with murder. Those were
6 allegations and charges that he denies.

7 Is there any member of the jury panel or any
8 members of your immediate family -- and let me define an
9 immediate family member as a parent or a spouse or a
10 child or sibling; a parent, spouse, child or sibling.
11 Have you or any members of your immediate family, as I
12 just defined it, ever been the victim of any type of
13 crime that might be characterized as a violent crime?

14 And those would include the crimes of murder,
15 manslaughter, armed robbery, burglary, criminal sexual
16 conduct, criminal domestic violence of a high and
17 aggravated nature, assault and battery, attempted
18 murder, or anything similar. Has any juror or any
19 members of your immediate family ever been the victim of
20 any similar type of offense that might be characterized
21 as a violent offense; and/or, have you or some member of
22 your immediate family ever been accused of having
23 committed either of those types of offenses?

24 So have you or a family member been the victim of
25 such or ever been accused of having committed such, I'll

1 ask that you please stand.

2 THE COURT: All right. Is that everybody? We've
3 got three. All right. Name and number, please.

4 POTENTIAL JUROR 48: 48, Opal Dowling.

5 THE COURT: Your last name is what?

6 POTENTIAL JUROR 48: Dowling.

7 THE COURT: Okay. And was it you or a family
8 member?

9 POTENTIAL JUROR 48: Both.

10 THE COURT: And was it that you were a victim or
11 accused?

12 POTENTIAL JUROR 48: Victim.

13 THE COURT: All right. And what was the nature
14 of the crime?

15 POTENTIAL JUROR 48: Attempted rape and rape.

16 THE COURT: All right. And was somebody charged
17 with that crime?

18 POTENTIAL JUROR 48: Yes.

19 THE COURT: And has that case been resolved?

20 POTENTIAL JUROR 48: Yes.

21 THE COURT: How many years ago?

22 POTENTIAL JUROR 48: Many years ago.

23 THE COURT: Okay. Is there anything about that
24 fact or that experience that you or a family member has
25 had that would interfere in any way with your ability to

1 be fair and impartial in this case?

2 POTENTIAL JUROR 48: It would not make any
3 difference.

4 THE COURT: Okay. Thank you, ma'am, you may be
5 seated.

6 Yes, ma'am.

7 POTENTIAL JUROR 139: Natalya Reznichenko, 139.

8 THE COURT: All right. Was it you or a family
9 member?

10 POTENTIAL JUROR 139: Family member.

11 THE COURT: And were they a victim or an accused?

12 POTENTIAL JUROR 139: Victim.

13 THE COURT: And what was the nature of the crime?

14 POTENTIAL JUROR 139: Armed robbery.

15 THE COURT: And was someone charged?

16 POTENTIAL WITNESS 139: (Shakes head back and
17 forth.)

18 THE COURT: Is that a no?

19 POTENTIAL JUROR 139: No.

20 THE COURT: That's not a no?

21 POTENTIAL JUROR 139: Sorry, no one was charged.

22 THE COURT: Okay. Is there anything about that
23 fact or that experience that would interfere in any way
24 with your ability to be fair and impartial in this case?

25 POTENTIAL JUROR 139: No.

1 THE COURT: Thank you. Be seated.

2 Yes, ma'am.

3 POTENTIAL JUROR 10: Nancy Bauder, number ten. I
4 have a father that was a victim.

5 THE COURT: All right. And what was the nature
6 of the crime?

7 POTENTIAL JUROR 10: Rape.

8 THE COURT: And was anyone charged?

9 POTENTIAL JUROR 10: No.

10 THE COURT: All right. Is there anything about
11 that fact or that experience that would in any way
12 impair in your ability to be fair and impartial in this
13 case if you were selected?

14 POTENTIAL JUROR 10: No.

15 THE COURT: Thank you, you may be seated.

16 All right. Is there anything about the nature of
17 the case itself; that is, what the allegations are that
18 are brought against this defendant? Is there anything
19 about the nature of the case itself in this particular
20 case that would interfere with any juror's ability to be
21 fair and impartial if you were selected to serve in the
22 trial of this particular case? If so, please stand.

23 All right. None have responded.

24 Now in this case, as you know, the defendant is
25 accused of having killed Jermaine Rondell West. I am

1 told, because I don't know the evidence in this case,
2 I'll learn it just like the jury will when it's
3 presented in court, but I'm told that there will be
4 evidence that the deceased, Jermaine Rondell West's body
5 was never recovered. And so my question for this jury
6 is, would the fact that a person's body has not been
7 recovered preclude you from making a finding of fact
8 that that person is, in fact, deceased? Does everybody
9 understand the question? If you don't understand the
10 question, please raise your hand and I'll try to ask it
11 differently. (No person raised their hand.)

12 All right. Everybody understands the question.
13 So now my question is, is there any juror who would not
14 be able to make a finding of fact that a person is
15 deceased without having knowledge that the body has been
16 recovered? If so, please stand. All right, one has
17 stood. Give us your number.

18 POTENTIAL JUROR 144: 144.

19 THE COURT: All right. And is it your ---

20 POTENTIAL JUROR 144: Jonathan Richardson.

21 THE COURT: All right. And it's your opinion or
22 your understanding is that you would not be able to find
23 that a person is deceased unless it is proven that a
24 body has been recovered?

25 POTENTIAL JUROR 144: Not that I wouldn't be able

1 to. I apologize, I probably would be calling it into
2 question. Without seeing the evidence, I don't know
3 exactly.

4 THE COURT: Well, that's a nice statement. That
5 may be a better statement. That's the point. We don't
6 know what the facts are in this case because no evidence
7 has been presented, and the evidence will be presented
8 during the trial. But my question is: As you sit here
9 today, is it your belief or opinion that under no
10 circumstances would you be able to find as a fact that
11 someone was deceased unless you knew the body had been
12 recovered and identified?

13 POTENTIAL JUROR 144: No, sir.

14 THE COURT: That's not your case, is that true?

15 POTENTIAL JUROR 144: It's not, no, sir.

16 THE COURT: Okay, thank you. You may be seated.
17 Yes, sir, your number?

18 POTENTIAL JUROR 75: Lukas Hauser, 75. And I
19 guess there are circumstances, I guess, where without a
20 body there was very strong evidence showing a murder
21 with the results of a murder, but the habeas corpus
22 seems to ---

23 THE COURT: Don't use those legal terms because
24 that's not a proper term.

25 POTENTIAL JUROR 75: No, I'm just saying it was

1 something I learned a long time ago as a child and that
2 just seems important that you have to show a body.

3 THE COURT: I know, but habeas corpus doesn't
4 have anything to do with that.

5 POTENTIAL JUROR 75: Okay. Well...

6 THE COURT: So anyway... But the point is, are
7 you telling me that you could find that a person was
8 deceased even though their body had not been recovered
9 and identified?

10 POTENTIAL JUROR 75: I suppose with a lot of
11 other evidence, yes.

12 THE COURT: Well, I'm just saying if the evidence
13 warranted it. In other words, you're not, you're not
14 saying that I don't care what's shown or proven, if I
15 don't know the body's recovered I'm not gonna find that
16 person is dead?

17 POTENTIAL JUROR 75: I suppose not. I suppose I
18 would be open to the evidence.

19 THE COURT: Okay, good. Thank you, you may be
20 seated... That's Juror 75. Anybody else?

21 (No response given.)

22 THE COURT: Is any member of the jury -- has any
23 member of the jury panel or any members of your
24 immediate family ever been employed as a law enforcement
25 officer, not just by making the Spartanburg County

1 Sheriff's Department, but by any law enforcement agency,
2 including the Woodruff City Police Department? But has
3 anyone, you or a family member, ever been employed as
4 any type of law enforcement officer, deputy sheriff,
5 city police officer, town and municipal law enforcement
6 agency, probation department, parole department,
7 Department of Corrections, local town or county
8 detention facility, state law enforcement division,
9 Federal Bureau of Investigation, military police
10 officer? You or a member ever been employed as any type
11 of law enforcement officer? If so, please stand.

12 Okay. Ms. Dowling, your number again? 48?

13 POTENTIAL JUROR 48: 48.

14 THE COURT: Okay. And tell me how that question
15 relates to you.

16 POTENTIAL JUROR 48: Clay Dowling, he's my
17 nephew, he's employed as some officer. He was also in
18 the military, an officer.

19 THE COURT: All right. Well, what department was
20 he employed by?

21 POTENTIAL JUROR 48: I think it was a city, but
22 it's been, you know, years.

23 THE COURT: Was it in Spartanburg?

24 POTENTIAL JUROR 48: Yes.

25 THE COURT: Okay. Would that have any bearing in

1 your decision?

2 POTENTIAL JUROR 48: No, sir.

3 THE COURT: Thank you, be seated.

4 Yes, sir.

5 POTENTIAL JUROR 52: 52, Ferrall Erickson. My

6 son-in-law is employed, he was a police officer in

7 Manning, South Carolina, then he moved to criminal

8 investigations. He's working out of Columbia now as a

9 chief.

10 THE COURT: Okay. Would that have any bearing in
11 your decision?

12 POTENTIAL JUROR 52: No, not at all.

13 THE COURT: Thank you, be seated.

14 Yes, ma'am.

15 POTENTIAL JUROR 108: Emily Monroe, number ---

16 COURT REPORTER: 108?

17 THE COURT: 108?

18 POTENTIAL JUROR 108: Yes.

19 THE COURT: All right.

20 POTENTIAL JUROR 108: I have a niece that's a

21 police officer in Charlotte, North Carolina. And I have

22 a second cousin that was a SLED agent here in

23 Spartanburg.

24 THE COURT: All right. Would either of those
25 connections have any bearing in your decision?

1 POTENTIAL JUROR 108: No, sir.

2 THE COURT: Thank you, be seated.

3 Yes, sir.

4 POTENTIAL JUROR 22: Tony Caldwell, 22. I was
5 employed with South Carolina State Troopers, Spartanburg
6 County Detention Center and the City of Greenville
7 Police Department.

8 THE COURT: All right. And would that have any
9 bearing in your decision?

10 POTENTIAL JUROR 22: No, sir.

11 THE COURT: Thank you, be seated.

12 Yes, sir.

13 POTENTIAL JUROR 16: Juror 16, Patrick Boykin.
14 My brother worked for the Greer Police Department 25
15 years ago.

16 THE COURT: And would that have any bearing in
17 your decision?

18 POTENTIAL JUROR 16: No, sir.

19 THE COURT: Thank you, be seated.

20 Yes, ma'am.

21 POTENTIAL JUROR 125: Kim Parham, Juror 125., I
22 have a cousin who is a parole officer in Spartanburg
23 County. And my second cousin is a police officer.

24 THE COURT: Would either of those connections
25 have any bearing in your decision?

1 POTENTIAL JUROR 125: No, sir.

2 THE COURT: Thank you, be seated.

3 139?

4 POTENTIAL JUROR 139: Natalya Reznichenko, 139.

5 I have several cousins. My first cousins are police
6 officers in the country of Belarus.

7 THE COURT: Belarus?

8 POTENTIAL JUROR 139: Yes.

9 THE COURT: All right. Will that have any
10 bearing in your decision?

11 POTENTIAL WITNESS 139: No.

12 THE COURT: Thank you, be seated.

13 Yes, sir.

14 POTENTIAL WITNESS 134: Bobby Prevatte. My
15 father-in-law was --

16 THE COURT: Tell me your number.

17 POTENTIAL JUROR 134: -- a public safety officer.
18 Juror 134. My father-in-law was a public safety officer
19 in the fire in the Spartanburg Chameleon. That's it.

20 THE COURT: Would that have any bearing in your
21 decision?

22 POTENTIAL JUROR 134: No.

23 THE COURT: Thank you, be seated.

24 Yes, ma'am.

25 POTENTIAL JUROR 33: Sandra Coker, number 33. My

1 son used to work in Spartanburg County Environmental
2 Control Department.

3 THE COURT: Would that have any bearing in your
4 decision?

5 POTENTIAL JUROR 33: No, sir.

6 THE COURT: Thank you, be seated.

7 Yes, ma'am.

8 POTENTIAL JUROR 47: Melissa Dotson, Juror 47.
9 My nephew is employed currently at the Department of
10 Corrections as a policeman.

11 THE COURT: Would that have any bearing in your
12 decision?

13 POTENTIAL JUROR 47: No, sir.

14 THE COURT: Thank you, be seated.

15 Yes, ma'am.

16 POTENTIAL JUROR 175: Olivia Williamson, juror
17 number 175. My dad is a sergeant with Spartanburg-
18 County.

19 THE COURT: Would that have any bearing in your
20 decision?

21 JUROR 175: No, sir.

22 THE COURT: Thank you, be seated.

23 Yes, ma'am.

24 JUROR 105: Ari Mickles, 105. My father was
25 employed at the USC Upstate as an officer.

1 THE COURT: Would that have any bearing in your
2 decision?

3 JUROR 105: No, sir.

4 THE COURT: Thank you, be seated.

5 Yes, ma'am.

6 JUROR 1: Mallory Alexander, number one. And
7 John Nix and Sean Nix, John is my uncle and Sean is my
8 cousin, and they both work for Spartanburg County.

9 THE COURT: All right. Would that have any
10 bearing in your decision?

11 JUROR 1: No.

12 THE COURT: And the fact that he's also a
13 potential witness, you've already told me would not bear
14 in that decision?

15 JUROR 1: Correct, no.

16 THE COURT: Thank you, be seated.

17 Yes, ma'am.

18 JUROR 129: Patricia Ponder, 129. Spartanburg
19 Officer Jason Harris, that was killed on a motorcycle
20 was my second cousin.

21 THE COURT: And would that have any bearing in
22 your decision?

23 JUROR 129: No, sir.

24 THE COURT: Thank you, be seated.

25 All right. I've introduced the persons that are

1 involved in the trial of the case. I've also recited a
2 list of potential witnesses for your benefit, and I've
3 told you basically what the case is about and where it
4 is alleged to have occurred. Based upon that
5 information or based upon any other consideration, has
6 any juror already formed an opinion or made up your mind
7 as to how you think the case ought to be decided? Based
8 upon what you've heard up to this point or any other
9 consideration, have you already made up your mind? If
10 so, please stand. None responded.

11 Does any juror know of any reason whatsoever why
12 you believe you could not be fair and impartial if you
13 were selected and called upon to serve as a juror in
14 this particular case? If so, please stand.

15 THE COURT: All right. Your number, please,
16 ma'am.

17 JUROR 63: 63, Charity Goings.

18 THE COURT: All right. And you have a reason
19 that's satisfactory to you as to why you could not be
20 fair and impartial in this case?

21 JUROR 63: Yes, sir.

22 THE COURT: All right. Juror 63 is excused from
23 serving in the case. Anybody else?

24 All right. Any other questions requested by the
25 State?

1 MR. BULSA: No, Your Honor.

2 THE COURT: By the Defendant?

3 MS. ANDERSON: No, Your Honor.

4 THE COURT: All right. Draw us a jury, please,
5 ma'am.

6 The way a jury is selected in this court,
7 criminal court, is the computer draws your name
8 randomly, prepares a list. When that list is prepared,
9 you'll be called individually. The first one to pick is
10 the first one called. You'll be asked to come forward.
11 Just come towards me. The bailiff will be out here in
12 the middle of the floor in a minute and that's where
13 you'll stand, directly in front of the bailiff.

14 Each side has an opportunity to have you excused
15 from serving in the case or both may agree to have you
16 accepted for service in the case. If either side asks
17 that you be excused from serving in the case, just
18 simply go back and have a seat where you are now. If
19 both agree to have you accepted or seated for service in
20 the case, you may have a seat in that jury box to your
21 right and to my left.

22 So simply come forward as your name is called and
23 you will be instructed as to whether you have been
24 excused or seated for service in the case.

25 THE CLERK: Number 108, Emily Monroe.

1 (Black female comes forward.)
2 What says the State?
3 MR. BULSA: Please present the juror.
4 THE CLERK: Says the defense?
5 MS. ANDERSON: Please present the juror.
6 (Juror 108 was seated in jury box.)
7 THE CLERK: Number 85, Anita Jones.
8 (Black female comes forward.)
9 Says the State?
10 MR. BULSA: Please present the juror.
11 THE CLERK: Says defense?
12 MS. ANDERSON: Please present the juror.
13 (Juror 85 was seated in jury box.)
14 THE CLERK: Number 105, Ari Mickles.
15 (Black female comes forward.)
16 What says the State?
17 MR. BULSA: Please present the juror.
18 THE CLERK: Says the defense?
19 MS. ANDERSON: Please seat the juror.
20 (Juror 105 was seated in the jury box.)
21 THE CLERK: Number 118, Mikhail Onufriychuk.
22 (White male comes forward.)
23 MS. ANDERSON: What was that number?
24 THE CLERK: 118. What says the State?
25 MR. BULSA: Present the juror.

1 THE CLERK: Says the defense?
2 MS. ANDERSON: Please excuse the juror.
3 (Potential juror 118 returned to the gallery.)
4 THE CLERK: Number 167, Shannon Tingle.
5 (White female comes forward.)
6 MS. ANDERSON: I'm sorry, what's the number
7 again?
8 THE CLERK: 167.
9 Says the State?
10 MR. BULSA: Please present the juror..
11 THE CLERK: Says the defense?
12 MS. ANDERSON: Please excuse the juror.
13 (Potential Juror 167 returned to the gallery.)
14 THE CLERK: Number 98, David Mallory.
15 (White male comes forward.)
16 Stays the State?
17 MR. BULSA: Please excuse Mr. Mallory in this
18 case.
19 (Potential Juror 98 returned to the gallery.)
20 THE CLERK: Number 121, Holly Padgett.
21 (White female comes forward.)
22 MS. ANDERSON: I'm sorry, what number did you
23 say?
24 THE CLERK: 121.
25 MS. ANDERSON: Thank you.

1 THE CLERK: Says the State?

2 MR. BULSA: Please present the juror.

3 THE CLERK: Says the defense?

4 MS. ANDERSON: Please excuse the juror.

5 (Potential Juror 121 returned to the gallery.)

6 THE CLERK: Number 177, Rodney Wofford.

7 (Black male comes forward.)

8 THE DEFENDANT: Can you say that again, please?

9 THE CLERK: 177.

10 What says the State?

11 MR. BULSA: Please present the juror.

12 THE CLERK: What says the defense?

13 MS. ANDERSON: Please seat the juror.

14 (Juror 177 was seated in the jury box.)

15 THE CLERK: Number 11, Jennifer Benner.

16 (White female comes forward.)

17 What says the State?

18 MR. BULSA: Please present the juror.

19 THE CLERK: What says defense?

20 MS. ANDERSON: Please excuse the juror.

21 (Potential Juror 11 returned to the gallery.)

22 THE CLERK: Number 131, Gloria Porter.

23 (Black female comes forward.)

24 What says the State?

25 MR. BULSA: Please present the juror.

1 THE CLERK: What says defense?
2 MS. ANDERSON: I can't get the papers to work.
3 Please present the juror.
4 (Juror 131 was seated in the jury box.)
5 THE CLERK: Number 51, Ruth Epps.
6 (White female comes forward.)
7 What says the State?
8 MR. BULSA: Please present the juror.
9 THE CLERK: What says the defense?
10 MS. ANDERSON: Please seat the juror.
11 (Juror 51 was seated in the jury box.)
12 THE CLERK: Number 178, Haiden Yon.
13 (White male comes forward.)
14 What says the State?
15 MR. BULSA: Please present the juror.
16 THE CLERK: Says the defense?
17 MS. ANDERSON: Please seat the juror.
18 (Juror 178 was seated in the jury box.)
19 THE CLERK: Number 17, Eric Bradey.
20 (White male comes forward.)
21 What says the State?
22 MR. BULSA: Please present the juror.
23 THE CLERK: Says the defense?
24 MS. ANDERSON: Please excuse the juror.
25 (Potential Juror 17 returned to the gallery.)

1 THE CLERK: Number 1, Mallory Alexander.
2 (White female comes forward.)
3 What says the State?
4 MR. BULSA: Please present the juror.
5 THE CLERK: Says the defense?
6 MS. ANDERSON: Please excuse the juror.
7 (Potential Juror 1 returned to the gallery.)
8 THE CLERK: Number 57, Joyce Filice.
9 (White female comes forward.)
10 Says the State?
11 MR. BULSA: Please present the juror.
12 THE CLERK: Says the defense?
13 MS. ANDERSON: Please excuse the juror.
14 (Potential Juror 57 returned to the gallery.)
15 THE CLERK: Number 75, Lukas Hauser.
16 (White male comes forward.)
17 What says the State?
18 MR. BULSA: Please present the juror.
19 THE CLERK: Says the defense?
20 MS. ANDERSON: Please seat the juror.
21 (Juror 75 was seated in the jury box.)
22 THE CLERK: Number 66, Tonya Greene.
23 (White female comes forward.)
24 What says the State?
25 MR. BULSA: Please present the juror.

1 THE CLERK: Says the defense?
2 MS. ANDERSON: Please present the juror.
3 (Juror 66 was seated in the jury box.)
4 THE CLERK: Number 127, Rene Perez.
5 (Hispanic female comes forward.)
6 What says the State?
7 MR. BULSA: Please present the juror.
8 THE CLERK: What says the defense?
9 MS. ANDERSON: Please excuse the juror.
10 (Potential Juror 127 returned to the gallery.)
11 THE CLERK: Number 25, Christopher Carson.
12 (Black male comes forward.)
13 What says the State?
14 MR. BULSA: Please excuse the juror in this case.
15 (Potential Juror 25 returned to the gallery.)
16 THE CLERK: Number 94, Linda Lyda.
17 (White female comes forward.)
18 MS. ANDERSON: What was the number?
19 THE CLERK: 94.
20 What says the State?
21 MR. BULSA: Please present the juror.
22 THE CLERK: Says the defense?
23 MS. ANDERSON: Please excuse the juror.
24 (Potential Juror 94 returns to the gallery.)
25 THE CLERK: Number 52, Ferrall Erickson.

1 (White male comes forward.)
2 What says the State?
3 MR. BULSA: Excuse me. Please present the juror.
4 THE CLERK: Says the defense?
5 MS. ANDERSON: Please seat the juror.
6 (Juror 52 was seated in the jury box.)
7 THE CLERK: Number 50, Eric Emory.
8 (White male comes forward.)
9 What says the State?
10 MR. BULSA: Please present the juror.
11 THE CLERK: What says the defense?
12 MS. ANDERSON: Please seat the juror.
13 (Juror 50 was seated in the jury box.)
14 THE CLERK: Number 49, Theresa Durham.
15 (White female comes forward.)
16 What says the State?
17 MR. BULSA: Please present the juror.
18 THE CLERK: Says the defense?
19 MS. ANDERSON: What number?
20 THE CLERK: 49.
21 MS. ANDERSON: 49. Please present the juror.
22 (Juror 49 was seated in the jury box.)
23 THE CLERK: And this is for alternate number one.
24 Number 18, David Brock.
25 (White male comes forward.)

1 What says the State?

2 MR. BULSA: Please present the juror.

3 THE CLERK: What says the defense?

4 MS. ANDERSON: Please present the juror.

5 (Juror 18 was seated in the jury box.)

6 THE CLERK: And this is alternate number two.

7 23, Christopher Campbell.

8 (White male comes forward.)

9 What says the State?

10 MR. BULSA: Excuse the juror in this case.

11 (Potential Juror 23 returned to the gallery.)

12 THE CLERK: Number 70, Brian Griffin.

13 (White male comes forward.)

14 What says the State?

15 MR. BULSA: Please present the juror.

16 THE CLERK: Says the defense?

17 MS. ANDERSON: Please seat the juror.

18 (Juror 70 was seated in the jury box.)

19 THE COURT: All right. Now, those who have been
20 selected, I'll ask you to please go with the bailiff to
21 the jury room and I'll bring you back in a few minutes
22 to convene the trial.

23 (Jury leaves the courtroom at 10:46 a.m.)

24 THE COURT: Are there any matters that need to be
25 addressed regarding jury selection by the State?

1 MR. BULSA: No, Your Honor.

2 THE COURT: By the defense?

3 MS. ANDERSON: No, Your Honor.

4 THE COURT: All right. Those jurors who were not
5 selected, if you'll please go back with the bailiff to
6 the jury assembly room. I'll determine whether or not
7 your service is needed in any other courtroom. And if
8 not, then you'll be excused and you'll likely be asked
9 to call back after 6 o'clock this evening to receive
10 further reporting information. But I'm not sure about
11 that right now, so I'll ask you to please go with the
12 bailiff and I'll send word in just a few minutes as to
13 where we need you at.

14 (Jury panel leaves the courtroom at 11:05 a.m.)

15 We'll be at ease for ten minutes.

16 (A recess was had from 11:05 a.m. - 11:12 a.m.)

17 (State's Exhibit Number 1, Cellphone Video, was
18 marked for identification.)

19 (State's Exhibit Number 2, Cellphone Photographs,
20 was marked for identification.)

21 (State's Exhibit Number 3, Duputy Henderson CD,
22 was marked for identification.)

23 (State's Exhibit Number 4, Photograph of House,
24 was marked for identification.)

25 (State's Exhibit Number 5, Diagram of Woodruff

1 Street, was marked for identification.)

2 (State's Exhibit Number 6, Shooting Inventory,
3 was marked for identification.)

4 (State's Exhibit Number 7, Photograph of Front of
5 House, was marked for identification.)

6 (State's Exhibit Number 8, Photograph of Front of
7 House, was marked for identification.)

8 (State's Exhibit Number 9, Photograph of House
9 Side View, was marked for identification.)

10 (State's Exhibit Number 10, Photograph of Markers
11 Around The House, was marked for identification.)

12 (State's Exhibit Number 11, Photograph of Markers
13 and Cars, was marked for identification.)

14 (State's Exhibit Number 12, Photograph of Markers
15 in Yard, was marked for identification.)

16 (State's Exhibit Number 13, Photograph of Marker
17 Number 1, was marked for identification.)

18 (State's Exhibit Number 14, Photograph of Marker
19 Number 2, was marked for identification.)

20 (State's Exhibit Number 15, Photograph of Marker
21 Number 3, was marked for identification.)

22 (State's Exhibit Number 16, Photograph of Marker
23 Number 4, was marked for identification.)

24 (State's Exhibit Number 17, Photograph of Marker
25 Number 5, was marked for identification.)

1 (State's Exhibit Number 18, Photograph of Marker
2 Number 6, was marked for identification.)

3 (State's Exhibit Number 19, Photograph of Marker
4 Number 7, was marked for identification.)

5 (State's Exhibit Number 20, Photograph of Marker
6 Number 8, was marked for identification.)

7 (State's Exhibit Number 21, Photograph of Marker
8 Number 9, was marked for identification.)

9 (State's Exhibit Number 22, Photograph of Ground,
10 was marked for identification.)

11 (State's Exhibit Number 23, Photograph of Street,
12 was marked for identification.)

13 (State's Exhibit Number 24, Photograph of Blood
14 on Street, was marked for identification.)

15 (State's Exhibit Number 25, Photograph of Street
16 with Cars, was marked for identification.)

17 (State's Exhibit Number 26, Photograph of Street
18 and Woods, was marked for identification.)

19 (State's Exhibit Number 27, Photograph of Woods
20 and Crime Tape, was marked for identification.)

21 (State's Exhibit Number 28, Photograph of Woods
22 and Red Gate, was marked for identification.)

23 (State's Exhibit Number 29, Photograph of Woods
24 and Red Gate, was marked for identification.)

25 (State's Exhibit Number 30, Photograph Close-up

1 of Woods, was marked for identification.)

2 (State's Exhibit Number 31, Photograph of Car in
3 the Woods, was marked for identification.)

4 (State's Exhibit Number 32, Photograph of Side of
5 Car, was marked for identification.)

6 (State's Exhibit Number 33, Photograph of Top of
7 Car, was marked for identification.)

8 (State's Exhibit Number 34, Photograph of Tire in
9 Mud, was marked for identification.)

10 (State's Exhibit Number 35, Photograph of Side of
11 Car Front, was marked for identification.)

12 (State's Exhibit Number 36, Photograph of Front
13 of Car in Woods, was marked for identification.)

14 (State's Exhibit Number 37, Photograph of Back
15 Side of Car, was marked for identification.)

16 (State's Exhibit Number 38, Arial View Map of
17 Woodruff Street, was marked for identification.)

18 (State's Exhibit Number 39, Photograph of Back
19 Left of Car, was marked for identification.)

20 (State's Exhibit Number 40, Photograph of Back of
21 car, was marked for identification.)

22 (State's Exhibit Number 41, Photograph of Trunk
23 of Car, was marked for identification.)

24 (State's Exhibit Number 42, Photograph of
25 Backseat of Car, was marked for identification.)

1 (State's Exhibit Number 43, Photograph of Fishing
2 Gear in Backseat of Car, was marked for identification.)

3 (State's Exhibit Number 44, Photograph of Floor
4 of Backseat of Car, was marked for identification.)

5 (State's Exhibit Number 45, Photograph of Floor
6 in Backseat of Car Key, was marked for identification.)

7 (State's Exhibit Number 46, Photograph of Bucket
8 in Backseat of Car, was marked for identification.)

9 (State's Exhibit Number 47, Photograph of Key and
10 Bag, was marked for identification.)

11 (State's Exhibit Number 48, Photograph of Markers
12 in Backseat of Car, was marked for identification.)

13 (State's Exhibit Number 49, Photograph of Markers
14 18, 19 and 21 in Backseat of Car, was marked for
15 identification.)

16 (State's Exhibit Number 50, Photograph of Marker
17 Number 20, was marked for identification.)

18 (State's Exhibit Number 51, Photograph of Markers
19 24, 25, 26 and 27, was marked for identification.)

20 (State's Exhibit Number 52, Photograph of Marker
21 Number 25, was marked for identification.)

22 (State's Exhibit Number 53, Photograph of Marker
23 Number 25 close up, was marked for identification.)

24 MR. BULSA: May we approach, Your Honor?

25 THE COURT: (Nods head up and down.)

1 (Bench conference was held off the record.)

2 THE COURT: All right, sir. Any matters we need
3 to address before the jury is sworn?

4 MR. BULSA: No, Your Honor.

5 MS. ANDERSON: No, Your Honor.

6 THE COURT: All right, bring them in. Ask Ms.
7 Durham, who is the juror foreman, Ms. Durham to take the
8 foreperson seat.

9 THE BAILIFF: All right, sir.

10 (Jury enters the courtroom at 11:13 a.m.)

11 THE COURT: All right. Ladies and gentlemen, we
12 are ready to begin with the trial of the case for which
13 each of you have been selected. And, Ms. Durham, I'm
14 going to ask you to serve as the foreperson for the
15 jury. And as the foreperson, you're gonna have three
16 duties that none of the other jurors will have.

17 First of all, you'll be asked to serve as the
18 spokesperson. That just means that if something arises
19 during the trial that needs to be brought to my
20 attention, you or a fellow juror has some difficulty or
21 problem or question, you're gonna be the person to let
22 me know of that fact. And you'll do that directly if
23 you're here in the courtroom or through the bailiff if
24 you're outside of the courtroom.

25 Secondly, you'll be called upon to preside over

1 jury deliberations when that time comes. That, of
2 course, won't be until the end of the trial after all of
3 the evidence has been received and I've instructed you
4 as to the law that's applicable in the case. But when
5 the jury is asked to go back to begin deliberations, you
6 will preside over that process in the jury room simply
7 to ensure that those deliberations are carried out in
8 some orderly fashion.

9 And thirdly, you'll be called upon to actually
10 write the verdicts of the jury, whatever those decisions
11 might be. You will write those on a verdict form that
12 I'll provide at the trial's conclusion on which you will
13 indicate the jury's unanimous decision as it relates to
14 each of the charges.

15 Now, the foreperson has those specific duties
16 that I've just indicated. That doesn't mean that she's
17 any more important than any of you other jurors. And
18 that's because the decision of a jury is the unanimous
19 consensus opinion of all 12 jurors. And so all of you
20 and each of you will have an equal say and an equal vote
21 in what the ultimate decisions are in this case.

22 Someone simply has to be delegated those
23 responsibilities that I've just indicated. And I have
24 delegated those to Ms. Durham in appointing her as a
25 foreperson, but all of you jurors are equally important

1 so far as the ultimate decisions in this case are
2 concerned because, as I've stated, the verdicts have to
3 be unanimous. All 12 of you must be in agreement.

4 Now, Mr. Brock and Mr. Griffin, each of you have
5 been selected as alternate jurors. And the function of
6 an alternate juror is to take the place of one of the
7 original 12 jurors if, during the trial of the case, one
8 of these 12 cannot continue to serve for some reason.

9 And so if an emergency or an illness or some
10 other circumstance would prevent a juror from continuing
11 to serve in the case, one or both of you would be called
12 upon to take that juror or those jurors' places. In
13 that event, you would become the 12th juror. And in
14 that event, you will participate throughout the trial,
15 including the jury deliberations at the trial's
16 conclusion.

17 Now if, however, when the time does come for jury
18 deliberations, if the original 12 are able to
19 participate in that function, then your service as
20 alternates ends and you don't participate any further,
21 and that's because the decision of a jury is that of 12.
22 No more than 12 are permitted to engage in the
23 deliberation process.

24 But it is important that each of you pay just as
25 careful attention, as we ask of all the jurors in the

1 case because it does occur from time to time for one
2 reason or another, one or two of these jurors may be
3 unable to continue. In that event, one or both of you
4 would be called upon to become the 12th. So we do
5 appreciate your participate as alternate jurors, just as
6 we appreciate the participation of each of you jurors
7 who have been selected for the purpose of deciding the
8 verdicts today in this particular case.

9 You may swear them now.

10 THE CLERK: Yes, sir.

11 Please stand and raise your right hands. (All
12 comply.)

13 Do you solemnly swear in the case about to be
14 tried to truly try the issues joined in this case and on
15 true verdict rendered according to the law and evidence
16 so help you God?

17 (All reply I do.)

18 Thank you. You may be seated.

19 THE COURT: All right. Now, ladies and
20 gentlemen, as you know you have been selected to decide
21 the verdicts in the case of the State versus Marcus
22 Quante Todd. And you also know Mr. Todd has been
23 accused by the prosecutor by a way of these two
24 indictments, with having committed the crimes of
25 kidnapping and of murder.

1 The State alleging by way of these indictments
2 that Mr. Todd did on/or about May the 23rd of 2016,
3 unlawfully seize, confine, kidnap, abduct or carry away
4 Jermaine Rondell West without any authority allowed by
5 law.

6 And they also allege in a separate indictment
7 that he did with malice of forethought kill Jermaine
8 Rondell West by shooting him with a gun and that Mr.
9 West died as a proximate result of that gunshot wound.

10 Now, as I've told you, as to those allegations
11 and as to each of those charges, the defendant has
12 entered a plea of not guilty. A plea of not guilty
13 places upon the State, because they made the charge, the
14 burden of establishing the facts or the allegations
15 they've made against the defendant, the burden of
16 proving each of the essential elements of the crimes
17 that they allege the defendant has committed. And,
18 therefore, the burden is upon the State to establish the
19 defendant's guilt to the satisfaction of you 12 jurors
20 beyond a reasonable doubt before any verdict of guilty
21 could be returned as to either of the separate
22 indictments.

23 The indictments are not evidence in the case.
24 They don't prove anything, they don't establish
25 anything. As I've told you, they are the means simply

1 by which any person accused of a crime where the
2 jurisdiction lies in this court is brought here to this
3 court to stand trial on those charges. The indictment
4 is the charging paper, similar to an arrest warrant, so
5 the indictments are not evidence. But the indictments
6 will be in the jury room with you at the trial's
7 conclusion. But the reason they'll be there is because
8 they will serve as the verdict forms.

9 Madam Forelady, you'll see on the back of each
10 indictment that we give you when you go back there, in
11 the lower left-hand corner you'll see the word verdict.
12 And it's beneath that word that you're gonna indicate
13 the jury's unanimous decision as it relates to the
14 particular charge set forth in the indictment. And then
15 you'll be the person who will sign the verdict form and
16 place the date on it. And you're the only juror that
17 will be required to sign the verdict forms. So other
18 than serving as the verdict forms, the indictments serve
19 no purpose so far as you jurors are concerned.

20 Now, every person accused of a crime, and it does
21 not matter how serious the offense might be for which
22 that person stands charged, a person accused of a crime
23 is always presumed innocent of the charge. And that
24 presumption of innocence remains with any defendant, as
25 it does with this defendant, from the time that he is

1 placed under arrest and throughout the course of the
2 criminal process and even throughout the actual trial in
3 the case.

4 And that presumption of innocence will be with
5 Mr. Todd even at the trial's conclusion as you go back
6 to begin with your deliberations in the case. And that
7 presumption of innocence will be with him in that jury
8 room and it will be with him forever, unless you 12
9 jurors determine that he's no longer entitled to that
10 presumption of innocence.

11 In other words, after you've considered all the
12 evidence in the case and from that evidence you
13 determine the facts as they relate to the allegations,
14 and after deciding the facts you apply the law that I
15 will have provided you, and if you 12 jurors unanimously
16 determine that his guilt has been proven as to a charge
17 beyond a reasonable doubt, then he would no longer be
18 entitled to the presumption of innocence as it relates
19 to that particular charge. But it is only if, unless
20 and until you are satisfied of his guilt beyond a
21 reasonable doubt that the presumption of innocence would
22 no longer be applicable.

23 Now, the way the trial will proceed is in a
24 moment the lawyers are going to address you in what are
25 called opening statements. There are two occasions in

1 the trial of the case where lawyers are permitted to
2 address the jury directly, and that is at the beginning
3 of the trial before any evidence has been introduced,
4 and then again at the conclusion of the trial after all
5 of the evidence has been received. But keep in mind, as
6 I've just indicated, the evidence comes in, the evidence
7 upon which you will base your decision, between the
8 opening and the closing statements of the lawyers.

9 And so what the lawyers tell you in those
10 statements is not to be considered by you as any
11 evidence upon which you will base your decision, and
12 that's because the lawyers aren't witnesses to anything.
13 They don't know anything about this case of their own
14 personal knowledge or perception like witnesses will be
15 testifying to, and they testify from the witness stand.

16 The lawyers aren't gonna take the witness stand.
17 They're not gonna be placed under oath and they're not
18 gonna be subjected to direct and cross-examination like
19 each witness will be when they provide evidence before
20 the court. And so while the lawyers' statements are not
21 to be considered as evidence, you should listen to what
22 they have to say because those statements do serve a
23 purpose.

24 The opening statements serve to provide you with
25 a basic understanding of what this case is about from

1 the perspective of the State and of the defense, so that
2 you'll have some context in which to place the evidence
3 that we will be receiving shortly thereafter. Again,
4 the closing statements occur after the evidence has been
5 received.

6 And while the ending statements are not evidence,
7 it does afford the lawyers an opportunity to discuss
8 with you the evidence that you have seen and heard
9 during the trial of the case. And through that
10 discussion, each will have an opportunity to try to
11 persuade you or to convince you that the evidence that
12 you have seen and heard does or does not support a
13 particular decision.

14 And as I say, it's in between those opening and
15 closing statements given by the lawyers that you'll
16 actually receive the evidence upon which you will base
17 your decision. The State has the burden of proof. They
18 brought the charge against the defendant. They have the
19 burden of establishing his guilt beyond a reasonable
20 doubt. And so, they will go forward first in their
21 presentation of evidence.

22 But understand that while the State does have the
23 burden of proving a defendant guilty beyond a reasonable
24 doubt because they've made the accusation, a defendant
25 in a criminal trial doesn't have any burden of proof at

1 all. The defendant doesn't have to take the witness
2 stand. He doesn't have to testify. He doesn't have to
3 call any witness. He doesn't have to introduce any
4 evidence. And the burden's not upon a defendant or
5 person accused of a crime to prove that they are not
6 guilty or to prove that they are innocent because in
7 some cases that might not be possible.

8 So during a criminal trial, a defendant may not
9 take the witness stand and testify. May not offer any
10 evidence or introduce any evidence. And if that's the
11 case, that's not a circumstantial fact that may be
12 considered by the jury in any way during your
13 deliberations or in your determination as to whether or
14 not the evidence in the case proves him guilty beyond a
15 reasonable doubt. And you cannot allow such a fact or
16 circumstance to weigh in the slightest degree against a
17 defendant. However, all persons accused of crimes when
18 a case comes to trial, are permitted to testify or
19 introduce evidence if they wish to do so.

20 So after all the evidence has been received and
21 you hear the final summations of the lawyers, I will
22 then instruct you fully on the law as it relates to
23 criminal law generally and as it relates to the crimes
24 of murder and kidnapping specifically. And then you'll
25 be asked to go back and begin with your deliberations.

1 And through that process and through the exercise of
2 good judgment and common sense contentiously applied to
3 the testimony and evidence received in the trial, you're
4 gonna be called upon to determine what the facts are as
5 they related to the allegations made in the indictments.

6 Once you determine the facts, you'll apply the
7 law that I will have provided you, and you will
8 determine whether or not the defendant's guilt has been
9 proven beyond a reasonable doubt. And if it has, then
10 the burden will be guilty as to that charge.

11 Now, during the trial there are a number of
12 witnesses which might be called to testify, and you are
13 the persons who have to decide the facts in a case. In
14 deciding the facts, you also have to sometimes determine
15 the credibility and the believability of the witness's
16 testimony.

17 Sometimes there are conflicts in testimony.
18 Sometimes those conflicts don't make any difference.
19 Sometimes those conflicts relate to a material fact that
20 needs to be determined in order for you to arrive at the
21 decision. And so you're the people who get to decide
22 the facts and, therefore, you are the people who get to
23 decide the credibility and believability of a witness's
24 testimony. So it's important that you give every
25 witness the same degree of attention as they testify.

1 That, of course, doesn't mean that you're gonna
2 give every witness's testimony the same weight. You get
3 to decide what weight to give it, if anything. And so
4 you can accept everything that the witness testifies to.
5 You may chose to believe none of it. You can believe
6 some portion of a witness's testimony and reject some
7 other portion of that same witness's testimony.

8 But in order for you to be in a proper position
9 to be able to fairly evaluate and assess a witness's
10 credibility and believability, you've got to give every
11 witness the same degree of attention so that when you do
12 go back to begin your deliberations, you'll be in a
13 proper position to fairly evaluate that witness's
14 testimony, but in light of all the other testimony and
15 other evidence received during the course of the trial.

16 And, of course, it's also important that you keep
17 an open mind throughout the course of the trial. And
18 that just means that you are not to begin making up your
19 minds or formulating your opinions as to what you think
20 the ultimate decisions ought to be in the case until all
21 of the evidence has been received, until I have
22 instructed you on the law that's applicable in the case
23 and until you've been asked to begin with your
24 deliberations at the trial's conclusion.

25 That is the process that has been designed over

1 the last 240 years to ensure that you can rely on the
2 fair and just decision in this particular case, but in
3 any case that you might be called upon to serve in. So
4 I do want to thank you for your careful attention, as
5 well as your participation during the trial. Please
6 give the lawyers your attention now as they give you
7 their opening statements.

8 Mr. Bulsa.

9 MR. BULSA: Thank you, Your Honor.

10 THE COURT: Oh, excuse me, let me say one other
11 thing. I don't know if you've noticed or not but there
12 are, or there is a camera in the courtroom. There is
13 media coverage. Don't be concerned about that. Don't
14 pay any attention to it. You, as jurors, will never be
15 on camera. No one is gonna know on television that you
16 are serving in this case.

17 If that mistake were to occur, I can assure you
18 that camera would no longer belong to the broadcasting
19 agency and it'll be corrected, trust me. So you're not
20 gonna be on television, so just don't even pay any
21 attention to it. It's of no significance as far as
22 you're concerned. You just have certain obligations and
23 duties that you're called upon to perform, and you do
24 those without regard to anybody else's outside interest
25 in the case, okay? Thank you.

1 Mr. Bulsa.

2 MR. BULSA: Thank you, Your Honor.

3 OPENING STATEMENT

4 BY MR. BULSA:

5 Good morning, ladies and gentlemen. March 23rd,
6 2016, on Woodruff Street in Woodruff, South Carolina,
7 Jerome West was gunned down in broad daylight. This
8 defendant, Marcus Todd, went to Woodruff Street, [REDACTED]
9 dressed in coveralls and boots, driving a black Tahoe.

10 He pulls up on the wrong side of the road in
11 front of their house, jumps out, confronts Jermaine, has
12 words with him, and proceeds to shoot him. He fires
13 four rounds. Jermaine tries to flea. He doesn't get
14 very far.

15 And then an unthinkable thing happens. All of
16 this is in broad daylight with witnesses around. Does
17 the defendant then get in his car and flea the scene?
18 He doesn't care who saw him. He doesn't do that. He
19 picks up Jermaine and stuffs him in the backseat of that
20 Tahoe while Jermaine's family was sitting there watching
21 and screaming and pleading. He, in essence, kidnaps
22 him. He carries him away from the scene, keeping him
23 from getting medical treatment and aid possibly to save
24 his life.

25 The police are called, the investigation has

1 begun, the search for the Tahoe, the search for the
2 defendant.

3 The defendant turns himself in the next day
4 because he knows he's got a charge on him. The Tahoe is
5 found two days later, driven off into an old -- I don't
6 know if it's a pasture or not because it's grown up.
7 You'll see the pictures, but there was a cattle gate.
8 And he drives off into the woods as far as he can get
9 it. Proceeds to hide it as best he can from the police,
10 from the family.

11 This family has been searching for 16 months for
12 Jermaine's body. The body wasn't in the Tahoe. They've
13 heard numerous rumors about where he might be located.
14 They've searched and searched and searched.

15 I submit to you, ladies and gentlemen, there's no
16 question that he's dead. He was shot multiple times.
17 You'll see blood at the scene. You'll see blood in the
18 Tahoe. Nobody's heard from him since that fateful day.

19 Ladies and gentlemen, I submit to you that from
20 the facts through the witnesses, you'll be firmly
21 convinced the defendant is guilty of kidnapping
22 Jermaine. You'll hear testimony that the family
23 believes he was still alive at that point. And he's
24 guilty of murder because Jermaine's gone, no telling
25 whatever happened to him.

1 You don't need a body to find he's dead. You
2 know he's dead because you're gonna hear from the family
3 members how they searched for him and there's no
4 contact. And based on the circumstances of the
5 shooting.

6 Thank you for your time and attention. Please
7 keep that attention to each witness who are gonna
8 testify from their perspectives, and their location when
9 they saw, what they saw and where they saw it and how
10 they saw it, what they heard. Everybody's gonna have a
11 different vantage point, a different view. Put it all
12 together and I believe you will be firmly convinced that
13 it's a sad, sad situation and we're just asking for
14 closure. Thank you.

15 THE COURT: Ms. Anderson.

16 OPENING STATEMENT

17 BY MS. ANDERSON:

18 Hello, I'm Pat Anderson. I have been practicing
19 law here in Spartanburg for the last 30 years. And this
20 case is something else. The case is where my client,
21 Marcus Todd, went to the wrong place at the wrong time.
22 He had some business at this house and he heard
23 gunshots. And when he walked out, there was someone
24 standing over Jermaine, Jermaine's body and pointed the
25 gun at my client, and that's what happened.

1 Now at the beginning, Mr. Todd told them that he
2 had gone over there and Jermaine tried to jump him and
3 he grabbed Jermaine's gun and shot him. That was the
4 first thing that he told the police. Well, that was
5 told by me to the police.

6 But he's finally admitted that he was scared of
7 these people, particularly the shooter, but he does not
8 want to go to jail for something he didn't do. He's a
9 nice young man. Kind of a loaner, but he is -- I mean,
10 he is very convinced, and you will hear from him, that
11 he did not shoot Jermaine. And the last time he saw
12 him, he was limping but he was alive.

13 So it's our belief that Jermaine is alive. And
14 we don't know where he is. We've been searching also.
15 We heard the rumors that he was in Ohio. But it's our
16 belief that Jermaine is alive and well and getting the
17 last laugh on my client, Marcus, because what else would
18 be a perfect revenge would be to disappear and come back
19 in four or five years and appear and then maybe Marcus,
20 if you found him guilty, would get out of jail. But the
21 bottom line, after you hear what happened, after you
22 hear my client testify, you'll be convinced that he's
23 not guilty of this.

24 I thank you for your participation. And I do
25 want to explain, this is the first time I've done a

1 trial with this little scooter. I've got two slipped
2 discs and it makes it very difficult for me to stand or
3 walk. And so I am -- I have to be careful because if I
4 wear a red jacket, when I come to court everybody thinks
5 I'm a bailiff, and I tell them, no, bailiffs can walk.
6 They don't get scooters, so...

7 But anyway, thank you for your participation. I
8 want you to listen carefully to what everyone says and
9 look to that not guilty verdict. Thank you.

10 MR. BULSA: Your Honor, I have a point of law.

11 THE COURT: Okay. Let me see you up here.

12 (A bench conference was held off the record.)

13 MR. BULSA: Thank you, Your Honor.

14 MS. ANDERSON: Thank you, Your Honor.

15 MR. BULSA: We call Darricka Jones.

16 (Witness comes forward.)

17 THE CLERK: Do you solemnly swear, or affirm that
18 the testimony you're about to give will be the truth,
19 the whole truth and nothing but the truth so help you
20 God?

21 THE WITNESS: I do.

22 DARRICKA JONES,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. BULSA:

1 Q. Darricka, would you introduce yourself to the
2 jury.

3 A. My name is Darricka Jones, and I was out there
4 when the incident happened.

5 Q. Okay. Are you related to Jermaine?

6 A. Yes.

7 Q. How?

8 A. I'm his cousin.

9 Q. Okay. And where do you live, ma'am?

10 A. I live in Kelly Acres.

11 Q. Okay. And were you at the location when he was
12 shot?

13 A. Yes.

14 Q. Where were you that day?

15 A. I was next door over at my mother's house.

16 Q. So your mother lives on Woodruff Street?

17 A. Yes.

18 Q. And that was the very next house to where
19 Jermaine was shot?

20 A. Yes.

21 Q. Okay. And where would you -- where were you
22 specifically at that house?

23 A. When it -- when I first heard the gunshots, I was
24 on the side of the porch. Well, I was on the porch but
25 on the left side.

1 Q. Okay. So you didn't actually see the initial
2 shooting?

3 A. Yeah. I see him shoot once, but after when I
4 seen that, I was putting my daughter in the house to
5 make sure, you know, she didn't get shot.

6 Q. Okay. We're gonna get to that in just a minute.
7 Let me ask you a few more questions. Now, do you know
8 Mr. Todd?

9 A. Yes.

10 Q. Okay. Did you see him that day?

11 A. Yes.

12 Q. And where did you see him?

13 A. When I first seen him he was walking up the
14 street.

15 Q. Okay. And how was he dressed?

16 A. He had on camouflaged like jumpsuit, body suit
17 thing.

18 Q. Okay. And did you see what kind of vehicle he
19 was driving?

20 A. It was a black Tahoe.

21 Q. All right. How do you know Mr. Todd?

22 A. I know him. Woodruff is a very small town.

23 Everybody know everybody, and I've known their family
24 all my life basically.

25 Q. Okay. So there's no doubt it was him that you

1 saw?

2 A. Definitely.

3 Q. Okay. And what time did Jermaine get there that
4 day?

5 A. I don't know the exact time, but it was around 12
6 because I know everything happened before 1 o'clock.

7 Q. Okay. And does Jermaine -- did Jermaine come
8 over to that neighborhood often?

9 A. Yes. He came to visit my mom every day.

10 Q. Okay. Do you remember what day of the week this
11 was?

12 A. No.

13 Q. Okay. And it was around noon that you said you
14 first saw him?

15 A. Yes.

16 Q. All right. And do you know who was next door
17 that he was visiting with?

18 A. Which, Jermaine?

19 Q. Jermaine.

20 A. He went to go visit Tavis Jeter.

21 Q. Okay. Tavis stayed next door to your mother?

22 A. Yes.

23 Q. With his girlfriend?

24 A. Yes.

25 Q. Did they have any children?

1 A. Yes.

2 Q. How many?

3 A. They had one baby at the time.

4 Q. And was that baby there?

5 A. Yes.

6 Q. Okay. All right. So we got Marcus out in the
7 neighborhood. We've got Jermaine coming to visit your
8 mom. And then he goes next door to see Tavis?

9 A. Yep. He left, like he said, I'm gonna go talk --
10 his name on the streets is Big Tav. He said, I'm gonna
11 go talk to Big Tav.

12 Q. Okay. All right. I've got a picture here that's
13 premarked State's Exhibit Number 4. Do you recognize
14 that?

15 A. Yes.

16 Q. Does that show your house and Big Tav's house?

17 A. Yes.

18 Q. Okay. We can do this later. Okay. Now, when
19 Jermaine went over to Tavis's house, you were still
20 socializing with your mother and your other relatives?

21 A. Yes.

22 Q. Okay. And then what drew your attention next
23 door was a shot?

24 A. No, when he pulled up.

25 Q. Oh, when he pulled up, okay. And when the Tahoe

1 pulled up and stopped?

2 A. (Witness nods head up and down.)

3 Q. Okay. And then what happened when that -- when
4 he pulled up?

5 A. He pulled up, as far as what I seen, he pulled
6 up, he got out of the car, he walked over there. By
7 this time we had started back, you know, having casual
8 talk or whatever and heard the gunshot. So we looked
9 over there and I seen him pointing the gun shooting. So
10 I grabbed my daughter and my sister and everybody else
11 grabbed their kids, put them in the house.

12 I ran right back out of the house. And I was
13 looking and by that -- when I came back out of the
14 house, he had Jermaine around his neck and he was
15 dragging him. And I just seen all this blood coming out
16 of Jermaine's mouth, so I'm just shocked, like stuck
17 panic. I didn't know what to do because I've never seen
18 nothing like that.

19 Q. Okay. And what did you do?

20 A. At that moment I had my phone in my hand. Um, I
21 was gonna call the police, but my hands were shaking so
22 bad I couldn't control them. I looked down at my phone
23 and it was actually taking pictures. And once I seen
24 the pictures and my hands was still moving, I guess I
25 hit the record button. So that's how the video came

1 about.

2 Q. Okay. So you actually captured part of this on
3 your phone?

4 A. Yes.

5 Q. Now, from your house, your porch, to the
6 neighbor's house did you have a good view?

7 A. Yes. You can see it's actually a big tree right
8 there, but if you -- on the left side of my momma's
9 porch you still could see the whole entire yard. And if
10 you're in the front of the porch about there, that's
11 where you can see where the Jeep was and him and my
12 momma and Jermaine.

13 Q. So the jury has a perspective, I'm gonna show
14 them State's Exhibit Number 4.

15 (Shows pictures on projector.)

16 Okay. Now, this is not a picture taken the day
17 of the incident.

18 A. Okay.

19 Q. It's taken off the computer. In fact, it's got
20 Google on it. But it shows the street and it shows the
21 two houses?

22 A. Yes.

23 Q. Okay. And you can see the tree that you're
24 talking about, and then you can see between the tree the
25 yard of the other house; is that right?

1 A. Yes.

2 Q. Now that white car that's there, it wasn't there
3 the day of the shooting, was it?

4 A. No.

5 Q. Okay. All right.

6 A. It was there, but not right there.

7 Q. It wasn't parked right there.

8 A. Yeah.

9 Q. Okay. All right. You can turn the lights on.

10 So you hear the shots, you look over, your phone
11 is recording, what happens after, after that?

12 A. I -- well, before I started recording, apparently
13 because it didn't get everything, as I seen him dragging
14 Jermaine to the car, he tried to throw him in there.
15 And my mother ran off the porch. And by this time
16 they're basically playing like tug-of-war with his body.
17 She's pulling, he's pushing. And then that went on for
18 a few seconds.

19 He kicked my mom in the leg and he put a gun to
20 her head and I told my mom to run. And she ran around
21 my car. And he pushed Jermaine on in the car and
22 grabbed his shoes, threw the shoes in the car. He
23 jumped in the car and threw his hands out the window as
24 he exited. (Indicating.)

25 Q. Did you see anybody else out there with a gun?

1 A. No.

2 Q. Okay. And you're telling this jury that you
3 clearly saw the defendant with a pistol that day?

4 A. Yes.

5 Q. Okay. All right. Now, you and I met before
6 court and I showed you some information on some discs.
7 Do you remember that?

8 A. Yes.

9 Q. And you initialled those discs as being what was
10 on your phone; is that right?

11 A. Yes.

12 Q. I'll show you what's been marked for
13 identification as State's Exhibit Number 1. It says
14 cellphone video with your initial DJ.

15 A. Uh-huh.

16 Q. State's Exhibit Number 2 for identification,
17 cellphone photos, DJ. Are those what you viewed?

18 A. Yes.

19 MR. BULSA: All right. Ms. Anderson, these were
20 marked for evidence. Do you have any objection to them
21 being entered?

22 MS. ANDERSON: Let me see.

23 MR. BULSA: Your Honor, the State would enter
24 these into evidence.

25 THE COURT: One and two?

1 MR. BULSA: Yes, sir.

2 MS. ANDERSON: No objection.

3 THE COURT: Without objection.

4 (State's Exhibits Nos. 1 and 2 were entered into
5 the record.)

6 MR. BULSA: And all the photos have been
7 premarked and shown to Ms. Anderson without objection.

8 THE COURT: All right. Well, tell me what those
9 photos are numbered.

10 MR. BULSA: They number, it'll be 3 through 53,
11 Your Honor. Two of those actually pertain to a diagram.
12 And I'll reference that when I get to it.

13 THE COURT: All right. Exhibits Numbers 3
14 through 53 are admitted without objection?

15 MS. ANDERSON: Are those the pictures?

16 MR. BULSA: Yes..

17 MS. ANDERSON: Yes, sir.

18 THE COURT: Okay.

19 (Whereupon, State's Exhibits Numbers 3-53 were
20 admitted into the record.)

21 MR. BULSA: And for the record, this is State's
22 Exhibit Number 2, the photographs.

23 BY MR. BULSA:

24 Q. Who's that in the pink shirt?

25 A. That's my mother.

1 Q. Okay. And who's the gentleman we see behind the
2 trash can?

3 A. That's Marcus.

4 Q. All right. This is the second photo. It appears
5 to be he's trying to stuff him in feet first.

6 A. No, his feet is right there. You can see his
7 feet right there. (Indicating.)

8 Q. Okay.

9 A. And you can see his shoe on the ground.

10 Q. Okay. That's picture number three. Move on to
11 the next one. That's picture number four. Move on to
12 the next one, please. That's the last one.

13 Okay. And after that, you realized it was taking
14 pictures and you hit the record button?

15 A. Yes.

16 Q. You get a video.

17 A. (Witness nods head up and down.)

18 Q. While she's doing that, would you put State's
19 Exhibit Number 1 in.

20 (Whereupon, State's Exhibit Number 54,
21 Photograph, was marked for identification.)

22 (Whereupon, State's Exhibit Number 55,
23 Photograph, was marked for identification.)

24 (Whereupon, State's Exhibit Number 56,
25 Photograph, was marked for identification.)

1 (Whereupon, State's Exhibit Number 57,
2 Photograph, was marked for identification.)

3 (Whereupon, State's Exhibit No. 58, Photograph,
4 was marked for identification.)

5 BY MR. BULSA:

6 Q. Darricka, I'm going to show you exhibits 54
7 through 58. Those are just marked for identification at
8 this point. Are those copies of what we just saw on
9 the --

10 A. Yes.

11 Q. -- video? There should be five pictures. Look
12 through them. Those are the five pictures you took?

13 A. Yes.

14 MR. BULSA: State would offer 54 through 58 into
15 evidence.

16 THE COURT: Those are just the still shots from
17 what you've already shown?

18 MR. BULSA: Yes, sir.

19 MS. ANDERSON: No objection.

20 THE COURT: They're admitted.

21 (Whereupon, State's Exhibit Numbers 54 through 58
22 were entered into the record.)

23 MR. BULSA: The computer didn't go as smoothly as
24 I thought, but this will be easier for the jury. Can
25 you play the video, please.

1 (Video plays.)

2 BY MR. BULSA:

3 Q. At the end of that it shows you going off the
4 porch, what did you do?

5 A. I actually started running down the street and
6 chasing a Jeep.

7 Q. Did any other family members try to chase him as
8 well?

9 A. My mom and my sister took -- well, they were
10 looking for keys. They were trying to take off cause it
11 was a couple of cars. It's like everybody had each
12 other blocked in, so they was trying to take off and,
13 you know, go catch them but it was too late.

14 Q. Thank you, Darricka, that's all I have.
15 Just a moment. She's gonna ask you questions.

16 CROSS-EXAMINATION

17 BY MS. ANDERSON:

18 Q. It's Ms. Jones; is that right?

19 A. Yes.

20 Q. Ms. Jones, when you were standing at the house or
21 sitting on the porch of the house where the incident
22 occurred, is your mother's house to the right or to the
23 left?

24 A. Her house is to the right of where it happened
25 at.

1 Q. Right. There was a fence but it's been taken
2 down, between your mother's house and this house.

3 A. I think it's still there.

4 Q. Okay. Who lives with your mother?

5 A. My mother, her boyfriend and my little brother.

6 Q. Okay. Who lives in the house where this incident
7 occurred?

8 A. Brittney Bradley at the time and Tavis Jeter.

9 Q. Okay. So they stay in the house where it
10 happened?

11 A. Not anymore but at the moment they did.

12 Q. Okay. They were there that day and staying
13 there. Did you actually see Marcus Todd shoot Jermaine?

14 A. Yes.

15 Q. Okay. Tell me when that happened.

16 A. Well I can tell you what I seen. He walked up
17 the street. I don't know where he came from. He walked
18 up the street, got in the Jeep. And he sat in the Jeep
19 for a few minutes. I don't know what he was doing. He
20 turned the Jeep around and came down the street. He got
21 out. We were standing there. One of my friend girls
22 spoke to him. He didn't speak. He walked over.

23 By this time we started back talking, and we
24 heard the first gunshot. The first gunshot, no, I
25 didn't see it. But I seen him when I looked over there

1 in the yard he was shooting Jermaine. And so I took my
2 daughter, put her in the house. When I came back out of
3 the house, he was dragging Jermaine to the Jeep. He put
4 Jermaine in the Jeep.

5 And that's when my mother ran off the porch and
6 they played tug-a-war basically. She was pulling and
7 Marcus was pushing. He stomped my mom in the leg. He
8 put a gun to her head.

9 Q. Excuse me. Did you have videos or pictures of
10 him hitting your momma or putting a gun to her head?

11 A. No. I wasn't standing there recording. It
12 wasn't -- I didn't stop just to record because I would
13 have had the whole thing. That was my hands.

14 Q. So you didn't record this?

15 A. Yes, I did at the end. But I'm saying I didn't
16 do that on purpose. It wasn't like I just stopped what
17 I was doing and started recording.

18 Q. Well, I have not seen a recording of Mr. Todd
19 hitting your mother.

20 A. That's what I'm saying. I got it -- it got it at
21 the end. I didn't record that part. I wasn't standing
22 there -- I was looking. I seen this with my own eyes.

23 Q. Oh, but you didn't take a picture of it?

24 A. For what?

25 Q. For this hearing.

1 A. No. Because like I told you, I didn't -- those
2 pictures, yes, I took the pictures. Yes, I recorded the
3 video, but that's because of my hands was just
4 everywhere. I tried to call the police. I didn't get
5 my phone to take pictures or to record because I was
6 worried about my safety.

7 Q. Well, I understand. The street, do you live on
8 that street?

9 A. No, ma'am.

10 Q. Okay. That street, are you familiar with the
11 street?

12 A. Yes, ma'am, my mother lives there.

13 Q. Okay. And there's been other shootings on the
14 that street; is that correct?

15 A. Yes, ma'am.

16 Q. In fact, there was one a couple of days before
17 this one?

18 MR. BULSA: Objection, Your Honor, as to
19 relevancy.

20 THE COURT: Sustained, unless you can develop a
21 relevance.

22 MS. ANDERSON: Okay.

23 BY MS. ANDERSON:

24 Q. Would you feel safe living on that street?

25 A. Yes, I have lived on that street.

1 Q. Okay. But is there a lot of violence on that
2 street?

3 A. There's violence all over Woodruff.

4 Q. Okay. All right. Let's say you -- about him
5 having a jumpsuit on. Did you know where he worked?

6 A. Who?

7 Q. Mr. Todd.

8 A. No.

9 Q. And you say you knew him from Kelly Acres?

10 A. No.

11 Q. Where did you know him from?

12 A. Actually the trailer parks. I don't know what
13 they're called. Over there in front of 'Lil Cricket --

14 Q. Okay.

15 A. In Woodruff.

16 Q. Did you live there and did he live there?

17 A. A long, long time ago.

18 Q. Okay. Now, Jermaine -- let's see, your
19 relationship to Jermaine is, the alleged victim in this,
20 is you are his cousin?

21 A. Yes.

22 Q. And you are Barbara Glenn's daughter; is that
23 correct?

24 A. Yes.

25 Q. And it was your mother in the pink top screaming

1 in that video, correct?

2 A. No, I'm screaming, but there's -- everybody is
3 screaming but, yeah, that's her in the pink shirt.

4 Q. Okay. All right. Did you see, I believe it's in
5 the pictures, where Mr. Todd got Jermaine's shoe for
6 him?

7 A. I seen where he picked them up and threw them in
8 there.

9 Q. Did you see where he picked up the soled shoes
10 before he left?

11 A. Yeah. He picked up the shoes, threw them in the
12 car. That was right before he jumped in the car.

13 Q. Okay. Did you follow him?

14 A. No. Well, I ran down the street but can't catch
15 a car.

16 Q. Well, were you not afraid that he was going to
17 shoot you?

18 A. At that point I was afraid the whole time.
19 That's why really my mother was the bravest one. She
20 wasn't afraid. Everybody else was afraid. If I wasn't
21 afraid of the gun, I would have ran over there too.

22 Q. So you just stopped after a while?

23 A. I ran out of breath.

24 Q. Okay. Did anyone else continue running?

25 A. I was the only one running.

1 Q. Everybody else went in their cars?

2 A. They were looking for their keys, they were
3 trying to go.

4 Q. Okay. Did anybody get to go?

5 A. My mother and my sister took off, but he was
6 already gone by the time. He was gone off the street by
7 the time they pulled off.

8 Q. So your mother and sister went searching for the
9 car?

10 A. Yeah.

11 Q. Okay. That's all for this witness, thank you.

12 MR. BULSA: Nothing further, Your Honor.

13 THE COURT: You may step down.

14 (Witness leaves witness stand.)

15 MR. BULSA: Barbara Glenn.

16 (Witness comes forward.)

17 THE CLERK: Place your left hand on the Bible and
18 raise your right. (Complies.)

19 Do you solemnly swear or affirm that the
20 testimony you're about to give will be the truth, the
21 whole truth and nothing but the truth so help you God?

22 THE WITNESS: Yes, ma'am.

23 BARBARA GLENN,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. BULSA:

2 Q. Ms. Glenn, introduce yourself to the jury,
3 please.

4 A. Hi, my name is Barbara Glenn.

5 Q. Make sure you speak up so we can hear you, okay?

6 A. Hey, my name is Barbara Glenn.

7 Q. Ms. Glenn, do you live on Woodruff Street?

8 A. Yes.

9 Q. How long have you lived there?

10 A. Been there for four-and-a-half years.

11 Q. Okay. And what relation are you to Jermaine?

12 A. My nephew. I'm his aunt.

13 Q. Okay. So who are you sisters with?

14 A. My sister is Deloris Eva Thompson.

15 Q. Okay. So you're his mother's sister?

16 A. Uh-huh.

17 Q. You need to speak out and answer.

18 A. Yes.

19 Q. All right. And how long did you know Jermaine?

20 A. All my life. I know him very well, like my son,
21 my oldest son.

22 Q. Did he visit you often?

23 A. Everyday.

24 Q. And why would he visit you?

25 A. I guess I'm his favorite aunt.

1 Q. Did he have a certain habit or routine that he
2 followed? When would he come visit you?

3 A. Um, he used to come around by like sometime like
4 11:30, sometime 12, sometime three. Probably at night.

5 Q. Okay. Did you see him just about every day?

6 A. Every day.

7 Q. Would he come over to eat with you?

8 A. Yes.

9 Q. So the day that he disappeared, what time did you
10 see him?

11 A. It was like around about 12:30, somewhere up in
12 there.

13 Q. Do you know how he got over there?

14 A. He was in a truck, like a little car, little
15 truck.

16 Q. Okay. And where did he park his vehicle?

17 A. Up above my driveway, up right over above.

18 Q. Okay. Across the street?

19 A. Yes.

20 Q. Now, this -- you live in this neighborhood, it's
21 a two-lane Street?

22 A. Yes.

23 Q. And there's parking on the street?

24 A. Yes.

25 Q. Okay. If people park on the street, can you

1 still get by?

2 A. Yes.

3 Q. All right. So it's wide enough for traffic plus
4 parking; is that right?

5 A. Yes.

6 Q. All right. And your daughter testified about
7 there being a lot of cars at your house; is that right?

8 A. Yes, I have. Their friends come over and we sit
9 out there on the porch. A bunch of girls.

10 Q. Okay. Is that what was going on that day?

11 A. Yes. And kids, yeah.

12 Q. And then Jermaine came over. About what time do
13 you remember seeing him?

14 A. Approximately I'd say like about 12:45, somewhere
15 up in there.

16 Q. All right. And was he by himself?

17 A. Yes.

18 Q. What did he do when he came over?

19 A. He came, got out of his car, he had a cigarette
20 in his hand. Come on the porch, talked to my daughter,
21 Darricka. She asked for a, you know, a cigarette. He
22 said he was gonna give it to her if she go walk to the
23 car, he'll get her a cigarette. And then she said, nah,
24 never mind. So Nip, Nip, well, I call her Nip, Nip
25 (phonetic), so she gave Darricka a cigarette because he

1 just decided to smoke a cigarette and, you know, just
2 talk for a minute. And he went across -- went to next
3 door neighbor, Big Tav's, Tavis's house right there.

4 (Indicating.)

5 Q. Okay. So y'all had a short of a conversation
6 about a cigarette?

7 A. Uh-huh. And I told him to pull up his pants
8 because his pants was hanging down. And he talking
9 about Aunt Barbara I don't have a string, so he was
10 holding it.

11 Q. Okay. All right. And he went next door to Tavis
12 Jeter's house?

13 A. Yes.

14 Q. Do you remember how many people were over there?

15 A. Um, it was just like one, two, three, four.
16 Maybe, four, five.

17 Q. Okay. Did he just go over there to visit with
18 them like the girls were visiting with you?

19 A. Yes. He went over there to visit.

20 Q. And how long was he over there before something
21 happened?

22 A. Not that long. It was just a split second. Not
23 very -- not that long.

24 Q. Okay. Tell us from your perspective what
25 happened.

1 A. Well, when I seen, when I seen Mr. Todd walking
2 up the sidewalk, he had on that suit with the boots and
3 stuff and it was like about 98 degrees outside,
4 wondering what he was doing with that suit on. So then
5 Latifah (phonetic) was just talking. Said something
6 about some gang. I said, no, there'll be no gang fight.
7 I already told them they weren't fighting. Mary Beth
8 Short (phonetic), she spoke, he didn't speak. I be like
9 ooh. So after that he got in his Tahoe, sat there.

10 Everything done calm down. I seen where the door
11 flew open. I'm like... (indicating.) And then next
12 thing you know I seen the gun. And then he got out and
13 started shooting.

14 Q. Who was he shooting?

15 A. Jermaine.

16 Q. Just Jermaine?

17 A. That's the only one he was targeting. The rest
18 of them they took off. They was running.

19 Q. Okay. And what happened with Jermaine?

20 A. And then I don't think -- I ain't say -- he
21 couldn't do nothing, couldn't do nothing.

22 Q. What did you do when you saw all this?

23 A. When I seen him when he was shooting him and
24 stuff, I was really pissed off. I was -- excuse me, I
25 was mad.

1 Q. All right. And what did you do?

2 A. I went out there to try to help Jermaine. Trying
3 to help him. Trying to get on him. I got on the back
4 of his back and he was just going like this.
5 (Indicating.) Before he -- well, he was dragging
6 Jermaine by his neck like this, (indicating), dragging
7 him to the car. I see blood right here (indicating). I
8 see blood, you know, coming out of his shirt. I seen
9 all his goods because his pants was coming off. And he
10 just started dragging him and pushing him in the car.

11 Q. Was Jermaine still alive?

12 A. Yes, he was still alive then --

13 Q. Could you --

14 A. -- barely because his feet was dangling out the,
15 the Jeep. And he was trying to shove them back in the
16 Jeep, and I was trying to pull him out of the Jeep. And
17 he was doing to me like this, you know, and then kicked
18 me right here. (Indicating.) They told me I should
19 have went to the doctor, you know, I could have got
20 something else wrong, but it didn't bother me. I didn't
21 feel it.

22 Q. You saw the pictures that your daughter took?

23 A. Uh-huh.

24 Q. And you're the lady in the pink?

25 A. Yes. I was running back and forth. I was trying

1 to, I was trying to find something to help, but I
2 couldn't find nothing.

3 Q. Did Mr. Todd say anything to you during all this?

4 A. I remember he told him to get off me.

5 Q. Okay. And once he left, what did you do?

6 A. And once he left, I ran in the house, trying to
7 look for keys, get to my Nissan. I found the keys. By
8 the time I got out because they had my car blocked,
9 everybody -- my car was in the parking lot and they had
10 it blocked. So when Latifah moved her car out of the
11 way, then when I got in the car, me and my daughter
12 pursued trying to find him, chase him to find out where
13 he went.

14 Q. What color is her car?

15 A. White.

16 Q. All right. So were ---

17 A. A Nissan Ultima.

18 Q. All right. Were you able to see which way he
19 went?

20 A. No. I thought he had went straight, so I went
21 straight.

22 Q. All right. And did you ever see the Tahoe?

23 A. No, I didn't get to see it.

24 Q. How long did you look for it?

25 A. I at least looked for it about a good hour,

1 hour-and-a-half, and I couldn't find it. Then my
2 boyfriend came home and then we decided to look some
3 more and look and looked, couldn't find him.

4 Q. So did you eventually come back to your house --

5 A. Yes.

6 Q. -- and the police were already there?

7 A. Yes.

8 Q. Okay. So the police had arrived and were already
9 working the case and you actually drove up on that?

10 A. Yes.

11 Q. So you looked for him for a good while?

12 A. Yes.

13 Q. What part of Woodruff were you looking?

14 A. I went, I went towards like the nursing home. I
15 went down that away, like on the back road. I went on
16 Fortenberry Road. I went on Poole Street. I went on
17 Woodruff Street. I went on -- well, that was my street.
18 Poole Street and the other street behind. Went behind
19 Church of God and looked at the back row back there.
20 Bushes. We went everywhere.

21 Q. Did you see anything?

22 A. No.

23 Q. Okay. Have you looked for Jermaine since then?

24 A. Yeah. I still look for him right now today.

25 Q. So you and the family have been out searching --

1 A. Yes.

2 Q. -- for him over the last 16 months?

3 A. Yes.

4 Q. Any sign of him?

5 A. No.

6 Q. You've already testified that he would come and
7 see you every day.

8 A. Uh-huh.

9 Q. And he hasn't seen you since; is that right?

10 A. Huh-uh.

11 Q. Answer out loud.

12 A. Huh?

13 Q. Answer out loud.

14 A. No.

15 Q. Okay. Thank you, ma'am. Answer any questions
16 Ms. Anderson has.

17 CROSS-EXAMINATION

18 BY MS. ANDERSON:

19 Q. Ms. Glenn?

20 A. Yes.

21 Q. Do you have -- how many children do you have?

22 A. Three.

23 Q. And who lives with you?

24 A. Me, my old man and my son, Malik.

25 Q. How old is Malik?

1 A. Thirteen.

2 Q. And who is your boyfriend?

3 A. Lee Parks.

4 Q. Lee Parks?

5 A. Uh-huh. Yes, ma'am.

6 Q. And do you have a daughter?

7 A. I've got two.

8 Q. Okay. And they are?

9 A. Darrika Jones and Latoya Jeter.

10 Q. Okay. And how old are Darricka and Latoya?

11 A. Darricka is 26, Latoya is 31.

12 Q. Okay. All right. Where did Marcus -- I mean,
13 where did Jermaine live?

14 A. He lived with his girlfriend at the moment.

15 Q. But where was that?

16 A. I don't know what street she stayed on. I just
17 know her.

18 Q. Was it in Woodruff?

19 A. Yes.

20 Q. Okay. So it wasn't like a 30-40 minute trip to
21 come see you?

22 A. No, sir -- no, ma'am.

23 Q. Okay. When Jermaine came over, did he park his
24 truck in your yard?

25 A. When he come over when?

1 Q. That day?

2 A. Yes. Not in my yard, but up on the other side.

3 Q. Okay. You said that Marcus, Mr. Todd -- well,
4 you actually haven't said that. Did Marcus try to hit
5 you in the leg?

6 A. Yes, ma'am. He kicked me. He was trying to get
7 me off his back, yes.

8 Q. And also you said he pulled a gun on you?

9 A. Yes.

10 Q. Okay. And you actually got ---

11 A. Yes, ma'am. My daughter said, mom, he got that
12 gun.

13 MR. BULSA: Objection, Your Honor. May we
14 approach the bench?

15 THE COURT: (Nods head up and down.)

16 (A bench conference was held off the record.)

17 MR. BULSA: Thank you, Your Honor. Can I send
18 Ms. Garrett up to get our next witness? She's upstairs.

19 THE COURT: Well, are you through?

20 MS. ANDERSON: No.

21 THE COURT: She's not through.

22 MR. BULSA: But she can get her while she
23 finishes her testimony.

24 THE COURT: Oh, that's fine. Sure.

25 BY MS. ANDERSON:

1 Q. Okay. You said that you jumped on Mr. Todd's
2 back, correct?

3 A. Yes.

4 Q. And then you said you ran off and we saw you in
5 the video of you running towards the house. You said
6 you were trying to find something. What was it you were
7 trying to find?

8 A. Something to hit. Something to knock him off to
9 get him off of my nephew. To get him out of the car.

10 Q. Well, what were you thinking?

11 A. Anything I could get my hand on.

12 Q. A gun?

13 A. I don't have a gun.

14 Q. Well ---

15 A. Like a bat or a stick or something. Anything
16 that's bigger than me. I'm gonna try to get my nephew
17 out of his car.

18 Q. Okay.

19 A. I'm trying to save his life.

20 Q. Okay. Let me ask you this, you said you and your
21 daughter went looking.

22 A. Yes.

23 Q. Is there a possibility that you found him?

24 A. Ma'am, if I found Jermaine, trust me he'd been in
25 the hospital somewhere.

1 Q. Okay.

2 A. Or I would have got him. I wouldn't leave him
3 out there.

4 Q. He was bleeding from his leg?

5 A. No, ma'am. I didn't see no bleeding from the
6 leg. I seen him bleeding from his chest and coming out
7 of his mouth.

8 Q. Okay. Was he limping?

9 A. He wasn't limping. He was limp. He couldn't do
10 nothing.

11 Q. Did you hear him talking?

12 A. Yeah, help. That's the last word I heard, help.

13 Q. Okay.

14 A. And I tried to help him.

15 MS. ANDERSON: That's all I have, Your Honor.

16 MR. BULSA: Your Honor, that's all we have for
17 Ms. Glenn.

18 THE COURT: You may step down.

19 (Witness leaves witness stand.)

20 MR. BULSA: Latoya Jeter.

21 (Witness comes forward.)

22 THE CLERK: Place your left hand on the Bible and
23 raise your right. (Complies.)

24 Do you solemnly swear the testimony you're about
25 to give is the truth, the whole truth and nothing but

1 the truth so help you God?

2 THE WITNESS: (Witness nods head up and down.)

3 THE CLERK: Have a seat over there.

4 LATOYA JETER,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BULSA:

8 Q. Use that microphone and introduce yourself to the
9 jury, please.

10 A. Hi. My name is Latoya Jeter.

11 Q. Are you Ms. Glenn's daughter?

12 A. Yes.

13 Q. Were you out there the day that Jermaine went
14 missing?

15 A. Yes.

16 Q. Did you see him get shot?

17 A. Yes.

18 Q. Okay. Describe what you saw to the jury.

19 A. I was out there on the porch with my sister and
20 my momma and Marcus was walking up the street getting
21 into his truck. And Big Tav was talking to him. And
22 Latifah said something to him. He didn't say nothing
23 to ---

24 MS. ANDERSON: Excuse me, could I have the real
25 name of big --

1 THE WITNESS: Big Tav?

2 MS. ANDERSON: Big Tav?

3 THE WITNESS: Tavis Jeter.

4 MS. ANDERSON: Okay, big Tav?

5 THE WITNESS: Yeah. And he was going to his car
6 and Tavis was talking to him. And then he pulled --
7 well, turned around. It seemed like he was gonna leave,
8 but he made a u-turn and parked in front of my cousin,
9 Bri' house. He was sitting there like four or five
10 minutes.

11 And I told Jermaine about my little girl's
12 birthday party. He said he was gonna bring the kids.
13 He said he was going over there to holler at Big Tav. I
14 said okay. He walked over there like three minutes
15 later. He pulled down, parked in front of Big Tap's
16 house, jumped out with some blue gloves on. And I heard
17 the shot.

18 I went down the steps to pick up my daughter and
19 grab her and take her in the house. When I come out, I
20 see my momma trying to get Jermaine out of the car. So
21 I go in, try to find the keys. You know, we're going to
22 chase behind him, gonna find him and we just couldn't.

23 Q. You called 9-1-1, didn't you?

24 A. Yes, when I went into the car.

25 Q. While you were trying to find him?

1 A. Uh-huh.

2 Q. You told a little bit more at the beginning of
3 your testimony. You actually saw Marcus Todd at the
4 neighbor's house before this shooting happened.

5 A. He was across the street, yes.

6 Q. Okay.

7 A. He was talking to the neighbor across the street
8 in front of Brittney' house.

9 Q. Okay. Then he went to his Tahoe and drove his
10 Tahoe up to that location?

11 A. Like U-ey, yeah. And he parked in front of my
12 cousin's house, Brianna.

13 Q. Okay. So he'd actually already been at that
14 house and then came back?

15 A. Yeah, he was walking down the street.

16 Q. Okay. When he was there the first time, was
17 Jermaine over there?

18 A. No, he had pulled up.

19 Q. Okay.

20 A. And parked on the side and walked across the
21 street.

22 Q. All right. So before Jermaine got to the
23 neighborhood, Marcus Todd had already been visiting with
24 Tavis Jeter?

25 A. Yeah, he was there already.

1 Q. Okay. And then when Jermaine -- when Jermaine
2 went over there, Marcus Todd drove his Tahoe up there
3 and stopped?

4 A. Yes.

5 Q. And did this? (Indicating.)

6 A. Yes.

7 Q. Okay. And then the shooting happened and the
8 chase was on?

9 A. Yes.

10 Q. How long do you recall chasing him?

11 A. For like an hour, 30 minutes. Well, we were
12 trying to find him. Like, where did he go, what did he
13 do, you know, me and my momma.

14 Q. And you didn't even see which way he turned, did
15 you?

16 A. Huh-uh. No. We were just like thinking did he
17 go straight, so we went straight.

18 Q. When you got back to your mother's house were the
19 police already there?

20 A. Yes. There was a lot of people out there.

21 Q. Okay. Have you been helping in the search for
22 your cousin?

23 A. Yes, all the time.

24 Q. Did you visit your mother often?

25 A. Every day.

1 Q. And did you see Jermaine just about every day
2 too?

3 A. Uh-huh. He'd call me.

4 Q. So you're convinced he's not alive?

5 A. Uh-huh.

6 Q. Has he ever left the area before like this?

7 A. No, never.

8 Q. Okay. So he wouldn't just disappear?

9 A. Huh-uh.

10 Q. Thank you, ma'am. Answer anything Ms. Anderson
11 has.

12 CROSS-EXAMINATION

13 BY MS. ANDERSON:

14 Q. Hi. Ms. Jeter, do you work?

15 A. Yes.

16 Q. Where do you work?

17 A. At Burger King in Woodruff.

18 Q. Okay. All right. So you say you go see your mom
19 every day?

20 A. Uh-huh.

21 Q. And you see Jermaine there too?

22 A. Yeah.

23 Q. Do you all have a set time you meet there every
24 day?

25 A. No.

1 Q. When you got to your mom's, do you know what time
2 it was?

3 A. It was like 12.

4 Q. Okay. And you said Jermaine wasn't there yet?

5 A. No.

6 Q. But you saw Marcus Todd across the street?

7 A. Yes. Yes.

8 Q. Okay. How did you know Marcus?

9 A. I know him from Woodruff.

10 Q. Okay.

11 A. Yeah, it's a small town, everybody know
12 everybody.

13 Q. Okay. Isn't it true that Tavis was one of
14 Marcus's friends?

15 A. Yes.

16 Q. So he would go over to his house?

17 A. Yes, I guess.

18 Q. So this wasn't uncommon, Marcus being over there?

19 A. Two weeks earlier I started seeing him over
20 there. My momma stayed over there four years, he wasn't
21 over there all the time.

22 Q. But he was not a stranger to the place?

23 A. Yeah, last two weeks, yeah, he wasn't a stranger.

24 Q. Okay. When you all were searching, you said you
25 were doing it for an hour, hour-and-a-half?

1 A. Uh-huh.

2 Q. And you say you didn't find him?

3 A. Nope.

4 Q. Is there no possibility that you did find him --

5 A. No.

6 Q. -- and got Jermaine away from him?

7 A. No.

8 MS. ANDERSON: That's all I have, thank you.

9 REDIRECT EXAMINATION

10 BY MR. BULSA:

11 Q. If you would have found Jermaine, what would you
12 have done?

13 A. Take him to the hospital.

14 MR. BULSA: That's all I have.

15 THE COURT: You may step down.

16 (Witness leaves witness stand.)

17 MS. MORICLE: Lisa Parker.

18 THE CLERK: Place your left hand on the Bible and
19 raise your right. (Complies.)

20 Do you solemnly swear or affirm your testimony
21 will be the truth, the whole truth and nothing but the
22 truth so help you God?

23 THE WITNESS: Yes, ma'am.

24 LISA GILLESPIE BARKER,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. MORICLE:

3 Q. Good morning, Ms. Parker. Please state your full
4 name for the record.

5 A. Lisa Gillespie Barker.

6 Q. Thank you. Do you currently live in South
7 Carolina?

8 A. I live in Georgia.

9 Q. Okay. But did you used to live in Woodruff,
10 South Carolina?

11 A. Yes.

12 Q. Okay. Did you know Jermaine West?

13 A. Yes.

14 Q. Did you have a brief relationship with Mr. West?

15 A. Yes.

16 Q. On the day in question, what were you all doing?

17 A. On that day someone brought him to my house late
18 that morning. I had to be at work at noon, I work at
19 Spartanburg Regional, and he took me to work. And he
20 said he had an interview here in Spartanburg, and so we
21 went to Spartanburg Regional and he took my car.22 Q. And what time did he take you to Spartanburg
23 Regional?

24 A.. About 11.

25 Q. Did you hear from him ever again?

1 A. No.

2 Q. Have you seen Mr. West since?

3 A. No.

4 Q. Had you talked to him up until that point off and
5 on?

6 A. Off and on for about ten months.

7 Q. Okay. But since that day, you've never heard
8 from him again?

9 A. No.

10 Q. Where was your car found?

11 A. On Woodruff Street in Woodruff.

12 Q. And who took you to go get that?

13 A. Officer Darryl Dawkins.

14 Q. Were you able to get in your car?

15 A. Yes, it was unlocked.

16 Q. Were there any keys to your car in the car?

17 A. No.

18 Q. Have you had your keys since this incident?

19 A. I don't have them, no.

20 Q. Okay. Were your keys later found?

21 A. Yes.

22 Q. Do you know where they were found?

23 A. They said they were found in that vehicle.

24 Q. Were you able to identify those keys?

25 A. Yes.

1 Q. And how were you able to do that?

2 A. I knew what I had on my key ring and I've had a
3 -- showed a picture of them and the actual set of keys.

4 Q. Okay. Can you tell us what was on that key ring?

5 A. It was Chevrolet key for Equinox. Planet Fitness
6 key card. Clemson Tiger house key, I believe.

7 Q. Okay.

8 (State's Exhibit Number 59, Set of Keys, was
9 marked for identification.)

10 MS. ANDERSON: No objection.

11 BY MS. MORICLE:

12 Q. Ms. Barker, I'm going show you what's been marked
13 as State Exhibit 59. Can you please identify those?

14 A. Yes, they're mine.

15 Q. And how do you know they're yours?

16 A. That was my house key, my Planet Fitness key
17 card. All my keys, yeah, those are mine. And that was
18 to my apartment and to my trailer I was living in.

19 MS. MORICLE: Your Honor, I'd like to introduce
20 this as State's exhibit 59.

21 MS. ANDERSON: No objection.

22 THE COURT: It's admitted.

23 MS. MORICLE: Thank you, Your Honor.

24 (Whereupon, State's Exhibit No. 59 was entered
25 into the record.)

1 BY MS. MORICLE:

2 Q. Ms. Barker, you never heard from Mr. West again?

3 A. No.

4 MS. MORICLE: No further questions, Your Honor.

5 CROSS-EXAMINATION

6 BY MS. ANDERSON:

7 Q. You were in an ongoing relationship with him at
8 the time?

9 A. Yes.

10 Q. Were you living in Spartanburg?

11 A. Yes.

12 Q. Okay. And you weren't his fiancée, were you?

13 A. No.

14 Q. But he was also seeing his fiancée and you?

15 A. I guess. I didn't know.

16 Q. You didn't know about her?

17 A. No.

18 Q. I guess it was a shock to find out about it.

19 A. Yeah, I didn't know anything.

20 Q. And is that why you moved to Georgia?

21 A. No.

22 Q. Okay. Are you still -- you said you work at the
23 hospital?

24 A. I'm back in Georgia working at the hospital.

25 Q. Okay.

1 A. I was only over here a few months.

2 Q. Okay. Was your car runnable?

3 A. Uh-huh.

4 Q. Okay. Those are the all the questions I have.

5 MS. MORICLE: Your Honor, may this witness be
6 excused?

7 THE COURT: She may be.

8 MS. MORICLE: Thank you.

9 (Witness leaves witness stand and courtroom.)

10 MR. BULSA: The State calls Alan Bledsoe.

11 THE CLERK: Place your left and hand on the Bible
12 and raise your right. (Complies.)

13 Do you solemnly swear the testimony you're about
14 to give is the truth, the whole truth and nothing but
15 the truth so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Have a seat.

18 ALAN BLEDSOE,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BULSA:

22 Q. Officer, would you please introduce yourself to
23 the jury.

24 A. My name is Alan Bledsoe. I'm currently a
25 Lieutenant with the City of Spartanburg. And at the

1 time of this incident I was the chief of police with the
2 Woodruff Police Department.

3 Q. And when did you move up to the Spartanburg
4 public?

5 A. February of this year.

6 Q. Okay. And you're currently a lieutenant?

7 A. Yes, sir.

8 Q. All right. How long were you the chief of
9 Woodruff?

10 A. Three years.

11 Q. Okay. And were you the chief back in May of
12 2016?

13 A. I was.

14 Q. And did you respond to Woodruff Street in
15 relation to a shooting on May the 23rd of 2016?

16 A. I did.

17 Q. Okay. When did you arrive on the scene?

18 A. I received a call that day at approximately
19 1:20 in the afternoon, and I arrived within two minutes
20 of receiving that call. Do you want me just to proceed
21 from there?

22 Q. So were you the first one on the scene?

23 A. Myself and Officer Henderson arrived
24 simultaneously.

25 Q. Okay. What kind of neighborhood is this?

1 A. This is strictly, almost exclusively rental
2 property up and down the three streets in that area,
3 Buncombe Street, Woodruff Street, Poole Street. Almost
4 exclusive low-income rental properties.

5 Q. Okay. Let me show you what's been marked as
6 State's Exhibit 38. Does that show the neighborhood?

7 A. Yes, sir, it does.

8 Q. Okay. From looking at this State's 38, can you
9 tell from this picture which direction Mr. Todd would
10 have bled in? You know which way the car was facing,
11 don't you?

12 A. Yes, sir, I do. Trying to get oriented on
13 the ---

14 Q. 233 is marked.

15 A. It would have been this way. (Indicating.)

16 Q. So he would have been heading down Woodruff. It
17 looks like Woodruff -- does Woodruff turn into
18 Eastbrook?

19 A. Woodruff Street dead ends here into North Pearson
20 Street.

21 Q. Okay.

22 A. So that would have been heading towards North
23 Pearson Street towards the Church of God.

24 Q. So where's that Eastbrook Drive? Right there on
25 the right-hand side of the map? (Indicating.)

1 A. Well, you -- Woodruff has a -- Woodruff Street
2 has a fork here where it's the same street and
3 traveling, traveling this direction you hit Pearson
4 coming across.

5 THE COURT: You can step down if you'd like.

6 THE WITNESS: Let me get turned all the way
7 around. I can see now.

8 BY MR. BULSA:

9 Q. We need to be able to hear you though.

10 A. Okay.

11 THE COURT: Well, let me ask you to do this.

12 THE WITNESS: Yes, sir.

13 THE COURT: Lieutenant, why don't you step down.
14 And see that microphone over there? Can you see it?

15 THE WITNESS: Yes, sir.

16 THE COURT: If you'll stand just, just behind
17 that projector, keep your voice up and then that way you
18 can see.

19 (Witness leaves witness stand.)

20 THE WITNESS: Yes, sir. North Pearson comes
21 across. And if you continue back out North Pearson,
22 down to the bottom here you'll eventually come out right
23 across from the Police Department. Traveling on
24 Woodruff, when you head back down Woodruff Street this
25 direction you're gonna dead end, dead end into Pearson

1 Street and have to make either the left or the right
2 turn onto Pearson Street. (Indicating.)

3 BY MR. BULSA:

4 Q. Okay. So he would have had to turn either one or
5 two directions?

6 A. Yes, sir. He would have only been able to turn
7 left or right onto Pearson Street coming off of this end
8 of Woodruff Street.

9 Q. Which direction did you come from?

10 A. I came in from the top side of Woodruff Street
11 from this direction. (Indicating.)

12 Q. And did you see the Tahoe as you drove?

13 A. I did not.

14 Q. Okay. You can have a seat back up there. Did
15 you learn that there was a car trying to find the Tahoe?

16 (Witness returns to witness stand.)

17 A. Yes, sir. We did learn that somebody had
18 followed the, followed the Tahoe. And I believe that
19 Officer Dawkins at some point made contact with those
20 individuals.

21 Q. Okay. Now, did you call for assistance from any
22 other agencies?

23 A. Yes, sir. We immediately, when we got on scene
24 and realized what we had, immediately asked for
25 assistance from the Spartanburg County Forensics Unit,

1 Spartanburg County Investigators. And very shortly
2 after we realized what we had, we requested an air unit
3 be placed in the air. And we also sent out a bulletin
4 to all surrounding law enforcement agencies to be on the
5 lookout for this vehicle in its last known direction of
6 travel.

7 Q. Did you get any information that day that the
8 vehicle was sighted?

9 A. The only information we got at one point was a
10 county deputy had seen a black Tahoe traveling down 221
11 at a high rate of speed, but we were unable to verify
12 that that was the black Tahoe that we were looking for.
13 He couldn't verify whether it was a paper tag or a
14 regular tag. And the vehicle we were in questioning we
15 were looking for had a paper tag.

16 Q. Were you able to view the pictures that one of
17 the witnesses took on her cellphone?

18 A. Yes, sir.

19 Q. And that gave you a good idea of what you were
20 looking for?

21 A. Yes, sir.

22 Q. Okay. I'll show you some pictures that were
23 marked as State's Exhibits 7, 8, and 9. Do you
24 recognize what's in those pictures?

25 A. Yes, sir, I do.

1 Q. Okay. Were those taken at the scene?

2 A. Yes, sir.

3 Q. State's 7, is that the residence where the
4 shooting happened?

5 A. Yes, sir.

6 Q. State's 8, that's just a slightly different view
7 showing the police tape?

8 A. Yes, sir.

9 Q. And State's 9, what view is that?

10 A. That would be a side view from the -- looking at
11 the house, it'd be from the right hand to the left-hand
12 side of the front yard.

13 Q. And this side looking across?

14 A. Yes, sir.

15 Q. And the house next to this is 239, I believe it
16 is?

17 A. I'd have to look on the map. I'm not ---

18 Q. But does Ms. Glenn live in the house next to it?

19 A. Yes, sir.

20 Q. Okay. And from this picture you can see the
21 perspect -- or nothing is in their way other than that
22 tree?

23 A. Yes, sir.

24 Q. Okay. Now, did you do anything at the scene
25 yourself?

1 A. Yes, sir. We, when we arrived at the scene, the
2 first thing that we did was spoke to Ms. Darricka Jones,
3 who gave us the run down, gave us a run down of what had
4 happened. And we immediately began to put out
5 information on what we were looking for and who we were
6 looking for. We taped off the entire crime scene area.
7 We immediately noticed blood in the front yard and on
8 the street in front of the house. And as we taped the
9 area and begun to do a walk through of the area, we
10 started locating several shell casings and several
11 different areas where there were blood -- where there
12 was blood on the ground right in the front yard, as well
13 on the street adjacent to where the Tahoe would have
14 been parked.

15 So we got all that taped off and secured and
16 started separating and segregating the witnesses. And
17 then we have called for assistance from Spartanburg
18 County. And shortly thereafter, the forensics team
19 arrived and began to process what we had marked for
20 them.

21 We did not move or touch any of the, any of the
22 physical evidence on the scene. Short -- the only thing
23 we did was drop evidence markers for the forensic team
24 to recover when they arrived on the scene.

25 Q. Now, you knew -- you had a good suspect for this,

1 didn't you?

2 A. We did.

3 Q. What did you do to try to locate him?

4 A. We put out the information on what the suspect
5 was wearing, gave his name because we were given his
6 name. We were familiar with Mr. Todd, so we put out the
7 suspect information that he was -- his name was Marcus
8 Todd, that he was wearing a brown one-piece culvert
9 style-hunting suit and rubber boots, and that he would
10 be driving that particular Tahoe.

11 And, again, we put that bulletin out to all
12 surrounding law enforcement agencies to try to get
13 assistance with locating Mr. Todd and the vehicle. You
14 have to bear in mind that during that time of the day in
15 Woodruff we had three officers, me being one of them,
16 working the streets and we all immediately responded to
17 that scene. Myself and Officer Henderson began to
18 secure the scene. And Sergeant Dawkins began to canvas
19 the area looking for the -- looking for the suspect and
20 the vehicle.

21 Q. Did you know where he lived?

22 A. We did know where he lived. That was one of the
23 first places when we started, after we cleared the crime
24 scene. And it was one of the first places where we
25 started to look at that particular mobile home. I'm

1 trying to remember the name of the road. It's ---

2 Q. Bragg Street.

3 A. Bragg Street. Yes, sir, on Bragg Street. We
4 actually went by that mobile home first and actually
5 made contact with Mr. Todd's mother, who was relaxed on
6 the front deck of the home. We thought that she may
7 have been having some issues and asked her if she was
8 okay and she stated that she was. This was after the
9 house had burned.

10 And then we proceeded to search that entire area
11 to include the area immediately around the trailer and
12 the peach, peach or apple orchard. There's an orchard
13 there that's in that proximity as well, which is ---

14 Q. Is this the same day of the shooting?

15 A. This was -- yes, this was day one. This is when
16 we had the -- this was when we initially having our, for
17 our initial start. That's where we started, was that
18 particular area.

19 Q. Okay. So you started at the defendant's
20 residence?

21 A. Right. And then proceeded ---

22 Q. You didn't just checked his driveway, you checked
23 around the house, is that what I'm hearing?

24 A. Yes. We checked around the, around the house,
25 the property adjoining the house and the large property

1 immediately next to the house was where we concentrated
2 at the river and the orchard directly --

3 Q. Why were you ---

4 A. -- next to the house.

5 Q. Why were you doing that?

6 A. We were trying to -- we were trying to find
7 either Mr. Todd or any sign of Mr. West having been on
8 that property.

9 Q. Okay. Because you knew he had taken Mr. West
10 away, you thought he might have gotten rid of him around
11 there somewhere?

12 A. Yes. Our thought process was that he had taken
13 Mr. West away from the scene in order to dispose of Mr.
14 West's remains somewhere. We didn't know where at the
15 time, but it did seem like a logical place to start on
16 day one, on the area that he would be familiar with
17 around his property.

18 Q. Did you have any success?

19 A. We had no success, no, sir.

20 Q. Did you ever find Mr. Todd?

21 A. We did not find Mr. Todd. We didn't find Mr.
22 Todd and the -- well, obviously we didn't have -- we
23 never came into contact with Mr. Todd until he turned
24 himself in at the jail the next day.

25 Q. You sought charges against him, right?

1 A. Yes. Yes, we did. Based on the statements that
2 we received from Ms. Jones, the evidence at the scene
3 and the other witness statements at the scene, we
4 thought we had enough, or at the very least warrant for
5 attempted murder and kidnapping. And those warrants
6 were signed by Judge Smith.

7 Q. Okay. And then you learned the next day that he
8 turned himself in?

9 A. Yes, sir.

10 Q. Okay.

11 A. And he at that point sent one of my sergeants,
12 Sergeant Dawkins, to try to conduct an interview with
13 him at the jail.

14 Q. Okay. Did you continue to look for Mr. West?

15 A. Yes, sir. We continued to look for Mr. West
16 every day for the next several months.

17 Q. Did you ever find the Tahoe?

18 A. We did find the Tahoe. We were given information
19 that Ms. Goodman had called and passed along information
20 to a third party where the Tahoe would be located, and
21 that third party called us and the sheriff's department.
22 And the sheriff's department actually made it to the
23 scene before I did, and did locate the Tahoe back in the
24 woods on a cattle trail.

25 Q. Okay. So the sheriff's office dealt with the

1 recovery of that vehicle?

2 A. Yes, sir.

3 Q. So after the crime you were pretty much focused
4 on finding Jermaine West?

5 A. Yes, sir. Almost exclusively on my part after
6 the crime and the warrants had been signed, my part
7 became almost an exclusive search for Mr. West at that
8 point.

9 Q. And, of course, you didn't find him?

10 A. No, sir, not for a lack of trying.

11 Q. Okay. Thank you, lieutenant. Answer any
12 questions Ms. Anderson has.

13 CROSS-EXAMINATION

14 BY MS. ANDERSON:

15 Q. I believe you first said that you knew the car,
16 the Tahoe from the scene?

17 A. Yes, ma'am. Sergeant Dawkins was given that
18 information.

19 Q. Okay. And did you know who was in the car?

20 A. No, ma'am, I did not.

21 Q. Okay. But women or men or do you know?

22 A. Sergeant Dawkins will be able to testify to that
23 information.

24 Q. All right. Now, you didn't process the crime
25 scene?

1 A. No, ma'am, I did not.

2 Q. But when you went there, you located blood and
3 shell casings?

4 A. Yes, ma'am. My involvement to that extent was
5 just to drop evidence markers for the professional
6 forensic technicians to process the scene.

7 Q. Okay. Is -- do you believe that it's possible
8 that Mr. West is alive?

9 A. No, ma'am, I don't.

10 Q. Why?

11 A. I just, I don't believe from the preponderance of
12 the evidence that we recovered at that scene, the
13 statements of the witnesses that were given at the
14 scene, and the lack of any activity on Mr. West's part
15 since the crime was committed, I just in my mind I do
16 not believe that Mr. West could be alive.

17 Q. But you haven't found a body, have you?

18 A. No, ma'am, we have not.

19 Q. Are you still looking?

20 A. Members of SLED and the Woodruff Police
21 Department I am sure are still looking. As I'm no
22 longer affiliated with the Woodruff Police Department, I
23 passed that investigation along to the incoming chief.

24 MS. ANDERSON: Okay. Those are all my questions.

25 MR. BULSA: Nothing further.

1 THE COURT: You may step down.

2 (Witness leaves witness stand and courtroom.)

3 THE COURT: We're going to break for lunch. Let
4 me caution the jury that now that the trial has begun,
5 at no time are you to discuss the case with anyone in
6 any fashion whatsoever. That includes your fellow
7 jurors. You can't talk about it until deliberations.

8 Also, don't permit yourselves to be exposed to
9 any type of media coverage, whether it be television,
10 radio or newspaper. No exposure to media coverage. And
11 don't conduct any research or do your own investigation
12 into any issue that arises. You've got to base your
13 decision upon what you see and hear during the trial and
14 you can't be influenced by the outside extraneous
15 information.

16 So no discussions, no media exposure, no
17 research, no investigation. Otherwise have a good
18 lunch. Please report to your jury room at 2:30, 2:30
19 this afternoon.

20 (Jury leaves the courtroom at 12:53 p.m.)

21 THE BAILIFF: Your Honor, they have gone.

22 THE COURT: Court is in recess until 2:30.

23 (Lunch recess was had from 12:54 p.m. - 2:37
24 p.m.)

25 THE COURT: All right. Who's the next witness?

1 MR. BULSA: I'm sorry?

2 THE COURT: Who's the next witness?

3 MR. BULSA: Brittney Pearson.

4 THE COURT: All right. Any matters we need to
5 address before the jury is brought in?

6 MR. BULSA: No, sir.

7 MS. ANDERSON: No, sir.

8 THE COURT: All right. Bring them in.

9 (Jury enters courtroom at 2:39 p.m.)

10 THE COURT: Good afternoon, ladies and gentlemen.
11 Now, as you know, when we recessed for lunch the State
12 had begun with their presentation of evidence, so we'll
13 continue with that presentation this afternoon.

14 MS. MORICLE: Thank you, Your Honor. The State
15 would call Brittney Pearson.

16 (Witness comes forward.)

17 THE CLERK: Place your left hand on the Bible.
18 Your left.

19 THE WITNESS: I'm sorry.

20 THE CLERK: And raise your right. (Complies.)

21 Do you solemnly swear that the testimony you're
22 about to give will be the truth, the whole truth and
23 nothing but the truth so help you God?

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Have a seat, please.

1 THE COURT: All right. Now that microphone, you
2 can adjust it, pull it to you so we can be sure to hear
3 what you're saying.

4 THE WITNESS: Okay.

5 BRITTNEY PEARSON,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MORICLE:

9 Q. Good afternoon, Ms. Pearson. Could you please
10 state your name for the record.

11 A. Brittney Pearson.

12 Q. How old are you?

13 A. Twenty-six.

14 Q. Do you currently live in Spartanburg?

15 A. Yes.

16 Q. At this time last year where did you live?

17 A. In Woodruff. On Woodruff Street.

18 Q. Okay. And in May of 2016 where were you living?

19 A. Woodruff Street.

20 Q. What address were you living at?

21 A. [REDACTED] Woodruff Street.

22 Q. All right. I'm going to show you some pictures.

23 MS. ANDERSON: Your Honor, can I see the pictures
24 first?

25 THE COURT: Well, I assume these have already

1 been introduced. Is that true or not?

2 MS. MORICLE: They have, Your Honor.

3 THE COURT: They have?

4 MS. MORICLE: Yes, sir.

5 THE COURT: What number are you referring to?

6 MS. MORICLE: This will be State's Exhibit 9.

7 BY MS. MORICLE:

8 Q. Ms. Pearson, can you see that picture?

9 A. Yes, ma'am.

10 Q. Okay. Can you tell us what we're looking at?

11 A. That's Tavis Jeter's house.

12 Q. That's his house?

13 A. Yes, ma'am.

14 Q. Could you point out with this pointer where your
15 house was?

16 A. My house is right there. (Indicating.)

17 THE COURT: Be careful of the microphone.

18 THE WITNESS: It's right back there.

19 BY MS. MORICLE:

20 Q. Okay. Where all the cars are in front of?

21 A. Yes, ma'am.

22 Q. Okay. I'll let you keep that.

23 A. Okay.

24 Q. Do you know the defendant in this case?

25 A. Yes, ma'am. Not really, but I met him. He was

1 at a get together I had at my house.

2 Q. Okay. How long prior to the shooting had you met
3 him?

4 A. Probably like a week or two.

5 Q. Okay. So you knew who he was?

6 A. Yes, ma'am.

7 Q. Okay. Can you tell me what happened that day?

8 A. I had -- well, I had woke up and I was going to
9 get a part for my car or whatever and I had left. I
10 didn't get all the way out of Woodruff and I was going
11 back to go pick up my mom's boyfriend, Olajawaun
12 Goggins. And at the time he was at Tavis' house or
13 whatever, and ---

14 THE COURT: Excuse me just a minute, ma'am. When
15 you refer to he or she, you have to tell us who that is.

16 THE WITNESS: Okay. Tavis Jeter's house, I had
17 went to go pick up Olajawaun Goggins. He was sitting on
18 the porch with Tavis Jeter. And Jermaine West was
19 sitting out there and some other people were sitting out
20 there at the time.

21 BY MS. MORICLE:

22 Q. I'm gonna back you up right there.

23 A. Okay.

24 Q. Okay. When you left your house, if you'll point
25 out, did you see the black Tahoe on your street?

1 A. Yes, I did. It was parked at my neighbor's
2 house.

3 Q. Okay. Could you use the laser pointer to show
4 the jury where that would have been.

5 A. Right there. (Indicating.)

6 Q. And it was parked on the street right there?

7 A. Yes, ma'am. In front of it on the sidewalk.

8 Q. Okay. So you saw the car when you left Woodruff?

9 A. Yes, ma'am.

10 Q. How long do you think it was before you came
11 back?

12 A. I didn't even get all the way out of Woodruff.
13 Probably about I'd say like five minutes.

14 Q. Okay. I'm going to show you what's been marked
15 as State's Exhibit 8. Can you tell me what that is?

16 A. That's Tavis Jeter's house.

17 Q. Okay. Is that where you were coming back to?

18 A. Yes, ma'am.

19 Q. Okay. Can you show me where you pulled up in
20 front of his house?

21 A. I pulled up right there in front of the little
22 sidewalk right there. I was parked right there.

23 (Indicating.)

24 Q. Okay. And you came back for what reason?

25 A. To pick Olajawaun to go with me to get my car

1 part because I had almost got out of Woodruff and I was
2 like maybe I need a male with me, so I went back and got
3 him.

4 Q. Okay. And Mr. Goggins was on the porch?

5 A. Yes, ma'am.

6 Q. Okay. Was Tavis Jeter on the porch?

7 A. Yes, ma'am.

8 Q. And was Tavis Jeter's baby on the porch?

9 A. Yes, ma'am.

10 Q. Can you tell the jury what the baby was in?

11 A. This little walker right here. (Indicating.)

12 Q. In front of the door?

13 A. Yes, ma'am.

14 Q. Okay. And where was Jermaine?

15 A. He was sitting right there. (Indicating.)

16 Q. Okay. Did you speak to him?

17 A. Yes, ma'am.

18 Q. Okay. Did you have a long conversation or a
19 short conversation?

20 A. It was probably -- it was, you know, it was a
21 little short conversation. He was laughing and smiling
22 and stuff.

23 Q. Okay. And what happened next?

24 A. I looked down in my console to get something in
25 my console and I had looked back up and I seen Marcus,

1 he had pulled like, he pulled in the middle of the road
2 kind of.

3 Q. I'll show you what's been marked as State's
4 Exhibit 6. Is that where you saw the car?

5 A. Yes, ma'am.

6 Q. In the middle of the road?

7 A. Yes, ma'am.

8 Q. Okay. What happened when you saw Marcus pull up?

9 A. He had got out of the car. He had gloves on and
10 he had a jumpsuit on, one of those jumpsuits on,
11 whatever. And Jermaine told -- Jermaine asked him, he
12 said, boy, what you doing with that hot suit on, it's
13 about 100 degrees out here. And Marcus told him, he
14 said, you're gonna pay for ---

15 COURT REPORTER: I didn't hear you, ma'am.

16 THE WITNESS: Marcus told him that he was gonna
17 pay for his brother's sins.

18 MS. ANDERSON: I'm gonna object to hearsay.

19 THE COURT: Overruled.

20 MS. MORICLE: Madam Court Reporter, did you get
21 that?

22 COURT REPORTER: Yes.

23 MS. MORICLE: Thank you.

24 BY MS. MORICLE:

25 Q. And, Ms. Pearson, when you heard him say that,

1 did you see Marcus with anything?

2 A. I seen him pull out a gun. At that time I seen
3 him pull out a gun and Jermaine was like come on man, no
4 man, no man. And he was like fighting, like trying to
5 get the gun, but he had been shot off or whatever. And
6 I drove off at that time because I was scared. I had my
7 kids in the backseat. And it was a lot more -- it was
8 other kids that was outside at the moment playing.

9 Q. Did you see Jermaine with a gun?

10 A. No, I did not.

11 Q. The only person you saw with a gun was Marcus?

12 A. Yes, ma'am.

13 Q. When you were driving off, how many gunshots did
14 you hear?

15 A. I heard at least, I'm gonna say about four or
16 five gunshots. I ran through the stop sign and
17 everything. I was scared.

18 Q. What happened after that?

19 A. I had got up near the police department and
20 Olajawaun Goggins had called me and said come back and
21 get me. He was like, he was like I'm walking up towards
22 the police department because he had took off running
23 when the first gunshot went off. He got scared and took
24 off running. And I said okay, so I went and picked him
25 back up.

1 We went back to my mom's. She was staying on, I
2 think it's Peach, Peach Tree or something like that.
3 She was staying over there. We went over there and sat
4 for a minute. Then I went back to my house and it was
5 the whole road was just blocked off and everything.
6 Police and everything were out there at the time.

7 Q. At any point in time did you see anyone with a
8 gun besides Marcus?

9 A. I did not.

10 MS. ANDERSON: Excuse me. I'm sorry, I can't
11 hear.

12 BY MS. MORICLE:

13 Q. At any point in time did you see anyone else with
14 a gun besides Marcus?

15 A. No, ma'am, I did not.

16 Q. When you got back when you saw the police tape
17 and everyone parked, what did you do?

18 A. I had spoke with the officer, and I was telling
19 them what I saw or whatever that happened.

20 Q. Thank you.

21 MS. MORICLE: I have no further questions of this
22 witness, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. ANDERSON:

25 Q. Now, is Olajawaun Goggins married to your mother?

1 A. No, ma'am.

2 Q. Are they boyfriend and girlfriend?

3 A. Yes, ma'am.

4 Q. Do they live together?

5 A. Yes, ma'am.

6 Q. Okay. Did you give a written statement to the
7 police or did you just talk to them?

8 A. I spoke with them. I talked to them.

9 Q. Now, you said you were sitting in your car?

10 A. Yes, ma'am.

11 Q. When you came back to pick up Olajawaun?

12 A. Yes, ma'am. I had all my windows down.

13 Q. Okay. And how close were you?

14 A. I was -- how close was I to where? I'm sorry.

15 Q. How close were you to the sidewalk and the stoop?

16 A. I was parked right on the sidewalk, like right in
17 front of the sidewalk right there where the stroller is.

18 Q. Uh-huh. 2

19 A. I was just pulled up right there.

20 Q. Okay. Even though you had heard shots fired?

21 A. I heard the shots fired after he had made that
22 first shot. I drove off and I heard them as I was going
23 down the road.

24 Q. Okay. But you're saying you saw Marcus fire a
25 shot at Jermaine?

1 A. Yes, ma'am. I remember it like yesterday, yes,
2 ma'am.

3 Q. Okay. I believe you have been charged and found
4 guilty of giving false information.

5 A. Yes, ma'am.

6 Q. Okay.

7 A. That was in 2013.

8 Q. Right. Was it to the police?

9 A. Yes, ma'am.

10 MS. ANDERSON: Okay, that's all I have.

11 MS. MORICLE: Just a few questions for recross,
12 Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. MORICLE:

15 Q. Ms. Pearson, your car was pulled up on the
16 sidewalk; is that correct?

17 A. Yes, ma'am.

18 Q. Okay. And by the time this picture was taken had
19 you already left?

20 A. Yes, ma'am.

21 Q. Because Marcus had already shot the man?

22 A. Yes, ma'am.

23 MS. MORICLE: No further questions.

24 THE COURT: You may step down.

25 (Witness leaves the witness stand.)

1 MR. BULSA: I call Mr. Olajawaun Goggins.

2 (Witness comes forward.)

3 THE CLERK: Place your left hand on the Bible and
4 raise your right, please. (Complies.)

5 Do you solemnly swear the testimony you're about
6 to give will be the truth, the whole truth and nothing
7 but the truth so help you God?

8 THE WITNESS: Yes, ma'am.

9 THE CLERK: Have a seat, please.

10 OLAJAWAUN GOGGINS,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. BULSA:

14 Q. Olajawaun, introduce yourself to the jury,
15 please.

16 A. My name is Olajawaun Goggins.

17 Q. How old are you, sir?

18 A. I'm 28.

19 Q. Where do you live?

20 A. I reside in Clinton now.

21 Q. Are you employed?

22 A. Yes, sir.

23 Q. What do you do?

24 A. I drive a dock truck at Emery Mills.

25 Q. How long have you worked there?

1 A. For three months now.

2 Q. Do you remember when Jermaine got shot?

3 A. Yes, sir.

4 Q. Were you there?

5 A. Yes, sir.

6 Q. Where were you?

7 A. I was standing close toward the side of the
8 house.

9 Q. Which house?

10 A. Tavis Jeter's house.

11 Q. When had you gotten to Tavis Jeter's house?

12 A. Probably like maybe 10:30, 11 o'clock that
13 morning.

14 Q. When did Jermaine get shot?

15 A. Probably like, I want to say like 12:45, 12:50,
16 somewhere around there.

17 Q. Okay. Do you know Mr. Todd?

18 A. Yes, sir.

19 Q. How?

20 A. Every -- like it's a small town. Everybody knows
21 everybody in Woodruff.

22 Q. Okay. So you know him by sight?

23 A. Yes, sir.

24 Q. Did you see him that day?

25 A. Yes, sir.

1 Q. Do you remember when you approximately first saw
2 him?

3 A. I want to say around, probably around 11, 11:15,
4 somewhere around there.

5 Q. Okay. And where did you see him?

6 A. He parked up at -- up the street at next door
7 neighbor to Brittney's house.

8 Q. Okay. And what was he driving?

9 A. A black Tahoe.

10 Q. Okay. And what did he do when he arrived?

11 A. He was just talking to us like normal to me, me
12 and Tavis. He was just talking to us like normal.

13 Q. Are you telling us that he parked up the road and
14 walked down to your house?

15 A. Yes, sir.

16 Q. The house where you were at?

17 A. Yes, sir.

18 Q. Okay. And how long did he stay?

19 A. I want to say he had been there a good minute, at
20 least an hour.

21 Q. Visiting with you and --

22 A. Yes, sir.

23 Q. -- the other men?

24 A. Yes, sir.

25 Q. How was he dressed?

1 A. In the brown jumpsuit and some work boots.

2 Q. Okay. Did you think that was odd?

3 A. Yes, sir.

4 Q. All right. Was Jermaine there at the time when
5 he was visiting with y'all?

6 A. No, sir.

7 Q. All right. Did Marcus leave before Jermaine came
8 up?

9 A. No, sir.

10 Q. Did he leave the house there before Jermaine came
11 up?

12 A. No, sir.

13 Q. Okay. Tell us what happened.

14 A. Marcus was on the phone at the time that Jermaine
15 had walked up, so we were just out there talking and me
16 and Marcus walked up the street to get in his vehicle.
17 He sits in his vehicle for about five minutes, pulls
18 down the street. Pulls into the middle of the road,
19 stops and he gets out of the car.

20 He has on some gloves. And he walks up to
21 Jermaine and says, you're gonna pay for your brother's
22 sins. And then they struggled with his gun. And the
23 first shot went off and that's when I took off running
24 as fast as I could.

25 Q. So initially when Jermaine came up, you recall

1 Marcus being ---

2 A. He was standing on the sidewalk on the phone in
3 the ---

4 Q. Jermaine walks up and then Marcus leaves?

5 A. Yes, sir. And like probably five minutes after.

6 Q. Did they have words before?

7 A. No, sir.

8 Q. Okay. And Marcus goes back to his car?

9 A. Yes, sir.

10 Q. Okay. Do you remember did he do some sort of
11 U-turn in the road?

12 A. No, sir, because he was already facing towards
13 Tavis's house anyway, so he just pulled down.

14 Q. Did he have to like back up?

15 A. No, sir.

16 Q. Okay. You recall him just pulling up?

17 A. Pulling up, yes, sir.

18 Q. And when he pulled up, where did he -- he pulled
19 into the parking area, right?

20 A. No, he pulled in the middle of the road.

21 Q. Okay. He was basically on the wrong side of the
22 road, right?

23 A. Yes, sir.

24 Q. Okay. Did he leave his car there?

25 A. Yes, sir.

1 Q. Okay. And he did what when he stopped there?

2 A. He got out and he walked up to Jermaine and said
3 you're gonna pay for your brother's sins. And they
4 started struggling with the gun or whatever. The first
5 shot went off and I took off.

6 Q. So he had his gun out when he got out of the car?

7 A. Like when he had got up close to him, he had it
8 out.

9 Q. Okay. Do you remember Jermaine saying anything?

10 A. No, sir. Like I was after that situation, I just
11 took off as fast as I could. I didn't know what to do.

12 Q. Okay. Did anybody say anything to Marcus when he
13 had the gun?

14 A. No, sir, not that I can remember.

15 Q. Did Marcus say anything to Jermaine?

16 A. Besides those words, nothing else I can remember.

17 Q. Did you know what he was talking about?

18 A. No, sir, not really. Not at the time.

19 Q. Okay. Did it seem kind of odd to you?

20 A. Yes, sir.

21 Q. Where did you run?

22 A. I ran around the back of the house and jumped the
23 fence and ran down the back alley.

24 Q. What's the back alley?

25 A. It's behind, basically an alley behind the house.

1 Q. Where does that alley lead to?

2 A. It leads to the end of the road where you run
3 into Pearson Street.

4 Q. Okay. And then where did you run to?

5 A. I ran to the end of the road and then I started
6 walking towards the Church of God. But then I turned
7 around and started walking back the other way towards
8 the police station.

9 Q. Okay. Now, I have a picture to show you. Were
10 you in here when Officer Bledsoe testified?

11 A. Yes, sir.

12 Q. And you saw that picture I had on the board?

13 A. Yes, sir.

14 Q. Showing the streets?

15 A. Yes, sir.

16 Q. And showing the Church of God up there in the
17 corner?

18 A. Yes, sir.

19 Q. And a big parking lot, right?

20 A. Yes, sir.

21 Q. And you ran to that, in that area?

22 A. Yes, sir. I didn't get all the way to the Church
23 of God, but close to it. Like almost to, right at
24 Buncombe Street and then I turned around.

25 Q. Okay. And did you see the Tahoe again?

1 A. Yes, sir. It passed me as I was coming back the
2 other way, walking towards the police station.

3 Q. Passed you. And what street was it on?

4 A. It was on Pearson. Going down Pearson.

5 Q. So if you had been up at the house when the
6 shooting happened, he would have driven down Woodruff
7 Street and taken a left on Pearson?

8 A. Yes, sir.

9 Q. And how was he driving?

10 A. Regular driving.

11 Q. Okay. And did you -- did he see you?

12 A. No, sir.

13 Q. Did you do anything?

14 A. No, sir.

15 Q. Okay. And then where did you go?

16 A. And then I walked. As I was walking or whatever,
17 I called Brittney Pearson to come back and pick me up.
18 And as I got close to Woodruff Street, she was pulling
19 up to pick me up.

20 Q. Now you heard her testify, right?

21 A. Yes, sir.

22 Q. Do you remember her being parked in front of the
23 Tahoe when the Tahoe came up?

24 A. Yes, sir, because she was waiting on me.

25 Q. Okay. And you didn't have time to get to her?

1 A. No, sir. My first reaction was to get away as
2 fast as possible.

3 Q. Okay. And we found State's 38. You ran up to
4 this area? (Indicating.)

5 A. Like a little bit past Buncombe Street, like
6 right there. (Indicating.)

7 Q. All right.

8 A. And turned around.

9 Q. So you had -- there's some back alley here and
10 you got here and you turned this way? (Indicating.)

11 A. Yes, sir, coming back down.

12 Q. When you were running did you hear any other
13 shots?

14 A. Yes, sir, I heard like three.

15 Q. You mean in addition to the first one?

16 A. Yes, sir.

17 Q. Okay. Did you go back to Woodruff Street after
18 you got picked up by Brittney?

19 A. Way later because I had to go get her mother from
20 work, so I had to take her and then go get her mother
21 from work and then I came back to Woodruff Street.

22 Q. Okay. How many people were on the porch?

23 A. If I can remember correctly, it was four.

24 Q. And who were those people?

25 A. Me, Tavis Jeter, Marcus and Terrence.

1 Q. Okay. Where were you?

2 A. I was like a little past the Dish ---

3 Q. Hold on. Watch yourself. Push the red button.

4 A. I was a little bit past the Dish. Probably like
5 right here. (Indicating.)

6 THE COURT: All right. You're gonna have to use
7 the microphone when you respond to the question.

8 THE WITNESS: I was a little bit past the ditch,
9 like right there. (Indicating.)

10 BY MR. BULSA:

11 Q. So you weren't actually on the porch?

12 A. No, sir, not at the time of the incident.

13 Q. All right. Do you remember where Jermaine was?

14 A. He was on the stoop right here. (Indicating.)

15 Q. Okay. All right. And were the other men up on
16 the porch?

17 A. Yes, sir.

18 Q. And you heard the one shot and you took off
19 running to that side of the house?

20 A. Yes, sir.

21 Q. Okay. Did anybody else on that porch have a gun?

22 A. No, sir, not that I know of.

23 Q. Before Marcus came up, what was the atmosphere
24 like at the house?

25 A. We were just -- a normal day. That's my cousin,

1 so I go hang out with him every now and then.

2 Q. Who's your cousin?

3 A. Tavis Jeter.

4 Q. Tavis Jeter's your cousin?

5 A. Yes, sir.

6 Q. Okay. Anybody at that house have any problem
7 with Jermaine?

8 A. No, sir.

9 Q. Had Jermaine been there visiting before?

10 A. Yes, sir.

11 Q. Would you see him there on occasion?

12 A. Yes, sir.

13 Q. Have you seen Jermaine since?

14 A. No, sir.

15 Q. All right, thank you. That's all I have. Answer
16 any questions Ms. Anderson asks.

17 CROSS-EXAMINATION

18 BY MS. ANDERSON:

19 Q. Mr. Goggins?

20 A. Yes, ma'am.

21 Q. Now, where were you living at the time of this
22 incident?

23 A. Peach Tree Street.

24 Q. And that's?

25 A. In Woodruff.

1 Q. Okay. Why did you move?

2 A. I had moved. Basically my stepson went to
3 college, so I moved closer to him basically.

4 Q. Okay. Was this with -- who's, who is your
5 girlfriend?

6 A. Christine Pearson.

7 Q. Okay. Does she live with you?

8 A. Yes, sir -- I mean, yes, ma'am.

9 Q. That's okay. You knew Marcus pretty well, didn't
10 you?

11 A. Yes, ma'am.

12 Q. And do you know where he was working at the time
13 of this incident?

14 A. No, ma'am.

15 Q. You didn't know where he was working?

16 A. No, ma'am.

17 Q. So did you go over to Marcus's house earlier that
18 day?

19 A. No, ma'am.

20 Q. You didn't go over there?

21 A. No, ma'am.

22 Q. Do you remember contacting Marcus after the
23 shooting?

24 A. No, ma'am.

25 Q. Okay. So I guess you're gonna deny that you're

1 the one who shot him, Jermaine?

2 A. I don't own a gun and I didn't own a gun, so I
3 didn't shoot anyone.

4 Q. Okay. Was there bad blood between you and
5 Jermaine?

6 A. No, ma'am.

7 Q. Okay.

8 MS. ANDERSON: Excuse me, Your Honor.

9 BY MS. ANDERSON:

10 Q. Okay. Mr. Goggins?

11 A. Yes, ma'am.

12 Q. Is it Coggins or Goggins?

13 A. Goggins.

14 Q. With a C?

15 A. With a G.

16 Q. With a G, okay. I believe you were convicted of
17 criminal domestic violence.

18 A. I mean that was dropped. I got my money back for
19 paying the bond and everything.

20 Q. But in 2008 your rap sheet says you were
21 convicted.

22 A. No, ma'am.

23 Q. Okay.

24 A. No, ma'am.

25 Q. On 6/24/08?

- 1 A. No, ma'am.
- 2 Q. All right. How about receiving stolen goods?
- 3 A. Yes, ma'am.
- 4 Q. You were convicted on 6/8/2010?
- 5 A. Yes, ma'am.
- 6 Q. Okay. How about manufacturing crack?
- 7 A. Yes, ma'am.
- 8 Q. And that was in 2012?
- 9 A. Yes, ma'am.
- 10 Q. Okay. So you have been exposed to criminal
- 11 activity.
- 12 A. Yes, ma'am.
- 13 Q. And participated in it.
- 14 A. Yes, ma'am.
- 15 Q. Did you -- didn't you used to have dreads?
- 16 A. No. Well, like a long time ago, a long time ago.
- 17 Q. Like a year ago?
- 18 A. No, ma'am. Further like four or five years ago
- 19 maybe.
- 20 Q. All right. So you took off running?
- 21 A. Yes, ma'am.
- 22 Q. After supposedly Marcus Todd shot --
- 23 A. Yes, ma'am.
- 24 Q. -- Jermaine?
- 25 A. I didn't say he shot him. I said there was a

1 shot that went off and I took off.

2 Q. Okay. So you're not saying that Marcus shot him?

3 A. I'm not. I don't know where the bullet went to
4 or anything. I'm saying I heard a shot and I took off.

5 Q. Okay. Do you know where the Happy Place is under
6 the bridge going to Simpsonville?

7 A. No, ma'am.

8 Q. You've never been there fishing with Marcus?

9 A. No, ma'am.

10 Q. And you would also be denying that you moved
11 Marcus's car?

12 A. Yes, ma'am, I would be denying that because I
13 didn't do that.

14 Q. Okay. All right. Those are all the questions I
15 have.

16 REDIRECT EXAMINATION

17 BY MR. BULSA:

18 Q. What kind of car was he driving?

19 A. A black Tahoe.

20 Q. Had you seen him in that car before?

21 A. Yes, sir.

22 Q. How long had he had it?

23 A. I'm not really sure.

24 Q. Do you know whose it was?

25 A. No, sir.

1 Q. Now, Ms. Anderson asked you about some criminal
2 charges. You served your time for those?

3 A. Yes, sir. I had probation for the, for the drug
4 charge.

5 Q. Right. Doesn't mean you're not telling the
6 truth, does it?

7 A. No, sir.

8 Q. Okay. How many guns did you see out there?

9 A. I didn't see but that one.

10 Q. And it was in whose hand?

11 A. Marcus and Jermaine were fighting over it at the
12 time.

13 Q. But who produced it?

14 A. Marcus.

15 Q. Okay. And while they were fighting over it, you
16 said you heard a shot?

17 A. And I took off.

18 Q. Okay. So you don't -- you didn't see Jermaine
19 get shot or fall or ---

20 A. I didn't see any of that.

21 Q. So you were gone by the time Marcus was stuffing
22 him in the car?

23 A. Yes, sir.

24 Q. Did you ever help try to find Jermaine's body?

25 A. Yes, sir.

1 Q. How? Where did you help look?

2 A. I helped with his family numerous times.

3 Q. Okay. Thank you, sir, that's all I have.

4 (Witness leaves witness stand.)

5 MR. BULSA: We'd ask that he be excused.

6 THE COURT: He may be.

7 (Witness leaves courtroom and Brittney Pearson
8 leaves courtroom.)

9 MR. BULSA: The State calls Sean Nix.

10 (Witness comes forward.)

11 THE CLERK: Do you solemnly swear the testimony
12 you're about to give will be the truth, the whole truth
13 and nothing but the truth so help you God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Thank you. Have a seat here, please.

16 MICHAEL SEAN NIX,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BULSA:

20 Q. Officer Nix, introduce yourself to the jury, if
21 you would, please.

22 A. Michael Sean Nix, Spartanburg County Sheriff's
23 Department.

24 Q. And what is your job at the sheriff's office?

25 A. Crime scene investigator.

1 Q. How long have you been doing that?

2 A. I've been doing that since 2006, so it'll be
3 11 years this coming November.

4 Q. Okay. And you respond to crime scenes and help
5 process them?

6 A. Yes, sir.

7 Q. What does that mean?

8 A. It means we go out and document and collect
9 evidence at the scenes.

10 Q. And do you know specifically what you're looking
11 for?

12 A. I'm sorry?

13 Q. Do you know specifically what you're looking for?

14 A. Sometimes if we're advised on what happened from
15 what people tell us.

16 Q. In this case you were called to help with the
17 Woodruff Police Department; is that right?

18 A. Yes, sir.

19 Q. Were you given a synopsis of what had occurred?

20 A. Yes, sir.

21 Q. Okay. So what were you looking for at this
22 location?

23 A. Based on what I was told, we -- I was looking for
24 fired cartridge cases. I was told there was some blood
25 on the scene and also a fired bullet.

1 Q. And Woodruff officers had already been on the
2 scene and identified certain items?

3 A. They had already been on scene and they placed
4 something down beside some of the items they had found:

5 Q. Okay. And you replaced those items with a
6 placard with numbers?

7 A. Yes, sir.

8 Q. All right. Was the scene already taped off like
9 we see in the picture?

10 A. Yes, sir.

11 Q. All right. And that's to preserve people from
12 going over and messing things up?

13 A. Yes, sir.

14 Q. Did you prepare a diagram of the scene to mark
15 the location of items you recovered?

16 A. Yes, sir.

17 Q. Show you State's 5 and 6. Is that your document?

18 A. Yes, sir.

19 Q. All right. Is this to scale?

20 A. It is not scale.

21 Q. All right. Showing State's 5, it's a simple
22 diagram of a house with numbers.

23 A. Correct.

24 Q. We start off with A and B, what do those mean up
25 there?

1 A. A and B are points to use to measure items using
2 a ledger.

3 Q. Okay. So those aren't items that you collect?

4 A. A and B no.

5 Q. Okay. The numbers all reference items that you
6 collected?

7 A. Correct, sir.

8 Q. And here's the ledger that goes with it.

9 A. Yes, sir.

10 Q. Okay. So from this ledger we see 1, 2, 3, 4
11 fired cartridge cases?

12 A. Correct sir.

13 Q. Items 2, 3, 5 and 7?

14 A. Yes, sir.

15 Q. And you actually found a fired bullet, Item 8.

16 A. Woodruff had located but, yes, I collected it.

17 Q. You collected it, okay. And then you have 11
18 swabs identified. Items 1, 4, 6 and 9?

19 A. Yes, sir.

20 Q. What is that supposed to mean, blood swabs?

21 A. Swabs are how we collect blood that's left at the
22 scene.

23 Q. Okay. You didn't take the whole blood, you just
24 swabbed it?

25 A. No, we just swabbed it.

1 Q. And what did you do with the swab?

2 A. After we take the swabs and place them into
3 carton containers which are then packaged up and have
4 some lab see them. Depending on what is needed in the
5 investigation, they'll get sent off to get testing.

6 Q. Do you do something to preserve them?

7 A. No. Just put them in the card and envelopes.
8 And as long as they don't have any moisture and stuff
9 they should be okay.

10 Q. How about sealing them?

11 A. Oh, yes, we seal the evidence bags, sorry.

12 Q. Why do you seal them?

13 A. Because it's evidence.

14 Q. Okay. Does that prevent tampering?

15 A. Yes, sir.

16 Q. Or at least identify tampering if it was found?

17 A. That is correct, sir.

18 Q. All right. So you would have put the sealed --
19 you would have turned the sealed packaging into the
20 sheriff's office as evidence?

21 A. Or in the case of agency assist, turn it back
22 over to the agency that had me assist it depending on
23 what's needed.

24 Q. So you're the one that collected it and you're
25 the one that sealed it and that would have been given to

1 the appropriate agency?

2 A. Yes, and turned into evidence.

3 Q. All right. Now, same thing with the cartridge
4 cases?

5 A. Yes, sir, same thing.

6 Q. All right. So we have you arrive at the scene,
7 it's taped like this. (Indicating.) We've seen a few
8 other views, State's 9 has a different view. What's the
9 purpose of that view?

10 A. I wanted to show the front yard as best as I
11 could from the right-hand side of the house to the
12 left-hand side of the house. I wanted to show where the
13 satellite dish was, and just sort of give a general view
14 looking back up toward Woodruff Street.

15 Q. Okay. We've seen the view from the other way
16 from the road. Seven is a frontal view of the house.
17 That's sort of like the diagram, right?

18 A. Yes, sir.

19 Q. Okay. So now I move to State's Number 10, a
20 bunch of little yellow things. Describe what that is to
21 the jury.

22 A. Those are numbered placards and they are placed
23 down beside items of evidence.

24 Q. All right. So those numbers correspond to your
25 diagram, right?

1 A. Yes, sir.

2 Q. We have a couple of different views. State's 11;
3 is that right?

4 A. Yes, sir.

5 Q. I see a couple of items there on the sidewalk.

6 A. Yes, sir.

7 Q. Items three and five?

8 A. Yes, sir.

9 Q. Are what?

10 A. Items 3 and 5 are both Winchester 9 millimeter
11 fired cartridge cases.

12 Q. Okay. All right. So we have at least one on the
13 other side of the fence, right?

14 A. Yes, sir, number seven.

15 Q. And we went over cartridge cases get ejected from
16 automatic weapons, right?

17 A. That's correct, sir.

18 Q. Here's State's 12, different view. All the items
19 recovered on the front yard?

20 A. All the items were recovered either -- excuse me.
21 All the items were recovered either in the front yard,
22 on the sidewalk in front of the house, or in the case of
23 Item Number 1, in the roadway, but still in front of the
24 property.

25 Q. I have this one mixed up. Let me start -- I'm

1 gonna start going down the placards, but first 24 is the
2 blood. That's State's 24, you actually marked it number
3 one?

4 A. Yes, sir.

5 Q. Then number two, shell casing?

6 A. Yes, sir.

7 Q. State's Number 14, State's 15, Item 3, another
8 shell casing?

9 A. Yes, sir.

10 Q. State's 16, Item 4 is what?

11 A. Item 4 would be droplets of blood on the paving
12 stones of the walkway leading up to the front of the
13 house.

14 Q. Okay. State's 17, Item 5?

15 A. That would be a cartridge case.

16 Q. That's the one outside the fence?

17 A. That's correct, sir.

18 Q. State's 18, Item Number 6, what is that?

19 A. Hard to tell, but there's supposed to be some
20 blood in that picture.

21 MR. BULSA: Will you dim the lights for me,
22 please.

23 BY MR. BULSA:

24 Q. Okay. Can you see it now, sir?

25 A. Can I step down?

1 Q. Yes, sir.

2 (Witness leaves witness stand.)

3 A. It's still kind of hard for me to see, but I
4 believe I need to refer you to this here or perhaps
5 maybe that right there. (Indicating.)

6 Q. Do you need to see the picture closer?

7 A. There's also some up there as well.
8 (Indicating.)

9 Q. That's in the yard, right?

10 A. Yes, sir.

11 Q. State's 7, another shell casing?

12 A. Yes, sir.

13 Q. State's 8, what?

14 A. That would be the fired bullet.

15 Q. Okay. Do you see some red substance over to the
16 left?

17 A. Yes, sir.

18 Q. Okay. Would that be blood also?

19 A. Yes, sir, I believe it is.

20 Q. State's 9 -- State's 21, Item 9?

21 A. That's blood, yes, sir, from what I view of it.

22 Q. All right. Now I have State's Exhibit Number 12.
23 That's not a placard, but what were you trying to
24 capture in that picture?

25 A. What I was trying to capture was there was areas

1 of disturbance in the sandy part of this front yard.

2 And I was advised originally by the Woodruff police
3 officers that there had been -- that the victim had been
4 taken back to a vehicle, I was trying to capture photos
5 that may have shown the disturbance.

6 Q. Okay. Can you point out what you were trying to
7 capture?

8 A. Scuff marks on the ground through this area, just
9 showing that there's a disturbance.

10 Q. Okay. And State's 23, what are you trying to
11 show?

12 A. Trying to show more disturbance in the dirt on
13 the side of the roadway.

14 Q. All right. Can you point it out?

15 A. It's a little bit difficult to see but it's --
16 basically I'm just trying to show that there's kind of
17 like a diagonal drag through the dirt.

18 Q. Okay. All right, you can have a seat.

19 (Witness resumes witness stand.)

20 Q. Mr. Nix, this is in Spartanburg County, isn't it?

21 A. It is.

22 Q. So that's why you got called, right?

23 A. Yes, sir.

24 Q. But it was in the Woodruff city limits?

25 A. It was in Woodruff City limits, yes, sir.

1 Q. Do y'all assist each other often?

2 A. Yes, very often we assist the small towns in
3 Spartanburg County.

4 Q. Okay. Any other evidence of other firearms?

5 A. Not that I know of, no, sir.

6 Q. Some of the casings that you recovered were they
7 all in the same caliber?

8 A. Yes, sir.

9 Q. Okay.

10 A. And also the same make.

11 Q. What do you mean by that?

12 A. They were all Winchester brands.

13 Q. Okay. So you collected everything and took blood
14 swabs and you would have turned that over to the
15 investigators to do with what they determined best,
16 right?

17 A. That is correct, sir.

18 Q. All right, thank you. That's all I have. Answer
19 any questions Ms. Anderson has.

20 CROSS-EXAMINATION

21 BY MS. ANDERSON:

22 Q. Do you have the diagram up there where the
23 bullets were found and the swabs?

24 A. This one, ma'am?

25 Q. Yes.

1 A. Yes.

2 Q. Okay. Can you explain where the shooting took
3 place because you've got the one bullet kind of in
4 isolation and then some more over near the ditch. So
5 can you envision what the scenario would be of people
6 tussling and shooting and whatever with the way the
7 casings were found?

8 A. The only thing I can say to you based on the
9 evidence I collected is that some type of shooting took
10 place in the front yard.

11 Q. And you can't tell if it was two people, three
12 people or --

13 A. No, ma'am.

14 Q. -- or where the person was standing when he got
15 shot?

16 A. Not exactly where they're standing, no, ma'am.

17 Q. But is that an unusual display of spent casings?

18 A. No.

19 Q. So they'll fly anywhere?

20 A. It depends on how the gun is made, but they will
21 eject from an automatic weapon or a semi-automatic
22 weapon, yes, ma'am.

23 Q. Okay. And they can go a little ways, because
24 these just seem to be not in any particular pattern or
25 near anything because they were all over the yard.

1 A. When they eject, they eject wherever they go.
2 Sometimes they hit things and roll further.

3 Q. If one of those would hit a person, would it be a
4 gunshot wound?

5 A. A cartridge casing, ma'am?

6 Q. Yes.

7 A. No, a cartridge casing wouldn't make a gunshot
8 wound.

9 Q. Okay. All right. Do you know what type of gun
10 that you -- that this type of bullet would come from?

11 A. I can only tell you that the weapon fired may be
12 a 9 millimeter because 9 millimeter cartridge casings
13 were found.

14 Q. Okay. And that's an automatic weapon?

15 A. It's a semiautomatic weapon.

16 Q. Semiautomatic, okay.

17 A. Yes, ma'am.

18 Q. Okay. All right. But that was -- was that your
19 total involvement for this case?

20 A. With the exception of assisting the State Law
21 Enforcement Division much later, yes, ma'am.

22 Q. What did you assist them on much later?

23 A. They came out and did a search warrant on the
24 black Tahoe again -- excuse me, let me reference it for
25 you -- on June 19th of this year, and they served a

1 search warrant, they were looking for some items.

2 Q. In June?

3 A. Yes, ma'am.

4 Q. Of this year?

5 A. Yes, ma'am.

6 MS. ANDERSON: Excuse me, Your Honor.

7 BY MS. ANDERSON:

8 Q. Could you tell us what you were searching for?

9 A. I can only tell you that the items that I had
10 helped SLED collect in my role as assisting them, which
11 was soil samples from the rear wheel wells of the black
12 SUV.

13 Q. Uh-huh.

14 A. And as far as what the State Law Enforcement,
15 Division was searching for, I couldn't advise you on
16 that.

17 Q. So that was SLED? This was SLED?

18 A. I was assisting the State Law Enforcement
19 Division officers, yes, ma'am.

20 Q. Okay. All right. And basically y'all were
21 searching for dirt samples?

22 A. That was one of the things -- that was the only
23 thing that I helped collect.

24 Q. Do you know what else they collected, though?

25 A. I want to say they collected some cellphones. I

1 may have it here in my report, if you'll just give me a
2 second. I have it down as cellphones and a hand saw
3 that they collected directly themselves.

4 Q. And then you did the dirt samples?

5 A. Yes, ma'am.

6 Q. Did you determine where the dirt was from?

7 A. No, ma'am. All I did was take the dirt samples
8 from the location that I recently described to you.

9 Q. Uh-huh.

10 A. Put them in a little container. And then I
11 turned them directly over to SLED. They signed a, I
12 want to say, they signed a property sheet.

13 Q. Uh-huh.

14 A. And then what they did with them, I don't know.

15 Q. Okay. But where was the car when you did this?

16 A. It was at the county shop at 290 Broadcast Drive.

17 Q. Okay. That's all, thank you.

18 REDIRECT EXAMINATION

19 BY MR. BULSA:

20 Q. Was that search in June under the premiss of
21 trying to locate a body?

22 A. Yes, sir. SLED just; if I remember correctly,
23 they'd been wanting to take soil samples to see if they
24 could try to find the location of the victim's body.

25 Q. Identify other areas where the truck might have

1 been?

2 A. Yes. Yes, sir.

3 MR. BULSA: Okay. Thank you, that's all I have.
4 We ask that Mr. Nix be excused.

5 THE COURT: He may be.

6 (Witness leaves witness stand and the courtroom.)

7 MR. BULSA: The State calls Gerald Crowe.

8 (Witness comes forward.)

9 THE CLERK: If you'll place your left on the
10 Bible and raise your right, please. (Complies.)

11 Do you solemnly swear that the testimony you're
12 about to give will be the truth, the whole truth and
13 nothing but the truth so help you God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Have a seat.

16 GERALD T. CROWE,
17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BULSA:

20 Q. Good afternoon, Mr. Crowe, please introduce
21 yourself to the jury.

22 A. Gerald T. Crowe.

23 Q. And where do you live, sir?

24 A. I live in Enoree.

25 Q. Okay. And are you employed?

1 A. Yes, sir.

2 Q. What do you do?

3 A. I drive a truck for a living.

4 Q. Okay. And you had to take a couple days off for
5 this case, right?

6 A. Yes, sir.

7 Q. All right. What's your connection to this case?

8 A. The connection to the case is went into a search
9 with a family member by marriage which was Meredith,
10 which would be a cousin by marriage.

11 Q. Meredith Dale?

12 A. Yes, sir.

13 Q. Meredith Dale is, what connection is she to
14 Jermaine?

15 A. That was her fiancée.

16 Q. Okay. And Meredith asked your help to search?

17 A. I just volunteered.

18 Q. You volunteered, okay. Because you knew she was
19 looking for, for Jermaine?

20 A. Yes, sir.

21 Q. Okay. And what information, if anything, did you
22 have?

23 A. I just had heard through news that it actually
24 happened on Monday while I was at work around, you know,
25 say 1 or 2 o'clock in the afternoon.

1 Q. And what prompted you to -- well, let me ask you,
2 did you go to a location on Drummond Road?

3 A. Yes, I did.

4 Q. What prompted you to go there?

5 A. Through the power of the Holy Spirit.

6 Q. Please tell us what you mean.

7 A. Okay. Through prayer, I had actually went to
8 Drummond Road.

9 Q. All right. Give us a little more explanation.

10 A. Okay.

11 Q. Okay.

12 A. On Tuesday I hadn't read anything at all. Hadn't
13 heard anything except for what I said as far as the --
14 what I'd heard had happened in Woodruff on, like I said,
15 Monday. My wife had called me on the phone and told me
16 that -- well, had actually told me who it was.

17 So I hung up the phone with her, and through
18 prayer I just said, Lord, I said, help me -- or actually
19 I said be with both parties, both Marcus and Jermaine.
20 Be with the search party, and if there's anything I can
21 do to help, just let me know. I didn't even get to say
22 Amen and Drummond Road popped across my windshield.

23 Q. Now, did you know Jermaine?

24 A. I did not.

25 Q. Did you know Marcus?

1 A. No, sir.

2 Q. Were you familiar with Drummond Road?

3 A. Yes, I'm very familiar with Drummond Road.

4 Q. How so?

5 A. I grew up on the corner of Drummond Road and
6 Waddell.

7 Q. And where exactly is Drummond Road?

8 A. So if you've got Waddell here and Drummond's
9 right here. And I grew up right on the corner there.

10 Q. Is that near the city limits of Woodruff?

11 A. No. It's about eight miles from the city limits.

12 Q. Okay. Going back in which direction?

13 A. Going back -- let's see, Woodruff or Drummond
14 Street -- or Drummond Road is here, Woodruff is
15 probably, like I said, eight miles probably southeast
16 from Drummond Road. (Indicating.)

17 Q. Is that a rural area?

18 A. Yes.

19 Q. Okay. So when you got this premonition, what did
20 you do?

21 A. I just, you know like I said, didn't even say
22 Amen and there was Drummond Road popping across my
23 windshield. And my sister and her husband were actually
24 in Virginia, but she called me on the phone and she says
25 you heard about what happened yesterday? I was like, I

1 did. She said, somebody said something about Drummond
2 Road. I literally dropped the phone. I said I'll call
3 you back.

4 So I'm sitting here to try to drive a
5 ten-wheeler, Drummond Road. Lord, if there's anything I
6 can do to help, you showed me Drummond Road, I need
7 another sign. Drummond Road and red gate.

8 Q. And what did you do with that?

9 A. I took Drummond Road and red gate, put the two
10 together. There's only one Drummond Road in Spartanburg
11 County and there's only, there's only one red gate on
12 Drummond Road. Put the two together. This was on
13 Tuesday. Tuesday afternoon on my way home from work I
14 went down Drummond Road. I couldn't find the red gate.

15 Wednesday morning, early in the morning I was
16 driving to work. Of course it's dark. Drummond Road I
17 couldn't see the red gate. Wednesday evening going home
18 from work, I go out and was just walking the property of
19 Drummond Road, which Drummond Road there's a divider and
20 it's a pretty good sized road.

21 But in this particular place where I said where
22 the red gate was, I was in the right area, but I just
23 couldn't find that red gate, couldn't find it. So, like
24 I said, that was Wednesday evening. I walked around, I
25 couldn't find the red gate so I went home.

1 Thursday morning did the same thing coming to
2 work, couldn't find it because it was dark. On Thursday
3 afternoon, which was the 26th of May, coming home went
4 down Drummond Road, and from where the red gate is, like
5 the Drummond Road red gate, I had been walking that
6 property just trying to find the red gate or trying to
7 find the vehicle or just trying to find some information
8 or trying to find something.

9 I got home after I had walked and, like I said, I
10 drove back home. I got my laptop out and just happened
11 to look and see that Jermaine had a black Durag on. And
12 in my walk, I know it sounds kind of funny, but in my
13 walk I found something that looked like a Durag. A
14 Durag is made normally of a hair cover.

15 So I got on the phone with Meredith's mother and
16 I said does he wear a black Durag at times? He did. I
17 said, well I'm in Enoree. I'll be back to Drummond Road
18 in about 15 minutes. So I drove from Enoree to Drummond
19 Road. And this is, like I said, Thursday afternoon,
20 Thursday evening, and went to that spot.

21 Well, actually what we did first, there was
22 myself, Donna, which is Meredith's mother, it was
23 Meredith, Meredith's sister, Jermaine's mother, we all
24 -- and there was another lady there, I can't remember
25 what her name was. But we got together and had a word

1 of prayer at the end of Drummond Road, at the corner of
2 Drummond Road and Waddell we had a word of prayer.
3 Lord, please bring closure for this family.

4 We went from that spot there to where the Durag
5 was, where what we thought was a Durag, it was a pair of
6 pants. So we go, when I say we, we separated. So you
7 go this way and look, go this way and look, I'll go this
8 way and we'll look and we'll meet in the middle. And I
9 said, you know, make some kind of a noise or something
10 and we'll come back together.

11 I left from there, walk up the street and I said.
12 I just asked the Lord. I said, Lord, you showed me
13 Drummond Road. You showed me a red gate, and I'll need
14 to put the two together. When I come out of the woods,
15 I say turn right, walked up the hill. As I'm walking up
16 the hill I turn and just look and there's the red gate.
17 And I said, Lord.

18 Q.. What did you do?

19 A. So instead of opening the gate with my hands,
20 there's a tree, so I just took my arms and went around
21 that tree and bear hugged that tree. Went around that
22 gate.

23 And like I said, you know, being familiar with
24 Drummond Road and Waddell Road, I actually grew up at
25 the corner there. Getting back to the red gate, back

1 years ago I used to go up there and play and just -- so
2 I knew that it goes straight and it goes from straight
3 to a 45 degree hill.

4 So as I'm behind that red gate, around that tree
5 I'm looking towards the ground. And when I get to where
6 it goes from straight to 45, I start seeing branches
7 that are cut. And I'm looking at the ground as I'm
8 looking at these branches that are cut. And the only
9 thing I had heard was a black Tahoe with a dealer tag.
10 So there is a, as I'm walking from here to the
11 projector, no joke, you go from looking down to looking
12 up, and the only thing you can see is the taillight and
13 the 45-day tag and a taillight.

14 Q. And what did you do?

15 A. I screamed out loud. And when I screamed out
16 loud, I don't know what it was, hallelujah or Amen or
17 what it was, my phone started ringing. So we go from
18 that point there to the middle of the road. But before
19 I -- when I got to that gate I was so excited I just
20 took my hands and opened that gate and come walking out.
21 I don't believe I called 9-1-1. My phone, like I said,
22 was going crazy. I mean, there was cars coming from
23 every direction.

24 Q. Did you get any closer to the Tahoe?

25 A. The closest I got was from here to the projector.

1 I didn't want to go up to it and touch it and
2 contaminate it. I just ---

3 Q. I'll show you some photographs, okay? I'm
4 showing you State's 25 through 30. While that's warming
5 up, can you look at those and see if that's the area
6 which you just described.

7 A. That was it. That's where the opening is.

8 Q. Just look at them and then we'll do it, okay?

9 A. Yes, sir.

10 Q. State's 25, is that Drummond Road we're looking
11 at?

12 A. Yes, sir.

13 Q. Were all those cars there when you found the red
14 gate?

15 A. No, sir.

16 Q. They all came in response ---

17 A. They were all coming in response.

18 Q. Okay. Let's show this. That's a rural road not
19 even lined, is it?

20 A. No, sir.

21 Q. Okay.

22 A. It's barely a, it's barely a two-lane road that
23 you can just, I mean, barely pass.

24 Q. State's 26, what do we see there?

25 A. That's the opening of the red gate.

1 Q. Right there? (Indicating.)

2 A. Yes, sir."

3 Q. State's 27?

4 A. And that's the gate that's open.

5 Q. Okay. Now, was it closed this way?

6 (Indicating.)

7 A. Yes, sir, it sure was.

8 Q. All right. And was the roadway visible from the
9 road at that time?

10 A. No, sir.

11 Q. Okay.

12 A. I mean, if you didn't know it was there, you
13 never would have known.

14 Q. Okay. State's 28, a closer view.

15 A. Yes, sir.

16 Q. That shows how the vegetation was grown up?

17 A. Uh-huh. And to the left there's the tree that
18 actually, it hugged to go around to get to the backside
19 of the gate.

20 Q. 29. Is that the path you would have taken?

21 A. Yes, sir.

22 Q. And State's 30, what does that show us?

23 A. It shows us the black Tahoe, the taillight or the
24 tag and the tailgate. (Indicating.)

25 Q. You can see the trees have been pushed down, cut.

1 (Indicating.)

2 A. (Witness nods head up and down.)

3 Q. And did you remain while the police arrived and
4 responded?

5 A. I did stay there.

6 Q. Okay.

7 A. And even part of the family and people that were
8 coming up, I held them back. That way it would not be
9 contaminated until the proper authorities got there to
10 do their work.

11 Q. Okay. Do you remember watching a video of when
12 they were preparing for court?

13 A. Yes, sir.

14 Q. And it was the deputy's body camera?

15 A. Yes, sir.

16 Q. You were actually on that video, right?

17 A. Yes, sir.

18 Q. Okay. I'll show it to the officer.

19 A. Sure.

20 Q. How were you dressed that day?

21 A. That day I had on a pair of blue jeans and a
22 white wife beater t-shirt. I had my hat on, bald head
23 catches on my head.

24 MR. BULSA: Answer any questions Ms. Anderson
25 has.

1 CROSS-EXAMINATION

2 BY MS. ANDERSON:

3 Q. I want to thank you also for coming because I
4 also subpoenaed you here today. But basically you're
5 saying that through prayer God helped you find the
6 Tahoe?

7 A. Yes, ma'am.

8 Q. And you did it within what, three days?
9 Four days?

10 A. It was actually on the 23rd is when the shooting
11 actually happened. And around 6:15, 6:30 on the 26th,
12 which was on a Thursday, is when the Tahoe was
13 discovered.

14 Q. Well, thank you for doing that. I'm sorry
15 that -- I'm sorry you had to come yesterday and wait and
16 then again today.

17 A. That's okay. I wouldn't have missed it for the
18 world.

19 Q. I appreciate you coming very much. Thank you.
20 Those are all the questions.

21 THE COURT: You may step down.

22 (Witness leaves witness stand.)

23 We'll take a short break. I'll ask the jury to
24 please go to your jury room. Don't discuss the case.
25 I'll bring you back after the break.

1 (Jury leaves the courtroom at 3:44 p.m.)

2 THE COURT: We'll be at ease for 15 minutes.

3 (A recess was had from 3:47 p.m. - 4:09 p.m.)

4 THE COURT: I don't know if anybody missed the
5 instructions, but understand this and let it be clear,
6 there are no exceptions. There are to be no cellphones
7 in this courtroom. I don't care if they're on, off, I
8 don't care if they're disabled. I don't care if they're
9 broken. No cellphones in the courtroom. If anybody did
10 not hear my announcement, please raise your hand or if
11 you don't understand it, please raise your hand.

12 (No response.)

13 THE COURT: Okay. Are we ready for the jury now?

14 MS. ANDERSON: Yes, sir.

15 THE COURT: Bring them in.

16 And if anybody has one, I suggest you give it to
17 that officer at that back door and leave the courtroom
18 because if I find out later you had one and it hasn't
19 been disclosed, you won't like the results.

20 (Jury enters the courtroom at 4:09 p.m.)

21 THE COURT: All right. Ms. Moricle, you may
22 proceed.

23 MS. MORICLE: Thank you, Your Honor. The State
24 calls Steve Henderson.

25 (Witness comes forward.)

1 THE CLERK: Do you solemnly swear that the
2 testimony you're about to give will be the truth, the
3 whole truth and nothing but the truth so help you God?

4 THE WITNESS: Yes, ma'am.

5 STEVE HENDERSON,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MORICLE:

9 Q. Good afternoon, Mr. Henderson. Would you state
10 your name for the record.

11 A. Steve Henderson.

12 Q. Could you please tell the jury where you're
13 employed.

14 A. Spartanburg County Sheriff's Office.

15 Q. How long have you been there?

16 A. Sixteen years.

17 Q. And what do you do there?

18 A. Currently I'm a sergeant for the county.

19 Q. And what does that mean?

20 A. I oversee the entire K-9 unit for the sheriff's
21 office, to include their training, their certifications,
22 and I still work for both, so...

23 Q. Okay. And were you on call last May of 2016?

24 A. Yes, ma'am, I was working.

25 Q. Okay. Do you remember what date this was?

1 A. The actual date, no, I don't.

2 Q. Okay. Do you remember coming out to Drummond
3 Road?

4 A. Yes.

5 Q. What was the call?

6 A. I believe the call center had gotten a call from,
7 I'm not sure who called, saying that they possibly found
8 the Tahoe that my unit had been assisting looking for
9 that was involved in a shooting in the city of Woodruff.

10 Q. Okay. Would that have been on May 26th of 2016?

11 A. That sounds right.

12 Q. When you arrived on the scene what did you see?

13 A. I was the first officer that pulled up on
14 Drummond. I noticed several people, probably anywhere
15 from 12 to 20 people that were out there. I made
16 contact with who I believe was Mr. Crowe when I first
17 walked out.

18 I got out and exited my vehicle. He was telling
19 me where he had walked, where he'd been. And he was
20 basically saying that he had not touched the gate
21 walking in, but he had touched it walking out. And was
22 telling me, kind of showing me the path and where to go.

23 Obviously because of the nature of the call, I
24 didn't -- I had no reason to have my body cam on at this
25 time. As soon as I began talking to him, I turned it

1 on, which it has a buffer for about 30 seconds, so I
2 don't believe any of my video has me actually talking to
3 him when we were actually walking down and finding the
4 vehicle.

5 Q. Okay. And what did you find when you walked to
6 the end of the road?

7 A. When I walked through the red gate, like you have
8 heard before, it's straight. You can begin to see a lot
9 of what I call push down, which is where you can tell
10 that something has ran over this, something has caused
11 all these small saplings and bushes and leaves and
12 everything to collapse the way they are.

13 You can even see tire tracks. Again, the way you
14 heard it described, there's a 45 or almost like a dog
15 leg that turns on the trail. Once it turns, I seen
16 exactly the photos that you showed earlier, which was
17 the rear of what I believed to be an SUV at the time. I
18 could see the paper tag. And there were lots of trees
19 that you could tell had been placed on top and around,
20 kind of propped up around the vehicle to conceal it from
21 possibly a helicopter.

22 Q. Let me show you what's been marked as State's
23 Exhibit 3. Can you identify this?

24 A. Deputy Henderson, as received as his body one
25 camera.

1 Q. So that would have been the video you wore that
2 day?

3 A. Yes, ma'am.

4 MS. MORICLE: Your Honor, we'd like to enter
5 State's Exhibit 3 into evidence.

6 MS. ANDERSON: No objection.

7 THE COURT: Okay.

8 (State's Exhibit 3 was previously entered.)

9 MS. MORICLE: Your Honor, may I publish to the
10 jury?

11 THE COURT: You may.

12 BY MS. MORICLE:

13 Q. Deputy Henderson, have you already gone through
14 the red gate?

15 A. Yes, ma'am. There'll be about a 30-second delay.
16 Most of this, once this thing is turned on it's
17 constantly recording. Once I hit the record button, it
18 backs up 30 seconds, so there's no audio for 30 seconds
19 until it catches back up live.

20 (Plays video.)

21 Q. At that point did you tap on the vehicle?

22 A. No, ma'am. There was dark tint on that vehicle.
23 I'm actually, as you'll see, I'm putting my flashlight
24 on the tint to try to see if I can see anything inside
25 of the vehicle.

1 Q. Were you able to see in the vehicle?

2 A. I could barely see. Honestly, I'm looking for a
3 body at this point and I'm looking for anything that I
4 could tell the investigators when I get back up there.
5 I couldn't hardly -- I didn't see really anything in
6 there. I do believe seeing, I think, a fishing pole, is
7 about the only thing I can make out.

8 Q. Previously was your arm blocking while you were
9 talking on the radio?

10 A. Yes, ma'am. My radio is located on my left
11 shoulder and I had both my flashlight in my left hand,
12 so I was using my right hand to key up my radio.

13 Q. Did it appear that the vehicle had been
14 concealed?

15 A. Oh, yes, ma'am. There was no doubt that it had
16 been concealed.

17 (Video ends.)

18 Q. You didn't have anyone touch the car because you
19 didn't want it contaminated; is that correct?

20 A. Correct.

21 Q. After you called for forensics what happened?

22 A. I stood by just a few minutes longer, there were
23 more family members and friends that were showing up,
24 just to make sure we weren't gonna have any type of
25 problems out there with the family. Obviously they were

1 excited. They were hoping for some type of closure to
2 this.

3 A few more people showed up. I'm guessing the
4 Woodruff officers showed up. I actually was needed
5 somewhere else with my job with the K-9, and so I had to
6 take off. I was there maybe ten minutes after that.

7 Q. Okay. Were you there when the county got there?

8 A. No, ma'am.

9 MS. MORICLE: I have nothing further for this
10 witness, Your Honor.

11 MS. ANDERSON: I have no questions.

12 THE COURT: You may step down.

13 (Witness leaves the witness stand.)

14 MR. BULSA: The State calls David Hogsed. And
15 we'd ask that Officer Henderson be excused.

16 THE COURT: He may be.

17 (Witness leaves the courtroom.)

18 (Next witness comes forward.)

19 THE CLERK: Do you solemnly swear that the
20 testimony you're about to give will be the truth, the
21 whole truth and nothing but the truth so help you God?

22 THE WITNESS: I do.

23 THE CLERK: Thank you. Have a seat.

24 DAVID HOGSED,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. BULSA:

3 Q. Please introduce yourself to the jury.

4 A. David Hogsed.

5 Q. Who are you employed with?

6 A. Currently employed with Wofford College Police
7 Department Campus City.

8 Q. Did you used to work with the sheriff's office?

9 A. Yes. After I retired back in December after
10 27-and-a-half years, sir.

11 Q. And you went to work for Wofford?

12 A. Yes.

13 Q. Were you working on May 26th of 2019 -- 2016.

14 A. I was.

15 Q. Did you go to this location on Drummond Road?

16 A. Yes. Actually I was sergeant. I responded from
17 a phone call. On the phone Sergeant Letterman told me
18 basically what had been found and asked me to go over to
19 that location.20 Q. What was your duty or your role at the sheriff's
21 office?

22 A. At the time I was a sergeant of the crime team.

23 Q. And what did you see when you got to the scene?

24 A. I came down Drummond Road, not from the Waddell
25 end, but from the far end. When I got there, there were

1 several patrol cars, other cars were there. Crime scene
2 tape had been put up. Of course you could see the red
3 gate was already open.

4 Got a quick briefing. We had a car, a black
5 Tahoe had been found on what I call an access road
6 beyond the cattle gate. Immediately took my camera out
7 of my car and started snapping photographs. And
8 basically from a crime scene standpoint, you try to get
9 photographs from 360 degrees of where you're at. Of
10 course I couldn't do that all the way around the car, so
11 basically I just started walking down the road taking
12 photos. Then as I walked down through the gate,
13 constantly snapping photos of the car.

14 Q. So the photos we saw of the road and the gate,
15 those were taken by you?

16 A. Yes.

17 Q. We've gotten through State's 30. And Mr. Crowe
18 identified having gotten close enough to see the tag and
19 the lights.

20 (Shows photograph.) It's kind of dark in there.

21 A. May I step down?

22 Q. Yes, sir. Do you got the pointer?

23 A. I do not.

24 (Witness leaves witness stand.)

25 Q. Here it is. (Handing.) And you walked up

1 State's 30 and then you got closer, State's 31?

2 A. Correct.

3 Q. The outline of the truck when it's clear?

4 A. Yes, sir. Now, when we get to the car, we'll
5 take 360 degrees. Basically we'll start from like the
6 left side when I walked in. And then I'll walk my way
7 all the way through the woods as best I can and get
8 photographs for 360 degrees of the car.

9 Q. And this is State's 32.

10 A. Getting into heavier foliage, trees, so I'm
11 taking the picture from the, what we call the right rear
12 corner panel down the passenger side of the vehicle.

13 Q. State's 33.

14 A. This would be the right front door. There's a
15 front door there, but what we're taking is pictures
16 showing the foliage and tree limbs so far that have been
17 broken off and laid across the top of the vehicle to, to
18 conceal it from possible aerial view, helicopter,
19 airplane whatever.

20 Q. State's 34.

21 A. It's showing the mud and all that where the car
22 is, where it had went down drove up and where he had
23 stopped. It's buried into the dirt. You heard Sergeant
24 Henderson talk about the saplings and all being broke.
25 Some of these were broken off and placed against a tree,

1 but as you walk down through there you could tell that
2 some of them, especially the smaller ones, had actually
3 been driven over and it had just been pushed over by the
4 vehicle itself.

5 Q. State's 35.

6 A. Showing the front end, the car's up against a
7 tree, like it's just been pushed up in there and
8 stopped. And then, of course, concealed by foliage.

9 Q. It appeared that it had been driven in as far --

10 A. Yeah.

11 Q. -- as it could go.

12 A. Pretty much. It gotten in as far as it could and
13 then it's just up in the mud or in, I say mud, but it's
14 gonna be more leaves, foliage and all that over years of
15 just building up.

16 Q. State's 37.

17 A. This is actually, although this tree looks like
18 it is in the ground, it is not. It's been broken off or
19 cut off, placed against the side of the car to help
20 conceal it.

21 Q. All right. That's all the pictures I have. You
22 can go back up.

23 (Witness resumes witness stand.)

24 After you documented it with photographs, what
25 did you then do?

1 A. We stayed with the vehicle. I actually did. We
2 called for -- Spartanburg County has its own tow truck
3 so we don't have to use an outside service. So when we
4 tow this car, this Tahoe is now a piece of evidence
5 since it's been located. So basically I stayed in the
6 woods to maintain visual of the car until the tow truck
7 got there and stayed with it the entire time, make sure
8 nobody touched it or handled it.

9 We actually, in order to get the car out, had to
10 call the local fire department. They came in and cut
11 down some of the trees so that our tow truck could get
12 in and pull it out. Once the car's out, put it on the
13 rollback, it has to, I think you heard someone mention
14 it earlier, Spartanburg County Maintenance Shop on
15 Broadcast Drive where our maintenance shop is, I
16 followed the car from Drummond Road to our maintenance
17 shop, keeping a visual on it the entire time because we
18 were informed that a search warrant was being done so
19 that it could be processed.

20 Q. Did you search the area around the vehicle?

21 A. Yes. While waiting I did a 360 degrees, probably
22 25, 30 yards out looking for any other items of evidence
23 that may have been around the car. Focusing mainly on
24 anything that would be pertaining to Jermaine and his
25 body, but we did not find anything in that area.

1 Q. Did you make any attempt to process the gate?

2 A. I did not. There's basically two reasons. One,
3 we knew that it had been contaminated from being lifted.
4 And, two, was it's very weathered and very old. There's
5 a misconception on fingerprints. And I need you to
6 understand that I did this for 17-and-a-half years.
7 There's a misconception on fingerprints that's if you
8 touch something you leave a fingerprint. That's not
9 always true. If I was to lift and try to fingerprint in
10 this area right here (indicating), I probably wouldn't
11 get but maybe one viable fingerprint because it's been
12 touched by so many people this week. So it's
13 fingerprint on top of fingerprint on top of fingerprint.

14 You can actually touch an item like galvanized
15 metal, which is that gate with that dull red paint on
16 it. If you don't get that fingerprint within about 35,
17 40 minutes, it's gone because of the way it oxidized.
18 So don't -- there's a big misconception of that. So,
19 no, we did not fingerprint or lay the print to get it.

20 Q. Did you assist in the processing of the Tahoe
21 back at the shop?

22 A. I was there. About the only thing that I did was
23 take photographs while Investigator Lawson, who is now
24 Sergeant Lawson, processed it. He collected all the
25 items that have been shown out of the vehicle, once we

1 got the warrant executed.

2 Q. And did it appear to you that somebody tried to
3 wipe the car down?

4 A. Yes. On the outside of the vehicle, once we were
5 able to get inside the vehicle, once the warrant was
6 executed, we were able to get inside the car. Looking
7 over outside the photograph that there was a substance
8 that looked like it had been poured, wiped, sprayed all
9 over the outside of the car. I've seen that done many,
10 many times in this career. And basically what it is, is
11 they're trying to hide their latent fingerprints or
12 hamper any DNA evidence that they may have on the car.

13 Once we got inside the car, we found two
14 containers, open containers. One was like, I don't
15 remember what it was. They were like -- one was like a
16 bathroom cleaner. I don't remember the brand name. And
17 there was another sort of like a Clorox cleanup. Both
18 of those had been opened and the actual spray tubes were
19 out of it.

20 It was like something had been poured or sprayed
21 and wiped down on the outside of the car. And
22 unfortunately, based on it being a black car and the
23 lighting services that we had, you couldn't really get
24 that captured in photographs. It was either too bright
25 or too dark, so you can't see the actual swipe marks.

1 Q. So the pictures we have of the Tahoe while being
2 processed were taken by you?

3 A. Yes.

4 Q. Okay. Let's go through those. State's 39.

5 (Witness leaves witness stand.)

6 Okay. Where were the white marks?

7 A. Well, they would be all over, especially the
8 doors. You deal with it more on the doors and on the
9 tailgate because that's what you would want to conceal
10 was all over the doors and tailgate. The area that you
11 actually open and close constantly. So that's where the
12 biggest concentration of it was.

13 In the photographs, again we got the car there.
14 It's 360 degrees. Everything is 360 degrees for a crime
15 scene investigator.

16 Q. Okay. We didn't print all those, but here's
17 State's 40.

18 A. Tailgate showing the paper tag. And then, of
19 course, the tailgate. And as you can see, these are
20 hand marks. Now, when I say hand marks, I don't mean
21 that to be latent print. If you look at the car, you
22 can see how dirty and dusty it gets, especially with the
23 windshield, and just because that could be where the tow
24 truck driver had on his gloved hand and touched it and
25 it left an impression in the dirt that was already on

1 the car.

2 Q. State's 41.

3 A. Rear cargo area of the vehicle once the tailgate
4 is lifted up.

5 Q. Did you search through those items?

6 A. We did. You'll have to have Investigator Lawson
7 tell you what all items were taken. He, he collected
8 all evidence of items out of the vehicle.

9 Q. All right. State's 42.

10 A. Driver side rear door. Fishing pole, and this is
11 a five-gallon bucket that's empty. All of the surface
12 that you see here, here and up in here, you really can
13 see some over here, is blood. (Indicating.)

14 Q. Okay. State's 43.

15 A. Closer up of the scene. The fishing pole's in
16 it. Some blood on the seat. This is actually one of
17 the bottles I was telling you about that was opened. A
18 fishing pole. And this is, this is dry blood.

19 Q. State's 44.

20 A. This is the floorboard. Two bottles that are
21 opened. And then there's tissues. And one of them,
22 there's actually a photo somewhere that actually shows
23 one of the two of those items.

24 Q. Actually, it looks like baking soda or something
25 there in that bag,

1 A. Yeah. That's Armor Hammer baking soda.

2 Q. Okay.

3 A. One of those fridge fresh things.

4 Q. State's 45.

5 A. That's the open container that goes with that.

6 And this would be the bucket I was talking about. And

7 this is the passenger's side rear seat. (Indicating.)

8 Q. It's rear floorboard?

9 A. Rear floorboard.

10 Q. State's 46.

11 A. This is -- that was a closer up picture to this

12 one. So basically when we'd photograph something, it

13 would be boom, boom, boom. It should be three photos.

14 Outer, about midway, and then close up.

15 Q. And State's 47.

16 A. Set of car keys, and I don't recall exactly where

17 -- can I see the picture before that?

18 (Shows previous picture.)

19 Passenger rear. That would be the door. Once

20 the door closed, it would pretty much conceal that. A

21 set of car keys for a Chevrolet.

22 Q. Okay. State's 48.

23 A. Once we take initial photographs, it's basically

24 like Investigator Nix talked to you earlier. We didn't

25 go back in, we use a number of placards to mark items of

1 evidence that we're going to collect. So 14 would be
2 the bottle, 15 would be the bottle, 16 I'm not sure
3 about. 17, I think we took the whole fishing pole, but
4 I don't know. Investigator Lawson can tell you that.

5 Q. State's 49.

6 A. That is the other side as far as items of
7 evidence that was actually collected from the vehicle.

8 Q. State's 50.

9 A. Showing the floorboard and evidence items.

10 Q. Can you tell what's underneath that seat? Can
11 you see the picture?

12 A. Is that a -- it may be a saw, I'm not sure.

13 Q. Okay. State's ---

14 A. Is that one of those old saws? I don't know.

15 Q. State's 51.

16 A. More evidence items. Now like 26, 27, 24, all of
17 those would be where Investigator Lawson took a sterile
18 cotton swab, used distilled water to swab that area to
19 lift blood from those areas for DNA testing later.

20 Q. Okay. State's 52.

21 A. Floorboard. All this dark red right here, you
22 can see more of it being red here, here, here, here,
23 here, but all of this is blood, white black blood.

24 (Indicating.)

25 Q. This is another picture of that, State's 53 from

1 the other side?

2 A. Yes. That's coagulated blood and thick blood on
3 the floor that looks like maybe the Arm and Hammer had
4 been poured on it.

5 Q. Okay.

6 A. It looks black, but that's what happens to blood
7 as it dries, it coagulates and turns black.

8 Q. All right, thank you, sir. You can be seated.

9 (Witness resumes witness stand.)

10 MR. BULSA: Thank you Officer Hogsed. Answer any
11 questions the defense counsel may have.

12 CROSS-EXAMINATION

13 BY MS. ANDERSON:

14 Q. Now you don't know the results of the test?

15 A. No, ma'am.

16 Q. You just found items and marked them?

17 A. Well, I assisted Investigator Lawson. We marked
18 them, he actually collected them. I was there when he
19 did it.

20 Q. Okay.

21 A. But as far as what the DNA testing and all, no,
22 ma'am, I do not.

23 Q. Okay. I don't have any more questions.

24 MR. BULSA: That's all we have, Your Honor.

25 THE COURT: Step down, thank you.

1 MR. BULSA: May he be excused?

2 THE COURT: He may be.

3 (Witness leaves witness stand and courtroom.)

4 MR. BULSA: The State calls Jonathan Lawson.

5 (Witness comes forward.)

6 THE CLERK: Do you solemnly swear that the
7 testimony you're about to give will be the truth, the
8 whole truth and nothing but the truth so help you God?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Have a seat.

11 JONATHAN LAWSON,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. BULSA:

15 Q. Mr. Lawson, please introduce yourself to the
16 jury.

17 A. I'm Jonathan Lawson with the Spartanburg County
18 Sheriff's Office.

19 Q. In what capacity?

20 A. I'm a sergeant of the crime scene unit.

21 Q. You actually took Officer Hogsed's job, didn't
22 you?

23 A. That's correct.

24 Q. Okay. Did you assist him in processing that
25 Tahoe?

1 A. Yes, sir. I actually executed the search warrant
2 that was given to me by Investigator Tommy Clark with
3 the Spartanburg County Sheriff's Office.

4 Q. Okay. But you didn't actually go to Drummond
5 Road where it was found, did you?

6 A. No, sir. I was contacted by Sergeant Hogsed at
7 the time and responded to 290 Broadcast Drive, which is
8 in Spartanburg County.

9 Q. Okay. And that's where the vehicle was stored?

10 A. That's correct. It was placed in a single
11 secured bay, I would say, inside the maintenance shop.

12 Q. Okay. He walk us through all the photographs and
13 he commented on items that you had taken. Principally
14 we're interested in the blood swabs.

15 A. Yes, sir.

16 Q. Can you give us the explanation of how you
17 collected those?

18 A. Basically the vehicle brought by Sergeant Hogsed,
19 as Sergeant Hogsed explained earlier, is that we go and
20 photograph everything basically from the outside and
21 work our way in. During that process, there were some
22 items that had to be collected as far as physical
23 evidence. There was blood swabs and some other items
24 that we needed to take.

25 We took evidence markers and placed those where

1 the items that we were gonna collect the blood swabs
2 from. In the process of doing that, once we swiped the
3 blood swabs, we utilize sterilized swabs and distilled
4 water that is also sterilized. Once we do that, we'll
5 collect the, collect the blood or subsequently lead to
6 blood at the time. Take it in a cardboard container.
7 It goes inside an evidence envelope which is sealed with
8 evidence tape and then an initial to keep from showing
9 anyone tampering with it.

10 MR. BULSA: I'd like to put this in evidence.

11 MS. ANDERSON: No objection.

12 (State's Exhibit Number 60, Two Blood Swabs, was
13 marked for identification.)

14 (State's Exhibit Number 61, Two Blood Swabs, was
15 marked for identification.)

16 (State's Exhibit Number 62, Two Blood Swabs, was
17 marked for identification.)

18 BY MR. BULSA:

19 Q. I'll have these marked right now for
20 identification, State's 60, 61 and 62. Can you identify
21 what those packages are?

22 A. Yes, sir. State's Exhibit Number 60 is Inventory
23 Item 22. When I say inventory items, if you'll see the
24 placards on the screen that you showed, the numbered
25 placards, those were items that were numbered. That's

1 the number that we assign to that piece of evidence that
2 we collect.

3 Inside this actual container here is a set of two
4 blood swabs. And it shows that it was collected from
5 the driver's side door handle. And it shows on here the
6 date and time that was collected, the location where it
7 was collected from, the case number, who collected it,
8 which was me, the victim of the incident and the type of
9 offense. And then we put a biohazard sticker on it to
10 show that this is a biohazard.

11 Q. And would you look at this picture, State's 39,
12 that would have been taken from this door handle?

13 A. Yes, sir, that would be correct.

14 Q. Okay, thank you. The next one?

15 A. The next one is State's Exhibit Number 61, which
16 would be Spartanburg County Sheriff's office Item Number
17 25, which is also two blood swabs. And they're inside
18 of this package in a cardboard envelope. And things
19 come from the passenger side rear forward area.

20 Q. And that's shown in State's 51?

21 A. That is correct. The passenger side would be for
22 number 25, is number 27.

23 Q. What's the next item?

24 A. Next items is State's Exhibit 62, and it's
25 Spartanburg County Sheriff's Office, Inventory Item

1 Number 26. Also two blood swabs, and this was taken
2 from the driver's side rear cushion, which would be, as
3 you see right there, below the fishing rods.

4 Q. Also shown in State's 51.

5 MR. BULSA: Your Honor, we would move these items
6 into evidence.

7 MS. ANDERSON: No objection.

8 THE COURT: That's 59 through 66?

9 MR. BULSA: 60, 61 and 62.

10 THE COURT: 60, 61, and 62 admitted.

11 (Whereupon, State's Exhibits 60, 61 and 62 were
12 entered into the record.)

13 BY MR. BULSA:

14 Q. Now, how did you seal those items?

15 A. Inside the envelope, like I said, there's --
16 inside here there's a cardboard box that contains two
17 ends on it. It's real small. It's large enough to hold
18 two of the long swabs or later we call it a buffer swab.
19 Basically it's wooden handled like a Q-tip.

20 We applied it here, fill out the box inside there
21 with the proper information so it matches the
22 information on the front of this envelope. Then I will
23 take a really good quality of evidence, place it across
24 here and I'll initial above to show that it's not been
25 tampered with. Then, like I say, I place a divider

1 sticker and then I'll turn that into our evidence at the
2 sheriff's office which is secured and only the evidence
3 technicians there have access to, to those items.

4 Q. Is the interior packaging also sealed?

5 A. In some situations they can be. Sometimes they
6 don't. Usually they don't have to be just because of
7 the integrity of this envelope.

8 Q. Can you tell if that's been opened?

9 A. This one has been opened. And the reason that I
10 can say that is, is where I put a name across there, you
11 can see the line's been broken across.

12 Q. Okay. And there appears to be somebody's
13 initials in the date they broke that.

14 A. That is correct.

15 Q. What does that suggest to you?

16 A. That suggests to me that this item has been taken
17 out and possibly sent to be tested.

18 Q. Okay. And each of these packages have that
19 same ---

20 A. Yes, sir. They have the same initial and the
21 same date on them. And they also have an item number
22 down here at the bottom, which should be a lab number
23 provided more than likely by SLED.

24 Q. Okay. Now, the decision to send those out would
25 have been made by an investigator?

1 A. That is correct.

2 Q. Okay. Now, I draw your attention to another
3 item. Do you know that you recovered some keys from the
4 Tahoe?

5 A. Yes, I did.

6 Q. Those keys shown in State's 47?

7 A. That's correct. If I'm not mistaken, those keys
8 were found along side this zip-lock bag that contained
9 items, I believe, like some fishing supplies, possibly
10 some line, things like that, that are utilized in cat
11 fishing or carp fishing. They were on the, if I'm not
12 mistaken, the rear passenger side between the door and
13 the seat.

14 Q. As shown in State's 46?

15 A. That is correct.

16 Q. Okay. And you actually put those in recovery and
17 placed them in evidence?

18 A. Yes, sir.

19 Q. Show you State's 59, would that be the package
20 containing the keys?

21 A. That is the package containing the key ring with
22 four keys, which is a Chevrolet key, if I'm not
23 mistaken.

24 Q. Okay. We saw some items on the back of this
25 vehicle, State's 41. Did you look through all those?

1 A. Yes, sir. Those were all -- everything in the
2 vehicle was thoroughly searched. Once it was searched,
3 it didn't seem to have any type of inventory value. It
4 was placed back in its original package and put back in
5 the vehicle as it stood.

6 Q. Did you -- were you involved in trying to
7 identify this vehicle, whose it was?

8 A. No, sir. I was not at the time involved with
9 that.

10 Q. Okay. So you did the processing and the
11 collection?

12 A. That's correct.

13 Q. And then where was this vehicle stored?

14 A. It was stored and still is stored at 290
15 Broadcast Drive in Spartanburg County, which is our
16 fleet maintenance facility.

17 Q. All right. Thank you. That's all I have.
18 Answer any questions Ms. Anderson may have.

19 CROSS-EXAMINATION

20 BY MS. ANDERSON:

21 Q. Basically you collected this and did you forward
22 it to SLED or did someone else?

23 A. No, ma'am, I don't believe I forwarded it to
24 SLED. I'm more than positive that one of the
25 investigators completed that task.

1 Q. Okay. And you don't have any information as to
2 what the evidence shows?

3 A. No, I do not.

4 Q. Thank you. Those are all my questions.

5 THE COURT: You may step down.

6 MR. BULSA: We ask for him to be excused.

7 THE COURT: You may be.

8 (Witness leaves witness stand and courtroom.)

9 MR. BULSA: The State calls Christopher Switzer.

10 (Witness comes forward.)

11 THE CLERK: Do you solemnly swear that the
12 testimony you're about to give will be the truth, the
13 whole truth and nothing but the truth so help you God?

14 THE WITNESS: Yes.

15 THE CLERK: Thank you, have a seat.

16 CHRISTOPHER SWITZER,
17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BULSA:

20 Q. Please introduce yourself to the jury.

21 A. My name is Christopher Switzer.

22 Q. Where do you live, sir?

23 A. I live at 4112 Highway 417 in Woodruff, South
24 Carolina.

25 Q. Okay. And do you know Marcus Todd?

1 A. Yes, I do.

2 Q. Where did he live at that time?

3 A. I'm not sure.

4 Q. You're not sure?

5 A. (Witness shakes head back and forth.)

6 Q. Okay. Where is your house in relation to the
7 town of Woodruff?

8 A. Well, it's my aunt's house. It's in Cashville,
9 the town of Cashville.

10 Q. And about how far is it from Woodruff?

11 A. Maybe about ten miles.

12 Q. About ten miles?

13 A. (Witness nods head up and down.)

14 Q. Do you know Mr. Todd?

15 A. Yes.

16 Q. How do you know him?

17 A. I grew up I knew his momma. I new him when he
18 was young.

19 Q. Okay. And was the vehicle we've just been
20 talking about, was it yours?

21 A. Yes, it was.

22 Q. Okay. Did you own it?

23 A. Huh?

24 Q. Did you own it or were you buying it?

25 A. I was buying it.

1 Q. You were buying it, okay. Why did it have a
2 paper tag on it?

3 A. I don't know.

4 Q. Did you have a tag on it when you drove it?

5 A. No.

6 Q. Did you have a regular tag, is what I'm talking
7 about?

8 A. When I had it at first, when I had it when I was
9 driving?

10 Q. Yes, sir.

11 A. Yes.

12 Q. Okay. All right. Let's talk a little bit about
13 the car, the truck, how long did you own it?

14 A. I'd say about two to three years.

15 Q. You're a little hard to hear. Speak up a little
16 bit, okay?

17 A. I said about two to three years.

18 Q. Okay. And why did you buy that particular
19 vehicle?

20 A. Because I wanted to put some music in it.

21 Q. And what do you mean by that?

22 A. I like music, like installing it. I wanted to
23 put some music in or maybe put it in a show one day.

24 Q. Big speakers?

25 A. Yeah.

1 Q. Okay. Did you do that?

2 A. Yeah. I had like a 615.

3 Q. What does that mean, 6 15 inch?

4 A. I built the box with 615's.

5 Q. Okay. How did Mr. Todd come to have your truck
6 that you had customized?

7 A. Well, it's a long story. I sort of went through
8 problems with my wife and I kind of -- we kind of went
9 through a little argument and she gave me -- I had got
10 locked up one time and the case was dropped. So I was
11 standing in the house and she was there with her mom and
12 they started going off. They started to go downhill
13 from there, so I went down to the Country and I'm
14 staying down there for a little while in my car.

15 Q. Okay. And what was the name of the street you
16 said you were staying at back when this happened?

17 A. Highway 417.

18 Q. Highway 417.

19 A. It's off Highway 417. It's really no street.
20 It's 4112.

21 Q. 4112?

22 A. Yeah. That's my aunt's address.

23 Q. Highway 417?

24 A. Yeah.

25 Q. Okay. And that's where you had the Tahoe?

1 A. Yes.

2 Q. Okay. And how did that Tahoe come to be in the
3 possession of Marcus Todd?

4 A. Well, up there where I sleep in my car we had --
5 I mean, we sometimes sit out there and family and
6 friends come around. So one day Marcus come, he came
7 and I was out there in my car and, you know, he wanted
8 to buy it. And he asked how much would I sell it for.

9 Q. Okay. All right. I want to make sure the jury
10 understands this. So you're telling us that he saw your
11 vehicle and then came up and asked to buy it from you?

12 A. No. He come through there every now and then.
13 He come out there and there are other people out there,
14 and I was just one of the ones out there with my
15 vehicle.

16 Q. Okay. All right. Is he related to anybody at
17 that location, Mr. Todd?

18 A. No, I don't think so.

19 Q. So he's just a friend --

20 A. Yeah.

21 Q. -- that came around and visited?

22 A. Yeah.

23 Q. Did he live nearby?

24 A. Yes.

25 Q. Okay. About where did he live in relation to

1 that?

2 A. That's why I said I was shook because the whole
3 time I kind of thought he was living right next to his
4 granddaddy, Elijah, but I found out that on down the
5 street that he had another -- there was a house down
6 there across from the church. So that kind of confused
7 me, so I really don't know which one is which.

8 Q. Okay. Do you know his mother?

9 A. Yes.

10 Q. Was she staying nearby?

11 A. Well, see, that's where I thought she stayed, in
12 that trailer.

13 Q. Oh. Okay. So you thought he was staying with
14 his mother --

15 A. Yeah.

16 Q. -- and you weren't sure ---

17 A. In another trailer.

18 Q. Okay. All right. I don't mean to belabor the
19 point, but the point is you knew him. He lived actually
20 nearby.

21 A. Yes.

22 Q. Is that within a mile of where you live?

23 A. No, it's not. About a quarter of a mile.

24 Q. Okay.

25 A. I don't even think it's half of a mile.

1 Q. Okay. So real close.

2 A. Yeah.

3 Q. Okay. All right. So you were going through hard
4 times, he asked about buying your truck, and what
5 arrangement did y'all have?

6 A. Well, eventually I agreed to let him drive it
7 because he said he needed a way back and forth to work,
8 so I took a price, I took something to let him go ahead
9 and drive it and he'd keep it for a while. And he gave
10 me some money and I needed the money, so I let him drive
11 it. And he said -- but at the time I told him he could
12 keep it until he get insurance on it so he could drive
13 it back and forth to work.

14 Q. Okay. At that point was there a license tag on
15 the vehicle?

16 A. No.

17 Q. You had already taken it off?

18 A. Yes.

19 Q. Okay.

20 A. And it was in the car.

21 Q. Inside the car?

22 A. Uh-huh.

23 Q. Okay. So when it was sitting at your place, it
24 was tag less?

25 A. Yeah.

1 Q. Didn't have a paper tag on it either?

2 A. Right.

3 Q. So you don't know how the paper tag got on?

4 A. Huh-uh.

5 Q. You don't?

6 A. No.

7 Q. Okay. Now, about how long did Marcus Todd have
8 your vehicle?

9 A. I figure it was about five or six months maybe.

10 Q. Five or six months?

11 A. Yeah.

12 Q. How many payments did he make on it?

13 A. Well, I only got that one.

14 Q. Just the initial one?

15 A. Yeah.

16 Q. All right. And were you okay with that?

17 A. Well, I mean, if it wasn't gonna get paid off, I
18 was gonna get the vehicle back.

19 Q. Were you planning to get it back?

20 A. Yes.

21 Q. All right. And when were you gonna get it back?

22 A. Well, I went around someone said to ---

23 MS. ANDERSON: I would object.

24 BY MR. BULSA:

25 Q. Okay, let's not go into that. When did you learn

1 that your vehicle was involved in a shooting down in
2 Woodruff?

3 A. A day before it, actually got shot up.

4 Q. Do you know Jermaine West?

5 A. Huh?

6 Q. Did you know Jermaine West?

7 A. Yes.

8 Q. Did you hear when he got shot?

9 A. Yes.

10 Q. Did you learn that your vehicle was involved in
11 that situation?

12 A. Yes.

13 Q. Did you learn that the same day?

14 A. What same day do you mean?

15 Q. The same day that Jermaine was shot, did you
16 learn your vehicle was involved?

17 A. Yes.

18 Q. Okay. All right. So how did you learn your
19 vehicle was involved?

20 A. Well, I got a call. I got a call from a friend.
21 He told me.

22 MS. ANDERSON: I would object.

23 BY MR. BULSA:

24 Q. Okay. So somebody called you?

25 A. Yes.

1 Q. All right. What did you do getting that
2 information?

3 A. Well, I thought about it and they said it was in
4 a high-speed chase, but it wasn't long because everybody
5 know us and everybody know my brother. It wasn't five
6 minutes later his phone started blowing off the hook
7 saying something had happened to Jermaine.

8 Q. Okay.

9 A. And that my Jeep was in a high-speed chase that I
10 needed to find the Jeep.

11 Q. All right. And did you try to find your, you
12 call it a Jeep, but your truck?

13 A. Yes.

14 Q. You did try to find it?

15 A. No. What you mean?

16 Q. Did you look for it?

17 A. Oh, no.

18 Q. Did you try to find Marcus Todd and say, hey,
19 what's going on with my Tahoe?

20 A. No.

21 Q. You did not? Why not?

22 A. Because we got the calls in and they said that
23 that was true, it was a high-speed chase. So I knew
24 right then that everybody was looking for him and none
25 of us had seen him.

1 Q. Okay. But, now, had you seen Marcus Todd earlier
2 that day?

3 A. Yes.

4 Q. Where?

5 A. Up there where I previously lived on the hill.

6 Q. On 417?

7 A. Yes.

8 Q. Highway 417?

9 A. (Witness nods head up and down.)

10 Q. Now, how was Marcus acting at that time?

11 A. He was sad.

12 Q. Sad?

13 A. Yes.

14 Q. Was he upset?

15 A. He had tears in his eyes.

16 Q. Okay. How was he dressed?

17 A. He had on, I called it like a mechanic suit.

18 That's what I liked it as, a brown, a mechanic suit.

19 Q. I don't have a close-up, but let me show you
20 State's Exhibit 56. Can you see that person at that
21 car? Was he dressed like that?

22 A. Yes.

23 Q. Sorry?

24 A. Yes.

25 Q. Yes, he was, okay.

1 MS. ANDERSON: May I see that, please.

2 MR. BULSA: (Hands document to Ms. Anderson.)

3 BY MR. BULSA:

4 Q. Approximately what time of day did you see him?

5 A. About 9 or 10 o'clock that morning.

6 Q. Okay. So about 9 or 10 o'clock that morning he
7 was wearing that outfit?

8 A. Yes.

9 Q. Okay. And he was upset when you were talking to
10 him?

11 A. (Witness nods head up and down.)

12 Q. And how long did y'all, did y'all talk?

13 A. We talked for about 15 to 20 minutes.

14 Q. Did you try to calm him down?

15 A. Yes. But at the same time stuff was going on.
16 My little brother rolled up and it was a coincidence or
17 something because ---

18 MS. ANDERSON: I can't hear you, sir.

19 THE COURT: Let me ask you to please use that
20 microphone and keep your voice up because you let it
21 drop and we can't hear what you say.

22 THE WITNESS: Oh, okay, I apologize. But anyway,
23 they had got into an -- it was an argument out there and
24 my little brother pulled up on to him saying that
25 whatever the coincidence that the Jeep had got shot up.

1 At the time it hadn't got shot up the day before, but
2 this time it really had got shot up.

3 BY MR. BULSA:

4 Q. Okay. So that was a totally separate incident?

5 A. Yes.

6 Q. Okay. And then Marcus still had your truck. Why
7 didn't you take it back from him?

8 A. First of all, it wasn't time. I had one more day
9 and he had pistols on him.

10 Q. He had what?

11 A. Pistols.

12 Q. Pistols?

13 A. Uh-huh.

14 Q. What was he doing with them?

15 A. He had them on him. He wasn't doing nothing,
16 but....

17 Q. So you saw the pistols?

18 A. Yeah.

19 Q. Okay.

20 MS. ANDERSON: I still can't hear him.

21 BY MR. BULSA:

22 Q. You saw Marcus Todd with a pistol the morning he
23 came to see you?

24 A. Yes.

25 Q. All right. And that was when he was upset?

1 A. Well, he was sad. Yeah, whatever.

2 Q. He was sad, okay. And then it was later that day
3 you learned that your Tahoe was in a high-speed chase?

4 A. Yes.

5 Q. Okay. All right. Did you ever hear from Marcus
6 again after that day?

7 A. No.

8 Q. Did I already ask you, did you know Jermaine?

9 A. Yes.

10 Q. How did you know him?

11 A. I grew -- I know him regular. I always thought
12 he was my little cousin.

13 Q. Did you ever ---

14 A. He wasn't -- well, they say he is my little
15 cousin, but lately, since this stuff been going on, they
16 say he's not. So I don't know but when I talked to my
17 uncle they say he is.

18 Q. Did you try to help find his body?

19 A. No. We never did get involved because before we
20 ever started get involved, there was rumors saying that
21 we might know something about that. We might have
22 something to do with it, so anybody that came up there
23 with information, it turned bad for them, so nobody
24 wanted to get involved in that because it was almost as
25 if we had something to do with it.

1 Q. Was that because your truck was involved?

2 A. Yeah. But basically all we'd seen is he had that
3 little truck there because he lived up in the country.

4 Q. Okay. Are you familiar with Drummond Road?

5 A. Yes.

6 Q. You are?

7 A. Yes.

8 Q. Is Drummond Road between Woodruff and where you
9 lived?

10 A. No. Drummond Road is between Woodruff and
11 Greenville, I guess. Like somewhere like that.

12 Q. It might not be on a straight path, but --

13 A. I mean ---

14 Q. -- do you go past Drummond Road --

15 A. Well, yeah. Yeah, I get you.

16 Q. -- to get to your place?

17 A. Yeah, it is.

18 Q. So if you leave Woodruff, you could go hit
19 Drummond Road and then go hit your place?

20 A. Yes. Yeah.

21 Q. Okay. All right. Now, just, and this is mostly
22 a question out of curiosity for the jury's sake too,
23 State's 41 has got a bunch of stuff in the back of this
24 truck.

25 A. Uh-huh.

1 Q. Do you know whose stuff that is?

2 A. Yeah, that's mine.

3 Q. That's yours?

4 A. Yeah.

5 Q. What is all in there?

6 A. Tools and stuff that's in my bag. That's a tool
7 bag. That's a toolbox. And in that box, that's the
8 last thing I got out of my house before I lost my house.
9 And it's just full of all kinds of stuff that I use to
10 hook radios up and work on in any electronics.

11 Q. Why did you leave it in the truck when you were
12 selling it to Mr. Todd?

13 A. Well, that's just because I was sleeping in the
14 truck at the time. I still wasn't sure if we was gonna
15 keep my truck. I was, if he didn't pay it, I was gonna
16 buy it back regardless.

17 Q. You didn't have any other place to keep it, so
18 you just left it in there?

19 A. Yeah. I had already lost my house things.

20 Q. Okay. Thank you, Mr. Switzer. Answer any
21 question Ms. Anderson asks you.

22 A. All right.

23 CROSS-EXAMINATION

24 BY MS. ANDERSON:

25 Q. How did you say you knew Marcus Todd?

1 A. I knew his mom from a long time. I knew him from
2 when he was a child growing up.

3 Q. Okay. Now you say that Marcus wanted to buy your
4 Tahoe?

5 A. Tahoe, yes.

6 Q. You call it a Jeep. Why do you call it a Jeep?

7 A. Well, I mean, I just... That's a figure of
8 speech.

9 Q. Okay.

10 A. But it's a Tahoe. Go ahead.

11 Q. So you wanted -- he wanted to buy it because he
12 needed a way to get to and from work, correct?

13 A. He wanted a way to get back and forth to work.

14 Q. Do you know where he works?

15 A. I don't know. He told me about it several times,
16 but I don't know exactly the name or where it's located.

17 Q. Did you notice the jumpsuit that you said he had
18 on is what he had to wear to work?

19 A. I -- it's a possibility.

20 Q. Okay. So now he said that, and I'm a little
21 confused on this, but he only had the car for two
22 months. Is that a possibility?

23 A. Two months?

24 Q. Uh-huh.

25 A. No, it's a lot longer.

1 Q. And he had paid you \$1,400.

2 A. Fourteen, no.

3 Q. How much did he pay you?

4 A. I only got \$150.

5 Q. So, and you let him keep it, according to you,
6 five or six months?

7 A. Well, let me help you understand. Well, I let
8 him keep it basically until he could find me more money.
9 Does that sound better?

10 Q. Does that sound what?

11 A. Does that sound better? He was buying it. It
12 wasn't really about the time, but it was money I needed
13 and it was a way back and forth to work. And I was like
14 where I was at the time, so...

15 Q. Well, I understand that the sheriff's deputies
16 got a pistol off of you.

17 A. Uh-huh.

18 Q. Is that correct?

19 A. Yes, it is.

20 MR. BULSA: Objection, Your Honor. Do you know
21 what the relevancy of that is?

22 MS. ANDERSON: Well, it was sent to SLED to be
23 tested in this case.

24 THE COURT: Well, do you have the results for
25 that?

1 MS. ANDERSON: Not that I know of.

2 THE COURT: Oh, okay. It must not be relevant
3 then. You stated ---

4 MS. ANDERSON: I'm trying to find it.

5 THE COURT: Well, you -- well, didn't you make a
6 discovery request and the solicitor provided you with
7 everything he had?

8 MS. ANDERSON: Pretty much.

9 THE COURT: Well, did you think that there was a
10 SLED report on that?

11 MS. ANDERSON: I haven't been able to find it.

12 THE COURT: Did you ask the solicitor about it?

13 MS. ANDERSON: No.

14 THE COURT: Oh. Sustained then.

15 MS. ANDERSON: Do you have one? Do you have the
16 report?

17 MR. BULSA: I haven't seen one.

18 BY MS. ANDERSON:

19 Q. All right. So you want us to believe that you
20 let Marcus have your car for five or six months for
21 \$150?

22 A. No, ma'am, it's not that I want you to believe
23 it, but I'm telling you the truth. It's your choice
24 whether to believe what I did.

25 Q. Okay. All right. All right, that's all the

1 questions I have.

2 A. Okay.

3 MR. BULSA: Nothing further, Your Honor.

4 THE COURT: You may step down.

5 (Witness leaves witness stand.)

6 THE COURT: Ladies and gentlemen, we're gonna
7 recess for the afternoon. Keep in mind my caution
8 previously given. No discussions with anybody
9 whatsoever, in any fashion whatsoever, no spouse, no
10 child, no friends, no acquaintances, not even with your
11 fellow jurors until deliberations take place.

12 Also, remember not to be exposed to any type of
13 media coverage related to the trial, whether that be
14 television, radio or newspaper. No exposure. Also, no
15 research, no investigation, no internet searches. As I
16 say, you must base your decision upon what you see and
17 hear during the trial. You're not to supplement your
18 wealth of knowledge by trying to find out information
19 outside of the trial. So no discussions, no exposure,
20 no research, no investigation, no internet.

21 With that have a good evening. Please report to
22 your jury room at 9:30 in the morning. 9:30 in the
23 morning.

24 (Jury leaves the courtroom at 5:08 p.m.)

25 THE COURT: Are y'all going to discuss any other

1 reports that might be relevant?

2 MR. BULSA: She actually has a report, Your
3 Honor, that has that information.

4 THE COURT: She has the report?

5 MR. BULSA: Yes, sir. It was on the -- it's on
6 the Greenville report, Pat.

7 MS. ANDERSON: Okay. I do have it, Your Honor.
8 I apologize.

9 THE COURT: Great.

10 THE BAILIFF: Your Honor, they're gone.

11 THE COURT: Court is in recess until 9:30 in the
12 morning. I need to see the lawyers for just a minute,
13 please.

14 (An in-Chambers conference was held off the
15 record.)

16 (Court concluded at 5:14 p.m.)

17

18 --- THIS ENDS DAY ONE OF TRIAL ---

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1 THE STATE VERSUS MARCUS TODD, DAY TWO OF TRIAL

2 (State's Exhibit Number 63, SLED Forensics Shell
3 Casings, was marked for identification.)

4 (State's Exhibit Number 64, Two Blood Swabs From
5 Roadway, was marked for identification.)

6 (State's Exhibit Number 65, Two Blood Swabs From
7 Walkway, was marked for identification.)

8 (State's Exhibit Number 66, Two blood Swabs From
9 Front Yard, was marked for identification.)

10 (State's Exhibit Number 67, Two blood Swabs From
11 Front Yard, was marked for identification.)

12 THE COURT: Any matters to address before the
13 jury is brought in?

14 MR. BULSA: Just briefly, Your Honor. I have
15 shared some exhibits with Ms. Anderson. State's 63, are
16 the shell casings recovered at the scene and the bullet
17 recovered at the scene. 64, 65, 66 and 67 are blood
18 swabs taken from the scene. We intend to have experts
19 testify to each of these items. She's agreed to admit
20 them without objection.

21 MS. ANDERSON: That's correct.

22 THE COURT: 63 through 67 are inclusive?

23 MR. BULSA: Yes, sir.

24 THE COURT: Without objection.

25 MS. ANDERSON: Yes, sir.

1 MR. BULSA: Yes, sir.

2 THE COURT: Okay. State's 63 through 67 are
3 admitted.

4 (State's Exhibits 63 through 67 were admitted
5 into the record.)

6 THE COURT: Bring the jury in, please.

7 THE BAILIFF: Yes, Your Honor.

8 (Jury enters the courtroom at 9:46 a.m.)

9 THE COURT: Good morning, ladies and gentlemen.
10 As you know, when we recessed yesterday the State was
11 still in the midst of their presentation of evidence, so
12 we'll continue with that presentation this morning.

13 Ms. Moricle?

14 MS. MORICLE: Thank you, Your Honor. The State
15 would call James Armstrong.

16 (Witness comes forward.)

17 THE CLERK: Do you solemnly swear that the
18 testimony you're about to give is the truth, the whole
19 truth and nothing but the truth so help you God?

20 THE WITNESS: Yes, ma'am, I do.

21 THE CLERK: Have a seat.

22 JAMES WILLIAM ARMSTRONG,
23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MORICLE:

1 Q. Good morning, Mr. Armstrong.

2 A. Good morning.

3 Q. Would you state your name for the record, please.

4 A. James William Armstrong.

5 Q. Where are you employed?

6 A. I'm employed with the Greenville County
7 Department of Public Safety Forensics Division Crime
8 Laboratory.

9 Q. What does that mean?

10 A. I have two responsibilities as a drug chemist and
11 a forensic firearm examiner. As the firearm examiner, I
12 examine fire evidence, such as fired cartridge casings
13 and projectiles and compare them to each other, as well
14 as to a firearm to see if they were fired with the same
15 firearm or not.

16 Q. How long have you been doing that?

17 A. Been doing the firearm identification a little
18 over 17-and-a-half years.

19 Q. Okay. Can you tell us about your background and
20 your training.

21 A. Yes, ma'am. I have a bachelor's of science
22 degree in chemistry from Erskine College. I'm trained
23 in the area of firearm identification approximately two
24 years as an apprentice style training under retired
25 firearm examiner from Philadelphia P.D. I've attended

1 numerous schools concerning of how I've actually used my
2 microscope to do a comparison.

3 I've also attended 13 different firearm
4 manufacturing facilities to see how the firearms are
5 manufactured from raw material to finished product.
6 I've attended five different armor schools to learn how
7 to work on various firearms. I've also attended four
8 different ammunition assembly plants to see how the
9 ammunition is assembled from raw material to finished
10 product.

11 And I'm a member of the Association of Firearm
12 and Tool Market Examiners. And I've testified in
13 federal and state court at least 57 times as an expert
14 in the field of firearm identification.

15 MS. MORICLE: Thank you. Your Honor, we'd move
16 to qualify Mr. Armstrong as an expert in the field of
17 firearms and training -- sorry, can you repeat what you
18 would ---

19 THE WITNESS: Firearm identification.

20 MS. MORICLE: Firearm identification. I'm sorry,
21 Your Honor.

22 MS. ANDERSON: No objection.

23 THE COURT: He is so qualified.

24 MS. MORICLE: Thank you, Your Honor.

25 BY MS. MORICLE:

1 Q. Mr. Armstrong, can you tell us how you became
2 involved in this case?

3 A. Spartanburg County brought some fired cartridge
4 casings of fired bullet specimen and a firearm down to
5 the Greenville property and evidence room, filled out a
6 request sheet and asked us to do the examination for
7 them.

8 Q. Okay. Do you do that for multiple agencies?

9 A. Yes, ma'am, I do.

10 Q. I'm gonna show you what's been marked as State's
11 Exhibit 63. Are you able to identify those?

12 A. All these envelopes have my initials and date
13 where I opened them and put a piece of evidence tape on
14 them where I also sealed them, yes, ma'am.

15 Q. Okay. And could you explain to us what came to
16 you?

17 A. All the fired cartridge casings have my item
18 number and initials engraved on the inside of the fired
19 cartridge case. And the fired bullet specimen also has
20 my item number and initials engraved with them.

21 Q. Okay. And what is an item number initials and
22 date mean for you?

23 A. The item number that I actually engrave onto the
24 evidence is actually what the officers have given to me
25 on the property and evidence sheet, so I try to

1 correspond the evidence to their item number that they
2 have. I had Item 2, 3, 5 and 7 were 9 millimeter fired
3 cartridge casings. Under Item 8 was a .38 9 millimeter
4 fired bullet specimen.

5 Q. And what kind of tests did you perform on these?

6 A. On the fired cartridge casings, I did a
7 side-by-side comparison under forensic microscope to
8 look at the, what are called striations or imperfections
9 that were transferred from the firearm to the fired
10 cartridge case to see if those fired cartridge casings
11 were, in fact, fired from one gun or multiple guns.

12 Q. And based and your expertise and the test that
13 you did, what did you conclude?

14 A. The four fired cartridge casings were fired in
15 the same firearm.

16 Q. Okay. And what kind of firearm was that?

17 A. The, based on the fired cartridge casing it's
18 hard to tell, but on the bullet specimen I examined the,
19 what are called, general rifling characteristics, which
20 is impressed onto the bullet specimen. And from those
21 characteristics, they were consistent with firearms
22 marketed by Astro, Beretta, FM Browning, Calico, CZ,
23 Daewoo, Diamondback, FEG, FMJ, Heckler and Koch, IMI,
24 Kel-tec, Llama, Master Piece Arms, Norinco, Ruger, SWD,
25 SAINT Pobllo (phonetic), Taurus, Walther and possibly

1 others.

2 Q. The basis of your report is that the four fired
3 cartridge casings from the scene were all fired from the
4 same gun; is that correct?

5 A. That's correct.

6 MS. MORICLE: I have nothing further for this
7 witness, Your Honor.

8 CROSS-EXAMINATION

9 BY MS. ANDERSON:

10 Q. Okay. Now item one, that was a semiautomatic
11 pistol?

12 A. Yes, ma'am, it was.

13 Q. And that was found at the scene?

14 A. I have no idea.

15 Q. Okay. You just got these?

16 A. They just brought them to me.

17 Q. Okay. All right. So four of them are from the
18 same gun and two are from two different guns?

19 A. The items that I had, the Item 2, 3, 5 and 7,
20 fired cartridge casings, those are the four, they were
21 fired in the same firearm, but not at number one or Item
22 1, sorry.

23 Q. Right.

24 A. The Number 8 is a fired bullet specimen. I can't
25 determine -- there's nothing else to compare to that

1 one, so I would have to give their general rifling
2 characteristics of what type of gun may have been used
3 to fire that bullet.

4 Q. So you're saying there were three different guns?

5 A. No, ma'am, I can't really say if there were two
6 or three.

7 Q. Okay.

8 A. But I know there's at least -- there's maybe two
9 but no more than that.

10 Q. Okay. So number one and number eight are the two
11 different guns?

12 A. They are definitely two different guns because
13 number eight was not fired from the Item 1 pistol.

14 Q. Okay. And neither was Item 1?

15 A. Well, Item 1 is a pistol.

16 Q. Okay. So that, again, was not involved?

17 A. It was not related to the fired evidence that I
18 received, that's correct.

19 MS. ANDERSON: Okay. All right. I thank you
20 very much.

21 A. Okay.

22 REDIRECT EXAMINATION

23 BY MS. MORICLE:

24 Q. Just briefly, Mr. Armstrong, you were given a
25 pistol Item Number 1 to compare the fired cartridge

1 casings and a fired bullet from, right?

2 A. That's correct.

3 Q. Okay. Did any of those cartridge casings match
4 that bullet to that gun?

5 A. No, ma'am, it did not.

6 Q. Okay. So you have Item 1, Item 2, Item 3, Item
7 5, Item 7 and Item 8?

8 A. That's correct.

9 Q. Item 1 is a gun not involved in the shooting?

10 A. Correct.

11 MS. MORICLE: I have no further questions, Your
12 Honor.

13 THE COURT: You may step down.

14 MS. MORICLE: May this witness be excused, Your
15 Honor?

16 THE COURT: He may be.

17 MS. MORICLE: Thank you.

18 (Witness leaves witness stand and courtroom.)

19 MR. BULSA: The State calls Spike McCraw.

20 (Whereupon, witness comes forward.)

21 THE CLERK: Do you solemnly swear that the
22 testimony you're about to give will be the truth, the
23 whole truth and nothing but the truth so help you God?

24 THE WITNESS: I do.

25 ELDON "SPIKE" MCCRAW,

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. BULSA:

4 Q. Introduce yourself to the jury, please.

5 A. My name is Eldon Dewitt McCraw, Jr., also known
6 as Spike.

7 Q. Who are you employed with?

8 A. With SLED, South Carolina Law Enforcement
9 Division.

10 Q. In what capacity?

11 A. I'm assigned to the Piedmont region as a criminal
12 investigator and it encompasses 12 counties in the
13 Upstate of South Carolina.

14 Q. And when did you begin at SLED?

15 A. On January 5th, 1982.

16 Q. Did you work at any other law enforcement agency
17 before that?

18 A. No, sir.

19 Q. Now, how did you become involved in this case?

20 A. Around December of last year, then Chief Bledsoe
21 called and requested assistance from SLED to review the
22 case file, so I was assigned to review the file. I met
23 with Chief Bledsoe. He furnished me with copies of the
24 file. I reviewed the case file for any other possible
25 leads they could run down.

1 After review of it, I met back with Chief Bledsoe
2 and advised him that there were several areas he could,
3 he could further pursue. One being I didn't see any lab
4 reports in the file. And there was no phone records in
5 the file. And then there were potential witnesses that
6 he could further attempt to interview and find the
7 information about it.

8 Q. Okay. Now, let's first talk about the lab
9 reports. Did you later learn that there was a lab
10 report that pertained to the shell casings?

11 A. Yes, sir.

12 Q. Okay. That was ---

13 A. I later learned that the shell casings were
14 turned over to Greenville County or to Greenville lab,
15 and then the remaining evidence was still at the
16 Spartanburg County Sheriff's Office.

17 Q. Okay. So those items didn't need to be taken to
18 SLED for analysis?

19 A. Those didn't. But I met with Lieutenant William
20 Gary where I obtained the evidence that was taken from
21 the crime scene and I submitted them to SLED for
22 analysis.

23 Q. Okay. Now, are you familiar with the report that
24 Agent Armstrong just testified to?

25 A. Yes, sir.

1 Q. And he referenced an Item 1 that was a pistol?

2 A. Yes, sir.

3 Q. Based on your review of the file, where did that
4 pistol come from?

5 A. It came from Chris Switzer.

6 Q. And was that from a totally different incident?

7 A. Yes, sir.

8 Q. Okay. And do you know the purpose for why it was
9 submitted?

10 A. Yes, sir. To compare to see if it was the gun
11 that Marcus used to kill Jermaine with.

12 Q. And was that because of the connection between
13 the Tahoe?

14 A. Between the Tahoe that Marcus, Mr. Todd, was
15 driving was Chris Switzer's, yes, sir.

16 Q. Okay. So it made logical sense to have it
17 compared?

18 A. Yes, sir.

19 Q. Okay. And it was not found at the scene?

20 A. No, sir.

21 Q. All right. In fact, it wasn't recovered until a
22 month or so later; is that right?

23 A. That's correct.

24 Q. All right. And we just heard the results, it was
25 not the weapon.

1 A. It Was not the weapon that was used, yes, sir.

2 Q. Okay. Now, you took additional items of evidence
3 being the swabs to SLED?

4 A. Yes, sir.

5 Q. Okay. Those were the swabs from the roadway and
6 the yard at this crime scene?

7 A. That's correct.

8 Q. In addition, was some swabs taken from the
9 vehicle; is that right?

10 A. That's correct.

11 Q. Why did you take those to SLED?

12 A. Because there was no body found and we needed to
13 know a known sample of Mr. West's blood. Since there
14 was no autopsy done, there was not a known sample of his
15 blood. So what I did, I contacted his mother, Ms.
16 Thompson, and his biological father, Mr. West. I got a
17 known sample from them, a buccal swab from them. I
18 submitted to our SLED lab to get his blood type. And
19 from that analysis that SLED did, it gave us the blood
20 type for Mr. West.

21 Q. So you would have been the one that actually did
22 the swab --

23 A. I did.

24 Q. -- of the parents?

25 A. Yes, sir.

1 Q. Did you seal it in the proper fashion?

2 A. Yes, sir.

3 Q. And you took that with the various swabs
4 collected by law enforcement to SLED for analysis?

5 A. I did.

6 Q. Okay. And an agent of SLED analyzed those and
7 will give us those results, correct?

8 A. That's correct.

9 Q. Okay. Now, you also commented that you thought
10 there were additional witnesses that could be
11 interviewed. Did you assist in following up on any of
12 those leads?

13 A. I did, yes, sir.

14 Q. Did you have any success?

15 A. Yes, sir, some. Yes, sir.

16 Q. Okay. And what was -- what were you pretty much
17 trying to find?

18 A. Trying to determine actually where Mr. West could
19 have been dumped or disposed of. I attempted to talk to
20 Mr. Todd, his mother, family members, his cousin with no
21 luck. And then through the victim's family ended up
22 talking to several people but with negative results on
23 the location of the body.

24 Q. You comment also about phone records.

25 A. Yes, sir.

1 Q. What kind of records did you try to obtain?

2 A. I tried to obtain phone records from the victims
3 to see if the phone was on to give a signal of a
4 location, GPS of where he may have -- the route he
5 traveled and of the suspect, Mr. Todd, but there was no
6 phone number located. So what I did, I contact -- I
7 found out he was on probation. I contacted his
8 probation officer who furnished me with four phone
9 numbers that he had furnished her as contact numbers.

10 So I obtained search warrants for those phone
11 numbers, submitted them to our special crimes unit that
12 does triangulation. And basically what they do is they
13 work off signal 3G and 4G and it tells you the direction
14 of your travel. And anywhere we saw that he, he was at
15 a location for 30 minutes or so, we searched that
16 location to see if that was a possible, a location of a
17 dump site.

18 Q. And do you recall from this -- from that report,
19 how long he remained in the Woodruff area after this
20 crime?

21 A. Up until about 5:30 or so, in and around the
22 Woodruff area on the Drummond Road area where the
23 vehicle was found.

24 Q. And this incident occurred shortly before one?

25 A. I think it was about 1:18 p.m., yes, sir.

1 Q. Okay. So he remained in the area for about four
2 more hours?

3 A. Yes, sir.

4 Q. Okay. Now, Drummond Road is, what, northwest of
5 Woodruff?

6 A. I'm not from Woodruff, but the area I know is
7 once you come out of Woodruff Street you turn right and
8 then turn left again on Old Spartanburg Highway. You
9 turn right on 221 like you're going back toward Dorman
10 High School. You turn left on Old Spartanburg Highway
11 and that runs into Drummond Road.

12 Q. Okay. And then once you leave Drummond Road,
13 when you -- could you continue on other roads to get to
14 Bragg Street where he lived?

15 A. Yes, sir.

16 Q. Okay. Drummond is basically between his
17 residence and Woodruff?

18 A. That's correct. That's correct.

19 Q. Okay. Approximately how many areas did you
20 assist in searching?

21 A. Over 50.

22 Q. There was evidence yesterday that came out that
23 there was another search warrant done on the Tahoe --

24 A. Yes, sir.

25 Q. -- by you in June. What was the purpose of that?

1 A. Basically I hadn't seen the Tahoe since I
2 started. Chief Bledsoe originally requested us to
3 review it, so we reviewed it. And then sometime, I
4 think January or February, he left and went to another
5 agency. So then the chief, the interim chief then was
6 Todd Hendrick, so he requested our assistance since
7 Chief Bledsoe was really the only one, him and Sergeant
8 Dawkins, that were working on the case.

9 So I was assigned full time to assist them. And
10 I hadn't actually seen the vehicle other than in
11 pictures, so we decided to do a search warrant for any
12 evidence that possibly could have been overlooked or
13 something that would assist us with information we now
14 knew. And I did a search warrant for the vehicle.

15 Q. Okay. Is that when you realized the keys were
16 there?

17 A. Yes, sir.

18 Q. Okay. And What did you do with the keys?

19 A. No, I'm sorry. The keys had already been in
20 evidence.

21 Q. Oh, okay, they had been ---

22 A. That I got from the sheriff's office.

23 Q. Okay.

24 A. They were originally taken from, I think the
25 crime scene, from Spartanburg County originally had

1 taken the keys.

2 Q. What, if anything, did you find in the Tahoe that
3 you thought might could help?

4 A. I found two cellphones, a hand saw, and soil
5 samples.

6 Q. And would any of that lead to any ---

7 A. After talking, identifying the victim, went to
8 Chris Switzer's, met with him, talked with him. The
9 cellphones were his. They no longer worked. They were
10 Boost Mobile phones. The hand saw was his. And the
11 soil samples, I talked to SLED, they do not do soil
12 sample comparison. They said the only ones they knew
13 were Clemson University and the Department of
14 Agriculture. But I needed to know the exact location of
15 what sample to take to compare it to, so didn't know of
16 a location where he was dumped at. We never found the
17 body --

18 Q. Okay.

19 A. -- so I still have those samples.

20 Q. Okay. So you've tried numerous different avenues
21 and approaches and nothing stands out?

22 A. Yes, sir.

23 MR. BULSA: All right, thank you. Answer
24 anything Ms. Anderson may have.

25 CROSS-EXAMINATION

1 BY MS. ANDERSON:

2 Q. You work all over the state?

3 A. Not really, ma'am. Mostly Piedmont region when I
4 can, but just the Piedmont Region is I'm assigned to.

5 Q. Okay. And that encompasses Spartanburg,
6 Greenville, Union?

7 A. Yes, ma'am.

8 Q. Where else?

9 A. Cherokee, Union, York, Newberry, Pickens, Oconee,
10 Anderson. There's 12 counties assigned to me.

11 Q. Okay. So you've kept very busy?

12 A. Yes, ma'am.

13 Q. Okay. Is this typical in a case that you're kind
14 of stuck and they call on you to come and assist?

15 A. Yes, ma'am.

16 Q. And no matter all the things they tried before
17 you and they tried with you, the body was not found.

18 A. That's correct.

19 Q. So it's possible that there isn't a body to find.

20 A. Based on everything I've seen, there's a body
21 somewhere.

22 Q. Well, but you can't be positive.

23 A. Based on my experience, I would say there is a
24 body somewhere, that he is not alive.

25 Q. Okay. What did you do with the cellphone?

1 A. The cellphones, which ones?

2 Q. The ones you found.

3 A. The only ones I found were in the Tahoe.

4 Q. Yeah.

5 A. But I still have them.

6 Q. Whose were they?

7 A. Chris Switzer's.

8 Q. Okay. And all of that stuff in the back of the
9 Tahoe were Christopher Switzer's stuff?

10 A. From what I assume, yes, ma'am.

11 Q. Okay. Well you ---

12 A. He said most of it was his, yes, ma'am.

13 Q. Okay. Were there bullet holes in the Tahoe?

14 A. Yes, ma'am.

15 Q. Okay. Do you know where they came from?

16 A. Somebody shot it.

17 Q. The car?

18 A. That's right.

19 Q. Okay. But you don't know who did?

20 A. No, ma'am. I'd like to know because I think
21 that's the motive for the reason he did it.

22 Q. The motive that Marcus had to shoot Jermaine?

23 A. Yes, ma'am.

24 Q. Okay. Well, did you know Jermaine prior to this?

25 A. No, ma'am.

1 MS. ANDERSON: I have no further questions.

2 REDIRECT EXAMINATION

3 BY MR. BULSA:

4 Q. You talked about the cellphones in the Tahoe.
5 That was just something someone told you, right?

6 A. I saw them.

7 Q. I know that, but as far as how it happened. You
8 don't know exactly how it happened, do you?

9 A. No, sir.

10 Q. Okay. In fact, you've never been given any real
11 clear indication as to what happened.

12 A. No, sir.

13 Q. All right. Are you attaching -- you said that's
14 the motive. Are you attaching that to what Olajawaun
15 Goggins and Brittney Pearson said, that is, you've got
16 to pay for the sins of your brother?

17 A. That's right, yes, sir.

18 Q. Okay, thank you.

19 RECROSS-EXAMINATION

20 BY MS. ANDERSON:

21 Q. The only two people that said that, Marcus said
22 that had prior charges with dishonesty.

23 MR. BULSA: Objection, Your Honor.

24 THE COURT: Was that a question?

25 MS. ANDERSON: Yes, it is.

1 THE COURT: Well, put a question mark on it.

2 MS. ANDERSON: Okay.

3 THE COURT: You could ask him, does he know.

4 BY MS. ANDERSON:

5 Q. Do you know whether or not the two people quoted
6 saying Marcus said you will pay for the sins of your
7 brother, did you know that they had criminal charges
8 involved with dishonesty?

9 A. No, ma'am.

10 Q. Okay. Were you in the courtroom yesterday?

11 A. Yes, ma'am.

12 Q. Okay. Were you here when they testified?

13 A. I was.

14 Q. Okay. Okay, those are all my questions.

15 FURTHER REDIRECT EXAMINATION

16 BY MR. BULSA:

17 Q. Having that knowledge, does that change your
18 opinion about their testimony?

19 A. No, sir.

20 Q. Thank you.

21 THE COURT: You may step down.

22 (Witness leaves witness stand.)

23 MR. BULSA: Let's see if our SLED agent is here,
24 Your Honor. The State calls Maryann Boehm.

25 (Witness comes forward.)

1 THE CLERK: Do you solemnly swear that the
2 testimony you're about to give will be the truth, the
3 whole truth and nothing but the truth so help you God?

4 THE WITNESS: I do.

5 MARYANN E. BOEHM,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BULSA:

9 Q. Let me get this out of your way. Please
10 introduce yourself to the jury.

11 A. My name is Maryann E. Boehm.

12 Q. And, Ms. Boehm, where are you employed?

13 A. I am employed at the South Carolina Law
14 Enforcement Division, commonly known as SLED.

15 Q. And in what capacity?

16 A. I am assigned to the DNA casework department.

17 Q. And what do you do in the department?

18 A. I perform DNA analysis on evidence and known
19 standards that are submitted by local law enforcement
20 agencies to SLED for DNA analysis.

21 Q. And what is your expertise in that area?

22 A. In serology and DNA analysis.

23 Q. What is your education and training?

24 A. I received a bachelor of science from James
25 Madison University in integrated science and technology

1 with a concentration in biotechnology.

2 Q. Have you had specific training through SLED?

3 A. Yes. Once I was employed by SLED I went through
4 the training program, which lasted approximately a year.
5 I was trained on the specific instrumentation and
6 procedures used in our laboratory before I was certified
7 to do independent casework.

8 Q. Have you testified in court as an expert before?

9 A. Yes, I have.

10 Q. Approximately how many times?

11 A. Approximately 65 times.

12 MR. BULSA: Okay. Your Honor, the State would
13 offer Agent Boehm as an expert in DNA analysis and
14 examination.

15 MS. ANDERSON: No objection.

16 THE COURT: She is so qualified.

17 BY MR. BULSA:

18 Q. Agent Boehm, did you receive items of evidence in
19 this case?

20 A. I did.

21 Q. Okay. Such as the swabs from different
22 locations?

23 A. Yes, sir.

24 Q. Okay. Now, one thing with the swabs, did you
25 have a sample from the victim in the case?

1 A. No, I did not.

2 Q. What did you receive, if anything?

3 A. I received samples from the biological mother and
4 father of the victim.

5 Q. Is that unusual?

6 A. It's -- we do receive it. It's not very common,
7 but we do receive them sometimes.

8 Q. Okay. And what were you to do with those two
9 samples?

10 A. I was to essentially do a paternity on the known
11 -- I developed a profile from the evidence to see if it
12 could be a possible biological child of these two
13 individuals.

14 Q. Okay. I'm gonna show you items of evidence 60,
15 61 and 62. Those are blood swabs taken from the
16 vehicle. 64 through 67, those are blood swabs taken
17 from the crime scene location. Are those swabs you
18 received?

19 A. Yes, I received all these items.

20 Q. Were they properly sealed?

21 A. Yes.

22 Q. And did you unseal them?

23 A. Yes, sir.

24 Q. And what test did you conduct on them?

25 A. I -- there was a blood request that I first

1 performed a simple test to see if there was a possible
2 presence of blood. And if it was positive, I performed
3 a DNA analysis on those items.

4 Q. And were each of those positive for blood?

5 A. Yes, sir, they were all positive for blood.

6 Q. And what was the result of your DNA analysis?

7 A. The DNA profile developed from Items 8, 9, 10,
8 11, 12, and 14, is from an unidentified male individual
9 and is consistent with being a biological offspring of
10 Eva Thompson and Bobby West.

11 Q. Okay. And how about item 13?

12 A. The partial DNA profile developed from Item 13 is
13 from an unidentified male individual and is consistent
14 with being an offspring of Eva Thompson and Bobby West.

15 Q. So why is Item 13 separated out from the other
16 samples?

17 A. It's because it's a partial profile instead of a
18 full profile. There was more of a limited amount of DNA
19 where I was unable to get all of the results. And so
20 that's why it's called partial versus a full profile.

21 Q. It's still consistent with all the other blood?

22 A. That, that's correct.

23 Q. Okay. And all those items are identified on the
24 packaging as to where the police recovered it; is that
25 right?

1 A. That's correct.

2 Q. You actually identified those on your report?

3 A. Yes, sir.

4 Q. And specifically for the record, Items 8, 9, 10
5 and 11 from the roadway or front yard or walkway border;
6 is that right?

7 A. That is correct.

8 Q. And 12, 13 and 14 were from the vehicle, were
9 from that vehicle?

10 A. Yes, that is correct.

11 Q. Thank you, ma'am. Answer any question Ms.
12 Anderson may have.

13 CROSS-EXAMINATION

14 BY MS. ANDERSON:

15 Q. So what you testified to is the swabs that you
16 took or had from the biological parents of Jermaine
17 West, was consistent with the swabs being from a
18 biological child of theirs; is that correct?

19 A. Yes, ma'am.

20 Q. And basically it was blood at the scene?

21 A. That is correct.

22 MS. ANDERSON: Okay. Those are all my questions.

23 MR. BULSA: Nothing further.

24 THE COURT: You may step down.

25 MR. BULSA: Ask that she may be excused.

1 THE COURT: She may be.

2 (Witness leaves the witness stand and the
3 courtroom.)

4 MR. BULSA: The State calls Eva Thompson.

5 (Witness comes forward.)

6 THE CLERK: Do you solemnly swear that the
7 testimony you're about to give will be the truth, the
8 whole truth and nothing but the truth so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Have a seat.

11 EVA THOMPSON,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. BULSA:

15 Q. Good morning, Ms. Thompson.

16 A. Good morning.

17 Q. Please introduce yourself to the jury.

18 A. My name is Eva Thompson. I'm Jermaine West's
19 mother.

20 Q. How many children did you have, ma'am?

21 A. Four.

22 Q. Where does Jermaine fit in that?

23 A. He's the baby.

24 Q. And where was Jermaine living at the time he went
25 missing?

1 A. Jermaine was living with Meredith, but it was --
2 he came home for like a week before his disappearance.
3 And he came, you know, he came back home.

4 Q. And who is Meredith?

5 A. Meredith Dale, it's his own fiancée he was dating
6 at the time.

7 Q. Okay. And they had some problems, so he moved
8 back home for a short while?

9 A. Yes, sir.

10 Q. Okay. Now, do you remember the last time you saw
11 your son?

12 A. It was that Sunday.

13 Q. Sunday before his death?

14 A. Uh-huh.

15 Q. Was there anything special about that day?

16 A. Yes.

17 Q. Tell us what.

18 A. I talked to him on a daily basis every day, but
19 every Sunday I cooked Sunday dinner and he came, you
20 know, for Sunday dinner. And I had just had a knee
21 replacement on my knee and he came and he talked for
22 about an hour with me and he was just smiling, and just
23 smiling, just so happy. But I never thought that it
24 would be the last day that I saw my child.

25 Q. You haven't seen him since?

1 A. (Witness shakes head back and forth.)

2 Q. Was he employed?

3 A. At the Palmetto company down the street from me,
4 about less than half of a mile.

5 Q. You're aware that he went and visited Ms. Glenn
6 on a regular basis?

7 A. Uh-huh.

8 Q. When did you learn about his disappearance?

9 A. I was at work.

10 Q. And what happened?

11 A. I was in a room taking care of a patient and my
12 phone was on vibrate and it just kept buzzing and
13 buzzing. So after I got through attending my patient, I
14 stepped out and I washed my hands and I looked in my
15 pocket and it was Darricka. And I answered. And she
16 was saying, Aunt Deloris it's Jermaine.

17 So I said, Jermaine, what do you mean about
18 Jermaine? And she was like, something happened to
19 Jermaine. So I dropped the phone and ran down the hall
20 to get my supervisor. And by the time I came back one
21 of the nurses had picked up my phone because she seen me
22 when I ran. And I could hear my husband saying don't
23 let her drive, just bring her home.

24 Q. Do you remember where Jermaine was?

25 A. No, they didn't tell me anything. He just said,

1 just bring her home, so they brought me home. And they
2 took me to my sister's house. They said that Jermaine
3 was gone and I was like, they took him? And I said,
4 they took him where, to Greenville Hospital?
5 Spartanburg Regional? The hospital where? And
6 everybody was just like he took him. And I said, who
7 took him? Then they said Mr. Todd took him.

8 Q. So you were expecting to be able to go see your
9 son in a hospital?

10 A. Uh-huh.

11 Q. That, of course, wasn't the case.

12 A. No.

13 Q. What efforts did you make to try to find him?

14 A. The police had mentioned just go ahead and go
15 home and that, you know, let them do their job. And so
16 I waited and I waited. And I told my husband we've got
17 to go, we've got to search for Jermaine. I know
18 Jermaine was in that car saying my momma is gonna find
19 me. They gonna find me, but I couldn't.

20 Q. Had he ever gone off before anywhere, ma'am?

21 A. No. Jermaine would always go around his family
22 every day.

23 Q. Okay. You're convinced your son is dead?

24 A. Yes. Because if he wasn't, Jermaine would be in
25 contact just some kind of way, some kind of way.

1 Q. Thank you, ma'am. Answer anything Ms. Anderson
2 may have.

3 CROSS-EXAMINATION

4 Q. Are y'all originally from here?..

5 A. Yes, we are.

6 Q. Okay. Do y'all have relatives in Ohio?

7 A. I have a niece that lives in Ohio.

8 Q. Okay. Hasn't Jermaine gone to Ohio before?

9 A. No, ma'am. If Jermaine is in Ohio, Mr. Todd took
10 him to Ohio.

11 Q. I'm asking has he been to Ohio before this
12 incident?

13 A. No, ma'am.

14 Q. He never has?

15 A. No, ma'am.

16 Q. He never left the state?

17 A. No, ma'am.

18 Q. Okay. And what did he do for his job?

19 A. He worked at a packing company at Palmetto,
20 packing the sand, concrete.

21 Q. Palmetto Concrete? How long had he been there?

22 A. He had been there about four or five months.

23 Q. Okay. What did he do before that?

24 A. He worked at a packing company in Spartanburg. I
25 think it was something to do with Adidas.

1 Q. Okay. How old was Jermaine?

2 A. He was 29 of the day of his disappearance. His
3 birthday was November 22nd of last year. He's 30 now.

4 Q. Okay. And his fiancée, were they living together
5 at the time of this incident?

6 A. No, ma'am.

7 Q. Okay. And what was the trouble they were having?

8 A. That's something that you'll have to ask Ms.
9 Dale.

10 Q. Okay. But you don't know?

11 A. No.

12 Q. Okay. How long had they been seeing each other?

13 A. Approximately, between five and six years, I
14 believe.

15 Q. Five and six years?

16 A. (Witness nods head up and down.)

17 Q. And so did he have -- how many children did he
18 have with her?

19 A. Two.

20 Q. And one on the way.

21 A. She's born now.

22 Q. So three altogether?

23 A. Yes, ma'am.

24 Q. But he had nine children?

25 A. No, ma'am.

1 Q. How many did he have?

2 A. Six.

3 Q. Six children, okay. Counting those two.

4 A. Uh-huh.

5 Q. Okay. All right. Do you work at a nursing home?

6 A. No, ma'am.

7 Q. Where do you work?

8 A. Greenville Hospital.

9 Q. I can't hear you.

10 A. St. Francis Hospital in Greenville.

11 Q. Oh, okay. You did go on a search for your son,
12 correct?

13 A. There ain't no did. I went every day and still
14 go every day.

15 Q. But the one that you actually -- Ashley Gonzales
16 was in the car with you?

17 A. Ashley Gonzales, or whatever her name is,
18 contacted our family and told us that she might know
19 where Marcus Todd took Jermaine.

20 Q. Okay.

21 A. And I asked her, where does she want us to meet
22 her at. We met her at Kelly's grocery store on the back
23 road from where we live. There was about 15 of us met
24 her, and she took us several places that her and Mr.
25 Todd had went to.

1 Q. Okay.

2 A. To try to help us find Jermaine.

3 Q. Okay. And who went?

4 A. Me and my husband. Ms. Dale, my daughter, Juan
5 Galley. It's about 15, all the searchers that help.

6 Q. Okay. And how long did this take y'all?

7 A. How long did it take us to do what?

8 Q. To drive around looking.

9 A. As long as it took us, we rode around. It didn't
10 matter how long it took us to look for my child. We
11 just kept riding. Everywhere Ashley took us we went.

12 Q. Okay. And was it your husband who recorded the
13 conversation?

14 A. No. Recorded what conversation?

15 Q. When y'all were riding around looking.

16 A. No.

17 Q. You didn't know you was being recorded?

18 A. Who? By Ashley?

19 Q. By anyone.

20 A. No.

21 Q. Okay. But y'all didn't find anything?

22 A. No.

23 Q. And I am sorry that you can't find your son.

24 Will you keep looking for him?

25 A. Yes, I will. I won't stop and I will not stop

1 until I find Jermaine. But if you could ask Mr. Todd
2 what he done with Jermaine, it would be more better.

3 Q. Well, Mr. Todd will testify. So, anyway, I have
4 no further questions.

5 MR. BULSA: Just briefly in reply.

6 REDIRECT EXAMINATION

7 BY MR. BULSA:

8 Q. Ms. Thompson, Ashley Gonzales, was she the
9 girlfriend of Mr. Todd?

10 A. She told us that she was Marcus's girlfriend.

11 Q. Okay. And but the information she had, that
12 didn't come up with anything?

13 A. (Shakes head back and forth.)

14 Q. What do you do at Greenville Hospital?

15 A. Nursing Assistant.

16 Q. And was Marcus -- excuse me. Was Jermaine
17 involved in his children's lives?

18 A. Everyday. Yes, he was, everyday.

19 Q. Would they come over for those Sunday dinners?

20 A. Yes.

21 Q. Thank you, ma'am. That's all I have.

22 THE COURT: You may step down, thank you.

23 (Witness leaves the witness stand.)

24 MR. BULSA: Your Honor, the State would rest.

25 THE COURT: All right. Ladies and gentlemen,

1 that is all of the testimony or other evidence to be
2 offered by the State, at least in their case in chief.
3 Before we go further, I've got some matters to address
4 and it should take just a few minutes and then we'll
5 bring you back and continue. But right now I'll ask you
6 to please go to your jury room, but do not begin any
7 discussions of the case. It's not completed.

8 (Jury leaves the courtroom at 10:29 a.m.)

9 THE COURT: Any motions or any other matters to
10 address?

11 MS. ANDERSON: Yes, sir.

12 THE COURT: Ms. Anderson.

13 MS. ANDERSON: Do you mind if I sit?

14 THE COURT: No, that's fine.

15 MS. ANDERSON: Your Honor, I'm moving for a
16 directed verdict in this case. I do not believe that
17 the State has proven that Jermaine West is dead. I
18 think they've got a lot of suppositions in this case,
19 and the area in which this shooting happened has a lot
20 of shootings down there. It's not the nicest part of
21 Woodruff.

22 And I believe that everyone that was at that
23 house, with the exception of the person who was living
24 there, Tavis Jeter, were relatives or friends of
25 Jermaine's. And, as I said in my opening, unfortunately

1 Mr. Todd was at the wrong place at the wrong time. But
2 I don't think the state has proven that there is a body
3 and that my client deliberately shot him. And I feel a
4 directed verdict is the proper avenue at this time.

5 THE COURT: Mr. Bulsa?

6 MR. BULSA: I think it's clear that Jermaine was
7 shot multiple times. His body was limp as it was being
8 placed in that car. It's overwhelming circumstantial
9 evidence that he is deceased. We've heard from multiple
10 witnesses how they searched and searched and searched.
11 And I think it's clear that this case should go to the
12 jury.

13 THE COURT: All right. Well, Ms. Anderson, it
14 appears from the evidence in the case considered in the
15 light most favorable to the State, as I must consider on
16 a motion for a directed verdict, it does appear that
17 there is substantial direct evidence tending to show
18 that the defendant, without provocation, and with intent
19 to kill, did in fact shoot the deceased several times.
20 And there's also substantial circumstantial evidence
21 that would tend to establish that the decedent is in
22 fact, or the victim, Mr. West, is in fact deceased. So
23 based upon that evidence existing, your motion for a
24 directed verdict is denied. Anything else?

25 MS. ANDERSON: No, sir, thank you.

1 THE COURT: All right. What about your
2 discussions with Mr. Todd about his right to testify or
3 not testify? Have you had those discussions with him?

4 MS. ANDERSON: Yes, I have, Your Honor.

5 THE COURT: And has he indicated to you a
6 preference?

7 MS. ANDERSON: He wishes to testify.

8 THE COURT: All right. Mr. Todd, Ms. Anderson
9 has just stated that she has discussed with you your
10 right to testify as well as not testify and that you do
11 wish to testify in the trial of this case.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand that when you are
14 charged with a crime, as you are now, that you have an
15 absolute right to remain silent?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: That means that no one can require
18 that you take the witness stand and testify. Nobody can
19 ever require that you make any statements or answer any
20 questions, at least those that might tend to prove you
21 guilty of some crime the State claims you committed.

22 However, if you elect to take the witness stand
23 and testify and you have to answer all of the questions
24 that I ask of you to the extent that they are relevant,
25 even if the responses to those questions might have a

1 tendency to prove you guilty of some crime the State
2 claims you have committed. And if you make a decision
3 that you will not testify, as you have a right to do,
4 then I will instruct the jury, as I already have, but
5 I'll instruct them again that they can't hold that
6 against you. They can't consider it in any way, and
7 they cannot allow that fact to influence their
8 deliberations and their determinations as to whether or
9 not the evidence in this case establishes your guilt
10 beyond a reasonable doubt.

11 Do you understand that you have an absolute right
12 to remain silent if you wish to?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand that you are the
15 only person that can waive that right or give it up?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: In other words, you're the only
18 person that can decide whether or not you are going to
19 testify. Understand?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And did you and Ms. Anderson discuss
22 the advantages and disadvantages of testifying as well
23 as not testify?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you appreciate what those

1 advantages and disadvantages are?

2 THE DEFENDANT: Absolutely.

3 THE COURT: And then have you had time to reflect
4 upon your decision as to whether or not you'll testify?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And have you arrived at a decision?

7 THE DEFENDANT: Yes, sir, I have.

8 THE COURT: And what is that decision?

9 THE DEFENDANT: I'll testify.

10 THE COURT: Is that a decision that you made of
11 your own free will and accord?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Has anyone forced you into it?

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anyone pressured you into it?

16 THE DEFENDANT: No, sir.

17 THE COURT: And has anyone even suggested that
18 that's the decision that you ought to make?

19 THE DEFENDANT: No, sir.

20 THE COURT: And you do understand that only you
21 can make that decision?

22 THE DEFENDANT: Absolutely.

23 THE COURT: Are you satisfied with your decision?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Anything else?

1 MS. ANDERSON: Not from me.

2 THE COURT: Is there any need to address any
3 impeachment evidence? Is there anything?

4 MR. BULSA: Yes, sir. The defendant has
5 convictions from 2015 for assaulting a police officer
6 while resisting arrest. He received a YOA sentence not
7 to exceed one year. That was suspended to probation.

8 2013, he received a malicious injury. On the
9 same day he received a conviction for malicious injury
10 to the courthouse or the jail. Also received the
11 Youthful Offender sentence not to exceed three years,
12 suspended to two years probation. And then in 2014 he
13 was charged with shoplifting and giving false
14 information on the same day. He was convicted of both
15 in June of 2014.

16 And then in October of 2014 he was convicted of
17 accessory after the fact to a felony. That felony being
18 an assault and battery in the first degree. He was on
19 probation at that time when this happened. We feel all
20 of those actually fall in the rule based on the sentence
21 range and the shoplifting and giving false information
22 are crimes of dishonesty.

23 THE COURT: All right. Ms. Anderson?

24 MS. ANDERSON: Your Honor, that is correct, it is
25 his record.

1 THE COURT: Well, do you agree that they are
2 properly or they can properly be considered, inquired by
3 the prosecutor of Mr. Todd and possibly considered by
4 the jury for the purpose of impeachment pursuant to Rule
5 609?

6 MS. ANDERSON: Yes, sir.

7 THE COURT: Okay. Well, have y'all by any chance
8 read the *State versus Baldman*?

9 MR. BULSA: Yes, sir, I did.

10 MS. ANDERSON: Uh-huh.

11 THE COURT: All right. Well, do you have a copy
12 of it?

13 MR. BULSA: I just pulled it up.

14 THE COURT: Well, that's good. If you want to
15 provide that to Ms. Anderson and we're gonna take 15
16 minutes. Y'all read the case and then we'll talk about
17 it again.

18 (A recess was had from 10:39 a.m. - 11:15 a.m.)

19 THE COURT: All right. Any other matters we need
20 to address before the jury is brought in?

21 MR. BULSA: No, sir.

22 MS. ANDERSON: No, sir.

23 THE COURT: Bring the jury in, please.

24 THE BAILIFF: Yes, Your Honor.

25 (The jury enters the courtroom at 11:15 a.m.)

1 THE COURT: Ladies and gentlemen, as you know the
2 State has rested in their presentation, so we'll now
3 proceed with any to be offered by the defense.

4 Ms. Anderson.

5 MS. ANDERSON: I call Marcus Todd.

6 THE CLERK: Place your left hand on the Bible and
7 raise your right, please. (Complies.)

8 Do you solemnly swear that the testimony you're
9 about to give will be the truth, the whole truth and
10 nothing but the truth so help you God?

11 THE WITNESS: Yes, ma'am.

12 THE CLERK: Thank you.

13 MARCUS QUANTE TODD,
14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. ANDERSON:

17 Q. Okay. All right, please state your name.

18 A. My name is Marcus Todd.

19 Q. And how old are you?

20 A. I'm 21.

21 Q. All right. You're charged today with one count
22 of murder and one count of kidnapping; is that correct?

23 A. Yes, ma'am.

24 Q. Okay. Let's talk about a little bit before this
25 incident occurred. Let's talk about on Sunday May 22nd,

1 about 4 or 5 o'clock, what were you doing?

2 A. May 26th or ---

3 Q. Yeah. You've got to have your mic up.

4 A. Can you hear me now? (

5 Q. Yeah.

6 A. I was playing basketball at the Woodruff

7 Recreation right there by Burger King.

8 Q. Okay. And what happened? Who were you playing
9 with?

10 A. I was playing against Prennis Thompson and, like
11 I say, it was down with Olajawaun Goggins. We were all
12 on the same team, but Prennis was on the other team and
13 whatnot.

14 Q. Okay. Who got mad? I mean, why did someone get
15 mad? Why did you all fuss?

16 A. It was a fight between Prennis Thompson and then
17 they give money to Olajawaun because it was a fight
18 between those two and the scrimmage broke up. So we
19 separated the entire game.

20 THE COURT: All right. You all excuse me, just a
21 minute. Ms. Anderson, let me ask you to come up this
22 way a little bit and let -- and Mr. Todd, I need you to
23 turn. The court reporter needs to see you as you speak
24 because you're not being articulate. So make sure you
25 keep your voice up and use the microphone. Don't hold

1 onto it.. Just keep your voice up, because she needs to
2 see at least your profile to take your testimony. And
3 so look at Ms. Anderson.

4 THE WITNESS: Yes, sir.

5 THE COURT: And hopefully that microphone will
6 work and the court reporter can see you.

7 BY MS. ANDERSON:

8 Q. All right. After you separated from these
9 people, what did you do?

10 A. Went to Tavis Jeter's house.

11 Q. And that was where the shooting incident
12 occurred, wasn't it?

13 A. Yes, ma'am.

14 Q. But you went over there on Sunday evening. What
15 did you go over there to do?

16 A. Sunday evening, like I said, we went over there.
17 We smoked a little pot or whatnot. Then we drank a
18 little bit after the game.

19 Q. And then what happened?

20 A. After that I went to my house.

21 Q. Okay. And who lives in your house with you?

22 A. My mother and my sister and myself.

23 Q. Okay. And this was a trailer?

24 A. Yes, ma'am.

25 Q. Okay. After you left Tavis Jeter's house, you

1 went home, correct?

2 A. Yes, ma'am.

3 Q. What did you do?

4 A. Like I say, I took a shower. Like I say, I
5 watched TV. And then the rest I went to sleep.

6 Q. Okay. Did something happen to get you up later?

7 A. Yes, ma'am. Around three or four in the morning
8 I heard a gun fire. I went in my sister's room. She's
9 over there. She was getting off of work and she was,
10 like I say, she was a manager out at the Burger King.
11 She was getting off around, I guess, like I said, three.
12 She told me to move off the couch. So, like I say, I
13 got up and I was about to move off the couch and that's
14 when I heard gun fire. The lights were dim in the
15 house. So, like I say, I peaked out of the blind and I
16 seen Prennis Thompson.

17 Q. Who else did you see?

18 A. Sean Tribble.

19 Q. Okay. And it was just those two?

20 A. Yes, ma'am.

21 Q. Okay. Where were they standing?

22 A. They were standing right on the -- it's one flag
23 pole, a light pole at the end of the street.

24 Q. And they were standing under it?

25 A. Yes, ma'am.

1 Q. Okay. Did you see, did they have guns?

2 A. Yes, ma'am.

3 Q. And did you see them?

4 A. Yes, ma'am. I called the police right
5 afterwards.

6 Q. Okay. After they shot at your house, what did
7 they do?

8 A. They took off running.

9 Q. Okay. Did they have a car?

10 A. Yes, ma'am. It was a black charger, I think.

11 Q. Okay. And do you know whose car that was?

12 A. I think it belonged to Speedy, Prennis Thompson's
13 father.

14 Q. What's his real name?

15 A. I couldn't tell you his real name. Everybody
16 calls him Speedy.

17 Q. Okay. And so Prennis, Prennis and Sean left?

18 A. Yes, ma'am.

19 Q. Okay. Did you try to follow him?

20 A. I didn't.

21 Q. Okay. And I believe you just said you called the
22 Woodruff police, correct?

23 A. Yes, ma'am.

24 Q. Did they come over to the house?

25 A. They did.

1 Q. Okay. Did you tell the Woodruff police who it
2 was?

3 A. No, ma'am, I did not.

4 Q. Why didn't you?

5 A. Like I say, I seen a lot of kids like my, like I
6 say, myself. I didn't want Prennis to lose his life
7 over, you know, anything, you know, because it's lots of
8 people that have an opportunity. Prennis is a great
9 football player, great football player. And I didn't
10 want him to lose any of his scholarships like just
11 because he was being reckless, you know.

12 Q. Okay. All right. So you knew Prennis growing
13 up, didn't you?

14 A. Yes, ma'am.

15 Q. Basically tell me about the fly guys and the cab.

16 A. Basically then, like I say, it was involving high
17 school. I mean ---

18 MR. BULSA: Objection to this, Your Honor. I
19 don't see how this is relevant.

20 THE COURT: I think we need to move into
21 something that's -- that would be relevant to this case.

22 MS. ANDERSON: Okay.

23 BY MS. ANDERSON:

24 Q. All right. After the police left what did you
25 do?

1 A. After the police left, like I say, I went to bed.

2 Q. Okay. Well, were you able to sleep?

3 A. I couldn't. I was really restless that night.

4 Like I say, I felt I couldn't tell you. Like I was
5 tossing and turning and I was just scared.

6 Q. Why were you scared?

7 A. Because I didn't really know why they did the
8 shooting over a basketball game. It really didn't take,
9 you know, all that, you know?

10 Q. Okay. All right. The next morning who came to
11 your house?

12 A. Landon Jenkins.

13 Q. Who was he?

14 A. Landon Jenkins is my friend from high school. We
15 both wrestle.

16 Q. Okay. He came over and y'all just talked?

17 A. Yes, ma'am. We discussed the facts of the cars.
18 It was shot out both vehicles that were in the yard.
19 They were riddled with bullet holes and whatnot. And
20 like I say, me and Landon were talking what to do about
21 this situation. Like I say, after that I called my
22 probation officer, Ms. Tyler. She was sitting over
23 there. (Indicating.) I called her and she told me to
24 report it to the Woodruff Police Department to make sure
25 I make a statement.

1 Q. About the incident that occurred at your house?

2 A. Yes, ma'am.

3 Q. Okay. What were you wearing?

4 A. I can't exactly remember. Before, under my ---

5 Q. Were you going to work?

6 A. Yes, ma'am.

7 Q. What do you wear at work?

8 A. I wear overalls and my boots.

9 Q. Okay. The picture, the video of you putting
10 Jermaine in your car, were those overalls you wear to
11 work?

12 A. Yes, ma'am.

13 Q. Okay. All right, did you go to the Woodruff
14 police?

15 A. I didn't get a chance to. Like I say, I stopped
16 at Tavis's Jeter's house.

17 Q. Well, you hadn't said that yet. So after you
18 talked to your probation agent, you went to Tavis
19 Jeter's house?

20 A. Yes, ma'am.

21 Q. Where this shooting incident occurred?

22 A. Yes, ma'am.

23 Q. What did you go over there for?

24 A. I went to purchase marijuana.

25 Q. Okay. Did you get some?

1 A. Yes, ma'am.

2 Q. All right. While you were getting it -- now,
3 this was the house on Woodruff Street. Did you go
4 indoors to buy the marijuana?

5 A. Yes, ma'am. Olajawaun, he, he watches out for
6 the house and whatnot. He can't park directly in front
7 of the house because that's where, as I said, the drug
8 dealers they park their cars out in front of the house.
9 So like I say, I parked on the side of the road and I
10 went in the house to get that. Olajawaun didn't have
11 any and he pointed me in the right direction so I went
12 in the house.

13 Q. Okay. All right. Let's see. Right after you
14 bought your marijuana, did you hear anything?

15 A. I heard the one gunshot.

16 Q. Okay. Was the gunshot indoors or outdoors?

17 A. It was outdoors.

18 Q. Okay. And what did you do?

19 A. Like I say, that's when I proceeded to leave the
20 building. Like I say, once I got to the door I seen
21 Olajawaun. He was holding a firearm. And, like I say,
22 he proceeded to raise it at me. And, like I say, I just
23 froze. That's when I seen -- like I said, it's a house
24 right next door. People start coming out and Olajawaun
25 took off running behind the house. And that's, like I

1 say, once I seen that I just took off running to the
2 vehicle. But then I couldn't just leave Jermaine on the
3 ground. Like I say, and boys, like I say, somebody has
4 a leg wound you don't exactly test the leg wound. You
5 grab them from under their shoulders. And that's
6 exactly what I did. I helped him to the vehicle. Like
7 I say, after that I left the scene.

8 Q. Well let me ask you this, was Jermaine talking?

9 A. Yes, ma'am.

10 Q. Okay. And did you tell him what you were doing,
11 why you had him?

12 A. Yes, ma'am.

13 Q. What did you tell him?

14 A. I said, I told him I have to take him to the
15 hospital.

16 Q. Okay. Did you see how many times he was shot?

17 A. No, ma'am. I just heard one gunshot.

18 Q. Okay. But he was bleeding?

19 A. Yes, ma'am.

20 Q. Okay. And in the video don't you go and pick up
21 something off the road?

22 A. Yes, ma'am. I picked up his shoe. He asked me
23 to pick up his shoe right before we were leaving.

24 Q. Okay. So -- and the woman in the video that was
25 screaming at you, didn't she come up and jump on your

1 back?

2 A. No, ma'am, she didn't. Afterwards, like I say,
3 several weeks she said I shot a handgun or something.

4 MR. BULSA: Objection, Your Honor.

5 THE WITNESS: And they dismissed those charges.

6 MS. ANDERSON: No, No.

7 MR. BULSA: Objection, Your Honor.

8 BY MS. ANDERSON:

9 Q. We're not gonna go there, okay? Let's go to --
10 okay. You picked up Jermaine?

11 A. Yes, ma'am.

12 Q. And you got into your car. You got him in the
13 car, picked up his shoes and then what did you do?

14 A. Like I say, I took a left at the stop sign. Once
15 I took a left at the stop sign I seen Olajawaun in the
16 back alley. And like I say, me and Olajawaun, we were
17 very close friends. I didn't really know exactly how
18 that little squirmish broke out, but Olajawaun ended up
19 getting in my vehicle with me, like I said, at the same
20 time.

21 Then Olajawaun, he's telling me I didn't mean to
22 do it. And I'm telling him like we'll just go to the
23 police and explain all of this because I told him I was
24 on the way to the police office. I said, we'll just
25 explain all of this to the police or whatnot.

1 But then he told me to take a left. I took a
2 left on Buncombe Street. We just kept driving and
3 driving. And then that's when we ended up, it was right
4 there, I think by Burger King. Well, not Burger King,
5 McDonald's. It's a side street right there. We stopped
6 on that side street and kept going and what not. Like I
7 say, that's when Jermaine, he didn't want to be in the
8 vehicle at all with Olajawaun, but Olajawaun wouldn't
9 let us out. He just told me to continue to drive.

10 And like I say, I had to continue to drive.
11 That's when I say that he told me to get out of the
12 vehicle. It was on Old Spartanburg Highway. I did
13 exactly that. He told me if I ever said anything he
14 would kill my family, so I had no other choice.

15 Q. Okay. So when -- Olajawaun made you get out of
16 the car?

17 A. Yes, ma'am.

18 Q. Okay. And did he go take off with the car?

19 A. Yes, ma'am.

20 Q. With Jermaine in the car?

21 A. He did.

22 Q. Okay. Did you have a gun with you that day?

23 A. I did not.

24 Q. Okay. But Jermaine had a gun, didn't he?

25 A. Yes, ma'am.

1 Q. Did you give it back? Did you have it or did you
2 give it back to him?

3 A. Yes, ma'am. Like I say, I took the clip out of
4 the gun and I tossed it back to Jermaine.

5 Q. Okay. So after you got out of the car what did
6 you do?

7 A. Like I say, I just sat there. He said Brittney
8 Pearson was supposed to pick me up but she never showed
9 up. Like I waited and I waited and I waited and I never
10 saw anybody.

11 Q. So ---

12 A. I just stayed in that same exact spot the whole
13 entire night. Like I say, later on I continued to walk.
14 It was probably about eight, six or seven, eight, like I
15 say, in the morning. Like I say, a black couple, they
16 pick me up and they drop me off around my street.

17 Q. Who picked you up?

18 A. It was a couple.

19 Q. Uh-huh.

20 A. Yes, ma'am. Like I said, they picked me up and
21 dropped me off around my street. Then after that I
22 turned myself in. I didn't want to ---

23 Q. You had heard that there was a warrant for you?

24 A. Yes, ma'am.

25 Q. And so you immediately turned yourself in?

1 A. Yes, ma'am.

2 Q. And did you have any access to a car after
3 Olajawaun had you get out?

4 A. No, ma'am.

5 Q. Okay. Do you know -- you said Jermaine was
6 talking?

7 A. Yes, ma'am.

8 Q. Was he making sense?

9 A. He didn't want me to get out of the vehicle. He
10 was afraid of what Olajawaun was gonna do to him. Like
11 I say, I didn't want anything to do with it. Like I
12 say, I just exited the vehicle as fast as I could.

13 Q. Okay. Well, why are you telling -- well, let's
14 go to what you originally told the police.

15 A. Yes, ma'am.

16 Q. Well, it wasn't the police. What did you
17 originally say happened that morning?

18 A. I originally told you, like I said, he jumped off
19 the stoop and had fired at Jermaine. But, like I say, I
20 just didn't -- I didn't want anything to happen to my
21 family because, like I say, he told me that if I ever
22 said anything he would prove his point. And this isn't
23 the first time I've been assaulted by him. I have, like
24 I say, wounds on my, on my chest and my back. Like I
25 say, got stab wounds from these same people.

1 Q. You're talking Olajawaun?

2 A. Yes, ma'am.

3 Q. And friends?

4 A. Yes, ma'am.

5 Q. Okay. Um... Okay. And the first thing that you
6 said happened when we talked about it, that Marcus
7 jumped you? He was on the steps at the house?

8 A. Yes, ma'am.

9 Q. And you were scared and did you grab his -- he
10 had a gun, didn't he?

11 A. Yes, ma'am.

12 Q. And did you grab his gun?

13 A. Yes, ma'am.

14 Q. This is in your first tale about what happened?

15 A. Yes, ma'am.

16 Q. And you said you shot him?

17 A. Yes, ma'am.

18 Q. And then you took him to your car?

19 A. (Witness nods head up and down.)

20 Q. But that is not what happened?

21 A. No, ma'am.

22 Q. Okay. That night did something else happen?

23 A. Which night?

24 Q. The night that you had turned yourself in, May
25 24th?

1 A. Yes, ma'am.

2 Q. Okay. What happened?

3 A. Like I say, my house was burning.

4 Q. Where your mother was?

5 MR. BULSA: Objection, Your Honor, relevancy.

6 THE COURT: Sustained.

7 MS. ANDERSON: Okay.

8 BY MS. ANDERSON:

9 Q. All right. Let's talk about -- okay. Have you
10 been convicted of shoplifting?

11 A. Yes, I have.

12 Q. And have you been convicted of giving false
13 information?

14 A. Yes, ma'am.

15 Q. Were these two incidents the same time?

16 A. Yes, ma'am. I was 17 years of age at Myrtle
17 Beach.

18 Q. Okay. And you didn't give the police, Woodruff
19 police, your real name?

20 A. Yes, ma'am.

21 Q. And why did you --

22 MR. BULSA: Objection, Your Honor.

23 THE COURT: Sustained.

24 BY MS. ANDERSON:

25 Q. All right. So these are the two things?

1 A. Yes, ma'am.

2 Q. Okay. Okay. Did you have a grudge against
3 Jermaine West?

4 A. No, ma'am.

5 Q. Okay. Did you shoot him?

6 A. No, I didn't.

7 Q. Did you kidnap him?

8 A. No, ma'am.

9 Q. Did -- you didn't have anything to do with the
10 hiding of the car?

11 A. No, ma'am. Like I said, I'm so sorry about
12 whatever happened, but if I knew anything else I would
13 honestly tell you. Like I say, I was just immediately
14 scared, but I didn't want anything to happen to my
15 family. That's exactly why I just went along this whole
16 entire time. I promise you if I, if I knew anything I
17 would let you know honestly.

18 Q. You done?

19 A. Yes, ma'am.

20 MS. ANDERSON: Answer any questions that
21 Solicitor Bulsa may have for you.

22 CROSS-EXAMINATION

23 BY MR. BULSA:

24 Q. Now, Mr. Todd, now I think I've heard three
25 different stories. First off, let's get out to the jury

1 you didn't tell the police anything, right?

2 A. Which incident?

3 Q. You didn't tell the police anything when you were
4 arrested, right?

5 A. No, ma'am or no, sir.

6 Q. Okay. And what were you on probation for?

7 A. I was on probation for accessory after the fact.

8 Q. That involved a shooting?

9 A. Sir?

10 Q. That involved a shooting, right?

11 A. Yes, sir.

12 Q. On that same street, Woodruff Street, right?

13 A. I was found at the beach with a suspect.

14 MS. ANDERSON: Your Honor, I would object.

15 MR. BULSA: She opened the door, Your Honor.

16 THE COURT: Sustained.

17 BY MR. BULSA:

18 Q. Well, you weren't even supposed to be around
19 Jermaine West, were you?

20 A. Sir?

21 Q. You were not supposed to be around Jermaine West,
22 were you?

23 A. I couldn't tell you if I was or not.

24 Q. Are you telling me you were never instructed not
25 to be around Jermaine West?

1 A. D'Angelos Jermaine.

2 Q. What?

3 A. I said D'Angelos Jermaine Jeter, that's the one I
4 wasn't supposed to be around.

5 MR. BULSA: Your Honor, may we approach?

6 (A bench conference was held off the record.)

7 BY MR. BULSA:

8 Q. Are you denying that you were told that you were
9 not supposed to be around Jermaine West?

10 A. Yes, sir. They said Jermaine. I just gave
11 you ---

12 Q. I can't hear you and I'm standing this close to
13 you. Would you speak up, sir.

14 A. I just told you the name D'Angelos Jermaine
15 Jeter.

16 Q. How far did you go in school?

17 A. I got my GED when I was a senior in high school.
18 And, like I say, I dropped out of school and then got my
19 GED.

20 Q. Okay. All right. So let's see, you didn't tell
21 the police anything. The first story you told your
22 lawyer was Jermaine attacked you?

23 A. Yes, ma'am (sic).

24 Q. And that Jermaine had a gun.

25 A. He did have a firearm.

1 Q. And that you pulled -- got the gun away from
2 Jermaine?

3 A. (Witness nods head up and down.)

4 Q. You just answer, please.

5 A. Yes, sir.

6 Q. And that you then shot Jermaine, right?

7 A. Yeah.

8 Q. So initially you admitted to shooting Jermaine,
9 but you were trying to claim it was self-defense. Is
10 that what your story was?

11 A. Yes, sir.

12 Q. And the time you told Ms. Anderson that was
13 before your bond hearing, right?

14 A. Sir?

15 Q. That was right before your bond hearing, right?

16 A. Yes, sir.

17 Q. And you told her that story, right?

18 A. Yes, sir.

19 Q. Okay. First story, how many times did you shoot
20 Jermaine?

21 A. Like I say, I didn't shoot Jermaine. Like I
22 said, I told you -- I told Ms. Patricia it was twice,
23 but I never shot Jermaine.

24 Q. You told her it was twice?

25 A. Yes, sir.

1 Q. That you shot him. Okay. And where did you tell
2 her you shot him at? What part of the body?

3 A. The leg and then I shot at the ground.

4 Q. The leg and the ground?

5 A. Yes, sir.

6 Q. Okay. And what did you tell her about why you
7 put him in the car?

8 A. I was taking him to the hospital.

9 Q. That you were taking him to the hospital. And
10 what did you tell her that you did with him?

11 A. I told you the exact same story you heard from
12 me.

13 Q. What?

14 A. I said I've already explained this.

15 Q. What did you do with Jermaine?

16 A. I told you this already.

17 Q. Who? You didn't tell me anything.

18 MS. ANDERSON: Your Honor, I would object to --

19 THE WITNESS: We had a discussion about this.

20 MS. ANDERSON: -- Mr. Bulsa yelling.

21 THE COURT: All right. Let's be a little more
22 civil tone, but you just have to answer the questions,
23 and if they're not relevant or if they shouldn't be
24 asked, your lawyer will object and then I'll rule on it.
25 Otherwise, you answer whatever question he asks you.

1 THE WITNESS: Yes, sir.

2 BY MR. BULSA:

3 Q. What did you tell Ms. Anderson you did with
4 Jermaine West?

5 A. I told them I dropped him off at the hospital.

6 Q. You told her you dropped him off at the hospital?

7 A. Yes.

8 Q. You didn't tell her that he was raising cane and
9 wanted out of your car?

10 A. Yes, ma'am (sic).

11 Q. And you didn't tell her that you stopped the car
12 and he got out --

13 A. Yes, sir.

14 Q. -- just a few blocks from where you shot him?

15 A. Yes, sir. Like I say, I told her I was on the
16 way to the hospital. And, like I say, that's when he
17 exited the vehicle.

18 Q. I'm not sure the jury is hearing this because I
19 can barely hear him this close.

20 THE COURT: Mr. Todd, let me remind you, you
21 don't need to hold on to that microphone. You just put
22 -- can you adjust it so that you can speak into it? And
23 you're probably gonna have to push it up. Mr. Bulsa,
24 can you fix that for him?

25 THE WITNESS: Appreciate it. Thank you.

1 THE COURT: All right. Now, just speak into that
2 microphone.

3 BY MR. BULSA:

4 Q. Okay. So your first story was you and Jermaine
5 had a struggle, you got his gun and you shot him at
6 least once.

7 A. Yes, sir.

8 Q. Put him in the car to take him to the hospital
9 but he never got there.

10 A. Yes, sir.

11 Q. What?

12 A. Yes, sir.

13 Q. Because you're saying he pitched a fit and wanted
14 out of the car?

15 A. Yes, sir.

16 Q. Okay. And then the next story I heard was in the
17 opening statement when you supposedly heard a gunshot,
18 Jermaine got shot and you put him in the car; is that
19 right?

20 A. That's correct.

21 Q. And that you were driving down the road and you
22 stopped and let him out and you got in the car with two
23 women; is that right?

24 A. That's correct.

25 Q. But you didn't just testify to that story, did

1 you?

2 A. Like I say, I was telling the truth, Your Honor.

3 Q. Telling the truth?

4 A. Uh-huh.

5 Q. So you didn't tell Ms. Anderson about two ladies,
6 him getting in the car with two ladies?

7 A. I got on the stand today to tell the whole truth,
8 nothing but the truth --

9 THE COURT: Don't hold the microphone, please.

10 THE WITNESS: -- Mr. Bulsa. Like I say ---

11 BY MR. BULSA:

12 Q. Did you tell your lawyer ---

13 A. Like I say, I won't hide anything from this
14 family because they deserve closure on this entire issue
15 and that's what I'm gonna give to them today.

16 Q. Did you tell your lawyer that you let him out of
17 the car and he got in the car with two women in a white
18 car?

19 A. Yes, sir.

20 Q. You did tell her that?

21 A. Yes, sir.

22 Q. But then you got up here to testify and you come
23 up with this story about Olajawaun getting in the car.

24 A. Yes, sir. When I was getting in the car, like I
25 say, the officer can testify to Prennis told me that he

1 would hurt my family, like I say, if I did it.

2 Q. Do you know how to give this family closure, sir?

3 A. How's that?

4 Q. Tell them where you put Jermaine.

5 A. I did exactly that today.

6 Q. Where is Jermaine?

7 A. I told you I don't have a clue.

8 Q. You didn't make up these other two stories until
9 you got your case file and started reading it, right?

10 A. Excuse me?

11 Q. And you saw the two ladies gave chase in a white
12 car and then you wanted to say, oh, I let him out and
13 they picked him up.

14 A. I didn't get my motion of discovery until like
15 recently, Your Honor.

16 Q. And then you heard Jermaine -- Olajawaun say that
17 he saw you driving near the church, so then Olajawaun
18 conveniently gets in your -- in the Tahoe.

19 A. Like I said, if Olajawaun actually, you know,
20 seen all this, why did he wait to do these things to me,
21 you know, say I did something I didn't do?

22 Q. Isn't it true, sir, you don't like Prennis?

23 A. Is it true I don't like Prennis?

24 Q. Prennis Thompson. And isn't it true you don't
25 like Prennis Thompson?

1 A. I don't have a problem with Prennis.

2 Q. Isn't Prennis Thompson Jermaine's brother?

3 A. They're not.

4 Q. They're not brothers?

5 A. They're not. They call each other.

6 Q. They're not half brothers?

7 A. No, sir. Like I said, the only, the only
8 disagreement me and Prennis had with each other was in
9 the high school. That's what Patricia was explaining
10 when they said Fly Boys and Kelly Acres.

11 COURT REPORTER: I didn't hear that.

12 THE WITNESS: I said, the only argument that me
13 and him ever had it was between Fly Boys and Kelly Acres
14 in high school.

15 BY MR. BULSA:

16 Q. You and who ever had?

17 A. Prennis.

18 Q. Well you just told this jury that Prennis shot up
19 your house the night before.

20 A. He did.

21 Q. For no reason?

22 A. I said it was over a basketball game. He can't
23 let go of the past. It's the past of like Fly Boys and
24 Kelly Acres. After a while you have to let the
25 childhood antics go away. He still couldn't, he

1 couldn't do that.

2 Q. But the basketball game involved a foul between
3 Prennis and Olajawaun.

4 A. Exactly.

5 Q. Right?

6 A. Exactly.

7 Q. So why would Prennis come bother you?

8 A. I'm on Olajawaun's side.

9 Q. You're on Olajawaun's side?

10 A. I am. Like I say, I'm not willing to throw my
11 life away for anybody. Like I say, he needs to come up
12 here and confess to his own crimes.

13 Q. And when Olajawaun testified that you said you
14 have to die for the sins of your brother, wasn't that
15 about you believing it was Prennis that shot up your
16 momma's house?

17 A. I told this to Olajawaun because he asked me,
18 like I say, how did the holes get in my vehicle? I told
19 Olajawaun this.

20 Q. Well, was that statement said?

21 A. Yes, it was. Like I say, I told Olajawaun all of
22 this.

23 Q. Was the statement that you're gonna die for the
24 sins of your brother said? Did anybody make that
25 statement that day?

1 A. Olajawaun said that yesterday.

2 Q. I'm talking about on May 23rd, 2016, when
3 Jermaine West got shot. Did anybody make that
4 statement?

5 A. No, sir.

6 Q. No?

7 A. (Witness shakes head back and forth.)

8 Q. So you're saying that Olajawaun just made that
9 up?

10 A. Like I say, I told Olajawaun that, you know,
11 about my vehicle.

12 Q. So you're -- so that's what I'm trying to
13 understand, sir. You're now saying, telling this jury
14 that Olajawaun must have just made that up?

15 A. Yes, sir.

16 Q. That nobody even said that that day?

17 A. Yes, sir.

18 Q. Sir, why didn't you let -- why didn't you stop
19 and let the lady help Jermaine on the street?

20 A. Stop and let what lady help Jermaine on the
21 street?

22 Q. The lady that was coming out, running out trying
23 to get you to put him down?

24 A. Like I said, I can't explain that. A lot of
25 things were going on at the time.

1 Q. What do you mean?

2 A. I said, after I heard those gunshots or whatnot
3 I had to get him to the hospital.

4 Q. All right. So you just ignored his aunt?

5 A. His aunt didn't even say anything.

6 Q. You watched the video, didn't you?

7 A. She just came up to me. Like I said, I couldn't
8 hear anything. Like I say, I don't know what to tell
9 you.

10 Q. And isn't it true you stuffed him in the backseat
11 of that Tahoe head first?

12 A. I placed him in the vehicle.

13 Q. Head first, right?

14 A. You said head first?

15 Q. Yeah, head first.

16 A. No, I didn't. Like I say, I placed him in the
17 vehicle.

18 Q. And wasn't his head down in the passenger side
19 floorboard and that's how the blood got there?

20 A. It was on the seat.

21 Q. All the blood was Pooleed in the -- most of the
22 blood was Pooleed in the passenger side floorboard,
23 right?

24 A. I couldn't tell you. I didn't look at the
25 photos.

1. Q. You didn't watch it in court yesterday?

2 A. Yes, sir, but I barely seen them.

3 Q. Huh? What? You barely saw them?

4 A. The pictures on the ground you said there was
5 blood in there.

6 Q. I'm talking about in the --

7 A. There was no --

8 Q. -- back of the Tahoe --

9 A. There --

10 Q. -- that you stuffed him in.

11 A. There wasn't any blood in there at the time.
12 Like I say, the only blood was on the seat.

13 Q. Well, you said he got shot in the leg.

14 A. Exactly.

15 Q. Well, the leg there wouldn't be blood on the
16 seat, it would be on the floor. That's how -- you told
17 me how did I place him in the Tahoe. That's what I was
18 explaining to you. He wasn't even on the ground at all,
19 he was on the seat.

20 Q. Sir, you don't even have your facts right because
21 you told this jury that you only heard one shot; isn't
22 that right?

23 A. That's correct.

24 Q. And isn't it true there were at least four shots?

25 A. Yes, sir. Like I say, it was one. This area

1 it's a drug area. Everybody is over here. That's what
2 you're not understanding. Like everybody comes to this
3 place. Even in the 9-1-1 call, she even tells you, like
4 I say, it's previous shots like fired or whatnot in this
5 whole situation.

6 Q. Oh, so you're explanation is all those bullets
7 were from another night?

8 A. Sir, the police were called 24 hours to the scene
9 prior to this.

10 Q. Weren't they called to the same scene --

11 A. Yes, sir.

12 Q. -- two years before?

13 A. Yes, sir.

14 Q. Because of what you did?

15 A. I did not.

16 Q. Let me see if I hear you right, sir. First off
17 you told the police nothing, then you told your lawyer
18 it was Jermaine that instigated this and you grabbed his
19 gun and shot him and shot at him at least twice. And
20 then you told your lawyer that you were in the wrong
21 place at the wrong time and you heard a shot and saw
22 that Jermaine had been hit. And you helped him in your
23 Tahoe to get him some help, right?

24 A. Yes, sir.

25 Q. And on that second story to her you said that you

1 let him out of the car and you got in the car with two
2 ladies; is that right?

3 A. Yes, sir.

4 Q. And then your testimony today is that you went
5 inside, you were actually inside when the shot happened,
6 buying marijuana, right?

7 A. Yes, sir.

8 Q. And then you came outside and saw that Jermaine
9 had been hit and you put him in the Tahoe, right?

10 A. Yes, sir.

11 Q. Okay. And then you added, you changed the story
12 here in court to picking up Olajawaun, right?

13 A. I told the truth today in court.

14 Q. Didn't you, didn't you say in court that you
15 picked up Olajawaun?

16 A. Yes, sir.

17 Q. And that was the first time anybody heard that.

18 A. I also told my lawyer.

19 Q. You told your lawyer that before?

20 A. Yes, sir.

21 Q. When?

22 A. Today.

23 Q. Today?

24 A. Yes, sir.

25 Q. So today, not yesterday when she gave her opening

1 statement, but today?

2 A. Because, like I say, they need closure.

3 Q. Okay. So you were gonna initially lie and
4 testify that I gave him over to his family members?

5 A. Olajawaun, me and him, he was over the KEP in
6 high school, so like I say, it's an obligation. Like I
7 say, I already learned one time telling on somebody how
8 that came out for me.

9 Q. When the trial started you were intending to tell
10 the jury that you let him out of the car and two women
11 got him and they must have took him to Ohio and he was
12 gonna come back five years later after you were in jail
13 and have a big joke on you. Didn't I hear all that in
14 court yesterday?

15 A. Yes, you did. Like I say, I know what these
16 people are capable of. Like I say, I'm not gonna put
17 myself in any more danger than I already have. Like I
18 say, if you talk to the police they'll tell you about
19 these people.

20 Q. And then today you switch it and say Olajawaun
21 got in the car. Olajawaun told me where to drive.
22 Olajawaun let me out of the car and Jermaine was still
23 in the car. That's what you just --

24 A. Yes, sir.

25 Q. -- testified to, right?

1 A. Yes, sir.

2 Q. So you're denying putting the car on Drummond
3 Road?

4 A. Yes, sir.

5 Q. And as far as you're concerned you're just like
6 his family, the last time you saw Jermaine he was alive?

7 A. Yes, sir.

8 Q. And you were just being a good samaritan?

9 A. You can call it that.

10 Q. It's too bad they have pictures of it, right?

11 A. If you say so.

12 MR. BULSA: Nothing else.

13 MS. ANDERSON: I have redirect.

14 REDIRECT EXAMINATION

15 BY MS. ANDERSON:

16 Q. Okay. Marcus, is Jermaine West and D'Angelo
17 Jermaine West, both of them have Jermaine in their name?

18 A. Yes, ma'am.

19 Q. And you were ordered no contact or indirect
20 contact with Jermaine West and D'Angelo Jermaine Jeter?

21 A. Yes, sir (sic).

22 Q. Okay. I just wanted to clear that up. So when
23 you went to the house on Woodruff Street, you didn't
24 know that Jermaine West was gonna be there.

25 A. No, I didn't.

1 Q. I mean when you went in the house, did you see
2 Jermaine?

3 A. I didn't.

4 Q. Okay. Did you see Jermaine when you came out?

5 A. I did.

6 Q. And he was lying on the ground?

7 A. Yes.

8 Q. Okay. Again, did you kill Jermaine West?

9 A. I did not.

10 Q. Did you kidnap him?

11 A. I did not.

12 Q. Did you want the family to find Jermaine?

13 A. Yes, ma'am.

14 Q. But you have no information as to where Jermaine
15 is?

16 A. No, ma'am.

17 Q. And the only person that would have information
18 is Olajawaun Goggins?

19 A. Goggins.

20 Q. Thank you.

21 RE CROSS-EXAMINATION

22 BY MR. BULSA:

23 Q. If you want the family to find Jermaine, then why
24 did you tell them he was in Ohio?

25 A. Like I say, I was scared of Olajawaun.

1 Q. I thought you were on Olajawaun's side.

2 A. I am. But like I say, at the end of the day you
3 have to listen to whoever's over you. Like I say,
4 Olajawaun he's over KEP.

5 Q. You were ordered no contact direct or indirect
6 with Jermaine West and D'Angelo Jeter, are those not two
7 separate people, sir?

8 A. If you say so, sir.

9 Q. Are those two separate people?

10 A. Yes, sir.

11 Q. Yes, sir. And you were ordered no contact with
12 both of them; is that correct?

13 A. Can I see that?

14 MR. BULSA: Can I get this marked?

15 (Whereupon, State's Exhibit Number 68, Sentencing
16 Sheet, was marked for identification.)

17 MS. ANDERSON: Your Honor, I would object to that
18 going in.

19 THE COURT: It's not in. He's just reading it.

20 MS. ANDERSON: Okay.

21 THE COURT: To see if it refreshes his memory.

22 BY MR. BULSA:

23 Q. Down here at the bottom.

24 A. Yes, sir, you're correct.

25 Q. You were. So you were not supposed to be around

1 him any?

2 A. Yes, sir, you're correct.

3 MS. ANDERSON: That's not being marked as
4 evidence?

5 MR. BULSA: No, it's just for -- it's a Court's
6 exhibit because he's referred to it, but it's not in
7 evidence.

8 MS. ANDERSON: Okay.

9 MR. BULSA: Thank you, that's all I have.

10 MS. ANDERSON: That's all I have too.

11 THE COURT: You may step down.

12 (Witness leaves witness stand.)

13 You're still up.

14 MS. ANDERSON: That's our case.

15 THE COURT: Okay. Any reply?

16 MR. BULSA: No, sir.

17 THE COURT: All right. Ladies and gentlemen,
18 that is all the testimony and the evidence you received
19 in the trial of the case. What remains to be done are
20 the lawyers final summations, after which I will
21 instruct you on the law and then you'll begin
22 deliberations.

23 Now, I know it's close to lunchtime, but what
24 we're gonna do is, we're gonna send you back to your
25 jury room and my clerk is gonna take your lunch orders.

1 And your lunch will be prepared and then delivered to
2 the courtroom while we do the final summations and the
3 instructions. And so when you go back again you'll have
4 your lunch, hopefully, you'll have it. So please go to
5 your jury room. Don't discuss the case. The clerk will
6 come back and take your lunch orders.

7 (The jury leaves the courtroom at 11:58 a.m.)

8 THE COURT: All right. Ms. Anderson, do you want
9 to renew your motion?

10 MS. ANDERSON: Yes, sir. I would again ask for a
11 directed verdict in this case. I do not think they have
12 proven murder.

13 THE COURT: All right. Do you have any
14 additional grounds that were not stated previously?

15 MS. ANDERSON: No, sir.

16 THE COURT: All right. That motion is still
17 denied.

18 Anything jury instruction requests from the
19 State?

20 MR. BULSA: No, not from me on the normal stuff,
21 Your Honor.

22 THE COURT: From the defense?

23 MS. ANDERSON: Your normal charges.

24 THE COURT: All right. We're gonna take
25 15 minutes while the clerk takes the jury lunch order

1 and then we'll be back. 15 minutes.

2 MR. BULSA: Your Honor, may we approach briefly?

3 THE COURT: Uh-huh.

4 (Bench conference was held off the record.)

5 (Recess was had from 12:01 p.m. - 12:16 p.m.)

6 THE COURT: Are we ready for the jury?

7 MS. ANDERSON: May we approach?

8 THE COURT: Yes, ma'am.

9 (Bench conference was held off the record.)

10 THE COURT: All right. Bring the jury in,
11 please.

12 THE BAILIFF: Yes, Your Honor.

13 (Jury enters the courtroom at 12:17 p.m.)

14 THE COURT: All right. As you know, the evidence
15 is in. We're gonna hear from the lawyers. After which
16 I'll give you the instruction on the law and you can
17 begin deliberations. Please give the lawyers your
18 attention now as they give you their final summation.

19 MR. BULSA: Thank you, Your Honor.

20 THE COURT: Mr. Bulsa.

21 CLOSING STATEMENT

22 BY MR. BULSA:

23 Good afternoon, ladies and gentlemen. Thank you
24 for your patience in this case. I submit to you by now
25 everybody should be certain that Jermaine West is dead.

1 On this tragic day, March 23rd -- I said March, May
2 23rd, 2016, a tragic day for his family. They've been
3 searching for him ever since. That should be clear.

4 The fact that there's no body should not sway you
5 that there's no way the State can get a conviction.
6 This isn't a case where somebody up and went to work and
7 didn't go back home. This isn't a case where somebody
8 just left town and didn't come back. This is a case
9 where a man was shot, clearly shot from several
10 witnesses, multiple times.

11 You've seen the pictures that Ms. Darricka Jones
12 took on her cellphone. He was clearly being stuffed
13 into that Tahoe. And in the condition he was in, he
14 passed. He died at some point after that. What
15 happened to his body, we don't know. We wish we did.
16 The family wants closure.

17 I'm gonna talk about this case and ask you to
18 find the defendant guilty of both charges cause he is.
19 You should be firmly convinced of that by now. The way
20 we presented this case is we took you back to the crime
21 scene. I brought in the three ladies that lived next
22 door to where this happened. Talked about how Jermaine
23 would come over on a regular basis and how he was in a
24 jovial mood that day. The fact that the aunt even joked
25 with him about pulling up his pants.

1 He went over to some friends house right next
2 door and was joking around with them, and then the
3 inevitable happened. The defendant appeared. You heard
4 the testimony that he was in the area, at least an hour
5 or so before. He was dressed in an outfit that seemed
6 unusual to everybody based on the temperature of the day
7 and that jumpsuit and the boots.

8 And then he drives his Tahoe up and doesn't park
9 it. He stops it right in front of the house on the
10 wrong side of the road, running. The testimony is he
11 got out of the car, saw Jermaine, produced a gun and
12 commenced a shooting.

13 Now, you might be wondering why that happened,
14 and there's been some testimony about this incident that
15 supposedly happened the night before where the
16 defendant's saying that he saw Prennis Thompson, Prennis
17 would be Jermaine's brother, do this. That might have
18 been the motive.

19 You also heard testimony that he wasn't supposed
20 to be around Jermaine, so there was apparently some bad
21 blood in their past. That might have been the motive.
22 The point is you don't have to know the motive. Motive
23 is not an element of the crime of murder.

24 The judge is gonna give you the law. He'll
25 explain all the elements to you. You don't have to know

1 that motive, but it's clear that this man was bent on a
2 mission to commit a crime. I submit to you that he had
3 it planned out, he came dressed the part. He was
4 awaiting on his prey on Woodruff Street. And when he
5 saw him, he acted and he shot him and thought, if I take
6 the body, they can't convict me because there's no body.

7 That's not the law in South Carolina if we can
8 show that he was clearly dead. And I submit to you that
9 has been overwhelmingly shown.

10 This man is a cold blooded murderer and he's a
11 liar. You heard me going through the different versions
12 that he's given to his lawyer, and then the third
13 version to you. He's making them up as he goes along.
14 He tries to make it fit the facts and testimony. Who
15 can I pin this on?

16 First he tried to pin it on Jermaine. Jermaine
17 came at me. He had the gun. I had to take it away from
18 him. Shot him in self-defense. And then he was gonna
19 take him to the hospital. I know Jermaine wanted out of
20 the car, so he let him out of the car a few blocks away.

21 Then he got his discovery and he read about his
22 case and said, oh, wait a minute, there was this white
23 car looking around for Jermaine. Let me see if I can
24 lead these ladies into it.

25 You said that Olajawaun had said and heard the

1 comment that he made that you have to pay for the sins
2 of your brother. So he says, let me say it was
3 Olajawaun that did this. Olajawaun fired the shot and I
4 was just trying to help Jermaine by putting him in the
5 car and driving him away, but these ladies were
6 following me so I let him out and he got in their car.

7 But then he heard the ladies talk and testify
8 yesterday and he realized wait a minute, that's not
9 gonna fly because they were very credible witnesses.
10 And he said, let me pin all this on Olajawaun because
11 now I heard that he ran down the back alley and he saw
12 me driving by. Let me say that Olajawaun asked me to
13 stop and give him the car. And Olajawaun is the one
14 that finished Jermaine off.

15 Ladies and gentlemen come into a courtroom to
16 assess people's credibility. The State has the burden
17 to prove this case, and we've proven it through the
18 testimony and the evidence. Clearly multiple shots were
19 fired at that scene. Clearly Mr. West was shot and
20 injured. We got blood in the yard. Blood on the
21 roadway where the car was. You got the drag marks. All
22 that substantiates the story that the witnesses tell you
23 happened.

24 We've got the vehicle hidden back off in the
25 woods, even covered with brush from overhead because the

1 helicopter was looking for it. And we've got blood
2 Pooled down in the floor, all over the seat, back of the
3 seat, seat bed floor, draining the life out of him. His
4 vehicle.

5 The law of kidnapping applies because Jermaine
6 was alive after he was shot. And this man carried and
7 took him away. The judge is gonna read you the charge
8 of kidnapping and define those terms. It's not like you
9 see on TV where somebody's kidnapped and then ransom is
10 asked for. They don't -- that's Hollywood. In South
11 Carolina, just the mere taking away of somebody without
12 their consent would be a kidnapping.

13 That's what this was. He took him away from the
14 scene. His family was pleading with him. They wanted
15 to get him some help. He took him away, I think
16 thinking he could get away with this.

17 I submit to you, ladies and gentlemen, there are
18 a couple acts of providence in this case. The first one
19 was that when Darricka Jones pulled out her phone to
20 call 9-1-1 it started taking pictures. We introduced
21 them through a disc. I did that on purpose so you can
22 zoom in and out, but I also had them printed.

23 It clearly shows, you can see that Ms. Glenn was
24 trying to help her nephew. You can see how distraught
25 she was. Then Darricka pushed record and we got that

1 short snippet of video.

2 The second act of providence is that Mr. Crowe
3 prayed and asked God for some help so he could help that
4 family. He found that vehicle. You saw the condition
5 it was in and the evidence it revealed.

6 His family has searched and searched all over
7 Woodruff for their son, a loved one. They're gonna keep
8 searching, regardless of what your decision is. The
9 defendant tries to tell them this lame story, giving
10 them closure. That's ludicrous.

11 He claims he didn't know the lady was trying to
12 get him to stop. He was just defiant. A cold blooded
13 killer defiant of the system, thinking he can sway you.
14 I submit to you, ladies and gentlemen, I ask you not to
15 let that happen. Use your God given common sense, life
16 experiences as you consider this case. This man is
17 guilty of crimes.

18 Can you hit the lights, please. (Plays video.)
19 Thank you, ladies and gentlemen.

20 THE COURT: Ms. Anderson.

21 CLOSING STATEMENT

22 BY MS. ANDERSON:

23 First of all, I'd like to thank all of you for
24 being here. And I know that you will do your best to
25 figure out what the truth is in this case. We had a lot

1 of interesting witnesses that had totally different
2 stories. You know, Darricka Jones talked about his --
3 said he had a camouflage jumpsuit on. And yet,
4 Olajawaun Goggins knew that that was Marcus Todd's work
5 outfit. And you can see that in the -- I think Mr.
6 Bulsa gave you the picture of those. Yeah, so you'll be
7 able to see that he does have on a work jumpsuit.

8 Okay. Latoya Jeter testified. She just said
9 that she saw Jermaine at Tavis Jeter's. And, you know,
10 then she said she saw Marcus Todd at another house and
11 Jermaine wasn't at that house. So it just, you know,
12 every -- one thing to remember that almost everyone of
13 his witnesses, other than the police, were related to
14 Jermaine Jeter. That whole street, everybody that
15 testified, they were related to Jermaine West.

16 Now, Lisa Barker, an ex-girlfriend didn't paint a
17 real good picture of Jermaine in that he took her car
18 and didn't bring it back. And I don't believe this was
19 because of him being shot. I got the impression it was
20 some other time.

21 Brittney Pearson took some pictures, but she's
22 also the one that gave false information to the police
23 before, so you have to temper that with what she said,
24 saying that she saw Marcus pull out a gun.

25 Olajawaun, and this is really interesting. He

1 had several charges; criminal domestic violence, two
2 charges of receiving stolen goods.

3 MR. BULSA: Your Honor, I believe she's
4 misreading that, Your Honor. The jury needs to remember
5 the testimony.

6 THE COURT: Be sure you confine your arguments to
7 the facts that are in the record, Ms. Anderson.

8 MS. ANDERSON: Well, I thought those were.

9 THE COURT: Well, he testified, tell them what he
10 testified to.

11 BY MS. ANDERSON:

12 Q. Okay. If y'all remember what he testified to.
13 There was also a drug conviction of crack cocaine.

14 So Olajawaun testified that he said he got to
15 Tavis Jeter's at 10:30 and thought he saw Marcus coming
16 in the black Tohah (sic), in his black truck around 11.
17 He said that Marcus did have his work overalls and boots
18 on. Then he said that Jermaine and Marcus got into a
19 fight and he went to the ally behind the house.

20 And I'll get into what Marcus said in a minute.
21 And then basically the forensic investigators. But
22 Gerald Crowe. Gerald Crowe is also, I believe, that
23 Jermaine's fiancée is related to Gerald Crowe. I'm not
24 sure, but I'm pretty sure that's right. And he said God
25 told him where the car was. That was interesting. And

1 anyway, it was just interesting that he could find the
2 car when everybody else had looked and God had told him
3 where it was.

4 Okay. I'm gonna skip over the deputies. Okay,
5 Christopher Switzer, the one whose car it was, it was --
6 his story was totally different. I mean, about him
7 letting him have his car. I didn't think that he was
8 very credible, so...

9 And James Armstrong was today about the firearms
10 and Spike McCraw. And then Maryann Boehm. All of them
11 was no objection. They did their testing. You know,
12 they found that the blood in the car and on the ground
13 was possibly Jermaine's because the DNA test did on his
14 mom and dad said there was a great possibility --
15 probability that the blood belonged to an offspring of
16 the mother and father, so...

17 Then we get to Marcus and Marcus tells you --
18 told you what happened that day. And I'm going to start
19 at the beginning when he said that there was a tiff the
20 night before playing basketball. And that was the same
21 night his mother's house was shot up. And he knew who
22 it was, but didn't tell the police. But, you know,
23 after the basketball game he went to Tavis Jeter's
24 house, which was on Woodruff Street. And so that's not
25 Monday, the 23rd, was not the first time that he was

1 there. He'd been there the night before.

2 He said that he was very upset after the
3 shooting, worried about his family getting hurt. And I
4 think this was the reason that he told the story he did
5 because he was afraid of Olajawaun Goggins. He did call
6 his probation agent and told -- to talk -- said he was
7 gonna check in with probation, but he didn't. He went
8 over to get marijuana from Tavis Jeter, which is
9 something I think he does -- did a lot.

10 But anyway, he gets over there and the first
11 thing he said about what happened was that he walked up
12 and Jermaine was on the steps at the top and he lunged
13 at him and Marcus saw the gun. He grabbed the gun and
14 shot him. And then he picked him up and put him in his
15 car to take him to the hospital. That was what he said
16 first.

17 And he said that he went about a block away and
18 Jermaine wanted out. So he gave Jermaine his gun back.
19 He took the clip out with the bullets, threw it out into
20 the bushes and then gave Jermaine his gun back. And
21 Jermaine got out and, according to Marcus, walked away.
22 That was the first story.

23 The second one was the one where he goes over
24 there to buy marijuana and he saw Olajawaun Goggins
25 there. And Olajawaun told him where to go get the

1 marijuana. And he bought it and then he heard the
2 bullet shot out in the front. He goes out there and he
3 sees Olajawaun Goggins holding a pistol that was
4 pointing down, but when Marcus came at him, he pointed
5 it at him and it scared Marcus to death.

6 And anyway, Olajawaun took off running. And so
7 Marcus picked up Jermaine and the gun and took him and
8 pushed him. And there was pushing and shoving to get
9 him, a big guy, to get him in his truck. He gets him in
10 the truck and he goes about a block and there's -- he
11 sees -- excuse me. He sees Olajawaun and -- no, he
12 didn't see Olajawaun in this one. I'm getting confused
13 over it.

14 But anyway, he sees -- he stops and Jermaine
15 wants to get out of the car, so he let him out of the
16 car. And the last time he saw him, he was standing
17 about three blocks from the incident where it happened.
18 And I know they searched the woods and everywhere around
19 there and couldn't find him.

20 But the third story -- no, that wasn't -- I'm
21 getting confused. The third story is this one, where
22 Olajawaun got in the car and made Marcus get out of the
23 car, leaving Olajawaun and Jermaine together. I hope I
24 haven't confused y'all anymore.

25 So basically the first time Marcus said he shot

1 him, but put him in the car to take him to the hospital.
2 The second time he said this is where Olajawaun shot him
3 and he came out and he lifted the gun at Marcus. And
4 then Marcus -- Olajawaun took off. Marcus got in his
5 car and he was driving down the road and the two women
6 stopped him and they took Jermaine -- I got that right
7 now -- took Jermaine out of the car.

8 And the last one was Olajawaun was the shooter
9 again, as in the second one, and he stopped them and got
10 in the car and was telling Marcus where to drive. And
11 Marcus is afraid of this guy. He's afraid of what this
12 guy will do to his family. I mean, their house had
13 already been shot up. Yeah, he was very afraid of this.
14 And I told him he needed to tell the truth.

15 And when he was asked early on if he knew where
16 the body was, he told them he didn't. He had no idea
17 where the body was. And, you know, he seems to be, and
18 I have gotten to know him, a pretty righteous
19 individual. He definitely has his own opinions, but as
20 far as being able to kill someone, I don't think he has
21 it. I don't think he could. And I hope that's what
22 y'all will find after you look at all the evidence.

23 Like I said, he just is scared of what will
24 happen now that he talked, because this is the reason he
25 didn't talk about Olajawaun. But anyway, I hope you

1 will consider all the facts of this and find that my
2 client is not guilty. Thank you.

3 REPLY CLOSING STATEMENT

4 MR. BULSA: Ladies and gentlemen, I get to
5 respond briefly to that argument, and I want to hit a
6 couple of points. Ms. Anderson brings up the witnesses
7 and their criminal records. Remember the defendant had
8 a criminal record too for giving false information as
9 well. She wants you to believe that all the witnesses
10 are family and friends of the victim.

11 And she talked about the tiff at the basketball
12 game. Remember, the defendant said that he was with
13 Olajawaun. He was with Olajawaun. And then he wants to
14 come to court and say he was afraid of Olajawaun. He
15 wants you to believe that he let Olajawaun in the car
16 after he just saw him shoot somebody.

17 I was sitting there listening to her go through
18 the stories and it finally hit me. The first story
19 there was no explanation for why the Tahoe was hidden.
20 The second story there was no explanation for why the
21 Tahoe was hidden. But the third story, that's how I
22 explain the Tahoe was hidden because I got out of it and
23 I left it with Olajawaun.

24 He wants you to believe that the tiff at the
25 basketball court is what started all this. The tiff was

1 between Olajawaun and Prennis. Yet Prennis allegedly
2 shoots up his house instead of Olajawaun's house. None
3 of this makes sense. Please use your common sense. I
4 ask you to listen to the judge and he'll explain the law
5 to you and apply that law to the facts. I know you'll
6 find the defendant guilty. Thank you.

7 JURY CHARGE

8 THE COURT: Madame Forelady and ladies and
9 gentlemen of the jury, you of course have heard and seen
10 all of the evidence in the case and now you've heard the
11 final summations of the lawyers. And, therefore, it now
12 becomes my duty and obligation to instruct you on the
13 law that's applicable in the case.

14 And then you'll be asked to go back into the jury
15 room and to begin with your deliberations. And through
16 that process you'll examine all the evidence. You will
17 determine the facts as they relate to the allegations.
18 You'll apply the law, as I will have provided it to you.
19 And you are called upon to render a fair and impartial
20 decision, whatever that decision may be.

21 It is your exclusive prerogative to determine
22 what the facts are as they relate to the allegations
23 made against the defendant. You do that after your
24 consideration of all the evidence in the case and in the
25 application of good judgment and common sense you

1 determine what you believe the facts are as they relate
2 to the allegations. Once you determine the facts, you
3 apply the law. As I will have provided it to you, in
4 order to arrive at your decision.

5 In this case, as you know, the State, through the
6 prosecutor, has charged the defendant, Marcus Quante
7 Todd, with two separate and distinct offenses; although,
8 those offenses are alleged to have arisen out of one
9 particular event or a course of events which the State
10 alleges occurred back on May the 23rd of 2016.

11 But there are two separate and distinct offenses.
12 You'll be rendering two separate and distinct decisions.
13 And those decisions may be the same or they may be
14 different. That will, of course, depend upon your
15 determination of fact as it relates to the allegations
16 and then your application of the law as I'll have given
17 it to you.

18 But Mr. Todd is charged with the crime of murder
19 in one indictment. The State alleging on May the 23rd
20 of 2016, that he did willfully and with malice of
21 forethought, kill one Jermaine Rondell West by shooting
22 him with a gun and that he died as a proximate result of
23 that gunshot wound.

24 The second indictment charges the defendant with
25 kidnapping. The State alleges on May the 23rd of 2016,

1 that Mr. Todd did unlawfully seize, confine, kidnap,
2 abduct or carry away Jermaine Rondell West without
3 authority of law.

4 Now, as to the allegations contained in each of
5 those indictments and as to the charges made against the
6 defendant, he has entered a plea of not guilty. And as
7 I've told you, that plea of not guilty places upon the
8 State the burden of proving the allegations that they
9 have made, the burden of proving each of the essential
10 elements of each crime that they claim he committed;
11 and, therefore, the burden is upon the State to
12 establish the defendant's guilt to the satisfaction of
13 you 12 jurors beyond a reasonable doubt before any
14 verdict of guilty could be returned as to either of the
15 charges brought against the defendant.

16 The burden is never upon a defendant or a person
17 accused of a crime to prove that they are not guilty or
18 to prove that they are innocent, because in some cases
19 that might not be possible. The burden is always upon
20 the State because they make the accusation, they bring
21 the charge to establish that person's guilt to your
22 satisfaction beyond a reasonable doubt.

23 You are instructed that it is of vital importance
24 and a cardinal rule of law that every defendant in a
25 criminal trial, no matter how serious the offense might

1 be for which that person stands charged, that person
2 shall always be presumed innocent of that charge. That
3 presumption of innocence remains with any defendant, as
4 it does with this defendant, from the time that he is
5 placed under arrest and throughout the course of the
6 criminal process and even throughout the course of the
7 actual trial in the case.

8 And as I've told you, that presumption of
9 innocence will be with Mr. Todd, even as you go back
10 into your jury room to begin with your deliberations in
11 this case. And that presumption of innocence will be
12 with him in that jury room and it will be with him
13 forever unless you 12 jurors determine that he's no
14 longer entitled to the presumption of innocence.

15 In other words, after you've considered all the
16 evidence in the case, and from that evidence you've
17 determined what you believe to be the facts as they
18 relate to the allegations made against the defendant,
19 and after deciding those facts you apply the law that I
20 will have provided you, if you 12 jurors unanimously
21 determine that his guilt, as to a particular charge, has
22 been proven beyond a reasonable doubt, then he would no
23 longer be entitled to that presumption of innocence as
24 it relates to that particular charge. But it is, only
25 if, unless and until you are satisfied of his guilt

1 beyond a reasonable doubt that the presumption of
2 innocence would no longer be applicable.

3 Now, as I told you, the State does have the
4 burden of proving the defendant's guilt beyond a
5 reasonable doubt. That doesn't mean that the State has
6 to prove his guilt beyond all doubt or beyond any
7 possible doubt, but it does require the State to prove
8 his guilt to your satisfaction beyond a reasonable
9 doubt. And the term reasonable doubt should be given
10 its plain and ordinary means.

11 A reasonable doubt is the kind of doubt that
12 would cause a reasonable person to hesitate to act upon
13 the information provided. And the defendant is entitled
14 to any reasonable doubt that arises from the evidence or
15 lack of evidence in the case. And if upon any factual
16 issue essential to a finding of a verdict of guilty you
17 have some reasonable doubt as to how that issue should
18 be resolved, it will be your duty to resolve that
19 reasonable doubt in favor of the defendant.

20 Now, while there are various forms of evidence,
21 such as testimony, photographs, documents, charts and
22 other types of physical exhibits, in this case you'll
23 have videos and audios, there are really only two types
24 of evidence. Either or both of those types of evidence
25 may be used to prove any fact at issue. But the two

1 types of evidence are direct evidence and circumstantial
2 evidence.

3 Direct evidence is the testimony of a person who
4 testifies from actual knowledge of the fact. It is
5 testimony by a person who has perceived the existence of
6 some fact by means of his or her senses and then that
7 person comes into court and they testify as to what they
8 have previously perceived.

9 Circumstantial evidence, on the other hand, is
10 the proof of some other fact or a set of facts, which
11 taken singly or collectively may prove the existence of
12 a fact being questioned as a necessary consequence.
13 That is through an inference. And an inference is
14 simply a deduction of fact that may logically and
15 reasonably be drawn from the proof of some other fact or
16 set of facts.

17 It is a fact not proven by the direct testimony
18 of a witness based upon their personal perception, but
19 it is a conclusion which might reasonably be drawn from
20 the proof of other facts. In other words, you may infer
21 that if a particular event occurred or that a particular
22 fact exists based upon the proof of sufficient factual
23 circumstances which would reasonably warrant you
24 arriving in that particular conclusion.

25 The commission of a crime and any particular

1 element necessary to establish the commission of that
2 crime may be proven by direct evidence, it may be proven
3 by circumstantial evidence, or it may be proven by a
4 combination of both direct evidence and circumstantial
5 evidence.

6 The law makes no distinction between the weight
7 or value to be given to direct or circumstantial
8 evidence. However, to the extent that the State relies
9 upon the circumstantial evidence in order to establish
10 the commission of a crime, all of the circumstances
11 proven must be consistent with each other, and when
12 taken together, point conclusively to the guilt of the
13 accused beyond a reasonable doubt.

14 If these circumstances merely portray the
15 defendant's behavior as suspicious, the proof is
16 insufficient and it fails. And this burden rests with
17 the State regardless of whether the State relies upon
18 direct evidence or circumstantial evidence or a
19 combination of both types of evidence in order to prove
20 the defendant guilty beyond a reasonable doubt.

21 Proof beyond a reasonable doubt is proof that
22 leaves you firmly convinced of the defendant's guilt.
23 There are very few things in this world that we know
24 with absolute certainty. And in criminal cases the law
25 does not require proof that overcomes every possible

1 doubt.

2 And if, based upon your consideration of the
3 evidence, and in the exercise of your own judgment and
4 common sense, you are firmly convinced that the
5 defendant is guilty of a crime for which he stands
6 charged, then you must find the defendant guilty of that
7 crime.

8 And if, on the other hand, you think there is a
9 real possibility that the defendant is not guilty of a
10 crime of which he stands charged, you must resolve that
11 doubt in his favor and return a verdict of not guilty.

12 Now in this case, as you know and you've been
13 told, you are the sole judges of the facts in this case
14 and you are, therefore, necessarily the sole judges of
15 the credibility and the believability of each of the
16 witnesses who have testified during the trial of this
17 case. And you, as the judges of the witness' testimony
18 are to consider a number of factors in arriving at your
19 evaluation or assessment as to a particular witness's
20 credibility and believability. And I'm going to list
21 some of those factors for you.

22 You should consider the demeanor of a witness.
23 That is how the witness appeared to you when the witness
24 was testifying from the witness stand.

25 Was the witness straight forward in responding to

1 the questions or was the witness hesitant or evasive in
2 responding to the questions that were posed of that
3 witness? Simply put, did the witness appear to you to
4 be telling the truth and to have knowledge of the facts
5 to which that witness has testified?

6 You should also consider whether or not the
7 testimony of a particular witness is consistent or is
8 inconsistent with that witness's own testimony here in
9 court or with the other statements made by that same
10 witness, whether they'd be in court or outside of the
11 court.

12 And you should consider whether or not the
13 testimony of a witness is consistent or is it
14 inconsistent with the other witnesses's testimony or
15 other evidence received during the course of the trial.
16 You should also consider how the witness came to know
17 the facts to which that witness has testified.

18 In other words, what was that witness's
19 opportunity and ability to perceive the existence of
20 those facts to which that witness has testified to by
21 having previously used his or her senses. And then what
22 is that witness's ability to be able to come into court
23 and to actively recollect to you as to what they had
24 previously perceived.

25 You should also consider any bias or prejudice or

1 interest that a witness might have in the outcome of a
2 case. In other words, do you find some reason that a
3 particular witness would testify one way or another to
4 help or hurt one side or the other. And you should
5 consider whether or not a witness has a particular
6 interest in the outcome, and whether or not you find
7 that that interest would bear upon that particular
8 witness's credibility and believability and
9 truthfulness.

10 You should also consider whether or not the
11 testimony of a witness is strengthened or whether it
12 weakens other testimony or other evidence received
13 during the course of the trial. Now, during the course
14 of this trial, you have heard certain elements relating
15 to one or more of the witness's having a prior
16 conviction for certain types of criminal offenses.

17 Ordinarily evidence of prior criminal convictions
18 are not admissible. They're not introduced during the
19 trial of the case because it's not relevant to anything
20 the jury has to decide. However, where a witness has
21 convictions for particular types of offenses,
22 specifically dishonesty or fraud or deceit, then the
23 evidence of those convictions may be introduced, and
24 while that witness is testifying from the witness stand.
25 But the purpose of that evidence being introduced is to

1 simply attack the credibility or to impeach the
2 credibility of a witness and the testimony that they are
3 providing.

4 During the course of this trial, you have heard
5 certain evidence relating to the defendant having prior
6 convictions for certain types of offenses. And, again,
7 while those ordinarily are not admitted because they're
8 not relevant to anything, where a defendant takes the
9 witness stand and testifies and he has certain
10 convictions that relate to dishonesty or deceit, then
11 those convictions may be enquired into.

12 And, again, the purpose of the admission of those
13 -- that evidence is to attack or to impeach the
14 credibility of the defendant's testimony. And,
15 therefore, you may consider that evidence as it may
16 relate to the issue of credibility, believability or
17 truthfulness of a witness or of the defendant's
18 testimony if you determine that that evidence is
19 probative on that particular issue.

20 You may not, however, consider any other
21 convictions that are brought out when the defendant
22 testifies as evidence of his guilt as to either of the
23 crimes for which he stands charged today. The purpose
24 of that evidence being admitted is solely as it relates
25 to the issue of his credibility and propensity for

1 truthfulness and it cannot be considered by you for any
2 other purpose. And it only may be considered by you for
3 that purpose if you find it probative on that particular
4 point.

5 Now, the same law that provides that you are the
6 judges of the facts also provides that I am the judge of
7 the law. And one other matter I'll tell you about with
8 the testimony is that because you are the judges of the
9 facts and the judges of the credibility of the witness's
10 testimony, you can believe as much or as little of what
11 a witness has testified to as you deem in your own
12 judgment is appropriate. And so you can believe
13 everything that a witness has testified to. You may
14 choose to believe none of it. You may believe some
15 portion of a witness's testimony and to reject some
16 other portion of that same witness's testimony.

17 In any given case you can believe one witness as
18 opposed to many or many as opposed to one, but whatever
19 your good judgment and common sense tells you is the
20 most believable, credible and truthful testimony, is the
21 testimony you should accept. And you should reject any
22 testimony or other evidence that you find not to be
23 credible or believable.

24 Again, your sole objective in this case is to
25 render a fair and impartial decision based upon the

1 evidence presented, your determination of facts, and
2 then your application of the law as it has been
3 provided.

4 And, as I say, the same law that provides that
5 you are the judges of the facts also provides that I am
6 the judge of the law. And that simply means that nobody
7 is gonna tell you how to arrive at your determination of
8 facts in this case. You do that, as I've already
9 stated, through the exercise of good judgment and common
10 sense, conscientiously applying to the testimony and
11 evidence received during the course of the trial.

12 You must not, however, consider what you thought
13 the law was before you came to serve as the juror this
14 week or what you think it ought to be. You must accept
15 the law as I provide it to you as deemed the law that
16 you are to apply in the case. And then you simply take
17 that law and you apply it to those facts, as you
18 determine those facts to be from your own common sense,
19 examination and bad relations of the evidence in the
20 case.

21 Now in this case, as you know, the defendant is
22 charged with two separate and distinct offenses. Those
23 crimes are kidnapping and murder. I'll instruct you
24 first on the law of kidnapping, then I'll instruct you
25 on the law of murder.

1 The offense of kidnapping is prescribed in
2 Section 16-3-910 of the Code of Laws. And the Code of
3 Laws is a book that you see in the courtroom. Every
4 year the legislature meets from January to June. During
5 those sessions they pass a number of laws and rules and
6 regulations that govern our conduct in a variety of
7 ways. Some of those statutes are criminal penalty
8 statutes, and that just means that the legislature
9 codifies what they determine is a criminal offense.
10 They define what that offense is and where a person is
11 found to have engaged in that conduct in violation of
12 that statute and it subjects that person to some form of
13 punishment or penalty.

14 Please understand, however, that you are never to
15 be concerned with any punishment or penalty that might
16 be imposed as a result of any decision that you make.
17 Your sole obligation and duty is simply to determine
18 whether or not the defendant has been proven guilty of a
19 crime, and you do that without regard to any punishment
20 or penalty that might result in some decision that you
21 do make.

22 But in this case there are two offenses,
23 kidnapping and murder. Again, kidnapping is set forth
24 in 16-3-910 of the Code of Laws of South Carolina. And
25 that statute provides in its pertinent part: Whoever

1 shall unlawfully seize, confine, inveigle, decoy,
2 kidnap, abduct or carry away any other person by any
3 means whatsoever without authority of law is guilty of
4 the crime of kidnapping. So in order for the defendant
5 to be found guilty of a violation of this particular
6 statute, it would be necessary that the State has proven
7 to your satisfaction beyond a reasonable doubt of each
8 of the essential elements of the crime of kidnapping.

9 The essential elements of the crime of kidnapping
10 set forth in the statute are, number one, that the
11 defendant did seize or confine or inveigle or decoy or
12 kidnap or abduct or carry away another person by some
13 means or method.

14 And, two, that one or more of the above was done
15 without the authority of law. The word seize means to
16 take hold of suddenly and forceably. The word confine
17 means to imprison or to restrain or to restrict a
18 person's freedom in some significant way.

19 The word abduct means to take a persona away
20 against his will and without his consent.

21 The term carry away means to remove from one
22 place to another without legal authority and without
23 consent of the person being removed.

24 The word kidnap means to take a person away
25 through the use of force and against his will and

1 without authority of law. And the term without
2 authority of law simply means that the conduct engaged
3 in was not permitted, sanctioned, condoned, allowed or
4 justified under the law.

5 So in order for the defendant to be found guilty
6 of a violation of this particular statute, the State
7 need not prove each of the terms seize, confine,
8 inveigle, decoy, kidnap, abduct or carry away. Proof of
9 any one or more of those prohibited acts is sufficient
10 so long as it is done without authority of law and
11 without the consent of the person who is alleged to have
12 been kidnaped.

13 So while the State must prove the kidnapping, as
14 I've defined that term for you, did occur beyond a
15 reasonable doubt, and the defendant did commit that
16 crime, it is not necessary that the State prove any
17 motive for that conduct, nor is it necessary that a
18 demand for money or other ransom be made in order for a
19 person to be guilty of the crime of kidnapping.

20 The defendant is also charged with the crime of
21 murder and murder is also a statutory offense under the
22 law, and that offense is set forth in 16-3-10 of the
23 Code of Laws of South Carolina. And that section
24 provides that murder is defined as the killing of any
25 person with malice of forethought either expressed or

1 implied.

2 So in order for you to find the defendant guilty
3 of the crime of murder, it would be necessary that the
4 evidence in this case has established to your
5 satisfaction beyond a reasonable doubt that the
6 defendant, Marcus Quante Todd, did commit some act or
7 acts which proximately caused the death of Jermaine
8 Rondell West and that that killing was done with malice
9 of forethought.

10 Malice of forethought is an essential element of
11 the crime of murder, so what is it? Well, malice, as an
12 essential element of the crime of murder is a state of
13 mind connoting an ill will and having the intent to do
14 harm. And intent means the state of a person's mind
15 which directs his actions towards a specific object or
16 goal. And the term intent would include those
17 consequences which represent the very purpose for which
18 an act is done, as well as those consequences which are
19 known to be substantially certain to result whether
20 actually intended or not.

21 Malice is a technical term importing wickedness
22 and excluding just cause or a legal excuse. It is
23 something which springs from the crime from a heart
24 devoid of social duty and fairly bent on mischief. It
25 is a state of mind indicating an extreme disregard for

1 or an extreme indifference to human life.

2 Malice may be likewise defined as a state of mind
3 which indicates a foreign purpose and a design to do a
4 lawful act under circumstances that exclude any legal
5 right to do it.

6 Now, the words expressed in implied malice do not
7 mean different kinds of malice, but merely a manner in
8 which malice may be shown to have existed. That is to
9 say, malice can be proven by either direct evidence or
10 by circumstantial evidence which implies or infers the
11 existence of malice. And, again, an inference is simply
12 a deduction of fact which may logically and reasonably
13 be drawn from the proof of some other fact or set of
14 facts.

15 Now, malice may be expressed as where there is an
16 expressed threat to kill or a lying in wait, or where
17 the circumstances show directly that the intent to kill
18 was entertained by the killer. Malice may be inferred,
19 though no express intent to kill is proven by direct
20 evidence where the facts and circumstances which have
21 been proven by the evidence in the case satisfy you
22 beyond a reasonable doubt that malice was present in the
23 mind of the killer at the time any killing took place.

24 The existence of malice may be inferred from
25 acts, declarations, as well as conduct of the killer, as

1 well as from any other circumstances shown to have
2 existed at the time of the event from which you might
3 reasonably infer the existence of malice, as often the
4 state of a person's mind can only be proven by
5 circumstantial evidence.

6 Malice, as an essential element of the crime of
7 murder does not necessarily require proof of an ill will
8 or hatred towards a particular individual who was
9 killed, nor does it necessarily require proof of an
10 actual or a specific intent to take human life. Rather,
11 it means a state of mind, accompanying conduct
12 signifying a general malignant recklessness and an
13 extreme disregard for or an extreme indifference to
14 human life.

15 And even if the facts proven are sufficient to
16 give rise to an inference of malice, such an inference
17 is simply an evidentiary fact to be taken into
18 consideration by you 12 jurors, along with all the other
19 evidence in the case. And you shall give any inference
20 that might be derived whatever weight that you determine
21 such should receive, if any.

22 The State must require malice -- excuse me. The
23 State is required to prove malice, just as it must prove
24 any other essential element of that crime for murder.
25 And it is for you jurors to determine whether or not it

1 has been proven beyond a reasonable doubt.

2 It's also essential that the malice be malice of
3 forethought. The law does not require malice must exist
4 for any appreciable length of time before the commission
5 of an act or acts proximately caused a fatal result. In
6 fact, it may be conceived at the very moment that the
7 fatal is committed. It is sufficient in the law so long
8 as the State does prove beyond a reasonable doubt, both
9 the existence of malice and the commission of an act or
10 acts by the defendant, which proximately caused the
11 fatal result. Proximate cause means the direct result
12 without which the result would not have incurred.

13 You must determine whether or not malice of
14 forethought existed based upon your consideration of all
15 the evidence in the case and any reasonable inferences
16 that might be derived from that evidence. Now, while
17 the State must prove beyond a reasonable doubt that a
18 killing did occur, accompanied by malice of forethought
19 in order to establish the crime of murder is not
20 necessary that the State prove any motive for such
21 killing.

22 Motive is not an essential element of the crime
23 of murder which must be proven. Although, there may be
24 some evidence relating to such fact introduced during
25 the trial of the case.

1 Now, ladies and gentlemen, I am not in any way
2 concerned with what your decisions are, but as I've told
3 you, your decisions have to be unanimous. All of you
4 must be in agreement. Now, as to each of the charges of
5 murder and kidnapping, you have two potential verdict
6 forms. Those two potential verdict forms are guilty and
7 not guilty.

8 Madam Forelady, as I've previously told you,
9 you'll have the indictments in the jury room. They're
10 not evidence, but they do serve as the verdict forms.
11 So you'll use the murder indictment as the verdict form
12 for the charge of murder. You'll use the kidnapping
13 indictment for the verdict form as to the charge of
14 kidnapping.

15 You have two potential verdicts. Those guilty
16 and not guilty. So whatever that decision is as it
17 relates to the indictment for murder, place it in the
18 space provided, sign your name as a foreperson and
19 indicate the appropriate date, which today is the 20th.

20 Same applies to kidnapping. Whatever the
21 decision is, guilty or not guilty, indicate it in the
22 space provided. Sign your name as the foreperson and
23 place the appropriate date.

24 After you have reached your decisions and after
25 you have indicated those decisions on the verdict forms,

1 Madam Forelady, you will knock on the jury room door,
2 let the bailiff know that you and your fellow jurors
3 have reached your decisions and then we'll bring you
4 back in the courtroom to receive those verdicts.

5 While -- once you've notified the bailiff that
6 you've reached your decisions, you can allow the bailiff
7 to take the evidence in the case, but you will hold on
8 to the verdict forms and I'll receive those from you
9 after you and your fellow jurors return to the courtroom
10 for us to accept your decisions.

11 Now, during deliberations there may come a time
12 where you have some question about the evidence. In
13 fact, you may be thinking there's something else out
14 there that would help you. I am not permitted to answer
15 any questions that relate to issues of fact or evidence.

16 Also, no additional evidence is now permitted to
17 be introduced because the case is closed. So before you
18 are instructed to begin deliberations, the lawyers and
19 myself and the court reporter will verify all of the
20 exhibits which have been introduced during the trial of
21 the case, and we should be in agreement as to what those
22 are. And when we are, those will all be sent back to
23 the jury room.

24 So, again, if you don't have it back there
25 because it was not introduced during the trial, you

1 can't receive anything now, so don't ask about evidence
2 that was not introduced. If you think something was
3 introduced but you don't have it, you let me know and
4 we'll try to verify and resolve that issue if need be.

5 All right. If, at any time, you have a question
6 about the testimony of a witness, I do not have
7 transcripts of the testimony, but if you need to have
8 testimony reheard or replayed for your benefit in order
9 to answer some question about the testimony, we can
10 bring you back into the courtroom and have a witness's
11 testimony replayed in whole or in part if that's all
12 that's needed. So while I can't answer questions of
13 fact, if you need to hear a witness's testimony
14 replayed, that is permitted and we will bring you back
15 into the courtroom to have a witness's testimony
16 replayed in whole or in parts.

17 If at any time you ever have a question about the
18 law that you are to apply in the case, I am permitted to
19 answer those questions. So should you need a
20 re-instruction or you need a further explanation or a
21 clarification of some point of law that I provided, I'm
22 happy to provide you with that re-instruction, that
23 explanation or that clarification should it be needed.

24 So, Madam Forelady, if at any time during the
25 course of your deliberations you have some matter that

1 you need to address with me, if you will write it down
2 on a piece of paper, provide it to the bailiff, the
3 bailiff will provide that to me and I'll respond
4 accordingly to any question or issue that might arise.

5 If we have any smokers on the jury, you are
6 permitted to smoke during deliberations but you cannot
7 smoke in the courthouse. You have to go outside to
8 accomplish that purpose. If anybody wants to go outside
9 to smoke, let the bailiff know that you'd like to, the
10 bailiff will take you outside to accomplish that
11 purpose. You are instructed, however, that
12 deliberations have to stop and may only resume when all
13 12 jurors are present so that all may participate in
14 those deliberations. So if anybody's absent for an
15 authorized reason, they have to stop and don't resume
16 until everyone's present.

17 Everybody ordered lunch, I'm just assuming, so
18 your lunch should be here now or shortly, if it's not.
19 You can, when you're instructed to begin deliberations,
20 you can stop and have your lunch or you can have lunch
21 while you deliberate. And I'll leave it up to y'all.
22 In your discretion you make that determination.

23 So far as the videos that were played or audios,
24 those will also be provided on the disc. You will be
25 provided with a computer in order to review those if you

1 need to. If for some reason you can't get them to work
2 and you can't figure out how to cause it to play let us
3 know and we'll help you with that so that you can review
4 those exhibits if should you wish to.

5 I think that covers everything, but if it
6 doesn't, I'm sure one of these lawyers will remind me
7 that I failed or neglected to provide you with some
8 information that I should have. And if I have, then
9 I'll bring you back in order to provide you with that
10 information. And if I don't need to bring you back,
11 I'll send word by way of the bailiff that you may begin
12 with your deliberations. And in that event the bailiff
13 will bring to the jury room all of the exhibits which
14 have been introduced. And you, Madam Forelady, will
15 also bring the indictments which will serve as the
16 verdict forms.

17 Now, I'm gonna ask my 12 primary jurors to retire
18 to your jury room, but don't begin deliberations until I
19 send you word to do so. If I need to bring you back I
20 will, if I don't, I'll send word to begin deliberations.

21 The two alternate jurors can remain with me here
22 in the courtroom. Please retire and await my
23 instructions to begin your deliberations.

24 (Jury, minus alternates, leave the courtroom at
25 1:20 p.m.)

1 THE COURT: Now, we got Mr. Brock and Mr.
2 Griffin. As you know, you are alternate jurors and it
3 appears that the original 12 jurors are able to
4 deliberate the case, so that's gonna conclude your
5 service, at least for right now. But something could
6 occur during deliberations that would cause one of those
7 jurors to be unable to continue.

8 If that were to occur than one or both of you
9 would be called upon to participate as the 12th in those
10 deliberations. So while you can't go back with the
11 original jurors now, you must remain with us in the
12 event you're needed later on.

13 So you two will be taken to a separate room. You
14 are still not to discuss the case in any fashion. You
15 can talk about anything you want to, but you can't talk
16 about the case. And when the lunches arrive, well
17 they'll be brought to you there in that separate room.

18 If at any time during the course of deliberations
19 the jury requests to come back for any purpose, you will
20 also come back so that in the event you need to
21 participate you'll have the same information that the
22 other 12 jurors have. So please go with the bailiff to
23 a separate room but do not discuss the case and we'll
24 bring you your lunch shortly.

25 (Jury alternates leave the courtroom at 1:24

1 p.m.)

2 THE COURT: All right. Are there any exceptions
3 taken to the instructions or requests to additions to
4 the instructions by the State?

5 MR. BULSA: No, Your Honor.

6 THE COURT: By the Defendant?

7 MS. ANDERSON: No, Your Honor.

8 THE COURT: Let me ask y'all to verify all of the
9 exhibits, please, before they go back.

10 All right. All of the exhibits are accounted
11 for?

12 MR. BULSA: Yes, sir.

13 THE COURT: All right. Take the exhibits back,
14 tell the jury to begin deliberations and notify us when
15 they've concluded. And tell them that shortly I'll be
16 sending back the jury forms.

17 THE BAILIFF: Yes, Your Honor.

18 THE COURT: Ms. Anderson, you've seen the
19 redacted verdict form?

20 MS. ANDERSON: Can I look at it again?

21 THE COURT: Yeah. Do you want to see the
22 original?

23 (A bench conference was held off the record.)

24 THE COURT: All right. We'll be at ease while
25 the jury is deliberating.

1 MS. ANDERSON: Your Honor, is it okay for us to
2 go get some lunch?

3 THE COURT: Well, it will be in about ten
4 minutes. I'm gonna be sure the jury gets settled in,
5 doesn't have any question.

6 MS. ANDERSON: Okay.

7 THE COURT: In about ten minutes you can, but
8 we'll need to know where you are, so provide your phone
9 with the clerk.

10 MS. ANDERSON: Okay.

11 (A recess was had from 1:39 p.m. - 4:50 p.m.)

12 THE COURT: I'm told the jury has reached a
13 decision. Are we ready to receive it?

14 MR. BULSA: Yes, sir.

15 MS. ANDERSON: Yes, sir.

16 THE COURT: Okay. Bring them in, please.

17 THE BAILIFF: Yes, Your Honor.

18 (The jury enters the courtroom at 4:51 p.m.)

19 THE COURT: Madam Forelady, have you and your
20 fellow jurors reached a unanimous decision as to each of
21 the separate indictments?

22 MADAM FORELADY: We have.

23 THE COURT: Did you reflect those decisions on
24 the back of the indictments as requested?

25 MADAM FORELADY: Yes, sir.

1 THE COURT: Did you sign your name as the
-2 foreperson?

3 MADAM FORELADY: I did.

4 THE COURT: And dated it today's date?

5 MADAM FORELADY: I did.

6 THE COURT: All right. If you'll please hand
7 those up by way of the bailiff. (Complies.)

8 You may publish the verdicts.

9 VERDICT

10 THE CLERK: Yes, sir. In the court of General
11 Sessions, Case Number 2016-GS-42-3959, the State versus
12 Marcus Quante Todd, indictment for count one murder, the
13 verdict is guilty. This is signed by the foreperson and
14 dated today's date.

15 Case Number 2016-3958, State of South Carolina
16 versus Marcus Quante Todd, indictment for kidnapping,
17 the verdict is guilty. Signed by the foreperson and
18 dated today's date.

19 Ladies and gentlemen of the jury, if these are
20 your verdicts and still your verdicts, please raise your
21 right hand. (All raise right hand.) So say you all.

22 THE COURT: Does the defendant wish to have the
23 jury polled?

24 MS. ANDERSON: Yes, sir.

25 THE COURT: All right. Poll the jury, please,

1 ma'am.

2 THE CLERK: Yes, sir.

3 Ladies and gentlemen of the jury, I will pose a
4 question to you after which I will call your number or
5 name individually. At that time you will answer, stand
6 and answer my question. The question being: Is this
7 your verdict and still your verdict?

8 Number 108, Emily Monroe?

9 JUROR 108: Yes to both of them.

10 THE CLERK: Thank you. 85, Anita Jones?

11 JUROR 85: Yes.

12 THE CLERK: 105, Ari Mickles?

13 JUROR 85: Yes.

14 THE CLERK: 177, Rodney Wofford?

15 JUROR 177: Yes.

16 THE CLERK: 131, Gloria Porter?

17 JUROR 131: Yes, it is.

18 THE CLERK: 51, Ruth Epps?

19 JUROR 51: Yes.

20 THE CLERK: 178, Haiden Yon?

21 JUROR 178: Yes.

22 THE CLERK: 75, Lukas Hauser?

23 JUROR 75: Yes.

24 THE CLERK: 66, Tonya Greene?

25 JUROR 66: Yes.

1 THE CLERK: 52, Ferrall Erickson?

2 JUROR 52: Yes.

3 THE CLERK: 50, Eric Emory?

4 JUROR 50: Yes.

5 THE CLERK: 49, Theresa Durham?

6 JUROR 49: Yes.

7 THE CLERK: Your Honor, the jury has been polled.

8 THE COURT: Are there any other matters to be
9 addressed with the jury present?

10 MR. BULSA: No, sir.

11 MS. ANDERSON: No, sir.

12 THE COURT: All right. Ladies and gentlemen,
13 thank you for your participation in the trial of this
14 case. You're excused for the balance of the afternoon,
15 at least what's left of it. If you call back after 6
16 o'clock this evening you'll receive further reporting
17 information for the rest of the week. Call back after 6
18 o'clock this evening to receive that information, okay?
19 Thank you again for your participation.

20 (Jury leaves the courtroom at 4:54 p.m.)

21 THE COURT: All right. Anything further on
22 behalf of the State?

23 MR. BULSA: Yes. I believe some family members
24 would like to speak.

25 THE COURT: Okay. He can stay there for now.

1 Ms.. Thompson.

2 MS. THOMPSON: Good afternoon, Your Honor. On
3 November the 22nd, 1986, I was anxious to see my son's
4 precious face for the first time after he looked and
5 took his first breath. The joy of motherhood is special
6 and something many women are blessed to experience.

7 On May the 23rd, 2016, I received a call that no
8 mother should ever receive, my youngest son had been
9 shot multiple times and kidnapped by Mr. Todd. There
10 were so many unanswered questions. The questions I
11 needed answers to the most could only be answered by Mr.
12 Todd, and he was willing not to give those answers at
13 that time. I can only have faith that the unknown had
14 to be better than what's known.

15 It's been over a year since I received that call
16 and had to search in swamps, woods, everywhere we could
17 think of. I still don't have those answers. As time
18 passes, I hope my family finds my son and the answers
19 that -- I can get to tell my son to take his last breath
20 he'll be all right. I didn't get to say hold on
21 Jermaine, come here, just hold on.

22 And it's hard for me to answer those questions to
23 Jermaine's kids when they ask me where's my daddy.
24 Please let daddy come back. And, Marcus, just tell me.
25 Just give us closure. That's all I ask. That's all we

1 hope when all this is done.

2 But, Your Honor, please give him the max. Give
3 him the fullest because he don't have no remorse for me
4 or Jermaine or his kids. He don't care. If he get out
5 he will kill again. Please.

6 THE COURT: All right. Thank you, Ms. Thompson.
7 I wish you the best.

8 MS. DALE: Your Honor, I'm Meredith, I'm
9 Jermaine's fiancée and I just want to speak on behalf of
10 the family.

11 MS. ANDERSON: I can't hear.

12 THE COURT: Just come up here. You can get
13 closer so everybody can hear you.

14 MR. BULSA: That's good.

15 THE COURT: Ms. Anderson, if you need to get
16 closer, you can.

17 Okay. Start over, please.

18 MS. DALE: I'm Meredith, I'm Jermaine's fiancée
19 and I just want to speak on behalf of myself, Jermaine,
20 his family and his kids. What happened to Jermaine was
21 nothing of Jermaine's fault. We just, we want to know
22 where Jermaine is. Jermaine has children who don't know
23 where their father is. He has a child who never will
24 meet her father. We just request that Marcus tell us
25 where he is. If not, we just request the extent of

1 justice for Jermaine as far as it can go.

2 THE COURT: Okay. Thank you, ma'am.

3 MR. BULSA: And we've already given the Court the
4 benefit of Mr. Todd's prior record earlier.

5 THE COURT: Does anybody else wish to speak?

6 MS. ANDERSON: No, sir.

7 THE COURT: All right. Ms. Anderson.

8 MS. ANDERSON: Do you want Marcus to stay there?

9 THE COURT: He can stay there.

10 MS. ANDERSON: Okay. Your Honor, I still believe
11 that my client did not kill Jermaine West, but the
12 jury's found him guilty. I would ask that you give him
13 the least amount of sentence you can because he's only
14 21. And, yes, he's been convicted now of murder and
15 kidnapping, but staying in jail for the rest of his life
16 is really, it isn't going to make him a better person.
17 And he did a lot of things when he was in jail these
18 last 16 months. He's taken every class they had. He's
19 done everything he could to improve himself.

20 And he is very sorry. If he could tell the
21 family where Jermaine is he would, but he does not know
22 because we've been over this time and time again. And,
23 as I said, I think had this not happened he would be
24 doing great things. He always had a job, always worked.
25 And a lot of kids that grew up in Kelly Acres don't do

1 that. A lot of them are into drug dealing.

2 As you can see, that home street on Woodruff
3 Street, a lot goes on there. And I'm sorry Marcus ever
4 went there that day, but I don't believe it was with the
5 intent of gunning down Jermaine West.

6 So I hope that you would show him some mercy
7 because he has tried. He had his right to have his
8 trial by a jury and they found him guilty, but I hope
9 that you will consider giving him the lesser of the
10 sentence for murder and to make the kidnapping run
11 concurrently.

12 THE COURT: All right. Mr. Todd, would you like
13 to add anything to what your lawyer's told me?

14 THE DEFENDANT: No, sir.

15 THE COURT: Sir?

16 THE DEFENDANT: No, sir.

17 THE COURT: He's on probation now?

18 MS. MANIGAN: Yes, sir, Your Honor.

19 MS. ANDERSON: Yes, he is.

20 THE COURT: All right. Tell me about his
21 probation matter.

22 MS. MANIGAN: Your Honor, on October the 29th of
23 2014, Mr. Todd was before Judge Couch for the offense of
24 accessory after the fact of a felony E, assault and
25 battery first degree. And the special conditions for

1 him: No contact indirect or direct of the victim,
2 Jermaine West. And that sentence was a YOA not to
3 exceed three years. The balance was suspended to three
4 years probation.

5 Then, Your Honor, on February the 25th of 2015,
6 the defendant was before Judge Verdin for the offense of
7 malicious injury to the jail under 2014-GS-23-9498, and
8 he received a sentence of a YOA not to exceed three
9 years. The balance was suspended to two years
10 probation.

11 Also, that same day, 2014-GS-23-97 -- I'm sorry,
12 9488, that sentence was for resisting arrest and it was
13 a YOA not to exceed one year suspended during probation.

14 Your Honor, he's here on citation C42160375 and
15 Warrant Number W-42160285 and charged him with the
16 following violations: Failing to refrain from
17 possession of any ammunition as verified during the home
18 visit by Aida Crocker, along with two other officers.
19 They found ammunition in the defendant's personal
20 bedroom at the house and reported living there since the
21 start of probation. Failed to pay his monetary
22 obligations and his court costs. And he failed to
23 follow the advice and instructions of the supervising
24 agent.

25 THE COURT: All right. Ms. Anderson, do you want

1 to address that?

2 MS. ANDERSON: According to Mr. Todd, that
3 bedroom that he had at that house seemed to be shared by
4 a lot of people. And that was probably his brother's
5 ammunition. But he and his family knew better because
6 they knew he couldn't have any ammunition in there. But
7 he tells me it belonged to his brother. And that's the
8 probation violation?

9 MS. MANIGAN: Yes. And, of course, upon this
10 today would be a violation of his present probation case
11 that happened while he was on probation.

12 MS. ANDERSON: I would ask that whatever you do
13 run concurrent with it.

14 THE COURT: All right. Mr. Todd, do you want to
15 add anything to what's been said about the probation
16 matter?

17 THE DEFENDANT: No, sir.

18 ORDER OF THE COURT

19 THE COURT: All right. As to the probation
20 matter, I do find that he's willfully failed to comply
21 with the sentence previously imposed, but suspended
22 during probation. So revoke that sentence in its
23 entirety.

24 As to Indictment 2016-3959, that's the indictment
25 for murder wherein you have been found guilty by the

1 jury of that offense, the sentence of the Court is you,
2 Marcus Quante Todd, be confined to the South Carolina
3 Department of Corrections for the balance of your
4 natural life.

5 As to Indictment 2016-3958, kidnapping, no
6 sentence is imposed by virtue of the sentence of life on
7 the murder indictment pursuant to 16-3-910 and 16-3-20.
8 Mr. Todd, you have a right to appeal the verdicts of the
9 jury and the sentence of the Court. You must file any
10 notice of your intent to appeal those decisions within
11 10 days of today's date. You understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay.

14 MS. ANDERSON: Thank you, Your Honor.

15 MR. BULSA: Thank you, Your Honor. Can we
16 approach?

17 (Bench conference was held off the record.)

18 THE COURT: All right. Court is in recess until
19 9:30 in the morning.

20 (Court concluded at 5:09 p.m.)

21

22 --- THIS ENDS REQUESTED TRANSCRIPT ---

23

24

25

1 COURT REPORTER CERTIFICATE

2
3 I, the undersigned Julie A. Cendroski, Court
4 Reporter for the Seventh Judicial Circuit Court of the
5 State of South Carolina, do hereby certify that to the
6 best of my ability the foregoing is a true, accurate,
7 and complete transcript of record of all the proceedings
8 and evidence introduced in the hearing and/or trial of
9 the captioned case, relative to appeal, in the court of
10 General Sessions for Spartanburg County, South Carolina,
11 on the 19th-20th days of September, 2017.

12 I do further certify that I am neither of kin,
13 counsel, nor interest to any party hereto.
14
15
16
17

18 s/Julie A. Cendroski
19 Julie A. Cendroski
20 Circuit Court Reporter
21 Seventh Judicial Circuit
22
23
24
25

WITNESSES

Woodruff PD

Sgt. Donnell Daniels

ARREST WARRANT NUMBER

2016A4221200037

ACTION OF GRAND JURY

True BillForeperson of Grand Jury JUL 22 2016
Date:

VERDICT

*Guilty*Foreperson of Petit Jury
Date: 9/20/17

DOCKET NO.

16-GS-42-3958

The State of South Carolina

County of Spartanburg

Barry Barnett, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE
vs.

Marcus Quante Todd

Indictment for
KIDNAPPINGSC Code: 16-03-910
CDR Code: 0095
Class FEL-AFILED
CLERK OF COURT
SPARTANBURG COUNTY

2016 JUL 26 AM 10:41

M. HOPE BLACKLEY

SC

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

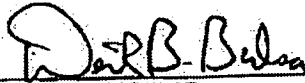
At a Court of General Sessions, convened on JUL 22 2016 the

Grand Jurors of Spartanburg County present upon their oath:

KIDNAPPING

The Defendant, Marcus Quante Todd did in Spartanburg County on or about May
23, 2016, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the
victim, Jermaine Rondell West, without authority of law, all in violation of Section 16-3-
910, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.


DEPUTY SOLICITOR

WITNESSES

Woodruff PB

St. Danell Dan Lino

ARREST WARRANT NUMBER

2016A4221200036 (Count One)

2016A4221200044 (Count Two)

ACTION OF GRAND JURY

True Bill*[Signature]*
Foreperson of Grand Jury JUL 22 2016
Date:

VERDICT

*Guilty**[Signature]*
Foreperson of Petit Jury

Date: 9/20/17

DOCKET NO.

16-GS-42-3959**The State of South Carolina**

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 25 2016

TERM

THE STATE

vs.

Marcus Quante Todd

Indictment for

COUNT ONE-MURDER,

SC Code 16-03-0010, 0020, 16-23-000
CDR Code 116, 3434
Class FEL-EXM/ FEL-FFILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 JUL 26 AM 10:41
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JUL 22 2016, the

Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE-MURDER

The Defendant Marcus Quante Todd did in Spartanburg County on or about May 23, 2016, feloniously, willfully, and with malice aforethought, kill one Jermaine Rondell West by shooting him with a gun and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

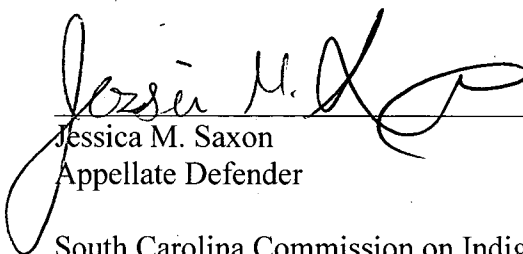
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Deputy Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 27th day of September, 2019.

RECEIVED
SEP 27 2019
SC Court of Appeals