

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Jennifer B. McCoy, Circuit Court Judge

ORIGINAL

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THE STATE,

RESPONDENT

SC Court of Appeals

V.

JAMIE JERMAINE ROBINSON,

APPELLANT

APPELLATE CASE NO. 2018-002259

RECORD ON APPEAL

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In The Court of General Sessions for the
State of South Carolina, County of Beaufort

Case No.: 2016GS0701987
2016GS0701999

State of South Carolina,
Plaintiff,

vs.

Transcript of Record

Jamie Jermaine Robinson,
Defendant.

TRIAL TRANSCRIPT

July 16-19, 2018
Beaufort, South Carolina

BEFORE:

The Honorable Jennifer B. McCoy

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PROCEEDINGS

1
2 THE COURT: I would like to take up a brief matter
3 before the jury returns. I'm reviewing the Defendant's
4 requested voir dire, which I believe the State has
5 received a copy of. And specifically, reviewing
6 request eight and request nine regarding the ninth --
7 excuse me, the 14th Solicitor's website, Facebook and
8 social media platform regarding, quote, mini movies,
9 quote. Could someone shed some light to me on what
10 that is so that I'm aware?

11 And Ms. Campbell, you put it in your request, so
12 if you don't mind directing that to me. I haven't seen
13 this before, so I just want to know what it is.

14 *(Whereupon, Court's Exhibit No(s). 10 marked for*
15 *identification and received in evidence.)*

16 MS. CAMPBELL: Sure, I'll be happy to, Your Honor.

17 So, the 14th Circuit Solicitor's Office, upon
18 conviction, they prepare a movie of -- you know, five,
19 six, maybe eight minutes long and post it to their, to
20 their website and it details the crime. It shows crime
21 photos and it has interviews with law enforcement and
22 with the solicitor who handled the case. And then that
23 particular mini movie, as I have called it, is then
24 liked and shared by not just the Solicitors themselves
25 on their Facebook and social media platforms, then it

1 is again shared by others and liked.

2 The web of connectivity on these social media
3 platforms, you know, it's entirely possible that you
4 may not even know Kimberly Smith or Mary Jones and
5 then, all of a sudden, it's on your feed in your
6 Facebook or your social media platform and you've
7 looked at it and opened it. While it doesn't
8 necessarily, of course, address this specific case.
9 So, but it is something that has been happening in the
10 last year or two here. And additionally, most
11 recently, Ms. Smith was profiled on national television
12 as well with a case that was handled here in Beaufort
13 County.

14 So, the media exposure is becoming much more
15 prevalent for these particular prosecutors themselves
16 and the cases that they're handling. And I think it's
17 important to know whether or not perspective jurors
18 have watched these productions, which essentially, they
19 are film-type productions produced by the State circuit
20 solicitor here. Thank you, Your Honor. It's just a
21 specific type of media exposure that's new to this era
22 of social media. Thank you.

23 THE COURT: Does the State wish to respond at all?

24 MS. SMITH: Judge, I don't have any objection to
25 that.

1 THE COURT: To asking the question?

2 MS. SMITH: No.

3 THE COURT: Thank you. I just wanted to address
4 it mostly because, like I said, it's new to me and I
5 was interested. So, I will ask those.

6 I've gone through the Defendant's request of voir
7 dire. Number four is already in my standard voir dire,
8 as well as number five. Number 12, I'm not going to
9 ask because that gets too far into personal lives of
10 the jurors. Certainly, any biases will be covered in
11 the standard voir dire. Same for 13, 14, 15, 16 and
12 17, I'm not going to ask. I will ask 18. I'm not
13 going to ask 19. I want to go through that with you
14 right now. If you need to me to repeat that, let me
15 know.

16 Yes, ma'am.

17 MS. CAMPBELL: Thank you, Your Honor. What I
18 would just ask the Court to do is upon the conclusion
19 of the voir dire, if we could just mark the Defendant's
20 voir dire as a Court's Exhibit and then that would be
21 all. Thank you.

22 THE COURT: Absolutely. Yes, ma'am. Thank you.
23 We can do that.

24 All right. Anything else from the State or
25 Defense before we bring the jury back in for voir dire?

1 MS. SMITH: Nothing from the State.

2 THE COURT: All right.

3 Anything else, Ms. Campbell, that you want?

4 MS. CAMPBELL: No, Your Honor.

5 THE COURT: All right. If you can bring the
6 jurors back in.

7 (WHEREUPON, the jury panel entered the courtroom.)

8 THE BAILIFF: All jurors are present, Your Honor.

9 THE COURT: Thank you.

10 Ladies and gentlemen, I appreciate your patience.
11 I understand that, at times, during jury service, it
12 will seem as if you are instructed to hurry up and
13 wait. I assure you that time is not being wasted.
14 There are important legal matters being taken up every
15 minute this court is in session. So, we do appreciate
16 your patience with the process and I just ask for your
17 understanding as well. We always do our very best to
18 be efficient with your time. We're very respectful and
19 appreciative of your time away from your work and your
20 families. And we do appreciate your service once
21 again. So, thank you for your patience.

22 Ladies and gentlemen of the jury panel, we are
23 about to begin the trial of the case of the State of
24 South Carolina v. Jamie Jermaine Robinson. Before we
25 select a jury, there's several questions which I will

1 ask you.

2 Will the clerk please swear the jury panel.

3 (WHEREUPON, the jury is sworn.)

4 THE COURT: All right. Ladies and gentlemen, in
5 my hand, I have two indictments. These are merely
6 pieces of paper. They are the vehicle through which a
7 charge is brought to a court.

8 The first indictment is for murder. That in
9 Beaufort County, South Carolina, on or about October
10 29, 2016, the Defendant, Jamie Jermaine Robinson, did
11 with malice aforethought, kill Eulia Moon and Eulia did
12 die as a proximate result of Jamie Jermaine Robinson's
13 actions, all in violation of Section 16-3-10 et al of
14 the codes of law of South Carolina.

15 Second indictment is for possession of a weapon
16 during a violent crime. That in Beaufort County, South
17 Carolina, on or about October 29, 2016, the Defendant,
18 Jamie Jermaine Robinson, did possess a firearm, visibly
19 displayed what appeared to be a firearm during the
20 commission of a violent crime, to-wit, murder, and
21 Jamie Jermaine Robinson was convicted of committing or
22 attempting to commit a violent crime as defined in
23 Section 16-160, to-wit, murder. All in violation of
24 Section 16-23-490 et al the codes of law of South
25 Carolina.

1 Again, ladies and gentlemen, this is not evidence
2 in the case, this is merely a piece of paper at this
3 point in time. Again, it's the vehicle through which a
4 charge is brought to court.

5 Has anyone ever been related by blood or marriage
6 to either Jamie Jermaine Robinson or Eulia Moon? If
7 so, please stand.

8 (No response.)

9 THE COURT: I find none.

10 Has anyone ever had a close personal or social
11 relationship with either Jamie Jermaine Robinson or
12 Eulia Moon? If so, please stand.

13 Yes, sir, your juror number please?

14 THE JUROR: Juror Number 379, I think that I might
15 have went to high school with him, but I can't
16 remember.

17 THE COURT: I'm sorry, with who?

18 THE JUROR: Went to high school with him, I
19 believe.

20 THE COURT: Mr. Robinson?

21 THE JUROR: Yes, I believe so.

22 THE COURT: Do you believe that relationship or
23 that -- would impede your ability to be fair and
24 impartial during the trial of this case?

25 THE JUROR: Yeah.

1 THE COURT: You do?

2 THE JUROR: Yeah.

3 THE COURT: Okay. Your juror number again?

4 THE JUROR: 379.

5 THE COURT: 379 is excused from the trial of this
6 case.

7 Bailiffs, where would you like him to go at this
8 point, understanding he's still in the pool? We have
9 another trial to pick for. Can he just remain where he
10 is for now?

11 THE BAILIFF: That's fine with us.

12 THE COURT: That's fine.

13 Sir, just have a seat. Thank you so much.

14 Yes, ma'am.

15 THE JUROR: Unsure of the name Moon.

16 THE COURT: Eulia Moon, E-U-L-I-A.

17 THE JUROR: Yes.

18 THE COURT: You do know her?

19 THE JUROR: Yes.

20 THE COURT: Okay, how?

21 THE JUROR: Friends.

22 THE COURT: Y'all were friends?

23 THE JUROR: Yes.

24 THE COURT: And your number, please?

25 THE JUROR: 332.

1 THE COURT: Do you believe that friend
2 relationship would impede you from being fair and
3 impartial during the trial of this case?

4 THE JUROR: It might.

5 THE COURT: How long did you know her?

6 THE JUROR: Over 15.

7 THE COURT: Over 15 years?

8 THE JUROR: Uh-huh.

9 THE COURT: All right, you're excused from the
10 trial of this case. Just have a seat, please, all
11 right.

12 Anybody else?

13 Yes, sir, on the front row. Stand up, please.

14 THE JUROR: Can I ask how old Jermaine Robinson
15 is?

16 MS. CAMPBELL: I'll be happy to introduce my
17 client.

18 THE COURT: We're going to get to that in just a
19 minute, but yes, sir -- yes.

20 Thank you, Ms. Campbell.

21 In just a minute, I'm going to allow the attorneys
22 to introduce themselves and their clients.

23 THE JUROR: I believe I went to high school with
24 him if it's --

25 THE COURT: Okay. Remain standing, sir, if you

1 don't mind, at this time. Tell me your juror number.

2 THE JUROR: 192.

3 THE COURT: 192, okay. And you believe you went
4 to high school with Mr. Robinson?

5 THE JUROR: Is that Mr. Robinson?

6 THE COURT: That is Mr. Robinson.

7 THE JUROR: Oh, then, no.

8 THE COURT: Then you don't know him?

9 THE JUROR: Huh-uh.

10 THE COURT: Please say yes or no for the record.

11 THE JUROR: No, ma'am.

12 THE COURT: Thank you so much. Have a seat, sir.

13 Anybody else?

14 Yes, ma'am.

15 THE JUROR: I'm Number 316, I'm Janice Sanders. I

16 worked at the elementary school where Ms. Moon's

17 granddaughter went and I know her daughter.

18 THE COURT: Okay. Do you believe that this

19 knowledge that you have as to them would --

20 THE JUROR: Possibly. I mean, the crime happened

21 when I was employed there and I know her daughter and

22 granddaughter, so.

23 THE COURT: Do you believe it would impede your

24 ability to remain fair and impartial? You said

25 possibly. I need a little bit more of a strong answer

1 than that.

2 THE JUROR: Yes.

3 THE COURT: You do believe it would?

4 THE JUROR: Uh-huh. (Indicating affirmatively.)

5 THE COURT: Tell me your juror number again.

6 THE JUROR: 316.

7 THE COURT: 316 is excused from the trial of this
8 case.

9 However, please, remain, we do have another jury
10 to pick. Thank you, ma'am.

11 Yes, ma'am.

12 THE JUROR: Hi, I'm Juror 324. I worked with
13 Jermaine's mom, Ms. Robinson.

14 THE COURT: And do you believe that that
15 relationship may impede your ability to be fair and
16 impartial?

17 THE JUROR: Yes, ma'am. Yes.

18 THE COURT: All right. Well, I'm going to excuse
19 you from the trial of this case. As you heard me say,
20 just remain seated, okay?

21 THE JUROR: Okay.

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

23 Juror 324 is excused from the trial of this case.

24 THE COURT: All right. The following, ladies and
25 gentlemen, is a list of possible witnesses in this

1 case. It's going to be a rather lengthy list, but I
2 want you to listen very carefully to the names I'm
3 going to call out. The end of me calling out the
4 names, I want you to stand up if you've ever been
5 related by blood or marriage to any of these people or
6 if you've ever had a close personal or social
7 relationship with any of these people, okay. So,
8 please, carefully.

9 Allison Moreira of Beaufort County 911; Paula
10 Pancheco, Beaufort County EMS; Jennifer Welsh, Beaufort
11 County Sheriff's Office; Troy Krapf, Beaufort County
12 Sheriff's Office; K. Reeves, Beaufort County Sheriff's
13 Office; John Ferguson, Beaufort County Sheriff's
14 Office; Todd Duncan, Beaufort County Sheriff's Office;
15 Jason Malphrus, Beaufort County Sheriff's Office;
16 Brandon Disbrow of the Beaufort County Sheriff's
17 Office; Derek Nelson, 14th Circuit Solicitor's Office;
18 Jeffrey Maxwell, Beaufort County Detention Center;
19 Eddie Aiken, Beaufort County Detention Center; Hazel
20 Robinson; Michael Pinckney; Charles Rivers; Carla
21 Simmons; David Moon; Tamiaka Moon; Edward Legree;
22 Jennifer Nates with South Carolina Law Enforcement
23 Division; Andrew Garinger, Beaufort County Sheriff's
24 Office; Jamie Greene, South Carolina Law Enforcement
25 Division; Dr. Ann Reimer, Medical University of South

1 Carolina; J. Worrell, Beaufort County Sheriff's Office;
2 M. Thomas, Beaufort County Sheriff's Office; D. Kline,
3 Beaufort County Sheriff's Office; S. Logan, Beaufort
4 County Sheriff's Office; W. Angelo, Beaufort County
5 Sheriff's Office; J. Scheemaker, Beaufort County
6 Sheriff's Office; S. Madrid, Beaufort County Sheriff's
7 Office; T. Mattox; K. Meza, M-E-Z-A, of the Beaufort
8 County Sheriff's Office; J. Lauver, Beaufort County
9 Sheriff's Office; J. Ferguson, Beaufort County
10 Sheriff's Office; A. Zsamar, Z-S-A-M-A-R, of the
11 Beaufort County Sheriff's Office; W. Breighner,
12 Beaufort County Sheriff's Office; Suzanne Cromer, South
13 Carolina Law Enforcement Division; Gladys Walker;
14 Herman Hart; Mary Atkins; and Lee Reynolds.

15 Anyone know or have any social or personal
16 relationship with any of those parties or you're
17 related to them by blood or marriage, please, stand at
18 this time.

19 Yes, sir.

20 THE JUROR: I know Eddie Aiken.

21 THE COURT: Your juror number?

22 THE JUROR: Five.

23 THE COURT: Are y'all close friends?

24 THE JUROR: No, small town, grew up here. I mean,
25 we know each other.

1 THE COURT: Would that knowledge of him impede
2 your ability to be fair and impartial during the trial
3 of this case?

4 THE JUROR: Probably, yes.

5 THE COURT: Okay. All right.

6 Any further voir dire from the Defense or State on
7 this witness? I intend to excuse him.

8 All right. You're excused from the trial of this
9 case, Number 5. Thank you, sir.

10 Yes, ma'am, in the orange shirt.

11 THE JUROR: Gladys Walker, is she an older person?

12 MS. CAMPBELL: Yes, ma'am, she is.

13 THE COURT: Yes, ma'am, she is, is my
14 understanding. Do you believe you know her?

15 THE JUROR: Yes, for a while now. We've been
16 doing her taxes. We've become close friends for about
17 15, 20 years.

18 THE COURT: Yes, ma'am, and your juror number is
19 what?

20 THE JUROR: 108.

21 THE COURT: 108. 108 is excused from the trial of
22 this case.

23 Thank you, ma'am.

24 Yes, sir, in the striped shirt.

25 THE JUROR: Jeff Hughes, Number 107. I believe I

1 know S. Logan as a patron of my restaurant.

2 THE COURT: All right. Would that relationship of
3 him being a patron to your restaurant impede your
4 ability to be fair and impartial during the trial of
5 this case if he were to give testimony at all?

6 THE JUROR: No, ma'am.

7 THE COURT: All right. Your number again?

8 THE JUROR: 107.

9 THE COURT: 107 will remain.

10 Start over here. Yes, ma'am?

11 THE JUROR: I'm Juror Number 105 and I know Todd
12 Duncan. His son attended my preschool.

13 THE COURT: All right. Would that knowledge of
14 him and the relationship you described impede your
15 ability to be fair and impartial during the trial of
16 this case if he were to give testimony at all?

17 THE JUROR: I don't think so, no.

18 THE COURT: I need you to be firm in your answer,
19 ma'am.

20 THE JUROR: No.

21 THE COURT: No?

22 THE JUROR: No.

23 THE COURT: Okay. Are you sure?

24 THE JUROR: I think I'm sure. No offense, but no.

25 THE COURT: That's okay. I mean, you know whether

1 a relationship is close enough that you cannot be fair
2 and impartial.

3 THE JUROR: Right.

4 THE COURT: Is that relationship of that nature?

5 THE JUROR: I have known him as a parent from our
6 school, so, not personally.

7 THE COURT: So you believe you could sit as a
8 juror in this case and be fair and impartial to both
9 sides?

10 THE JUROR: I think so, yes. Yes. Okay. Sorry,
11 yes.

12 THE COURT: All right. How long have you known
13 him?

14 THE JUROR: Two years.

15 THE COURT: Okay. Do you socialize outside of the
16 school relationship?

17 THE JUROR: No.

18 THE COURT: You don't hang out at all?

19 THE JUROR: No.

20 THE COURT: Or see him socially?

21 THE JUROR: No.

22 THE COURT: Okay. I believe you're qualified to
23 sit in this case, then. I'll take your word for it.
24 Thank you. Your number again is 105; is that correct?

25 THE JUROR: Yes.

1 THE COURT: 105 will remain.

2 Yes, ma'am.

3 THE JUROR: 175, and I teach Eddie Aiken's
4 daughter.

5 THE COURT: Okay. Would that relationship that
6 you've described affect your ability to sit on this
7 trial fairly and impartially?

8 THE JUROR: No.

9 THE COURT: Thank you for your candid answer.
10 175 will remain.

11 Anybody else think they know any of those names on
12 the list? If so, please stand.

13 Yes, ma'am.

14 THE JUROR: Eddie Aiken, my son is friends with
15 his son. And I think, Pinckney, if it's the right
16 Pinckney, I might have taught his son while he was in
17 middle school, but I do not feel like it will affect
18 anything that I do.

19 THE COURT: Neither one of those relationships,
20 the one with Eddie Aiken either?

21 THE JUROR: No. They don't come to our house. We
22 don't socialize, I just know of them.

23 THE COURT: Your number is 175; is that correct?

24 THE JUROR: 158.

25 THE COURT: Oh, 158. Thank you, ma'am.

1 158 will remain.

2 Thank you very much.

3 All right. Anybody else?

4 (No response.)

5 THE COURT: Ladies and gentlemen, we have
6 attorneys on both sides of this case. At this time,
7 I'm going to ask them to stand up and introduce
8 themselves, tell us a little bit more about where they
9 work and what they do and introduce their clients as
10 well.

11 All right. I'm going to start with the State. Go
12 ahead, Ms. Smith.

13 MS. SMITH: My name is Kimberly Smith. I work
14 with the 14th Circuit Solicitor's Office here in
15 Beaufort. Sitting next to me is Mary Jones, who is
16 going to be assisting me, she's another lawyer in our
17 office. And on the other side of me is Todd Duncan,
18 whose name was recently called, he is with Beaufort
19 County Sheriff's Office. Thank you.

20 MS. CAMPBELL: May it please the Court.

21 Good afternoon, my name is Trasi Campbell. I am
22 the 14th Judicial Circuit chief defender for the
23 violent crimes division, which covers all five counties
24 in our circuit, which is Beaufort, Jasper, Hampton,
25 Allendale and Colleton. Today, I'm in Beaufort with

1 you and with my client.

2 Stand up for us.

3 Jamie Robinson.

4 Did Your Honor need me to list any attorneys in
5 the Beaufort office or are we sufficient with that?

6 THE COURT: I don't think it's required. But if
7 there are any you wish to list, you may.

8 MS. CAMPBELL: Thank you, Your Honor.

9 THE COURT: Thank you.

10 All right, ladies and gentlemen, has anyone ever
11 been related by blood or marriage to or had a close
12 personal or social relationship with any of the
13 attorneys who just introduced themselves in this case?
14 If so, please stand.

15 (No response.)

16 THE COURT: I find there are none.

17 Has any member of the jury panel formed or
18 expressed an opinion about any issue or matter involved
19 in this case? If so, please stand.

20 (No response.)

21 THE COURT: Is any member of the jury panel aware
22 of any bias or prejudice toward either the State or the
23 Defendant in this case? If so, please stand.

24 Yes, ma'am, I'll ask you to just step forward
25 please, if you don't mind. Thank you.

1 THE BAILIFF: Juror 105, Your Honor.

2 THE JUROR: Hey, sorry for my previous standing
3 up. After thinking about it, I don't know what kind of
4 role he's playing in this case.

5 THE COURT: I don't either.

6 THE JUROR: So, I'll go ahead and say no.

7 THE COURT: You feel like you couldn't be
8 impartial on this jury?

9 THE JUROR: No.

10 THE COURT: Okay. I'll excuse you from the trial
11 in this case. Thank you, ma'am.

12 THE JUROR: Okay.

13 THE COURT: I'm going to ask that question again
14 just to make sure I hear answers from everybody.

15 Is any member of the jury panel aware of any bias
16 or prejudice toward either the State or the Defendant
17 in this case? If so, please stand.

18 (No response.)

19 THE COURT: I find none.

20 Is there any member of the jury panel that was a
21 member of the grand jury which issued the indictment in
22 this case? If so, please stand.

23 (No response.)

24 THE COURT: I find none.

25 Is there any member of the jury panel who is a

1 member of or contributor to any group which has as its
2 primary concern the promotion of law enforcement or
3 victim's rights? These groups would include, but are
4 not limited to MADD, SADD, or CAVE. If so, please
5 stand.

6 (No response.)

7 THE COURT: Does any member of the jury panel know
8 of any reason whatsoever why he or she should not serve
9 as a juror in this case with particular emphasize being
10 placed on your ability to be fair and impartial to both
11 the State and the Defendant? If so, please stand.

12 (No response.)

13 THE COURT: Is any member of the jury panel
14 related by blood or marriage to or a friend or
15 acquaintance of any member of any law enforcement
16 agency? If so, please stand.

17 (No response.)

18 THE COURT: I find none.

19 Is any member of the jury panel employed by or
20 related by blood or marriage to or a friend or
21 acquaintance of anyone employed by the Attorney
22 General, the Solicitor or any prosecuting attorney's
23 office? If so, please stand.

24 (No response.)

25 THE COURT: I find none.

1 Has any member of the jury panel ever been
2 employed by any civilian or military law enforcement
3 agency? If so, please stand.

4 Yes, sir. If you could come forward, please.

5 THE BAILIFF: Juror Number 278, Your Honor.

6 THE JUROR: I'm a veteran of the Marine Corp and
7 currently employed by the Department of Energy,
8 Savannah River Site.

9 THE COURT: Sir, tell me your number again?

10 THE JUROR: 278.

11 THE COURT: 278, thank you so much. Perfect.

12 278 will remain.

13 Has any member of the jury panel ever been a
14 witness in a criminal trial? If so, please stand.

15 Yes, sir, your juror number?

16 THE JUROR: 381.

17 THE COURT: Okay, I'm going to have to ask you to
18 come forward for this one as well, sorry about that.

19 Ladies and gentlemen, this is when that patience
20 factor comes into play. We certainly appreciate it.

21 THE BAILIFF: Right this way, sir.

22 Juror 381, Your Honor.

23 THE JUROR: I testified in a murder trial. I was
24 EMS in New Jersey. A defendant killed a little boy,
25 two years old, and I had to testify and he was found

1 guilty.

2 THE COURT: Will that impede your ability to
3 testify in this case?

4 THE JUROR: Yes, I'm not sure. I was thinking
5 about everything.

6 THE COURT: That's okay. You're Juror 381?

7 THE JUROR: Yes.

8 THE COURT: I'll excuse you from the trial of this
9 case.

10 THE BAILIFF: Your Honor, we have some more that's
11 stepped up.

12 THE COURT: Sorry, thank you.

13 THE JUROR: Juror Number 43, Your Honor.

14 THE COURT: I know you were --

15 THE JUROR: The one that was convicted in that
16 case.

17 THE COURT: But you were not a witness?

18 THE JUROR: Not a witness, I was a juror. Did I
19 need to disclose that?

20 THE COURT: You did that earlier. Would the fact
21 that you were a juror in the previous case affect your
22 ability to be fair and impartial in this case?

23 THE JUROR: No.

24 THE COURT: Would you listen to the facts, use
25 your common sense and apply the law as I instruct it to

1 you?

2 THE JUROR: Yes, as long as I'm okay when I walk
3 out of here.

4 THE BAILIFF: Juror Number 35, Your Honor.

5 THE COURT: Yes, ma'am.

6 THE JUROR: I was a witness in a murder trial.

7 THE COURT: Okay. Did you testify for the State
8 or Defendant.

9 (Off-the-record discussion held.)

10 THE COURT: Would the fact that you testified in a
11 murder trial affect your ability to sit fairly on this
12 trial?

13 THE JUROR: No.

14 THE COURT: You think that you can sit and listen
15 to the facts and use your common sense and apply the
16 law as I give it to you?

17 THE JUROR: Yes.

18 THE COURT: And be fair and impartial?

19 THE JUROR: Yes.

20 THE COURT: You could?

21 THE JUROR: Yes.

22 THE COURT: Okay. Thank you.

23 Anybody else?

24 Ma'am, what was your juror number?

25 THE JUROR: 35.

1 THE COURT: All right. Ladies and gentlemen, has
2 any member of the jury panel read in any newspaper or
3 seen on any television program or heard on any radio
4 broadcast anything about this case either today or
5 before today? If so, please stand.

6 (No response.)

7 THE COURT: I find none.

8 Has any member of the jury panel ever read stories
9 from the 14th Circuit Solicitor's website or Facebook
10 or social media platforms? If so, please stand.

11 (No response.)

12 THE COURT: Has any member of the jury panel ever
13 viewed the 14th Circuit Solicitor's Office website
14 and/or watched the mini movies associated with their
15 prosecution of cases in the 14th Judicial Circuit? If
16 so, please stand.

17 (No response.)

18 THE COURT: In addition, has any member of the
19 jury panel liked or commented on any social media post
20 or website affiliated with the 14th Circuit Solicitor's
21 Office or the Beaufort County Sheriff's Office, the
22 Bluffton Police Department or the Beaufort City Police
23 Department? To the best of your recollection, if you
24 have, please stand at this time.

25 (No response.)

1 THE COURT: I find none.

2 Has any member of the jury panel ever been a
3 volunteer for the Beaufort County Sheriff's Office,
4 Bluffton Police Department, the Beaufort City Police
5 Department or any other law enforcement agency? If so,
6 please stand.

7 (No response.)

8 THE COURT: I find none.

9 Has any member of the jury panel participated in
10 or had a member of their immediate family participated
11 in a citizens police academy or other such programs
12 where the public is allowed to work with, train with
13 and ride along with law enforcement officers as part of
14 a citizens training program about law enforcement
15 policies and procedures of any of the local law
16 enforcement agencies I listed earlier? If so, please
17 stand.

18 (No response.)

19 THE COURT: I find none.

20 Has any member of the jury panel had as themselves
21 or an immediate family member currently or in the past
22 been a victim of a violent crime? If so, please
23 stand.

24 THE BAILIFF: One standing, Your Honor.

25 THE COURT: Yes, sir. I would like you to step

1 forward, please, if you don't mind. Thank you.

2 THE BAILIFF: Juror Number 57, Your Honor.

3 THE JUROR: I was a victim for a breaking and
4 entering armed robbery. Well, basically, they tied me
5 up, beat the crap out of me, threw me down a flight of
6 stairs and all of that. All of them went to jail. I'm
7 also a victim of a police brutality suit.

8 THE COURT: Okay. How long ago were these?

9 THE JUROR: The police brutality, I was 16, so,
10 1993, and the armed robbery is '95.

11 THE COURT: Okay. Would the fact that you were a
12 victim in these cases affect your ability to sit as a
13 fair and impartial juror on this jury?

14 THE JUROR: The police, I still do have problems.

15 THE COURT: Describe that for me.

16 THE JUROR: I kind of rolled through a stop sign.
17 I had five officers beat me half to death and the City
18 of Virginia Beach settled out of court for a quarter of
19 a million dollars. So, I still have trust issues with
20 law enforcement.

21 THE COURT: That's what I'm trying to get you to
22 describe, trust issues. Tell me a little more about
23 that.

24 THE JUROR: Uniforms, really. I was a 16-year-old
25 kid that ran a stop sign. They false identified my

1 vehicle as another vehicle.. So I had four officers
2 pull me out of the car, beat the crap out of me with
3 mag lights and walkie-talkies.

4 THE COURT: I'll excuse you from the trial of this
5 case, but sit tight.

6 THE JUROR: All right.

7 THE COURT: Number 57 is excused from the trial of
8 this case.

9 THE COURT: Does the State have any additional
10 questions to the voir dire at this point in time?

11 MS. SMITH: No, ma'am.

12 THE COURT: Ms. Campbell, do you have any
13 additional questions?

14 MS. CAMPBELL: Not additional questions. But I
15 would like to ask if we can mark the Defendant's voir
16 dire for the record?

17 THE COURT: Absolutely, it will be marked.

18 All right, ladies and gentlemen, at this point in
19 time, I have another brief matter to take up outside of
20 your presence. I'm going to ask you just to step out
21 in the hallway for about five minutes. Don't go too
22 far. This truly will not take very long, so stretch
23 your legs one more time and then we'll come back to
24 select the jury. Thank you.

25 (WHEREUPON, the jury panel left the courtroom.)

1 THE BAILIFF: Juror 164.

2 THE COURT: If I may have the attorneys approach
3 briefly, please.

4 THE BAILIFF: Doors are clear.

5 THE COURT: Thank you.

6 THE BAILIFF: Juror 164, Your Honor.

7 THE COURT: How are you?

8 THE JUROR: Fine.

9 THE COURT: Tell me your number.

10 THE JUROR: 164.

11 THE COURT: You're Mr. Holmes? I heard that you
12 approached one of our bailiffs with a concern.

13 THE JUROR: Yes, I know five personally. Deon,
14 Mary Atkins. I know everybody in this right corner.
15 All right. And that is personal. That is personal.
16 Been there.

17 THE COURT: All right. So, you are familiar with
18 this incident, it's safe to say?

19 THE JUROR: Yes.

20 THE COURT: Okay, I'll excuse you from the trial
21 in this case. I didn't want to do it in front of
22 everybody.

23 THE JUROR: I appreciate it.

24 THE COURT: Thank you. Just hang out, there's
25 another case.

1 164 is excused from the trial in this case.

2 THE COURT: Any additions or exceptions to the
3 voir dire process by the State?

4 MS. SMITH: No, ma'am.

5 THE COURT: Any from the Defendant? Your proposed
6 voir dire will be marked as a Court Exhibit.

7 MS. CAMPBELL: No, Your Honor.

8 THE COURT: Thank you very much. Let them back
9 in.

10 THE BAILIFF: Yes, Your Honor.

11 *(Whereupon, Court's Exhibit No(s) 1 marked for*
12 *identification and received in evidence.)*

13 THE COURT: Did Your Honor wish to address the --
14 what appears to be the recurring issue with Juror
15 Number 43?

16 THE COURT: I will. I'm happy to hear from you.

17 MS. CAMPBELL: Yes, thank you, Your Honor. I'm
18 just very concerned, she came up in response to the
19 Court's questions numerous times and she -- whether
20 she -- I guess maybe I'm saying, whether she realizes
21 it or not, she exhibits sort of an implicit bias, you
22 know, and fear based on her prior juror service where
23 there was an issue that, you know, she had been
24 attacked, she and her fellow jurors. And even though I
25 think that she wants to be willing to say that she can

1 be fair and impartial, put in that same position again,
2 I don't feel that she can be. And on behalf of
3 Mr. Robinson, I would ask that she be excused from
4 potential service in this case. Thank you, Your Honor.

5 THE COURT: Yes, ma'am, Ms. Campbell.

6 Would the State like to say anything in response?

7 MS. SMITH: No.

8 THE COURT: I will say that I believe the last
9 comment she made did give me pause. I am going to
10 excuse her from the trial of this case. I believe she
11 made the comment, as long as you keep me safe, or
12 something along those lines. That did, certainly,
13 raise the hairs on the back of my neck a little bit.
14 So, whenever that happens, I find it best to excuse the
15 juror. So, I will excuse her from the trial of this
16 particular case. She will remain in the pool for the
17 next trial.

18 Thank you very much.

19 MS. SMITH: Judge, I do have one additional.

20 THE COURT: Yes.

21 MS. SMITH: Juror Number 35, Kimberly Blake, she
22 came forward and said that she was a murderer -- in a
23 case where the father of her children shot and killed
24 two cops. I'm assuming it's the Tyre Roberts case from
25 about 15 years ago. She was in the house. The

1 defendant was hiding in the closet and came out and
2 unloaded on the officers. I would have her struck for
3 cause. I know she said she could be fair and
4 impartial, but they responded to a domestic call
5 between her and the defendant in that case.

6 THE COURT: I think she testified for the State,
7 is that correct, in that case?

8 MS. SMITH: I don't know.

9 MS. CAMPBELL: That's what she said.

10 THE COURT: She didn't seem to remember either.
11 What would you like to add, Ms. Campbell?

12 MS. CAMPBELL: I would just say that -- I'm not
13 privy to all the information the State is privy to in
14 terms of this prior situation with Tyre Roberts. I
15 know of the case. I don't know her nor her role in the
16 case nor the fact that -- I have no information about
17 her being a victim of domestic abuse in any of those
18 situations.

19 So, you know, I would say that we would object to
20 her -- she said she could be fair and impartial, we
21 would object to her being removed from the jury panel.

22 THE COURT: Subsequent to the questions I asked, I
23 think she gave candid answers. I asked her clearly,
24 would that affect your ability to be fair and
25 impartial, she unequivocally stated no. She had no

1 hesitation whatsoever. At this point in time, I'm
2 going to keep her.

3 All right. Anything else?

4 (No response.)

5 THE COURT: All right. Now, we can let them in.

6 And attorneys, y'all choose however you want -- do
7 you want to have them come forward? It's up to y'all.

8 MS. CAMPBELL: Well, that was my next question,
9 are they coming forward? If they are, then I'll move
10 around.

11 THE CLERK: The judge said she likes to have them
12 come up.

13 MS. CAMPBELL: Okay.

14 (WHEREUPON, the jury enters the courtroom.)

15 THE BAILIFF: All jurors are present, Your Honor.

16 THE COURT: Thank you very much.

17 At this time, ladies and gentlemen, we will begin
18 the jury impaneling process for this trial. Please
19 listen carefully to the clerk's office.

20 THE CLERK: Ladies and gentlemen, when your number
21 is called, please come up and enter through the bar
22 over here and stand in the middle facing the back of
23 the courtroom, and the clerk will ask the solicitor and
24 public defender if they seat you or not. If you are
25 asked to take a seat, go have a seat in the jury box.

1 If you are excused, you will walk right out and go have
2 a seat.

3 Two alternates, Your Honor?

4 THE COURT: Yes, two alternates, and the strikes
5 are five and ten.

6 THE CLERK: Okay.

7 Juror Number 355. Thank you. If you could join
8 us up front here, please.

9 (Juror Number 355, a white male, comes forward.)

10 THE CLERK: What says the State?

11 MS. SMITH: Please present this juror.

12 MS. CAMPBELL: Please swear the juror.

13 THE BAILIFF: Take a seat in the jury box, please,
14 sir.

15 THE CLERK: Juror Number 72.

16 (Juror Number 72, a white female, comes forward.)

17 THE CLERK: What says the State?

18 MS. SMITH: Please present this juror.

19 MS. CAMPBELL: Please excuse the juror.

20 THE BAILIFF: This way, sir.

21 THE CLERK: Juror Number 168.

22 (Juror Number 168, a white male, comes forward.)

23 THE CLERK: What says the State?

24 MS. SMITH: Please present this juror.

25 THE CLERK: What says the Defense?

1 MS. CAMPBELL: Please excuse this juror.
2 THE BAILIFF: This way, sir.
3 THE CLERK: Juror Number 158. 158.
4 THE BAILIFF: 158.
5 (Juror Number 158, a white female, comes forward.)
6 THE CLERK: What says the State?
7 MS. SMITH: Please present this juror.
8 THE CLERK: What says the Defense?
9 MS. CAMPBELL: Please excuse the juror.
10 THE BAILIFF: This way, ma'am.
11 THE CLERK: Juror Number 35.
12 (Juror Number 35, a black female, comes forward.)
13 THE CLERK: What says the State?
14 MS. SMITH: Please excuse this juror.
15 THE CLERK: Juror Number 262.
16 (Juror Number 262, a white male, comes forward.)
17 THE CLERK: What says the State?
18 MS. SMITH: Please present this juror.
19 THE CLERK: What says the Defense?
20 MS. CAMPBELL: Please swear this juror.
21 THE BAILIFF: Take a seat in the jury box, please,
22 sir.
23 THE CLERK: Juror Number 260.
24 (Juror Number 260, a white male, comes forward.)
25 THE CLERK: What says the State?

1 MS. SMITH: Please present this juror.

2 THE CLERK: What says the Defense?

3 MS. CAMPBELL: Please swear the juror.

4 THE BAILIFF: Take a seat in the jury box, please,
5 sir.

6 THE CLERK: Juror Number 7.

7 (Juror Number 7, a white female, comes forward.)

8 THE CLERK: What says the State?

9 MS. SMITH: Please present this juror.

10 THE CLERK: What says the Defense?

11 MS. CAMPBELL: Please excuse the juror.

12 THE BAILIFF: This way, ma'am.

13 THE CLERK: Juror Number 109.

14 (Juror Number 109, a white female, comes forward.)

15 THE CLERK: What says the State?

16 MS. SMITH: Please present this juror.

17 THE CLERK: What says the Defense?

18 MS. CAMPBELL: Please excuse this juror.

19 THE BAILIFF: This way.

20 THE CLERK: Juror Number 322.

21 (Juror Number 322, a white male, comes forward.)

22 THE CLERK: What says the State?

23 MS. SMITH: Please present this juror.

24 THE CLERK: What says the Defense?

25 MS. CAMPBELL: Please swear this juror.

1 THE BAILIFF: Take a seat in the jury box, sir.

2 THE CLERK: Juror Number 317.

3 (Juror Number 317, a white female, comes forward.)

4 THE CLERK: What says the State?

5 MS. SMITH: Please present this juror.

6 THE CLERK: What says the Defense?

7 MS. CAMPBELL: Please excuse this juror.

8 THE CLERK: Juror Number 121.

9 (Juror Number 121, a white female, comes forward.)

10 THE CLERK: What says the State?

11 MS. SMITH: Please present this juror.

12 THE CLERK: What says the Defense?

13 MS. CAMPBELL: Please swear this juror.

14 THE BAILIFF: Take a seat in the jury box, ma'am.

15 Right this way.

16 THE CLERK: Number 301.

17 (Juror Number 301, a white female, comes forward.)

18 THE CLERK: What says the State?

19 MS. SMITH: Please excuse this juror.

20 THE CLERK: Juror Number 12.

21 (Juror Number 12, a white female, comes forward.)

22 THE CLERK: What says the State?

23 MS. SMITH: Please present this juror.

24 THE CLERK: What says the Defense?

25 MS. CAMPBELL: Please swear the juror.

1 THE BAILIFF: Take a seat in the jury box.

2 THE CLERK: Juror Number 20.

3 (Juror Number 20, a white female, comes forward.)

4 MS. CAMPBELL: Judge, may we approach?

5 THE COURT: Sure.

6 (Off-the-record discussion.)

7 THE COURT: We were supposed to get back to you
8 and we didn't do that.

9 THE JUROR: I rescheduled my appointment for the
10 20th.

11 THE COURT: Okay. That's all that I need. Resume
12 your position.

13 THE JUROR: Okay.

14 THE COURT: Thank you for bringing that to my
15 attention, Attorneys.

16 MS. CAMPBELL: Yes, ma'am.

17 THE COURT: Please go forward with the jury
18 process.

19 THE CLERK: What says the State?

20 MS. SMITH: Please present this juror.

21 THE CLERK: What says the Defense?

22 MS. CAMPBELL: Please swear the juror.

23 THE BAILIFF: Have a seat in the jury box, please,
24 ma'am.

25 THE CLERK: Juror Number 53.

1 (Juror Number 53, a white female, comes forward.)
2 THE CLERK: What says the State?
3 MS. SMITH: Please present this juror.
4 THE CLERK: What says the Defense?
5 MS. CAMPBELL: Please excuse the juror.
6 THE BAILIFF: This way.
7 THE CLERK: Juror Number 304.
8 (Juror Number 304, a white male, comes forward.)
9 THE CLERK: What says the State?
10 MS. SMITH: Please present this juror.
11 THE CLERK: What says the Defense?
12 MS. CAMPBELL: Please swear the juror.
13 THE BAILIFF: Take a seat in the jury box, please.
14 THE CLERK: Juror Number 92.
15 (Juror Number 92, a white female, comes forward.)
16 THE CLERK: What says the State?
17 MS. SMITH: Please present this juror.
18 THE CLERK: What says the Defense?
19 MS. CAMPBELL: Please excuse the juror.
20 THE CLERK: Juror Number 15.
21 THE BAILIFF: Fifteen.
22 (Juror Number 15, a black female, comes forward.)
23 THE CLERK: What says the State?
24 MS. SMITH: Please present this juror.
25 THE CLERK: What says the Defense?

1 MS. CAMPBELL: Please swear the juror.

2 THE BAILIFF: Take a seat in jury box, please,
3 ma'am.

4 THE CLERK: Juror Number 250.

5 (Juror Number 250, a white female, comes forward.)

6 THE CLERK: What says the State?

7 MS. SMITH: Please present this juror.

8 THE CLERK: What says the Defense?

9 MS. CAMPBELL: Please excuse the juror.

10 THE CLERK: Juror Number 175.

11 (Juror Number 175, a white female, comes forward.)

12 THE CLERK: What says the State?

13 MS. SMITH: Please present this juror.

14 THE CLERK: What says the Defense?

15 MS. CAMPBELL: Please swear the juror.

16 THE BAILIFF: Please have a seat in the jury box,
17 please. Right this way.

18 THE CLERK: Juror Number 31.

19 (Juror Number 31, a white female, comes forward.)

20 THE CLERK: What says the State?

21 MS. SMITH: Please present this juror.

22 THE CLERK: What says the Defense?

23 MS. CAMPBELL: Please swear the juror.

24 THE BAILIFF: Take a seat in the jury box, please.

25 THE CLERK: Juror Number 51.

1 (Juror Number 51, a white female, comes forward.)
2 THE CLERK: What says the State?
3 MS. SMITH: Please present this juror.
4 THE CLERK: What says the Defense?
5 MS. CAMPBELL: Please swear the juror.
6 THE BAILIFF: Take a seat in the jury box, please,
7 ma'am.
8 THE CLERK: Selecting the first alternate.
9 Juror Number 135.
10 (Juror Number 135, a white male, comes forward.)
11 THE CLERK: What says the State?
12 MS. SMITH: Please present this juror.
13 THE CLERK: What says the Defense?
14 MS. CAMPBELL: Please excuse the juror.
15 THE CLERK: Juror Number 390.
16 (Juror Number 390, a white male, comes forward.)
17 THE CLERK: What says the State?
18 MS. SMITH: Please present this juror.
19 THE CLERK: What says the Defense?
20 MS. CAMPBELL: Please swear the juror.
21 THE BAILIFF: Take a seat in the jury box, sir.
22 THE CLERK: Alternate two.
23 Juror Number 207.
24 (Juror Number 207, a white female, comes forward.)
25 THE CLERK: What says the State?

1 MS. SMITH: Please present this juror.

2 THE CLERK: What says the Defense?

3 MS. CAMPBELL: Please excuse the juror.

4 THE CLERK: Juror Number 96.

5 (Juror Number 96, a white female, comes forward.)

6 THE CLERK: What says the State?

7 MS. SMITH: Please present this juror.

8 THE CLERK: What says the Defense?

9 MS. CAMPBELL: Please swear the juror.

10 THE BAILIFF: Take a seat in the jury box, please,
11 ma'am.

12 THE COURT: Any motions regarding jury selection
13 from the State?

14 MS. SMITH: Nothing from the State.

15 THE COURT: Any motions regarding jury selection
16 from the Defense?

17 MS. CAMPBELL: No, Your Honor.

18 THE COURT: Any objection to the jury being sworn?

19 MS. SMITH: No objection.

20 MS. CAMPBELL: No objection.

21 THE COURT: All right. Madam Clerk, I would ask
22 you to swear the jury panel.

23 THE CLERK: Ladies and gentlemen of the jury,
24 would you please rise and raise your right hand. Do
25 you solemnly swear or affirm that you should well and

1 truly try and true deliverance make in the State of
2 South Carolina and the accused and a true verdict give
3 according to the evidence, so help you God?

4 JURY: I do.

5 THE CLERK: Thank you.

6 THE COURT: All right. Thank you, ladies and
7 gentlemen. In a moment, we're going to break for
8 lunch. Actually, we're going to break for the rest of
9 the day. I'm going to dismiss you for the rest of the
10 day. You're going to be asked to come back tomorrow
11 morning at 9:30. We have some matters of law to
12 discuss this afternoon with the attorneys. We don't
13 need your service this afternoon. We need you back
14 tomorrow morning at 9:30.

15 When you leave here, the bailiff will give you
16 instructions on where to go and what time to be there
17 exactly so that you know where to report. I appreciate
18 your service once again.

19 I'm going to instruct you, however, ladies and
20 gentlemen, do not conduct any independent research
21 about this case. You haven't heard anything, you don't
22 know what it's about. I ask you not to look anything
23 up on line. Don't use your phones or any other devices
24 to try to find out what it's about. Everything that
25 you're to consider in this case will be given to you

1 from that witness stand.

2 Does anybody have any questions about my
3 admonition to you?

4 (No response.)

5 THE COURT: Does anybody have any problem
6 following that admonition?

7 (No response.)

8 THE COURT: All right. Thank you very much and we
9 will see you tomorrow morning.

10 THE BAILIFF: Please follow me.

11 (WHEREUPON, the jury exits the courtroom at 12:55
12 p.m.)

13 THE COURT: Ladies and gentlemen who remain in the
14 panel. There is one more case that we're going to have
15 to pick a jury for. That judge has instructed me to
16 let y'all go for an hour and 15 minutes or so. If you
17 could be back here by 2:15, that would be great. Same
18 courtroom. She's going to -- Judge Curtis will pick
19 the jury for her case at that time. So, you're free to
20 leave for lunch now, ladies and gentlemen. We just ask
21 you to return at 2:15. Thank you very much.

22 (WHEREUPON, the remaining jury panel exits the
23 courtroom at 12:56 p.m.)

24 THE COURT: Before anybody else regarding this
25 case leaves the courtroom, I have something I need to

1 say.

2 Sir, if you don't mind have a seat real quick for
3 me. You can remain standing where you are, that's
4 fine.

5 I'm going to ask that anyone involved in this case
6 remember how we behave in a courtroom. I'm not going
7 to tolerate any emotional outbursts by anybody. I'm
8 not going to tolerate any talking back and forth in a
9 violent or disrespectful manner to anybody in this
10 courtroom or on the courthouse grounds.

11 I'm instructing anybody who's interested in this
12 case or who's going to stick around either as a witness
13 or as a loved one to either side, I'm going to caution
14 you this now and that's going to remain in effect for
15 the rest of the week. If anybody is going to have a
16 problem with that, they need to come see me as soon as
17 possible. Thank you very much.

18 Attorneys, how about lunch before pretrial
19 motions? Does that sound okay to y'all?

20 MS. SMITH: Yes, ma'am.

21 THE COURT: Do you want to come back at 2:15 as
22 well and we'll be in courtroom three at that time.
23 Thank you very much. See you then.

24 (Lunch recess.)

25 THE COURT: Is everybody ready to proceed?

1 MS. SMITH: Yes, ma'am.

2 *(Whereupon, Court's Exhibit No(s). 2-3 marked for*
3 *identification and received in evidence.)*

4 THE COURT: Thank you. All right. We have a
5 number of pre-trial matters to discuss this afternoon
6 before we begin the trial before the jury. I'm in
7 receipt of the Defendant's pretrial motions that list
8 eight separate motions on that document, as well as two
9 separate motions filed by the defense attorney. One is
10 notice of motion and memorandum in support of motion to
11 suppress State's use of improper 404b evidence as
12 hearsay testimony, as well as a notice of motion and
13 memorandum in support of a motion to suppress any and
14 all jail phone calls alleged to be made by the
15 defendant. And I also have the State's motion and
16 memorandum in support of the introduction of prior
17 altercations and abuse.

18 In this Court's eyes, that sort of sets up this
19 duelling motion, if you will, of a Lyle motion between
20 both sides as to that issue. But I'm going to take
21 these up in order on Defendant's pre-trial motions, the
22 order to go by so you will know what order I'll go in
23 if you want to follow along with me on that.

24 So, the first is a motion to order jury to cease
25 all use of television, computer, cell phones, smart

1 phones, smart watches, social media from point of
2 selection to verdict. And Ms. Campbell, I am happy to
3 hear from you on that.

4 MS. CAMPBELL: May it please the Court, Your
5 Honor. And I will be pleased to address that, but at
6 the outset the State and I have agreed to move the
7 Jackson Denno hearing to the last matter before the
8 Court because the totality of the Defendant's two
9 statements is an hour and 20 minutes, and so we thought
10 that the Court may, if we had time, hear it this
11 afternoon or take it with the Court this evening.

12 THE COURT: Okay.

13 MS. CAMPBELL: So it -- am I correct?

14 THE COURT: Okay. We will see where we are at
15 that point in time.

16 MS. CAMPBELL: All right. Your Honor, the basis
17 of the first motion really has to do with the
18 inundation that we all experience, and our jurors are
19 not unlike us, when we cut on our cell phones and visit
20 certain sites. It is -- you know, the potential for
21 reading, viewing, having something pop up in your news
22 feed, how you get your news related to this matter.
23 Not just through the media, but from the community,
24 through the Facebook and Twitter posts, things of that
25 nature.

1 So, again, in every case I'm just asking that the
2 Court consider, you know, asking them to lay them down.
3 Certainly just, you know, for the duration of the
4 trial. But we understand if you are unable to do that,
5 then the strong admonition that the Court would give we
6 feel confident, you know, the jury would abide by that.
7 We certainly hope that they would. Thank you.

8 THE COURT: Sure. Anything from the State?

9 MS. SMITH: Judge, I really don't have anything on
10 that.

11 THE COURT: That's fine. I'm going to, I guess,
12 deny this motion in part and grant in part, to the
13 extent that I will admonish them at every break where
14 they will be leaving the courthouse. So, lunch break
15 and at the end of the day I will admonish them strongly
16 on not using these devices, not conducting any outside
17 research. And, again, I'll give them the opportunity
18 to report back to me if they have the next morning.
19 I'm happy to ask them each morning if they have.

20 MS. CAMPBELL: And the last thing that I would
21 say. I didn't notice, although some of them may have
22 smart watches, and particularly when deliberations
23 begin the smart watches are, you know, accessible
24 outside of those four walls. I know that we certainly
25 don't let them have their cell phones, so I would just

1 ask the Court to, you know, require that no smart
2 watches be allowed, certainly during deliberation.

3 THE COURT: During the deliberation portion, okay.
4 Do you have any opposition to that?

5 MS. SMITH: No, ma'am.

6 THE COURT: Okay. All right. That's fine. I'm
7 happy to make sure that they remove any smart watches,
8 if they have any, during deliberations. I'll make a
9 note to myself.

10 All right. Next on the list is a motion to
11 sequester witnesses. I'm inclined to grant that, short
12 of any opposition from the State.

13 MS. SMITH: Judge, we just need to address -- in
14 this case I have my victim's family here.

15 THE COURT: They are testifying, right?

16 MS. SMITH: Some of them are on the witness list.
17 Every -- David Moon and Tamieka Moon and Edward Legree.

18 THE COURT: They can stay after they testify.

19 MS. SMITH: Okay. There's one family member that
20 is not on the witness list, Jamie Legree, and I ask
21 that he be allowed to stay in the courtroom, along with
22 another family member who has been here today.

23 THE COURT: They are not testifying?

24 MS. SMITH: No, ma'am.

25 THE COURT: I have no problem with that. Any

1 objection?

2 MS. CAMPBELL: No. And Hazel Robinson, my
3 client's mother, is also a witness in the State's case.
4 And she understands that once she testifies she would
5 be able to join, you know, her son in the courtroom.

6 THE COURT: All right. It sounds like we are on
7 the same page on that. We will come back to the
8 Jackson v Denno hearing.

9 Four, motion to exclude any and all evidence in
10 violation of Lyle. Let's actually come back to that.
11 I will go to an easier one, if possible. Number five,
12 motion to settle criminal records for the State of
13 South Carolina witnesses and ruling on matters which
14 are subject to impeachment.

15 MS. CAMPBELL: So, the State has provided me with
16 the criminal records of the lay witnesses that are
17 proposed to testify. I spoke with the State earlier
18 this afternoon, and our preference would be to take up
19 that individual matter just prior to that person
20 testifying since there are a number of, you know,
21 situations where perhaps that person may not even be
22 called.

23 THE COURT: Sure, I think that's the prudent thing
24 to do as well, take them witness by witness.

25 Motion to prevent State of South Carolina from

1 introducing any jail phone calls in the case. And I do
2 have your memorandum in support of that motion. I
3 think that we discussed earlier in chambers that we
4 would also take this up at the time that the State
5 intended to introduce or not that evidence; is that
6 correct, attorneys?

7 MS. SMITH: Yes, ma'am, and I'll have my records
8 custodian get them.

9 THE COURT: All right. Number seven, motion to
10 preclude the introduction of photographs that are in
11 violation of South Carolina Rules of Evidence and South
12 Carolina case law. Have y'all premarked any of these?

13 MS. CAMPBELL: They have not been premarked by the
14 State, although they have been presented to me. I have
15 reviewed the proposed photographs. I have no objection
16 to the photographs that the State intends to introduce.

17 THE COURT: Okay.

18 MS. CAMPBELL: And I would just review them one
19 more time once they are officially marked, but we are
20 in agreement right now.

21 THE COURT: Okay. We can do that easily. Motion
22 to preclude State from introducing victim impact
23 testimony through witnesses and other evidence. Tell
24 me about that.

25 MS. CAMPBELL: Well, in --

1 THE COURT: Does that kind of go hand in hand with
2 404b?

3 MS. CAMPBELL: Well, just in my experience, when
4 family members are testifying, even though it's not
5 necessarily responsive to what, you know, the solicitor
6 may have asked, that we go far astray of, you know,
7 what the focus of the matter is and get down the rabbit
8 hole of, you know, talking about, you know, impact upon
9 family and how much some -- you know, someone may be
10 missed or things of that nature.

11 So, I'm just, again to protect my client and the
12 record, I'm just bringing it to the Court's attention
13 and however the Court wishes to address it. Thank you.

14 THE COURT: Okay. Obviously, you know, victim
15 impact testimony is not going to be appropriate in the
16 State's case in chief. That comes later on down the
17 line, even if we get to that particular time in the
18 trial, if we come to that. Do you need the Court to
19 advise any of your witnesses as such?

20 MS. SMITH: Judge, I think that after we do the
21 proffer from the victim's family as to what they will
22 be allowed to testify to, just the prior difficulties,
23 that will take care of that.

24 THE COURT: I think so too. I think so too. All
25 right. Well, if there's nothing else, let's move into

1 the 404(b) Lyle hearing to address the cross motions as
2 I refer to them regarding prior altercations and abuse.
3 I will ask the State to call their first witness.

4 MS. SMITH: Judge, at this point, since you have
5 granted the motion to sequester.

6 THE COURT: Okay. Go ahead and do that. How many
7 witnesses are there?

8 MS. SMITH: For this hearing?

9 THE COURT: Yes.

10 MS. SMITH: Just two.

11 THE COURT: Just for my knowledge, who?

12 MS. SMITH: A son and daughter. What about the
13 other officers that are here, do they need to go ahead
14 and leave the courtroom at this time?

15 THE COURT: Obviously the lead case agent can stay
16 throughout the trial, but the other officers will need
17 to leave.

18 MS. SMITH: Judge, the State calls Edward Legree.

19 Thereupon,

20 EDWARD LEGREE

21 was called as a witness, having been first duly sworn,

22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. SMITH:

25 Q Mr. Legree, state your full name for the record.

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 A Edward Legree.

2 Q Okay. And where do you live now?

3 A Charlotte, North Carolina.

4 Q Okay. And where are you from originally?

5 A St. Helena Island, South Carolina.

6 Q Okay. And how long ago did you leave Beaufort
7 County?

8 A One year, two year -- one year, I believe. One
9 year roughly.

10 Q Who is your mother?

11 A Eulia Moon.

12 Q Okay. And do you have any siblings?

13 A Yes, I do.

14 Q How many and who are they?

15 A One sister, Tamiaka Moon, and two brothers, David
16 and Jimmy Legree.

17 Q And why did you move to Charlotte?

18 A To support my little brother.

19 Q Prior to your moving to Charlotte, who did you
20 live with?

21 A My mom.

22 Q Okay. Is that Eulia Moon?

23 A Yes.

24 Q Where did you live with your mother?

25 A St. Helena Island.

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

- 1 Q Where on St. Helena?
- 2 A [REDACTED] Drive.
- 3 Q Okay. And did y'all lived there a long time?
- 4 A Yes, ma'am.
- 5 Q Is that the family home?
- 6 A Yes, ma'am.
- 7 Q Do you recall your mother dating Jamie Robinson?
- 8 A Yes, ma'am.
- 9 Q What kind of relationship did your mama have with
10 Jamie?
- 11 A Very toxic.
- 12 Q Okay. Do you recall, prior to your mother's
13 death, a prior altercation a few weeks before that?
- 14 A Yes, ma'am.
- 15 Q Okay. What happened?
- 16 A I received a call from my mother telling me to
17 come to Jamie's residence to help her get her stuff. And
18 when I got there I saw her, she just looked a little
19 distraught. Just kind of out of it, you know.
- 20 Q Okay. And let me stop you real quick. Where did
21 Jamie live?
- 22 A On Lady's Island.
- 23 Q Okay.
- 24 A Down Sam's Point. I am not sure exactly the
25 address.

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 Q Okay. And was your mama living with him at the
2 time?

3 A Yes, she was staying with him. She was staying
4 with him, you know. I mean, she still had her house. She
5 had her house too, but she would stay with him.

6 Q Was she back and forth between the two residences?

7 A I would say so, yes.

8 Q Do you know how long they were together?

9 A I am not sure.

10 Q You said your mother appeared distraught?

11 A Yes, she did.

12 Q Was she scared?

13 A Yes. She was crying, so I believe she was.

14 Q So, getting back to what we were talking about.

15 So why did you go over to Jamie's residence?

16 A She called me and told me that she needed help
17 moving her stuff out of his house.

18 Q Okay.

19 A And when I got there, I noticed her crying and
20 everything. I just asked her if everything was okay and she
21 just said she was ready to move out.

22 Q Okay. And so what did you do?

23 A I proceeded to help her move her desk into her
24 vehicle. It was a little big at the time, I couldn't do it.
25 And I just really starting noticing her face, though, and

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 just really asked her if everything was okay. And she just
2 said, you know, she was just hurting, she was just tired of
3 it.

4 Q So, did you get the desk in the car?

5 A No, ma'am. Once I noticed it was a little too big
6 to get into her vehicle I told her that we could leave and
7 just come back and get it later. You know, I got in my
8 vehicle and I proceeded to go down the road. And as I am
9 looking in my rear view to make sure she is behind me that
10 is when I noticed Jamie standing at his door wielding a gun.

11 Q And when you say in your rear view; was your mama
12 following you in her car?

13 A She was getting into her vehicle and I was already
14 riding down his road leaving, exiting his house. And I was
15 leaving before I was -- before I got out in the road I was
16 just looking in my rear view to make sure she was right
17 behind me, and that is when I noticed him standing in his
18 doorway.

19 Q Okay. And what was he doing with the gun?

20 A He was waving it and yelling.

21 Q And was your mama in the yard at that time?

22 A Yes, ma'am, she was trying to get in her vehicle.

23 Q What did the gun look like, Mr. Legree?

24 A It looked like an old shotgun of some sort.

25 Q I will hand you what we are going to mark Court's

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 Number 1 and 2.

2 THE COURT REPORTER: It will be Court's 2 and 3.

3 MS. SMITH: May I approach the witness?

4 THE COURT: Yes.

5 BY MS. SMITH:

6 Q Take a look at number 2 and number 3.

7 A Yes, ma'am.

8 Q Do you recognize that gun?

9 A Yes, ma'am.

10 Q Okay. Is that a fair and accurate depiction of
11 the gun you saw that day when you went to help your mama?

12 A Very fair, very accurate.

13 Q Okay. Was that the gun you saw Jamie Robinson
14 holding?

15 A Yes, ma'am.

16 Q Did your mom carry a gun?

17 A Carry as in, did she own one or did she
18 carry one on her?

19 Q Both.

20 A No, ma'am.

21 Q Okay. Did you ever give her a gun?

22 A Yes, ma'am.

23 Q Okay. What kind of gun did you give her?

24 A It was a 357.

25 Q Okay. And why did you give her that gun?

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 A Because I was leaving the residence at the time.
2 I was moving in with my wife and I just wanted to give her
3 some protection, you know.

4 Q Why did you think that she needed protection?

5 A I don't know. Maybe it was personal reasons. I
6 don't know, I just -- maybe I felt better giving it to her.
7 I am not sure. She never wanted it, honestly. She wasn't
8 really for it, but I just felt like it would give me a piece
9 of mind, knowing that you are back here alone. I will be
10 kind of okay with you having a weapon.

11 Q Okay. And the house that y'all lived in, that she
12 lived in, was it away from the road?

13 A Yes, it was.

14 Q Was it deserted?

15 A Yes, it was down a long dirt road.

16 Q One other question. Was your mama ever suicidal?

17 A She was very family oriented. She wouldn't. I
18 don't know, that just seems weird. I don't know -- no,
19 ma'am.

20 Q Does that seem out of character?

21 A Very out of character. She wouldn't do that. She
22 wouldn't do that.

23 Q Okay.

24 A She wouldn't do that.

25 MS. SMITH: That is all that I have for this

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 witness. Please answer any questions Ms. Campbell has.

2 THE WITNESS: Yes, ma'am.

3 CROSS EXAMINATION

4 BY MS. CAMPBELL:

5 Q Mr. Legree, when exactly did you first speak to
6 the police officers about this case?

7 A Say it one more time, ma'am.

8 Q When exactly did you first speak to the police
9 officers about this case?

10 A I can't recall the time I spoke with them.

11 Q So, was it a week ago or two years ago?

12 A When did I speak to them pertaining to this
13 incident, ma'am?

14 Q Yes, when did you first speak to police officers
15 about this case?

16 A Some time after it happened. I am not sure of the
17 exact time frame.

18 Q So right after it happened?

19 A I don't know, honestly.

20 Q You don't know. Do you know which officers you
21 talked to?

22 A Yes.

23 Q Who were there?

24 A The gentleman right there with the suit on.

25 Q What?

CROSS EXAMINATION OF EDWARD LEGREE BY MS. CAMPBELL

- 1 A With the suit on.
- 2 Q And anybody else?
- 3 A I can't recall.
- 4 Q So, as far as pinning you down on when you talked
5 to this officer you don't know?
- 6 A I can't recall at this time, no.
- 7 Q As far as what you told this officer about what
8 you knew about Jamie Robinson and what you knew about your
9 mom, did you tell him everything when you talked to him?
- 10 A Yes, I believe so.
- 11 Q Okay. Have you talked to anybody other than this
12 particular officer about your testimony here?
- 13 A No, ma'am.
- 14 Q You have not talked to any of the solicitors about
15 your testimony; is that correct?
- 16 A No, ma'am.
- 17 Q Okay. That's correct?
- 18 A Yes.
- 19 Q So, this work that you are doing in NC, what kind
20 of work is that?
- 21 A Say it again.
- 22 Q What kind of work are you doing in NC?
- 23 A Picking up trash.
- 24 Q Picking up trash?
- 25 A Yes.

CROSS EXAMINATION OF EDWARD LEGREE BY MS. CAMPBELL

1 Q Is that with a company?

2 A Yes.

3 Q The name of that company?

4 A Valet Living (phonetic).

5 Q Okay. And this gun that you said you saw in your
6 rear view mirror --

7 A Yes, ma'am.

8 Q That was your testimony?

9 A Yes, ma'am.

10 Q You were driving away from Jamie's house when you
11 said you saw this?

12 A Yes, ma'am.

13 Q What direction were you going away from the house?

14 A I didn't make a left or a right, I was going down
15 his driveway. I was still in the driveway.

16 Q So you are saying that you are going down the
17 driveway --

18 A Yes.

19 Q And you see -- and where is he standing again?

20 A He is standing in his driveway.

21 Q In his driveway?

22 A Yes, at his door.

23 Q Okay. And what time of day was this, or was it
24 night?

25 A What time of day?

CROSS EXAMINATION OF EDWARD LEGREE BY MS. CAMPBELL

1 Q Yes, day or night.

2 A It was daytime. It was daytime.

3 Q Okay. And that 357 Magnum, is that what you said
4 you gave to your mom?

5 A I said 357.

6 Q Okay. So the 357 that you gave to her, where did
7 you get that from?

8 A I purchased it.

9 Q Okay. Okay. I am just -- it is my job to ask the
10 questions.

11 A Yes, ma'am.

12 Q And so after you purchased the gun, you then gave
13 it to your mother?

14 A Not immediately, no.

15 Q Okay. So approximately what time frame did you
16 give it to her?

17 A I had the gun for years, ma'am, before I gave it
18 to her.

19 Q Okay. So do you know around the time frame that
20 you gave her the 357?

21 A No, I don't. At the time that I was moving out of
22 her house. I don't remember exactly what time that was.

23 Q And when were you moving out of her house?

24 A I can't remember exactly when I moved out, ma'am.

25 Q Did you know that your mother owned a Lorcin

CROSS EXAMINATION OF EDWARD LEGREE BY MS. CAMPBELL

1 handgun?

2 A Excuse me?

3 Q Did you know that your mother owned a Lorcin

4 handgun?

5 A I am not even know what that is, ma'am. And no I

6 didn't.

7 Q The 22, the Lorcin 22.

8 A My mom owned that?

9 Q Yeah.

10 A I have no idea.

11 Q Okay. You have never seen her with that gun?

12 A Never.

13 Q And you are not the son that gave her that gun?

14 A No., ma'am.

15 MS. CAMPBELL: That is all that I have.

16 THE COURT: Any redirect?

17 MS. SMITH: Just to clear up.

18 REDIRECT EXAMINATION

19 BY MS. SMITH:

20 Q I know you don't remember exactly when you moved

21 out, but you moved out clearly before the death of your

22 mother?

23 A What?

24 Q Some time before your mother passed away?

25 A Yeah. Yeah.

REDIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 Q Okay. AND you -- and I think maybe you were
2 confused, but you have talked to me in my office prior to
3 court today?

4 A Yes.

5 Q Is that correct?

6 A Yes.

7 Q Okay.

8 MS. SMITH: Thank you. That is all that I have.

9 THE COURT: Any recross?

10 MS. CAMPBELL: No, ma'am.

11 THE COURT: You may step down. Thank you very
12 much.

13 MS. SMITH: The State calls Tamieka Moon.

14 Thereupon,

15 TAMIEKA MOON

16 was called as a witness, having been first duly sworn,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. SMITH:

20 Q Take state your full name and spell your name for
21 the court reporter please?

22 A Tamieka Moon, T-A-M-I-E-K-A.

23 Q Where are you from Tamieka?

24 A St. Helena.

25 Q I'm sorry?

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

- 1 A St. Helena.
- 2 Q Okay. And who is your mother?
- 3 A Eulia Moon.
- 4 Q Do you still live on St. Helena?
- 5 A Yes, I do.
- 6 Q Where do you live?
- 7 A Seaside Road.
- 8 Q Okay. And do you have any children?
- 9 A I do.
- 10 Q How many do you have?
- 11 A I have four.
- 12 Q Okay. And where did your mother live in St.
13 Helena?
- 14 A [REDACTED] Drive.
- 15 Q Okay. Where is that in relation to you?
- 16 A In between --
- 17 Q Okay. Is that near where you live?
- 18 A Two minutes away.
- 19 Q Okay. Do you recall your mother dating Jamie
20 Robinson?
- 21 A Yes, I do.
- 22 Q Okay. And did your mom live with Jamie?
- 23 A No, I wouldn't consider it living.
- 24 Q Okay. Explain that to me.
- 25 A Her home is her home. She would go and come and

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 go.

2 Q Okay.

3 A But it wasn't nothing permanent.

4 Q Okay. Would she stay with Jamie Robinson at any
5 time?

6 A Yes.

7 Q Okay. And how long were they together?

8 A About two years.

9 Q Okay. You said that she would come and go. When
10 she would stay with Jamie, would she oftentimes come back
11 home to Peppermint Lane?

12 A Yes.

13 Q Okay. Tamieka, did you witness any altercations
14 between your mom and Jamie?

15 A Yes.

16 Q Okay. Do you recall an incident that you
17 witnessed in July 2016?

18 A Yes.

19 Q Okay. And I believe -- do you recall an incident
20 that you witnessed at the Tiger Express during that time
21 frame?

22 A Yes.

23 Q Okay. What can you tell us about that?

24 A We were leaving from my aunt's house.

25 Q Who is "we", if you don't mind?

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 A Me and my mother were leaving from my aunt's
2 house. I just had had my son. I am in the back seat with
3 him, with my son. She had an ice eating problem, she likes
4 crushed ice. And that store, that particular store, is the
5 backside of Jamie's home, so she would visit that store
6 frequently. And she stopped to get some crushed ice. And
7 then in fact she saw Jamie's truck and she pulled up on the
8 truck, she got out of the truck. Her and Jamie exchanged
9 some words about someone else being in the vehicle.

10 So, she got in the truck with Jamie and the
11 truck pulled off. So, I got in her driver's side of her
12 vehicle and followed them.

13 Q Where did you follow them?

14 A To Jamie's residence.

15 Q Okay. And what did you see when you got there?

16 A They were arguing then. Mama decided to go back
17 and forth with the person that was in the vehicle with him.
18 We ended up getting into it, me and that person in that
19 vehicle. Her and Jamie, of course, tussled, argued. After
20 I calmed her down, I got her in the vehicle, told us, Let's
21 go. It took me a minute to get her in the car, but she got
22 in.

23 Q Okay. Did you see Jamie do anything to your
24 mother that day?

25 A Of course they tussled about that person, because

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 of being in the car.

2 Q Do you recall Jamie trying to hit her with his car
3 that day?

4 A Yes.

5 Q Tell me what you saw.

6 A Jamie was in his vehicle and at the time Carla got
7 out of the front seat and into the back and my mother jumped
8 into the front. And then as they were leaving out of the
9 yard, Jamie chased the vehicle. Once he parked his car, I
10 went the long way around. His mother's yard is a circle,
11 you can enter one side or the other. He chased the vehicle.
12 Prior to that, it was him going back and forth on the road.
13 Him wanting to stop, jerk, stop, jerk, turn the wheel so I
14 wouldn't follow. Once I got in the yard, that is when he
15 physically, on foot, tried to chase the car down.

16 Q Okay. After that incident, do you recall your
17 mother coming to stay with you at your home?

18 A Yes.

19 Q How long after that?

20 A Not long after that. Maybe a month or so, a month
21 or two.

22 Q Okay. Why did she come stay with you?

23 A Her and Jamie had been fighting.

24 Q Was she scared?

25 A Yes.

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 Q Had your mother stayed with you before -- during
2 the time that she had dated Jamie?

3 A No, she had no reason to. This particular time
4 she stayed with me because her house was getting redone on
5 the inside.

6 Q When she was at your house, what did you observe
7 about your mom?

8 A She had a busted lip.

9 Q Okay. Did you call the police?

10 A No, I didn't.

11 Q Why didn't you call the police?

12 A To know my mother, I guess -- I think she could
13 handle herself. I didn't, you know, think that I needed to
14 call the police. She was home with me safe, so at that
15 point it didn't bother me to call 911.

16 Q Did she call the police?

17 A No.

18 Q Okay. Do you recall a third incident just prior
19 to your mother's death?

20 A With Jamie, yes, I do.

21 Q Okay. Do you recall an incident that occurred at
22 your house about a month before her death?

23 A My house or her house?

24 Q Her house, excuse me, her house.

25 A Yes.

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 Q Okay. Tell us about that incident.

2 A We went down the dirt road to where there's
3 nothing but land. I call it the field. There's nothing but
4 land to get down deep in the back to her home. And we had T
5 Mobile, so our phone doesn't pick up very well. So, it was
6 on speaker phone and I could hear him calling, but of course
7 I know the number.

8 Q What phone?

9 A Her cell phone.

10 Q Okay. Continue.

11 A He was on the phone saying, I'm in the yard, I'll
12 pull up and I'll do this and I'll do that. And the reason I
13 heard it is because it was sitting in her window sill and it
14 was on speaker phone. And it was just like the normal
15 threats that comes from him.

16 Q Okay. How did you know that it was Jamie?

17 A I know his number. I know his voice.

18 Q How did Jamie sound that day?

19 A Mad.

20 Q Okay. Did your mom carry a gun?

21 A No.

22 Q Okay. Have you ever known her to have a gun?

23 A No, besides my brother leaving his.

24 Q Okay. Which brother are you referring to?

25 A Edward.

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 Q Okay. Is that Edward Legree?

2 A Yes, I'm sorry.

3 Q Okay. And what do you mean, He left a gun?

4 Explain that to us.

5 A Him and his wife had been staying with my mother
6 for a while. They decided to move out. He left it for
7 protection for her until -- that she should need to use it.

8 Q Okay. After -- when you were questioned by law
9 enforcement after this happened. Did you give law
10 enforcement your mother's telephone number?

11 A Yes.

12 Q Okay. And did you give them Jamie's number?

13 A I believe so.

14 Q Okay. At any point prior to your mother's death,
15 was she ever suicidal?

16 A Never.

17 Q Okay.

18 A No.

19 Q Did you talk to your mom often?

20 A On the regular.

21 Q Okay.

22 MS. SMITH: No further questions for this witness.

23 CROSS EXAMINATION

24 BY MS. CAMPBELL:

25 Q If I understand your testimony correctly, the

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 State has asked you about three separate incidents that you
2 wanted to testify; is that correct?

3 A That's correct.

4 Q So, the first one, this is an incident that you
5 stated happened at Tiger Express, but I hear you talk about
6 being in somebody's yard. Where did this take place?

7 A It start at the Tiger Express on Lady's Island.

8 Q Okay. And is that where your mom worked?

9 A No, we were leaving our aunt's home.

10 Q She worked at Valero?

11 A Correct.

12 Q And Valero is close to Tiger Express?

13 A Yes.

14 Q Sort of across the street?

15 A No, up the street. Valero is at the top of Sams
16 Point and Tiger Express is in the middle.

17 Q Okay. Near Beaufort Academy?

18 A Correct.

19 Q Okay. So, Carla Simmons was a woman that your
20 mother knew lived near Jamie, right?

21 A Correct.

22 Q Okay. And there was some animosity between Carla
23 and your mother with regard to Jamie, right?

24 A Correct.

25 Q Okay. And so, on that particular day, was Carla

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 in the car with Jamie?

2 A Correct.

3 Q Yeah. And then your mom tried to jump in the car
4 with Jamie?

5 A She did.

6 Q Okay. And -- so did then Jamie and the two women
7 drive down the road?

8 A Correct.

9 Q Okay. Back towards --

10 A Back to his home.

11 Q Okay. And you followed?

12 A Correct.

13 Q Okay. So, when they got back to the house, what
14 happened again?

15 A They were arguing.

16 Q All three of them?

17 A No, not Carla, Jamie and my mother.

18 Q Jamie and your mother were?

19 A Jamie and my mother were. My mother would say
20 curse words to Carla, but her main concern was Jamie.

21 Q Okay. And where did Carla go?

22 A She walked across the street, if I'm not mistaken.
23 I take that back, she walked to the highway, to the
24 pavement.

25 Q Okay. Because she lived sort of across the street

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 there?

2 A Correct.

3 Q Okay. And I did not hear you say that Jamie tried
4 to run your mother over with a car. You said that he chased
5 after her car?

6 A He didn't try to run her over, because she is in
7 the vehicle with me.

8 Q Right.

9 A He tried to chase the car down.

10 Q Okay. So, to be clear --

11 A Right, as I'm going around the backside of his
12 house, he's chasing the car.

13 Q Okay. When she's leaving with you?

14 A Correct.

15 Q Okay. And he's coming to, to try to get to the
16 car?

17 A Uh-huh. (Indicating affirmatively.)

18 Q Okay. Do you remember what he said?

19 A Not verbatim, but I could hear him a little, going
20 off. I could say some of the cuss words, but verbatim, no.

21 Q And were you in fear?

22 A Of course. My son was in the car.

23 Q I'm sorry, what?

24 A My son was in the car.

25 Q So, you had a child in the car with you?

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 A A two month old at the time.

2 Q Okay. And when you left from there you didn't
3 call the police, right?

4 A No.

5 Q And other than telling the prosecutor about this,
6 when did you tell the police about this first incident?

7 A I don't think that I ever called to tell them.
8 They didn't ask.

9 Q Okay. Correct. So, that is my point. So the
10 first contact that you talk about this incident is when you
11 met with the prosecutor last week; is that right?

12 A That is not the first time that I mentioned it.
13 And I think that I mentioned it to the law enforcement. But
14 it wasn't along the lines of, they asked pinpoint time of
15 what happened, precise. I mentioned what happened, idea of
16 what went on with her and Jamie.

17 Q So, law enforcement should have some records of
18 you detailing this incident for them, because you told them?

19 A I don't know if it's detailed, I'm not sure. It's
20 been almost two years.

21 Q Okay. The second incident is when you said that
22 around August 2016, that your mother came to your house; is
23 that correct?

24 A Correct.

25 Q And you said that she had -- her lip appeared to

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 be busted?

2 A Not appeared, it was.

3 Q Okay. So, you characterize her as having a busted
4 lip; is that correct?

5 A Right.

6 Q So, in August, help me a little bit, because
7 you -- everybody takes selfies and things and posts and
8 stuff. Pin it down for me in August as to when we can see
9 this busted lip on your mom?

10 A You mean, you can see it?

11 Q I'm trying to get a date to verify, yes.

12 A I can't recall the exact date.

13 Q But you know for sure that it was in August?

14 A Yeah.

15 Q Because you didn't take any photographs of this
16 busted lip, right?

17 A No.

18 Q And you didn't call law enforcement then, right?

19 A No, I did not.

20 Q Okay. And you said that she stayed with you
21 because her house was getting redone?

22 A Yes. It wasn't the fact that she couldn't stay in
23 the home, it was just being remodeled.

24 Q Okay. And then the last incident in October of
25 2016 is when you testified that there was a phone call that

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 you overheard?

2 A Uh-huh. (Indicating affirmatively.)

3 Q That was on speaker phone?

4 A Correct.

5 Q Okay. And were you in the car with your mother?

6 A That wasn't in the car. We was home at her house.

7 And the phone is sitting in the window sill, a speaker

8 phone.

9 Q Window sill, the house window -- so, it's sitting
10 in the house window sill?

11 A So it could pick up.

12 Q Okay. I understand. And this phone call with the
13 threats, as you characterize them, as normal threats, did
14 you tell the law enforcement officers about that?

15 A I believe so.

16 Q Okay. And other than your characterization of
17 normal threats, do you have any memory or testimony for us
18 on what was said?

19 A Jamie made very numerous threats of what he was
20 going to do with her, he would kill her. He loves to play
21 with guns. He's said it in front of me several times, I
22 just didn't think that it would escalate that far.

23 Q So you would testify that you heard Jamie Robinson
24 tell your mother that he would kill her?

25 A Yes.

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 Q Okay. And where and when were you hearing that?

2 A Me and Jamie has had several encounters of our
3 own, so I have talked to Jamie several times, even when he's
4 mad.

5 Q Okay. And these encounters that you have had with
6 him, none of them you called law enforcement about?

7 A No.

8 Q Okay. And then even when he threatened to kill
9 your mother, you never called the police?

10 A No, I didn't think he would.

11 Q Did you tell her to call the police?

12 A No.

13 Q Were you concerned that something might happen to
14 her?

15 A No, because she was with me at the time.

16 Q Okay. You said that she could handle herself?

17 A She could.

18 Q Okay. Your mom has a history of getting in
19 fights, fist fights and things like that?

20 A Not at all.

21 Q No convictions that you are aware of for assault
22 and battery?

23 A None whatsoever.

24 Q That you are aware of?

25 A That I'm aware of.

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 MS. CAMPBELL: Okay, that is all that I have.

2 THE COURT: Redirect.

3 REDIRECT EXAMINATION

4 BY MS. SMITH:

5 Q Do you remember meeting with Investigator Crumpton
6 with the Beaufort County Sheriff's Office?

7 A Yes.

8 Q Okay. And do you recall telling her when she
9 interviewed you shortly after your mother's death that your
10 mom showed up at your house with a busted lip?

11 A Uh-huh. (Indicating affirmatively.)

12 Q Yes or no?

13 A Yes.

14 Q Okay. And I believe right after that you recall
15 telling Investigator Crumpton that you once saw your mom and
16 Jamie fighting about Carla; is that correct?

17 A Yes.

18 Q And in fact, do you recall telling her that,
19 Investigator Crumpton, that you were picking up your mom and
20 when they were leaving -- when y'all were leaving Jamie's
21 house he was running behind the car screaming?

22 A Uh-huh. (Indicating affirmatively.) Yes.

23 Q And was that -- was that a couple of days after
24 your mom died?

25 A After?

REDIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 Q Yes. No, that you talked to Investigator
2 Crumpton, not --

3 A A couple of days after I talked, yes.

4 Q Okay.

5 MS. SMITH: Nothing else from this witness,
6 thanks.

7 THE COURT: You may step down from the witness
8 stand.

9 MS. CAMPBELL: I did file the motion and provide
10 copies to the State and to Your Honor. And if we could
11 just have the copy that I have provided to the Court
12 marked as a Court's exhibit.

13 THE COURT: It'll be marked as Court's exhibit 4.

14 *(Whereupon, Court's Exhibit No(s). 4 marked for*
15 *identification and received in evidence.)*

16 MS. CAMPBELL: So, I think the issue boils down to
17 whether or not the Court, as detailed on Page 5, makes
18 a finding that the testimony of Mr. Legree and Ms. Moon
19 is reliable in that it can be placed before the jury.
20 And in terms of contemporaneous reporting, not
21 necessarily the questioning that took place after Eulia
22 Moon's death, but contemporaneous reporting of these
23 actions that they are attributing to my client sometime
24 prior to her death in the months prior to her death.
25 You know, again I would say that the basis for

DEFENSE MOTION

1 reliability is non-existent.

2 We have no -- nothing to go on other than the mere
3 allegations of this conduct. Specifically, if the
4 Court is inclined to allow these individuals, her
5 daughter and her son, to testify about these actions on
6 the part of my client, I would ask that they not be
7 allowed to characterize so that, you know, the facts
8 that Eulia Moon had a busted lip, okay. But Mr. Legree
9 used the word "toxic". And the solicitor asked it and
10 she said yes, wanted to know did she appear scared.

11 So I just would caution against the
12 characterizations. Facts are one thing but what, you
13 know, characterizing it, I would say would be
14 definitely improper. That is all that I have. And
15 I'll rely on my motion. Thank you, Your Honor.

16 THE COURT: That will be Court's 4. And I'll ask
17 you for one more clean copy of it though.

18 MS. CAMPBELL: Yes, ma'am.

19 THE COURT: I have written all over it. Let me
20 hear from the State.

21 MS. SMITH: Judge, I filed my motion and you have
22 a copy of it. Specifics of previous difficulties
23 between a defendant and a victim are not generally
24 admissible; however, evidence of previous quarrels, ill
25 feelings or hostile acts between the defendant and

DEFENSE MOTION

1 victim are visible to show motive, identity, malice,
2 and animus existed between them at the time of a
3 homicide.

4 State versus Braxton is one of the premier cases
5 on this, and about the defendant and victim arguing
6 prior to the incident in question. And the Court
7 properly admitted evidence of the prior dispute between
8 the parties and held that it was relevant to identify
9 the perpetrator.

10 The State in offering this testimony, we disagree
11 with Ms. Campbell saying, characterizing the
12 relationship. What these two testified to, and the
13 only thing that they testified to were their
14 observations. And in the State versus Garcia case,
15 it's -- it is a prime example of testimony that is
16 offered saying that the victim was scared. That is not
17 that the victim was scared because the defendant
18 threatened them. And so what we are -- we are not
19 trying to get into the specifics.

20 And the State was not trying to elicit specific
21 reasons why the victim was scared. But I believe that
22 under the case law as it stands, and as cited in my
23 motion, we can get into the fact that the victim was
24 scared of the defendant. And that is by observations
25 made by those witnesses.

DEFENSE MOTION

1 As far as the reliability that these are mere
2 allegations, the cops were not called at the time and
3 there are not reports documenting that. Both of these
4 individuals say in interviews, within a day or two or
5 even a week. I think that it was just a couple of days
6 after this, those events. They are referenced in their
7 interviews with law enforcement. So, I think that they
8 are -- they are more than mere allegations. The
9 parties did recall those incidents.

10 Mr. Legree, in his interview with law enforcement,
11 was very specific about the fact that the defendant
12 came out with a sawed-off shotgun that was ultimately
13 found in his house after the murder, and that is the
14 gun that he threatened his mother with as they were
15 trying to leave. Judge, other -- I think that the case
16 law is clear in these type of domestic murders that
17 this information is admissible. It is relevant. And
18 while we may not be able to get into specifics,
19 generally their observations. And they can be
20 cautioned not to go into what was -- that their mother
21 was scared because he threatened to kill her. The
22 State is not trying to elicit that. Thank you.

23 THE COURT: Anything else? Okay. I have reviewed
24 in length the cases presented by both sides. I have
25 reviewed the memorandum, both which are fully

DEFENSE MOTION

1 incorporated into the record. Based on the testimony I
2 have heard today from those witnesses, I'm going to
3 deny the defense motion to suppress the statements. I
4 find that they were given in close proximity in time to
5 the crime. I find that they are admissible to show
6 animus probably existed between the parties at the time
7 of the homicide.

8 I believe that under State V Braxton and its
9 progeny, this type of testimony is precisely what those
10 cases contemplated.

11 However, I'll caution the State, it is a slippery
12 slope. And while general observations surrounding the
13 relationship of the parties prior to the homicide is
14 generally admissible, specifics are not. Details --
15 general details are not admissible. So, to address the
16 defense argument about reliability of these statements,
17 I think that it is taken care of with the opportunity
18 to cross-examine these witnesses. Obviously, the
19 credibility of these witnesses is going to be a
20 question for the jury to determine.

21 But the statements as proffered today in this
22 hearing are admissible. And perhaps we can sort of
23 dovetail this with the list of the Defendant's pretrial
24 motions as number eight. It wasn't really necessary
25 today, but I'm happy to address and certainly, you

DEFENSE MOTION

1 know, if it becomes necessary during the course of the
2 trial we will stop testimony immediately, we will
3 dismiss the jury, and then I'll specifically instruct
4 those testifying not to go into any sort of victim
5 impact.

6 Obviously the State, you know, you should not ask
7 them how it affected them. And they need to know that
8 they are not to testify as to those types of issues.

9 MS. SMITH: We have instructed them, all of them.

10 THE COURT: Okay. All right. That concludes that
11 hearing. I believe that all that we have left then is
12 the Jackson V Denno. No, sorry, Ms. Campbell, we have
13 some more to address. Are we going to do that at a
14 later time?

15 MS. SMITH: I thought that we addressed that
16 prior.

17 THE COURT: We will do that when that comes up, is
18 that right?

19 MS. SMITH: Yes.

20 THE COURT: That and the other one, they are in
21 the same category.

22 MS. SMITH: Right.

23 THE COURT: So, the Jackson Denno, we have to
24 address.

25 MS. SMITH: Yes, ma'am.

DEFENSE MOTION

1 THE COURT: That testimony is about an hour and 20
2 minutes.

3 MS. SMITH: Judge, it is two statements. One
4 statement is 51 minutes and the other one is about 33.

5 THE COURT: These are videotaped statements?

6 MS. SMITH: One video. And the second one is only
7 audio. I have my officers here.

8 THE COURT: It is 3:15, I'm happy to continue.
9 Are the arguments on these expected to last more than
10 half an hour total? I think that we are okay to go
11 forward. Are you okay, Ms. Campbell?

12 MS. CAMPBELL: I'm fine.

13 THE COURT: Okay. I think that we can go forward
14 and get as much done as possible so you can be as
15 prepared as much as possible. Call the next witness.

16 MS. SMITH: Yes, ma'am, thank you. The State
17 calls Jason Malphrus.

18 Thereupon,

19 JASON MALPHRUS

20 was called as a witness, having been first duly sworn,
21 was examined and testified as follows:

22 THE COURT: Thank you. Officer Malphrus, you are
23 still under oath.

24 THE WITNESS: Yes, ma'am.

25 THE COURT: All right. Please proceed.

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 DIRECT EXAMINATION

2 BY MS. SMITH:

3 Q Mr. Malphrus, where do you work?

4 A Beaufort County Sheriff's Office.

5 Q What -- were you working at Beaufort County
6 Sheriff's Office in October of 2016?

7 A Yes, ma'am.

8 Q Okay. What was your role at that time?

9 A I was an investigator.

10 Q Okay. What are you doing now?

11 A Been transferred to patrol.

12 Q Okay. And were you contacted by Adam Zsamar to
13 assist in this investigation?

14 A Yes, ma'am.

15 Q Okay. And did you have a chance to interview the
16 defendant in this case?

17 A I did.

18 Q May I hand you what's been marked as State's --
19 Court's Exhibit No. 6. Do you recognize that?

20 A Yes, ma'am.

21 Q Did you review that prior to your testimony today?

22 A I did.

23 Q Is that a -- a true and accurate copy of a
24 recorded interview that you conducted with the defendant on
25 October the 29th, 2016?

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 A Yes, ma'am.

2 Q Okay. And who else was present during that
3 interview?

4 A Sergeant Zsamar.

5 Q Okay. Was the defendant under arrest at that
6 time?

7 A He had been -- what, from my understanding, he had
8 not been charged in the case. He was brought to the office.
9 He was in handcuffs.

10 Q Okay. And I'm going to hand you what's been
11 marked as Court's Exhibit No. 5. Do you recognize that
12 form?

13 A Yes, ma'am, it is a Sheriff's Office Miranda form.

14 Q Okay. And did you sign that form?

15 A I did.

16 Q Who else signed that form?

17 A Sergeant Zsamar and I believe Mr. Robinson.

18 Q Okay. And approximately what time -- what is the
19 date and time on that form?

20 A It is October 29th, 2016. 2:30 in the morning.

21 Q Okay. And where did that interview take place?

22 A At the northern investigations office.

23 Q Okay. And where is that located?

24 A I believe the physical address is 1925 Dukes
25 Street.

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 Q Okay. And was that interview recorded by video
2 and audio?

3 A Yes, ma'am.

4 Q Okay. About how long did that interview last?

5 A About an hour. Approximately an hour.

6 Q Okay. Going back to the Miranda form that you
7 have there, did you read that form to the defendant?

8 A I did.

9 Q Okay..

10 MS. SMITH: Judge, at this time we enter Court's
11 No. 6 as an exhibit here.

12 THE COURT: All right.

13 *(Whereupon, Court's Exhibit No(s). 6 marked for*
14 *identification and received in evidence.)*

15 BY MS. SMITH:

16 Q Can you read that form for us?

17 A Yes, ma'am, at the top, Beaufort County Sheriff's
18 Office Miranda warning form. The top has information like
19 case number and information where Miranda was issued. I put
20 NIS, Northern Investigation Office. The name of the person
21 that we are interviewing, Jamie Robinson. Date of birth,
22 [REDACTED]. And then it goes into the statement of rights.
23 You have the right to remain silent. Anything you say can
24 and will be used against you in a court of law. You have
25 the right to have an attorney present before or during

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 questioning. If you cannot afford an attorney, one will be
2 appointed to you before any questioning, if you wish.

3 And then it goes into the waiver of rights.
4 Do you understand each of these rights I have explained to
5 you? Yes or no. Having these rights in mind, do you wish
6 to speak to us now? And then it rolls into the signature
7 block, date and time.

8 Q And that is Court's No. 6 for the record. Did the
9 defendant have any physical or mental disability that would
10 have impaired his ability to understand those rights?

11 A Did not appear to be, no, ma'am.

12 Q Okay. Was the defendant ever denied any breaks
13 during this interview?

14 A No, ma'am.

15 Q Okay. Was he denied access to the telephone,
16 bathroom, food or drink?

17 A If I recall he was offered a beverage, a bathroom
18 break. I think that he went to the bathroom once. But he
19 was offered a beverage and a comfort break.

20 Q Were any threats or promises made to the defendant
21 in exchange for his statement?

22 A No, ma'am.

23 Q Was he advised of the nature of your
24 investigation?

25 A I believe so, yes, ma'am. I don't remember the

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 exact terms, but we were there with regards to the shooting.

2 Q Okay. Did you or anyone promise or threaten or
3 coerce him into giving this statement?

4 A No, ma'am.

5 Q Did he ever ask for an attorney during this
6 statement?

7 A At the end of the interview, he did.

8 Q Okay. And did you end the interview at that
9 point?

10 A When he made it clear -- requests for an attorney,
11 we terminated the interview.

12 Q To the best of your knowledge, was the Defendant's
13 statement freely and voluntarily given?

14 A I believe so, yes, ma'am.

15 MS. SMITH: I don't have anything further for this
16 witness.

17 THE COURT: Cross?

18 MS. CAMPBELL: May it please the Court.

19 THE COURT: Yes.

20 CROSS EXAMINATION

21 BY MS. CAMPBELL:

22 Q Officer Malphrus, were you privy to the telephone
23 call that was made between Jamie Robinson and his mother
24 Hazel Robinson prior to your questioning of him?

25 A I don't recall exactly. When I got called in a

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 lot of moving parts, people in other places. Mr. Robinson
2 had been located and I was asked to interview him. So I
3 don't know if I was told specifically about that. As we
4 were -- we had got information as to a conversation between
5 him and his mom.

6 Q Okay. And so the officer who listened to the
7 conversation between Jamie and Hazel Robinson, who is that
8 officer?

9 A I was speaking with Brandon Disbrow. I don't know
10 the exact officer, but that's who I got my information from
11 regarding that phone call.

12 Q Okay. So, the information that you had regarding
13 that phone call was prior to you interviewing Mr. Robinson
14 at the law enforcement center, correct?

15 A I don't recall when I specifically got that
16 information, if it was before or during.

17 Q And within the information that you got, I
18 understand that you can't recall when you got it, were you
19 aware that Mr. Robinson had requested and spoken about the
20 fact that he needed an attorney?

21 A No, ma'am.

22 Q Okay.

23 MS. CAMPBELL: Thank you. That's all that I have.

24 MS. SMITH: Judge, I'm confused, maybe if she can
25 clarify which call. If she's talking about the jail

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 phone call, that was after this interview.

2 THE COURT: What were you talking about?

3 MS. CAMPBELL: No, on Page 65 of the State's
4 discovery, Page 9 of 58 of the discovery. And
5 admittedly, the way that the reports were written, it's
6 hard to attribute this page to a particular officer;
7 however, the officer notated in his reports that he
8 participated in a phone call with Jamie Robinson and
9 his mother Hazel Robinson where Jamie is speaking
10 about -- saying, I need a lawyer and his mother is
11 questioning him about, Where is the gun, things like
12 that. You know, in an effort to find out what is going
13 on with Jamie, find out where the gun is, these types
14 of things are in play.

15 And there's a conversation that takes place
16 between Jamie and his mother, that the officer
17 documents that Jamie talks about wanting and needing an
18 attorney. And there's the discussion that, you know,
19 so his mother advises him, you know, that they can't
20 afford an attorney, basically, and that he will have to
21 get an attorney when he gets to his bond hearing. And
22 so for the purposes of, you know, his understanding
23 about the attorney situation and what the law
24 enforcement knows, I was trying to understand Officer
25 Malphrus understood, you know, the essence of this

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 conversation, which is, I need an attorney, we don't
2 have the funds for an attorney, you are going to have
3 to wait for your bond hearing to get an attorney. And
4 I understand his testimony to be, essentially, no.

5 THE COURT: He was not the officer, correct?

6 MS. CAMPBELL: Correct, he was not the officer.

7 THE COURT: So he wouldn't necessarily know based
8 on what he said. Is that your understanding as well?

9 MS. CAMPBELL: Correct, he didn't know this
10 information is what he's testified to when he
11 interviews my client.

12 THE COURT: Okay. And this -- are we, just so I'm
13 clear, are we -- is he testifying -- did he take the
14 first statements?

15 MS. SMITH: Yes, ma'am.

16 THE COURT: I understand that there were two based
17 on my limited knowledge of the case at this point. We
18 are talking about the first statement at this point.

19 MS. SMITH: Yes, ma'am.

20 THE COURT: Okay.

21 MS. SMITH: And just to clarify it because I am
22 really -- again, this conversation is the same jail
23 conversation that was provided to Ms. Campbell that was
24 at 4:55 that morning. It is the conversation that
25 Investigator or Officer Laurel in her report was

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 referring to, so it came after this interview.

2 THE COURT: After this statement?

3 MS. SMITH: Correct.

4 THE COURT: Okay, because this happened at 2:30 in
5 the morning?

6 MS. SMITH: Correct.

7 THE COURT: Let's establish that a little clearer
8 with the officer, if you want to. You have already
9 asked him what time it was?

10 MS. SMITH: Yes.

11 THE COURT: Well, I think that we are okay.

12 MS. SMITH: So he wouldn't have known about this
13 because it hadn't happened yet.

14 THE COURT: What else do we need from this
15 officer? Any further questions, Ms. Campbell?

16 MS. CAMPBELL: No.

17 THE COURT: All right.

18 MS. SMITH: Judge, at this time, do you want to
19 publish the interview?

20 THE COURT: Happy to watch it. Is this the audio
21 or the video?

22 MS. SMITH: Video.

23 THE COURT: This is the video. Can we play it on
24 that TV or how -- yeah, great.

25 (Video statement played.)

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 MS. SMITH: Judge, that is all that I have for
2 this statement.

3 THE COURT: Ms. Campbell.

4 MS. CAMPBELL: I don't have any questions.

5 THE COURT: Would your client like to testify?

6 MS. CAMPBELL: No, but I would like to call
7 Officer Zsamar, the other officer. He is here to
8 testify. This particular officer was not in the room
9 at the time that things were questioned of my client.
10 I would like to address those things with Officer
11 Zsamar.

12 THE COURT: Is he available?

13 MS. CAMPBELL: He is here and available. I guess.
14 Would you like me to step out and grab him?

15 THE COURT: But you don't have any other questions
16 of this officer?

17 MS. CAMPBELL: That is correct.

18 THE COURT: You are allowed to step down. Thank
19 you, sir.

20 Thereupon,

21 ADAM ZSAMAR

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MS. CAMPBELL:

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 Q Good afternoon.

2 A Good afternoon.

3 Q Is it Sergeant Zsamar?

4 A Yes.

5 Q Okay. Thank you. Can you spell that for the
6 record please?

7 A Z-S-A-M-A-R.

8 Q Okay, thank you. Sergeant Zsamar, have you had an
9 opportunity to review your notes or reports in reference to
10 the questioning in this case?

11 A Yes.

12 Q Okay. And do you recall your conversation in that
13 questioning with Mr. Robinson about the fact that he had
14 been earlier in the evening all night at the bootlegger's
15 house?

16 A I know that he mentioned being at the bootlegger's
17 house. I don't know how long he was there.

18 Q You didn't ask him how long he had been there,
19 right?

20 A No.

21 Q Do you recall asking him what he was drinking at
22 the bootlegger's house?

23 A I don't -- he didn't mention that he was drinking
24 at the bootlegger's house, no.

25 Q Do you have any recollection that he told you that

DIRECT EXAMINATION OF ADAM ZSAMAR BY MS. CAMPBELL

1 he had been drinking Coors Light?

2 A Yes.

3 Q Okay. But you had no idea where that was taking
4 place?

5 A No.

6 Q And you have no idea how much he had to drink at
7 that the bootlegger's house?

8 A Not that I -- no.

9 Q Okay. What about the statement from Mr. Robinson,
10 do you recall him telling you at some point during this
11 interrogation, I don't want to talk no more? Do you
12 remember him saying those words to you?

13 A Not exactly. Those words. I don't recall
14 specifically the words, but something to that effect at the
15 end of the interview.

16 Q This was subsequent to challenging his version of
17 what had occurred?

18 A Yes.

19 Q Okay. And when you challenged that, then he said
20 I don't want to talk any more?

21 A Yes.

22 Q Okay.

23 MS. CAMPBELL: That is all that I have.

24 THE COURT: Anything from the State?

25 CROSS EXAMINATION

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. SMITH

1 BY MS. SMITH:

2 Q Sergeant Zsamar, did he appear too intoxicated to
3 give a statement, too impaired that night?

4 A I didn't even know that he was drinking besides
5 him mentioning the bootleggers.

6 MS. SMITH: Thank you, nothing further.

7 THE COURT: You may step down.

8 THE WITNESS: Thank you, Judge.

9 THE COURT: Ms. Campbell, anything else?

10 MS. CAMPBELL: That is all.

11 THE COURT: I want to confirm your client,
12 Mr. Robinson, wishes to testify right now as to this
13 hearing?

14 MS. CAMPBELL: He does not.

15 THE COURT: All right. Thank you. All right.
16 Anything else, Ms. Campbell? Do you have any other
17 witnesses that you would like to call?

18 MS. CAMPBELL: No, Your Honor, and if we could
19 take the statements, then, one by one.

20 THE COURT: I would prefer that as well.

21 MS. CAMPBELL: All right. Thank you.

22 THE COURT: Do you have any arguments that you
23 want to make as to the admissibility of the statements?

24 MS. CAMPBELL: What I would like to argue in
25 reference to this first statement is that there's two

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. SMITH

1 aspects to it. I don't think that we were witness to
2 any sort of violence or threats or intimidation. I
3 think that's -- it speaks for itself. But what also
4 speaks for itself is that his clear indication of his
5 Fifth Amendment right, which is I don't want to talk no
6 more.

7 And with that clear and unequivocal invocation of
8 that right, which he had been advised of, then, at that
9 point I would submit to the Court, the video, the
10 audio, everything should stop. Anything after that
11 clear implication should not be submitted to the jury
12 in this case.

13 Again, that is to -- to the statement itself,
14 portions of that statement also have things in them
15 like drug use. And there was a statement, he does sell
16 that stuff, which would kind of drift into that 404(b)
17 stuff in terms of being a drug dealer. And we would
18 object to that. It can easily be extricated and not
19 impact the relevance and material matters that the
20 State has to prove in these indictments.

21 Whether or not he was smoking a blunt and the
22 whole thing about being a drug dealer, that is not
23 material and that is not relevant and necessary for
24 them to prove the elements of their indictments in this
25 case. And we believe that should be redacted, thank

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. SMITH

1 you.

2 THE COURT: Glad to hear from you Ms. Smith.

3 MS. SMITH: Sure. First and foremost, the
4 defendant, after he says that he doesn't want to talk
5 any more, he continues to talk. He never asks for a
6 lawyer. I disagree with Ms. Campbell. He doesn't
7 unambiguously invoke his rights to remain silent. At
8 the point that he does say, I don't want to talk any
9 more and does ask for a lawyer, they quit questioning
10 him at that point. And actually, Mr. Robinson
11 continues to talk and crack jokes. And the only other
12 thing that Mr. Malphrus asked him, he wanted to write a
13 statement and they said, No, you have done that. And
14 they terminate the interview. And it is Mr. Robinson
15 that continues to talk with them in the courtroom. And
16 he is not coerced, he is pretty indignant and it's
17 clear that he never clearly and unambiguously
18 articulated his right to remain silent.

19 I don't think that he implied that he was a drug
20 dealer. He talked about having drugs on him and that
21 the alleged person that was trying to rob him wanted
22 drugs. He stated from the get-go they were in the car
23 about to smoke a blunt. And the testimony will show
24 that he actually -- he grabbed his weed and ran and he
25 threw down his weed, along with the murder weapon. So,

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. SMITH

1 I think that it is relevant. I did not hear where he
2 said that he was a drug dealer.

3 MS. CAMPBELL: To clarify, he didn't say that when
4 Malphrus was explaining to Zsamar what transpired while
5 he was out, giving him the rundown. So, he said he
6 does sell that stuff, talking about the drug use.

7 THE COURT: Is that correct; are you saying that
8 the officer says that?

9 MS. CAMPBELL: Officer Malphrus says that to
10 Officer Zsamar giving him the rundown about what has
11 been reported. And so, he says, you know, that he was
12 there, you know, give me your money, give me your shit,
13 give me your stuff or whatever. And he says that he
14 does sell that stuff and we think that it's easily
15 lifted out and it doesn't impact a fact that the State
16 would need to prove. And it would be, you know,
17 improper under the Rules of Evidence. Thank you.

18 THE COURT: I'll admit this evidence based on the
19 totality of the circumstances and standard to apply. I
20 find that these were voluntarily made by the defendant
21 without any coercion or promise of reward. I don't
22 believe, although, he states that he did have two or
23 three Coors Lights and had been at the bootlegger's. I
24 do not find that he was under the influence of
25 intoxication to the point that he was incapable of

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. SMITH

1 comprehending the meaning of his words, pursuant to the
2 State V Saxon, South Carolina 523.

3 Regarding the specific amount of the video that
4 can be played before the jury, I would ask that the
5 State stop it as soon as he invokes his right to an
6 attorney, stop the video at that point. The part of
7 the video where the, it must be very brief, but where
8 one officer tells the other that he sells that stuff,
9 could you take out that as well. I don't find that
10 that is relevant. Anything else?

11 MS. CAMPBELL: Your Honor, just for clarification,
12 the portion that you are stopping the video at, is it
13 where he says, I don't want to talk to you any more?

14 THE COURT: No, because he continued -- he
15 re-initiated the conversation after that. I don't find
16 that there were really any questioning at that point.

17 MS. CAMPBELL: Should I get with the State in the
18 morning and make sure that we --

19 THE COURT: The brief redaction that we are
20 discussing.

21 MS. CAMPBELL: Yes.

22 THE COURT: Yes, you can forward it to that point.
23 Is that a problem? One second, I mean, whoever is
24 playing the video, they can go to the exact part.

25 MS. SMITH: That is fine.

CROSS EXAMINATION OF ADAM ZSAMAR BY MS. SMITH

1 THE COURT: Is that okay with you Ms. Campbell?

2 MS. CAMPBELL: Yes, ma'am.

3 THE COURT: Anything else from the State?

4 (No response.)

5 THE COURT: Next statement.

6 MS. SMITH: Yes, ma'am. The State calls Todd

7 Duncan.

8 Thereupon,

9 TODD DUNCAN

10 was called as a witness, having been first duly sworn,

11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. SMITH:

14 Q Where do you work?

15 A I work for the Beaufort County Sheriff's Office.

16 Q Okay. What is your role there?

17 A I am investigator.

18 Q Okay. And at the time of this incident, what was

19 your job?

20 A I was the on duty investigator that night.

21 Q Okay. And are you the case officer for this case?

22 A I am.

23 Q Okay. Did you interview Mr. Robinson on

24 October 31st, 2016?

25 A I did.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 *(Whereupon, Court's Exhibit No(s). 8 marked for*
2 *identification and received in evidence.)*

3 BY MS. SMITH:

4 Q Okay. I'm going to hand you Court's number same
5 time and number seven. If you will take a look at Court's
6 No. 8 and tell me if you have reviewed that disc?

7 A I have.

8 Q Okay. And what is that?

9 A That is an audio recording of the interview I had
10 with Mr. Robinson at the Beaufort County Detention Center.

11 Q Okay. And when did you interview Mr. Robinson?

12 A On 10-31-2016.

13 Q Okay. And where did that interview take place?

14 A At the Beaufort County Detention Center.

15 Q Okay. And approximately how long was that
16 interview?

17 A Roughly 30 minutes.

18 Q Okay. And did Mr. Robinson ask to speak to you?

19 A Yes, he did. Once I started -- I went there to
20 serve a warrant and he did some questions with the warrant.

21 And then he said that he wanted to talk with me and I went
22 through Miranda with him and we did interview him.

23 *(Whereupon, Court's Exhibit No(s). 7 marked for*
24 *identification and received in evidence.)*

25 BY MS. SMITH:

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Q Okay. I have handed you Court's No. 7; is that
2 the Miranda form?

3 A It is.

4 Q Did you sign that form?

5 A I did.

6 Q What about Mr. Robinson?

7 A He did as well.

8 Q What is the time and date on that form?

9 A 10-31, 2016, at 11:16 a.m.

10 Q Okay. You said that you served a warrant, what
11 warrant was that?

12 A It was additional warrant for possession of a
13 weapon during commission of violent crime.

14 Q Okay. And after you served the warrant, what
15 specifically did you say to him as far as talking with him?

16 A Well, as I was reading the warrant to him he
17 interrupted me so I told him to hold tight and let me finish
18 reading the warrant. And then after I was finished reading
19 it, I asked him what his question was and he had a question
20 about a particular sentence in the body of the warrant which
21 read that he confessed, according to a witness on scene.
22 And his issue was that he didn't confess to anything and
23 that is why I stopped him. I said, I can't talk to you, you
24 requested a lawyer, you invoked your rights not to speak. I
25 explained how that worked. We continued to speak, we went

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 through the Miranda form he signed and I signed it and we
2 went forward with the interview.

3 Q Was he under the influence of anything that would
4 impair him from understanding your interview?

5 A Not to my knowledge.

6 Q Did he show signs of physical or mental disability
7 that would have impaired his ability to understand?

8 A No, ma'am.

9 Q Okay. And did you threaten, promise, or coerce
10 him in any way to give this statement?

11 A No, ma'am.

12 Q Did you promise him any leniency during this
13 interview?

14 A No, ma'am.

15 Q Did he ever ask for an attorney during this
16 interview?

17 A He did not.

18 Q Okay, did you -- how was this interview recorded?

19 A I had a hand-held recorder, so it captured just
20 the audio.

21 Q Did he provide a written statement or anything
22 like that?

23 A He did not.

24 MS. SMITH: Judge, at this time we would like to
25 publish that interview.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 (Audio CD played.)

2 MS. SMITH: Judge, that is all that I have for
3 this witness.

4 MS. CAMPBELL: Very briefly, Your Honor.

5 CROSS EXAMINATION

6 BY MS. CAMPBELL:

7 Q Officer Duncan, I hear slamming noise or bam bam
8 bam during periods of this investigation with Mr. Robinson,
9 do you recall what that noise is?

10 A I know that his foot was shaking back and forth
11 and he hit the table a couple of times.

12 Q Is that what I'm hearing?

13 A There's doors in the background. I don't know
14 honestly what you are hearing.

15 Q So, you don't have any independent recollection
16 what it could have been?

17 A No, ma'am.

18 Q Okay. That is all that I have. Thank you.

19 THE COURT: Okay. Can he be released from the
20 stand at this point in time?

21 MS. SMITH: Yes, ma'am.

22 THE COURT: You may step down. Thank you very
23 much. Any witnesses that you would like to put on?

24 MS. CAMPBELL: No, thank you, Your Honor.

25 THE COURT: Once again, would your client like to

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 testify?

2 MS. CAMPBELL: He would not.

3 THE COURT: Okay. Any other argument that you
4 would like to make at this point in time regarding the
5 second statement?

6 MS. CAMPBELL: Briefly, Your Honor. The second
7 statement. Again I don't -- you know, there is no
8 coercion or any promises or rewards. He is clearly not
9 under the influence. He's at the Detention Center at
10 that point on the 31st. What I would say to Your
11 Honor, the information, again, elicited and recorded,
12 in reference to drug use and finding drugs in the car,
13 we would submit to the Court, that should be redacted.
14 Additionally there's a colloquy that takes place about
15 what is going to happen when you go to court, and
16 whether or not you go to trial or whether or not you
17 take a plea. We would say that that is also not
18 appropriate to put in front of this jury.

19 For the record, we have asked for a plea numerous
20 times in this matter and negotiations and things like
21 that and have been turned away at every turn, you know,
22 in terms of trying to resolve this case. So, on behalf
23 of Mr. Robinson, I would say, that those two points, we
24 would like them redacted from the tape audio that the
25 jury will hear, thank you.

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 THE COURT: All right. Anything you need to say?

2 MS. SMITH: Judge, I think -- I don't know about
3 the specific plea, but Mr. Robinson actually is the one
4 who keeps asking the officers if him telling the truth
5 or telling his story will change the charges and he's
6 the one that keeps bringing up him going to the
7 Solicitor's office or talking to them about changing
8 the charge. And I think that it goes to -- it is
9 relevance because it shows his demeanor. His demeanor
10 is pretty up and down depending on what he finds out
11 from the officer, you know, what the charge is going to
12 be, what is going to happen to him. And then, the
13 hysterical crying and things like that start. So I
14 don't think -- I don't think that there's anything in
15 there about a plea. This officer, what he does tell
16 him is that it's up to the Solicitor's office, he's not
17 making any promises to him. And I don't -- I don't
18 believe that any of that is admissible in there. As
19 far as the drug use, that goes to his state of mind and
20 I think that's relevant for the same reason that we --
21 he mentioned it in his first interview. And yeah, it
22 is inconsistent behavior. I mean, he gives several
23 different stories. And I think that it's important for
24 the jury to see that he changes his story on a number
25 of things between interviews.

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 THE COURT: Okay. All right. I'm going to, over
2 the objection of the defense, I'm going to admit the
3 statement. I do find that it was voluntarily given
4 under the totality of circumstances, clearly, no
5 threats, coercion or promises of reward made by the
6 officer in any way. Obviously he was not under the
7 influence of any drugs at the time that the statement
8 was given or any alcohol to prevent him from
9 understanding fully what he was doing.

10 I find that he is intelligent enough to understand
11 the second rights of waiver form that he filled out and
12 find that it should be admissible. As to defense
13 regarding the plea, I don't know if you are going to go
14 forward or plea or what, I think that the officer said
15 something along those lines. I heard it too. I'm not
16 going to take it out, because the officer was clear
17 several times, This is out of my hands, it is in the
18 Solicitor's office.

19 I don't think that the officer had any --
20 exhibited any authority with respect to how this case
21 was proceeding or going forward or anything. So, I'll
22 keep it like that. As to the defendant discussion,
23 that I believe he said maybe marijuana or coke, I'm
24 going to keep that in as well. This is different than
25 the drug snippet that I took out in the first portion,

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 that had to do with one officer talking to the other,
2 something that the defendant didn't admit at all,
3 whatsoever, during the interrogation. This is
4 different.

5 He really voluntarily made the statement out of
6 freewill. So I'll let that one be played as it is, all
7 right. All right. I think that we have gotten a lot
8 of work done this afternoon. I appreciate everybody's
9 time and everybody's preparation today on both sides.
10 We will see you at 9:30 in the morning. Do y'all need
11 me at 9:15 for any reason?

12 MS. SMITH: No, ma'am.

13 MS. CAMPBELL: No.

14 THE COURT: Okay. See you at 9:30.

15 MS. CAMPBELL: Thank you, Judge.

16 (Court adjourned for the day. Proceedings
17 continue on 7-17-2018.)

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7-17-2018 PROCEEDINGS

1 7-17-2018 PROCEEDINGS

2 THE COURT: Anything from the State before we
3 begin this morning? Are you waiting on anybody, are
4 you ready?

5 MS. SMITH: No, ma'am, just one matter that I
6 would like to address prior to openings. I'm just
7 making sure that everybody is sequestered.

8 Yesterday, during -- when -- during one of the
9 hearings, Ms. Campbell testified or mentioned that the
10 victim had a gun and it was the victim's gun. I would
11 ask that she be refrained from saying that in opening
12 until she puts evidence in that the gun belonged to the
13 victim. We're offering evidence to the contrary on
14 that. And I just don't think it would appropriate in
15 opening statements.

16 THE COURT: Ms. Campbell, do you want to respond
17 to that?

18 MS. CAMPBELL: Well, I think that I'm certainly
19 free to tell the jury what I think the evidence will
20 show. Then if I fail to do that, then, you know, I'll
21 have to own that at the end. So I don't think I should
22 be limited in that manner. Thank you, Your Honor.

23 THE COURT: Yeah, I mean, you know, obviously, you
24 know how to make opening arguments and, typically,
25 these are when you're telling the jury what you intend

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1 to prove and that's on you, or what you believe the
2 evidence will show. So, I think we all understand the
3 parameters of opening statements, but I appreciate you
4 bringing that to my attention.

5 Anything we need to address before I bring the
6 jury in?

7 (No response.)

8 THE COURT: All right. You can bring them in
9 whenever you are ready.

10 THE BAILIFF: The jury is entering the courtroom,
11 Your Honor.

12 (The jury enters the courtroom.)

13 THE BAILIFF: The jury is seated, Your Honor.

14 THE COURT: Thank you very much.

15 Good morning, ladies and gentlemen, I hope
16 everybody had a good evening. I appreciate you being
17 timely this morning with us. We are about to try the
18 case of the State of South Carolina vs. Jamie Jermaine
19 Robinson.

20 Before we begin this trial, I want to tell you
21 that this trial probably will be different from what
22 you might expect. Many people do not have a chance to
23 attend actual court sessions like you are doing now and
24 many think from watching television or movies or
25 reading books that trials are always full of high

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1 drama, intense action or riveting circumstances.
2 While, all of these things may be true at times, a
3 trial is not for entertainment. It is a fundamental
4 part of our democracy, a search for the truth in order
5 to make effort to find that justice is done between the
6 parties before the court.

7 Making sure justice is done is often slow,
8 deliberate and repetitive, the opposite of what you may
9 have seen on television or in movies or reading a book.
10 The courtroom is a place of honor dedicated to the
11 protection and preservation of citizens' rights through
12 what many have called the greatest justice system ever
13 created. The attorney appearing before you are
14 advocates for the parties they represent, but, first
15 and foremost, they are officers of this court. They
16 are sworn to uphold the integrity of our judicial
17 system and to help you in the search of the facts in
18 the case.

19 You should expect them to be professional,
20 competent and ethical in the representation of their
21 client's interest. Remember, that you have taken an
22 oath to try this case and reach a verdict. You are
23 also expected to be professional, reasonable and
24 ethical. Thank you for accepting the most important
25 responsibility of jury service and for your

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1 contribution today to our justice system.

2 What I'll now say is intended to serve as an
3 introduction to the trial of the case. These remarks
4 are not a charge on the law in the case. I will
5 instruct on the law applicable to this case at the end
6 of the trial before you retire to consider your
7 verdict. This is merely an explanation of procedure
8 that we will follow in the trial of this case so that
9 you may understand better what's happening.

10 You may not take notes during the trial of this
11 case. The Defendant is charged by two indictments
12 filed in this court. One is for the crime of murder,
13 the elements of which will be explained to you later;
14 and the other is the crime of possession of a weapon
15 during a violent crime. The elements of that crime
16 will also be explained to you later. These
17 indictments, as stated during the jury qualification
18 process, are simply pieces of paper at this point,
19 ladies and gentlemen. They're not evidence in the case
20 whatsoever. An indictment is simply a charge by which
21 the case is brought into the court and not in any sense
22 evidence of any allegation it contains.

23 The Defendant has pled not guilty to these
24 indictments. The State, therefore, has the burden of
25 proving each element of the indictments beyond a

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1 reasonable doubt. And it will be your duty, ladies and
2 gentlemen, to decide whether the State has met that
3 burden.

4 Your purposes as jurors is to find and determine
5 the facts. You are the sole judge of the facts. If at
6 any time I comment whatsoever regarding any facts, you
7 must disregard it. You are to determine the facts and
8 the testimony that you hear and other evidence
9 introduced in court. It is up to you to determine the
10 inferences which you feel may be properly drawn from
11 the evidence. It is especially important that you
12 perform your duty in determining the facts diligently
13 and conscientiously because, ordinarily, there's no way
14 to correct an erroneous determination of the facts by a
15 jury.

16 On the other hand and with equal emphasis, the
17 same law that makes you the judge of facts makes me the
18 judge of the law. The law as given by the Court is the
19 only law you may consider. You must accept and follow
20 it even though you may disagree with it. I cannot tell
21 you what the fact are and you cannot disagree with me
22 about what the law is or should be. Your job is to
23 take the law as I give it to you and apply to the facts
24 as you find them from the testimony of the witnesses
25 and any other evidence introduced. After doing that,

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1 you will render your verdict.

2 Until I advise you to begin deliberations, you
3 must not discuss the case with anyone, including your
4 fellow jurors, your friends, your family members and
5 anyone involved in the case. This includes discussions
6 face-to-face and those by telephone, email, text, blogs
7 or any other method of communication. You may not use
8 a computer, cell phone or other electronic device with
9 communication capabilities at any time while in the
10 courtroom or during deliberations.

11 During your breaks for meals or overnight, if
12 necessary, you may use these devices; however, you may
13 not at any time to get or send information about the
14 case. This would include information about a party, a
15 witness, an attorney, a court officer, news accounts
16 about the case, research on any topics raised, any
17 topics you may think would be helpful in deciding the
18 case or any testimony presented by any witness.

19 During this trial, please do not read, listen to
20 or watch any news reports about this case. This would
21 include anything that may be in the newspapers, on the
22 Internet, radio or television. You must not consider
23 anything you may have read or heard about the case
24 outside the courtroom, whether before or during the
25 trial.

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1 After the case is submitted to you, you must
2 discuss it only in the jury room with your fellow
3 jurors. The attorneys and parties in the case have
4 been advised they are not to talk to you at all. So,
5 if you see anyone involved in the case in or around the
6 courthouse or around town and they don't even say
7 hello, they're really not being unfriendly, ladies and
8 gentlemen, they're just following my instructions.

9 It is important that you keep an open mind and not
10 decide any issue in the case until all of the evidence
11 has been presented, the parties have made their closing
12 arguments and I have instructed you on the law in the
13 case. It is your solemn responsibility to determine
14 the guilt or innocence of the Defendant and your
15 verdict must be based solely on the evidence as it is
16 presented to you in this trial and on the law that I
17 instruct you during and at the close of the trial.

18 In just a moment, the solicitor will make what is
19 called an opening statement, in which the solicitor
20 will explain to you the issues in the case, or, at
21 least, what the solicitor thinks are the issues in the
22 case. The attorney for the Defendant may also make an
23 opening statement, although she is not required to do
24 so. What the attorneys tell you during opening
25 statements is not evidence in the case, it's only their

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1 contention as to what the issues is.

2 The evidence in the case will be presented to you
3 by the testimony of sworn witnesses from this witness
4 stand, and/or by exhibits that may be introduced into
5 evidence. From time to time, during the trial, you may
6 hear one of the lawyers say something like, Your Honor,
7 I believe we have a question of law to take up outside
8 of the jury's presence, or, Your Honor, may we approach
9 to the bench, or I, sometimes, myself might find it
10 necessary to excuse you from the courtroom for a short
11 while so the attorneys and I can discuss a legal
12 matter. The reason for this is because you're the
13 judges of the facts in the case. And sometimes, in
14 discussing matters of law with the attorneys, it may be
15 necessary for me to make some comment as to the facts
16 in connection with ruling whether or not a particular
17 law applies. I'm not supposed to tell you what the
18 facts are, so I will excuse you from the courtroom
19 while these discussions take place so that in no way
20 will you be influenced by anything that I might say or
21 do in connection with the fact.

22 In determining what the facts are in the case, you
23 must decide whether or not the testimony of the
24 witnesses is believable. It will be my responsibility
25 to rule as a matter of law as to whether certain

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1 testimony is admissible at all or not. Once the
2 testimony is admitted, whether or not you believe is
3 solely for you to determine.

4 In deciding whether to believe a witness, you have
5 the right to consider the interest of any witness, the
6 bias of any witness, the prejudice of any witness, the
7 opportunity for the witness to have seen the matters
8 and things about which the witness may testify, and the
9 way the witness acts on the witness stand. You have
10 the right to consider anything that is in the record
11 that will help you evaluate the testimony of that
12 witness.

13 That being said, it's your responsibility to
14 pay close attention to these witnesses, observe them, listen
15 to them, pay close attention to the attorneys and to the
16 Court at all times. Don't let your thoughts wander, but
17 give strict attention to the testimony in the case so that
18 at the end of all testimony, after the arguments of counsel
19 and the charge on the law by the court, you will then be in
20 a position to determine what the facts are and apply the law
21 to those facts and thus, render a verdict.

22 It is your added duty as the foreperson,
23 which I will appoint momentarily, to preside in the jury
24 room and be the jury spokesperson here in the court. It
25 will be the foreperson's duty to write the verdict as well.

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1 But I will give further instructions about that at the
2 conclusion of the case.

3 In order to preserve everyone's rights, I
4 will give the parties an opportunity to object to anything I
5 said, any exceptions to anything I have said to the jury by
6 the State.

7 MS. SMITH: No, ma'am, nothing from the State.

8 THE COURT: Any by the Defendant?

9 MS. CAMPBELL: No, Your Honor.

10 THE COURT: All right. We will now begin the
11 trial.

12 Before we begin opening, Madam in the front row
13 with the green sweater, tell me your juror number,
14 please.

15 JUROR: 121.

16 THE COURT: 121. You sat in the lucky seat.
17 You're not an alternate; is that correct?

18 JUROR: Correct.

19 THE COURT: You're going to be the forelady of the
20 jury, okay?

21 JUROR: Thank you.

22 THE COURT: Thank you, ma'am.

23 The State may proceed with opening statement.

24 MS. SMITH: May it please the Court.

25 Good morning, ladies and gentlemen. Eulia Moon

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1 died on October 29th, 2016. She didn't die of natural
2 causes, she didn't die in her sleep and she did not die
3 as a result of an accident. She was murdered. And she
4 was murdered by this man, Jamie Robinson, sitting right
5 over there.

6 Eulia Moon was also known as Lee Lee, and you will
7 hear her referred to that throughout. That was her
8 nickname. She was shot in the head by her boyfriend,
9 Jamie Robinson, on October 29th, 2016. They were
10 sitting in Jamie's truck outside of his house where he
11 lived with his mother on Lady's Island here in
12 Beaufort. And the reason we know this was not an
13 accident is because the Defendant then lied and he ran.

14 Lee Lee and her boyfriend were sitting in the
15 truck around midnight of October 29th, and he was
16 sitting in the driver's seat. It was a blue Chevy
17 Avalanche. You'll see a picture of it today. He was
18 sitting in the driver's seat and she was sitting in the
19 passenger. Mr. Robinson had been out with some friends
20 drinking and the two were arguing. But this argument
21 didn't end like most arguments between a boyfriend and
22 a girlfriend should. Most arguments don't end with
23 your significant other taking a gun and putting it to
24 your head and killing you, which is what Mr. Robinson
25 did that night.

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1 We know this because what Jamie did after he
2 murdered Eulia Moon shows this was murder. This was no
3 accident. The first thing he does is he tells his
4 mother, who was inside sleeping, she lives there.
5 Jamie and Lee Lee stayed in a garage apartment at this
6 home, which you'll see a picture of today. His mother
7 is inside sleeping, and he tells her to call 911. And
8 then what he does next is so telling, he grabs the gun,
9 he grabs his drugs and he runs into the woods. He
10 runs, ladies and gentlemen.

11 And as he is running through the woods, he starts
12 taking off his clothes. He takes off his blood-stained
13 T-shirt that he was wearing while he was sitting next
14 to her after he shot her in the head and killed her.
15 He's running down a dirt path adjacent to where they
16 live. So, he takes off his Nike tennis shoes and
17 throws those in the woods. Then, he takes the drugs
18 that he decided to pick up on the way to the run down
19 the path and throws those in the woods. So, he's
20 ditching all evidence that would link him to this
21 murder. And then, most importantly, he throws the gun
22 into the woods. He tosses the murder weapon into the
23 woods.

24 He runs through a wooded path. He's gotten rid of
25 everything that would link him to what just happened.

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1 And he runs about a mile away to his cousin's house,
2 Michael Pinckney. Michael lives at [REDACTED]
3 Road, within a mile through the woods from Jamie's
4 house. And he shows up at Michael's door and he's
5 wearing a pair of shorts, and that's it.

6 Michael will testify Michael knew something had
7 happened to Lee Lee, but he didn't know, wasn't sure,
8 how or what or why. Michael calls 911. The sheriff's
9 office at this point are over at Jamie's residence, or
10 Jamie's mother's residence where he resides securing
11 the crime scene. Ms. Moon has been taken to the
12 hospital by ambulance. And law enforcement gets the
13 call from dispatch that Mr. Pinckney has called 911, so
14 they leave the crime scene they had been securing and
15 they respond to Michael's house and they detain Jamie.

16 After Jamie has run, the next thing he does is he
17 lies and he continues to do so. So, at this point,
18 he's run through the woods, he's went to his friend's
19 house and he's had about two hours to come up with a
20 story. Two hours since he shot his girlfriend and two
21 hours since he told his mom to call 911.

22 So, he sits down with law enforcement, and he
23 tells his story. He says, I didn't kill my girlfriend,
24 someone tried to rob us. We were sitting in the truck
25 talking and someone came up to the window, asked me for

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1 money and then they reached across me and shot her.
2 Doesn't know who robbed them, black male, maybe wearing
3 navy, black, a lot of unknowns. And the next thing he
4 said, which I'm going to ask you to remember, because
5 it's what he does a lot, he ran. He said the robber
6 shot his girlfriend and ran off and then he runs.

7 This story didn't add up to law enforcement for a
8 number of reasons, and many of which you will see
9 today. But first and foremost, the Defendant was
10 robbed, so he ran after an alleged robber ran away.
11 That didn't make sense. The Defendant's girlfriend was
12 just shot in the head by an alleged robber and he
13 doesn't -- he runs instead of staying there to render
14 aid to her, to wait with her while the ambulance comes.
15 Not to mention the driver's side window of this truck,
16 where he was just robbed, when law enforcement gets
17 there, that window is rolled up. It wasn't down where
18 an alleged robber could stick his arm through, across
19 the Defendant to shoot the victim.

20 So, the Defendant is charged with murder. And
21 another two days go by, another 48, 60 hours, and he's
22 got to think of another story, because that robbery
23 story didn't work. So, now, he wants to talk to law
24 enforcement. And he tells law enforcement, she had a
25 gun. She held the gun to her head, she threatened to

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1 kill herself, and so, then, I threatened to kill
2 myself. I grabbed the gun away from her and put it to
3 my head. But then she grabbed my hand, I don't know if
4 she grabbed my arm, but grabbed my hand holding the gun
5 and put it to her head and it went off, and it was an
6 accident.

7 Ladies and gentlemen, you don't run if it was an
8 accident or some alleged suicide. None of his stories
9 add up because he runs and he lies. You will hear lie
10 after lie. This man is a liar. He lies about
11 everything from the time he talks to the police, time
12 after time. The evidence does not corroborate any of
13 his stories that he has given law enforcement. His
14 lies and actions show that Lee Lee did not die as a
15 result of an accident, but that she was murdered by her
16 boyfriend, Jamie Robinson.

17 And I will come back to you at the conclusion of
18 all the evidence and all of the testimony that you hear
19 from all of the witnesses in this case and ask that you
20 find him guilty of the murder of Eulia Moon. Thank
21 you, ladies and gentlemen.

22 THE COURT: Thank you.

23 MS. CAMPBELL: May it please the Court, Your
24 Honor?

25 THE COURT: Uh-huh. (Indicating affirmatively.)

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1 MS. CAMPBELL: Good morning. I introduced myself
2 to you yesterday, I'm Trasi Campbell. I'm the attorney
3 for Jamie Robinson. I'm going to talk to you a little
4 bit about this morning, as Her Honor said about, what I
5 believe the evidence will show. Because that really is
6 how you will form your decision in this case, the
7 testimony that comes from the witness stand and nothing
8 else. You will take that testimony and you will apply
9 it, match it up to the law that the judge gives you
10 about this criminal case.

11 I believe the evidence will show, just like many
12 other days and nights, Jamie was working, you know, in
13 the yard for his mom there at the house where they
14 lived here in Beaufort County. The septic tank had
15 broken and he and his girlfriend, Eulia, were helping
16 Jamie's mother, Hazel, with the septic tank. And they
17 all worked pretty much all day getting that thing
18 squared away, and it was quite a mess.

19 And when the day was done, Jamie did, as he did on
20 many other occasions, he went out to have a drink. And
21 he didn't go to a bar or any place like that, he went
22 to the bootleggers, which some people do. And they
23 gather there and he drank a lot, a profound amount, in
24 fact, I think you will hear. Jamie knew the
25 bootlegger. He's grown up on this island, this area.

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1 It was a place that he had gone many, many times
2 before. His mother, Hazel, the State is going to call
3 her to testify. You know, that immediately, upon the
4 gun discharging, he called for his mom and said, call
5 911, I just shot Lee Lee, you know. So it was an
6 instantaneous reaction and reporting of what had
7 happened in an attempt to get her the help that she
8 needed.

9 Jamie's father -- or his mother, Hazel, you will
10 hear, she is a former school teacher here in Beaufort
11 County. His dad was a former police officer. He
12 graduated from Beaufort High, went off to college,
13 served in the military a little bit and came home and
14 worked in the family business and different things like
15 that in the area.

16 About two years before this happened, he had met
17 Eulia and they hit it off. And she became his
18 girlfriend and they lived together there in that garage
19 apartment on the family's land. I think you'll hear
20 testimony that when they argued, that, you know, she
21 had a temper, he had a temper, anybody that's been in a
22 relationship knows things can get a little heated when
23 you're disagreeing about something. And the thing that
24 they disagreed about all of the time was a woman across
25 the street named Carla, Carla Simmons. And on this

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1 particular night when Eulia had tracked Jamie down, he
2 was, in fact, at Carla's. And so, she found him there.
3 And when, you know, she began to express her discontent
4 with his being there, he got in his truck and went
5 home, essentially, back across the street.

6 And I think you'll see from the photographs that
7 the State has from this case that what happened then is
8 that Eulia followed him back across the street and,
9 essentially, blocked him in behind his truck. We
10 believe that the evidence will show that she then
11 jumped into the truck, very angry and that she, in
12 fact, had her gun in her lap and was not in a good
13 disposition when she jumped in the truck and had him
14 blocked in.

15 Now, he will tell you, he's told law enforcement
16 that, you know, what occurred was an accident. And
17 they tell him, we understand, we believe this is an
18 accident. And, you know, you have opportunity to see
19 these interviews. Now, the first interview, clearly.
20 I mean, you own what happens. And he owns that that
21 first interview is absolute nonsense. He was
22 profoundly intoxicated. His behavior was completely
23 unacceptable. He's confrontational with the officers.
24 He's almost like -- it's almost like you can hear
25 Hazel, his mom, saying things that he's heard over the

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1 years. Like, you need to use your correct grammar, you
2 need to use your right words. Clearly, he's not
3 thinking clearly. But you will have an opportunity to
4 view that. So, in those split seconds, yes, did he
5 make a good decision to leave? No. Did he make a good
6 decision to have help called for Eulia? Obviously,
7 yes.

8 But I think what you'll find at the end of this
9 case and what I, ultimately, will argue to you after
10 you've heard the evidence is that there's a
11 significant, I mean, a chasm difference between the
12 intent, the malice that is required for murder. That
13 is a person who you deem to have an evil heart, a black
14 heart, someone who is hell bent on evil versus an
15 accident situation or the law that I hope, certainly,
16 that the court will instruct you on that has to do with
17 different types of deaths. So did he, you know, intend
18 to shoot Eulia? No. So, that's where our focus will
19 be and I hope where we are when the case concludes.

20 I will say to you that there is a very powerful
21 tool in your tool box that you have because you come to
22 this case armed with your life experiences, with your
23 common sense, with your good judgment. And you will
24 use that to do the critical part of your duty, which is
25 to judge the credibility of the witness. And Her Honor

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1 will tell you, you can take one witness over ten. You
2 can believe part of what a witness says and disregard
3 the other part, because that's what you do. You are
4 the final say so, if you will, on what you think a
5 witness has given you in terms of things like their
6 demeanor, their bias or their prejudice or what they
7 might have to want to have happen in this case, what
8 they would like to see happen. You can factor that
9 into what you determine about their credibility. And
10 that's a very important tool that you have.

11 I will say, also, to you that, again, specific
12 rules of law in this case, we'll get that at the end.
13 But Her Honor has already told and I will reiterate,
14 I'll say again, that there are two pillars upon which
15 this courthouse stands and every courthouse in our
16 country, and that is -- the first pillar is presumption
17 of innocence that every man and ever woman is entitled
18 to here in this country. And the other pillar is proof
19 of guilt beyond a reasonable doubt.

20 Now, Her Honor has told you and she will tell you
21 again, that this presumption of innocence is not just a
22 phrase. It is a very real part of essential element
23 of, the rock upon which we stand as a group, as a
24 country. And that presumption of innocence can never
25 be removed. I mean, right now in the forefront of your

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1 mind, despite whatever the State has said or what I
2 have said, you sit here with Jamie Robinson presumed in
3 your mind, this is your duty, your commitment, as an
4 innocent man.

5 So, the burden of proof of guilt, you say, well,
6 what is this reasonable doubt thing? Her Honor, the
7 court will tell you, and I will tell you now as you
8 move forward, reasonable doubt is the sort of doubt
9 that would cause a reasonable person to hesitate to act
10 in your most important affairs in your life.

11 And so, again, when I talk to you at the close of
12 the case, if you find yourself, ultimately, during your
13 deliberations -- because the presumption of innocence
14 remains in that jury room. If you find yourself, then,
15 at that point, with a hesitation, that's reasonable
16 doubt. So, it's really important and it's really
17 simple, but it's extremely foundational to what we do
18 as a group, as an individual in the preservation of how
19 we all live everyday in this county and in this state
20 and in this country.

21 And I will say to you again, at the close of the
22 case -- because, you know, there's people who's going
23 to testify, I'm not really sure what they're going to
24 say, family members of Ms. Moon. So, we'll go through
25 that together and we'll be in a situation where we'll

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1 come together at the end and we will assess where we
2 are in terms of that evidence. And I'll ask you at
3 that point to hear me again. And I appreciate your
4 attention. And I know that being selected on this
5 jury, you saw the process we went through and how
6 important it was to choose individuals that we were
7 confident that can abide by the Court's ruling and the
8 rules of law in this country. And those rules, we are
9 confident that you accept and will apply. Thank you.

10 THE COURT: Is the State ready?

11 MS. SMITH: Yes, ma'am.

12 THE COURT: Call your first witness.

13 MS. SMITH: The State calls Allyson Moreira.

14 Thereupon,

15 ALLYSON MOREIRA

16 was called as a witness, having been first duly sworn,

17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. SMITH:

20 Q Good morning, Ms. Moreira.

21 A Good morning.

22 Q State your name and spell your last for the court
23 reporter.

24 A Allyson, Moreira. M-O-R-E-I-R-A.

25 Q Where do you work, Allyson?

DIRECT EXAMINATION OF ALLYSON MOREIRA BY MS. SMITH

1 A The Beaufort County Sheriff's Office.

2 Q What do you do there?

3 A I am the 911 audio recording tape clerk.

4 Q Do you keep those records for the Beaufort County
5 Sheriff's Office?

6 A I do, they go into evidence.

7 Q Okay. I'm going to hand you what's previously
8 been marked as State's Exhibit No. 1, and ask if you
9 recognize that?

10 A I do.

11 Q Okay. Did you review that and initial and date it
12 prior to today?

13 A Yes, ma'am.

14 Q Okay. Is this a fair and accurate recording of
15 the 911 call that took place in this case on October 29th,
16 2016 at 12:04?

17 A It is.

18 Q Is this the 911 call that came from [REDACTED]
19 [REDACTED] here in Beaufort County?

20 A It is.

21 MS. SMITH: Judge, at this time, I would admit
22 State's No. 1 into evidence.

23 THE COURT: Any objection?

24 MS. CAMPBELL: No objection.

25 THE COURT: Admitted without objection.

DIRECT EXAMINATION OF ALLYSON MOREIRA BY MS. SMITH

1 *(Whereupon, State's Exhibit No(s) 1 marked for*
2 *identification and received in evidence.)*

3 MS. SMITH: Permission to publish?

4 THE COURT: Yes.

5 (911 audio CD played for the jury.)

6 MS. SMITH: I have no further questions for this
7 witness.

8 MS. CAMPBELL: I have nothing.

9 MS. SMITH: May the witness be excused?

10 MS. CAMPBELL: No objection.

11 THE COURT: You may be excused.

12 Next witness.

13 MS. SMITH: The State calls Troy Krapf.

14 Thereupon,

15 TROY KRAPF

16 was called as a witness, having been first duly sworn,

17 was examined and testified as follows:

18 MS. SMITH: Judge, may we approach real quick?

19 THE COURT: Sure.

20 (Off-the-record discussion held.)

21 DIRECT EXAMINATION

22 BY MS. SMITH:

23 Q Good morning, Mr. Krapf, how are you?

24 A I'm well. Thank you.

25 Q Where do you work?

DIRECT EXAMINATION OF TROY KRAPF BY MS. SMITH

1 A Beaufort County Sheriff's Office, I'm an officer
2 on patrol.

3 Q How long have you been with the Sheriff's Office?

4 A Ten years.

5 Q Did you respond to the [REDACTED] on
6 October 29th, 2016?

7 A Yes, ma'am, I did.

8 Q Okay. Why did you respond?

9 A The Sheriff's Office had received a report of a
10 gunshot victim at that location.

11 Q Okay. And what happened when you arrived there?

12 A When I arrived on scene, I noted there was a
13 Chevrolet Avalanche parked in the driveway at that address.
14 I also observed a female and a male standing in the driveway
15 near that vehicle. They were later identified as Hazel
16 Robinson and Charles Rivers, who lives somewhere across the
17 street.

18 Q Okay, I'm going to hand you what's been previously
19 marked as State's 2, 3, and 5. Take a look at those for me.

20 A Okay.

21 Q Do you recognize those photos?

22 A Yes, I recognize the driveway, which is just to
23 the right as you're facing the residence, and the Chevrolet
24 Avalanche parked in the driveway, toward the end of the
25 driveway up near the residence, also, to the right of the

DIRECT EXAMINATION OF TROY KRAPF BY MS. SMITH

1 residence.

2 MS. SMITH: Judge, at this time, I would move
3 State's 2, 3, 5 into evidence.

4 THE COURT: Any objection?

5 MS. CAMPBELL: No objection.

6 THE COURT: Admitted without objection.

7 *(Whereupon, State's Exhibit No(s). 2, 3, 5 marked*
8 *for identification and received in evidence.)*

9 MS. SMITH: Permission to publish, Judge?

10 THE COURT: Yes.

11 BY MS. SMITH:

12 Q All right. This is State's No. 2. Explain to us
13 where there is.

14 A Okay. So, you're standing on Little Capers Road
15 facing [REDACTED]. The driveway is just to the
16 right of that photograph coming off of the roadway. What
17 you're looking at right now, you can almost see the end of
18 the driveway as you're approaching the residence toward the
19 right-hand side of the photograph.

20 Q And who lived at that residence?

21 A Hazel Robinson and, also, her son, the Defendant,
22 Jamie Robinson, and, also, the victim, Eulia Moon.

23 Q Okay. I'll show you State's No. 3, is that the
24 driveway you were just referring to?

25 A Yes, ma'am, it is.

DIRECT EXAMINATION OF TROY KRAPP BY MS. SMITH

1 Q Okay. And I know this is during the daytime hours
2 and there's no cars there, but is that where the cars were
3 parked that you were just describing?

4 A Yes, down toward the end of the driveway. So, in
5 this photograph, you would see them toward the end of that
6 driveway, almost to where the residence is.

7 Q Okay. And then, No. 5. Is this the truck you
8 were just referring to?

9 A Yes, ma'am.

10 Q Okay. And where is it parked?

11 A Again, toward the end of the driveway, which if
12 you were able to look from where this photograph was taken
13 and pan left, you would see the front corner of the
14 residence.

15 Q Okay. And when you got there, was the driver's
16 side door open?

17 A Yes, it was.

18 Q Was the passenger door still closed?

19 A Passenger door was closed.

20 Q Okay. And I believe you testified, was the victim
21 in the front passenger's seat?

22 A She was in a seated position in the front
23 passenger's seat.

24 Q The driver's side door that is open, was the
25 window up like that when you got to the scene?

DIRECT EXAMINATION OF TROY KRAPF BY MS. SMITH

1 A While I was on scene, I noted that it was in the
2 closed position.

3 Q Okay. All right. What else -- who else was with
4 you when you arrived on scene?

5 A Well, I arrived on scene with PFC Reeves, who was
6 actually traveling in my patrol car with me and, also,
7 Sergeant Welsh, we all arrived about the same time.

8 Q What did you do next after you got there?

9 A Well, as soon as I approached the vehicle, I noted
10 the female victim seated in the front seat was unresponsive
11 and suffering from an apparent gunshot wound to the left
12 side of her head. I also noted there was an expended
13 ammunition casing on the floor board of the passenger side.
14 EMS was contacted, arrived and I began speaking with Hazel
15 Robinson at that time.

16 Q Okay. What did you -- what else did you do while
17 you were on the scene?

18 A Well, after I briefly spoke with Ms. Hazel and
19 Mr. Rivers from across the street, myself and other officers
20 began checking any outbuildings and, also, the interior of
21 the residence looking for the Defendant or any persons that
22 we didn't know about were on scene. Ms. Hazel had indicated
23 that she didn't know if the Defendant had gone back inside
24 or if he had left the area, so we conducted a check of the
25 interior of the entire house. We also did a secondary check

DIRECT EXAMINATION OF TROY KRAPP BY MS. SMITH

1 and located nobody on the scene.

2 Q Where all did you search, Officer?

3 A We looked inside the home itself, which is where
4 Hazel indicated she resides. Also, there's a garage
5 converted apartment that is attached to the house, we also
6 checked that interior. There were two sheds on the property
7 that we looked inside and found no one. And again, like I
8 said, we also conducted a secondary sweep and went through
9 slowly and found no one inside any of these structures.

10 Q You testified that you talked briefly with Hazel
11 Robinson and Charles Rivers, did you obtain written
12 statements from them?

13 A I would have to look at my report to note whether
14 or not I personally was the one who collected any.

15 Q Okay. I'm going to hand you what was previously
16 marked as State's No. 6 and ask you if you can identify that
17 picture?

18 A Yes.

19 Q Can you tell me what that is?

20 A What I'm looking at is a spent ammunition casing
21 on the floorboard of the passenger side of the Chevrolet as
22 you're standing next to the open passenger door.

23 Q Is that picture a fair and accurate depiction of
24 the way that looked that night in question?

25 A Yes, absolutely.

DIRECT EXAMINATION OF TROY KRAPF BY MS. SMITH

1 MS. SMITH: Judge, at this time, I would move
2 State's No. 6 into evidence.

3 THE COURT: Any objection?

4 MS. CAMPBELL: No objection.

5 THE COURT: Admitted without objection.

6 *(Whereupon, State's Exhibit No(s). 6 marked for*
7 *identification and received in evidence.)*

8 BY MS. SMITH:

9 Q Is that the spent casing to the left of that red
10 spot to the floor?

11 A Yes, just above and slightly left of it.

12 Q And what did you -- did you do anything else while
13 you were on the scene that night?

14 A I helped secure the perimeter to ensure the scene
15 stayed the way it was while investigators were responding,
16 no one came in and out of the scene or manipulated anything
17 within the scene.

18 MS. SMITH: That's all I have for this witness.

19 Thank you.

20 THE COURT: Thank you.

21 MS. CAMPBELL: May it please the Court, Your
22 Honor?

23 CROSS EXAMINATION

24 BY MS. CAMPBELL:

25 Q Good morning.

CROSS EXAMINATION OF TROY KRAPF BY MS. SMITH

1 A Good morning.

2 Q So, Charles Rivers, that's an individual that you
3 talked to that night; is that correct?

4 A Yes, ma'am.

5 Q Okay. Did you also talk to Carla Simmons that
6 night?

7 A Not to my recollection.

8 Q Okay. And do you recall if you got a written
9 statement from Charles Rivers?

10 A Again, without looking at my report, I don't
11 recall.

12 Q Give me one second. You've testified that you
13 were, essentially, the first law enforcement officer and
14 officers there, right?

15 A One of them, yes, ma'am.

16 Q And we also had Reeves and Welsh?

17 A Correct.

18 Q Correct. And so, the State asked you about
19 State's Exhibit 5 here and had you describe, I guess, the
20 driveway and the position of the cars to the house. So, you
21 attribute this Avalanche to Jamie Robinson, correct?

22 A Do I attribute the Avalanche?

23 Q Yes, do you know whose truck that is?

24 A I don't recall who it's registered to.

25 Q Okay. The person that had been shot, Ms. Moon,

CROSS EXAMINATION OF TROY KRAPF BY MS. SMITH

1 she was in the truck, correct?

2 A Yes, ma'am.

3 Q In the passenger's seat, right?

4 A Correct.

5 Q So, in your initial investigation that evening,
6 there is a black car parked directly behind the Chevy
7 Avalanche, correct?

8 A Yes, I see that in the photograph.

9 Q And the photograph is a fair and accurate
10 depiction, which you've already said, of how you found the
11 scene that night, right?

12 A Yes, ma'am.

13 Q Okay. Did you make -- did you or this Officer
14 Reeves or Officer Welsh make an attempt to identify the
15 owner or who had been the occupant of the black car?

16 A I don't have any knowledge on what they did. I,
17 personally, don't have any knowledge about it.

18 Q So no for yourself and you don't know what they
19 did?

20 A Correct.

21 Q Okay. Did you -- now, you have identified here
22 the casing that was found on the floorboard of this
23 Avalanche. This is State's 6, correct?

24 A Yes, ma'am.

25 Q So, did you search the Avalanche?

CROSS EXAMINATION OF TROY KRAPF BY MS. SMITH

1 A A visual search, I did not go in and manipulate
2 anything.

3 Q Okay. So you did a visual search, right, of the
4 Avalanche?

5 A Yes, ma'am.

6 Q Did you also search the black car?

7 A Again, I, personally, didn't, but I can't speak
8 for anyone else who was on scene.

9 Q So, no for you, you don't know what anybody else
10 did?

11 A Correct.

12 Q Okay. And you said you searched the house and the
13 apartment, which I would say sounded like sort of a sweep
14 for people, but not evidence, right?

15 A When I conducted a safety sweep is what we call
16 it, yes, we were looking for persons inside for the safety
17 of officers and everyone else and to further the
18 investigation. But yes, I was looking for people.

19 Q Right. So, again, you're not securing any
20 evidence or picking up, you know, cushions off the couch or
21 going in medicine cabinets because you're not going to find
22 a person under the cushion or in the medicine cabinet,
23 right?

24 A Correct, I was going room to room, checked the
25 crawlspace attic, things of that nature.

CROSS EXAMINATION OF TROY KRAPF BY MS. SMITH

1 Q And you, yourself, you didn't locate Eulia Moon's
2 purse that night, did you?

3 A I, personally, don't have any knowledge about
4 that, no.

5 Q So, no for you and you don't know about anybody
6 else; is that right?

7 A That's correct.

8 MS. CAMPBELL: That's all I have, thank you.

9 THE COURT: Any redirect?

10 MS. SMITH: No, ma'am. Judge, may this witness be
11 excused?

12 THE COURT: Any objection?

13 MS. CAMPBELL: No.

14 THE COURT: All right. You are excused, sir. You
15 may step down and go about your business.

16 WITNESS: Thank you, Judge.

17 MS. SMITH: Judge, the State calls Hazel Robinson.

18 Thereupon,

19 HAZEL ROBINSON

20 was called as a witness, having been first duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. SMITH:

24 Q Ms. Robinson, good morning.

25 A Good morning.

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 Q I'm sorry you're here today.

2 A Me, too.

3 Q And I know you don't want to be here.

4 A I know that's right.

5 Q And I tried to meet with you before and you
6 canceled our meetings. I just need a little bit of
7 background information from you, okay?

8 A All right.

9 Q Tell us who you are and where you live.

10 A I'm Hazel Robinson and I live at [REDACTED]
11 Road in Beaufort, and I am the mother of Jamie Robinson.

12 Q Okay. Ms. Robinson, do you have any other
13 children?

14 A No, I don't.

15 Q Who lives at that house with you?

16 A Right now, my grandson, one of my grandsons is
17 living with me and, for the summer, my granddaughter is also
18 there.

19 Q Okay. And back in October of 2016, who was living
20 with you?

21 A My son was living with me and his girlfriend was
22 in and out, off and on.

23 Q Okay. And who was his girlfriend at the time?

24 A Eulia Moon.

25 Q Okay. And so all three of you lived there

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 together; is that correct?

2 A Yes. He had, basically, an apartment that -- we
3 made the garage area into an apartment for him, so that was
4 his area.

5 Q Okay.

6 A And then the house, the rest of the house was
7 mine.

8 Q So, it was an apartment that was separate from
9 your living area?

10 A Yes, it was. But there was a door they could
11 come, you know, into my living area.

12 Q Okay. Were you familiar with Jamie and Eulia's
13 relationship?

14 A Somewhat.

15 Q Okay. What was their relationship like?

16 A In the very beginning, she came there to the house
17 because her son was a football player, NFL, and they -- it
18 was football season and they were watching the football
19 games. And I think he was playing with the Arizona
20 Cardinals. And that's the way I met her.

21 Q Okay. How long were they together, do you
22 remember?

23 A I would say a little over a year, I'm not sure.

24 Q And during the time that she -- they were
25 together, a little over a year, two years, however long they

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 were together, was she living at the time house with y'all?

2 A She stayed there quite a bit, but not all of the
3 time.

4 Q Okay. Is it fair to say she was back and forth?

5 A Back and forth, exactly.

6 Q Okay. And you were around those two a good bit,
7 correct?

8 A I was around her sometimes, but yes, I was around
9 Jamie sometimes as well because he stayed, basically, in the
10 apartment area and she would come into the house off and on
11 as well.

12 Q And I asked you earlier what their relationship
13 was like and you told us when you met her. What else do you
14 recall about their relationship, what was it like?

15 A They seemed to enjoy each other's company. And
16 she seemed to be a bit jealous of his girlfriends, friends.
17 They were not girlfriends, but female friends.

18 Q Ms. Robinson, do you remember talking to Brandon
19 Disbrow with the Beaufort County Sheriff's Office on October
20 29th, 2016 after this incident happened?

21 A On the 29th? Is he in here?

22 Q No, ma'am.

23 A I don't remember that name.

24 Q Do you remember being interviewed right after the
25 police got to your house that night?

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 A I did get interviewed by someone.

2 Q Okay. Did you get interviewed numerous times?

3 A I wrote a statement the night of the incident and
4 then someone called me that Monday morning and asked me to
5 come down.

6 Q Do you recall being interviewed and recorded while
7 you were standing outside in your yard on October 29th,
8 2016?

9 A Do I recall being interviewed and recorded?

10 Q Yes, ma'am.

11 A I do not.

12 Q Do you remember -- I know that you aren't sure
13 about Officer Disbrow, but do you remember telling Officer
14 Disbrow that night that the relationship between Jamie and
15 Lee Lee was violent?

16 A I don't remember that.

17 Q Okay.

18 MS. SMITH: Judge, pursuant to 613(b), permission
19 to publish that statement?

20 MS. CAMPBELL: That's fine.

21 THE COURT: Without objection.

22 (Audio CD was played for the jury.)

23 BY MS. SMITH:

24 Q Ms. Robinson, did you ever talk to Eulia about her
25 relationship with Jamie?

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 A Yes, I did talk with her about her relationship
2 with him.

3 Q Did she ever tell you her feelings towards him?

4 A Yes, she did.

5 Q Did she tell you she was happy with him?

6 A Yes.

7 Q Did she ever tell you things were bad between
8 them?

9 A She did tell me some things that -- actually, the
10 words that are indelibly imprinted on my mind is that she
11 said that Jamie was with a real woman now and he's not
12 playing with one of those little children that he's used to
13 playing with.

14 Q You just testified that things did get bad between
15 them at times; is that correct?

16 A At times, they argued.

17 Q When it got bad, did she tell you -- or how were
18 her feelings towards Jamie?

19 A Well, the relationship -- when it got bad,
20 basically, I wouldn't know anything about it until I came
21 out the next day and her car was not there. She would leave
22 and probably go home.

23 MS. SMITH: May I approach?

24 THE COURT: Sure.

25 (Off-the-record discussion held.)

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 BY MS. SMITH:

2 Q Ms. Robinson, in talking with Eulia, do you
3 remember text messages with her about their relationship?

4 A Me with a text message with her?

5 Q Yes, ma'am.

6 A No, I don't.

7 Q Did you ever -- did y'all ever send messages to
8 one another?

9 A I'm trying to think back now. I remember her
10 sending something with a lot of smiley faces, you might say,
11 or love emojis or something like that on it. And I can't
12 remember what the gist of it was. I do remember that one
13 time when she got the flu, I needed to get a prescription
14 filled and she texted me. I was at the pharmacist and she
15 texted me her address, I do remember those things. It's
16 hard to remember text messages, I don't -- I was not into
17 texting like that.

18 Q All right. Ms. Robinson, let's talk about, were
19 you home the night of October 28th, 2016?

20 A October the 28th, was that a Friday?

21 Q Well, the night that this happened, were you home
22 that night?

23 A Yes, I was.

24 Q Okay. And when -- tell us what happened that
25 night, what you recall from the time you were getting in bed

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 until this incident happened.

2 A All right. I remember Eulia standing on the edge
3 of the wooded area by our house and talking to someone,
4 arguing with someone on the telephone. And Jamie was in the
5 kitchen with me and I say, Who is she talking to? She's
6 arguing with somebody. And I think he said she was talking
7 with her daughter, but I'm not sure. Then -- it was getting
8 late then and I had just gotten out of the hospital. I had
9 a TIA and I did gotten out of the hospital that Thursday and
10 I went to bed.

11 Q Around what time do you think you went to bed?

12 A I go to bed with the chickens and I get up early
13 as well. So it had to have been early, because I usually
14 get up and I walk the dog early. So it was probably around
15 8:00, I would say. I don't know. But I would be in bed and
16 I would watch TV and I would fall sleep. And that's what I
17 was doing that night, I fell asleep. And when I woke up, I
18 heard the dog barking violently. And that barking of the
19 dog, I could tell from the way the dog was barking that
20 something was not right.

21 So I got out of bed and I put on my house
22 socks, or shoes, or something and I started down the hallway
23 to go to Jamie's area. But by the time I got to the front
24 door, I heard him scream like somebody had hurt him. It was
25 an eerie scream. And I -- at that point, I was right there

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 at the front door, so I went out the front door and I asked
2 him what was wrong. And he said to call 911. And I said,
3 Why, what do you want -- why do you want me to call 911?
4 And I proceeded to go to the vehicle. The truck was parked
5 in the driveway.

6 Q Which truck was that?

7 A It was -- it is a 2002 Chevy Avalanche. And I
8 went over to the truck and Eulia was in the truck, and I
9 said -- and Jamie was there as well. I said, Jamie, what
10 happened? What did you do? Why do I need to call for 911?
11 And he said, I shot Lee Lee -- or no, he didn't say shoot.
12 No, that's not what he said. He said, Call 911, I killed
13 Lee Lee. And I said, What do you mean you killed her? What
14 did you do, you hit her? And he said, No, I shot her.

15 And I looked at her and I saw a spot like
16 right there, but I didn't see that much blood or anything.
17 It seemed like it was just a spot. And I said Jamie -- I
18 can't remember exactly what the words were, but I started
19 beating him on his back with my hand. And I had had
20 Cumidine or, you know, some kind of blood thinner and it
21 bruised my hand.

22 And I -- I went back in the house because I
23 didn't have my cell phone, so I couldn't call. I went back
24 in the house to get my phone and came back out and called
25 911. And he was not there when I went back -- when I came

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 back out of the house.

2 Q Are you referring to Jamie? Are you referring to
3 Jamie not being there?

4 A Yes.

5 Q And you called 911?

6 A I did.

7 Q What did you tell 911?

8 A To the best of my recollection, I told them
9 that someone had been shot and that they needed to come
10 immediately. I really can't remember. But I remember the
11 lady saying to stay on the phone, that 911 was on -- EMS or
12 somebody was on the way. And she asked me if Lee Lee was
13 still breathing, and I said, Yes, barely. And then she
14 asked me did I -- I don't know if she asked me if I saw any
15 blood or if I could put some pressure on the wound or
16 something to that effect. And I saw Charles across the
17 street and I called Charles over. And Charles grabbed
18 something and put on her ear or somewhere on her around her
19 head. And by then, EMS had come, I believe.

20 Q Did you talk to Jamie after he left the house that
21 night?

22 A Yes, Jamie called on the phone.

23 Q Okay.

24 A And he was crying and said that something had
25 happened. Well, I knew something had happened. I can't

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 remember exactly what he said, but he called on the phone.

2 And he -- I can't remember exactly what he said, so I'm not
3 going to elaborate on what he said. But I know he did call
4 me.

5 Q Just to be clear, you don't remember what he told
6 you?

7 A I can't remember exactly what he said, but he
8 called me.

9 Q Okay. Were officers still on the scene when this
10 happened?

11 A Yes.

12 Q Okay.

13 A One of the female officers was with me the whole
14 time. And I do remember that it was, I guess it was nerves,
15 just the adrenaline, I was back and forth to the restroom,
16 back and forth, back and forth. My bladder just -- I was
17 having problems.

18 Q Were y'all out there for a number of hours all
19 night?

20 A We were out there all night because they -- you
21 know, they asked me for a search warrant.

22 Q Ms. Robinson, does Jamie drink?

23 A Yes.

24 Q What happens when he drinks?

25 A Well, he is not a drinker as such.

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 Q What do you mean by that?

2 A He -- alcohol is not something that he can handle.
3 He doesn't handle alcohol well. So, I'm speculating now
4 because I don't know, but I did smell alcohol. And it
5 doesn't take much alcohol for you to smell alcohol on
6 someone, but I did smell some. And I don't know if he was
7 smoking and had something to drink as well. When I say
8 smoking, I mean marijuana.

9 Q And I know we went through this a minute ago, but
10 do you remember talking to Officer Disbrow while you were in
11 the yard that night on 29th of October, 2016, about Jamie's
12 drinking?

13 A I really don't remember talking to him about his
14 drinking.

15 Q Okay.

16 A But I may have. I just don't remember.

17 Q Okay. Do you remember telling Officer Disbrow
18 that Jamie can't drink and that when he does, he becomes
19 violent?

20 A I don't remember saying that, but I may have.

21 MS. SMITH: Judge, pursuant to 613(b), permission
22 to publish?

23 THE COURT: Any objection?

24 MS. CAMPBELL: No objection.

25 (Audio CD published for the jury.)

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 BY MS. SMITH:

2 Q Ms. Robinson, do you know if Eulia Moon had a gun?

3 A I don't know if she had one or not.

4 Q Did you ever know her to have a gun?

5 A Not to my knowledge, I just don't know.

6 Q Do you remember telling Officer Ferguson, who is
7 also with the Beaufort County Sheriff's Office, he's the
8 victim advocate there, two days later on October 31st, 2016
9 about an incident last -- the Thanksgiving before this
10 occurred involving Jamie and Lee Lee?

11 A I don't remember. You said on October the 31st?

12 Q Yes, ma'am, about two days after this incident
13 happened?

14 A Okay.

15 Q After her death.

16 A Well, the incident happened that Friday night, so,
17 it would be Saturday, Sunday. I don't remember. The next
18 person I spoke with was on that Monday morning that I
19 recall.

20 Q Okay. Do you remember telling them about an
21 incident between Jamie and Lee Lee that occurred around
22 Thanksgiving prior to her death?

23 A We had Thanksgiving dinner at my house, she and
24 her whole family, and it was very pleasant. It was just
25 Jamie and me and her family. And I don't remember any

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 incidents other than I hosting her family for Thanksgiving
2 dinner.

3 Q Do you recall telling the officer that they were
4 fighting in the yard last Thanksgiving?

5 A No, I don't remember -- no. I think that what
6 you're referring to is one time, they were tussling in the
7 yard and she fell and hurt her leg and -- that's what she
8 told me, now. Because when I went outside, she was on the
9 ground and she hurt her leg. And I took her to the
10 emergency room. And she said she fell, that's what she told
11 me. And we had these big, old boulders that line the
12 driveway and she said that she hit her leg when she fell.

13 Q What do you mean by tussling?

14 A Well, I don't -- I did not witness anything that
15 night. When I came outside -- and again, the dog alerts me
16 to something not being right because I don't hear the noise
17 in the yard when I'm inside in my bedroom. When the dog
18 barked viciously again, I came outside and she was on the
19 ground and she said that she couldn't get up because her --
20 she had hurt her leg. And Jamie and I helped her to get up
21 and she went in the house. And I think she got her purse
22 and I took her to EMS -- I'm sorry, to the emergency room.

23 Q Ms. Robinson, is Jamie left-handed or
24 right-handed?

25 A I really don't know.

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 Q Do you remember telling Officer Ferguson on that
2 day, October 31st, 2016, that you thought that Jamie was
3 right-handed?

4 A I don't remember telling him that. I may have,
5 but I really don't remember saying that.

6 Q When you were interviewed by law enforcement, did
7 you provide Jamie's telephone number to them, his cell phone
8 number?

9 A I may have. I -- like I said, it's hard for me to
10 remember, you know, the details like that. I may well have
11 given them the number.

12 Q Okay.

13 A I probably did if they asked me for it.

14 Q Okay. And same thing with Eulia, would you have
15 provided her number if you had it to law enforcement?

16 A I didn't know her number. I never knew her
17 number. I had it in my phone, so if it popped up, then I
18 knew it was her.

19 Q When you say you never knew her number?

20 A I never knew it. I put numbers in my cell phone.

21 Q That was my question, was it saved in your phone?

22 A It was saved in my cell phone.

23 Q No one knows numbers anymore.

24 A My best friend's number, I don't even know it.

25 Q Okay. Just a minute, Ms. Robinson.

DIRECT EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 (Pause.)

2 Q Ms. Robinson, let me ask you one more thing, can
3 you identify the man in this courtroom that told you he shot
4 Lee Lee?

5 A Yes.

6 Q Where is he?

7 A Jamie, the Defendant, sitting next to
8 Mrs. Campbell.

9 MS. SMITH: Thank you. I appreciate it. Nothing
10 further.

11 MS. CAMPBELL: Thank you.

12 CROSS EXAMINATION

13 BY MS. CAMPBELL:

14 Q Hazel, do you need a break?

15 A No, let's get this out of the way. I'm ready for
16 it to be over.

17 Q Hazel, about one to two, maybe three days before
18 Eulia died, had you been very sick and did you have a
19 stroke?

20 A I did.

21 Q Okay. So, around the time that this happened, you
22 had a stroke and you were at the hospital?

23 A Yes.

24 Q Okay. And you were under a doctor's care?

25 A Yes.

CROSS EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 Q Okay. And taking medication for the stroke, I
2 would assume?

3 A I was taking my regular blood pressure meds and
4 some other meds that I take because I have chronic kidney
5 disease as well.

6 Q The chronic kidney disease that you have and any
7 other health issues, would you be in a situation where Jamie
8 would help you at the house with things because of your
9 physical situation?

10 A Well, he helped me with a lot of things.

11 Q Right.

12 A Because it was just the two of us.

13 Q So, he's your only son?

14 A Yes.

15 Q Or your only child?

16 A Yes.

17 Q And your husband, what was his name?

18 A His name was James Robinson.

19 Q And you and James had married many years ago?

20 A Yes.

21 Q And you were a teacher here in Beaufort?

22 A Yes.

23 Q And James worked here in Beaufort?

24 A Yes.

25 Q Okay. The granddaughter and grandson that are

CROSS EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 staying with you this summer, those are Jamie's children?

2 A Yes.

3 Q Okay. You want to tell this jury everything that
4 you can remember, right?

5 A I certainly do.

6 Q So, if you can't remember it, it's not purposeful.
7 I mean, you just can't remember, is that --

8 A Exactly.

9 Q Okay. Charles Rivers, did he live near you?

10 A Charles -- and I never knew his last name, but
11 Charles lived across the street.

12 Q Charles lived across the street, okay. And there
13 was a woman living with him named Carla?

14 A Carla.

15 Q Right. And sometimes Jamie would get to hanging
16 out with Carla?

17 A With Charles and Carla.

18 Q Yeah. And were you ever around -- and, again, if
19 you remember, fine, if not, that's okay. Were you ever
20 around when Jamie had been hanging out with them and Eulia
21 was not happy about that?

22 A Yes, I remember an incident.

23 Q Okay. Can you tell us about that?

24 A I must have heard a disturbance in the yard and
25 when I went out the front door, I saw Carla and Eulia

CROSS EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 tussling.

2 Q Right.

3 A And I told -- I went out and I told them I was not
4 going to have that in my yard.

5 Q Did the women stop?

6 A They did.

7 Q Okay.

8 A And I told Carla not to come back in my yard.

9 Q And when you asked them to stop tussling with each
10 other, they did, and did they go their separate ways, did
11 you see?

12 A Yes.

13 Q Okay. So, they listened to you?

14 A Yes.

15 Q Okay. The night that Eulia died, Charles came
16 across the street to help you?

17 A Yes.

18 Q Okay. And did you see Carla that night?

19 A I did not.

20 Q Okay. And you -- you went from the house to the
21 Avalanche; is that right, when Jamie came to get you?

22 A I -- he didn't come to get me.

23 Q Uh-huh. (Indicating affirmatively.)?

24 A I heard the dog barking and I knew something was
25 not right.

CROSS EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 Q That's right, because you said you came to the
2 front door?

3 A I came through to the front door. Normally, I
4 would go through the dining room into the apartment, but
5 with the noise, I came through the front door. And Jamie
6 was at the truck and he told me to call 911.

7 Q And you did?

8 A And I came outside first to look to see what he
9 wanted me to call 911 for and that's when I saw -- she was
10 in the car and that's when I asked him what happened.

11 Q And he told you?

12 A And he told me to call 911 because he killed Lee
13 Lee.

14 Q Yes.

15 A And I say -- no, he say call 911. And I say, Why,
16 why would you want me -- why you want me to call 911? Did
17 you hit her? And he said, No, he shot her.

18 Q Hazel, you didn't talk to the prosecutor before
19 your testimony; is that right, today?

20 A Prosecutor?

21 Q This lady right here, you didn't sit down and talk
22 with her?

23 A No, I did not.

24 Q And you didn't sit down with me and go over your
25 testimony?

CROSS EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 A Not a bit.

2 Q No. So, you have come in here and to the best of
3 your memory told the jury what you remember --

4 A To the best of my memory.

5 Q -- about that night. Thank you, Hazel.

6 MS. CAMPBELL: That's all I have.

7 THE COURT: Any redirect?

8 MS. SMITH: No, ma'am.

9 THE COURT: All right. Thank you so much. Any
10 objection to this witness being released?

11 MS. SMITH: No, ma'am.

12 MS. CAMPBELL: No objection.

13 THE COURT: You are free to step down, ma'am.

14 WITNESS: Am I free to go over there?

15 THE COURT: You are.

16 WITNESS: Can I stay in the courtroom now?

17 THE COURT: Yes.

18 WITNESS: Okay.

19 THE COURT: Ladies and gentlemen, we've been going
20 a little while. I'm going to take a quick, 10-minute
21 break and we will come back at 11:27, okay.

22 (The jury exits the courtroom at 11:20 a.m.)

23 THE BAILIFF: The jury is clear, Your Honor.

24 THE COURT: Thank you.

25 We'll be at ease.

CROSS EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 (Short break.)

2 MS. SMITH: Judge, we do have a matter to put on
3 the record. Just for scheduling purposes, I have three
4 witness that I can put up. I don't know what time you
5 want to take lunch.

6 THE COURT: You know, I'm pretty flexible. We
7 didn't really start until almost 10:00 with the jury,
8 so, you know, I'm thinking 12:30, 1:00 for lunch.

9 MS. SMITH: Okay. So the way --

10 THE COURT: How long do you inspect those three to
11 take?

12 MS. SMITH: Well, I have three witnesses and then
13 the next witness would be the interviews, we would
14 start.

15 THE COURT: These next three are who?

16 MS. SMITH: I've got -- Michael Pinckney will be
17 next?

18 THE COURT: Is that another lay witness?

19 MS. SMITH: Yes, ma'am. And then, Brandon
20 Disbrow.

21 THE COURT: The officer?

22 MS. SMITH: The officer. And then, we would put
23 up Investigator Duncan just briefly because we're
24 trying to get a SLED agent in right after that. He's
25 got to be in the hospital tomorrow.

CROSS EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 THE COURT: The SLED agent does?

2 MS. SMITH: Yes. So, I put up Investigator Duncan
3 for the sole purpose of saying that he collected the
4 gun and submitted it into evidence. And then, we would
5 put up our firearms guy from SLED.

6 THE COURT: That's four.

7 MS. SMITH: But, he would only testify -- that
8 would be it.

9 THE COURT: And you would recall him at that point
10 in time?

11 MS. SMITH: Yes. And Ms. Campbell has agreed to
12 that.

13 THE COURT: Is that okay with you?

14 MS. CAMPBELL: Yes.

15 MS. SMITH: And then, the other issue is that
16 Jamie Greene from SLED will be testifying from the
17 firearms Division. He's substituting in for Suzanne
18 Cromer, who is in training this week. And Ms. Campbell
19 knows.

20 MS. CAMPBELL: I was informed of that previous to
21 this week and I have no objection.

22 THE COURT: Do you want to do -- do you want to
23 try to knock them all out before lunch or do you want
24 to just kind of see where we are? Does the SLED agent
25 need to get back to Columbia?

CROSS EXAMINATION OF HAZEL ROBINSON BY MS. SMITH

1 MS. SMITH: No, he's fine.

2 THE COURT: If he has to be the first one after
3 lunch, would that be okay?

4 MS. SMITH: Sure.

5 THE COURT: Well, that helps me plan.

6 Anything else that we need to put on the record.

7 MS. SMITH: Nothing from the State.

8 THE COURT: Okay. We're ready.

9 THE BAILIFF: The jury is entering the courtroom,
10 Your Honor.

11 (The jury enters the courtroom at 11:38 a.m.)

12 THE BAILIFF: The jury is seated, Your Honor.

13 THE COURT: Ms. Smith, are you ready to begin?

14 MS. SMITH: Yes, ma'am.

15 THE COURT: Call your next witness.

16 MS. SMITH: The State would call Michael Pinckney.

17 Thereupon,

18 MICHAEL PINCKNEY

19 was called as a witness, having been first duly sworn,

20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MS. SMITH:

23 Q Good morning, Mr. Pinckney.

24 A Good morning.

25 Q Where do you live?

DIRECT EXAMINATION OF MICHAEL PINCKNEY BY MS. SMITH

1 A [REDACTED].

2 Q Is that here in Beaufort?

3 A Lady's Island, yes.

4 Q How long have you lived in Beaufort?

5 A I was born and raised here. Left and went in the
6 military in '77 and got back maybe about two years ago.

7 Q Okay. And do you have family that lives here,
8 too?

9 A Yes.

10 Q Is [REDACTED], is that your family home?

11 A Yes.

12 Q Your family has lived there for a while?

13 A Yes.

14 Q Okay. I'm going to show you what's previously
15 been marked as State's Exhibit No. 17 and ask if you
16 recognize this photo?

17 A I do.

18 Q What is that a picture of?

19 A It's a picture of my home.

20 Q Is that picture a fair and accurate depiction of
21 the outside of it?

22 A Yes.

23 MS. SMITH: Judge, at this time, I would move
24 State's 17 into evidence?

25 THE COURT: Seventeen?

DIRECT EXAMINATION OF MICHAEL PINCKNEY BY MS. SMITH

1 MS. CAMPBELL: No objection.

2 THE COURT: Admitted without objection.

3 *(Whereupon, State's Exhibit No(s). 17 marked for*
4 *identification and received in evidence.)*

5 BY MS. SMITH:

6 Q Okay. Is that where you live on Sams Point Road?

7 A That is correct.

8 Q How do you know -- do you know Jamie Robinson?

9 A Vaguely. When I got back two years ago -- I
10 hadn't known him prior to that because he was much younger
11 than I was when I left. And when I got back two years ago,
12 I know him not too well, but well enough to know that he was
13 related to me.

14 Q How is he related to you?

15 A Well, some of those family things, they tell you
16 someone is your cousin and you can't find the real truth or
17 whatever the case may be, but we're assuming that we are
18 family based on his father's side.

19 Q Okay. Mr. Pinckney, who lives with you at that
20 time?

21 A My youngest brother and my uncle.

22 Q What are their names?

23 A My youngest brother is Lewis Pinckney and my uncle
24 is Joe Lewis Pinckney.

25 Q Okay. Do you recall the night or the early, early

DIRECT EXAMINATION OF MICHAEL PINCKNEY BY MS. SMITH

1 morning, around midnight, of October 29th, 2016?

2 A Yes.

3 Q Okay. Were you home that night?

4 A I was.

5 Q Who was there with you?

6 A Also, my uncle and my youngest brother.

7 Q Okay. And what do you recall about that night?

8 A Well, I was in my bedroom. There was a knock on
9 the door, several knocks. Finally, my youngest brother
10 opened the door and Jamie came in. And again, I was still
11 in my bedroom, so, they were having conversations outside in
12 the living room area. And then he asked --

13 Q Were you asleep when you heard the knocks?

14 A I was in the bedroom.

15 Q Okay.

16 A Yes. After -- up to about a few minutes of them
17 having a conversation and it sounded very serious, I came
18 out. And he asked for me and I came outside in the living
19 room and he was crying. He was crying extremely, like he
20 was -- like there was something wrong. And in between all
21 of that, he was saying things, but most of it wasn't,
22 wasn't -- didn't make sense. One of the things that he said
23 is that he got robbed and someone -- someone he believed --
24 this is the way I understood it, he believed someone had
25 shot his girlfriend.

DIRECT EXAMINATION OF MICHAEL PINCKNEY BY MS. SMITH

1 After that, he really didn't say much more,
2 but he -- he was saying a lot of things, but he was mainly
3 crying. And he wanted to talk to his son or his child and
4 he made several calls. And while he was doing that, I was
5 telling him that, well, if you didn't do nothing, if you
6 didn't do anything wrong, you need to call the police.
7 There's no need of you running because if you didn't do
8 anything wrong, call the police. Because if you running,
9 they will assume that you had done something wrong and
10 needless to say, that would probably turn out very bad.

11 So I convinced him to let me call the police
12 and he said all right, he would turn himself in. And so, I
13 called 911 and I gave them the location, my home address,
14 and I informed them that he was there. Maybe about 15 or 20
15 minutes later, the policemen [sic], at least, two or three
16 cars came, parked up on the hill. You can see this picture
17 is down, so they parked up on the hill. And I had him to
18 come outside. He had on his shorts and they told him to put
19 his hands on his head. He got down on his knees and they
20 arrested him without incident.

21 Q Let me stop you there. You said that he had on
22 shorts, did he have on any shoes?

23 A No, I don't recall shoes. I don't know if he had
24 on shoes. I don't think so.

25 Q Did he have a shirt on?

DIRECT EXAMINATION OF MICHAEL PINCKNEY BY MS. SMITH

1 A It was a white shirt. It was a white shirt that
2 he took off. And I believe they collected that shirt out of
3 the bathroom, one of the restrooms.

4 Q When you say they, are you referring to law
5 enforcement?

6 A Yes.

7 Q Okay. Did he tell you anything else about what
8 happened that night?

9 A Like I said, he was -- throughout the time, he was
10 crying. And after he continually said that someone robbed
11 him, he didn't really say much more that I could really
12 understand throughout the crying.

13 Q Okay. Did you tell the Defendant -- did you tell
14 Jamie that he needed to call 911?

15 A Yes.

16 Q Do you recall Jamie ever telling you that he was
17 going to jail?

18 A Yes. He did right at the end, right probably
19 after I told him that he needed to call 911. And he said
20 that he was going to go to jail, he believed that he was
21 going to go to jail.

22 MS. SMITH: I have nothing further of this
23 witness.

24 Thank you, Mr. Pinckney.

25 THE COURT: Ms. Campbell.

DIRECT EXAMINATION OF MICHAEL PINCKNEY BY MS. SMITH

1 MS. CAMPBELL: May it please the Court?

2 THE COURT: Uh-huh. (Indicating affirmatively.)

3 CROSS EXAMINATION

4 BY MS. CAMPBELL:

5 Q Good morning.

6 A How are you doing?

7 Q I'm well. Mr. Pinckney, I have not spoken to you
8 before today, is that right?

9 A That's correct.

10 Q But you did make a written statement for the
11 officers around this time that you testified about, right?

12 A Yes.

13 Q Okay. And you put everything in that statement
14 that you could remember?

15 A Yes.

16 Q And you told the officers the truth when they
17 questioned you that night?

18 A As much as I could remember, yes.

19 Q And when you came out into your home and you saw
20 Jamie, and I think that you said that he had been crying,
21 something extreme had happened?

22 A Yes.

23 Q Is that right?

24 A Yes.

25 Q Did he continue to cry?

CROSS EXAMINATION OF MICHAEL PINCKNEY BY MS.
CAMPBELL

1 A Throughout the whole time. From the time he got
2 there to the time the policeman came. He didn't cry as much
3 when he was on the phone talking to whoever it was, whoever
4 had his children or his child because he said he wanted to
5 talk to the child, his child. Even during that time, he was
6 crying, but he wasn't crying as much. But in between that
7 time when he wasn't on the phone, he cried, he cried quite a
8 bit. He was really upset.

9 Q Were you ever concerned that -- you know, once
10 y'all made the decision to call the police, were you ever in
11 any way concerned that Jamie was not going to comply and
12 allow them to arrest him or that anything was going to
13 happen other than what you had planned to happen?

14 A No. I figured he was going to do exactly what
15 he said. He wanted to -- he did not want to -- I believe he
16 understood that he didn't need to run, he couldn't run
17 anymore. It appeared to me that he wanted to, not to say
18 arrested, but he wanted it to come to come kind of peaceful
19 conclusion.

20 Q I know that you've been gone a long time, you
21 know, and came back to Beaufort, that's what you testified?

22 A Yes.

23 Q And in the time since you've been back to
24 Beaufort, have you had the opportunity to spend time with
25 Jamie?

CROSS EXAMINATION OF MICHAEL PINCKNEY BY MS.
CAMPBELL

1 A Periodically, yes. We spoke on occasions when we
2 ran across one another. And that was, that was maybe once a
3 month, once every -- two times a month, we talked. We
4 always talked -- had good conversations, positive
5 conversations, learning who he was.

6 Q Did you come to know where he lived?

7 A Yes.

8 Q And where was that?

9 A I can't give you the name, the address, but it's
10 on, it's on -- right off of Short Lane Road on Little Capers
11 Road.

12 Q Little Capers Road?

13 A Yes.

14 Q Do you know who he lived with there?

15 A My understanding was his mother.

16 Q His mother?

17 A Yes.

18 Q Did you know Hazel, his mother?

19 A No, I -- prior to when I left -- when I left there
20 in '77, she -- I didn't get a chance to really say -- have
21 conversations or anything like that, no.

22 Q Did you know Eulia Moon?

23 A Could you repeat the name?

24 Q Did you know Eulia Moon?

25 A I'm not familiar with that name.

CROSS EXAMINATION OF MICHAEL PINCKNEY BY MS.
CAMPBELL

1 MS. CAMPBELL: That's all I have. Thank you.

2 THE COURT: Any redirect?

3 MS. SMITH: Nothing further for this witness.

4 Thank you, Mr. Pinckney.

5 May he be excused?

6 THE COURT: Any objection to him being excused?

7 MS. CAMPBELL: No, Your Honor.

8 THE COURT: You may be excused. Thank you very

9 much.

10 Call your next witness.

11 MS. SMITH: Judge, the State calls Brandon

12 Disbrow.

13 Thereupon,

14 BRANDON DISBROW

15 was called as a witness, having been first duly sworn,

16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MS. SMITH:

19 Q Good morning.

20 A Good morning.

21 Q Mr. Disbrow, tell us where you work.

22 A I work for the Beaufort County Sheriff's Office.

23 Q What is your position there?

24 A Currently, I'm an investigator with the northern
25 division.

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 Q Tell us what that means.

2 A So, as we're an investigator, we typically get
3 reports from patrol deputies, incidents happen, crimes, we
4 assume the investigations. Investigations can be anything
5 from, simple assaults, financial crime, major crimes,
6 homicides and so forth.

7 Q How long have you been with the Sheriff's Office?

8 A Since 2007.

9 Q Did you assist with the scene on October 29th,
10 2016?

11 A Yes, ma'am.

12 Q On Little Capers Road?

13 A Yes, ma'am.

14 Q Tell us about that night, how you got there.

15 A So, I received a phone call, I believe it was a
16 little after 1:00 in the morning. I received it from my
17 supervisor requesting some assistance to process the crime
18 scene at the Little Capers address. I arrived shortly --
19 probably about a little after 2:00 to the address.

20 One of the first things I did was I noticed
21 that the scene was secured. There were patrol deputies
22 there ensuring security of the scene. We did obtain a
23 search warrant to search that premise for any evidence of
24 crime. And it was my job after that time to processes that
25 scene for any evidence that we could find.

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 Q Do you recall -- tell us a little bit about the
2 scene, where the cars were located.

3 A Sure. The house was set up -- the main house --
4 on the right side of the main house was an apartment. It
5 looked like possibly a garage that was converted into an
6 apartment. And right outside on the right side of the
7 house, there was a driveway. And on that right side near
8 the entrance to the apartment was several vehicles. There
9 was also a vehicle parked in the back of the house. And so,
10 there was also a couple -- one -- at least, one motorcycle
11 on the outside, on the right side near the apartment as
12 well.

13 Q I'm going to show you what's already been
14 admitted -- what's already been admitted as State's No. 5.
15 Do you recognize that photo?

16 A Yes, I do.

17 Q Tell us what that shows.

18 A This is the blue Chevy Avalanche, which was one of
19 the main focuses of that crime scene.

20 Q Does that photo depict the cars as you just
21 explained they were set up in the driveway?

22 A Yes.

23 Q Okay. What did you notice about the blue Chevy
24 Avalanche?

25 A So, when I first arrived, I noticed that, very

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 similar to how we're seeing it here, the front driver and
2 front passenger doors were opened. I took a look inside the
3 vehicle and there was evidence that there was -- there was
4 blood inside the cab, with the majority of the blood being
5 in the front passenger area and the rear passenger area and
6 right behind that front passenger seat. So, basically, the
7 right side of that vehicle, the cab of that vehicle. Also,
8 that all the windows were up. So, there was nothing -- no
9 windows were in the down position at all. I could describe
10 some of the things maybe inside the vehicle, if you want me
11 to?

12 Q Yes, please.

13 A I'm not sure if we have any other pictures to
14 reference, but there was clothing items in the vehicle, but
15 most notably, there was -- like I said earlier, there was a
16 large amount of blood, pooling blood on the passenger's
17 side. But on the front passenger floorboard, there was a
18 25-caliber shell casing, which is a casing that comes out of
19 the gun after a bullet has been fired. So, there was no
20 bullet attached to the actual casing. There was, like I
21 said, some clothing items in the front driver's seat and
22 there was some keys to a vehicle in the front passenger's
23 seat as well.

24 Q Did you determine who those keys belonged to?

25 A They belonged to an Avenger, I think it was, the

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 black vehicle right behind there. And I learned later that
2 it was Eulia's keys.

3 Q I'm going to show you what's already been admitted
4 as State's No. 6. Is that the shell casing that you were
5 talking about?

6 A Yes, ma'am.

7 Q Okay. Did you collect that shell casing?

8 A Yes, I did.

9 Q What did you do with that?

10 A I placed it into one of our evidence bags and
11 sealed it and sent it to our evidence division.

12 Q Okay. Mr. Disbrow, for ID purposes only, I'm
13 showing you what's been previously marked as State's 26.

14 A Okay.

15 Q What's inside of that?

16 A According to the outside, it's a casing, a
17 25-caliber bullet, a projectile recovered from the autopsy.

18 Q Okay. And for identification purposes, I would
19 ask that you open that bag. And the first item that's
20 listed would be 26A and that would be the shell casing; is
21 that correct?

22 A I do not see 26A. But I assume it's going to be
23 on the inside.

24 Q Right. We'll put it on there once you open that.
25 Did you submit that into evidence?

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 A If I can open it, I can let you know, but I did
2 not write on this outside.

3 Q Sure, go ahead.

4 A You wanted me to identify -- you said something
5 about 26 --

6 Q It's not marked. I'm asking about the shell
7 casing that you collected?

8 A Sure, this would be this one right here, which has
9 my signature on the bag.

10 MS. SMITH: At this time, we would mark 26A for
11 identification only at this time, Your Honor.

12 BY MS. SMITH:

13 Q Tell us about how it's collected and what you do
14 once you collect it.

15 A Sure. So, once we collect any item, physical
16 items from any type of crime scene, we have the evidence bag
17 we have to fill out. Just basic information, where we
18 located it, what the item is, date and time which we did
19 collect it and what we did with it with regards to a chain
20 of custody.

21 And so, in the first block, my signature is
22 there, which we put into a temporary locker, which is
23 handled and maintained by the Beaufort County Sheriff's
24 Office evidence division. And one of the evidence
25 technicians would come and remove that and enter it into our

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 main evidence holding.

2 Q What happens with that item once you submit it
3 into evidence?

4 A Well, this has a SLED tape on it, so there's an
5 assumption here that it was sent to SLED at one point, which
6 they gathered it up and sent it back to us.

7 Q All right. So you discussed searching the inside
8 of the vehicle. Where else did you search?

9 A So, we also searched the main residence, which we
10 learned was maintained almost solely by Hazel, Jamie's
11 mother. And we also searched the apartment, which we
12 learned is where Jamie and Eulia lived, the converted garage
13 apartment. Searching the main house, there was no evidence
14 of any crime that we could see. The house was very
15 maintained, very well cleaned.

16 The apartment, though, we did find a couple
17 of items of noteworthiness that we collected. We collected
18 a couple of shell casings that were found in the house,
19 also, a BB gun and a shotgun that was located. Now, with
20 regards to the shotgun, it was underneath a cushion on the
21 couch. It was a 410 shotgun, kind of rusty. The barrel
22 appeared to have been cut off. It was maybe, 14, 12 to
23 14-inches long. There was a 410 round, a shell that was
24 still inside that shotgun. And there was a loveseat as well
25 inside that apartment and there was a BB gun that was found.

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 And there was a shell casing, it was a 223-caliber, just the
2 casing itself, that was found inside on the table. There
3 was a small table in that apartment. And there was some
4 other ammunition. There were 38-caliber rounds that were
5 found inside a shoe box in one of the nightstand tables near
6 the bed.

7 Q Okay. I'm going to hand you what's been
8 previously marked at State's Exhibit No. 18 and 19. And ask
9 if you can identify those.

10 A So, this was the shotgun that was found in the
11 couch cushion.

12 Q Okay.

13 A One image shows the shell that was removed from it
14 as well.

15 Q Is that a fair and accurate depiction of the gun
16 you found in Jamie's part of this residence?

17 A Yes, ma'am.

18 Q Okay.

19 MS. SMITH: At this time, I would move those into
20 evidence?

21 MS. CAMPBELL: Without objection.

22 THE COURT: Thank you. Admitted without
23 objection.

24 *(Whereupon, State's Exhibit No(s). 18-19 marked*
25 *for identification and received in evidence.)*

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 (Exhibits published to the jury.)

2 BY MS. SMITH:

3 Q So this is the gun that you found under the couch
4 cushion; is that correct?

5 A Yes, ma'am.

6 Q Okay. Tell us about the shell there/

7 A So, that was the shell that was ejected from the
8 barrel of the shotgun. It's a single barrel.

9 Q And then the next picture?

10 A That's how we found the gun.

11 Q Okay. At this time, I'm going to hand you what's
12 previously been marked as State's Exhibit 34. And ask if
13 you can identify that?

14 A This would be the 410 shotgun shown in the image
15 that I collected from the scene.

16 Q Okay. And what did you -- what did you do with
17 that gun once you found it?

18 A Well, likewise, with every other piece of
19 evidence, I put it into some sort of container. In this
20 case, it's just this cardboard-like paper and then affixed
21 an evidence tag to it. Then I put this in that temporary
22 storage as maintained by the evidence division at the
23 Sheriff's Office.

24 MS. SMITH: Judge, at this time, we would enter
25 that into evidence.

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 THE COURT: Any objection?

2 MS. CAMPBELL: No objection.

3 THE COURT: Ladies and gentlemen, from time to
4 time, a firearm may be admitted into evidence. It's my
5 duty to instruct you these firearms are unloaded at all
6 times in the courtroom. So I want to alleviate you of
7 those fears at this time.

8 *(Whereupon, State's Exhibit No(s). 34 marked for*
9 *identification and received in evidence.)*

10 MS. SMITH: Judge, permission to publish to the
11 jury?

12 THE COURT: Yes.

13 BY MS. SMITH:

14 Q If you will step down and just show the jury the
15 410 for us outside the bag.

16 A Sure. This is the actual gun.

17 Q And if you will, just so the jury will know, what
18 is that zip tie for?

19 A Just to go through the barrel so that it cannot be
20 closed and to put another round in there. So, this is
21 something we do to make it safe. The only way to get
22 another round is we have to cut it. So, it's just another
23 way to maintain it for us. So, the round was separated out
24 and that was put into another bag.

25 Q Thank you.

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 A Do you want me to place it back in?

2 Q That would be great, thank you.

3 A Leave it right here.

4 Q Officer Disbrow, did you observe anything else
5 that night?

6 A I did. So, we received some information that
7 Mr. Robinson left the house. We weren't sure exactly how he
8 left, but he was later found at a residence nearby, Sams
9 Point Road. And according -- knowing the area, Sams Point
10 Road would be in a westerly direction from the house.
11 Almost right across from the Robinson house was a dirt road,
12 Big Ben Road. And so, I did go over there and noted that
13 there were what we call running digs, where someone runs in
14 the dirt. You can clearly see the running marks. I did
15 notice those and photograph those. And at one point, the
16 running marks turned into a walking mark and then turned
17 into literal foot marks, where someone's shoes had been
18 removed at one point and you could see the toes and
19 everything. So, I did photograph that. Of course, along
20 the way, looking for any type of evidence that may be
21 connected, but nothing was located by myself.

22 Q Officer, I'm going to show you what's previously
23 been marked as State's Exhibit 10 and ask you if this
24 picture depicts what you were just talking about as far as
25 the running digs or prints?

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 A It does.

2 Q Is that a fair and accurate depiction of what you
3 saw that night?

4 A Yes, ma'am.

5 MS. SMITH: Judge, at this time, I would move 10
6 into evidence.

7 MS. CAMPBELL: No objection.

8 THE COURT: Admitted without objection.

9 *(Whereupon, State's Exhibit No(s). 10 marked for*
10 *identification and received in evidence.)*

11 BY MS. SMITH:

12 Q You stated this was on the path near
13 Mr. Robinson's house?

14 A Yes, it's a roadway, this roadway is directly
15 across from his house, the opposite side of the road.
16 Photographing shoe impressions in a succession is a very
17 difficult matter, but you can see where the light is
18 highlighting the shoe impression on the ground. So, there's
19 a series of other impressions that were there as well. But
20 clearly, it was a running stride at times and a walking
21 stride later on further down the road.

22 Q Officer, I'm going to show you what's been
23 previously marked as State's No. 35 for demonstrative
24 purposes.

25 MS. SMITH: Judge, may he come down?

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 THE COURT: Yes.

2 Q And ask if you can explain this area to the jury?

3 A So, this is an aerial map of this section of
4 Beaufort County, Lady's Island. So, this has marked as the
5 incident location of [REDACTED]. This is the
6 Robinson residence. And this is that dirt road from that
7 photo that you just saw, Big Ben Lane. And also, this has
8 been marked as Michael Pinckney's residence, at [REDACTED]
9 [REDACTED], that's in Beaufort. All this is in Beaufort.

10 So, those impressions that I saw on this
11 roadway, it's -- basically, it's just a dirt road, went all
12 the way down to Sams Point Road. The majority of the
13 impressions were starting from the beginning of this, the
14 road on this side and continued on -- like I say, towards
15 the beginning, I couldn't get a good estimate of exactly how
16 far they were, but it was clear at one point, they became
17 running marks to walking marks to, later on, to foot marks.
18 There's a point -- and I'm not exactly sure on this map, but
19 there was a point where we didn't have any more marks. And
20 we weren't sure if someone left the trail or went somewhere
21 else, but they did end.

22 Q Okay. Thank you.

23 *(Whereupon, State's Exhibit No(s). 35 marked for*
24 *identification.)*

25 (Exhibit published to the jury.)

DIRECT EXAMINATION OF BRANDON DISBROW BY MS. SMITH

1 BY MS. SMITH:

2 Q Officer Disbrow, where is [REDACTED]?

3 A That's in Beaufort County, South Carolina, Lady's
4 Island.

5 MS. SMITH: That's all I have for you. Thank you.

6 THE WITNESS: Thank you.

7 MS. CAMPBELL: May it please the Court?

8 THE COURT: Yes, ma'am.

9 CROSS EXAMINATION

10 BY MS. CAMPBELL:

11 Q Good afternoon.

12 A How are you?

13 Q Good to see you. So, it sounds to me like you,
14 you did a lot of the sort of searching and securing of
15 evidence that night and maybe in the day or so following,
16 yes?

17 A Yes.

18 Q Okay. I've read your report and I just want to go
19 over a couple of things about what you did, okay?

20 A Okay.

21 Q So it looks like you make a notation that -- when
22 you talk to Hazel Robinson?

23 A Yes, ma'am.

24 Q That, you know, she -- she had told you about, you
25 know, kind of beating on Jamie and injuring her hands, she

CROSS EXAMINATION OF BRANDON DISBROW BY MS. CAMPBELL

1 was so angry?

2 A Yes, ma'am.

3 Q Is that fair?

4 A That's fair.

5 Q Okay. And I think we've established that the
6 Chevy Avalanche was parked in the driveway?

7 A Yes, ma'am.

8 Q Okay. And behind the Chevy Avalanche was parked,
9 I think, a black Dodge Avenger?

10 A Yes, ma'am.

11 Q Okay. If I may, State's -- I'm going to show you
12 what's been marked and admitted as State's Exhibit 5, if I
13 may. So -- oh, I'm sorry, how -- I'm trying to use this,
14 may you take that down? Thank you. Yes. So I can point to
15 some things here. So, this is the Chevy Avalanche?

16 A Yes, ma'am.

17 Q And you attributed that vehicle to Mr. Robinson
18 and his mom, I guess?

19 A Yes, one of the two. I don't know who the
20 registered owner was.

21 Q Okay. But for your purposes that night, you
22 considered the Chevy Avalanche to have been Mr. Robinson's
23 car?

24 A Yes.

25 Q Okay. And for the purposes of your investigation,

CROSS EXAMINATION OF BRANDON DISBROW BY MS. CAMPBELL

1 this car parked directly behind the Chevy Avalanche, you
2 considered that car to be Eulia Moon's car, correct?

3 A Yes.

4 Q So, you have the Chevy Avalanche where Eulia Moon
5 is located, having been shot, right?

6 A Yes.

7 Q And you process that vehicle, correct?

8 A Correct.

9 Q And you have -- the -- the woman, who's been shot,
10 her car, right there behind the Chevy Avalanche, right?

11 A Yes, ma'am.

12 Q Okay. And who processed her car?

13 A I don't think anyone processed her car.

14 Q I don't think they did either. I'm confirming
15 that. So, her car is right there, and to the best of your
16 knowledge, no one went inside her car, correct?

17 A I don't indicate in my report. I don't recall
18 going through that car or another investigator looking
19 through it. But I do remember there was no -- nothing on
20 the outside or anything that would indicate that that car
21 was in play -- not in play, but was part of that crime scene
22 with any blood or any other signs that it was involved
23 directly.

24 Q I know, right. I mean, I'm not making some
25 assertion that there's blood all over the outside of the

CROSS EXAMINATION OF BRANDON DISBROW BY MS. CAMPBELL

1 car. But that is Eulia Moon's car, identified as her car
2 that night and her car was not impounded, correct?

3 A It was not.

4 Q It was not searched, correct?

5 A I don't indicate that I searched it. There was
6 other investigators, but.

7 Q You didn't search it?

8 A I didn't search it.

9 Q I'll pin it down. You didn't search that car?

10 A No.

11 Q You did search the apartment, right?

12 A Yes.

13 Q And in searching the apartment, did you notate
14 whether or not there were any women's clothing in the
15 apartment?

16 A I don't recall notating that.

17 Q I don't see it notated, okay. So, in searching
18 the apartment, you also secured -- and let me go through the
19 list with you, certain pieces of evidence, property ID
20 48546, which is listed as six 380 bullets. Do you need a
21 copy of your --

22 A I have what you're referring to.

23 Q Okay. Is that correct?

24 A Yes.

25 Q You, also, property ID 48550, two boxes of

CROSS EXAMINATION OF BRANDON DISBROW BY MS. CAMPBELL

1 Winchester Kinetic bullets, 22 total bullets; is that
2 correct?

3 A Yes.

4 Q Okay. And property ID 48558, a 25 auto shell
5 casing?

6 A Yes.

7 Q And those items were located in the apartment?

8 A I believe that 25 auto was inside that Chevy
9 Avalanche.

10 Q Correct.

11 A Okay.

12 Q Okay.

13 A There was a 223 round that was collected from
14 inside it.

15 Q Okay. So, the ammo that was in the apartment,
16 what of that ammo would you have put into the Lorcin
17 handgun?

18 A I didn't know anything about a Lorcin handgun when
19 I collected that.

20 Q Now knowing about the Lorcin handgun, what of the
21 ammo that you collected out of that apartment would you load
22 into the Lorcin handgun?

23 A I probably would not fathom that any of that could
24 be loaded into that handgun.

25 Q That's right. Thank you. So, were you part of

CROSS EXAMINATION OF BRANDON DISBROW BY MS. CAMPBELL

1 any effort or get a search warrant for the home of the woman
2 who was killed, Eulia Moon, her home?

3 A No. From what I understood, she lived there with
4 Mr. Robinson. But I was not a part of the investigation as
5 to the background of the victim, just the crime scene.

6 Q Perfect. The set of keys that you secured from
7 the front of the Chevy Avalanche, you indicated to the jury
8 that those keys, you believed to be keys to the Dodge
9 Avenger, correct?

10 A Yes, ma'am.

11 Q Okay. And never located Eulia Moon's purse, is
12 that fair to say?

13 A I don't recall seeing a purse at all.

14 Q Okay. There was a black and silver cool pad cell
15 phone that you located inside the apartment, correct?

16 A Yes, ma'am.

17 Q And that cell phone was located underneath a sofa
18 cushion, correct?

19 A I believe so, yes.

20 Q And you attributed that cell phone to
21 Mr. Robinson, correct?

22 A Let me refer to my report for that one. I'm not
23 sure why I indicated that it was his. I do remember
24 collecting that item, though.

25 Q Okay. You located also another cell phone, a

CROSS EXAMINATION OF BRANDON DISBROW BY MS. CAMPBELL

1 Samsung cell phone, which -- for property ID 48548, which
2 you said is believed to belong to Eulia; is that correct?

3 A Yes.

4 MS. CAMPBELL: That may be all I have, Your Honor,
5 just one second.

6 THE COURT: Okay.

7 MS. CAMPBELL: Thank you.

8 (Pause.)

9 BY MS. CAMPBELL:

10 Q So, to be clear, you located no ammunition in the
11 Chevy Avalanche, correct?

12 A Just a spent 25-caliber.

13 Q Right. Just a spent 25-caliber round in the
14 floorboard, which we've seen?

15 A Yes.

16 Q And the black Dodge Avenger was not searched by
17 you?

18 A Correct.

19 Q Eulia Moon's home was not searched by you,
20 correct?

21 A I didn't leave that scene, but I was under the
22 impression that's where she lived.

23 Q Okay. And you didn't locate her purse, you?

24 A I don't recall, that's right.

25 Q And the ammunition that was located in

CROSS EXAMINATION OF BRANDON DISBROW BY MS. CAMPBELL

1 Mr. Robinson's apartment was not the type of ammunition that
2 could be put into the Lorcin, correct?

3 A Correct.

4 MS. CAMPBELL: That's all I have.

5 THE COURT: Any redirect?

6 MS. SMITH: Nothing further for this witness.

7 THE COURT: Any objection to his being dismissed?

8 MS. CAMPBELL: (Nods in the negative.)

9 THE COURT: You may be excused.

10 If you could approach briefly.

11 (Off-the-record discussion held.)

12 THE COURT: Thank you. You may call your next
13 witness, Ms. Smith.

14 MS. SMITH: Thank you. The State calls Todd
15 Duncan.

16 Thereupon,

17 TODD DUNCAN

18 was called as a witness, having been first duly sworn,
19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. SMITH:

22 Q Investigator Duncan, where do you work?

23 A I work for the Beaufort County Sheriff's Office.

24 Q What do you do there?

25 A I work for the investigations division on the

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 northern side.

2 Q Okay. And how long have you worked there?

3 A I have worked there for seven and a half years.

4 Q And what's your role in this case that we're here
5 about today?

6 A I am the lead investigator for this case.

7 Q Explain what that is.

8 A As investigators, we work a normal 9:00 to 5:00,
9 8:00 to 5:00 kind of deal everyday doing our normal cases.
10 We also have an on-duty investigator as well, too. So, at
11 nighttime, if anything major comes up, one of us is assigned
12 a specific calender and we get called out to assist the road
13 units.

14 Q Did you collect evidence in this case?

15 A I did.

16 Q Okay. I'm going to hand you what's previously
17 been marked for identification purposes as State's 23. Can
18 you tell us what this is?

19 A Yes, ma'am. This is a -- this is what we -- when
20 we find a handgun, we put it in a gun box like this to make
21 it secure and safe, so it doesn't bounce around in a bag and
22 accidentally go off. I fill it out. It has the case
23 number, location its found, who found it, what time, date,
24 and other information on what type of weapon it is.

25 Q Where did you find that weapon?

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 A I found this weapon in the wood line off of Big
2 Ben Lane, which is the dirt road that you were shown
3 earlier. We had to search for a couple of days after the
4 incident and we found this.

5 Q What kind of gun is that?

6 A It's a Lorcin 25-caliber. It's black in color
7 with the white ivory-colored handle.

8 Q Okay. And did you collect that as the murder
9 weapon?

10 A I did.

11 Q I'm going to show you what's previously been
12 marked as State's 16, and ask you if you can identify this?

13 A Yes, this is the weapon.

14 Q Is that a fair and accurate depiction of the gun
15 located in that box?

16 A It is.

17 MS. SMITH: Judge, at this time, I would move 16
18 into evidence?

19 THE COURT: Any objection?

20 MS. CAMPBELL: No, Your Honor.

21 THE COURT: Admitted without objection.

22 *(Whereupon, State's Exhibit No(s). 16 marked for*
23 *identification and received in evidence.)*

24 (Exhibit published to the jury.)

25 BY MS. SMITH:

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Q Is that the gun?

2 A It is.

3 MS. SMITH: Judge, that's all I have for this
4 witness at this time, subject to recall.

5 THE COURT: Okay.

6 Any cross at this time?

7 MS. CAMPBELL: I know the State is going to recall
8 Investigator Duncan, so, I will reserve
9 cross-examination for that time.

10 THE COURT: Of course, no problem.

11 All right. Investigator Duncan, you may step down
12 from the stand at this time.

13 THE WITNESS: Thank you.

14 THE COURT: Ladies and gentlemen, we are -- at
15 this time, we're going to take a lunch break. It's
16 12:25. I'm going to ask that you be back in your jury
17 rooms at 1:45, okay.

18 I'm going to instruct you before you leave -- I
19 want to remind you not to conduct any independent
20 research about this case. Please do not discuss this
21 case amongst yourselves or with anybody else, all
22 right. Thank you very much.

23 THE BAILIFF: Please follow me.

24 (The jury exits the courtroom at 12:26 p.m.)

25 THE COURT: Before the jury comes back in, is

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 there anything from the State we need to take up or
2 from the Defense we need to take up?

3 MS. SMITH: Nothing from the State, Your Honor.

4 MS. CAMPBELL: No, ma'am.

5 THE COURT: Okay. And just so I kind of have an
6 idea, we all have an idea who our next witness is.

7 MS. SMITH: We have Jamie Greene from SLED, then
8 it'll be Officer Malphrus with the first interview,
9 which is now 43 minutes. And then I need to argue
10 about the jail call.

11 THE COURT: After Malphrus?

12 MS. SMITH: Yes.

13 THE COURT: Okay. After the first statement?

14 MS. SMITH: Correct. And then the second
15 statement would come in after the jail call. And I
16 would think that that would probably be as far as we
17 get today. Because the second interview is about 34
18 minutes.

19 THE COURT: Okay. Do you intend to attempt to get
20 in the jail call today, or no? You said we need to
21 argue about it. Are you going to try to get that in,
22 too?

23 MS. SMITH: Yes.

24 THE COURT: How long? Just give me an idea.

25 MS. SMITH: The call is only four minutes, it's

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 not long, and the custodian from the jail would be
2 here.

3 THE COURT: They will be here today to testify?

4 MS. SMITH: (Nods in the affirmative).

5 MS. CAMPBELL: All right.

6 THE COURT: We'll get to it when it's time. Like
7 I said, make sure to let me know and we will take a
8 break.

9 And Ms. Campbell, you, too, if there's anything we
10 need to take up, let me know and we'll excuse the jury
11 and deal with it at the time.

12 All right. We can have them come back if they're
13 ready.

14 MS. CAMPBELL: Judge, for clarification, I'm not
15 going to be objecting to this individual's
16 qualifications as an expert. Whatever the State needs
17 to do to lay that foundation for the jury is fine.

18 THE COURT: Yes, she'll still have to do that.
19 She knows that. But I appreciate y'all agreeing.

20 MS. CAMPBELL: Yes, there's not going to be an
21 issue. Thank you.

22 THE COURT: I was informed by the bailiff that one
23 of the juror's father's has been rushed to the
24 hospital. They are just waiting on a quick phone call
25 to find out if they need to be excused or not. So, we

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 will wait and see what the outcome of that phone call
2 is. We'll just be at ease until that happens.

3 MS. SMITH: We'll check and see if the jail
4 custodian can come over while we wait.

5 MS. CAMPBELL: We could take up that jail call
6 issue now while we wait.

7 THE COURT: Sure. I don't know how long it'll
8 take.

9 MS. CAMPBELL: Right.

10 (Pause.)

11 THE COURT: All right. Juror Number 96, our last
12 alternate, female alternate is the one who has had a
13 potential family emergency arise. She is going to
14 remain for now. Her family members have been given the
15 courthouse's number to call if there's a need for her
16 to leave the courtroom and be relieved of her jury
17 duty. But at this point in time, she's indicated to
18 court staff that she will remain on the jury.

19 Okay, if that's taken care of, we can bring them
20 back in. Yeah, we'll bring them back in.

21 THE BAILIFF: The jury is entering the courtroom,
22 Your Honor.

23 (The jury enters the courtroom.)

24 THE BAILIFF: The jury is seated, Your Honor.

25 THE COURT: Thank you, ladies and gentlemen. We

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 will resume the trial.

2 MS. SMITH: The State calls Jamie Greene.

3 Thereupon,

4 JAMIE GREEN

5 was called as a witness, having been first duly sworn,

6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. SMITH:

9 Q Mr. Greene, where do you work?

10 A I'm employed by the South Carolina Law Enforcement
11 Division, commonly referred to as SLED.

12 Q And what department do you work in?

13 A I'm a firearms examiner in the forensics services
14 laboratory firearms department.

15 Q Can you tell the jury what that means?

16 A Forensic scientists are firearm examiners, such as
17 myself. We examine firearms and firearms-related evidence
18 to see if a bullet or cartridge case came from a common
19 source, were they fired by this gun or not.

20 Q How long have you worked for SLED?

21 A Since June of 2005.

22 Q Okay. What kind of education and experience do
23 you have or training?

24 A I have a Bachelors and a Masters Degree from
25 Charleston Southern University. Once I was hired at SLED, I

DIRECT EXAMINATION OF JAMIE GREEN BY MS. SMITH

1 started the firearm and tool mark course of instruction.
2 It's about a three to three and a half year course of
3 instruction studying under court qualified firearm examiners
4 learning to do what I do now.

5 Q Have you testified in court before?

6 A Yes, ma'am.

7 Q How many times?

8 A I think I'm up to 72 -- excuse me, 70 State, twice
9 Federal.

10 Q Have you been qualified as an expert before?

11 A Yes, ma'am.

12 MS. SMITH: Judge, at this time, I would offer
13 Mr. Greene as an expert in firearms and tool mark
14 analysis?

15 THE COURT: Any objection?

16 MS. CAMPBELL: No objection.

17 THE COURT: All right.

18 A quick instruction to the jury. Ladies and
19 gentlemen of the jury, every now and then, there's a
20 witness qualified as an expert in a field. Typically,
21 people who take the stand cannot testify as to their
22 opinions, however, an exception is when somebody has
23 been qualified as an expert. However, I will tell you
24 that simply because someone has been qualified as an
25 expert does not mean that you have to take their

DIRECT EXAMINATION OF JAMIE GREEN BY MS. SMITH

1 opinion in part or in whole at all. It just simply
2 means that they have an expertise in some area or
3 field. All right. Thank you very much.

4 Go ahead.

5 BY MS. SMITH:

6 Q Mr. Greene, how did you become involved in this
7 case involving the Defendant, Jamie Robinson?

8 A I was part of the micro verification process. As
9 part of the quality control process at SLED in the firearms
10 department, any time any results are published to or
11 submitted to the solicitor's office, sheriff's office or
12 police department, whenever the examiner assigned the case
13 works the case, they have to get what we call micro
14 verification. That's what I did. I come in and I look at
15 the evidence and any applicable test specimens created by a
16 submitted firearm independently of the examiner and come to
17 my own conclusion. Once I do that, I then do a technical
18 and administrative review of the case file and report.

19 Q Who was the examiner assigned to this case?

20 A Suzanne Cromer.

21 Q All right. I'm going to hand you items that have
22 previously been marked for identification. I hand you first
23 State's Exhibit 23, and ask you to take a look at that.

24 A The box is still sealed, so it will take me a
25 minute. While I'm doing this, as part of the micro

DIRECT EXAMINATION OF JAMIE GREEN BY MS. SMITH

1 verification process, if there's a firearm submitted, I
2 never actually get to see or hold the firearm. However, as
3 part of the case file, there are pictures of it and
4 applicable worksheets record the make, model, and serial
5 number. Also, we mark the evidence with our item number,
6 lab number and initials. So, when I get the box open, I'll
7 look and see if all that information is on there.

8 On State's Exhibit 23, the make, model and
9 serial number all match that of the firearm that were
10 submitted by S. Cromer.

11 MS. SMITH: Your Honor, at this time, we would
12 move 23 into evidence.

13 THE COURT: Any objection?

14 MS. CAMPBELL: No objection.

15 THE COURT: Without objection.

16 *(Whereupon, State's Exhibit No(s). 23 marked for*
17 *identification and received in evidence.)*

18 BY MS. SMITH:

19 Q If you would show State's 23 to the jury. Step
20 off of the stand.

21 A Sorry, say that again.

22 Q If you would show it to the jury.

23 A There's a zip tie through the slide, the barrel of
24 the gun. It's not going to hurt anybody. State's 23 is a
25 Lorcin LT 25 semi-automatic pistol, 25 auto caliber with a

DIRECT EXAMINATION OF JAMIE GREEN BY MS. SMITH

1 serial number of LT170082.

2 Q I'm now going to hand you what's been previously
3 marked for identification purposes, State's 26A and B. And
4 ask you if you could identify those?

5 A State's Exhibit 26A is a fired cartridge case that
6 has Suzanne Cromer's initials on the packaging and on the
7 cartridge case itself. And State's Exhibit 26B is a fired
8 bullet that, also, the packaging and the evidence has
9 Suzanne Cromer's initials and lab number on it.

10 MS. SMITH: Judge, at this time, we'd move 26A and
11 B into evidence?

12 THE COURT: Any objection?

13 MS. CAMPBELL: Without objection, Your Honor.

14 *(Whereupon, State's Exhibit No(s). 26A and 26B*
15 *marked for identification and received in evidence.)*

16 BY MS. SMITH:

17 Q All right. Agent Greene, can you tell us about
18 the results of your testing or Ms. Cromer's testing that you
19 micro verified in this case?

20 A Yes, ma'am. Let me stop for a minute. When
21 evidence is submitted, specifically with a gun, what S. A.
22 Cromer did was she shot the pistol, same thing I would or
23 any of us would do, to obtain test specimens that were fired
24 from that pistol. And those were used for microscopic
25 comparison. So, when I did micro verification, I looked at

DIRECT EXAMINATION OF JAMIE GREEN BY MS. SMITH

1 State's 26A, the cartridge case, and State's 26, the bullet,
2 versus test fires fired by State's Exhibit 23. The results
3 of those were that State's Exhibit 26A, the cartridge case,
4 was fired by the State's Exhibit 23 pistol. 26B, the
5 bullet, the results were inconclusive. It's a fancy word
6 for I don't know or she doesn't know, I agree.

7 There were some similarities noted, but the
8 bullet was too damaged and there was not enough similarities
9 to say it had to have been fired by State's Exhibit 23.
10 There just wasn't enough there, but there was some
11 similarity.

12 MS. SMITH: Just say minute, Investigator.

13 (Pause.)

14 MS. SMITH: That's all I have for you. Thank you.

15 MS. CAMPBELL: May it please the Court?

16 THE COURT: Yes, ma'am.

17 CROSS EXAMINATION

18 BY MS. CAMPBELL:

19 Q Good afternoon.

20 A Good afternoon.

21 Q I'll try to speak loudly like you asked me to do.

22 Can you hear this?

23 A Yes, ma'am.

24 Q Perfect. Let's talk a little bit about this

25 Lorcin handgun.

CROSS EXAMINATION OF JAMIE GREEN BY MS. CAMPBELL

1 A Yes, ma'am.

2 Q It's not the Cadillac of handguns, right?

3 A Yes.

4 Q It could be described as an unreliable or pretty,
5 I don't want to say crappy, but it's not a good handgun?

6 A Yes, ma'am. It actually was covered under the old
7 antiquated State's Saturday night special law, where it was
8 -- you know, Saturday night special was any firearm that the
9 metal had a melting point below, I believe it was
10 850 degrees, and this does fall under that category.

11 Q A lot of problems with this type of handgun,
12 correct?

13 A Yes.

14 Q You note in your report that this particular
15 handgun, that the safety lever was missing on this, State's
16 23; is that correct?

17 A Yes, ma'am, that's what Suzanne Cromer noted, yes,
18 ma'am.

19 Q Okay. And you have viewed the photographs during
20 these experiments, correct?

21 A Yes, ma'am. As part of my review, I did observe
22 her photographs that she took of the evidence as she
23 received it.

24 Q And you have those photographs with you?

25 A Yes, ma'am.

CROSS EXAMINATION OF JAMIE GREEN BY MS. CAMPBELL

1 Q In fact, you and I just looked at them earlier,
2 correct?

3 A Yes, ma'am.

4 Q And the safety, in fact, at the time you
5 examined -- she examined it was missing, right?

6 A Yes, ma'am.

7 Q Let's talk a little bit about how the mechanisms
8 of this gun work.

9 A Okay.

10 Q So, if we have -- let's say -- so, we have the
11 handgun and then we have the clip?

12 A Or the magazine, yes, ma'am.

13 Q The magazine, okay. And so, tell us how you would
14 go about loading the handgun?

15 A All right. I'll just use State's Exhibit 23.

16 Q Please.

17 A Okay. It's still unloaded. This is the magazine
18 well, this hole in the butt of the pistol, State's Exhibit
19 23. You would take your loaded magazine, insert it into the
20 magazine well. There's a little magazine catch right here
21 on the bottom that will catch it. You have a gun that's got
22 a loaded magazine, but the firearm is unloaded. You pull
23 the slide to the rear and let it go. And when you let it
24 go, the slide will strip the cartridge off the magazine and
25 load it into the chamber. The pistol is then loaded and

CROSS EXAMINATION OF JAMIE GREEN BY MS. CAMPBELL

1 ready to be fired.

2 Q At that point, with the safety missing, what
3 mechanism, if any, would keep that, State's 23, from firing?

4 A Keeping your finger off the trigger.

5 Q So, there is none?

6 A Correct. Yes, ma'am. There is no safety if
7 this -- you can actually -- I don't know if you can or not,
8 but there's a little -- see the kind of whitish grips,
9 there's a little black slot cut in there, that's where the
10 safety should reside, but the safety is not there.

11 Q Thank you. What sort of ammunition would you have
12 to be using in State's 23?

13 A Any manufacturer of 25 auto caliber or 25 ACP.
14 They're the same thing, just different names.

15 Q And the magazine is with State's 23?

16 A I believe the magazine was a separate -- I'm
17 sorry, there was no magazine.

18 Q There is no magazine?

19 A Yes, ma'am. We -- S.A. Cromer used a laboratory
20 supplied magazine to test fire since no magazine was
21 submitted.

22 Q And that's kind of what I'm trying to get at. So,
23 all you had was the handgun itself?

24 A Yes, ma'am.

25 Q You did not receive a magazine of any sort from

CROSS EXAMINATION OF JAMIE GREEN BY MS. CAMPBELL

1 Beaufort County Sheriff's Office?

2 A Well, SLED did not, or Suzanne Cromer did not.
3 But, no, ma'am, no magazine was submitted in this case.

4 MS. CAMPBELL: That's all I have. Thank you.

5 THE COURT: Any redirect?

6 MS. SMITH: Judge, I have nothing for this
7 witness.

8 THE COURT: Any objection to him being dismissed?

9 MS. CAMPBELL: No, ma'am.

10 THE COURT: You are free to leave, sir. Thank you
11 very much.

12 THE WITNESS: Thank you.

13 MS. SMITH: The State calls Jason Malphrus.

14 Thereupon,

15 JASON MALPHRUS

16 was called as a witness, having been first duly sworn,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. SMITH:

20 Q Mr. Malphrus, where do you work?

21 A I work for the Beaufort County Sheriff's Office.

22 Q You recently got promoted; is that correct?

23 A Yes, ma'am.

24 Q What is your title now?

25 A Staff sergeant.

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 Q How long have you been with the Beaufort County
2 Sheriff's Office?

3 A Roughly, 10 years.

4 Q In October of 2016, what were you doing for the
5 Beaufort County Sheriff's Office?

6 A I was working as a criminal investigator in the
7 north side of the county.

8 Q Staff Sergeant, did you -- were you contacted by
9 Officer Zsamar with the investigations division to assist in
10 the case that we're here about today in involving Jamie
11 Robinson?

12 A Yes, ma'am.

13 Q Tell us how you came to be involved.

14 A I was contacted about this case, advised that
15 there was a shooting incident. By the time I got involved,
16 Mr. Robinson had been located and I was asked to go to our
17 office, the investigations office to interview Mr. Robinson
18 with my partner, Staff Sergeant Zsamar.

19 Q Where is your office located?

20 A We're at 1925 Duke Street.

21 Q Okay. Do you have a room there that you use for
22 investigations?

23 A Yes, ma'am.

24 Q Who interviewed the Defendant with you?

25 A Staff Sergeant Zsamar.

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 Q Approximately, what time was this?

2 A Around 2:30 in the morning.

3 Q Okay. Had you been informed what the situation
4 was that night and why he was coming in?

5 A Yes, ma'am.

6 Q Okay. Tell us that.

7 A There was a shooting involving Mr. Robinson and
8 the victim in this case, Ms. Moon. The information was they
9 were in Mr. Robinson's vehicle at his house, Ms. Moon got
10 shot somehow during this incident. Mr. Robinson fled the
11 scene and that he was located, I believe, at a relative's
12 house. He was detained by patrol deputies and brought to my
13 office to see if he could be interviewed or not.

14 Q Mr. Malphrus, I'm going to hand you what has been
15 marked as State's Exhibit 36, and ask you to take a look at
16 that. Mr. Malphrus, when you interviewed Mr. Robinson that
17 night, did you read him his Miranda rights before you
18 interviewed him?

19 A I did.

20 Q And how do you know -- how did you indicate you
21 did that?

22 A This is our Sheriff's Office Miranda form. The
23 top has case number, where we were, person we interviewed in
24 this case, Mr. Robinson's name, and then it goes through the
25 rights. They initial that they understand them and they

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 sign at the bottom of the form indicating whether they want
2 to be interviewed or not.

3 Q What's the date and time on that form?

4 A It's October 29th, 2016 at about 2:30 in the
5 morning.

6 Q At the time when you interviewed Mr. Robinson --
7 about how long did the interview last, first?

8 A Approximately an hour.

9 Q At any time during that interview, did you believe
10 that Mr. Robinson was physically or mentally impaired to be
11 speaking with you?

12 A Didn't appear to be impaired to me.

13 Q Did you believe at any time during that interview
14 that he was under the influence of prescription medication
15 or alcohol that would impair his ability to know what he was
16 doing when he was giving his statement?

17 A No, ma'am.

18 Q Was Mr. Robinson ever threatened or coerced to
19 give him this statement?

20 A No, he wasn't.

21 Q Did you ever promise him anything for this
22 statement?

23 A No, ma'am.

24 Q Was Mr. Robinson ever denied any breaks during
25 this interview?

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 A He was not.

2 Q Okay. Did you ever offer him a drink of water or
3 a bathroom break throughout this interview?

4 A He was offered comfort breaks, I believe, water,
5 maybe some coffee that night.

6 Q To the best of your knowledge, did Mr. Robinson
7 make this statement freely and voluntarily to you and
8 Officer Zsamar?

9 A Yes, ma'am.

10 MS. SMITH: Your Honor, at this time, I move 36
11 into evidence.

12 THE COURT: Any objection to 36?

13 MS. CAMPBELL: Your Honor, just subject to the
14 prior objection that we placed on the record.

15 THE COURT: Admitted subject to my previous ruling
16 as well.

17 *(Whereupon, State's Exhibit No(s). 36 marked for*
18 *identification and received in evidence.)*

19 BY MS. SMITH:

20 Q Staff Sergeant, I'm going to hand you what's been
21 previously marked as State's Exhibit 37, and ask if you can
22 identify that?

23 A This is a copy of the interview we recorded in my
24 office that night between, myself, Sergeant Zsamar and
25 Mr. Robinson.

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 Q Okay. Did you have a chance to review that disc
2 before today?

3 A I did.

4 Q Okay. And how did you indicate that you had
5 reviewed it?

6 A My initials and date.

7 Q And we'll play that in a minute. Staff Sergeant
8 Malphrus, did the Defendant give you different stories
9 throughout this interview?

10 A He gave an initial story he stuck with and then at
11 the end of the interview, the story kind of changed a little
12 bit.

13 Q Okay. What was the first story he told you?

14 A To summarize, the first story was -- we got to the
15 office, I asked Mr. Robinson what happened. He was telling
16 me that him and the victim in this case, Ms. Moon, were
17 sitting in his vehicle at his house in the driveway. They
18 were facing the house. They were sitting in the truck and
19 just kind of chilling out. And an individual walked up to
20 his driver's side window, he thinks what may have been a
21 black male, but he had a mask on, a dark mask and he
22 couldn't tell. And this unknown individual stuck a gun
23 through his driver's side window, put it to his head and
24 said, give me your stuff, like he wanted to rob him. A few
25 minutes later, he -- this suspect points the gun across him

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 towards Ms. Moon and fires a round striking her on the side
2 of the head. Mr. Robinson says after that shot, he pushes
3 the guy's arm away, this individual flees on foot.
4 Mr. Robinson gets out of the vehicle, I believe he runs up
5 and tells his mom, Eulia has been shot, kind of stresses out
6 and flees the area on foot.

7 Q Did he tell you what he did when he ran, right
8 after he told his mom to call 911?

9 A He said he grabbed his weed and ran, kind of
10 stressing out.

11 Q Was Mr. Robinson crying during the interview?

12 A He was upset. He was visibly upset, crying.

13 Q Now, when he told you that someone came up to the
14 driver's side door and through the driver's side window and
15 put a gun through the car and shot Ms. Moon, did that strike
16 you as odd?

17 A It did, yes, ma'am.

18 Q Okay. Had you received information that would
19 contradict that story?

20 A During this interview while I'm talking to
21 Mr. Robinson, we have detectives deputies out at his
22 residence on, I believe, it's [REDACTED], [REDACTED]
23 Road, where the incident took place, and I'm getting
24 information from them. And I'm trying to verify what he's
25 saying versus what's at the scene. A key part of this was

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 his driver's side window. So I have some correspondence
2 between deputies at the scene if his window was up or down.
3 I believe I was speaking to Sergeant Disbrow. He said the
4 window was up upon his arrival. He said he spoke to
5 deputies who got there first who observed the window to be
6 up, not down, the driver's side window.

7 Q Did you tell the Defendant this during the
8 interview?

9 A I did. Mr. Robinson went through his statement of
10 what happened. We had a couple of clarifying questions, and
11 then I confronted him about the window being up. I showed
12 him a picture of it. And then, he got a little irritated by
13 that and kind of changed, changed demeanor.

14 Q How did his demeanor change?

15 A Got a little angry, irate, I guess,
16 confrontational. It upset him, upset him.

17 Q Did he get defensive?

18 A Yes, ma'am, he was upset when we pointed out that
19 information.

20 Q Did he tell you he had been drinking that day?

21 A During the interview earlier on, I think he said
22 he had two or three beers. And then, after we get to the
23 part of the interview where I showed him the window being
24 up, he then says again that he's -- you know, I've been
25 drinking, I've done some drugs, that sort of thing.

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 Q Did you ask him if he had been arguing with the
2 victim that day?

3 A I believe so. There -- I don't believe they were
4 arguing. They get along good, they were just chilling out
5 in the truck, spending time together.

6 Q Did he tell you they hadn't been arguing that day?

7 A I think so, yes, ma'am.

8 Q Did the Defendant tell you what he told his mother
9 when he told her to call 911?

10 A The part of the interview when I confronted him
11 about the window being up, also -- I also made reference
12 that speaking to the deputies on scene that he had told
13 her -- or his mother had told deputies that he shot her
14 afterwards. I presented that to him and he said, no, that
15 was inaccurate. He never said that, you know, maybe his mom
16 misunderstood or she was hysterical. He claims not to have
17 told his mom that.

18 Q Officer, after the Defendant's demeanor changes
19 and he gets defensive with you, do you tell him that you
20 thought this was an accident?

21 A I did. I did.

22 Q Why did you tell him that? Did you believe it was
23 an accident?

24 A No, ma'am. The information I had at the time, I
25 didn't believe it to be an accident. I told him I thought

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 it was an accident to try to reestablish some rapport in our
2 interview because he was getting upset. I wanted him to
3 continue to speak with me on it. So I did say I thought it
4 was an accident to try to reestablish rapport with him at
5 that point.

6 Q At this point, did you believe anything he had to
7 say so far?

8 A No, ma'am. I couldn't get over the window being
9 down was kind of my hinge point.

10 Q Okay. So is it fair to say that you told him it
11 was an accident to build rapport to get him to, ultimately,
12 tell you the truth?

13 A Yes.

14 Q Is that a common interrogation technique?

15 A It's a interrogation technique. I guess, there's
16 many people develop their own niches, I guess, as they go,
17 but yes, ma'am, I used it as an interrogation technique to
18 try to get him to continue speaking to me about it.

19 MS. SMITH: Judge, at this time, I would like to
20 publish State's 37 to the jury.

21 THE COURT: Subject to my previous ruling.

22 *(Whereupon, State's Exhibit No(s). 37 marked for*
23 *identification and received in evidence.)*

24 (State's Exhibit No. 37 published to the jury.)

25 THE COURT: Let's make sure that we have the

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 volume adjusted before we go any further.

2 (Audio is stopped.)

3 BY MS. SMITH:

4 Q Officer Malphrus, is this the point in the
5 interview -- the picture that you just showed him, what did
6 that picture show? We can't see it on this video.

7 A It's a picture of the vehicle that he and Ms. Moon
8 was in. It's a picture of the driver's side.

9 Q Okay. Is the window up in the picture?

10 A Yes, ma'am.

11 Q Does this contradict the story he's been telling
12 you thus far?

13 A It does. The statement he was giving before was
14 that the window was down because the guy, the suspect stuck
15 a handgun through the window at his head and pointed it at
16 Ms. Moon.

17 Q Thank you.

18 (Continue playing video of interview.)

19 (Video of interview stopped playing at
20 3:12 p.m.)

21 BY MS. SMITH:

22 Q Staff Sergeant Malphrus, when during that the
23 interview does Jamie Robinson tell you it was an accident?

24 A He didn't.

25 MS. SMITH: Nothing further of this witness.

DIRECT EXAMINATION OF JASON MALPHRUS BY MS. SMITH

1 Thank you.

2 MS. CAMPBELL: May I proceed?

3 THE COURT: Yes.

4 MS. CAMPBELL: Thank you.

5 CROSS EXAMINATION

6 BY MS. CAMPBELL:

7 Q It's staff sergeant; is that right?

8 A Yes.

9 Q Staff Sergeant Malphrus, when you prepare for an
10 interview or an interrogation as we just saw, you would try
11 to be prepared with information, as much as you can get, to
12 get the most out of your interrogation; is that fair?

13 A You try to prepare for an interrogation, yes,
14 ma'am.

15 Q So, in preparing for this particular
16 interrogation, as you might in other interrogations, you try
17 to get information from the crime scene relayed to you,
18 right?

19 A Yes, ma'am.

20 Q Okay. And you did that in this case, correct?

21 A Yes, ma'am.

22 Q Okay. So, prior to beginning your interrogation
23 of Mr. Robinson, you had already begun the process of
24 gathering information that you would use during the
25 interrogation, correct?

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 A I would have got a briefing of what's going on,
2 yes, ma'am.

3 Q All right. And some of the preparation that you
4 would do to perform an interrogation may be looking at the
5 background of the person that you're going to be
6 interrogating; is that fair? Do you do that?

7 A If time permits, yes, ma'am. I guess each case
8 would be different.

9 Q So it might be helpful if you knew whether the
10 person that you were going to be interrogating, you know,
11 had ever been arrested for something like that before or had
12 a background that would give you concern, right?

13 A Okay, sure.

14 Q I mean, that's fair, correct? You might get that
15 information before --

16 A You talking about somebody's criminal history
17 before I interview them?

18 Q Absolutely, right, what's their background?

19 A Yes, case by case, yes, ma'am.

20 Q So you might look that up, correct?

21 A Yes, ma'am.

22 Q Did you look that up in this case?

23 A No, ma'am. In this case here, I believe it came
24 out around midnight. The interview started at 2:30. I
25 probably would have been called somewhere in that first

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 hour. I wasn't actually the on-call guy, so, I would have
2 been called once the on-duty got there.

3 In this case, I mean, all I knew was that
4 there was an incident, Ms. Moon had got shot. She was with
5 Mr. Robinson in the car and Mr. Robinson, we didn't know
6 where he was. When I asked him, you know, what happened,
7 like, I legitimately didn't know what was going on at that
8 time. There was no -- in this case, no criminal history or
9 nothing like that. I knew Mr. Robinson from a prior death
10 investigation when one of his friends passed away.

11 Q Okay. So that -- thank you. That's kind of what
12 I was trying to get to. So you knew Mr. Robinson in the
13 community and you knew him not to have a violent background,
14 correct?

15 A I didn't -- I'm not aware of his criminal history.
16 My only dealings with him prior, prior to this was when his
17 friend passed away.

18 Q Okay. So, you know, there is no criminal history
19 for Mr. Robinson, correct?

20 A I'm not sure. I didn't run his criminal history
21 in this case.

22 Q Did Officer Zsamar do that prior to the
23 interrogation?

24 A I don't believe there would have been time, no,
25 ma'am.

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 Q So no time. What's this Spillman that you guys
2 use? What's that program, that computer program?

3 A Our information system.

4 Q Perfect. So your information system that's called
5 Spillman, how long does it take for you to log into Spillman
6 to pull up somebody's information, about how long does that
7 take?

8 A A couple of minutes.

9 Q Okay. So, a couple of minutes, punch in the
10 numbers, put in a name and you've got a list of concerns
11 about this person, the connections between this person and
12 other people, is that not true about Spillman?

13 A If you pull somebody up in Spillman, for example,
14 if you put, say, my name, Jason Malphrus, you hit the search
15 button, I would pop up. Then, we have a tab called
16 involvements. You can hit that tab and see if someone has
17 been pulled over for a traffic ticket or been involved in
18 whatever type of involvement with the Sheriff's Office.

19 Q Right. Because when you pull someone over to
20 issue a traffic ticket, if there's other people in the car,
21 those other people in the car are logged into Spillman as
22 involvements, correct?

23 A I don't know if they put other people, like
24 passengers, but the driver would be, yes, ma'am, their
25 contact with them.

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 Q So, your prior experience with Mr. Robinson, when
2 his friend had passed away, was that a positive experience
3 for you? Did you come away from that with any negativity?

4 A No, ma'am. My experience with Mr. Robinson in
5 that case was, essentially, his friend had been found passed
6 away in the woods. We learned that he was friends with the
7 passed away gentleman and I went just to talk to
8 Mr. Robinson to see, know, what's this guy been up to, where
9 was he at, who did he hang around. I mean, it wasn't
10 confrontational, it was like a witness.

11 Q So, would you characterize it as something that
12 was positive, negative or just neutral?

13 A It would be, like I say, this lady here, I get
14 information. She was a friend of someone who passed away.
15 I would come and say hey, I'm Investigator Malphrus from the
16 Sheriff's Office, can I talk to you about, you know, this
17 person.

18 Q The solicitor asked you about whether or not you
19 asked Mr. Robinson if he had been taking any prescription
20 medications; is that -- did she ask you that question,
21 something about prescription medications?

22 A I don't recall anything about prescription
23 medications.

24 Q If he had been taking any prescription medications
25 that might interfere with his understanding what was going

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 on?

2 A In this line of the questioning here, I don't
3 recall anything about medications.

4 Q In the courtroom. All right. So in a moment,
5 we'll take a break and I'm going to look that up to get the
6 question and answer.

7 MS. CAMPBELL: If I may, Your Honor?

8 THE COURT: Uh-huh. (Indicating affirmatively.)

9 Q Because I didn't hear in the interview, this
10 interrogation that you did with Officer Zsamar, I didn't
11 hear any conversation about, have you been drinking, I
12 didn't hear you say that. Did you?

13 A I believe that Sergeant Zsamar had asked him if he
14 had had a couple of beers.

15 Q And I did not hear you or Zsamar ask him, have you
16 been taking any medications, prescription medications that
17 might impair your understanding of what you're doing here,
18 right?

19 A No, I didn't ask him about prescription
20 medication.

21 Q All right. The solicitor asked you about this
22 thing about when you say to Jamie, you know, Jamie, I think,
23 I think this was an accident. Do you recall her asking you
24 about that?

25 A Yes, ma'am.

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 Q Okay. And I know your response was that it's a
2 technique that you use in interrogations, correct?

3 A Yes, ma'am.

4 Q So you felt like at that point he's lying to me,
5 right?

6 A I did. I felt like something -- that the facts
7 weren't adding up.

8 Q Right, and I've heard you say that. And I think
9 what you were saying was something about, you know, the
10 pieces aren't fitting together. It wasn't fitting together
11 for you, right, in your mind?

12 A Yes.

13 Q So you felt like he was lying?

14 A Yes.

15 Q So you responded to him lying to you by you lying
16 to him?

17 A I did.

18 Q Okay. So, he's lying and you're lying and we
19 don't ever get to the truth, do we?

20 A The truth of?

21 Q The truth of what happened in this interrogation?
22 You said to the solicitor, you never got to the truth,
23 right?

24 A Well, with this here, again, we'll go back when we
25 started this interrogation, we didn't know really what was

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 going on. When I asked him what was going on, he gave me a
2 statement, which we tried to verify out there, so, I guess,
3 the only truth we could find is the window up or down going
4 on.

5 Q So the story matching the evidence, that's key for
6 you as an investigator, right?

7 A Yes, ma'am.

8 Q Okay. So, the pieces of evidence that you are
9 able to put together, that's critical in you trying to
10 determine whether something is the truth or not, correct?

11 A Yes, ma'am.

12 Q Okay.

13 MS. CAMPBELL: That's all I have. Thank you.

14 THE COURT: Okay. Ms. Campbell, do you want to
15 take a short break at this time in order to take up
16 that matter?

17 All right. Ladies and gentlemen, we're going to
18 take a short afternoon break at this time for about
19 seven minutes. Stretch your legs, go to the restroom,
20 if you need to. I'll instruct you once again to make
21 sure you do not begin deliberations or discuss the case
22 in any way. Thank you very much.

23 (The jury exits the courtroom.)

24 THE BAILIFF: The jury is cleared, Your Honor.

25 THE COURT: Do you want to have the court reporter

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 queue that up?

2 MS. CAMPBELL: I do, Your Honor.

3 (Pause.)

4 MS. CAMPBELL: May it please the Court?

5 THE COURT: Yes.

6 MS. CAMPBELL: Thank you. I have had an
7 opportunity to review with the court reporter and the
8 State the question that was asked to Officer Malphrus
9 and his response. And I don't think it's something
10 that I would be impeaching him with, but I do think
11 based on his testimony, again, at some point, you know,
12 it would be tied into closing argument or whatever.
13 But it's not something that I would impeach him with.

14 THE COURT: Okay.

15 MS. CAMPBELL: So, I would be finished with him
16 and with the cross-examination. You know, just have it
17 based on what is seen in the video, which is he's not
18 questioned about any prescription medications.

19 THE COURT: Okay.

20 MS. CAMPBELL: But prior to the jury coming back,
21 I did want to put something else on the record, but not
22 related to this particular officer.

23 THE COURT: Okay. Before we get to that, is there
24 anything you want to say about the prescription
25 question?

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 MS. SMITH: No, Judge.

2 THE COURT: All right. Ms. Campbell.

3 MS. CAMPBELL: May it please the Court, Your
4 Honor. We had a rather lengthy hearing yesterday
5 afternoon regarding the statement. And just again, to
6 protect myself and to protect my client, I wanted to
7 make it clear that again, we had objected and ask that
8 the Court not allow any portion of the video, audio
9 tape to be introduced into evidence after he asserts
10 his right to remain silent. And we said, you know,
11 that we felt after he invoked that right, it should be
12 cut off. I know the Court ruled that that would not
13 take place and I thought the ruling was based on the
14 fact that he, you know, was just sort of talking, if
15 you will.

16 But again, yesterday and today, it's very clear
17 that he was not just, you know, talking. He was
18 responding to questions they continued to ask him after
19 he said, you know, he wanted to remain silent. And
20 just for clarification, I wanted to put that on the
21 record because we've seen it again today. Thank you.

22 THE COURT: Sure. Do you want to respond?

23 MS. SMITH: Judge, pursuant to your ruling, we
24 stopped it where you told us to, which is when he asked
25 for a lawyer, not where he said I don't want to talk no

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 more and he kept talking. It's where he specifically
2 asked for a lawyer and we cut it immediately after he
3 said that pursuant to the Court's ruling yesterday.

4 THE COURT: Over your objections, which you have
5 made very clear for the record, I will stand by my
6 ruling that I made yesterday during the Jackson V.
7 Denno hearing. There's really nothing else I need to
8 add. I made my ruling very clear and stand by my
9 ruling here today.

10 Anything else?

11 MS. CAMPBELL: No, ma'am.

12 THE COURT: All right. Take a few minutes and
13 we'll be at ease.

14 MS. SMITH: Judge, my next witness is the jail
15 phone call that we talked about earlier.

16 THE COURT: Do you want to address that now, go
17 ahead and take that up?

18 MS. SMITH: We've got the custodian here.

19 THE COURT: Are you ready for that?

20 MS. CAMPBELL: We can argue it, yeah.

21 THE COURT: All right. Ms. Campbell, you filed a
22 notice of motion and memorandum in support of the
23 motion to suppress any and all jail phone calls
24 allegedly made by the Defendant; is that correct?

25 MS. CAMPBELL: That is correct, Your Honor.

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 *(Whereupon, Court's Exhibit No(s). 9 marked for*
2 *identification and received in evidence.)*

3 THE COURT: And I have a copy of that motion and
4 memorandum here, which is marked as a Court's Exhibit.
5 And I'm happy to hear from you on that.

6 MS. CAMPBELL: Your Honor, probably within the
7 last four or five years, it has become a practice of
8 the detention center to communicate and coordinate with
9 the Solicitor's Office on, you know, these pending
10 case, so this is not the first time I've dealt with
11 this situation, and I filed. At some point, it's going
12 to get to the Supreme Court. I file this every time.
13 And so, you know, right now, I'm dealing with the four
14 criteria that I will rely on and ask the Court to make
15 this a Court's Exhibit, my motion.

16 THE COURT: It will be.

17 MS. CAMPBELL: So, the four criteria which I laid
18 out in the motion was that the State of South Carolina
19 didn't obtain the jail phone calls with a warrant,
20 subpoena, court order or other valid process. I think
21 they remedied that because I think they are now
22 obtaining them; I believe the State would show, through
23 a subpoena, I believe, is what the practice is now.

24 The second ground is that even if we have that
25 compliance, they're going to have to make a showing

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 through the testimony and the information that they
2 would provide to the Court that it's sort of the
3 knowing valid waiver has taken place in notice to the
4 Defendant that his phone call is being recorded and
5 that they are going to use it against him.

6 And that third -- excuse me, and then, fourth,
7 what's happening is, is that, you know, the individuals
8 upon their arrest and then, again, you know, throughout
9 the pending litigation and during trial, they will be
10 targeted. So, a high profile person comes into the
11 detention center, it's my understanding, you know, then
12 we are targeting that individual and listening to what
13 is going on with them, with a particular interest.

14 The problem with that is, is that's not the
15 purpose of the recording system in a penitentiary or in
16 our detention center. The purpose of the recording of
17 the phone calls is supposed to be for maintaining the
18 security and integrity of the institution. And it has
19 sort of been contorted now to be used as here's the
20 thing, it's a tool of law enforcement. And that tool
21 of law enforcement because, you know, they're not law
22 enforcement -- you know, they're corrections officers
23 in the sense that these are investigators. And it's
24 now been turned into this tool that is being used by
25 law enforcement.

CROSS EXAMINATION OF JASON MALPHRUS BY MS. CAMPBELL

1 So those are kind of the broad areas where we
2 object to the introduction of phone call. And I
3 believe there's one in this case, correct?

4 MS. SMITH: Correct, the one I provided you.

5 MS. CAMPBELL: Thank you, Judge.

6 THE COURT: Happy to hear from the State?

7 MS. SMITH: Judge, we obtained a jail call that
8 the Defendant made on October 29th, 2016, at 4:55 a.m.,
9 after he had been questioned by Officer Malphrus and
10 arrest -- and booked into the detention center. This
11 call was referenced in the incident report in this case
12 by one of the officers because she was actually present
13 there when that call took place with Ms. Robinson. She
14 had it on speaker phone. And the officer said I think
15 he was in the jail when he made this call. I
16 immediately looked it up.

17 As soon as I obtained the call via subpoena
18 submitted to the Beaufort County Detention Center, Mr.
19 Eddie Aiken provided me with what's been marked as
20 State's Exhibit 22 for identification. It is that
21 call. I immediately -- before I could even get the
22 disc and hard copy to Ms. Campbell, I immediately
23 emailed it to her last Friday. In that call, he asks
24 for a lawyer. He tells his mother he needs a lawyer.
25 He gets very relevant.

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 BY MS. SMITH:

2 Q Lieutenant Aiken, where do you work?

3 A Beaufort County Detention Center.

4 Q And what is your job there?

5 A I'm the training lieutenant. I'm over intel as
6 well.

7 Q Okay. How long have you been there?

8 A Seven years.

9 Q Okay. And did you receive a subpoena from me last
10 week on July 13th, 2018?

11 A I did.

12 Q From my office?

13 A Yes, ma'am.

14 Q Okay. And do you recall that that subpoena was
15 for a telephone call placed by inmate Jamie Robinson, number
16 68240 on October 29th, 2016, at 4:55 a.m.?

17 A Yes, ma'am.

18 Q Okay. And pursuant to that subpoena, did you
19 provide a disc containing that call to me?

20 A I did.

21 Q I'm going to hand you what's been previously
22 marked as State's Exhibit No. 22. Do you recognize that
23 disc?

24 A Yes, ma'am, it has my writing on it.

25 Q Okay. Is that your initials on it?

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 A I don't believe that I initialed it, but --

2 Q Okay. But that's the disc you provided to my
3 office?

4 A Yes.

5 Q Okay. Is that a copy of the telephone call in
6 question?

7 A Yes.

8 Q Okay. Is that kept in the regular course of these
9 calls and the records on these calls at the detention
10 center?

11 A Yes.

12 MS. SMITH: That's all I have for this witness.

13 Thank you.

14 MS. CAMPBELL: Thank you.

15 CROSS EXAMINATION

16 BY MS. CAMPBELL:

17 Q Officer Aiken, how is an inmate at the Beaufort
18 County Detention Center informed in writing that his phone
19 calls are being taped and will be used against him in court,
20 how does that happen?

21 A They are informed every time they use the phone.

22 Q Right. So an automated message that comes up at
23 the beginning of the call, what does the automated message
24 say?

25 A I'm not sure exactly verbatim, but they're

CROSS EXAMINATION OF EDDIE AIKEN BY MS. CAMPBELL

1 notified that each call is being recorded.

2 Q Okay. Your call is being recorded?

3 A Uh-huh. (Indicating affirmatively.)

4 Q So, there is no mechanism at the Beaufort County
5 Detention Center to notify an inmate in writing, as in "sign
6 your name here, you've been given notice that your phone
7 calls are recorded and we're going to use them against you;"
8 is that what your testimony is?

9 A Yes, ma'am.

10 MS. CAMPBELL: Thank you. That's all I have.

11 THE COURT: Anything else?

12 MS. SMITH: Judge, did you want to hear the call?

13 THE COURT: I would, yes.

14 MS. SMITH: All right. At this time, we can play
15 it for you or you can --

16 THE COURT: We can play it. Has that disc been
17 authenticated or are you going to have him initial it
18 at some point prior to submitting in trial?

19 MS. SMITH: He created the disc and that was his
20 writing on it.

21 THE COURT: That was his writing?

22 MS. SMITH: Yes, ma'am. Let me get the disc. And
23 at this time, we will play the call.

24 THE COURT: Really, for the purposes of this
25 hearing, I just need to hear the beginning of it.

CROSS EXAMINATION OF EDDIE AIKEN BY MS. CAMPBELL

1 (A portion of jail call was played for the Court.)

2 MS. CAMPBELL: So, I would just say again, Your
3 Honor, that is insufficient. There's no notification
4 that these calls, as some courts have said, you know,
5 may be used against you in a court of law. The warning
6 does not come until right before the conversation
7 begins. The inmate has already put in and logged in
8 all of their information to get in touch with their
9 loved one and it's only in the brief moment before
10 they're able to speak with their loved one that they
11 are told that the call is being monitored. That's
12 insufficient. And we've said for a long time that that
13 is insufficient. That there needs to be a knowing and
14 valid and meaningful waiver. Again, as I cite, consent
15 to what is, essentially, provisions of the wire tapping
16 law. That can't be held to be meaningful, knowing
17 consent in the manner it's being conducted by the
18 detention center and IC Solutions.

19 And so, again, this is a man who had just been
20 arrested, thrown in the detention center and he's being
21 told he can make this free phone call, and he's trying
22 to call his mother. And they have put in all of his
23 information and right before he's able to talk to her,
24 you know, your phone call is going to be monitored.
25 Didn't tell him, you know, we're going to use it

CROSS EXAMINATION OF EDDIE AIKEN BY MS. CAMPBELL

1 against you in court.

2 So I think I've made my point and with that, I'll
3 have a seat. And thank you very much, Your Honor.

4 THE COURT: Yes. Thank you. And you testified a
5 little bit in your memorandum about the fact that they
6 use a pin; is that correct? Did I hear the State
7 discuss that maybe -- is there a pin number that's
8 assigned to him.

9 MS. SMITH: Yes, ma'am.

10 THE COURT: How is that assigned?

11 MS. SMITH: Officer Aiken can probably --

12 THE COURT: All right. Do you mind asking him
13 about that?

14 MS. SMITH: Sure.

15 REDIRECT EXAMINATION

16 BY MS. SMITH:

17 Q Inmates receive a certain number to make telephone
18 calls once they are booked in; is that correct?

19 A Yes, ma'am.

20 Q How are they assigned that number?

21 A They are assigned an inmate number, which they're
22 assigned when they make contact with law enforcement. And
23 then, they're also assigned a pin number to make a phone
24 call, which is a four-digit number. So, when they put their
25 pin number in along with that inmate number, that's their

REDIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 phone pin number, basically. And the pin number, the
2 four-digit pin number is generated by the computer.

3 Q It just assigns it as they're processed?

4 A Uh-huh. (Indicating affirmatively.)

5 Q Just at random?

6 A Uh-huh. (Indicating affirmatively.)

7 THE COURT: Is it written somewhere in a document
8 or is it just told to them verbally?

9 THE WITNESS: No, ma'am, it's not. It's printed
10 off on a piece of paper. When they come in and
11 they're -- if they come in with money, they will get a
12 receipt of how much money is in their account along
13 with their pin number.

14 MS. CAMPBELL: If I can for clarification, Judge.

15 RE-CROSS EXAMINATION

16 BY MS. CAMPBELL:

17 Q This call was made as a free call, correct?

18 A Yes, ma'am. Every inmate gets two free calls when
19 they first enter.

20 Q I want to be clear. Is the pin number that you
21 give them when they check in, it's the same for free calls
22 or calls made on their account; is that correct?

23 A Yes.

24 MS. CAMPBELL: Again, I just want to make that
25 clear for the Court.

RE-CROSS EXAMINATION OF EDDIE AIKEN BY MS. CAMPBELL

1 THE COURT: Okay. All right. I'm going to take
2 about a four-minute break myself. I'll invite y'all to
3 do the same and I'll come back and rule on this very
4 shortly, okay. We'll be at ease for a few minutes.

5 (A short break was taken.)

6 THE COURT: Over the break, I took the opportunity
7 to conduct some research on this issue. While,
8 certainly, an interesting issue, it appears to be
9 relatively novel in the State of South Carolina. I
10 can't seem to find any South Carolina authority,
11 directly on point on this. I have researched several
12 neighboring states and other states around the country
13 and it appears that the threshold is this legitimate
14 expectation of privacy pursuant to Katz vs. the United
15 States that the inmate must hold. It appears to be
16 that many of the courts I've researched and read on
17 have decided the issue adversely to the position
18 asserted by the Defendant. There's no reasonable
19 expectation of privacy in the content of personal phone
20 calls placed by prisoners. There's no subjective
21 expectation of privacy when a prisoner has notice of
22 the telephone monitoring service and still elects to
23 continue with the call.

24 So, based on that, at this point in time, I will
25 allow the jail call to come into evidence over the

RE CROSS EXAMINATION OF EDDIE AIKEN BY MS. CAMPBELL

1 objection made clear on the record by the defense
2 attorney.

3 Anything else before we let the jury back in?

4 MS. SMITH: Judge, not as to this matter. For
5 scheduling, I just wanted to let you know where we are.

6 THE COURT: Thank you.

7 MS. SMITH: We'll let this -- I guess, we didn't
8 release this officer.

9 THE COURT: Right. He's appropriately on the
10 stand. We'll release him. I'll ask if anybody has any
11 more questions for him. If not, we'll let him stand
12 down. And then you're going to call who?

13 MS. SMITH: The custodian, Mr. Aiken, to play that
14 jail phone call.

15 THE COURT: Okay.

16 MS. SMITH: Then the next witness will be
17 Mr. Duncan.

18 THE COURT: He is? Remind me.

19 MS. SMITH: Sorry, he is the second interview.

20 THE COURT: Yes, we will start that tomorrow
21 morning.

22 MS. SMITH: Okay. And then, I have a matter to
23 take up after Mr. Aiken with regard to, I believe,
24 Ms. Campbell may have opened the door in her
25 questioning of Officer Malphrus about the Defendant's

RE-CROSS EXAMINATION OF EDDIE AIKEN BY MS. CAMPBELL

1 violent nature and whether he had a criminal history.

2 THE COURT: Okay.

3 MS. SMITH: I think that that would potentially
4 affect my testimony tomorrow of the witnesses I have
5 from the family testifying more about specifics in
6 light of the fact that she stated he knew him not to
7 have a violent background and criminal history, which
8 he does have.

9 THE COURT: Okay. Let the jury come back in at
10 this point in time and I'll ask you, like I said, if
11 you have any questions of him. Thank you.

12 THE BAILIFF: The jury is entering the courtroom,
13 Your Honor.

14 (The jury enters the courtroom at 3:58 p.m.)

15 THE BAILIFF: The jury is seated, Your Honor.

16 THE COURT: Thank you very much.

17 Again, ladies and gentlemen, thank you for your
18 patience during that break. Obviously, it went a
19 little longer than seven minutes, but we were able to
20 take up another matter that prevented you from having
21 to leave yet again. So we thought that was the most
22 prudent thing to do at the time. So thank you again
23 for your patience.

24 I believe that Ms. Campbell had finished crossing,
25 Officer Malphrus; is that correct?

RECROSS EXAMINATION OF EDDIE AIKEN BY MS. CAMPBELL

1 MS. CAMPBELL: That is correct.

2 THE COURT: Is there any redirect?

3 MS. SMITH: No, ma'am.

4 THE COURT: Any objection to him being dismissed
5 from the stand?

6 MS. SMITH: Not from the State.

7 THE COURT: Thank you so much. You're free to
8 leave. Thank you, sir.

9 Ms. Smith, who is your next witness?

10 MS. SMITH: Thank you, Your Honor, the State calls
11 Eddie Aiken.

12 THE COURT: All right.

13 Mona, do you have power?

14 COURT REPORTER: I do not.

15 THE COURT: Do you have the ability the record?

16 COURT REPORTER: Actually, my recorder are fine.

17 THE COURT: Your recorder is still running?

18 Ladies and gentlemen, obviously we are going to
19 stop for the day. We'll come back tomorrow and resume
20 the trial. I'm going to instruct you once again not to
21 discuss this case --

22 Well, maybe we are going to keep going.

23 Let me ask a court official.

24 Do you we have backup generators in this
25 courthouse?

RE-CROSS EXAMINATION OF EDDIE AIKEN BY MS. CAMPBELL

1 For the record, our electricity just went out for
2 a little while, so let's let our court reporter get
3 back on the record and get squared away before we
4 continue.

5 (Pause.)

6 THE COURT: All right. We're back on the record.
7 Officer Malphrus has just left the stand. And you
8 called your next witness, which I believe was
9 Mr. Aiken; is that correct?

10 MS. SMITH: Yes, ma'am, Eddie Aiken.

11 THE COURT: All right. Please take the stand.

12 Thereupon,

13 EDDIE AIKEN

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. SMITH:

18 Q Lieutenant Aiken, where do you work?

19 A Beaufort County Detention Center.

20 Q How long have you worked there?

21 A Seven years.

22 Q Okay. What is your job there?

23 A I'm the training lieutenant over professional
24 standards and intel.

25 Q Okay. And did you receive a subpoena from my

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 office, from me, on July 13th, 2018, regarding Jamie
2 Robinson?

3 A Yes, ma'am.

4 Q And do you recall that that subpoena asked you for
5 a telephone call placed by inmate Jamie Robinson, inmate
6 number 68240 on October 29th, 2016 at 455 hours?

7 A Yes, ma'am.

8 Q Did you provide me a copy of that call?

9 A I did.

10 Q Okay, I'm going to hand you what's marked as
11 State's Exhibit 22 and ask you if you can identify that?

12 A Yes, ma'am, it has my handwriting on it.

13 Q Okay. Is that a copy of the call that I
14 requested?

15 A Yes.

16 Q Okay. Is that call kept in the regular course of
17 business records in the detention center?

18 A Yes.

19 Q Okay.

20 MS. SMITH: Judge, at this time, I would move
21 State's 22 into evidence.

22 THE COURT: Any objection?

23 MS. CAMPBELL: Subject to my prior objection.

24 THE COURT: Thank you. And it will be admitted
25 based on my prior ruling.

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 MS. SMITH: Permission to publish?

2 THE COURT: Yes.

3 *(Whereupon, State's Exhibit No(s). 22 marked for*
4 *identification and received in evidence.)*

5 (State's Exhibit No. 22 was played for the jury.)

6 MS. SMITH: Judge, I have nothing further from
7 this witness.

8 THE COURT: Okay. Any cross?.

9 MS. CAMPBELL: No questions.

10 THE COURT: All right. You're free to go.

11 Ms. Smith, you said your next witness was Officer
12 Duncan; is that correct?

13 MS. SMITH: Yes, ma'am.

14 THE COURT: Ladies and gentlemen, at this point in
15 time, I am going to release you for the day. I've been
16 informed that we're not running on generator power,
17 this is regular power. It just flipped off for a while
18 and came back on. Apparently, everything seems to be
19 okay to my knowledge.

20 I will ask that you return tomorrow morning at
21 9:30 just as you did today, and we'll resume the trial
22 at that point in time. Once again, I ask that you not
23 research the case independently. Don't look it up,
24 don't look up the names of any of the parties, of the
25 attorneys or anyone involved. It's your charge to stay

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 neutral. If you have any issues with that, I would ask
2 that you come see me or inform the bailiff. Otherwise,
3 I will see you in the morning at 9:30. Thank you so
4 much.

5 (The jury exits the courtroom at 4:11 p.m.)

6 THE BAILIFF: The jury is clear, Your Honor.

7 THE COURT: Thank you.

8 Any matters of law to take up from the State at
9 this point in time? I'm happy to entertain.

10 MS. SMITH: Judge, I think I mentioned earlier,
11 during the cross-examination of Officer Malphrus, the
12 defense asked Officer Malphrus, you knew him not to
13 have a violent background. And then, she also asked
14 him, he has no criminal history or something to that
15 effect.

16 First, as far as the violent background, violent
17 behavior, we argued yesterday and submitted testimony
18 about instances of his violent behavior and violent
19 background and I presented testimony to that. And
20 we -- of course, your ruling limited that testimony to
21 more general -- to the specific incidents that they
22 observed, but not specific details of those incidents.
23 And I think that her asking that has completely opened
24 the door, that we can get into more specific detail
25 because she's now brought his history of violence into

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 question.

2 And secondly, as far as his prior record. He does
3 have a felony drug conviction from 1995. And it is
4 actually part of Officer Duncan's file. And I believe
5 that when he testifies tomorrow, I can get into his
6 prior history since she specifically asked him, did you
7 run his rap sheet? He has no prior history. And he
8 clearly does.

9 THE COURT: That is two prong. Ms. Campbell, how
10 would you like to respond.

11 MS. CAMPBELL: First, I would say, yes,
12 absolutely, the record is clear. In trying to
13 determine what Officer Malphrus knew about Mr. Robinson
14 as he was going into the interrogation, questions were
15 posed to the officer as to what he had done to
16 determine whether or not Mr. Robinson had a violent
17 history and whether or not he had any information about
18 past criminal conduct to which the officer answered, he
19 did not seek that information and he did not obtain it.

20 And so, it -- the purpose of the questions were
21 directed at the preparedness and the manner in which
22 Officer Malphrus prepared himself and conducted the
23 interrogation, not going toward whether or not
24 Mr. Robinson, in fact, had a violent history or whether
25 or not he, in fact, had a criminal record.

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 It was very clear from the questions that they
2 were directed toward what this officer knew at the time
3 and how he prepared himself and he said that he didn't
4 know anything and he didn't look anything up. So,
5 there has been no, in effect, testimony that
6 Mr. Robinson has no violent history or that he has no
7 criminal record. That is a question that was
8 unanswered by Officer Malphrus because he said he
9 didn't seek it and he didn't obtain it. So we don't
10 feel that we have opened the door in any manner. Thank
11 you.

12 THE COURT: Okay. To the best of my recollection
13 during that part of the questioning, he said something
14 along the lines of he doesn't have a record, does he,
15 or something. I believe -- I think it was a leading
16 question, which was appropriate. And I believe the
17 officer's answered, I don't know, I didn't look it up.

18 So I would agree with Ms. Campbell that based on
19 the testimony presented at trial, the door was not
20 opened. Obviously, you're going to be able to argue,
21 I'm sure you will vehemently in closing, your side of
22 the case.

23 What I'm trying to get at is that, you know, the
24 jury is going to be instructed and they've already been
25 instructed in my opening statements and they will be

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 instructed again at the close of the case, anything
2 stated by the attorneys are arguments and only
3 arguments and the only evidence in this case comes from
4 that on the witness stand. Nothing the witness said
5 affirmed or disaffirmed whether or not he had a record.
6 So what I glean from what she asked is simply a way of
7 asking that.

8 Now, having said that, I caution both attorneys,
9 please don't testify while you're asking questions.
10 Sometimes these things can come across. And I'll also
11 caution you while we're outside of the presence of the
12 jury, please don't comment on the answers given. I
13 know a couple of times that happened. And I know we
14 get caught up in the trial and we get excited. Please
15 refrain from that, it's entirely inappropriate. So,
16 please try not to comment on that as well.

17 So, at this point in time, my ruling on how we're
18 going to deal with these Rule 404(b) witnesses stands.
19 They can still testify as to the past conduct, but I'm
20 not going to allow them to go into details of violence,
21 okay.

22 But obviously, all of this is over your objection
23 that you made clear for the record.

24 Okay. Anything else for this afternoon?

25 MS. SMITH: Nothing from the State.

DIRECT EXAMINATION OF EDDIE AIKEN BY MS. SMITH

1 THE COURT: Thank you very much. I'll see you in
2 the morning.

3 MS. CAMPBELL: Thank you.

4 (Court adjourned for the day. Proceedings
5 continue on 7-18-2018.)

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7-18-2018 PROCEEDINGS

1 THE COURT: Anything from the State before we
2 bring in the jury?

3 MS. SMITH: Nothing from the State.

4 THE COURT: Anything from the defense before we
5 begin?

6 MS. CAMPBELL: No, ma'am.

7 THE COURT: All right. Bring the jury in,
8 whenever they're ready.

9 THE BAILIFF: The jury is entering the courtroom,
10 Your Honor.

11 (The jury enters the courtroom.)

12 THE BAILIFF: The jury is seated, Your Honor.

13 THE COURT: Thank you very much.

14 Thank you once again, ladies and gentlemen, for
15 being so prompt this morning, we certainly appreciate
16 that. We are ready to begin.

17 The State will call its next witness.

18 MS. SMITH: The State calls Todd Duncan.

19 Thereupon,

20 TODD DUNCAN

21 was called as a witness, having been first duly sworn,
22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. SMITH:

25 Q Good morning, Investigator Duncan.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 A Good morning.

2 Q Where do you work?

3 A I work for the Beaufort County Sheriff's Office.

4 Q What is your job there?

5 A I'm a criminal investigator for the northern
6 division.

7 Q How long have you been with the Sheriff's Office?

8 A I've been working there for seven and a half
9 years.

10 Q What was your role in the case that we're here for
11 this week?

12 A I am the lead investigator. I was on-call duty
13 for that night.

14 Q Okay. When did you arrive on the scene that
15 night?

16 A I arrived on scene a little after midnight. It
17 was about -- it was 0028 hours is when I first rolled up.

18 Q And what did you do after arriving on scene?

19 A When I first got there, the road units had already
20 set up a perimeter, EMS had already transported to victim.
21 We've learned that the suspect has fled the scene, so we
22 requested the K9 units to come in and do a track. I
23 notified my supervisor what's going on, what I've learned
24 since I'll need additional units to come and assist me.

25 Q Okay. Where did you find the suspect?

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 A As I'm waiting for the K9 units to get there, we
2 get the phone call that he's at [REDACTED]. So, I
3 left the Little Capers' site and I drove around with other
4 units to [REDACTED]. I got there as they were taking him into
5 custody.

6 Q About how far away is [REDACTED] from [REDACTED]
7 [REDACTED]?

8 A I would say as the crow flies about a half mile.
9 If you drive, you have to go, you know, a couple blocks over
10 and come back up. But not far.

11 Q Was the Defendant interviewed that night?

12 A He was.

13 Q Who interviewed the Defendant?

14 A It would be Staff Sergeant Malphrus and Staff
15 Sergeant Zsamar.

16 Q What were you doing while they were interviewing
17 the Defendant?

18 A While they were interviewing the Defendant, I was
19 also at the office. I was typing up the search warrant for
20 the Little Capers residence, where the incident happened.

21 Q Okay. And you were there at the Sheriff's Office
22 during the interview. Have you had a chance to watch the
23 interview in full since then?

24 A Yes, ma'am.

25 Q As the case officer?

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 A Yes, ma'am.

2 Q And of course, we played it yesterday. Was the
3 Defendant, as defense counsel said yesterday, profoundly
4 intoxicated during that interview?

5 A Not to my knowledge, no, ma'am.

6 Q Did he appear profoundly intoxicated to you?

7 A No, ma'am.

8 Q Okay. After you typed the search warrant and
9 after that interview, what did you do as far as the
10 Defendant was concerned?

11 A Once the interview was over, I came in there,
12 explained to Mr. Robinson, the Defendant, that he was
13 getting charged with attempted murder. At that time, we
14 didn't know the victim passed away. And then I went back
15 out to the scene to assist in the search warrant.

16 Q Okay. What did you subsequently arrest the
17 Defendant for?

18 A He was arrested for murder.

19 Q Okay. And why was that?

20 A That was the next morning at bond court, I had to
21 go and testify for that, to get the charge changed.

22 Q Okay. When is the next time you had contact with
23 Mr. Robinson?

24 A After that bond court, it was two days later. The
25 incident happened late Friday night, early Saturday morning,

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 so that was the 29th. We worked all through that night,
2 through that next day. And so, you have Sunday, and then
3 Monday, we came back and I interviewed him at the jail on
4 the 31st.

5 Q Okay. And how did that interview take place, what
6 were you doing at the jail that day?

7 A I went to the jail to serve an additional warrant
8 on him. It's a companion warrant. It's a possession of a
9 weapon during the commission of a violent crime.

10 Q And how did you -- how did your interview come
11 about with Mr. Robinson that day?

12 A So, whenever we have a warrant with somebody, we
13 have to read the warrant to them and explain it. So, as I'm
14 reading the warrant, going through the body of it,
15 explaining the probable cause for it, there's a line there
16 that Mr. Robinson had a problem with. It's something to the
17 effect of the Defendant also confessed to witnesses on scene
18 of shooting the victim. So, he tried to interrupt me as I'm
19 reading the warrant to him.

20 So, I continued to read, and then after I
21 finished reading it, I asked him what his question was with
22 that, and he said he didn't confess to anybody. And I
23 stopped him right there. I explained since he already asked
24 for an attorney, I couldn't legally talk to him. And he
25 waived his rights, he did not want an attorney any more, he

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1 wished to talk to me, he made that clear.

2 I went back through his Miranda rights with
3 him, went through the Miranda form, explained all of his
4 rights. We signed the form, he signed the form and then, we
5 started talking.

6 Q Investigator Duncan, I'm going to hand you what's
7 been marked as State's Exhibit 38, and ask you to identify
8 this for us.

9 A Yes, this is the Miranda form that I filled out
10 with Mr. Robinson at the detention center. It has the case
11 number, location we did it, his name, date of birth, then it
12 goes through each of the rights. You have the right to
13 remain silent. Anything you say can and will be used
14 against you in a court of law. You have the right to have
15 an attorney present before or during any questioning. If
16 you cannot afford an attorney, one will be appointed for you
17 before any questioning, if you wish. It says, do you know
18 understand these rights as I have explained them to you?
19 And then having these rights in mind, do you wish to talk to
20 me now? He put yes on all those that he understood
21 everything. He initialed everything, signed it, dated it,
22 put the time and then I did as well, too.

23 Q What is the date and time on that form?

24 A It is 10/31/16 at 11:16 in the morning.

25 MS. SMITH: At this time, the State would move

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1 State's 38 into evidence?

2 THE COURT: Is there any objection?

3 MS. CAMPBELL: Your Honor, subject to the prior
4 objections.

5 THE COURT: Over your prior objections, it will be
6 admitted. Thank you.

7 *(Whereupon, State's Exhibit No(s). 38 marked for*
8 *identification and received in evidence.)*

9 BY MS. SMITH:

10 Q In addition to reading him his rights, during the
11 interview, did you threaten Mr. Robinson?

12 A No, ma'am.

13 Q Did you coerce Mr. Robinson?

14 A I did not.

15 Q Did you promise Mr. Robinson anything?

16 A No, ma'am.

17 Q In exchange for his statement?

18 A No, ma'am.

19 Q Did he appear to be physically or mentally
20 impaired so that he would not understand the statement that
21 he was giving?

22 A No.

23 Q Did he appear to under the influence of any
24 alcohol or prescription drugs at that time that would impair
25 his ability to speak to you?

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 A No, ma'am.

2 Q Did you record this statement?

3 A I did.

4 Q How did you record it?

5 A I had a hand-held audio recorder.

6 Q Okay. I'm going to hand you what's previous been
7 marked as State's Exhibit 21, and ask you to identify this.

8 A Yes, this is a copy of it, noted by my initials
9 and the date.

10 Q Have you reviewed that disc prior to today?

11 A I have.

12 Q Is that an accurate copy of the interview that
13 day?

14 A Yes, ma'am.

15 MS. SMITH: Judge, at this time, we move
16 Exhibit 21 into evidence.

17 THE COURT: Any objection?

18 MS. CAMPBELL: Subject to my prior objections.

19 THE COURT: Thank you very much. Over your prior
20 objections, it will be admitted.

21 *(Whereupon, State's Exhibit No(s). 21 marked for*
22 *identification and received in evidence.)*

23 BY MS. SMITH:

24 Q Just a few questions before we publish the
25 interview. How does the interview start off with Mr.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Robinson, what does he tell you?

2 A Like I said earlier, he's got a question about the
3 one line in there. We start off talking about that a little
4 bit. And he goes into the same story that he gave the other
5 investigators about a robbery attempt. I just kind of keep
6 him talking for a little. I throw the accident idea again
7 to him.

8 And the reason I say that, I was at the
9 office the last time he was interviewed and I could hear his
10 volume change. The other officers told him his whole
11 demeanor changed. You know, he got aggressive once they
12 confronted him on issues. So, I was trying to give him, I
13 won't say an out, but an easier way to talk to me. So, I
14 was getting on his side. So, we talked about that.

15 And then his story changed a little bit. At
16 first, he's calm and then once -- he starts asking a few
17 questions of -- he asks what does the penalty for murder
18 carry. I give him an answer. He gets very emotional. He
19 asks a few more questions like that. His emotion changes
20 quite a bit during.

21 Q Okay. Before he tells you -- he tells you the
22 first story about the robbery?

23 A Uh-huh. (Indicating affirmatively.)

24 Q You testified he tells you a different story after
25 that; is that correct?

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 A Yes, ma'am.

2 Q Okay. Prior to him telling a different story, you
3 said he gets emotional. When does he get emotional?

4 A When he directly asks what the penalty for murder
5 carries.

6 Q Okay. And did he ask you any other procedural
7 questions about his bond?

8 A He asked me about how much his bond would be, when
9 he gets to see a circuit court judge to fill that bond. And
10 I give him the answer that, you know, honestly I don't know
11 that. I can't answer that. You know, that's up to a bond
12 court judge and that I didn't know when the next court
13 session was for a circuit court judge to even have the bond
14 hearing.

15 Q All right. So, then, after he asked these
16 procedural questions, what does he do? What does he tell
17 you?

18 A He goes into a story of an accident. He tells me
19 that he and Lee Lee were sitting in the truck, they were
20 arguing. He says they're always arguing. As they're
21 arguing, he says that Lee Lee has a gun in her lap and he
22 picks that gun up and he puts it to his own head, saying
23 that he's sick of everything and he's just going to kill
24 himself. Well, Lee Lee pulls his arm towards her head and
25 says, you might as well kill me. And as she does that, the

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 gun accidentally goes off. He's emotional telling the
2 story. There's a lot of crying.

3 Q Okay. Did he tell you that the victim carried a
4 gun?

5 A He said it was on her lap.

6 Q Okay. Did you ever find out that that gun
7 belonged to her?

8 A I did do traces on the gun, nothing comes back to
9 that gun belonging to her.

10 Q Okay. Now, the Defendant, did he tell you that he
11 had been drinking that day?

12 A He did not say he was drinking -- or he said he
13 was at a bootlegger's house earlier.

14 Q Okay. Did he tell if he had some drugs in his
15 system?

16 A Yes.

17 Q Okay. Now, after he tells you, gives you this
18 account of the accidental shooting, do you believe him?

19 A I do not.

20 Q Okay. And I believe you go so far as to say that
21 you didn't -- that you know that he didn't have this planned
22 out; is that correct?

23 A That's correct.

24 Q And do you tell him that you don't think it was
25 murder?

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1 A I do say that.

2 Q Okay. Why do you say that?

3 A Because, once again, I want to get him talking. I
4 think we're getting bits and pieces starting to come out. I
5 want to stay on his good side, keeping him talking. It's
6 just a tactic that we use. I don't want to call it lying to
7 him, but I want to say just be friends with him, keep that
8 ball rolling.

9 Q You had gotten, prior to this as the case officer,
10 information from a 911 call; is that correct?

11 A Yes, ma'am.

12 Q What were the contents of that information?

13 A As we've kind of gone over, the 911 call, his
14 mother calls in and she has the information that her son
15 just told her that, you know, he shot and killed Lee Lee and
16 that she didn't know where he fled to.

17 Q Also, as the case officer, after that, you are
18 privy to interviews given by Ms. Hazel Robinson to various
19 law enforcement on the scene?

20 A Yes, I have spoken to Ms. Robinson as well, too.

21 Q What did she tell you?

22 A That same story. She laid everything out there.
23 Her story has been the same the whole time.

24 Q And then, again, as the case officer, the next
25 thing you're privy to is the story he gives to Investigators

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Malphrus and Zsamar?

2 A Yes, ma'am.

3 Q And what is that story?

4 A That was the story of the armed robber coming in,
5 sticking a gun through the window of the truck and then
6 shooting Ms. Moon across his body.

7 Q So, up until this point, when you're talking to
8 him two days later, has he told you the truth?

9 A No, ma'am.

10 Q Okay. Were you trying to get him to tell the
11 truth?

12 A I was.

13 Q Were you saying things to encourage him to tell
14 the truth?

15 A Yes, ma'am.

16 Q By telling him that you didn't believe it was
17 murder, was that an interrogation technique?

18 A Yes, ma'am.

19 Q Would you agree with me that, oftentimes, in your
20 job, for example, you tell people you have DNA when you
21 don't have it to get them to tell you the truth?

22 A Yes, ma'am.

23 Q Okay. After you talk to him and you tell him
24 those things, does he give you another story at that point?

25 A He stays with his accidental story.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Q Okay. And do you recall what he asked you right
2 before the interview was over?

3 A Right before the interview was over, he asked to
4 be taken off of suicide watch.

5 Q Okay. And did he ask you about his charges, if
6 they would change?

7 A He did ask if he told the truth, would it change
8 the charge from murder.

9 Q What did you tell him?

10 A I told him the truth, I said I have no say over to
11 changing the charge from that. That's going to be up to the
12 Solicitor's office. And after speaking with his attorney,
13 I'm sure they would get together and speak about it.

14 MS. SMITH: Judge, at this time, I would ask
15 permission to publish the interview?

16 THE COURT: Okay.

17 (State's Exhibit No. 21, audio CD interview,
18 published to the jury.)

19 BY MS. SMITH:

20 Q Officer Duncan, as the case officer, you observed
21 the previous interview with the Defendant -- Defendant's
22 account of his relationship with the victim to Officer
23 Malphrus and Officer Zsamar. Does he change his story about
24 their relationship when he stated they were still arguing in
25 this interview?

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 A Yes. In the original interview, he said they
2 never argue, they get along. In this one, he said they were
3 arguing over him being at the neighbor's house, they always
4 argue over that.

5 Q Thank you.

6 (The audio CD interview continued.)

7 BY MS. SMITH:

8 Q Officer Duncan, you heard the Defendant state, she
9 had her gun with her. Again, were you ever able to verify
10 that this gun belonged to the victim?

11 A No, ma'am.

12 Q Did the gun belong to the victim?

13 A No.

14 MS. CAMPBELL: Objection, if he couldn't verify
15 it, he doesn't know whether it belonged to her or not,
16 Your Honor.

17 THE COURT: Sustained.

18 MS. CAMPBELL: Thank you.

19 BY MS. SMITH:

20 Q As the case officer, you were, like I said, privy
21 to the previous interviews where the Defendant stated he was
22 left-handed to Officer Malphrus and Officer Zsamar. Does he
23 change his story here?

24 A He said he had the gun in his right-hand.

25 Q Okay, thank you.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 BY MS. SMITH:

2 Q Officer, it's hard to understand a little bit,
3 what does he tell you about suicide watch?

4 A That he does not want to be on suicide watch in
5 the jail.

6 Q Didn't he just tell you earlier that he held a gun
7 to his head?

8 A Yes, ma'am.

9 Q Did he tell you he was going to kill himself?

10 A Yes, ma'am.

11 Q And now he -- did he ask you to take him off
12 suicide watch?

13 A Yes.

14 Q Thank you.

15 (The audio CD interview continued.)

16 BY MS. SMITH:

17 Q Investigator Duncan, at the end, right before you
18 end the interview, and it's hard to tell with the banging
19 and the crying, what does he ask you about his charges?

20 A If they're going to change if he tells me the
21 truth.

22 Q All right. You testified earlier that you
23 obtained a search warrant for [REDACTED]; is that
24 correct?

25 A Yes, ma'am.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Q Okay. And I'm going to show you what's previously
2 been marked for identification as State's 7 and 4, and ask
3 if you can identify those.

4 A Yes, the first picture, Exhibit 4, shows the
5 driveway with the blue Avalanche where the incident took
6 place, and the victim's Dodge Avenger parked behind it.

7 Q Is that a fair and accurate depiction of the scene
8 when you arrived that night?

9 A Yes, ma'am.

10 MS. SMITH: At this time, I'd move State's 4 into
11 evidence.

12 THE COURT: Any objection?

13 MS. CAMPBELL: No objection.

14 THE COURT: Admitted without objection.

15 *(Whereupon, State's Exhibit No(s). 4 marked for*
16 *identification and received in evidence.)*

17 THE WITNESS: Then, Exhibit No. 7 shows the
18 interior of the Avalanche. You see the driver's seat
19 close-up picture and the passenger seat where the
20 victim was.

21 BY MS. SMITH:

22 Q Is that a fair and accurate depiction of the
23 vehicle as you saw it that night?

24 A Yes, ma'am.

25 MS. SMITH: At this time, I move 7 into evidence.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 MS. CAMPBELL: Without objection.

2 THE COURT: Admitted without objection.

3 *(Whereupon, State's Exhibit No(s). 7 marked for*
4 *identification and received in evidence.)*

5 MS. SMITH: Okay. Going to State's No. 4, if we
6 can publish that.

7 BY MS. SMITH:

8 Q All right. I'm showing you State's No. 4. Okay.
9 Sorry, that's crooked. What's the first car there?

10 A The first car in this picture is the Avalanche.

11 Q And what's the car behind it?

12 A It's the Dodge Avenger, that's the victim's car.

13 Q Okay. Did you search the victim's car?

14 A I did.

15 Q Okay. Did you find anything pertaining to this
16 incident?

17 A No, ma'am.

18 Q Okay. And then I'm going to show you State's No.
19 7. In the picture, is that -- is that where the victim was
20 seated?

21 A Yes.

22 Q In the passenger's seat?

23 A Yes, like I said earlier, the victim was already
24 gone by the time I got there, but yes, that's where the
25 victim was seated.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Q Okay. So, that's what it looked like when you got
2 there?

3 A That's correct.

4 Q Okay. Thank you. Now, after you interviewed the
5 Defendant, did he tell you where a number of items were?

6 A He said he went down Big Ben Lane, but he didn't
7 know where the items were.

8 Q Did he tell you they were on Big Ben Lane?

9 A He didn't know where they were.

10 Q Where did he tell you he ran after he left the
11 scene?

12 A To his cousin's house at [REDACTED].

13 Q And did he tell you what path he traveled?

14 A He went down Big Ben and then into the woods.

15 Q Where did he throw the gun?

16 A He did not give a specific area.

17 Q But did he throw it in the woods?

18 A Yeah, he said he threw it. He didn't know.

19 Q Okay, I'm going to show you items that have
20 previously been marked for identification as State's 9, 11,
21 12, 13, 14 and 15. And then we'll go through these one by
22 one starting with No. 9. Can you identify No. 9?

23 A Yes, No. 9 is standing on Little Capers Road. So,
24 the incident location, [REDACTED], would be to the
25 right on this picture. And you're looking at Big Ben Lane

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 to the left.

2 Q Is that a fair and accurate depiction of Big Ben?

3 A Yes.

4 MS. SMITH: At this time, I'd move 9 into
5 evidence?

6 MS.CAMPBELL : Your Honor, I'm not going to have
7 any objections to 9, 11, 12, 13, 14, or 15 by the
8 State, if she wants to put them all in at the same
9 time.

10 THE COURT: Thank you for being efficient. They
11 will be admitted.

12 MS. SMITH: Perfect. Thank you, I'll move all of
13 those into evidence at this time.

14 *(Whereupon, State's Exhibit No(s). 9 marked for*
15 *identification and received in evidence.)*

16 *(Whereupon, State's Exhibit No(s). 11-15 marked*
17 *for identification and received in evidence.)*

18 BY MS. SMITH:

19 Q Starting with No. 9?

20 A So, this is -- you're on Little Capers Road here.
21 This is Big Ben Lane you're looking at, that's the sign with
22 the mailbox in front. The incident location would be to
23 your right out of the frame.

24 Q Is that street sign, is that Big Ben?

25 A Yes, that street sign that is reflected that you

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 can't read, that is Big Ben Lane.

2 Q Is that a dirt road to the left?

3 A It is a dirt road.

4 Q Okay. Let's look at No. 11?

5 A You can't really read it. That's just a zoom-in
6 on that.

7 Q All right. Is that Big Ben Lane?

8 A Yes. Where you're at here is probably, I would
9 say, 200 yards down Big Ben Lane looking back towards Little
10 Capers.

11 Q Okay. And the next one.

12 A This is the same shot from where the last one was,
13 but turned a 180 degrees looking in the opposite direction.

14 Q Okay. And did you recover any items off to the
15 side of this road.

16 A I did. His shoes were actually found -- I don't
17 know if you can see it in this picture or not. It should
18 be -- where you see the leaf pile on your right-hand side
19 about midway in the picture, the shoe is sitting right on
20 top of that. The other one is in the green bushes right
21 behind it.

22 Q Okay. What else did you find?

23 A In this area, that's all there was on the
24 right-hand side of Big Ben Lane.

25 Q Okay, let's go to the next one.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 THE COURT: Ms. Smith, just real quick, for the
2 record, what exhibit was that?

3 MS. SMITH: That was 13.

4 THE WITNESS: That was 12.

5 MS. SMITH: That was 12, excuse me.

6 THE COURT: That was 12 we were just talking
7 about. Now, let's just make sure we protect the
8 record.

9 MS. SMITH: Sure.

10 BY MS. SMITH:

11 Q Now, Exhibit 13.

12 A Exhibit 13 is a zoom-in close up of that leaf pile
13 I was just explaining. You can see the top of the shoe.
14 There's a piece of trash in the leaf pile, then right above
15 that piece of trash is the first shoe.

16 Q Okay.

17 A And then the second shoe is in the middle of the
18 green weeds right there. You can see a little piece of red
19 with gray around it.

20 Q Okay. Now, Exhibit 14?

21 A That is a close-up of the shoe.

22 Q Okay. Did you collect that shoe?

23 A They were.

24 Q Okay. And I'm going to hand you what's previously
25 been marked as State's Exhibit No. 27, and ask if you could

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 identify this.

2 A Yes, this is the evidence bag we collected it in.
3 Once again, it has the agency, what the offense was, the
4 suspect's name, victim's name, date of recovery, the
5 description of what it is, the location, then has my name
6 and who I turn it into at the evidence division.

7 MS. SMITH: Judge, at this time, we'd move State's
8 27 into evidence.

9 MS. CAMPBELL : No objection.

10 THE COURT: Admitted without objection.

11 *(Whereupon, State's Exhibit No(s). 27 marked for*
12 *identification and received in evidence.)*

13 THE WITNESS: And it also has the evidence tape
14 and my signature and badge number and date on it.

15 BY MS. SMITH:

16 Q Okay. Let's go to State's 15. Can you see what's
17 in that area of the woods?

18 A It is actually very tough to see in this picture,
19 but in the very middle of the picture, you can see the butt
20 of the gun.

21 Q Where was that found?

22 A This, if you were on Big Ben Lane and you saw the
23 leaf pile to the right, this would be across on the
24 left-hand side of Big Ben Lane about 10 to 15 yards into the
25 woods.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Q Okay. Did you collect that item?

2 A Yes, ma'am.

3 Q And I'm going to hand you what's already been
4 admitted as State's 23, and ask if you will publish that to
5 the jury?

6 A Yes, this is the box I filled out for the gun and
7 this is the gun that was shown to you yesterday by the
8 forensic expert.

9 Q Okay. Are we seeing the butt of that gun in that
10 picture right there?

11 A Yes, it's sitting in this position. You can tell
12 by the little screw piece on it.

13 Q Okay. You heard testimony yesterday elicited from
14 Jamie Greene, ballistics from SLED, about the magazine of
15 this gun. Did you find the magazine?

16 A No, the magazine was not in it and it was not
17 found.

18 Q Okay. So it didn't have a magazine in it when you
19 found that gun right there?

20 A No, ma'am.

21 Q I'm going to ask you if you could step down and
22 kind of show us on this map, this area that they have seen
23 and what we're talking about.

24 A All right, this is an aerial map. This would be
25 the incident location, this is [REDACTED]. This is

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 Big Ben Lane, it runs all the way up to Sams Point Road.
2 It's a dirt road. This is his cousin's house on Sams Point
3 Road. The incident took place in the driveway right here.
4 The suspect ran up Big Ben, and the shoe was found on this
5 side over here, somewhere in this area. I can't give you an
6 exact location on this map. And then the gun was found over
7 here in this area somewhere.

8 Q Thank you. Investigator Duncan, did you take a
9 buccal swab from the Defendant?

10 A I did. We had another hearing to get that.

11 Q Okay. I'm going to hand you what's previously
12 been marked as State's 29, and ask you to identify that for
13 us?

14 A Yes. Once again, this is one of our evidence
15 bags. I can tell my handwriting, once again, the agency,
16 what's inside is a buccal swab. Information on where it
17 came from, what type of case it is, incident location, my
18 name and then the evidence. And also, signed, and badge
19 number and date.

20 Q And can you tell the jury what a buccal swab is
21 and how you obtain it?

22 A Yes, what we do with buccal swabs, it's a --
23 essentially, it's a Q-tip-type material. You swab the
24 inside of your mouth, the insides of the cheeks on both
25 sides to capture your DNA. That DNA is tested against other

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 objects we would have at the scene for comparison purposes.

2 We got this buccal swab through doing a Schmerber hearing.

3 Q Did you personally get the swab from the
4 Defendant?

5 A I did.

6 Q Okay. Were you wearing gloves?

7 A I was.

8 *(Whereupon, State's Exhibit No(s). 29 marked for*
9 *identification and received in evidence.)*

10 MS. SMITH: That's all I have of this officer.

11 THE COURT: Ms. Campbell?

12 MS. CAMPBELL: May we approach?

13 THE COURT: Sure.

14 *(Off-the-record discussion held.)*

15 THE COURT: All right. Ladies and gentlemen,
16 we've been going a little while this morning. We're
17 going to give everybody about a 10-minute break at this
18 time and we'll resume after that. Thank you very much.
19 Please do not begin your deliberations.

20 *(The jury exits the courtroom at 10:47 a.m.)*

21 THE BAILIFF: The jury is clear, Your Honor.

22 THE COURT: Thank you. Any legal matters that I
23 need to take up at this time?

24 MS. SMITH: None from the State.

25 MS. CAMPBELL: No, Your Honor.

DIRECT EXAMINATION OF TODD DUNCAN BY MS. SMITH

1 THE COURT: All right. We will be at ease for 10
2 minutes, thank you.

3 (Short break.)

4 THE COURT: Okay. You have cross of this and then
5 how many more witnesses?

6 MS. SMITH: I have six more witnesses.

7 THE COURT: Six more after this, okay.

8 Everybody ready to resume.

9 MS. SMITH: The State is.

10 THE COURT: Thank you.

11 We can bring the jury back when they're read.

12 THE BAILIFF: The jury is entering the courtroom,
13 Your Honor.

14 (The jury enters the courtroom at 11:00 a.m.)

15 THE BAILIFF: The jury is seated, Your Honor.

16 THE COURT: Thank you.

17 All right, Ms. Campbell.

18 MS. CAMPBELL: May it please the Court?

19 THE COURT: Yes, go ahead.

20 MS. CAMPBELL: Thank you.

21 CROSS EXAMINATION

22 BY MS. CAMPBELL:

23 Q Investigator Duncan, you collected a piece of
24 evidence in this case, item 48567. Do you have a copy of
25 your report with you so that we can work through this

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 together?

2 A I do.

3 Q Okay. And would you locate for us that particular
4 item in your evidence log?

5 A Item 48567, the green T-shirt?

6 Q Yes, let's start with that, the green T-shirt?

7 A That was located at [REDACTED].

8 Q That would be Michael Pinckney's house, correct?

9 A That's correct.

10 Q Okay. So you interviewed -- in your investigation
11 in this case, you interviewed Michael Pinckney, right?

12 A That is correct.

13 Q And you secured some evidence from that location,
14 correct?

15 A Correct.

16 Q One of the pieces of evidence you secured was this
17 green T-shirt, correct?

18 A Yes.

19 Q And you attribute to that green T-shirt to be the
20 shirt that Jamie Robinson was wearing or had in his
21 possession when he arrived at Michael Pinckney's house,
22 correct?

23 A Yes, ma'am.

24 Q Okay. And in your investigation, you asked that
25 some scientific testing be done on the green T-shirt; is

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 that correct?

2 A Yes, ma'am.

3 Q Okay. There are some other items, like a gray
4 scarf and a white T-shirt that are taken into evidence. Are
5 those the items that were located in and about the Chevy
6 Avalanche?

7 A Yes, ma'am.

8 Q And those were items, I would assume then, that
9 were used in response to the 911 call to try and stop the
10 bleeding?

11 A It's possible.

12 Q Okay. When you're working on a case like this and
13 you're making every attempt to document what you do, would
14 it be fair to say that you are accurate in your reporting?

15 A Try to be as most -- as best you can, yes.

16 Q And so, you're going to rely on your report as you
17 move forward in the investigation, right?

18 A Yes, ma'am.

19 Q As well as the State and as well as the defense,
20 correct?

21 A That's correct.

22 Q All right. So, I'm curious about the search
23 warrant that was obtained for Eulia Moon's Dodge Avenger,
24 can you tell us a little bit about that search warrant?

25 A The search warrant was one main search warrant for

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 the [REDACTED] Road. It included the residence there,
2 the curtilage, which is the yard area, the outbuildings,
3 vehicles and the vehicles parked on that property.

4 Q So, subsequent to the securing of the search
5 warrant, you searched the main house, correct?

6 A After the search warrant?

7 Q Yes.

8 A Yes, ma'am.

9 Q The garage apartment, correct?

10 A Yes, ma'am.

11 Q The Chevy Avalanche?

12 A Yes, ma'am.

13 Q And the Dodge Avenger?

14 A Yes, ma'am.

15 Q And to be clear, the Chevy Avalanche is attributed
16 to the Robinson family and the Dodge Avenger is attributed
17 to Eulia Moon, correct?

18 A That's correct.

19 Q So, in searching the house, the apartment, the
20 Avalanche and the Avenger, you would have taken an inventory
21 of what you collected, correct?

22 A That's correct.

23 Q On the search warrant inventory for this case, did
24 you note and collect Eulia Moon's purse?

25 A I do not have that inventory in front of me. I

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 can't recall that off the top of my head., I can tell you,
2 I'm not the one that did the inventory, I'm there during the
3 search warrant. That would be a question for Staff Sergeant
4 Disbrow.

5 Q As the lead investigator, you should and would
6 review everything in this case, correct?

7 A That's correct.

8 Q Are you telling us you don't have a copy of the
9 search warrant inventory in your file with you today?

10 A I do not believe that I actually do have a copy of
11 that inventory with me.

12 Q To the best of your knowledge then, was Eulia
13 Moon's purse located at any point during this investigation?

14 A Her purse, I do not believe so.

15 Q Eulia Moon's car was not impounded, correct?

16 A That's correct.

17 Q Okay. That car was released to someone, I assume,
18 in her family?

19 A Back to the family, yes.

20 Q Now, part of your search included the securing of
21 the Lorcin handgun, correct?

22 A Yes.

23 Q You did that?

24 A Yes.

25 Q In securing the handgun, you take measures to be

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 sure that you preserve it, correct?

2 A That's correct.

3 Q So it can be analyzed in a number of different
4 scientific ways, correct?

5 A Yes, we turn it in for forensic testing, DNA
6 testing.

7 Q Okay. So, let's go back to one of our -- like the
8 basics for analysis. In your training and in your
9 experience as an investigator, have you ever had the
10 opportunity to utilize the science of fingerprint evidence?

11 A Yes.

12 Q And how do you obtain a fingerprint off of a
13 particular item?

14 A You use fingerprint dust.

15 Q Okay. Can you explain to us a little bit how
16 that's done?

17 A Yes. The processes of fingerprinting -- you leave
18 oils behind and those oils get trapped on objects you touch.
19 What we do, we have those objects, we'll have a fingerprint
20 brush and put it in dust and you swipe it over the object
21 and, hopefully, there's some oils left behind and you get a
22 ridge detail.

23 Q So, a fingerprint that's left behind, is that
24 called a latent print?

25 A Yes, ma'am.

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 Q So, in investigating a homicide investigation, the
2 securing of latent fingerprint evidence might be something
3 you would do, correct?

4 A It depends on each case and each object, yes,
5 ma'am.

6 Q So, in this particular case, would you let us know
7 what latent fingerprint evidence you or anyone else
8 attempted to secure?

9 A Myself, I did not do latent prints. I know Staff
10 Sergeant Disbrow did latent prints on the vehicles and items
11 such as that.

12 Q So, to be clear, you did not perform any latent
13 print efforts, Staff Sergeant Disbrow worked on the
14 vehicles, correct?

15 A That's correct.

16 Q That would be the exterior of the vehicle?

17 A That's correct.

18 Q So, here we are, the handgun, the Lorcin handgun,
19 no one, not you or anyone else in the investigation, has
20 attempted to obtain fingerprint evidence from the handgun
21 that is in evidence in this case; is that correct?

22 A That's correct. Due to the circumstance of we
23 have the story that Mr. Robinson described the handgun,
24 matched to a T with the white, silver handle, small caliber,
25 the location where he said he threw it in the woods, it is

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 not necessary to fingerprint an object like that. We turn
2 it in for DNA testing, which is much more exact than a
3 fingerprint.

4 Q Thank you. So, the answer is no, you did not
5 attempt to take fingerprints off of the handgun in this
6 case, correct?

7 A That is correct.

8 Q You had been told by individuals in this case,
9 including Mr. Robinson, that he had handled the gun,
10 correct?

11 A Yes, ma'am.

12 Q And that there was a struggle over the gun with
13 Ms. Moon, correct?

14 A Struggle over the gun, no.

15 Q Control of the gun?

16 A He said that she grabbed his arm.

17 Q So, that's not a struggle to control the gun?

18 A It could be.

19 Q In your investigation of this case, you
20 interviewed Charles Rivers, correct?

21 A That is correct.

22 Q And you interviewed Carla Simmons, correct?

23 A That is also correct.

24 Q Part of your gathering of information in this
25 case, you obtained information that Eulia Moon had a fight,

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 physical fight with Carla Simmons; is that correct?

2 A In the past, yes, ma'am.

3 Q And in determining the genesis of the fight, who
4 did you interview to determine what the fight was about?

5 A Carla Simmons.

6 Q Okay. And the information from Carla Simmons that
7 you obtained in working your investigation, what did you
8 find out?

9 A Well, Carla Simmons, due to her body language, was
10 not very friendly towards us, she did not want to talk,
11 provide information.

12 MS. SMITH: Judge, it's hearsay.

13 THE COURT: Restate your question, please.

14 MS. CAMPBELL: I'll move on.

15 BY MS. CAMPBELL:

16 Q So you interviewed Carla Simmons and you talked to
17 Carla Simmons about this fight that she got into with Eulia
18 Moon, did you not?

19 A I did.

20 Q Okay. And Carla Simmons gave you a statement.
21 She gave you a taped statement in this case, correct?

22 A Correct.

23 Q Okay. And you took that taped statement and you
24 put it in evidence, did you not?

25 A I did.

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 Q Okay. Same thing for Charles Rivers, correct?

2 A Correct.

3 Q One of the pieces of information that you used in
4 your investigation in this case in trying to establish a
5 time line for this, this shooting would be what people heard
6 and saw around that time, correct?

7 A Yes, ma'am.

8 Q Now, Carla Simmons and Charles Rivers lived right
9 across the street from Jamie Robinson and Hazel Robinson and
10 Eulia Moon, correct?

11 A There's some wood lines in the way, but yes, it is
12 down another dirt road, which comes back, yes, ma'am.

13 Q And the information that you were working off of
14 is that someone heard a gunshot that night, right?

15 A Correct.

16 Q Yeah. And that someone was Carla, was it not?

17 A Yes.

18 Q Okay. So, Carla is what you might call an
19 eyewitness, right? Eyewitnesses are people who see things,
20 hear things, smell something, right?

21 A Yep, she reported that she heard the gunshot a few
22 days later when I interviewed her.

23 Q Right. So, Carla is an eyewitness in terms of
24 having heard a gunshot. And she heard no yelling or
25 anything like that before the gunshot, is that not true?

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 A I can't say what she heard or didn't. She didn't
2 report any of that to me, no, ma'am.

3 Q Do you want to look at your report so we can
4 reference that together? Let me help you with the page. If
5 you will check on -- I think it's Page 27 of your report.
6 This is where you began interviewing Charles and Carla. Can
7 you find that?

8 A Yes, ma'am.

9 Q So, the information you're working off of as you
10 work on this case is that Carla hears a gunshot, nobody
11 heard any arguing; is that correct?

12 A That's correct.

13 Q Subsequent to the gunshot, Charles Rivers hears a
14 scream or screaming, correct?

15 A He said he heard a loud scream.

16 Q Yes, thank you. Part of your investigation in
17 this case was trying to determine where Jamie Robinson had
18 been in the hours leading up to the shooting, correct?

19 A Yes, ma'am.

20 Q So you found out that he was with Charles Rivers
21 and Carla Simmons and they had been out drinking, right?

22 A They were at the bootlegger's house on Youmans
23 Drive.

24 Q Is that the Hazel Farm that's referenced in the
25 report?

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 A I'm not sure. Hazel Farm?

2 Q There is a reference in your report to them being
3 at -- on Page 28, they were drinking at Hazel Farm. Is that
4 correct?

5 A Yes, ma'am.

6 Q Is that different from where you just took us?

7 A I don't think so.

8 Q So, it's the same place?

9 A I believe so, yes, ma'am.

10 Q Okay. When did you go out to that location to
11 talk to people who might have seen Jamie or Charles or Carla
12 that night?

13 A I have had -- I've actually been to that place a
14 couple of times, but specifically, at this case, I don't
15 have -- no, I didn't interview anybody there.

16 Q So no?

17 A No, ma'am.

18 Q And establishing your time line, Jamie brings
19 Charles Rivers and Carla Simmons back to their home,
20 correct?

21 A Correct.

22 Q And then he is met by Eulia Moon at Carla and
23 Charles' house, correct?

24 A Yes, ma'am.

25 Q And you, in your investigation, at that point,

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 would testify that Jamie and Eulia drove back home?

2 A Yes.

3 Q From Rivers and Simmons?

4 A Jamie drove his truck and Ms. Moon drove her car.

5 Q And it's clear from the evidence in this case that

6 Carla is -- excuse me, Eulia's car is parked behind the

7 Avalanche, Jamie's car, correct?

8 A Yes, ma'am.

9 Q Do you consider Carla Simmons a key witness in
10 this case?

11 A A key witness?

12 Q Yes, sir.

13 A No, ma'am.

14 Q When you're trying to figure out who loaded a gun,
15 isn't it true that you can try to obtain fingerprints off of
16 the bullets themselves, correct?

17 A Sometimes.

18 Q Did you do that in this case?

19 A There's no magazine for the bullets.

20 Q There's a bullet in evidence?

21 A There's a bullet that was found on Big Ben Lane,
22 yes, ma'am.

23 Q And you took that bullet in evidence. Did you try
24 to fingerprint that bullet?

25 A Once again, we didn't fingerprint, we DNA'd it.

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 Q So, no?

2 A Yes, ma'am.

3 Q Also, shell casing is in evidence, is it not?

4 A Yes, ma'am.

5 Q In order to put the bullet in the magazine, you
6 have to handle the portion of the shell casing that you
7 could lift a fingerprint from, correct?

8 A Fingerprints are very difficult to lift off of
9 spent shell casings due to the explosion when it's fired
10 off. But every now and then, it is possible, yes, ma'am.

11 Q Being possible, but it was still not done in this
12 case, correct?

13 A No, ma'am, DNA.

14 Q You answered the solicitor that you -- she asked
15 you about something about you don't believe or you didn't
16 believe what Jamie Robinson was reporting to you when you
17 interviewed him at the jail, is that fair, the question?

18 A Yes, that's fair.

19 Q And you said, No, I didn't believe him. Right?

20 A No, I did not believe him.

21 Q Okay. So, if we take out Jamie's statements
22 because you don't believe them, you don't believe the first
23 one, you don't believe the second one, then, we have to be
24 left with the pieces of evidence that you secured and
25 analyzed, right?

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 A There's a lot of different pieces, yes, ma'am.

2 Q Right. Okay. So, let's talk about that. So you
3 don't believe the statements. So, let's talk about the
4 pieces of evidence that you secured and the investigation
5 which would piece together what you believe happened, right?

6 A Okay.

7 Q Correct? Okay. In piecing together evidence, you
8 want evidence that you feel like you can rely on, right?

9 A Yes.

10 Q Okay. So, scientific evidence, I get the feeling
11 that you feel you can rely on DNA evidence, right?

12 A That's correct.

13 Q And I would assume you feel you can rely on things
14 like fingerprint evidence, right?

15 A Yes, ma'am.

16 Q And you can rely on what we call gunshot residue
17 evidence, right?

18 A That's correct.

19 Q So -- I know we're going to hear from an expert,
20 but briefly, you saw the video where Zsamar is tapping the
21 solution on Mr. Robinson's hands, correct?

22 A That's correct.

23 Q And he's securing the evidence to determine
24 whether or not Mr. Robinson may or may not have fired a
25 weapon, correct?

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 A That's correct.

2 Q And the same thing was done with Eulia Moon's
3 hands, correct?

4 A Yes, ma'am.

5 Q And again, DNA evidence, fingerprint evidence and
6 gunshot residue evidence are the types of evidence that you
7 as an investigator would rely on as pieces of evidence to
8 help you understand what happened, right?

9 A Yes, ma'am.

10 Q Now, when you interviewed Mr. Pinckney, isn't it
11 true that you got information that Mr. Pinckney called 911,
12 right?

13 A Yes, ma'am.

14 Q And while he was on the phone with 911, he gave
15 the call to Jamie, did he not, to talk to 911?

16 A I don't recall.

17 Q Do you want to look at your report? On Page 25.

18 MS. CAMPBELL: May I approach?

19 THE COURT: Yes.

20 BY MS. CAMPBELL:

21 Q Can you find it?

22 A No. Actually --

23 Q All right. I'll just pass it up to you.

24 A It says he passed the phone to Jamie, yes.

25 Q So, there's a 911 call where Michael is on the

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 phone and then Jamie is on the phone, right?

2 A Right.

3 Q Help me, where is that 911 call in evidence? I
4 don't see it in the log. Do you know where it is?

5 A It would be up to the 911 coordinator, I don't
6 know.

7 Q Did you secure the 911 call in this case, yes or
8 no?

9 A I did not, no.

10 Q Okay. Have you ever used Facebook searches and
11 search warrants in your investigations?

12 A I have.

13 Q Have you found Facebook to be sometimes a source
14 of information about the people that you are investigating?

15 A It's a case-by-case issue.

16 Q In this particular case, did you obtain a search
17 warrant for Eulia Moon's Facebook?

18 A No, we did not.

19 Q Did you obtain a search warrant for Jamie
20 Robinson's Facebook?

21 A No, we did not.

22 Q Did you obtain a search warrant for Carla Simmons'
23 Facebook?

24 A No, ma'am.

25 Q So, as we sit here today, as you're testifying,

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 that source of information, you have not explored, correct?

2 A I would say that would be out of the scope of
3 probable cause.

4 Q I'm sorry, it was what?

5 A That would be out of the scope. We didn't have
6 any reason to search their Facebook.

7 Q Well, let's talk about that. So, you have
8 information that Eulia Moon and Carla Simmons had been
9 involved in a physical fight prior to this shooting,
10 correct?

11 A In the past, yes, ma'am.

12 Q Right. So you did not feel that the relationship
13 between these two women was important, so you didn't look
14 into it, correct?

15 A I looked into it by interviewing Ms. Simmons.

16 Q And that's it?

17 A Yes, ma'am.

18 Q You also, in your interview with Jamie at the
19 detention center, you talked to him about he's going to get
20 a lawyer, right?

21 A I asked him if he had a lawyer, yes, ma'am.

22 Q You said that his lawyer and the State of South
23 Carolina, they would get together and figure out what was
24 going to happen, is that what you told him?

25 A It's a possibility, yes, ma'am.

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 Q I mean, I think that's what I heard --

2 A Yes, that's what I told him.

3 Q -- is that what you heard?

4 A Yes.

5 Q Okay. And then you talk with him about, you know,
6 maybe you will work out a plea or something, right? You
7 talk about that, don't you?

8 A I did mention that, yes, ma'am.

9 Q Okay. And being the lead investigator and sitting
10 at this table, there's never been any plea for Jamie, right?

11 MS. SMITH: Objection, Judge.

12 THE COURT: Sustained.

13 MS. CAMPBELL: Thank you.

14 BY MS. CAMPBELL:

15 Q So, when you talked with him at the detention
16 center, you said things to him that were not true, right?
17 You've told us that?

18 A That's correct.

19 Q In an effort in trying to determine what was true,
20 other than his statements and the fact that Eulia was shot
21 in the head, what do we have? We have a gun, right?

22 A We have his mom's statements on 911. We have --

23 Q I'm going to take it one at a time. We have a
24 gun, right, that you located?

25 A We have a gun. We have two guns.

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 Q Thank you. We know he told his mother
2 immediately, I just shot or killed -- I just shot Lee Lee,
3 right, call 911, we've got that?

4 A I just killed Lee Lee, yes.

5 Q So, then you've got the gun and then you've got
6 Carla's statement that Jamie and Eulia were at her house
7 right beforehand, right?

8 A Yes.

9 Q Okay. And Charles says the same thing, they were
10 there right after Jamie dropped us off, right? So far,
11 we've got the matching evidence from the gun and the expert
12 from items you submitted to say that gun fired that bullet,
13 correct? Probably, right?

14 A That's correct.

15 Q Probably. And you've got this green shirt that
16 Jamie had with him when he was at Michael Pinckney's house,
17 right?

18 A Yes, ma'am.

19 Q And you have the -- another weapon, I think, a
20 shotgun that was in the apartment, right?

21 A Yes, ma'am.

22 Q And that was not in any way related to this
23 shooting, correct?

24 A That's correct.

25 Q You have taken in two cell phones, right?

CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 A I believe one was functioning, the other, I'm not
2 sure was functioning. It was like an older cell phone.

3 Q Okay. So, there's two cell phones and --

4 MS. CAMPBELL: That's all I have. Thank you.

5 THE COURT: Any redirect?

6 MS. SMITH: Yes, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. SMITH:

9 Q Just a couple of questions, Investigator Duncan.
10 Would you expect to find prints on a gun that was left out
11 in the elements where this gun was found?

12 A I would not. And to go back again, due to the
13 story we had of where the gun was, we knew what type of gun
14 it was, the location, we were pretty certain that was the
15 exact gun, so we felt it was more necessary to do DNA on it
16 than fingerprints.

17 Q Are you aware of where Carla Simmons lives now?

18 A Right now, no, I'm not.

19 Q Could the State find her to serve a subpoena?

20 A No, we could not.

21 MS. SMITH: Thank you, that's all I have.

22 THE COURT: Anything else, Ms. Campbell?

23 MS. CAMPBELL: Very briefly.

24 THE COURT: Okay.

25 RE-CROSS EXAMINATION

RE CROSS EXAMINATION OF TODD DUNCAN BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q The solicitor just asked you about expecting to
3 find prints on this handgun. Expecting or not, you did not
4 try to extract latent prints off of the Lorcin handgun,
5 correct?

6 A No, we did not.

7 Q No attempt was made?

8 A We did not do fingerprints on the handgun, we did
9 DNA.

10 Q Thank you.

11 THE COURT: Thank you, sir. You may step down
12 from the stand.

13 Ms. Smith, you want to call your next witness.

14 MS. SMITH: Judge, may we approach?

15 THE COURT: Sure.

16 (Off-the-record discussion was held.)

17 THE COURT: Call your next witness, please.

18 MS. SMITH: The State calls Edward Legree.

19 Thereupon,

20 EDWARD LEGREE

21 was called as a witness, having been first duly sworn,

22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. SMITH:

25 Q Good morning, Mr. Legree.

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

- 1 A Good morning.
- 2 Q Please spell your last name for the court
- 3 reporter.
- 4 A L-E-G-R-E-E.
- 5 Q And what do you go by?
- 6 A E.J.
- 7 Q E.J., okay. E.J., where are you from?
- 8 A St. Helena Island, South Carolina.
- 9 Q Okay. And who are you related to?
- 10 A Who am I related to?
- 11 Q Who was your mother?
- 12 A Eulia Moon.
- 13 Q Okay. And who are your brothers and sisters?
- 14 A David Moon, Tamieka Moon, Jimmy Legree.
- 15 Q Where do you live now?
- 16 A Charlotte, North Carolina.
- 17 Q How long have you lived in Charlotte?
- 18 A Roughly, a year.
- 19 Q Okay. And who do you live with there?
- 20 A My wife and my kid.
- 21 Q Okay. Why did you move to Charlotte?
- 22 A I went to go support my little brother.
- 23 Q Does he live there?
- 24 A Yes, ma'am.
- 25 Q What does he do?

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 A As far as?

2 Q You said you went to support him, why did you move
3 there to support him?

4 A He needed someone, family -- you know, he needed
5 some family with him. He was living in North Carolina
6 before I was, so he was there alone, so I figured that I
7 would move.

8 Q What do you do for a living?

9 A I'm a trash man.

10 Q Okay. Prior to moving to Charlotte, where did you
11 live on St. Helena?

12 A [REDACTED]

13 Q Okay. And is that where your mom lived?

14 A Yes.

15 Q Did you live with her?

16 A Yes, I did.

17 Q Okay. And who else lived in the house with y'all?

18 A Me, my wife, my kid and my mom.

19 Q Okay. And when you moved to Charlotte, did
20 anybody live with her after that?

21 A My mom?

22 Q Yes.

23 A No.

24 Q Are you aware of the relationship between your
25 mother and Jamie Robinson?

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 A Yes, ma'am.

2 Q Okay. And are you familiar with what kind of
3 relationship they had?

4 A Yes, ma'am.

5 Q How would you characterize their relationship?

6 A I would say very unhealthy. It was a toxic
7 relationship, in my opinion.

8 Q Now, E.J., your mother passed away in October
9 2016. Do you recall a specific altercation that occurred
10 between your mother and Jamie Robinson a few weeks before
11 her death?

12 A Yes, ma'am, I do.

13 Q Okay. Were you personally there?!

14 A Yes, ma'am.

15 Q Okay. Will you tell us what happened?

16 A Prior to me getting there or the whole, the
17 initial?

18 Q While you were there?

19 A I received a phone call from her asking me to come
20 help her move her things out of Jamie's house.

21 Q Okay. Where was he living then?

22 A Somewhere on Lady's Island. I'm not sure of the
23 exact address, but it was on Lady's Island.

24 Q Was she staying with him on and off back then?

25 A Yes, ma'am.

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 Q Okay.

2 A And she called me and asked me to come to the
3 house to help her get her stuff out the house. And when I
4 went there, I noticed the dresser -- her dresser was
5 outside, so I proceeded to go help put the dresser inside
6 her vehicle, but it was too big. When I set it down, I
7 noticed she just looked distraught, just out of it, you
8 know. And she looked like she was just hurting, just crying
9 and stuff. I said, What's wrong, you know.

10 Q Did she appear scared?

11 A Yes, she just was -- really no words, but I could
12 sense, you know, something was wrong.

13 Q What happened after you tried to put the dresser
14 in your car?

15 A I noticed she was -- there was a bruise -- not a
16 bruise, looked like a lump or something on her head. And I
17 was like, you know, where did that come from, you know, what
18 is going on. She saying that the relationship --

19 MS. CAMPBELL: Objection, hearsay.

20 BY MS. SMITH:

21 Q What happened --

22 THE COURT: Wait a minute, let me rule on the
23 objection.

24 Sustained to the extent it's hearsay. Just try to
25 rephrase your question.

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 MS. SMITH: Sure.

2 BY MS. SMITH:

3 Q What did you -- did you get the dresser in the
4 car?

5 A No, ma'am.

6 Q What did you do next?

7 A I proceeded to go walk to his house to go talk to
8 him, you know, to ask him what it was, what was going on.

9 Q Okay. Hold up just a minute. Let me show you a
10 picture. Bear with me. Let me show you what's been
11 admitted as State's Exhibit 3 and admitted into evidence.
12 Do you recognize that area?

13 A Yes, ma'am.

14 Q Is that the house that you went to that day that
15 you're talking about?

16 A Yes, ma'am.

17 Q Okay. We can blow up the house a little bit. You
18 said you went to the door?

19 A Yeah, I went -- well, it was like to the side.
20 They got like a side garage area where the white is. You
21 can't really see it with the tree, but it's like a side door
22 right there, you know. It leads right to the driveway.

23 Q And it's on the right side of the house, if you
24 look at that picture?

25 A Yes, ma'am. Yes, ma'am.

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 Q So, what happened when you went up to that door?

2 A He didn't answer. And I was like, you know, let's
3 just leave, mom, let's just leave. So I got in my car and I
4 started to go down the road --

5 Q Okay, just backing up, were y'all parked in that
6 driveway to the side?

7 A You got to back up some.

8 Q If you zoom out?

9 A Yes, I was coming down -- I was leaving back out
10 of the driveway right there. And I was -- as I was leaving
11 out, I was, you know, like slowing going, waiting to see her
12 come in her car and come follow behind me.

13 Q Okay.

14 A And then that's when I noticed Jamie come outside
15 wielding his shotgun, like an old shotgun, wielding it at --
16 you know, just standing at the door, you know, just kind
17 of -- I don't know, taunting us, I guess. I was in the
18 vehicle, so I really couldn't hear what he was saying, but I
19 was, you know, just in the vehicle looking to make sure my
20 mom got in her car and she was coming behind me.

21 Q What kind of gun was it?

22 A It was like an old shotgun, like a rifle-type
23 shotgun. I took it as a shotgun because it was kind of
24 short, not really long, so.

25 Q Where was your mom when he had the gun out?

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 A She was like in the cut. Her car was like parked
2 over there in the grass area, like on the other side, on the
3 right side of the road. Actually, she was kind of like
4 parked on the side.

5 Q Was she outside of her vehicle when he had this
6 gun in his hand?

7 A Yes, ma'am, she was.

8 Q Was the Defendant threatening y'all -- or
9 threatening her with that gun?

10 A The way he was acting and just all just -- you
11 know, I took it as threats.

12 MS. CAMPBELL: Objection, Your Honor. You know,
13 we're going a little far outside of what is permissible
14 and I object to the speculation of what was going
15 through Mr. Robinson's mind on his property that day.

16 THE COURT: I'll overrule it to the extent he's
17 making his own observations. Remember my prior ruling.
18 Thank you.

19 BY MS. SMITH:

20 Q Let me show you what's been marked and admitted
21 into evidence as State's 34. Is this the gun?

22 A Yes, ma'am.

23 Q That he was wielding that day?

24 A Yes, ma'am. Yes, ma'am. Yes, ma'am, that's it.

25 Q Okay. E.J., did your mom carry a weapon or a gun

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 with her?

2 A No, ma'am, she didn't like weapons.

3 Q Did you ever give her a gun?

4 A Yes, ma'am, I did.

5 Q What kind of gun did you give her?

6 A It was a 357.

7 Q Why did you give her that?

8 A Just for personal reasons. I was leaving her back
9 there, you know, alone in the house. You know, I wasn't
10 going to be going back and forth to the house anymore. So,
11 I was leaving her alone back there, so I just wanted to feel
12 that she had some sort of protection back there, you know.
13 Even though I know she didn't like it or whatever, it just
14 made me feel better knowing she had something.

15 Q Were you giving it to her because you were moving
16 to Charlotte?

17 A Yes.

18 Q You said you didn't want her to be back there.
19 Explain where y'all lived at the time.

20 A St. Helena, it's like -- well, where we live, it's
21 a long dirt road and it's far off the road. So, it's
22 like -- it's kind of once you back there, it's like, you
23 know, just a big wooded area. I just didn't feel safe with
24 her back there by herself.

25 Q Was it isolated?

DIRECT EXAMINATION OF EDWARD LEGREE BY MS. SMITH

1 A Yes, it was.

2 Q Okay. Do you know where she kept that gun?

3 A No, I don't.

4 Q Okay. E.J., one last question, did you ever
5 observe your mom to be suicidal?

6 A No, ma'am. No, ma'am. No, ma'am.

7 Q Okay.

8 MS. SMITH: Thank you. That's all the questions I
9 have for you.

10 THE COURT: Ms. Campbell, you're free to cross.

11 MS. CAMPBELL: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MS. CAMPBELL:

14 Q Mr. Legree, this 357, how did you obtain that gun?

15 A I purchased it.

16 Q Where did you purchase it?

17 A The pawn shop in Port Royal.

18 Q And that's not the only gun you've ever purchased,
19 right?

20 A No, ma'am, it isn't.

21 Q You've purchased a lot of guns over the course of
22 your life, correct?

23 A Yes, ma'am.

24 Q And some of those guns, you would have in your
25 vehicle, correct?

CROSS EXAMINATION OF EDWARD LEGREE BY MS. CAMPBELL

1 MS. SMITH: Objection, Judge.

2 THE COURT: Approach briefly, please.

3 (Off-the-record discussion held.)

4 BY MS. CAMPBELL:

5 Q Have you ever kept a gun in your car?

6 A I don't understand what you mean, kept in my car.

7 Q Well, in your car, have you ever had a gun in your
8 car?

9 A Yes.

10 Q On your person, be it in a pocket or in your
11 jeans, have you ever had a gun on your person?

12 A Yes.

13 Q Okay. So, if I understand your testimony
14 correctly from the solicitor, that you went over to Hazel
15 and Jamie's property on this day you've testified, correct,
16 something about picking up your mother and a desk, right?

17 A Can you repeat the question, please?

18 Q Yes, on the day that you testified for the State,
19 you went over to Jamie and Hazel's property, this picture up
20 here that you've described, to pick up your mother and a
21 desk, right?

22 A On the day that I testified I went over to his
23 house and pick up a desk?

24 Q Yes, isn't that what you just testified?

25 A Yes, ma'am.

CROSS EXAMINATION OF EDWARD LEGREE BY MS. CAMPBELL

1 Q Okay. And then you testified that you got out of
2 your car, right?

3 A Yes, ma'am.

4 Q And you walked up to the door of the house,
5 correct?

6 A Yes, ma'am.

7 Q And you attempted to speak with Jamie Robinson,
8 right?

9 A Yes, ma'am.

10 Q Okay. And you were not happy because of what you
11 just testified to, about whatever was going on with your
12 mother that day, right?

13 A Yes, ma'am.

14 Q None of that made you in a good mood, right?

15 A Yes, ma'am.

16 Q And so, did you just sort of tap on the door or
17 did you knock the door to get his attention?

18 A I didn't do neither, ma'am.

19 Q Okay. So, how -- you said he didn't come to the
20 door?

21 A He didn't.

22 Q So, how were you trying to get him to the door?

23 A I was walking to the door to go talk to him.

24 Q Okay.

25 A And then I turned around because my mom said,

CROSS EXAMINATION OF EDWARD LEGREE BY MS. CAMPBELL

1 don't do it.

2 Q Oh, okay. So, you never actually knocked on the
3 door?

4 A No, ma'am, I didn't.

5 Q Okay. After you said that Mr. Robinson out on his
6 property and held the shotgun, did you call the police?

7 A No, ma'am.

8 Q Okay. The situation that day, your mother
9 returned to Mr. Robinson's home, correct, at some point
10 after this?

11 A Did she return to his home after that?

12 Q After the day we're talking about, yes, did she
13 not move back in with him?

14 A I believe so, I'm not sure.

15 Q Now, you were friends on Facebook with your
16 mother, right?

17 A Yes.

18 Q Okay. And you were friends on Facebook with Jamie
19 Robinson, are you not? You still are?

20 A Maybe. I don't think so. I'm not really on
21 Facebook like that.

22 Q Okay. Well, you post on Facebook a lot, don't
23 you?

24 A No, I don't.

25 Q Okay. When you're friends with your mother on

CROSS EXAMINATION OF EDWARD LEGREE BY MS. CAMPBELL

1 Facebook, do you read her posts? Have you read your
2 mother's posts --

3 A Yes.

4 Q -- back in 2016? Do you have any recollection of
5 the number of times she posted about the great love between
6 the two of them?

7 MS. SMITH: Judge, objection.

8 THE COURT: She can ask as to his independent
9 recollection, that's about it.

10 So, go ahead, overruled.

11 THE WITNESS: Could you repeat your question?

12 BY MS. CAMPBELL:

13 Q Yes. Do you have a recollection of the number of
14 times in 2016 that your mother posted on Facebook about the
15 great love between the two of them?

16 A No, I don't, ma'am.

17 Q Okay. Do you have any independent recollection
18 about your mother posting on her Facebook about a post
19 that -- first, let me ask you this, what does load the
20 chopper mean? Do you know what that means?

21 MS. SMITH: Judge --

22 THE WITNESS: No, ma'am.

23 MS. SMITH: Can we take this up outside of the
24 jury?

25 THE COURT: Yes, absolutely.

COLLOQUY

1 Ladies and gentlemen, it's almost lunchtime
2 anyway. We're going to begin our lunch break. It's
3 almost noon. I'm going to allow you to retire for
4 lunch and ask that you be back at 1:30. Report back at
5 1:30. I'll ask you again not to begin your
6 deliberations at this point. Thank you very much.

7 (The jury exits the courtroom at 11:53 a.m.)

8 THE BAILIFF: The jury is cleared, Your Honor.

9 THE COURT: All right. Thank you.

10 All right. You've got some Facebook evidence
11 that's being attempted to be entered into -- the
12 conversation at some point in time. You want --

13 MS. CAMPBELL: The only --

14 THE COURT: -- to tell me about that.

15 MS. CAMPBELL: I'm sorry, Your Honor.

16 THE COURT: That's okay. Go ahead.

17 MS. CAMPBELL: Only with this witness if he
18 recalls it, seeing it posted.

19 THE COURT: That's fine, but you holding up these
20 in front of the jury is clearly entirely inappropriate.
21 They're blown-up posts. I can see them from here. If
22 I can see it, I know they can. At this point in time,
23 I'm going to ask that you refrain from doing that.

24 You can certainly ask him about some independent
25 recollection about Facebook. I don't know if he's

COLLOQUY

1 going to remember it or not from two years ago, maybe
2 he will, maybe he won't, but there's been no foundation
3 laid for anything to be quoted from Facebook. You can
4 ask him if he remembers generally things, but I'm going
5 to ask you to refrain from asking specific quotes that
6 you've pulled from a Facebook page and we have zero
7 foundation whatsoever for the authentication of said
8 post. We have zero way to know if these things were --
9 I realize they're password protected, but we have no
10 way of knowing who had whose password, who posted what
11 on Facebook. I think that several courts across the
12 country have found the same problem with this type of
13 the evidence.

14 So again, to the extent he remembers things
15 independently, that's fine, I have no problem and I've
16 let you do that to a point. But we're not going to
17 hold up things you've have printed off and we're not
18 going to quote things, please. Obviously, over your
19 objection.

20 MS. CAMPBELL: I understand the Court's ruling and
21 I apologize. For authentication purposes, perhaps,
22 just to settle the matter at this point, should
23 Mr. Robinson testify, he would be able to authenticate
24 the posts between himself and between Eulia Moon.

25 THE COURT: Well, he can authenticate something

COLLOQUY

1 that -- or potentially, that he's written, but he can't
2 authenticate something he's received.

3 MS. CAMPBELL: He can authenticate -- see, the
4 posts are tagging him. She's posting herself and then
5 you tag someone and that involves them in the posts.
6 So, these posts are also on his Facebook. So --

7 THE COURT: I'm not allowing it. I'll let you
8 know right now and you can reenter enter your objection
9 again on the record at that point in time. I'm not
10 going to allow anything from Facebook at this point in
11 time without proper authentication. If he wants to
12 take the stand and he's going to testify as to
13 something that he posted, that's one thing. But
14 something he's received or been tagged in, I can't -- I
15 have no way of authenticating that and that's not going
16 to be allowed to come in.

17 MS. CAMPBELL: And I understand the ruling, your
18 ruling and I'll certainly try to abide by those
19 parameters moving forward.

20 THE COURT: Okay.

21 MS. CAMPBELL: And again, just trying, on behalf
22 of Mr. Robinson, to address the prior difficulties,
23 testimony that's been allowed in the case and the
24 investigation that we've conducted, you know, it's not
25 born out in the relationship that's exhibited in those

COLLOQUY

1 forums between Mr. Robinson and Ms. Moon.

2 THE COURT: Again, the problem with those forums
3 is reliability and authentication. I have to go with
4 the guidance that I have from courts around the country
5 on that.

6 MS. CAMPBELL: So, what about the post where Mr.
7 Legree shared a post from his mother's Facebook to his
8 own Facebook? He could authenticate that.

9 THE COURT: Where he shared to somebody to his
10 own, is that what you said? In other words, he took an
11 overt action on Facebook?

12 MS. CAMPBELL: He did.

13 THE COURT: You could ask him, I'll allow you to
14 ask him again if he independently recalls that. I'm
15 not going to allow it into evidence, though.

16 MS. CAMPBELL: I'll share it with the State and
17 the Court.

18 THE COURT: Sure, I'll be happy to review it.

19 MS. CAMPBELL: Thank you. And we'll mark it as a
20 Court's Exhibit at this point.

21 THE COURT: Sure, that's fine.

22 MS. CAMPBELL: Thank you. And this, again, is
23 just a few days prior to the shooting, Your Honor.

24 THE COURT: Okay. For the record, it's some sort
25 of screen shot, it appears?

COLLOQUY

1 MS. CAMPBELL: It is.

2 THE COURT: And we'll mark it as a Court's
3 Exhibit. Again, I have major issues with the
4 authentication of this. The proper foundation would
5 have to be laid, so I'm going to suppress any such
6 evidence henceforth. However, again, I'll stand by my
7 ruling. You're welcome to ask what he recalls without
8 entering any of these screen shots into evidence. I
9 believe the most recent thing you were getting ready to
10 ask him when the solicitor objected was a phrase,
11 something about a chopper. Is that correct, Ms.
12 Campbell?

13 MS. CAMPBELL: Yes, I just asked him if he was
14 familiar with the phrase, load the chopper.

15 THE COURT: You want to hash out your objection to
16 that, Ms. Smith?

17 MS. SMITH: Judge, first, she didn't lay the
18 foundation authenticating it, but it's hearsay.

19 THE COURT: We're talking about the phrase itself.
20 She really hasn't said where she got it from. And I've
21 discussed we're not hold up these screen shots anymore.

22 MS. SMITH: Judge, the phrase that she's talking
23 about came from a screen shot. I don't know where
24 she's getting it. I mean, I don't even think it's
25 relevance to this.

COLLOQUY

1 THE COURT: Well, you can ask him if you want to
2 ask him when we come back if he knows what that phrase
3 means. Obviously, you'll have a chance to redirect.

4 MS. SMITH: Judge, with regard -- just so we're
5 clear, the Court's Exhibit that she just entered,
6 you -- I think your ruling was that she could ask about
7 his recollection. Is she going to be able to quote
8 that quote? I mean, the State would argue that's
9 hearsay.

10 THE COURT: Right. I think my ruling, if it
11 hasn't been specific enough, you shouldn't be reading
12 from these documents, in other words, publishing to the
13 jury through questioning. That would be inappropriate
14 as well. If you want to break it down to, again,
15 independent recollection of certain feelings or
16 attitudes from individuals around this time that you're
17 trying -- that's fine, I have no problem with that
18 whatsoever. But it's not going to be admitted and I'm
19 going to ask you not to, essentially, publish the
20 content of the text messages through your questioning
21 as well.

22 I think Ms. Campbell understood that, but we'll
23 make it real clear for the record.

24 Any other questions regarding my ruling on this
25 matter?

COLLOQUY

1 MS. CAMPBELL: No, Your Honor.

2 THE COURT: All right. We'll all take a lunch
3 break if there's nothing else we need to do at this
4 point in time. We'll resume questioning when we come
5 back.

6 Sir, you'll be dismissed for lunch. I'm going to
7 ask you not to discuss this case, however, whatsoever.
8 Do you understand that?

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Are you going to have any trouble
11 following that?

12 THE WITNESS: No, ma'am.

13 MS. CAMPBELL: And Judge, during the break, I'm
14 just going to mark all of the screen shots as Court's
15 Exhibits.

16 THE COURT: You can. If you want to do them as a
17 collection, you can, or independently. However you
18 want to do it.

19 MS. CAMPBELL: Okay. I'll do that one separate,
20 that's the only one that was specifically his
21 reposting.

22 *(Whereupon, Court's Exhibit No(s). 11 marked for*
23 *identification and received in evidence.)*

24 (Lunch recess.)

25 THE COURT: Okay. I have a brief matter of law to

COLLOQUY

1 take up if y'all are ready. All attorneys are present,
2 the parties are present, it appears.

3 We had a bench conference while, I believe it was
4 Mr. Duncan on the stand, and I believe that the State
5 mentioned they wanted to discuss the objection to
6 defense counsel's questioning about whether or not a
7 plea offer had been made. We had a brief conference at
8 the bench. There was no answer given at all by the
9 officer, yes or no. The State objected immediately, I
10 sustained the objection and we kept going. I just
11 wanted to put that on the record.

12 I don't -- obviously, there was no evidence
13 admitted because there was no answer given in response
14 to the question. So, at that point, it was simply a
15 question asked by the attorney, an objection was made,
16 it was sustained and we moved on. So I don't believe
17 any curative instruction is required as a result of the
18 fact that there was no ever answer provided by the
19 gentleman on the stand.

20 I just wanted to put that on the record. If you
21 want to make any other arguments as to that issue at
22 this time, you're welcome to.

23 MS. SMITH: Nothing from the State.

24 THE COURT: Okay.

25 MS. CAMPBELL: No, Your Honor.

COLLOQUY

1 THE COURT: Okay. And I'm sorry I didn't address
2 it before lunch. I just got caught up in the other
3 issues. I just wanted to make sure we made that clear.

4 And I'm up here, I don't mean to be rude, y'all
5 know I'm working. I'm crafting charges and all that.
6 I'm listening carefully, so I know a minute ago -- I'm
7 listening to everything, so please don't take it that
8 I'm not paying attention. I am paying attention. I'm
9 getting ready for the next phase, that's all.

10 We will do a charging conference. I'm going to
11 allow you to review the charge. We're not, obviously,
12 close to that point at this time, but I'll allow the
13 attorneys to review the charges before they are
14 submitted and finalized, as well as the verdict forms.
15 If you have any additional proposed charges between now
16 and that point in time, feel free to forward them to my
17 clerk at any time. If you have any specific way you
18 like a verdict form to look, I'm happy to consider that
19 as well. You could just forward that to my clerk as
20 well.

21 Do we need to take anything else up before the
22 jury returns?

23 MS. CAMPBELL: I think that Mr. Legree was still
24 on the stand.

25 THE COURT: Yes, ma'am.

COLLOQUY

1 MS. CAMPBELL: And still on cross-examination.

2 THE COURT: That's correct.

3 MS. CAMPBELL: And I just wanted to check -- if I
4 could have maybe just a minute with the court reporter
5 because I did have a question on whether or not he
6 testified that he actually knocked on the door. So I
7 wanted to check that with the court reporter if I
8 could.

9 THE COURT: You can do that. I'm not even sure if
10 the jury is back yet.

11 Are they back?

12 THE BAILIFF: Yes, ma'am, we're all set.

13 (Attorney looks at the transcript from the morning
14 session.)

15 MS. CAMPBELL: For the record, I've reviewed
16 Mr. Legree's testimony with the court reporter, Your
17 Honor. The question posed by the State of South
18 Carolina was: So, what happened when you went up to
19 that door? Answer: He didn't answer.

20 So, Mr. Legree testified on cross-examination that
21 he did not go up to the door, so I would just like to
22 read this information back to him and try to determine
23 whether or not he was answering truthfully.

24 THE COURT: Okay. That's fine.

25 Are we ready for the jury to come back in?

COLLOQUY

1 MS. CAMPBELL: I'm ready.

2 THE COURT: Anything else from the State?

3 MS. SMITH: No, Your Honor.

4 THE COURT: Bring them back in.

5 THE BAILIFF: The jury is entering the courtroom,
6 Your Honor.

7 (The jury enters the courtroom at 1:35 p.m.)

8 THE BAILIFF: The jury is seated, Your Honor.

9 THE COURT: Thank you.

10 Thank you, ladies and gentlemen. I hope you had a
11 nice lunch break. We are ready to resume this trial.

12 Ms. Campbell, you may continue.

13 MS. CAMPBELL: Thank you, Your Honor.

14 BY MS. CAMPBELL:

15 Q Mr. Legree, do you recall when the solicitor asked
16 you, So, what happened when you went up to that door?

17 A Yes, ma'am.

18 Q Do you recall answering her, He didn't answer?

19 A Yes, ma'am.

20 MS. CAMPBELL: Thank you. That's all I have.

21 THE COURT: Any redirect?

22 MS. SMITH: No, ma'am.

23 THE COURT: Any objection to him being released
24 from the witness stand from either party?

25 MS. SMITH: No, ma'am.

CONTINUED CROSS EXAMINATION OF EDWARD LEGREE BY MS.
CAMPBELL

1 THE COURT: You're free to leave the stand, sir.
2 You can sit in the gallery, if you wish, or go on about
3 your day.

4 Who's your next witness?

5 MS. SMITH: The State calls Tamieka Moon.

6 THE COURT: All right.

7 Thereupon,

8 TAMIEKA MOON

9 was called as a witness, having been first duly sworn,
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. SMITH:

13 Q Tamieka, where do you live?

14 A Seaside Road.

15 Q Is that here in Beaufort, St. Helena?

16 A St. Helena.

17 Q Speak up for us a little bit or speak in that
18 microphone. There you go. So the court reporter can hear
19 you. Who are you related to in this case?

20 A Eulia Moon.

21 Q What relation was Eulia to you?

22 A My mother.

23 Q Okay. Where did -- where on -- where did you live
24 in relation to your mother when she was alive?

25 A Two minutes down the road.

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 Q Okay. Do you recall your mom and Jamie dating
2 prior to her death?

3 A Yes.

4 Q Okay. About how long were they together?

5 A About two years.

6 Q Okay. Did they live together?

7 A I would -- I mean, she was always had her own
8 home, but she would be there as well. But her home is her
9 home.

10 Q Would she stay with Jamie at his home on Lady's
11 Island?

12 A Yes.

13 Q Did your mama keep the family -- is that the
14 family home out on Peppermint Lane?

15 A Yes.

16 Q Okay. I'm going to ask you about a couple of
17 specific incidents, okay?

18 A Uh-huh. (Indicating affirmatively.)

19 Q Do you recall an incident around July 2016 between
20 your mother and Jamie at the Tiger Express?

21 A Yes.

22 Q Were you there?

23 A Yes.

24 Q Tell us what happened that day.

25 A I just had had my son and we were leaving my aunt

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 and uncle's house on Lady's Island. And she had an ice
2 problem, she eats crushed ice, and that store sell that
3 particular ice and we stopped to get ice. And she saw
4 Jamie's truck there and she also realized that someone else
5 was in the vehicle. She got out the car, her and Jamie
6 exchanged words. She then proceeds to get into the truck
7 with Jamie. The truck pulled off, so I got in the driver's
8 seat of her car and followed them.

9 Q Where was this gas station in relation to where
10 Jamie lived?

11 A Three minutes away, around the corner.

12 Q What happened when you got to Jamie's?

13 A They were all mad. They were going back and
14 forth. I finally got her to calm down, told her let's just
15 go. She got in the car -- they exchanged words, obviously.
16 We got in the car and we went to leave and Jamie started
17 running behind the vehicle, shouting and ranting. I just
18 told her, let's go.

19 Q Who was the other individual that was there?

20 A Carla.

21 Q What's Carla's last name?

22 A I'm not sure. I'm not sure of that.

23 Q Okay. Was she the individual in the car with
24 Jamie?

25 A Yes.

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 Q And you stated when y'all left Jamie's, Jamie was
2 running behind the car?

3 A Uh-huh. (Indicating affirmatively.) Yes.

4 Q Now, after that, did your mama come stay with you
5 a couple of months later?

6 A Yes.

7 Q Had she stayed with you before?

8 A Yes.

9 Q Why -- why did she come stay with you?

10 A To get away from Jamie.

11 Q Okay. What did you observe about your mother?

12 A When she came to me once, she had a busted lip.

13 Q How did she appear to you as far as -- not her
14 physical appearance, but her demeanor?

15 A Just scared, just wanted to get away.

16 Q Okay. Did you call the police?

17 A No.

18 Q Why?

19 A I just didn't. I figured she had it under
20 control. She was with me, so she was safe at the time, so I
21 didn't feel the need to call the police.

22 Q Your mom passed away in October of 2016?

23 A Yes.

24 Q Do you recall an incident that occurred while you
25 were with your mom within a month of her death?

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

- 1 A Yes.
- 2 Q Okay. Where were y'all when this happened?
- 3 A ██████████ Drive.
- 4 Q Okay. To clarify, is that where your mama lived?
- 5 A That's her house.
- 6 Q What happened that day?
- 7 A She had left. They were arguing, I guess, from
- 8 Lady's Island. She came home, Jamie called. I was in the
- 9 room with her, the phone was on the speaker phone and I
- 10 could hear him.
- 11 Q Let me stop you. Slow down a little bit, okay.
- 12 Why -- how did you know it was Jamie, first of all?
- 13 A I know his voice. I know his number.
- 14 Q Why was he on speaker phone?
- 15 A We have T-Mobile, so we don't get service down
- 16 there like that. So, you got to sit it in the window to let
- 17 it catch service, that's why it was on speaker phone.
- 18 Q Okay. What happened from there, how did Jamie
- 19 sound?
- 20 A He was mad for whatever reason.
- 21 Q Okay. Was he -- was he loud?
- 22 A Yes.
- 23 Q Was he yelling?
- 24 A Yes.
- 25 Q Was he screaming?

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 A Yes.

2 Q Okay. And this was a conversation he was
3 having -- was this a conversation he was having with your
4 mother?

5 A Yes.

6 Q Okay. And based on the yelling and screaming that
7 you heard and looking at your mother, how did your mama
8 appear?

9 A She was just scared. I mean, that's why she
10 was --

11 MS. CAMPBELL: Your Honor, speculation. She can
12 testify --

13 THE COURT: I'll allow it as to her own personal
14 observation and opinion. Thank you.

15 BY MS. SMITH:

16 Q Was Jamie close by to your home when he made this
17 call?

18 A According to what he said.

19 Q And explain to the jury, they've heard a little
20 bit, but where your mother lives, where -- is it on the road
21 or is it off the road?

22 A No. We live down a dirt road a ways back in the
23 country area, so it's a little ride to get to the back, to
24 her home. You can't see the highway from her house.

25 Q And where was -- or where did he say he was when

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 he made this call?

2 A In the field. At the beginning of our road, it's
3 open land area, so we call it the field. But it's just open
4 land that a road just travels back behind it.

5 Q Any other houses up there?

6 A Yes.

7 Q But back where you live, are there any houses
8 around y'all?

9 A Just one.

10 Q Tamieka, did your mom carry a gun?

11 A No.

12 Q Do you know if she even knew how to use a gun?

13 A No.

14 Q Do you know if she had a gun in the house?

15 A Yes.

16 Q Okay. How did she get that gun?

17 A My brother.

18 Q Which brother is that?

19 A Edward.

20 Q Okay. Is that E.J.?

21 A Yes.

22 Q Okay. Did E.J. give her that gun?

23 A Yes.

24 Q Why?

25 A He had just started his own family, everyone was

DIRECT EXAMINATION OF TAMIEKA MOON BY MS. SMITH

1 out the home, he was the last to leave. He felt that he
2 left it with her for protection if anyone come into the
3 home, just for protection.

4 Q Do you know what kind of gun it was?

5 A No, I don't.

6 Q Okay. One last question, Tamieka, did your mom
7 ever appear suicidal to you?

8 A No.

9 MS. SMITH: Okay. Thank you. That's all that I
10 have for you.

11 MS. CAMPBELL: May it please the Court?

12 THE COURT: Yes, ma'am.

13 CROSS EXAMINATION

14 BY MS. CAMPBELL:

15 Q Tamieka, were you close enough to your mom to know
16 whether or not she wanted to marry Jamie?

17 A Yes.

18 Q And did your mother want to marry Jamie?

19 A It's never been a topic of conversation. I've
20 never heard her say, but I can't answer that. I don't know,
21 I'm not her.

22 Q So you and your mother didn't discuss her wanting
23 to get married to Jamie?

24 A No.

25 Q You saw what happened at the Tiger Express, right,

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 back in August 2016?

2 A Yes.

3 Q And I just want to go over that a little bit more
4 carefully, because I -- I mean, I haven't sat down and
5 talked to you about this case, right?

6 A Correct.

7 Q You worked with the prosecutor and discussed the
8 case with the prosecutor, right?

9 A Correct.

10 Q Okay. Let me see if I get this right, you are
11 with your mom. Are you driving?

12 A No, I'm not.

13 Q She's driving?

14 A Correct.

15 Q Okay. So, she's in her car. Is that the Dodge
16 Avenger?

17 A Correct.

18 Q Okay. And you guys pull up at the Tiger Express?

19 A Correct.

20 Q And Jamie's Chevy Avalanche is there, right?

21 A Yes.

22 Q And Carla, as you know her, is in the car with
23 Jamie?

24 A Yes.

25 Q And when your mom sees this, she gets out of the

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 Dodge Avenger, right?

2 A Uh-huh. (Indicating affirmatively.)

3 Q And she goes over and gets in the Avalanche,
4 right?

5 A She opens the door.

6 Q Which door does she open?

7 A Passenger.

8 Q Carla's door?

9 A She was in the back seat.

10 Q Okay. So, Jamie's in the front seat by himself
11 and Carla's in the back seat?

12 A Correct.

13 Q Was there anybody else there in or around the
14 truck?

15 A Not that I can recall.

16 Q So, since there's a free open front passenger
17 seat, your mom jumps in the truck; is that right?

18 A Correct.

19 Q Then what happens?

20 A The truck pulls off.

21 Q Okay. And do you then get in the driver's seat of
22 the Dodge Avenger?

23 A Yes.

24 Q Okay. And did you have your baby with you then?

25 A Yes.

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

- 1 Q And that would be Eulia's grandchild?
- 2 A Correct.
- 3 Q So, the grandbaby is in the car and the grandbaby
- 4 is in like a baby seat in the back?
- 5 A A car seat.
- 6 Q A car seat, okay. How old is the child?
- 7 A I guess Princeton would have been all of maybe
- 8 four or five month months.
- 9 Q So a baby four or five months old?
- 10 A Uh-huh. (Indicating affirmatively.)
- 11 Q Your child, Eulia's grandchild, right?
- 12 A Yes.
- 13 Q Okay. So, you then jump in the driver's seat and
- 14 you follow the Chevy Avalanche down the road, right?
- 15 A Correct.
- 16 Q Where do y'all all wind up?
- 17 A In Jamie's yard.
- 18 Q Where does Carla go when y'all pull up?
- 19 A She walks off.
- 20 Q So, she leaves?
- 21 A Uh-huh. (Indicating affirmatively.)
- 22 Q And words are exchanged between your mother and
- 23 Jamie about what just happened, is that fair?
- 24 A Yes.
- 25 Q Okay. And again, like the solicitor asked you

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 your observations and everything about all of this, would
2 you say your mom was pleased to have found Jamie with Carla
3 or upset to have found him with Carla?

4 A She was upset.

5 Q Were you aware of the -- around, I guess, a
6 similar time frame that your mom had gotten into a physical
7 fight with Carla?

8 A Say that again.

9 Q Did you know your mom had gotten into a physical
10 fight with Carla?

11 A Yes.

12 Q And had you and your mom talked about Carla?

13 A Yes.

14 Q And would it be fair to say that you and your
15 mother did not think much of Carla?

16 A Yes.

17 Q Or the fact that Jamie was with Carla, right?

18 A What about it?

19 Q That that was not something that you guys thought
20 was okay or good?

21 A I didn't --

22 Q For him to be with Carla?

23 A You said us, it didn't matter to me. I mean, as
24 far as her, it should bother her, but not me.

25 Q Right before this shooting, were you aware that

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 your mother and Jamie were back together at Jamie's home
2 living together?

3 A No.

4 Q So, those days leading up to the shooting, did you
5 have any contact with your mother via text message?

6 A Everyday.

7 Q Okay. So, you're communicating with her, but
8 she's not telling you or you don't know that she's back at
9 Jamie's?

10 A She was not, she was home.

11 Q So, she was not back at Jamie's then?

12 A When I talked to her the day she died, she was at
13 home.

14 Q Okay. And this is all around hurricane Matthew,
15 when everyone evacuated or no?

16 A When she passed away?

17 Q Yes, the fall of 2016?

18 A I can't remember the dates of the hurricane.

19 Q Okay. So, when your mom came to stay with you,
20 I'm just curious why she would not be going back to stay at
21 her house?

22 A My mother's house was getting remodeled.

23 Q Okay. So, it was finished being remodeled in the
24 days leading up to the shooting?

25 A I can't recall the days. I mean, she still could

CROSS EXAMINATION OF TAMIEKA MOON BY MS. CAMPBELL

1 live in her home. It wasn't being remodeled to the point
2 where she couldn't go in her home. She could still go in
3 her home.

4 MS. CAMPBELL: Okay, that's all.

5 THE COURT: Any redirect?

6 MS. SMITH: Nothing from this witness.

7 THE COURT: Ma'am, you may step down and --

8 MS. SMITH: Can she be excused?

9 THE COURT: Yes, she can be excused either in the
10 gallery or wherever you'd like to go. Thank you.

11 Next witness.

12 MS. SMITH: The State calls Jennifer Nates.

13 Thereupon,

14 JENNIFER NATES

15 was called as a witness, having been first duly sworn,
16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MS. SMITH:

19 Q Good afternoon, Ms. Nates. Where do you work?

20 A I work for the South Carolina Law Enforcement
21 Division in the trace evidence section.

22 Q Tell us what the trace evidence section is.

23 A The trace evidence section is one of the
24 departments in the forensic laboratory. We are responsible
25 for the analysis of several different types of evidence. We

DIRECT EXAMINATION OF JENNIFER NATES BY MS. SMITH

1 analyze fire debris, gunshot residue, paint, fiber, glass,
2 explosives, tape and fracture fit analyses.

3 Q How long have you been at SLED?

4 A Twenty-one years.

5 Q Okay. Can you tell us a little bit about your
6 educational training and background?

7 A I received a Bachelor of Science Degree in
8 chemistry in 1997 from a small state school in Pennsylvania
9 called California University of Pennsylvania. Once I
10 completed that degree, I performed an internship at SLED in
11 the trace evidence section for the summer. After completion
12 of that internship, I was hired in the drug analysis section
13 and began their training program. I successfully passed the
14 training program and began accepting poison and drug cases
15 for approximately one year.

16 At that time, there was an opening in the
17 trace evidence section and I put in a request for transfer
18 and was successfully given that. I then began the training
19 program in trace evidence, which was a three to four year
20 training program, where I worked under the lieutenant and
21 senior analyst. I would watch them perform casework, learn
22 the protocols, learn the different types of analyses to be
23 performed and took competency tests, proficiency tests and,
24 also, took outside classes and courses that dealt with the
25 instruments we would be using and the types of analyses that

DIRECT EXAMINATION OF JENNIFER NATES BY MS. SMITH

1 were being performed.

2 Q Have you testified in court before?

3 A I have.

4 Q How many times?

5 A This is 126.

6 Q Have you been qualified as an expert before?

7 A I have been.

8 Q How many times?

9 A Every time.

10 MS. SMITH: Judge, at this point, I would like to
11 introduce Jennifer Nates as an expert in trace evidence
12 analysis?

13 THE COURT: Any objection?

14 MS. CAMPBELL: No objection.

15 THE COURT: She's admitted as such without
16 objection.

17 Ladies and gentlemen, again, I want to tell you,
18 normally a person cannot give opinion testimony.
19 Normally, when a person testifies, they must testify as
20 to what they either saw, heard, or sensed by smell or
21 something of that nature. However, there is an
22 exception when someone is qualified because of
23 education or experience. They are allowed to give
24 their opinion in certain areas if the Court qualifies
25 them that way.

DIRECT EXAMINATION OF JENNIFER NATES BY MS. SMITH

1 This witness will be qualified in trace evidence
2 to give opinion testimony in that area. It does not
3 mean that you must accept the opinion, but it is
4 evidence for you to use in any way you see fit and give
5 the weight and credibility you believe is appropriate.

6 Thank you. Go ahead.

7 BY MS. SMITH:

8 Q Ms. Nates, did you conduct an analysis in the case
9 of Jamie Robinson?

10 A I did. The case where I had the suspect listed as
11 Jamie Robinson was a SLED lab number L1617263, in which I
12 received evidence.

13 Q Okay. I'm going to hand you what's previously
14 been marked as State's Exhibit 28, and ask if you can
15 identify that?

16 A This is the packaging. Whenever any evidence is
17 submitted to the SLED organization, it's assigned what we
18 call a SLED lab number. It begins with an L, and then the
19 year, and then a sequential number for each case that comes
20 in. This is done so that any evidence that comes in from a
21 different agency, as a Sheriff's Office or sheriff's
22 department or a coroner's office, will be assigned the same
23 laboratory number to keep it consistent. In this instance,
24 this was container A, which were GSR kits submitted under
25 this case number.

DIRECT EXAMINATION OF JENNIFER NATES BY MS. SMITH

1 Q Okay. Will you tell the jury what a GSR kit is?

2 A A gunshot residue kit is a collection kit that is
3 used to collect any evidence on a person's hands that may be
4 associated with the discharge of a firearm. The kits
5 currently consist of two, what are called, particle lifts.

6 In this case, since this is an older case,
7 the kit consisted of four particle lifts. It's a small
8 round, carbon sheet that has an adhesive on it, somewhat
9 like a Band-aid adhesive. The officer will take each one of
10 those and dab it over a person's hands. There were four
11 particle lifts. So one was for the right palm area of the
12 hand, one was for the left palm area, one for the right back
13 area and one for the left back area. Each one is in a tube
14 with a lid so that it is secured and there can be no
15 contamination between samples.

16 Q Okay. And who did you receive GSR kits for in
17 this case, which individuals?

18 A In this case, I received a GSR kit from Hazel
19 Robinson, a GSR kit from Eulia Moon and a GSR kit from Jamie
20 Robinson.

21 Q Okay. And can you explain the results of your
22 analysis?

23 A For -- just in sequential order?

24 Q Yes, ma'am.

25 A On the GSR kit submitted from Hazel Robinson, I

DIRECT EXAMINATION OF JENNIFER NATES BY MS. SMITH

1 did not find any particles characteristic of gunshot primer
2 residue.

3 Q Okay.

4 A On the GSR kit from Eulia Moon, I found particles
5 characteristic of gunshot primer residue. What this means
6 is I found particles that are considered to have come from a
7 firearm, which means that person could have had gunshot
8 residue on their from firing a weapon, being near a weapon
9 when it was discharged or from transfer from an object that
10 had gunshot residue on it. On the GSR kit from Jamie
11 Robinson, I also found particles characteristic of gunshot
12 primer residue.

13 Q And the same reasons?

14 A Yes, the same reasons. You can have gunshot
15 residue deposited on your hands from discharging a firearm,
16 being in the vicinity of the discharge of a firearm, or
17 handling something that has gunshot residue on it.

18 Q This GSR that's collected from a victim, is that
19 probative?

20 A It is not probative in most cases.

21 Q Okay.

22 A There are maybe some cases it can be probative,
23 but if a person has sustained a gunshot wound, we expect to
24 find gunshot residue on them because the muzzle of the gun
25 was pointed in their direction and the majority of the

DIRECT EXAMINATION OF JENNIFER NATES BY MS. SMITH

1 gunshot residue went in that direction.

2 Q Did you analyze anything else?

3 A I did. I received a green T-shirt for the
4 analysis of gunshot residue.

5 Q Okay. What were your findings with regard to
6 that?

7 A On the T-shirt, I found particles characteristic
8 of gunshot primer residue.

9 MS. SMITH: Judge, at this time, I would move
10 State's 28 into evidence?

11 THE COURT: Any objection?

12 MS. CAMPBELL: No objection.

13 THE COURT: Admitted without objection.

14 *(Whereupon, State's Exhibit No(s). 28 marked for*
15 *identification and received in evidence.)*

16 MS. SMITH: That's all I have for you. Please
17 answer any questions.

18 CROSS EXAMINATION

19 BY MS. CAMPBELL:

20 Q Good afternoon.

21 A Hello.

22 Q I received a copy of your report and I'm
23 wondering, so, the paragraphs, the results for Eulia Moon,
24 Jamie Robinson and the green T-shirt, they are pretty much
25 verbatim, they say exactly the same thing, right?

CROSS EXAMINATION OF JENNIFER NATES BY MS. CAMPBELL

1 A They are a little bit different. The one from
2 Eulia Moon, it is a result that has a disclaimer in there
3 that has a sentence to say to include sustaining gunshot
4 wound. The one from Jamie Robinson as opposed to the green
5 T-shirt, one is for an inanimate object and the other is for
6 a collection from hands.

7 Q When you receive the samples, you, ahead of time,
8 have received information identifying to you, this is the
9 suspect and this is the deceased, correct?

10 A Each gunshot residue kit is submitted with a
11 gunshot residue information sheet. The information sheet
12 list the name of the person whom the kit was collected from,
13 and the time it was collected, and the time the shooting
14 occurred and, also, who collected the kit and, possibly,
15 what type of weapon was used. So, that is the information
16 we have, whether they sustained a gun shot wound or whether
17 they didn't.

18 Q So, I think that means yes, that Eulia Moon was
19 the deceased?

20 A Yes.

21 Q Okay. Thank you. The -- so, other than the
22 general paragraph that you kind of told us about, I don't
23 see any sort of like scales or amount or quantitative notes
24 about, well, the green T-shirt had this many particles or
25 Mr. Robinson had this many particles, Ms. Moon had this

CROSS EXAMINATION OF JENNIFER NATES BY MS. CAMPBELL

1 many, that's not included in the report; is that correct?

2 A Not in the report, no.

3 Q And so, I heard you in response to the solicitor
4 ask -- answer about probative, I think was the word she
5 used. So, you got -- you said that you would inspect
6 gunshot residue, you know, if you're in the area and you're
7 the one who's been shot, you would inspect that to show up?

8 A In most cases, yes.

9 Q Okay. Is there a reason that you don't include
10 the quantitative analysis of particles per however many for
11 all of these different subjects?

12 A We do not because we are looking for the presence
13 or absence.

14 Q Okay.

15 A Because gunshot residue is very fragile. And if
16 say, I fire a weapon and four hours later, they collect a
17 GSR kit from my hands, I may only find two particles, but
18 there may have been a hundred to begin with. There's no way
19 to quantitate it other than I know what I confirmed on each
20 sample to make the call to determine if there were numerous
21 particles present. So, we look for the presence or absence
22 of gunshot residue.

23 Q So, answering her question about whether something
24 is probative or not, that sounds like it goes against what
25 you're saying, which is there's so many different factors

CROSS EXAMINATION OF JENNIFER NATES BY MS. CAMPBELL

1 that can go into whether or not you have GSR on you, did you
2 wash your hands, how long it's been, have you been sweating,
3 you just really don't know other than there's GSR present,
4 right?

5 A She asked concerning victim kits. With victims,
6 it's different than a living subject because if a living
7 subject -- say, someone tells you I didn't fire a weapon, I
8 find GSR on their hands. You can look a little deeper into
9 it. They have GSR, they were exposed to the discharge of a
10 firearm. With a deceased individual, you expect to find it.
11 I am not going to be able to tell you whether or not that
12 person fired a gun.

13 A lot of the kits we receive are from
14 suicides or struggles over a weapon. So, I can analyze a
15 GSR kit and find GSR on the victim, but I can't answer that
16 question. I know they were in the vicinity. I can't tell
17 you they were the one that shot as opposed to not shooting.
18 So, in victims, it is not very probative in most cases, but
19 with subjects or witnesses, the presence of gunshot residue
20 does have a greater meaning than on a victim.

21 Q So, what I hear you're saying is that if you are
22 presented with a possible suicide situation, it -- does the
23 fact that there is gunshot residue on the person who's
24 received the wound, you say it's not very helpful in those
25 situations to let you know whether or not that person, in

CROSS EXAMINATION OF JENNIFER NATES BY MS. CAMPBELL

1 fact, handled the weapon or fired the shot that killed them,
2 correct?

3 A Correct.

4 MS. CAMPBELL: That's all I have.

5 THE COURT: Redirect?

6 MS. SMITH: Nothing further for this witness.

7 THE COURT: Thank you very much, ma'am. You may
8 step down.

9 THE WITNESS: Thank you.

10 THE COURT: Anybody objection to her being
11 released from subpoena?

12 MS. SMITH: No, ma'am.

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

14 MS. SMITH: The State calls Andrew Garinger.

15 Thereupon,

16 ANDREW GARINGER

17 was called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. SMITH:

21 Q Good afternoon, Mr. Garinger.

22 A Good afternoon.

23 Q Where are you employed?

24 A I'm employed by the Beaufort County Sheriff's
25 Office forensic services laboratory.

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 Q What is your position there?

2 A I am a forensic DNA analysis.

3 Q Tell us about your background and training.

4 A I have a Bachelors in biochemistry and
5 microbiology, a relevant Bachelors in accounting and a
6 Master of Science in forensic science. I initially was
7 trained by the Illinois State Police, their lab in Chicago.
8 I worked there for about eight and a half years. And I've
9 been here in Beaufort County for the last three and a half
10 years.

11 Q Have you ever testified before?

12 A I have.

13 Q How many times?

14 A Total, I believe 20. 12 of those would have been
15 in Cook County, Illinois, seven of them have been here in
16 Beaufort County, and once in Jasper County.

17 Q Have you been qualified as an expert?

18 A Yes.

19 Q How many times?

20 A All of those times.

21 Q Okay. Are you trained in the TrueAllele system?

22 A I've been trained in TrueAllele, yes.

23 Q Can you tell us about your education and training
24 in that?

25 A Well, they started out with having me take the

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 course work explaining how the software works directly from
2 the company that makes it. I did that primarily in August
3 of last year, and then, this past February, I did my
4 training with Beaufort County and our own internal processes
5 and I finished that up then.

6 MS. SMITH: Judge, at this time, I would move to
7 have Mr. Garinger declared an expert in forensic DNA
8 analysis.

9 MS. CAMPBELL: No objection.

10 THE COURT: I find him qualified as an expert in
11 the area of forensic DNA analysis.

12 Ladies and gentlemen, the same instruction that I
13 gave you earlier as to experts still applies to this.
14 Thank you very much.

15 BY MS. SMITH:

16 Q Mr. Garinger, tell us -- explain to the jury what
17 forensic DNA analysis is.

18 A So, what we're doing is we are taking items of
19 evidence from a potential crime and we are trying to find
20 any DNA that might be present on those items. We generate a
21 DNA profile from that that we could use for comparison. And
22 then we also get standards that are collected from anyone
23 who potentially would have left a DNA profile on those
24 items. Generate profiles from those and make comparisons
25 between them to try and identify who may have left their DNA

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 on the original items of evidence.

2 Q Can you explain to the jury what kind of software
3 you use and what system you use for that comparison?

4 A We use a lot of different software, but I think
5 what you're getting at is using TrueAllele. It's a complex
6 piece of software. When you have multiple contributors to a
7 DNA profile, up to a certain point, we can manually separate
8 those out and make individual -- you know, make human
9 attributions. We can say we believe that person is here and
10 this person is not. But once you get up to three
11 contributors or more, it becomes impossible for a human to
12 do that in any kind of meaningful or useful way.

13 And so, we have a piece of software.
14 Essentially, what it does, is that it simulates the patterns
15 that DNA profiles make over and over again and compares them
16 back to the actual data that we have to try and build up a
17 probability-based model of who could have contributed to a
18 mixture of DNA profiles. And it's able to make those
19 comparisons back and identify those for us.

20 Q And in very simple terms, this is a more advanced
21 way to look at DNA?

22 A Yes.

23 Q Did you perform an analysis in the case of the
24 State vs. Jamie Robinson?

25 A Yes, I did.

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 Q Okay. Do you have your report with you?

2 A I do.

3 Q Okay. Mr. Garinger, I'm going to hand you what's
4 previously been marked as State's Exhibit 29, 31 and 33, and
5 ask that you take a look at those.

6 A Okay.

7 Q Can you identify each of those for us? If you
8 will refer to the exhibit number.

9 A Do they have the State's Exhibit numbers on them?
10 Oh, they're there, I see them. So, I've got State's Exhibit
11 29, that is a buccal swab from Jamie Robinson, so this would
12 be a known standard that we would use. State's Exhibit 33
13 is a blood spot from Eulia Moon. And then, State's Exhibit
14 31, I believe, is the remaining DNA collected from the
15 handgun.

16 Q How did you collect the DNA from the handgun?

17 A I would have swabbed it and then extracted the DNA
18 from that swab head and then dried it down so that it could
19 be preserved, whatever was left after I finished my
20 analysis.

21 Q And is that what you compared the knowns to, the
22 known samples you said in 29 and 33?

23 A Correct.

24 MS. SMITH: Judge, at this time, I move 29, 31 and
25 33 into evidence.

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 THE COURT: Any objection?

2 MS. CAMPBELL: No, Your Honor.

3 THE COURT: Admitted without objection.

4 *(Whereupon, State's Exhibit No(s). 31 marked for*
5 *identification and received in evidence.)*

6 *(Whereupon, State's Exhibit No(s). 33 marked for*
7 *identification and received in evidence.)*

8 BY MS. SMITH:

9 Q Okay, let's refer to your report of May 29th,
10 2018.

11 A Okay.

12 Q Referring to the first item that you -- item 1.1
13 and 1.2?

14 A Okay.

15 Q Tell us what you analyzed there.

16 A So, 1.1 and 1.2 were both cuttings of suspected
17 blood from a green T-shirt that was submitted to me. In my
18 initial report, I tested them as presumptively positive for
19 blood, so I continued on with the DNA analysis with that.
20 In this circumstance, item 1.1 was a mixture in which I
21 assumed there were two contributors. So, it's a mixture of
22 DNA from, at least, two people. The TrueAllele system
23 provide a match to Jamie Robinson. The statement was the
24 match to Jamie Robinson is 32.6 quadrillion times more
25 likely than a coincidental match to an unrelated individual.

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 And then the match to Eulia Moon was 2.2 quadrillion times
2 more likely than a coincidental match to an unrelated
3 person.

4 Q Did you analyze swabs, like you said, swabs from
5 the gun?

6 A I did. Let's see.

7 Q Is that exhibit -- State's No. 31, the swabs you
8 referred to earlier?

9 A Well, those wouldn't be the swabs, they would be
10 the leftover DNA, but yes, that's where the leftover DNA
11 came from. Those would be items -- my items 2.1, 2.2 and
12 2.3. 2.1 was a swab I collected from the grip and trigger
13 of the handgun, 2.2 was a swab from the slide of the handgun
14 and 2.3 was a swab from the very front of the barrel or the
15 muzzle.

16 Q Explain to the jury how you swab these guns, the
17 process.

18 A So, we are fully garbed up, we have our protection
19 on, which both protects us from the evidence and protects
20 the evidence from us. I'll take a sterile swab, the same
21 sort of thing that a doctor would use to swab something. We
22 put sterile water on it and we just swab to try to get any
23 surface DNA that's on it. Specifically, with a handgun, a
24 lot of times we're trying to get into the crevices of it
25 because that's where DNA likes to collect more than a smooth

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 surface. But, we swab it up, let it dry overnight and then
2 go on and proceed with our DNA extraction.

3 Q Tell us about the results from your testing on
4 items 2.1, 2.2 and 2.3.

5 A So, with 2.1, that was a little more complicated
6 than my previous exhibit. I analyzed it assuming that there
7 were three contributors to the mixture. Based on my initial
8 results, my initial results were that Eulia Moon was a
9 contributor and it provided a match statistic of 7.79
10 billion times more likely to be -- sorry, I'm getting ahead
11 of myself. 7.79 billion times more likely than a
12 coincidental match to an unrelated person.

13 One of the things we can do with TrueAllele
14 is once we have determined that someone is a likely
15 contributor to a mixture, we can then send the mixture back
16 into the system with a known contributor, that helps it
17 figure out the remaining contributors, the same way -- I'm
18 trying to think of an analogy. If I told you I'm thinking
19 of two numbers that add up to five, you could guess a bunch
20 of different things. But if I told you one of those numbers
21 was two, you'd then know the other is, obviously, three. It
22 narrows down the range of possibilities.

23 So, that's what I did with this particular
24 sample. Once I knew that Eulia Moon was a potential
25 contributor, I put it back through TrueAllele and after

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 assuming her as a known contributor, a match to Jamie
2 Robinson is 1.68 quintillion times more likely than a
3 coincidental match to an unrelated individual.

4 Q And item 2.1, just so we're clear, what is that a
5 swab from?

6 A The grip and trigger of the handgun.

7 Q And what was the match to Eulia Moon?

8 A 7.79 billion times more likely than coincidence.

9 Q And what was the match to Jamie Robinson?

10 A 1.68 quintillion times more likely than
11 coincidence.

12 Q Okay. Tell us about 2.2.

13 A 2.2 was a swab from the slide of the handgun.
14 Again, I assumed three contributors. In this case, a match
15 to Jamie Robinson is 2.57 quintillion times more likely than
16 a coincidental match to an unrelated person. And the match
17 to Eulia Moon is 797 billion times more likely than a
18 coincidental match to an unrelated individual.

19 Q Okay. And item 2.3?

20 A Item 2.3, I will have to go back to an earlier
21 report because I was able to make that determination without
22 using TrueAllele. 2.3 was the swab from the front of the
23 barrel or muzzle. That was a single source female DNA
24 profile and a match between this profile and Eulia Moon is
25 2.523 quintillion times more likely than a coincidental

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 match to an unrelated individual.

2 Q Explain to us what a single source female DNA
3 profile, what you mean by that?

4 A Just that, we could visually observe that there
5 was only a single contributor to that DNA profile, it was
6 not a mixture of multiple profiles.

7 Q Let me ask you, is DNA consistent with blood
8 splatter from a gunshot wound?

9 A It can be.

10 Q Okay. That leads me to my next question. Tell me
11 about touch DNA versus blood?

12 A Well, touch DNA would be coming from DNA that we
13 just shed as a normal part of existing. Your skin cells age
14 and die and fall off you. And if your hands or any other
15 part of your skin touches an object, there's always the
16 potential for leaving some of those skin cells behind
17 containing your DNA. More often, it's when there's a body
18 fluid like sweat or saliva -- not saliva -- a body fluid
19 like saliva is involved that causes it to stick to that
20 surface, whereas blood is a body fluid that contains DNA and
21 is typically a richer source of DNA from our perspective.
22 If there's blood present on an item, I know I'm much, much
23 more likely to get a usable DNA profile out of that than
24 with a potential touch sample.

25 Q Would it be fair to say that blood splatter or

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 blood DNA is stronger than touch DNA?

2 A There's just more DNA inherently present in blood
3 than in a typical touch sample, yes.

4 Q Would the blood splatter overpower the touch DNA
5 on an item?

6 A Yes, if you had an item that had been touched and
7 then left touch DNA behind and then subsequently had blood
8 introduced to it in some manner, there's a high likelihood
9 that the amount of DNA present in that blood would just
10 completely obscure any touch DNA that might be present just
11 because of the nature of the amounts between the two. Like
12 the difference between a whisper and a shout. Touch DNA
13 would be a whisper, you can hear it in a quiet room. The
14 amount of DNA in blood is a shout and it's just going to
15 overpower everything and you may not even notice that that
16 touch DNA is potentially there.

17 Q In your testing of these items, you had -- did you
18 collect a DNA profile from Investigator Brandon Disbrow?

19 A Yes.

20 Q Okay. Why did you have to do that?

21 A Well, part way through the -- well, let me go a
22 little further back. One of the features of TrueAllele is
23 that it not only makes the comparisons within the case that
24 you're analyzing, but it will also make comparisons across
25 multiple cases between your unknown items and show you

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 patterns that maybe investigators haven't noticed and -- or
2 we know to look for those. That happened in this case.

3 When the profiles that I generated from this
4 case were put into TrueAllele, its database notified us of a
5 couple of different samples that all seemed to have some
6 kind of correlation. When we went back and looked at those
7 cases, they didn't superficially look like they had anything
8 in common, except for the presence of Investigator Disbrow,
9 and so, we asked him for his standard to try and figure out
10 if that's what was going on.

11 Q What would be the reason his DNA would have
12 been -- or his profile would have appeared?

13 A Well, he was on the scene and the scene isn't the
14 lab. When we're at the lab, we're wearing -- we're in a
15 climate controlled environment, we're wearing lots of gloves
16 and masks and a lab coat and bleaching everything before it
17 touches anything.

18 On the scene, it's different. They are
19 dealing with emergent situations. I can't speak for what
20 was happening that night, but there's always the potential
21 for briefly touching something and then transferring that
22 DNA on to something else or a drop of your sweat falls from
23 your hair or your face and lands on something. There's a
24 lot of different ways that someone's DNA can end up in an
25 unusual or unexpected place if they are actually present.

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 Q Was his DNA excluded as a contributor in items 2.1
2 and 2.2?

3 A Items 2.1 and 2.2, yes, he was excluded as a
4 potential contributor from those items.

5 MS. SMITH: Just a minute.

6 Q Mr. Garinger, I asked you a question earlier about
7 item 2.3, the front of the barrel of the gun. I asked you
8 what a single source female DNA profile was, correct?

9 A Yes.

10 Q Okay. And it was your testimony that it belonged
11 to Eulia Moon?

12 A Yes.

13 Q You didn't have to go into contributors and all of
14 that, correct?

15 A Correct.

16 Q Okay. And my next question I asked you, if DNA
17 was consistent with blood splatter from a gunshot wound?

18 A Yes.

19 Q Okay. So, if someone -- hypothetically, if
20 someone is pointing a gun at the victim, shoots the victim
21 in the head and blood spatters onto the gun, would that be
22 consistent with a DNA profile being on the gun from the
23 victim?

24 A Yes.

25 Q Okay.

DIRECT EXAMINATION OF ANDREW GARINGER BY MS. SMITH

1 MS. SMITH: No further questions.

2 THE COURT: Ms. Campbell.

3 MS. CAMPBELL: Thank you.

4 CROSS EXAMINATION

5 BY MS. CAMPBELL:

6 Q Good afternoon.

7 A Good afternoon.

8 Q You performed two series of tests in this case,
9 right? You did -- did you do -- you did the test back in
10 November 2016 and then another -- then a follow-up one in
11 2018, right?

12 A It depends on how you're classifying test. I also
13 issued a report in October of 2017. Really, the only thing
14 I tested was Investigator Disbrow's standard.

15 Q Sure. Let me just approach. If you could take a
16 look at this?

17 A Uh-huh. (Indicating affirmatively.)

18 Q This is your report?

19 A Yes.

20 Q And the date on it, I'm sorry, is what?

21 A November 2016.

22 Q Right. So, was this the first analysis you
23 performed in this case?

24 A Yes.

25 Q Okay. Then you did some follow-up tests, right?

CROSS EXAMINATION OF ANDREW GARINGER BY MS. CAMPBELL

1 A Correct.

2 Q That you talked about with the prosecution?

3 A Yes.

4 Q So, help me out a little bit, I don't -- I mean,
5 you know how to do presumptive testing for blood, right?

6 A Yes.

7 Q Okay. That's what you do?

8 A Yes.

9 Q So, you did that on some items, right?

10 A Correct.

11 Q Tell me again which items you did that on?

12 A Let's see. The green T-shirt.

13 Q Uh-huh. (Indicating affirmatively.)

14 A And there was a swab of suspected blood, item
15 nine, from a couch.

16 Q Uh-huh. (Indicating affirmatively.)

17 A And as far as I can see, that was it.

18 Q Okay. So I count the green T-shirt and the couch
19 that had been swabbed in order to determine whether or not
20 they had blood on them; is that right?

21 A Correct.

22 Q Okay. Which if I am thinking correctly, that
23 means the handgun was not swabbed?

24 A Correct.

25 Q To determine if it, in fact, had blood on it,

CROSS EXAMINATION OF ANDREW GARINGER BY MS. CAMPBELL

1 right?

2 A That's correct.

3 Q Okay. And the reason I ask that, again, is
4 because you and the solicitor talked a lot about the handgun
5 having blood on it and whether or not that would impact this
6 or that. So to be clear, the handgun has never been swabbed
7 to determine whether there is blood on it, right?

8 A Correct.

9 Q So we just don't know the answer to that question,
10 right?

11 A Correct.

12 Q All right. What you can tell us is that on 2.1,
13 the grip and the trigger?

14 A Uh-huh. (Indicating affirmatively.)

15 Q That you found the DNA of Eulia Moon and Jamie
16 Robinson, correct?

17 A Correct.

18 Q Okay. You can also tell us that on 2.2, again, if
19 I'm hearing you correctly, which is the slide?

20 A Correct.

21 Q You found the DNA of Eulia Moon and Jamie
22 Robinson, right?

23 A Correct.

24 Q Okay.

25

CROSS EXAMINATION OF ANDREW GARINGER BY MS. CAMPBELL

1 MS. CAMPBELL: That's all I have, thank you.

2 THE COURT: Redirect?

3 MS. SMITH: One question.

4 REDIRECT EXAMINATION

5 BY MS. SMITH:

6 Q Who had the stronger profile on the swabs from the
7 grip and trigger, or the swab from the grip and trigger and
8 the swab from the slide?

9 A I would have to look through my notes. So, we're
10 talking about items 2.1 and 2.2?

11 Q Yes, sir.

12 A As far as 2.1 goes, visually they are fairly
13 close, on 2.1. Let me look at my TrueAllele data instead.
14 It's not something that usually comes up. With item 2.1,
15 they were fairly close in weight, meaning there were similar
16 amounts of DNA present from both contributors. With 2.2,
17 there was significantly more DNA from Jamie Robinson than
18 Eulia Moon.

19 MS. SMITH: Thank you. That's all I have.

20 THE COURT: Any recross?

21 MS. CAMPBELL: Real quick.

22 RE-CROSS EXAMINATION

23 BY MS. CAMPBELL:

24 Q The whole quantitative amounts and things like
25 that, really, in terms of what you can tell us, it's not

RE CROSS EXAMINATION OF ANDREW GARINGER BY MS.
CAMPBELL

1 going to tell us who handled an object when or how much or
2 in when manner, is that fair?

3 A That's fair.

4 MS. CAMPBELL: Thank you. That's all I have.

5 THE COURT: Thank you very much.

6 Any objection to the witness being excused from
7 the subpoena?

8 MS. SMITH: No objection.

9 THE COURT: Thank you, sir. You may step down.
10 Call your next witness.

11 MS. SMITH: The State calls Paulo Pancheco.

12 Thereupon,

13 PAULO PANCHECO

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. SMITH:

18 Q Please state your name for the record and spell
19 it, also, for the court reporter.

20 A My name is Paulo Pancheco, P-A-U-L-O, last name,
21 P-A-N-C-H-E-C-O.

22 Q Mr. Pancheco, did you respond to the incident that
23 occurred on October 29th, 2016, at [REDACTED] ?

24 A Yes, ma'am, I did.

25 Q And at that -- who were you working for in that

DIRECT EXAMINATION OF PAULO PANCHECO BY MS. SMITH

1 capacity?

2 A Working as a paramedic for Beaufort County.

3 Q Okay. And why were you called to respond to that
4 location?

5 A We had been called for a possible gunshot.

6 Q Okay. Can you tell me -- or tell us what you
7 observed when you got there?

8 A Yes, ma'am. Got on scene and we -- when we
9 respond to any gunshot, we have to wait for scene secure.
10 So, as soon as the first deputy got there, we got on scene.
11 The deputy pointed to the vehicle, we went to the vehicle.
12 There was someone in the front passenger's seat. It was a
13 female. Tried to get in and couldn't. So, we checked all
14 of the doors because we're naturally trained to try before
15 we pry, so we don't try to break anything. And if we do
16 break, it's always on the opposite side wherever a patient
17 may sit. So I made my way around the vehicle, got access to
18 the driver's door and found the victim with a gunshot to the
19 head.

20 Q Why couldn't you get in the passenger's door?

21 A Because it was locked.

22 Q Once you were able to get into the vehicle, what
23 did you do next with regard to the victim?

24 A Immediately provided care. Unlocked the passenger
25 door, had my partner stabilize airway and then I proceeded

DIRECT EXAMINATION OF PAULO PANCHECO BY MS. SMITH

1 with trauma protocol.

2 Q Who was your partner that day?

3 A EMT Tiffany Lovett at the time.

4 Q Okay. At that point, what did you do?

5 A Asked for assistance from the fire department. We
6 loaded the patient and transported her -- you mean, remove
7 her out of the car?

8 Q Correct. Yes, sure.

9 A We physically stabilized her neck because that's
10 stabilizing the airway, provided secondary airway via a
11 nasal trumpet, which is an NPA, provided oxygen. Got her
12 out of the vehicle, on our stretcher, put the patient on our
13 stretcher and then into the truck. Had a firefighter drive,
14 because when something to that level happens, we always have
15 two people in the back. And then, I initiated a trauma
16 alert. I put the patient on the monitor because she was
17 still alive.

18 Q Okay. Was she responsive?

19 A She was only responsive to pain, not responsive in
20 a conversational type. We have different levels of
21 responsive. She was not alert, not oriented.

22 Q Where did you take her?

23 A She went to Beaufort Memorial.

24 Q Do you recall anything else about the scene from
25 that night?

DIRECT EXAMINATION OF PAULO PANCHECO BY MS. SMITH

1 A When I got on scene, there was somebody screaming
2 in the background, I don't know if it was family or not, but
3 also stating, she's in there, she's in there. I didn't know
4 who she was at the time. From that particular instance in
5 that call, I don't think there's anything else.

6 Q Did you respond later in that night?

7 A Yes, ma'am, I did.

8 Q Where else did you go?

9 A I was on Sams Point Road.

10 Q Okay. Did you respond to [REDACTED] ?

11 A Without having the paper in front of me, I can't
12 confirm that, but I responded to an individual with injuries
13 that the Sheriff's Department had in custody.

14 Q Okay. Was that the Defendant, Jamie Robinson?

15 A Yes, ma'am.

16 Q Okay. Did you treat Mr. Robinson that night?

17 A We did treat Mr. Robinson. He didn't care to be
18 treated, but we did treat him. If I remember right, as I
19 said, I don't have that PCR in front of me, which is a care
20 report, we took care of scratches to his legs and whatnot.
21 And then he refused treatment.

22 Q Okay. Did he need any other treatment besides the
23 scratches to the leg that you could observe?

24 A That I could observe or recall, no, ma'am.

25 Q How was he acting when you responded?

DIRECT EXAMINATION OF PAULO PANCHECO BY MS. SMITH

1 A He wasn't very content. He was a little
2 boisterous. And I don't remember word for word because you
3 go to so many people that don't want our help, after a
4 while, you just tune it out. But there was expletives and a
5 little bit of discontent. And then he just adamantly
6 refused to go with us. Because we always give everybody the
7 option, you want to go to the jail with the deputies and go
8 to the hospital first. And he chose the latter.

9 MS. SMITH: Thank you. That's all the questions I
10 have for you.

11 THE COURT: Any cross?

12 CROSS EXAMINATION

13 BY MS. CAMPBELL:

14 Q Given the option of come to the hospital with us
15 or go to the jail with the deputies and you said
16 Mr. Robinson said take me to jail, right?

17 A Yes, ma'am.

18 MS. CAMPBELL: That's all that I have.

19 THE COURT: Thank you, sir. You may step down.

20 MS. SMITH: Can this witness be excused?

21 THE COURT: Absolutely.

22 Any objection?

23 MS. CAMPBELL: No.

24 THE COURT: Thank you.

25 MS. CAMPBELL: The State calls Dr. Ellen Riemer.

DIRECT EXAMINATION OF ELLEN RIEMER, M.D. BY MS.
SMITH

1 Thereupon,

2 ELLEN RIEMER, M.D.

3 was called as a witness, having been first duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. SMITH:

7 Q Good afternoon, Dr. Riemer. Tell us where --
8 spell your name for the record.

9 A My name is Dr. Ellen Riemer, last name is
10 R-I-E-M-E-R, and I work at MUSC as a forensic pathologist.

11 Q Explain to the -- explain to us what a forensic
12 pathologist does?

13 A So, a forensic pathologist is a physician who
14 performs autopsies on deceased individuals in order to
15 determine the cause and manner of death.

16 Q Will you tell us a little bit about your
17 educational background and training?

18 A Yes. So, after I went to medical school and got
19 an MD, and then I did my training in pathology, my residency
20 training in pathology at New York Presbyterian Hospital in
21 the New York City at Columbia Presbyterian Medical Center.
22 That was for four years. And then I did a subspecialty
23 fellowship training program in forensic pathology at the
24 office of the chief medical examiner of the State of
25 Maryland. And after I completed that, I did an additional

DIRECT EXAMINATION OF ELLEN RIEMER, M.D. BY MS.
SMITH

1 year of fellowship and specialty training in pulmonary and
2 cardiovascular pathology at Johns Hopkins Hospital. And
3 then when I completed that, I was board certified, became
4 board certified in pathology and forensic pathology. And
5 then I started practicing as a forensic pathologist,
6 actually, first in North Carolina, where I was at Wake
7 Forest Baptist Medical Center for six years and then I was
8 recruited to MUSC for the same position.

9 Q Have you testified before?

10 A Yes, on multiple occasions.

11 Q Approximately how many times have you testified?

12 A Let's see, in the State of South Carolina,
13 probably about, just an estimation, like 120 times or so.

14 Q Okay. Have you been declared as an expert?

15 A Yes, in forensic pathology.

16 Q How many times?

17 A Every time.

18 MS. SMITH: Judge, at this time, we would submit
19 Dr. Riemer as an expert in forensic pathology.

20 MS. CAMPBELL: No objection.

21 THE COURT: Thank you. She will be qualified as
22 an expert in forensic pathology and may give opinions
23 under that topic.

24 Ladies and gentlemen, the same instruction I gave
25 you earlier regarding experts applies to her as well.

DIRECT EXAMINATION OF ELLEN RIEMER, M.D. BY MS.
SMITH

1 Thank you.

2 BY MS. SMITH:

3 Q Dr. Riemer, what was your involvement in the
4 autopsy of Eulia Moon on October 30th, 2016?

5 A Well, actually, I didn't personally perform the
6 autopsy at MUSC, but one of my colleagues that day performed
7 the autopsy, a Dr. Tormos. And she left MUSC more than a
8 year ago or so to practice in Florida. And -- but I had all
9 of the available records and photographs and reviewed all of
10 the findings so I was comfortable with testifying in this
11 case.

12 Q Okay. And what all did you review in preparation?

13 A So, I reviewed all of the photographs, I reviewed
14 all of the documentation that was recorded during the
15 autopsy itself and I reviewed the autopsy report to make
16 sure that I agreed with all of the conclusions that
17 Dr. Tormos made. And I did, I agreed with every conclusion.

18 Q Do you have a copy of the final autopsy report?

19 A Yes.

20 Q Okay. If we can take a look at that and if you
21 could tell us what the -- what the diagnosis of the victim
22 was?

23 A Okay. So, the cause of death was a gunshot wound
24 to the head.

25 Q Okay. And where was the gunshot wound?

DIRECT EXAMINATION OF ELLEN RIEMER, M.D. BY MS.
SMITH

1 A The entrance was on the left side of the head near
2 the left ear.

3 Q Okay.

4 A And there was soot deposition and a muzzle imprint
5 on the skin indicative of a contact range fire.

6 Q Can you explain that a little more?

7 A Yes. So, when a bullet exits the barrel of a gun,
8 there's gunpowder that comes out of the barrel of the gun
9 along with the bullet and that helps propel the bullet into
10 space, through space at a high speed.

11 When -- when there's -- when the gun is shot
12 at close range to a person, the gunpowder travels with the
13 bullet and that gets deposited on the skin when it's very
14 close. So, the gunpowder may only travel like a foot or a
15 few inches, but the bullet can travel a lot farther. So, if
16 you have a distant range fire, we don't see any soot or
17 gunpowder stippling on the surrounding skin. But in this
18 case, there was soot, which is indicative of, really, a
19 contact range and was also muzzle imprint, which indicates
20 the barrel of the gun was up against the skin.

21 Q Okay. Did you recover a bullet from the victim?

22 A Yes, a bullet was recovered from the brain.

23 Q Okay. And I'm going to show you what's previously
24 been marked as State's 26B. Bear with me just a second.

25 Here it is. And I'll ask you if you recognize that small

DIRECT EXAMINATION OF ELLEN RIEMER, M.D. BY MS.
SMITH

1 bag inside of that plastic bag?

2 A Yes, this is the envelopes we use to package up
3 projectiles recovered in autopsy and this is -- and there's
4 a projectile in this bag. And it's labeled with -- the
5 envelope is labeled with the decedent's name, Eulia Moon.

6 MS. SMITH: Judge, at this time, we'd move 26B
7 into evidence.

8 THE COURT: Any objection?

9 MS. CAMPBELL: No objection.

10 THE COURT: Admitted without objection.

11 BY MS. SMITH:

12 Q Dr. Riemer, you just testified about a contact
13 gunshot wound. Tell us about the different types of gunshot
14 wounds.

15 A Yes. So, there could be contact range gunshot
16 wound and then there could be an intermediate range gunshot
17 wound, an intermediate range, so, if it's not exactly
18 contact. Remember the gunpowder is coming out of the barrel
19 with the bullet and the gunpowder can travel several inches
20 or a little bit more than a foot and be deposited on the
21 skin. So, we don't have any gunpowder stippling, but we
22 have the soot. When there's no soot or stippling, then we
23 call it indeterminate range because we don't have any
24 evidence of it being close range.

25 Q You testified that the cause of death was contact

DIRECT EXAMINATION OF ELLEN RIEMER, M.D. BY MS.
SMITH

1 gunshot wound to the head; is that correct?

2 A Yes.

3 Q Did y'all determine the manner of death?

4 A Yes, the manner of death is homicide.

5 Q How was that determination reached?

6 A That was determined by the coroner's
7 investigation. That was -- based on the investigation by
8 the coroner, this was able to be determined to be a
9 homicide.

10 Q Okay. And did you do any independent examination
11 besides what was presented to you?

12 A No.

13 Q Okay. And could you testify if it was an
14 accident, an accidental shooting?

15 A Well, that determination is -- our office relies
16 entirely on the investigation from law enforcement and the
17 coroner to make that determination, because there's nothing
18 about the autopsy itself, in this case, that would say, you
19 know, whether it could have been an accident or anything
20 like that.

21 Q So, the only thing that you could determine was
22 that it was a contact gunshot wound to the head?

23 A That's correct.

24 MS. SMITH: That's all I have for this witness.

25 THE COURT: Cross?

DIRECT EXAMINATION OF ELLEN RIEMER, M.D. BY MS.
SMITH

1 MS. CAMPBELL: Very briefly.

2 CROSS EXAMINATION

3 BY MS. CAMPBELL:

4 Q Good afternoon.

5 A Hi.

6 Q Do you have somewhere in your report information
7 about the height and weight of the individual that you were
8 examining?

9 A Yes.

10 Q Okay. Could you tell us the height of the
11 individual?

12 A Sixty-seven inches, so that's five feet, seven
13 inches.

14 Q And the weight of the individual?

15 A 215 pounds.

16 MS. CAMPBELL: That's all I have. Thank you.

17 THE COURT: Any redirect?

18 MS. SMITH: Nothing further. May this witness be
19 excused.

20 THE COURT: Any objection to her being released?

21 MS. CAMPBELL: No objection.

22 THE COURT: Thank you, ma'am. You are released.

23 Thank you so much.

24 MS. SMITH: Judge, with that, the State rests.

25 THE COURT: Ladies and gentlemen, we're going to

CROSS EXAMINATION OF ELLEN RIEMER BY MS. CAMPBELL

1 take a few matters of law up outside of your presence.
2 It's also a good time for an afternoon break. We'll be
3 in recess for the next 10 or 12 minutes, and see you
4 then. Please do not begin your deliberations. Thank
5 you so much.

6 (The jury exits the courtroom at 2:52 p.m.)

7 THE BAILIFF: The jury is cleared.

8 THE COURT: Any motions from the State?

9 MS. SMITH: Nothing from the State.

10 THE COURT: From the defense?

11 MS. CAMPBELL: May it please the Court, Your
12 Honor, on behalf of Mr. Robinson, we would make a
13 motion at this point for directed verdict on the
14 indictments on the basis that there's been a failure of
15 proof as to an essential element of the indictment,
16 which the focus would be on malice.

17 The autopsy itself, the examiner has just
18 testified that their information can simply only glean
19 and give the report that this was a gunshot wound to
20 the head. Whether or not this was a suicide or not,
21 they couldn't say, or whether or not this was an
22 accident, they couldn't say.

23 The State's other evidence, you know, essentially,
24 puts us in the realm of mere suspicion. There's
25 evidence in the record that there was a struggle or a

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1 back and forth with regard to the handgun. The only
2 animus, the only malice that is in the record is
3 related to testimony from Mr. Legree and Ms. Moon.
4 And, of course, we had argued previously on that. And
5 we would say that with those being the only two factors
6 that support that element, that the State would fail at
7 this juncture. Thank you, Your Honor.

8 THE COURT: Happy to hear your counter argument.

9 MS. SMITH: Judge, with regard to malice, the
10 testimony of the victim's family does talk about the
11 animus between the parties, but, in addition,
12 Ms. Robinson testified about the animus between the
13 parties and actually said that they were verbally and
14 physically violent. And she referred to it as a
15 violent relationship a number of times, and stated, in
16 her interview that the victim came back for more abuse.
17 So, I think that that -- there's definitely more
18 evidence than just the victim's family.

19 As far as where the evidence left to mere
20 suspicion, I believe there's plenty. That goes to the
21 jury. It's a question of fact. And I think the State
22 has provided enough testimony to get past directed
23 verdict. Malice can be inferred from the actions of
24 the Defendant. All the stories he gave and from the
25 testimony of the people that knew Ms. Moon and observed

CROSS EXAMINATION OF ELLEN RIEMER BY MS. CAMPBELL

1 their relationship firsthand. Thank you.

2 MS. CAMPBELL: Just briefly. I'm not going to
3 belabor the point. But malice means exist at the time
4 that the action is taking place. They have to
5 coincide. And everything that the State has put
6 forward has to do with matters that are weeks and
7 months previous to this night. And there's just simply
8 a dark -- there's just no testimony as to what was
9 going on between Mr. Robinson and Eulia Moon on this
10 particular night. There's no testimony about any sort
11 of arguing or fussing other than Mr. Robinson's
12 statements. We just don't have anything, nothing.
13 Thank you.

14 THE COURT: Thank you. I'm going to not grant the
15 directed verdict motion. I do find that there is
16 enough evidence, sufficient evidence at this point in
17 time as to that element to get to the jury. I believe
18 that's going to be a jury question of fact, whether or
19 not they determine that element is met by the State
20 pursuant to their burden. But at this stage, I'm going
21 to deny your motion for a directed verdict.

22 Anything else at this point in time that we need
23 to take up?

24 MS. CAMPBELL: Well, so, moving forward, at this
25 juncture, potential witnesses for the defense would, of

CROSS EXAMINATION OF ELLEN RIEMER BY MS. CAMPBELL .

1 course, be Mr. Robinson, whom we would ask the Court to
2 advise on the record about his rights to testify or to
3 not testify. In addition, my investigator has been in
4 the process of coordinating with two character
5 witnesses again because we've had the situation with
6 the testimony about this man's character from the
7 State. And so, it's my understanding that one of our
8 character witnesses would be here in the morning --

9 Is that correct on both of them?

10 INVESTIGATOR: Yes.

11 MS. CAMPBELL: Again, both of them working and
12 would report in the morning to testify.

13 But again, I think that the first matter would be,
14 whether or not Mr. Robinson is going to testify.

15 THE COURT: I'll be happy to discuss that with him
16 at this time.

17 MS. CAMPBELL: Thank you, Your Honor.

18 THE COURT: Yes, ma'am.

19 MS. CAMPBELL: Would you like him to stand?

20 THE COURT: No, it's not necessary, unless he
21 wishes to. But he's fine to sit down.

22 MS. CAMPBELL: Okay.

23 (Pause.)

24 MS. CAMPBELL: He will remain seated.

25 THE COURT: That's fine.

CROSS EXAMINATION OF ELLEN RIEMER BY MS. CAMPBELL

1 Mr. Robinson, at this time, I'm going to explain
2 to you certain rights. If you do not understand
3 anything I say, please let me know. If you want me to
4 explain anything in more detail, please let me know.
5 Do you understand that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: All right. We have now reached the
8 stage in the trial where you may present your defense.
9 You have the right to claim the protections given to
10 you by the Fifth Amendment of the Constitution of the
11 United States. This amendment states in part: No
12 person shall be compelled in any criminal case to be a
13 witness against himself. That means you cannot be
14 required to testify in this case. You have the right
15 to testify on your own behalf, however, no one can make
16 you testify. This is a personal right and no one can
17 waive this right, except you.

18 If you decide to testify, you will be subject to
19 the same rules that govern other witnesses and you may
20 be examined and cross-examined on any relevant issue in
21 the case. In addition, if you have any convictions
22 involving dishonest or false statement or for crimes
23 punishable by imprisonment of more than one year and
24 this Court determines that the probative value of
25 admitting this evidence outweighs its prejudicial

CROSS EXAMINATION OF ELLEN RIEMER BY MS. CAMPBELL

1 effect to you, the solicitor may introduce your record
2 to attack your credibility. If you decide to testify,
3 this decision on your part must be freely, voluntarily
4 and intelligently made with the knowledge of the
5 protections given to you by the Fifth Amendment and the
6 consequences of your decisions to testify.

7 If you decide not to testify, I will instruct the
8 jurors that they cannot give the fact that you did not
9 testify any consideration whatsoever and that there is
10 to be absolutely no prejudice to you because you did
11 not testify. It is left entirely up to you whether or
12 not you testify. You may talk with your attorney, your
13 family, your friends, and anybody else, but the final
14 decision will be left entirely up to you.

15 Do you understand what I have explained to you?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you have any questions about what I
18 have explained to you?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: Okay. Have you discussed with your
21 lawyer whether or not you should or should not testify?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Do you wish to talk to your lawyer any
24 more at this time?

25 THE DEFENDANT: Yes, ma'am.

CROSS EXAMINATION OF ELLEN RIEMER BY MS. CAMPBELL

1 THE COURT: You do? All right. We're going to
2 take a break. I'll give you about 10 minutes, then
3 we'll check back with you then, okay?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. Thank you very much.
6 We'll be at ease.

7 (Short break.)

8 THE COURT: All right. Mr. Robinson, have you had
9 adequate time to discuss your decision with your
10 attorney?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you wish to testify?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Okay. Thank you very much.

15 MS. CAMPBELL: And for the record, with that
16 decision having been made, the defense will not be
17 putting up any other evidence and we've not put any
18 evidence in, in the case. And of course, we would ask
19 to be granted the privilege of, then, the last
20 argument. And I know we need to rest in front of the
21 jury and then discuss our jury charges.

22 THE COURT: I think that's the prudent thing to do
23 this afternoon at the hour. What I'll do is I'll bring
24 the jury back in. I'll let Ms. Campbell make her
25 statement. I will release them for the day. Of

CROSS EXAMINATION OF ELLEN RIEMER BY MS. CAMPBELL

1 course, give them the same admonishment I've been
2 giving them at the end of the day as far as any
3 independent research is prohibited. And then, we will
4 just have a little bit of time to talk about charges
5 and the verdict form.

6 Does that sound okay with y'all?

7 MS. CAMPBELL: Yes, ma'am.

8 THE COURT: Okay. If the jury, is ready, you can
9 have them come back in.

10 THE BAILIFF: The jury is entering the courtroom,
11 Your Honor.

12 (The jury enters the courtroom at 3:20 p.m.)

13 THE BAILIFF: The jury is seated, Your Honor.

14 THE COURT: Thank you.

15 All right. Ms. Campbell.

16 MS. CAMPBELL: May it please the Court, Your
17 Honor, at the close of the State's case, it would be
18 the Defendant's opportunity to present a case, and at
19 this time, the defense rests.

20 THE COURT: All right. Thank you very much.

21 Ladies and gentlemen, we are going to end for the
22 day today. We have a few more matters of law we're
23 going to take up outside of your presence. And given
24 the hour, I'm just going to go ahead and release you
25 for the afternoon, ask that you return tomorrow morning

COLLOQUY

1 once more at 9:30. I do contemplate that we will
2 finish tomorrow. And we will see you at 9:30 in the
3 morning. Thank you very much.

4 THE BAILIFF: Jury is cleared, Your Honor.

5 THE COURT: Anything from the State or the
6 defense?

7 MS. SMITH: Nothing from the State.

8 MS. CAMPBELL: At this time, I would just renew my
9 motion for directed verdict to include, of course, all
10 of the objections that Defendant put forward to Your
11 Honor pretrial and during the course of the case. And
12 that would be all.

13 THE COURT: All right. Thank you. Your
14 objections are renewed for the record appropriately and
15 my rulings are as well and those rulings stand as they
16 were stated earlier.

17 All right. Let's discuss jury charges. My law
18 clerk will be -- is the best way -- do you want us to
19 print it, copies, or would y'all rather review them if
20 we email them to you? What is your preference?

21 MS. CAMPBELL: Do we have the ability to get a
22 printed copy this afternoon?

23 THE COURT: Sure. I think we can work that out.
24 All right. So, why don't we do that.

25 Okay. While they're working on that, I received

COLLOQUY

1 the Defendant's request to charge voluntary
2 manslaughter and involuntary manslaughter as lesser
3 includeds of murder; is that correct, Ms. Campbell?

4 MS. CAMPBELL: That is correct, Your Honor.

5 THE COURT: I don't know if I have a printed copy
6 of that to make a Court's exhibit, if you wish to do
7 so. If you have one, that might be helpful.

8 MS. CAMPBELL: And I provided the State that email
9 as well. Would the State like a written copy or is
10 email sufficient?

11 MS. SMITH: I haven't seen it on my computer.

12 MS. CAMPBELL: Okay. These are the originals, so,
13 these are the copies.

14 And I'll pass that up to Your Honor, if we could
15 make those Court's exhibits.

16 THE COURT: Sure. Okay, we have two requests to
17 charge from the Defendant. The first is as to criminal
18 liability; is that correct?

19 MS. CAMPBELL: That's correct.

20 THE COURT: And criminal intent. And the second
21 is as to voluntary and involuntary; is that correct?

22 MS. CAMPBELL: That is correct.

23 THE COURT: And these will both be made Court's
24 Exhibits for the record.

25 I'm happy to hear from you if you would like to

COLLOQUY

1 start with the first.

2 MS. CAMPBELL: Before we begin, I did not prepare
3 a written charge, but at the close of the case, I would
4 also then now ask the Court to instruct the jury on
5 accident. I think that -- I'll argue as to that in a
6 moment.

7 I think that the charge we have as Defendant's one
8 is fairly standard in terms of criminal intent, and I
9 don't see anything in that that could be objectionable
10 to the State.

11 THE COURT: I already have it in my standard, so
12 let's just skip straight to Ms. Smith.

13 Do you have any objection to that being included,
14 criminal intent charge?

15 MS. SMITH: No, ma'am.

16 THE COURT: Okay. Well, we got consent on that
17 one. Let's go to number two.

18 MS. CAMPBELL: So, I -- is the State objecting?

19 THE COURT: She says she does not object. It will
20 be included in my charge.

21 MS. CAMPBELL: I'm talking about number two.

22 THE COURT: Oh, I'm sorry.

23 MS. CAMPBELL: That's okay.

24 THE COURT: Does the State object to number two?

25 MS. SMITH: I do. I need a chance to read it,

COLLOQUY

1 though.

2 THE COURT: Sure, take your time.

3 MS. CAMPBELL: In the cases that the Defendant
4 relies on, I'll pass them to the Court and to the
5 State. And then, there's one more. State V. Battle
6 and State V. Smith and State V. Burroughs.

7 THE COURT: Do you have a case citation for State
8 V. Battle? You have an appellate court case on here,
9 but.

10 MS. CAMPBELL: I can probably track it down.

11 THE COURT: I'm looking, it's okay. I thought it
12 might make it a little quicker, but that's okay.

13 MS. CAMPBELL: I'm looking too, sorry.

14 THE COURT: We're pulling it up. That's okay.
15 408 S.C. 109, thank you. That's State V. Battle.

16 Have you had an opportunity to review?

17 MS. SMITH: Yes, Your Honor.

18 THE COURT: I'll tell you, my inclination based on
19 my review of everything is to charge voluntary and
20 involuntary based on all the case law that's been
21 provided, everything I've read up to date. I think the
22 facts that have come through evidence thus far support
23 those. I think the cases are very clear. I have to,
24 obviously, decide charges decisions in the light most
25 favorable to the Defendant. Clearly, that's the

COLLOQUY

1 standard I'm to use. So, I believe that those two
2 charges are supported.

3 I'm happy to hear, obviously, your objections on
4 the record. But the accident is the charge I'm most
5 interested for hearing for both sides on. Because it's
6 my understanding is that you have to be -- one of the
7 prongs of that is that you must be acting lawfully at
8 the time. Typically, when an accident is charged,
9 someone is acting in self-defense. I don't believe
10 that's been alleged in any way here. In many of the
11 cases where they are found to be acting unlawfully was
12 in situations involving a drug deal gone bad or
13 something like that where it's really clear that
14 someone was act unlawfully at the time. But we don't
15 have that evidence here, that he was acting unlawfully
16 at the time.

17 So, can you tell me why I should not instruct the
18 law on accident to the jury?

19 MS. SMITH: Judge, I agree with you on that prong,
20 as it relates to accident. Another prong that is, I
21 think, relevant here is the third prong where they have
22 accident where due care was exercised in the handling
23 of the weapon.

24 There's been some testimony from the Defendant
25 that the victim had the gun and he took it away from

COLLOQUY

1 her and put it to his head, and then she grabbed it
2 back from him. I would say, if he's waving it around,
3 even if he's pointing it to his head, he's not
4 exercising due care with regard to the handling of the
5 weapon.

6 I do agree with the Court about accident being
7 charged, it's mostly in self-defense situations. And I
8 don't think there's any testimony of that here.

9 THE COURT: Okay. Ms. Campbell, let's talk about
10 that.

11 MS. SMITH: Your Honor, as far as accident is
12 concerned, I, too, believe that you have to make a
13 finding that the acting lawfully part of it, you know,
14 would be trying to remove the threat, you know, to his
15 own life. So, if someone gets in the car with you and
16 they are armed, really, holding them to an expert
17 standard of care when they're trying to remove the
18 threat of the weapon, I do think it goes a little bit
19 sideways then when you then put it to your own head
20 rather than trying to secure it.

21 THE COURT: Well, I think the threshold, to be
22 honest, is even lower. I think that unless it's shown
23 that he's acting unlawfully in some way through the
24 evidence, the assumption is that you're acting
25 lawfully. I mean, it's just the contrary. So, to me,

COLLOQUY

1 there's really no -- you know, whether or not he was
2 being reckless, and I think that's going to be a
3 question for the jury to decide, obviously, if they get
4 to that point. I think, again, given the standard that
5 I have to view everything regarding charges in the
6 light most favorable to the Defendant, I'm going to
7 charge accident. You're going to have a chance again
8 to look at these charges and the exact verbiage that we
9 use, and we can discuss that more at length at the
10 time. We haven't printed them off yet because I wanted
11 to go through this and hear your arguments on it before
12 we waste the paper.

13 So, given that, I think we're ready. Just give us
14 a couple of moments. We'll be at ease while these
15 things are printing off.

16 I'll go ahead and hand these two requests to
17 charge as well as the supporting case law to the court
18 reporter to mark as Court Exhibits.

19 *(Whereupon, Court's Exhibit No(s) 12 marked for*
20 *identification and received in evidence.)*

21 *(Whereupon, Court's Exhibit No(s) 13 marked for*
22 *identification and received in evidence.)*

23 (Pause.)

24 THE COURT: Do y'all want to tell me things as we
25 go or -- let's do that. Why don't we go page by page?

COLLOQUY

1 MS. CAMPBELL: Just for the verdict form?

2 THE COURT: Do you want to start with the verdict
3 form?

4 MS. CAMPBELL: Please. I don't think they get to
5 this --

6 THE COURT: If it's involuntary?

7 MS. CAMPBELL: Yes. So, it's a little bit
8 confusing.

9 THE COURT: I know. I've had lengthy
10 conversations with several judges about this, but the
11 result of that conversation with other judges has been
12 ask the attorneys how they would like me to present it.
13 So, if y'all can come up with a really smooth way for
14 me to present that, I'm all ears. I'm happy to tell
15 them at the outset, if you check involuntary -- well,
16 what I'd like to do if I could get both of y'all to
17 consent that if they check involuntary as the murder
18 indictment, that even if there's an inconsistent
19 verdict form on the possession of a weapon that that
20 conviction clearly would not stand. If I can either
21 get y'all to consent to that, because, statutorily, it
22 could not stand. Or I can try to explain to the jury,
23 in whatever way you think is best, while I hand them
24 the verdict forms, hey, by the way, if you check
25 involuntary, just don't even bother filling out this

COLLOQUY

1 other verdict form.

2 I just don't know what y'all would rather me do.
3 I'm open to suggestions, or if you consent that the
4 inconsistent verdict form would result in a
5 non-conviction of the other one. It's up to you.

6 MS. SMITH: I would consent to that.

7 THE COURT: You would consent to that.

8 I think it's cleaner, but Trasi, I'm going to look
9 at you.

10 MS. CAMPBELL: No, I'm not -- I'm listening and
11 I'm --

12 THE COURT: Think about it. Take your time.

13 MS. CAMPBELL: Okay. So, the wording of how you
14 would do that, would you have that then written down as
15 part of this charge?

16 THE COURT: No, there wouldn't be wording. We
17 would just submit -- I would present to them at the end
18 of the charge, these are the verdict forms, these are
19 the possible verdicts. And go through murder, or
20 voluntary manslaughter, involuntary manslaughter, not
21 guilty. As to the other charge, guilty, not guilty.
22 Give it to them, wait to see when they come back. If
23 it comes back inconsistent, as in they check
24 involuntary, but they also find guilty on the other, I
25 would ask that y'all consent on the record, if they

COLLOQUY

1 check involuntary, even if they check guilty on
2 possession of a weapon, it's not going to apply
3 because, statutorily, it cannot exist.

4 MS. CAMPBELL: Okay, that's fine.

5 THE COURT: Is that fine?

6 MS. CAMPBELL: That's fine.

7 THE COURT: I think that's the cleanest way to do
8 it.

9 MS. CAMPBELL: That's fine.

10 THE COURT: Then that's what we will do.

11 So, do I have consent from both sides to do it
12 that way? Which would be -- let me delineate it
13 clearly for the record. Which would be to present them
14 the verdict forms, as we always do at the end of the
15 jury charges. I'll instruct them the boxes they can
16 check, murder, voluntary, involuntary, not guilty. As
17 to the other indictment, guilty or not guilty. We'll
18 submit it to the jury, we'll wait for them to come
19 back. In the event that they happen to check
20 involuntary and guilty on the possession of a weapon
21 during the commission of a violent crime, that guilty
22 on the possession of a weapon during the commission of
23 a violent crime cannot stand because statutorily and it
24 will not be a conviction.

25 MS. SMITH: Yes, we agree.

COLLOQUY

1 MS. CAMPBELL: We consent.

2 THE COURT: Thank you. So that's the verdict
3 forms and the verdict issue.

4 Apart from that, the format of the forms, are
5 y'all agreeable to that?

6 MS. SMITH: Yes.

7 THE COURT: Okay.

8 MS. CAMPBELL: May it please the Court?

9 THE COURT: Yes, ma'am.

10 MS. CAMPBELL: I would just ask if the State would
11 like to address in anything in the jury charge before I
12 address the Court?

13 THE COURT: Have you had an opportunity to review
14 it?

15 MS. SMITH: Yes, ma'am.

16 THE COURT: Would you like to address anything
17 else?

18 MS. SMITH: I have no objection to it. It looks
19 very standard.

20 THE COURT: All right.

21 MS. CAMPBELL: Okay. So, on behalf of
22 Mr. Robinson, on Page 5, which contains the bulk of the
23 caption, failure of the Defendant to testify, in my
24 experience, I would just ask the Court to just change
25 the wording, failure --

COLLOQUY

1 THE COURT: Oh, does it say that?

2 MS. CAMPBELL: It does.

3 THE COURT: Yes, let's take that out.

4 MS. CAMPBELL: It should say something like, the
5 fact that this Defendant did not testify. But we would
6 just ask that the word failure to be removed.

7 THE COURT: It will. Thank you for bringing that
8 to my attention. I'm going to say the fact that this
9 Defendant did not testify should not even be discussed
10 in the jury room. Is that sufficient?

11 MS. CAMPBELL: Right, and then a couple lines
12 below needs to be changed as well.

13 THE COURT: All right. And the fact that the
14 Defendant did not testify is not a factor to be
15 considered.

16 All right. What else?

17 MS. CAMPBELL: Second, on Page 5, we would ask
18 that the Court charge the very brief portion of
19 hesitate to act, you know, that charge, in addition to
20 what you have. I think it's an easy term to
21 understand, I think it's appropriate and I don't see
22 how the State could object to that request.

23 THE COURT: Reasonable doubt is a doubt that makes
24 an honest, sincere, conscientious juror in search of
25 the truth in the case hesitate to act, is that what

COLLOQUY

1 you're asking me to say?

2 MS. CAMPBELL: Yes, search of the truth in the
3 case, where it says hesitate, I think it's hesitate to
4 act.

5 THE COURT: Say hesitate to act?

6 MS. CAMPBELL: Yes, I think is the language.

7 THE COURT: Okay. Any objection?

8 MS. SMITH: No, ma'am.

9 THE COURT: That's fine.

10 MS. CAMPBELL: And then on -- okay, so, on
11 Page 17. I did not look this up, but I want to say I
12 object to inferred malice from the act being done with
13 a deadly weapon. I'm not sure that's --

14 THE COURT: I think that comes from a case.

15 MS. CAMPBELL: I mean, there's a case on it.
16 Maybe it's the word gun.

17 THE COURT: Okay. Let's talk about this. Page
18 17, malice may be inferred from the conduct showing a
19 total disregard to human life. We're okay there.
20 Inferred malice may also arise when the deed is done
21 with a deadly weapon. Take that sentence out?

22 MS. CAMPBELL: I need to research that. May I
23 check on that?

24 THE COURT: Yeah. She said something.

25 Tell me what you have to say.

COLLOQUY

1 MS. JONES: I remember that in the past. I can't
2 think of the case, I'm trying to find the case, but I
3 believe she is right. That's no longer applicable.

4 THE COURT: I think that's right. So, I'm going
5 to take everything after disregard for human life,
6 everything else in that paragraph out.

7 Any objection from the State?

8 MS. SMITH: No objection.

9 THE COURT: I think that is accurate. Thank you.

10 MS. CAMPBELL: And lastly, just to be sure I read
11 it correctly. On Page 26, there are, in fact, six
12 possible verdicts.

13 THE COURT: Yes.

14 MS. CAMPBELL: Then we list them. But this whole
15 thing about signing the back of the indictments, I
16 think we need to take that out, because they're not
17 going back, right?

18 THE COURT: Correct.

19 MS. CAMPBELL: Okay.

20 THE COURT: Okay. Yes, when the jury agrees, you
21 will indicate by checking the line next to the verdict,
22 signing and dating the verdict form, is what it should
23 say.

24 MS. CAMPBELL: Yes, thank you.

25 THE COURT: Knock on the jury room door, et

COLLOQUY

1 cetera.

2 Is that it?

3 MS. CAMPBELL: Yes, ma'am.

4 THE COURT: All right. Thank you. This is why we
5 do this.

6 All right. Anything else?

7 MS. SMITH: Nothing from the State?

8 THE COURT: All right.

9 MS. CAMPBELL: Not from the defense.

10 THE COURT: Okay. So, tomorrow morning, we'll
11 resume at 9:30 and we'll commence with closing
12 arguments. The State will close in full and then the
13 defense will have last argument.

14 MS. CAMPBELL: Thank you, Your Honor.

15 THE COURT: And then, I will charge them on the
16 law.

17 If there's nothing else from the attorneys, what
18 I'll do is I'll have my law clerk just email you these
19 changes just to confirm and you can take tonight and
20 tomorrow morning to look over them one last time. And
21 that will be it for today for me, unless y'all need
22 anything else from me.

23 All right. We'll adjourn until tomorrow morning
24 at 9:30.

25 (Court adjourned for the day. Proceedings

COLLOQUY

1 continue on 7-19-2018.)

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COLLOQUY

1 7-19-2018 PROCEEDINGS

2 THE COURT: All right. My clerk is printing off
3 my charge so that I can read it on a piece of paper.
4 Let's be at ease for a minute while that's getting
5 done.

6 MS. CAMPBELL: In reference to the charge --

7 THE COURT: Did you find something else?

8 MS. CAMPBELL: Just one thing.

9 THE COURT: That's fine.

10 MS. CAMPBELL: So, in the transition from
11 voluntary manslaughter to involuntary manslaughter, I
12 think that the language that it's a lesser included
13 offense, kind of like we transition from murder to
14 voluntary manslaughter should be included. And it's my
15 fault.

16 THE COURT: Do you have a suggestion on how --
17 that's all right.

18 MS. CAMPBELL: It's my fault. Just the same exact
19 language that the Court uses in that transition.

20 THE COURT: From murder to --,

21 MS. CAMPBELL: To voluntary.

22 THE COURT: Use it again. When she pulls it up, I
23 can just pen it in. It's no problem.

24 MS. CAMPBELL: It just seemed abrupt. And just to
25 make sure that it's clear that we transition to the

COLLOQUY

1 next lesser include, which is the involuntary. And
2 that was all I had.

3 THE COURT: So, Ms. Campbell, for example, the
4 first sentence of voluntary manslaughter states, if you
5 find that the State has failed to prove beyond a
6 reasonable doubt that the Defendant committed murder,
7 you may consider whether the State has proved beyond a
8 reasonable doubt that the Defendant committed voluntary
9 manslaughter. You want a sentence similar to that at
10 the outset of the involuntary section that states if
11 you find the State has failed to prove beyond a
12 reasonable doubt the Defendant committed voluntary
13 manslaughter?

14 MS. CAMPBELL: (Nods in the affirmative).

15 THE COURT: Okay.

16 MS. CAMPBELL: Don't you think that's okay?

17 MS. SMITH: Yes, that's fine.

18 THE COURT: Do you have any objection to that?

19 MS. SMITH: No.

20 THE COURT: Thank you. We'll make that change.

21 Anything else before the jury returns before

22 closing that we need to take up?

23 Anything else from you?

24 MS. SMITH: No, ma'am.

25 THE COURT: Anything else from you, Ms. Campbell?

COLLOQUY

1 MS. CAMPBELL: No.

2 THE COURT: Thank you.

3 Are y'all ready? Are we all squared away?

4 MS. SMITH: Yes, ma'am.

5 MS. CAMPBELL: Yes.

6 THE COURT: All right. We're ready.

7 I don't lock doors or anything like that during

8 the charge, just for your information. I know some

9 judges do. Not me.

10 THE BAILIFF: The jury is entering the courtroom,

11 Your Honor.

12 (The jury enters the courtroom.)

13 THE BAILIFF: The jury is seated, Your Honor.

14 THE COURT: Thank you very much.

15 Ladies and gentlemen, welcome back this morning.

16 Once again, I appreciate you being so punctual,

17 especially in light of some of the weather we've been

18 having lately. So thank you very much for that.

19 We are going to now begin the next phase of this

20 trial, which will be closing arguments and the charge

21 on the law that will come from me. So I'm going to

22 turn it over now to the attorneys.

23 Ms. Smith, are you ready?

24 CLOSING ARGUMENT

25 MS. SMITH: May it please the Court.

CLOSING ARGUMENT BY THE STATE

1 Good morning. He put the gun to her head and shot
2 her. Jamie Robinson put this gun to the left side of
3 Eulia Moon's head and pulled the trigger. Ladies and
4 gentlemen, Jamie Robinson murdered Eulia Moon. This
5 was no accident. There was no struggle over a gun.
6 They were not fighting over this gun. And the
7 Defendant's actions proved just that.

8 I told you earlier the Defendant lied. So, let's
9 go through his lies. First, he lies about a robbery
10 occurring. No one believed this story for a minute.
11 And I use the word story because it's very important.
12 Throughout his interviews, he tells the various
13 officers, that's the whole story, sir. He doesn't say
14 that's the truth. He says that's a story, because
15 that's exactly what it is, it's a story, it's a lie.

16 He lies about the car window being down. The
17 pictures show that, the blue Avalanche. Officers get
18 there, this is what this truck looked like, the window
19 was up, the door was open. You heard testimony from
20 EMS. It was the only thing that was open.

21 He lies about what he told his mom happened. And,
22 basically, he tells the officers, without calling her
23 such, that she's a liar. I didn't tell her that. She
24 had a stroke, she doesn't know. He lies about his
25 relationship with the victim. And we'll get into that

CLOSING ARGUMENT BY THE STATE

1 more later.

2 He lies about arguing with the victim, and you can
3 listen to that.

4 (Video is played for the jury.)

5 MS. SMITH: He says, not like that. We didn't
6 argue. We didn't argue that much, not like that. No,
7 they didn't argue not like that, not to the point where
8 he shot and killed her. He slips up there because like
9 that, means the murder.

10 He lies about his drinking. He's all over the
11 place about what he had to drink that day to different
12 officers, had two to three Coors light, was at the
13 bootlegger's. Regardless of all of that, his drinking
14 does not excuse his actions, does not excuse the fact
15 that he killed his girlfriend.

16 He lies about the fact that the victim had her
17 gun. Ladies and gentlemen, you heard the testimony
18 from Investigator Duncan. He told you that gun did not
19 belong to Eulia Moon. We ran a trace on it, it did not
20 come back to her.

21 MS. CAMPBELL: Objection, that's not in evidence.
22 May we approach?

23 THE COURT: You can approach briefly, sure.

24 (Off-the-record discussion held.)

25 MS. SMITH: She didn't -- it was not her gun. You

CLOSING ARGUMENT BY THE STATE

1 heard testimony from other witnesses that she didn't
2 carry a gun. You heard testimony from her daughter.
3 You heard testimony from her son, E.J. E.J. told you
4 he gave her a gun, he gave her a 357 because she lived
5 in an isolated area out on St. Helena Island. And he
6 was moving to Charlotte to be with his wife and
7 children and she was going to be alone in the family
8 home. But not only her family, Hazel Robinson
9 testified. I asked her, Did you know the victim had a
10 gun? She didn't. And she had been living on and off
11 with her for two years.

12 He lies and says the victim tried to kill herself.
13 Ladies and gentlemen, the testimony from the victim's
14 family clearly refutes any notion of that. We never
15 hear any testimony about suicidal thoughts, except from
16 his lies.

17 And the biggest lie of all is he lies saying this
18 was an accident. And his many actions show that to be
19 to the contrary. He told his cousin, Michael Pinckney,
20 where he ran after this occurred, I'm going to jail.
21 Why would you be going to jail if it was an accident?
22 The first time he talks to his mother, after he's been
23 arrested, he's in the detention center. You heard the
24 jail call. And the first thing out of his mouth, get
25 me a lawyer. Why do you need a lawyer if it's an

CLOSING ARGUMENT BY THE STATE

1 accident? The fact that he locked her in the car shows
2 that it was not an accident --

3 MS. CAMPBELL: Objection, again, Your Honor. May
4 we approach?

5 THE COURT: You may.

6 (Off-the-record discussion held.)

7 MS. SMITH: Mr. Pancheco, the EMS driver, told you
8 that the passenger door was locked, shows there was no
9 accident. He tells law enforcement that he ran because
10 he was scared of the police. Why are you scared of the
11 police if it's an accident? If it's an accident, why
12 do you throw the gun in the woods? And defense counsel
13 pointed out, where is the magazine to this gun. Why
14 would you take the magazine out of the gun if it was an
15 accident? Probably to get rid of the evidence.

16 Here's what we do know. He runs and we know that
17 he runs immediately because we heard the testimony of
18 his mother, Hazel Robinson. She went inside to get her
19 phone to call 911 and by the time she got back outside,
20 he was gone. He wasted no time leaving the scene of
21 the murder. Not to mention, he just left the love of
22 his life, his old lady sitting in the truck bleeding
23 and barely breathing. He doesn't try to help her. You
24 know why? Why doesn't he help her? Because he just
25 killed her. Not because a gun accidentally went off.

CLOSING ARGUMENT BY THE STATE

1 We know he grabs his drugs before he runs, and
2 then we know he runs into the woods. And he tells the
3 truth here.

4 (Video played for the jury.)

5 MS. SMITH: We know he told his mother that he
6 shot Lee Lee. We know he told his mother he killed Lee
7 Lee. The only time Jamie Robinson has told the truth
8 about what happened to Lee Lee was immediately after he
9 shot his girlfriend. He told his mother to call 911
10 because he shot Lee Lee.

11 And ladies and gentlemen, she believed him and she
12 called 911 and she told them just that. And she
13 repeatedly told law enforcement, numerous law
14 enforcement agencies, he said, I shot Lee Lee. He
15 said, I killed Lee Lee. She told you on Tuesday, even
16 though it was probably the hardest thing she's ever had
17 to do or say about her only son. But the reason she
18 did is because it's the truth.

19 We know he hides the evidence in the woods. The
20 gun, his shoes, the drugs, and the magazine. He runs
21 through these woods right here and starts ditching
22 evidence. These are the shoes he was wearing that were
23 found in the woods. He testified he probably he ran
24 out of them. You don't run out of those shoes, they're
25 laced up. He took them off so there would be no shoe

CLOSING ARGUMENT BY THE STATE

1 prints on the path as he ran from the scene.

2 They find the gun. You can barely see it, but you
3 can see the white handle, it's tucked in the woods.
4 Got to get rid of the murder weapon. We know at some
5 point while he is running through the woods, he takes
6 off that green T-shirt because he arrives at Michael
7 Pinckney's house in his shorts. But there is a shirt
8 with the victim's blood on it as well as gunshot
9 residue.

10 Ladies and gentlemen, we know that Lee Lee, Eulia
11 Moon, was sitting in the passenger seat of the
12 Avalanche when she was murdered. You can see the blood
13 on the seat. That's where Jamie left her after he shot
14 her. We know the passenger door to the Avalanche was
15 locked. Paulo Pancheco, a member of EMS, testified
16 yesterday he had to go in through the driver's door to
17 start rendering aid to the victim, called it try before
18 you pry, because the passenger door was locked. The
19 Defendant locked her inside that car and then shot her
20 in the head.

21 Ladies and gentlemen, we know the Defendant and
22 victim had an abusive relationship. We heard testimony
23 from Tamieka and E.J. Legree, her daughter and son,
24 about that relationship. E.J. testified that Jamie
25 Robinson pulled out this gun just mere months, within a

CLOSING ARGUMENT BY THE STATE

1 month before this murder on her as she was trying to
2 leave the house. They were both leaving and he pulls
3 out this gun. This is the very same gun they found the
4 night of the murder under the cushion in the couch in
5 the garage apartment where he lived, along with
6 numerous other boxes of ammunition. But I'm not asking
7 you to take just Ms. Moon's family's word for it. The
8 Defendant's own mother told you that they had an
9 abusive relationship.

10 (Video played for the jury.)

11 MS. SMITH: We know the Defendant was violent when
12 he drank.

13 (Video played for the jury.)

14 MS. SMITH: Ladies and gentlemen, if your mama
15 doesn't know you, who does? We know he doesn't call
16 911 until someone tells him to. Michael Pinckney
17 testified that he told him to call the police. We know
18 the Defendant worked in landscaping, did manual labor,
19 pretty strong guy. You saw him just moments after, a
20 couple of hours after the incident. The victim didn't
21 overpower him. He was a strong guy. And ladies and
22 gentlemen, we know that the contact gunshot wound to
23 her head was way too perfect to be an accident.

24 Now, defense counsel stated in her opening
25 statement, which I agree with, your arm is a very

CLOSING ARGUMENT BY THE STATE

1 powerful tool in your tool box to judge the credibility
2 of witnesses. And that's your common sense. The judge
3 is going to tell you that you have to judge the
4 credibility or the believability of the witnesses in
5 determining whether the Defendant was guilty of murder.
6 I would ask that you use your common sense when you
7 look at the credibility of the Defendant.

8 First and foremost, he's caught in one lie after
9 the next. But if you believe this is an accidental
10 shooting, you have to look at the physical evidence.
11 Why isn't his DNA on the barrel of the gun? He says he
12 put the gun to his head, he grabbed it from her and put
13 the gun to his head and then she jerked it back and put
14 it to her head and grabbed her arm -- she grabbed his
15 arm or tried to pull -- got him to pull the trigger.
16 And that's -- Agent Garinger told you yesterday, there
17 was a single source female DNA profile on the barrel of
18 the gun. It was Eulia Moon's DNA. His DNA is not on
19 the barrel of the gun, even though he said he put it up
20 to his head, at one point, during this accidental
21 shooting story. But his DNA is on the trigger and the
22 grip and the slide of the gun.

23 Look at his demeanor, this man flips the switch on
24 a dime. One minute, he's crying, the next minute, he's
25 loud, angry, defensive and oftentimes offensive.

CLOSING ARGUMENT BY THE STATE

1 (Video played for the jury.)

2 MS. SMITH: This is not how a grieving relative
3 who's just witnessed an accidental shooting two and a
4 half hours earlier acts.

5 Now, in the next interview, the Defendant is
6 crying. When he's crying, he's making a lot of noise.
7 We can't see it, but we can hear it. Maybe he was
8 sorry and upset that he just killed his girlfriend. He
9 starts crying hysterically, screaming and making a lot
10 of noise. But maybe just yet, he was sorry that he got
11 charged with murder. He starts crying and lying to the
12 officer after he's charged, after he asks what murder
13 carries. Michael Pinckney said he was crying. I asked
14 Michael Pinckney, Why was he crying? Because he was
15 going to jail.

16 We have heard testimony from about every witness,
17 not all of them, in this case that the Defendant
18 exhibited some type of angry or violent behavior. He's
19 yelling at the time victim on the phone while she's
20 with her daughter. He's yelling at her and her son,
21 E.J., and holding the gun. He's running and yelling
22 behind her car as the victim and her daughter are
23 leaving his house. He's yelling and carrying on with
24 EMS when they are merely trying to treat the scrapes on
25 his legs after he's ran through the woods. He yells at

CLOSING ARGUMENT BY THE STATE

1 Officers Malphrus and Zsamar. And we really get to see
2 the man he truly is in that room. That is not somebody
3 whose girlfriend just died from an accidental shooting
4 two and a half hours earlier.

5 The Defendant has shown zero emotion in this
6 courtroom, even when he is reliving the whole story
7 about accidentally killing -- or the accidental
8 shooting of his girlfriend. Because he can turn the
9 switch on and off to law enforcement. But when
10 presented with these facts, you can't do that here.

11 In looking at the credibility of the witness,
12 don't look at the Defendant's credibility, look at his
13 mother's, look at her demeanor. She sat here on
14 Tuesday and told you the truth and she told you very
15 calmly. Remember when she said, he didn't hit her, he
16 shot her. She wasn't surprised he hit her. And when
17 she talked to law enforcement, she told them all of the
18 information the same exact way, calmly. And why does
19 she do that? Because she wasn't surprised, she
20 probably knew this would happen sooner or later. You
21 heard her say when he drinks, he's violent and he acts
22 crazy. And ladies and gentlemen, this is what violence
23 looks like right here.

24 The judge is going to charge you on the law as it
25 applies to this case at the conclusion of our

CLOSING ARGUMENT BY THE STATE

1 arguments, so I'm not going to try to teach you about
2 the law, she's going to do that. But I do want you to
3 think about a few things when deciding if Jamie
4 Robinson is guilty of murder. She will charge you that
5 the law defines murder as the killing of any person
6 with malice aforethought, either expressed or implied.
7 And she will tell you malice is the intentional
8 wrongdoing of a wrongful act without just cause or
9 excuse and with the intent to conflict injury under
10 circumstances that the law will infer an evil intent.

11 You heard defense counsel mention in her opening
12 that the Defendant must have an evil heart or a black
13 heart to be guilty. And this is malice. Let me tell
14 you how you can find malice in this case, malice is the
15 fact that he locked her in the car, thereby showing
16 this was not an accident. He locked her in the car so
17 there would be no eyewitnesses. Ms. Campbell was going
18 on about eyewitnesses to the case. If the doors are
19 shut to a car and locked, there are no witnesses to the
20 argument. There are no witnesses to him shooting her
21 in the head. That's malice.

22 Putting a gun to her head is malice. You heard
23 the testimony of Dr. Riemer. She testified that there
24 was muzzle imprints on the left side of the victim's
25 head. She died of a contact gunshot wound to the head.

CLOSING ARGUMENT BY THE STATE

1 He put the gun up to her skin and pulled the trigger.

2 This is malice.

3 She will also charge you about criminal intent.

4 And this case boils down to intent. We know the who,

5 we know the where, we know how and we know when, we

6 don't know why. Defendant says it was an accident.

7 But you can only -- this can only be the case and you

8 can only believe it was an accident if you only believe

9 the good parts of his story, because he repeatedly

10 lied. Intent is a conscious wrongdoing. I would tell

11 you the Defendant's evil intent is illustrated when he

12 runs and hides and he lies, he ditches all of the

13 evidence. And look at his demeanor shortly after.

14 This may not have been a premeditated plan. Jamie

15 Robinson may not have been planning to do this for long

16 periods of time, but there was evil intent at the time

17 of the murder. There was evil intent when he pulled

18 the trigger. There was evil intent when he put the gun

19 to her head and pulled the trigger. This was not a

20 reckless, unintentional or accidental shooting. In

21 that moment, in that car, he intended to kill her.

22 This was an intentional murder.

23 Talking about your good common sense, how we ask

24 you to use it, think about this. If they were

25 struggling over the gun, would it have been pressed to

CLOSING ARGUMENT BY THE STATE

1 her head? If you believe that she grabbed his arm, he
2 was pulling the gun away from her head. And you heard
3 testimony to the contrary. That doesn't make sense.
4 It doesn't make sense because it was not a struggle
5 over the gun. Eulia Moon was ambushed by him and she
6 was executed by him.

7 There is absolutely no justification whatsoever
8 for this killing. He wasn't scared of her. To the
9 contrary, she was scared of him and rightfully so. She
10 didn't provoke the Defendant by arguing with him about
11 another woman and she didn't pull a gun on him.
12 Unfortunately, what she did do is a mistake, she made a
13 mistake by staying with this violent and abusive man
14 and it cost her her life.

15 Ladies and gentlemen, the State has the burden of
16 proof in this case. We must prove this case beyond a
17 reasonable doubt. And simply, I would tell you that we
18 must leave you firmly convinced of the Defendant's
19 guilt.

20 Defense counsel told you at the end of her opening
21 argument that there are two pillars on which this
22 courthouse stands. One is the presumption of innocence
23 and the second is proof of guilt beyond a reasonable
24 doubt. She went on to say that the Defendant is
25 cloaked in a robe of righteousness, which is true under

CLOSING ARGUMENT BY THE STATE

1 the law. But word by word, that robe was ripped from
2 him just as the life of Eulia Moon was ripped from her
3 as he put the gun to her head and pulled the trigger
4 and killed her. Thank you.

5 THE COURT: Ms. Campbell.

6 CLOSING ARGUMENT

7 MS. CAMPBELL: Good morning. I apologize to this
8 Court and to the solicitor. You know, I have taken an
9 oath, as all attorneys do, but I have to stand up and I
10 have to object. It is not always pleasant, but by the
11 rules that I'm governed by, I have to get up out of the
12 my seat and stand up and I have to put it on the
13 record. So, again, sorry that I had to interrupt, but
14 I had to make that record.

15 We -- I'm going to address the three things that
16 the solicitor talked about and then move on from there.
17 The first thing is, this whole thing about running a
18 trace on the gun, I don't -- you know, if you remember
19 the evidence differently from me, you're the finder of
20 fact, so whatever you remember is correct. What I
21 would say to that is that the inverse of that is true,
22 if you run a trace on this particular gun and it
23 doesn't come back to Eulia and there's no evidence that
24 it comes back to Jamie, then, you are left with an
25 unanswered question. And Your Honor will tell you all

CLOSING ARGUMENT BY THE DEFENSE

1 unanswerd questions, that's a doubt. And all of that,
2 that doubt, that reasonable doubt, every single time
3 has to be resolved under our law in favor of
4 Mr. Robinson.

5 The second thing is this thing about the doors
6 being locked. Okay, so -- there's absolutely no
7 evidence how the doors lock on a 2002 Chevy Avalanche
8 vehicle. Again, a vacuum of evidence, resolve in favor
9 of Mr. Robinson.

10 And third, there is no testimony -- although she
11 had the medical examiner here for you, no testimony
12 about the trajectory of the bullet that entered
13 Ms. Moon. Was it up, was it down, was it straight in?
14 Again, no evidence whatsoever. Resolve in favor of
15 Mr. Robinson.

16 Now, I will say, many years ago, I think 1697, in
17 all of our lives, we've all heard this, but it's true
18 to today. William Congreve, there's a name for you,
19 back in 1697, he wrote a poem and it's called, The
20 Mourning Bride. And it's not M-O-R-N-I-N-G, as in the
21 morning of the day, it's M-O-U-R-N-I-N-G, as in sad.
22 And he wrote, and I'm sure you will recall, Heaven has
23 no rage like love to hatred turned nor hell and fury
24 like a woman scorned.

25 Eulia and Jamie had been together for nearly two

CLOSING ARGUMENT BY THE DEFENSE

1 years. Just like many men and many women who are in a
2 relationship, everyday is not coming up roses. There
3 are days that are filled with turmoil and there are
4 days that are filled with joy. We don't need experts
5 and other people to tell you and I about the nature of
6 the relationship between men and women in love, falling
7 out of love, becoming jealous, becoming disenchanted or
8 being unfaithful, making bad decisions in the name of
9 that love.

10 One of the most telling pieces of evidence comes
11 from Tamioka Moon when she -- and, you know, many
12 things we will talk about. I had to bring out and
13 we'll talk about that. But she says -- in your trying
14 to figure out what happened that night in the Chevy
15 Avalanche, Tamioka tells you that Eulia jumped out of
16 her Dodge Avenger and ran over to get into Jamie's
17 Chevy Avalanche truck jumping in the front seat when
18 she sees Jamie at the Tiger Express with Carla.

19 Now, this is just a few -- the testimony, you
20 know, coming right before the shooting, weeks. She got
21 out of that car. She left her daughter and her brand
22 new grandbaby, no concern for their safety or anything
23 with this violent man. She's confronting him, she's
24 getting in -- jumping in his truck to -- I'm sure to
25 say, what are you doing? What is going on here? And

CLOSING ARGUMENT BY THE DEFENSE

1 the state of mind of a woman, again, who would abandon
2 her daughter and this little baby in the car so that
3 she can run over and confront her cheating boyfriend,
4 again, your common sense would come into play. And we
5 don't need an expert to tell us about the level of
6 anger when a woman is confronted with the paramour.

7 And this is coming on truthful testimony, as the
8 solicitor said, on the heels of Hazel telling you about
9 the physical fight that these two women got into in her
10 front yard. So, you know, you have those two pieces of
11 evidence about what was going on in those weeks leading
12 up to this night. And just like, really, most women
13 that deep into a relationship with a man that they love
14 wants, you know, a ring on the finger, wants him to be
15 faithful, wants him to not be running around with the
16 girl across the street. But being a philanderer or
17 being unfaithful is not what he is on trial for. That
18 is not what is charged in the indictments.

19 Hazel told you that she had suffered a stroke just
20 days before. And you know, either the State didn't
21 know this information or just decided not to give it to
22 you. I mean, I had to ask you about it. And I'm
23 confident that this woman's stroke and her
24 hospitalization and everything that they were going
25 through, the three of them, Eulia and Jamie and Hazel,

CLOSING ARGUMENT BY THE DEFENSE

1 had a profound impact on everyone's emotions during
2 those days right before the shooting.

3 Hazel, yeah, she didn't lie. She didn't lie when
4 she testified here, she didn't lie when she talked to
5 the police. I firmly believe that she did her very
6 best. This steward woman, this woman who -- you know,
7 her only child. She tells the police immediately, he
8 said he killed her, he said he shot her. And she came
9 in here -- and I know the solicitor had to play back
10 this portion of that statement or that portion, I
11 firmly believe that Hazel did her very best to be calm
12 and to give you as much as she could remember in her
13 aged health and condition about what happened so that
14 she could give you as much as she could remember. And
15 I believe she did that. And then, when she finished,
16 she stepped down and she walked into this courtroom and
17 where she's seated now, she's been there seated, alone,
18 with her son.

19 She told you Jamie couldn't handle his liquor. A
20 lot of people can't handle their liquor. He certainly
21 couldn't handle his liquor. And when Eulia found him
22 that night at Carla's across the way, not only had he
23 been drinking, but he was with Carla. So, we know the
24 sequence of events of that night, somewhat. So, let's
25 talk about that.

CLOSING ARGUMENT BY THE DEFENSE

1 Again, eyewitnesses, Carla heard -- this officer
2 told you, Carla heard absolutely no arguing or fussing.
3 She told the officers she heard a gunshot. Charles
4 Rivers said, I didn't hear anything but a scream. And
5 these are two people who have given the closest thing
6 we can get to statements about what happened and what
7 they heard. They are eyewitnesses. I asked him, he
8 said, Yes, that's what an eyewitness is. They also
9 said, We've been drinking, we were with Jamie at the
10 bootlegger.

11 So, how about the bootlegger. I bet they weren't
12 the only people there. Why don't you go over to the
13 bootleggers? Why don't you talk to some of the people
14 there? Why don't you find out, you know, what he was
15 drinking? You know, where is Carla? Not here. Where
16 is Charles? Not here. You can't tell me that the
17 power of the mighty State of South Carolina can't get
18 those two people here. Who they want to find and bring
19 to you, they find.

20 What is clear, Jamie did not stay at Carla's. He
21 left, he got in his truck, he drove across the way back
22 home. She blocked him -- and you saw pictures, you'll
23 have them in evidence. She blocked him in and she got
24 out, just like she had at the Tiger Express, and she
25 jumped in the Chevy Avalanche. And your common sense

CLOSING ARGUMENT BY THE DEFENSE

1 should tell you that's what she did. She did it
2 before, she did it again. She's confronting him about
3 the drinking and about Carla, but this time she was so
4 angry and it was so intense that when she got in the
5 truck, she had her gun. And I don't know what she
6 intended to do with that gun, whether it was to shock
7 him, to scare him, some sort of final scene of drama to
8 try and get him back on track, to put a ring on her
9 finger, or just to say, I'm finished.

10 What remains is this, the gun was analyzed by the
11 SLED experts, they told you without question, without
12 question both Jamie and Eulia had handled the gun, the
13 grip and the trigger. So, again, what they did to
14 obtain evidence as to who this gun belonged to,
15 apparently, they didn't do enough because you don't
16 have that information, but what you do have is that
17 they both had handled the gun.

18 They like the science, the State, so they try to
19 play it off, oh, Mr. Beaufort County Sheriff's Office
20 DNA expert, could blood be on the gun, you know, like
21 blow back? Isn't that how Eulia's DNA got on the gun?
22 Well, no, Ms. Prosecutor, and I asked him about it and
23 he told you, I didn't swab the gun for blood, that's
24 not something I did. So, he's relying on this
25 TrueAllele, this touch DNA. And guess what, it's not a

CLOSING ARGUMENT BY THE DEFENSE

1 hard word to understand, touch means touch. That means
2 if you touched something, you left your DNA behind or
3 your skin cells. They both touched the grip and the
4 trigger.

5 And remember, there's absolutely -- you know, what
6 the children, her children, Edward and Tamieka,
7 remember or don't remember about the gun, it's still an
8 unanswered question for you. And remember the
9 questioning of Edward and Tamieka, and the fact that,
10 if you can recall it, the solicitor had to feed the
11 words to them. Was she scared, was he yelling, so
12 that, you know, you get back that no answer or that yes
13 answer. These aren't descriptive words that they're
14 giving, they're being fed these words or descriptive
15 behaviors.

16 And you know, mere suspicion is never enough.
17 It's not enough for a finding of guilty. The SLED
18 experts both told you that Jamie and Eulia had gunshot
19 residue on their hands and the gunshot residue would be
20 in close proximity to the weapon that had been fired.
21 And what does that tell you, what should that tell you?
22 That that is not murder. Jamie, again, the level of
23 intoxication and the drinking at the bootlegger that
24 night, you know, is just as crazy as Eulia jumping in
25 the truck again. He grabbed -- you know, I grabbed the

CLOSING ARGUMENT BY THE DEFENSE

1 gun, I'm putting it -- you know, I'm going to kill
2 myself. And her grabbing, no, and whatever the
3 struggle took place in the garbled intoxicated
4 situation in the truck that night, the testimony -- the
5 evidence, you know, she certainly could have been
6 strong enough to make a struggle back and forth with
7 that gun. I think that's clear from the medical
8 examiner.

9 And I brought this out. The gun didn't have a
10 safety on it. I don't know why the State didn't talk
11 about that, but -- why do I have to continue to point
12 these things out and bring this to you? Are we not
13 searching for the truth? And so, you may consider, you
14 may consider what's been left out and what is in this
15 case.

16 Even the medical forensic examiner who testified
17 tells you, we really can't say that this was not a
18 self-inflicted gunshot or an accidental gunshot. We
19 classify it homicide because that's what the coroner
20 and Investigator Duncan are telling us about the facts,
21 but the science, she said, it could be self-inflicted,
22 it could be an accident, it could be someone else. So,
23 if you're looking at just the science alone, we
24 can't -- we can't say what this is.

25 And you have been given exactly the same --

CLOSING ARGUMENT BY THE DEFENSE

1 essentially, the same information as the medical
2 examiner from Investigator Duncan. And if the expert
3 says, I can't say if this was an accident, or wasn't an
4 accident. It may have been an accident. So, neither
5 could you make a determination really, at this point,
6 with what they have given you. And that, again, is
7 decided in favor of any defendant. When you just don't
8 know for sure, again, that's decided in favor of the
9 person who is accused of committing a crime.

10 Crazy intoxicated or not, nobody that knows a gun,
11 if it's their gun, they know it doesn't have a safety
12 on it, they're not going to put that gun to their head.
13 Nobody is going to do that. That gun, you heard, I
14 think that it was Disbrow that testified, that like a
15 whiff of air is going to cause that gun to discharge.
16 It's a bad gun. And even worse, if you don't even have
17 a safety on it and you don't know if there's a round
18 chamber in it.

19 The solicitor made that -- you know, trying to
20 make a big deal about him stripping off clothes and
21 things like that when she talked to you in her opening
22 statement and even in the closing somewhat, but the
23 bloodstained shirt, he still's got with him at Michael
24 Pinckney's house, the green shirt. He didn't throw it
25 away. It's got her blood on it, he had it with him.

CLOSING ARGUMENT BY THE DEFENSE

1 Okay, so, he owns the lie. I mean, he owns it
2 completely. He's already told his mother that he shot
3 and killed her. And whatever insanity and intoxication
4 and fear and trauma, he owns that lie. I don't know,
5 had he honestly forgotten, again, that he had told his
6 mother that he had killed her? But a lie? He's not
7 indicted for lying.

8 Jamie screams when the gun discharges and his
9 mother says that scream, she knew something terrible
10 had happened. That is not the scream of a man who
11 intentionally puts a gun to your head and shoots and
12 kills you, that's the scream of a man who had no idea
13 the gun was going to fire. The scream, you can
14 imagine. And that's what woke her up. Hazel comes
15 out. Call 911, I just shot, I just killed Lee Lee, get
16 some help.

17 But then Hazel told you what she had. That's --
18 you know, the relationship between this mother and son,
19 this only child and the relationship that sometimes an
20 only child may carry with a mother, she beat on him.
21 She told you, I beat on him to the point where my hands
22 were injured. And I think that that's when he snapped.
23 When his mother and all of that came crashing down on
24 him, that's when he ran.

25 Okay, so, he's telling Investigator Duncan -- and

CLOSING ARGUMENT BY THE DEFENSE

1 I don't have to use descriptive words for the sobs that
2 you heard in the second interview at the jail. And
3 whatever his relationship with Carla can't change the
4 fact that these are two grown people. This is a grown
5 man and a grown woman in their 40s. They've already
6 had their relationships, they've already had their
7 children and they found one another and there is a love
8 that they have for one another. Well, is it perfect?
9 No. Is it ever perfect? No. Was it real for her?
10 Was it real for him? Well, I bet we would know how
11 real it was for him and for her if Investigator Duncan
12 had gone and gotten a search warrant for the Facebook,
13 for both Eulia and Jamie. Today in 2018, I think we
14 are hard pressed to find a person that does not update
15 about the status of their lives almost daily, what's
16 going on, who am I involved with, what am I doing, how
17 am I feeling today. All of that is information. When
18 questioned about, yeah, I've done that before. I've
19 used that in criminal investigations. Did you do that
20 in this case? No, I did not.

21 When you are dealing with a case where the essence
22 of it is the relationship between a man and a woman and
23 there is a gun involved and you are trying to figure
24 out what happened, how about go get that search
25 warrant. How about try to find out what was really

CLOSING ARGUMENT BY THE DEFENSE

1 going on. Because Hazel Robinson's son deserves no
2 less than my son or your son or his son in terms of a
3 law enforcement investigation.

4 This Judge will instruct you that you are to
5 consider what you've been provided and what you have
6 not been provided. There is never to be any
7 consideration given to what the Defendant, what
8 Mr. Robinson, or I did or didn't give you because that
9 is not allowed for you to factor that in in any way.
10 Because no man or woman could, should come into a
11 courtroom and have to prove themselves innocent. It's
12 impossible. Our founding fathers understood this.
13 They knew this. It was the law then when we came to
14 together, it's the law now.

15 Every man and every woman in this courtroom
16 should be able to expect that if they, themselves, were
17 in the Chevy Avalanche that night, whether they were in
18 the driver's seat or in the passenger's seat, that the
19 type of investigation that was done would be full,
20 fair, and thorough. And that law enforcement would
21 follow every possible avenue in order to obtain all of
22 the pieces of evidence that are necessary for you. And
23 again, if you have a doubt as to a piece of evidence,
24 then that is reasonable doubt.

25 The Court is going to charge you on something

CLOSING ARGUMENT BY THE DEFENSE

1 called circumstantial evidence. And the State relies
2 on that. And circumstantial evidence is like the links
3 in a chain, in a necklace. Each link must hold. If
4 one -- if you get three links down and that next link
5 fails, the entire chain fails. And so, when you rely
6 on circumstantial evidence, you can have no missing
7 link or failing link.

8 There are ways to determine how and who loaded a
9 gun. I asked the investigators about this. The bullet
10 that was taken into evidence that came from that gun,
11 you heard that testimony, how about some fingerprints?
12 Yeah, you can do that. Did they do it? No. How about
13 some DNA on that bullet? Did they do it? No. Can
14 they do it? Yes. You heard testimony, when I touch
15 something, I leave behind my imprint or I leave behind
16 my skin cells. No, we don't think it would be possible
17 in this case, we're just not going to do it.

18 The same thing with the shell casing, the bullet
19 discharges, the shell casing pops out, it's on the
20 floorboard. In order to get that bullet in that gun,
21 you've got to hold it, you've got to put it in there
22 and that leaves a touch, that leaves a print. The
23 possibility that it's there is sufficient to try and
24 get it. Did they do that? No. It's unacceptable. It
25 should be unacceptable for every person in this room.

CLOSING ARGUMENT BY THE DEFENSE

1 The State of South Carolina would have you look at
2 these half pieces of evidence, the undone investigation
3 and generalizations about this relationship. Oh, and
4 they want to make a big deal about Jamie standing in
5 his own yard when Edward is approaching the house, I
6 don't know if he knocked on the door or not, it sounded
7 like he did, and he's not happy. This is South
8 Carolina, I'm allowed to stand on my porch with my gun
9 when you're coming at my house. That's not against the
10 law. He's not charged with that. That has nothing to
11 do with the case.

12 The Judge will tell you that murder does require
13 the proof of malice beyond a reasonable doubt. If
14 there's any aspect of hesitation, then that is not
15 guilty for murder. The judge is also going to charge
16 you -- because there's lesser included offenses that
17 she's going to tell you about. There's something
18 called voluntary manslaughter and there's something
19 called involuntary manslaughter. And with voluntary
20 manslaughter, you would be discussing and talking
21 about -- she's going to instruct you that that's what
22 we commonly think of as heat of passion when someone is
23 killed. There hadn't been time for a cooling off of
24 the mind and something is done in the heat of passion
25 moment.

CLOSING ARGUMENT BY THE DEFENSE

1 Involuntary manslaughter, she will explain to you,
2 and I want you to go by what she says, but you know,
3 from what I would say to you, you know, involuntary
4 talks about reckless behavior, handling maybe of a gun
5 in a reckless manner. Say, I'm going to shoot myself
6 that -- you might think that's reckless and it
7 discharges. And then, of course, she's going to talk
8 to you about accident, the defense of accident. And
9 listen to what she has to tell you about applying what
10 you find the facts of this case to be as to whether or
11 not the gun accidentally discharged.

12 Throughout our history, we write -- we've
13 written, we write poetry, we write novels, we write
14 music about life and love and about the relationships
15 that we have with one another. All the way from what
16 I -- from what I first started out talking to you
17 about, about William Congreve and the Mourning Bride,
18 there's an entire block of our music history devoted to
19 those insane collaborative moments in our lives when
20 we're confronted with a cheating spouse or we're
21 confronted with our love, you know, being destroyed by
22 a paramour. And so, you know, like Elvis Presley,
23 Suspicious Minds, and Marvin Gaye talking about I heard
24 it through the grapevine, Carrie Underwood, she took a
25 baseball bat, a Louisville slugger, to both of his

CLOSING ARGUMENT BY THE DEFENSE

1 headlights, to today with, I think it's -- I think it's
2 Beyonce, there's a song where the lyrics are like,
3 what's worse, looking jealous or crazy, or like being
4 walked over, lately, walked all over, lately, I would
5 rather be crazy. It's crazy to jump in that Avalanche.

6 You have to make a unanimous decision, every
7 single one of you have to agree on what you think the
8 facts are and what the decision should be. And if you
9 have an opinion that you strongly hold, you have an
10 opinion that you strongly hold, you know, you would
11 discuss and if you would try to figure out if there's
12 any way that you could come to an agreement. Because
13 if you cannot reach an agreement, you can't reach a
14 verdict. Because, Her Honor will tell you, another
15 foundational part of what we have here, right in front
16 of you, is a unanimous decision by 12 members of a man
17 or a woman's peers who have listened to the evidence
18 and tried to make a decision that is based on the facts
19 and the law. And we respect that you will do just
20 that. Thank you for your time.

21 THE COURT: All right, ladies and gentlemen, I
22 anticipate my charge will last about half an hour to
23 read to you the law. Does anyone need a short break
24 before we begin that part? If so, that's fine. Just
25 indicate by putting your hand up.

CLOSING ARGUMENT BY THE DEFENSE

1 (No response.)

2 THE COURT: Okay, we will go forward then.

3 JURY CHARGE

4 THE COURT: It now becomes my duty as trial judge
5 under the constitution of this State to charge and
6 instruct you in the law applicable to this case. It is
7 your duty as jurors to accept and apply the law as the
8 Court will now State it to you and it's your exclusive
9 duty to determine the effect, the value, the weight,
10 and the credibility of the evidence. Both the State
11 and Mr. Robinson have a right to expect that you will
12 conscientiously consider and evaluate the evidence and
13 apply the law of the case thereto. And to that end,
14 both parties will receive and obtain a fair and
15 impartial trial in this case.

16 When I use the word defendant, I refer to Mr.
17 Robinson. The Defendant here has been accused in what
18 we call indictments. Those are pieces of paper on
19 which accusations against defendants are placed. These
20 are not exhibits. You'll have a number of exhibits in
21 this case, and those are part of the evidence in the
22 case.

23 The indictments in this case allege several
24 different offenses against the Defendant. The charges
25 are murder and possession of a weapon during the

JURY CHARGE

1 commission of a violent crime. Each indictment charges
2 a separate and distinct offense. You must decide each
3 indictment separately on the evidence and the law
4 applicable to it uninfluenced by your decision as to
5 any other indictment. The Defendant may be convicted
6 or acquitted on any or all of the offenses charged.
7 You will be asked to write a separate verdict of guilty
8 or not guilty for each indictment. And we'll discuss
9 those a little bit more at length later on.

10 Now, to these indictments, the Defendant has
11 rendered a plea of not guilty, which then places upon
12 the State the burden of proving beyond a reasonable
13 doubt that the Defendant is guilty. In this State and
14 in this country, a person who is accused with the
15 commission of a criminal offense is never required to
16 come in and prove himself or herself innocent. This
17 principle of law, we call the presumption of innocence.
18 Each of you, is required under our law and by your oath
19 to actively presume the Defendant is not guilty. This
20 presumption of innocence is maintained at all times
21 throughout the trial of this case and is only removed
22 when and if the State brings in enough evidence to
23 persuade you beyond all reasonable doubt that the
24 Defendant is guilty.

25 So, then ladies and gentlemen, following that,

JURY CHARGE

1 obviously, the fact that a defendant does not testify
2 on his own behalf cannot and must not be considered
3 against that defendant under any circumstances or in
4 any manner whatsoever. A defendant has the
5 constitutional right to remain silent, and the
6 assertion of such constitutional right cannot and must
7 not be considered by you in your deliberations.

8 Under your oath then, you are to reach no
9 inference and draw no conclusion whatsoever from the
10 fact the Defendant in this case did not himself
11 testify. The fact that the Defendant did not testify
12 should not even be discussed in the jury room. The
13 burden of proof, as I have stated to you, is upon the
14 State. It remains upon the State to prove guilt beyond
15 a reasonable doubt. And whether the Defendant
16 testified is not a factor to be considered by you in
17 determining the guilt or the innocence of a defendant.

18 Well, what is reasonable doubt? A reasonable
19 doubt is a doubt which makes an honest, sincere,
20 conscientious juror in search of the truth in the case
21 hesitate to act. Proof beyond a reasonable doubt is
22 proof that leaves you firmly convinced of the
23 Defendant's guilt. There are very few things in this
24 world that we know with absolute certainty, and in
25 criminal cases, the law does not require proof that

JURY CHARGE

1 overcomes every possible doubt. If based on your
2 consideration of the evidence, you are firmly convinced
3 that the Defendant is guilty of the crime charged, you
4 must find him guilty. If on the other hand, you think
5 there is a real possibility that he is not guilty, then
6 you must give him the benefit of the doubt and find him
7 not guilty. Reasonable doubt may arise from evidence
8 which is in the case or from the lack or absence of
9 evidence in the case. It's up to you, ladies and
10 gentlemen, to determine whether or not a reasonable
11 doubt exists as to guilt of this Defendant. I charge
12 you that the Defendant is entitled to every reasonable
13 doubt arising in the whole case. If upon any issue of
14 fact essential to conviction and a verdict of guilty,
15 you have a reasonable doubt as to how that issue should
16 be resolved, it would be your duty to resolve that
17 reasonable doubt in favor of the Defendant.

18 How do you decide the facts of this case? You do
19 it through the exercise of your good judgment, and the
20 application of your common sense, your sense of logic
21 and reasoning, and your experiences in life. You know,
22 everyday in your lives, you judge credibility. You
23 make decisions everyday with regard to whether people
24 are believable, persuasive, convincing or not. You do
25 the same thing here as a juror.

JURY CHARGE

1 In deciding believability, you may consider what
2 was the manner and appearance of the witness who
3 testified. Was he or she straightforward or hesitant
4 in answering? Was the testimony of a witness
5 consistent or was it inconsistent? How did the witness
6 come to know the facts that he or she testified to? Or
7 what was his ability to know these facts? Is there
8 some reason a witness would want to give testimony
9 which would help or hurt one side or the other? In
10 other words, was the witness biased or prejudiced?

11 In determining the question of credibility or
12 believability of the witness, you may believe one
13 witness as against several witnesses or several
14 witnesses as against one witness. You may believe a
15 part of the testimony of a witness and reject the
16 remaining part of the testimony of that same witness.
17 You may believe the testimony of a witness in its
18 entirety or reject the testimony of a witness in its
19 entirety. These considerations, you do not exercise
20 arbitrarily, but if in your good judgment there is
21 sound reason in the record of this case for so doing.
22 You are to consider all the evidence and this case and
23 determine what you believe to be the true facts of the
24 dispute.

25 The rules of evidence ordinarily do not permit

JURY CHARGE

1 witnesses to testify to opinions or conclusions. An
2 exception to this rule exists for witnesses we call
3 "expert witnesses". A witness who, by education and
4 experience, has become an expert in some art, science,
5 profession, or calling may state an opinion as to
6 relevant and material matter, in which the witness
7 claims to be an expert, and may also state the reasons
8 for the opinion:

9 You should consider any expert opinion received in
10 evidence in this case and, like any other evidence,
11 give it the weight you think it deserves. If you
12 decide that the opinion of an expert witness is not
13 based on sufficient education and experience, or if you
14 conclude that the reasons given in support of the
15 opinion are not sound, or that the opinion is
16 outweighed by other evidence, you may disregard the
17 opinion entirely. An expert witness' testimony is to
18 be given no greater weight than that of other witnesses
19 simply because the witness is an expert. Further, you
20 are not required to accept an expert's opinion, even
21 though it is not contradicted.

22 As the sole fact finders, you should have listened
23 closely to the evidence presented. Weighing the
24 evidence is entirely a mental process. You must weigh
25 the evidence using your good judgment and common sense.

JURY CHARGE

1 Ladies and gentlemen, cases can be presented -- or
2 evidence can be presented in one of two ways. Direct
3 evidence or indirect evidence, also known as
4 circumstantial evidence. Direct evidence is when
5 someone comes in and testifies to the commission of a
6 crime that they perceived through their own senses, saw
7 someone commit a crime, for example. Indirect evidence
8 or circumstantial evidence is when someone testifies as
9 to different events that occur and when you link all of
10 them, they point to the commission of a crime.

11 Now, either method can be used to present a case.
12 often, often, both methods are used. The law makes
13 absolutely no distinction between the weight or value
14 to be given to either direct or circumstantial
15 evidence. Nor is a greater degree of certainty
16 required of circumstantial evidence than of direct
17 evidence. You should weigh all the evidence in the
18 case.

19 The law says to the extent the State relies on
20 circumstantial evidence, it has to meet a certain test.
21 First, the State has to prove each event or
22 circumstance it relies on beyond a reasonable doubt.
23 Further, these facts must point conclusively to the
24 guilt of the accused and they must be wholly perfectly
25 consistent with each other in every particular respect.

JURY CHARGE

1 I further instruct that the mere fact that the
2 circumstances brought out in a case are strongly
3 suspicious of guilt or the circumstances are such that
4 a defendant's guilt is probable, then that's not
5 enough. That is not sufficient to sustain a conviction
6 because the proof offered by the State has to be more
7 than suspicion. It has to be more than someone being
8 probably guilty. It has to be proof that satisfies you
9 then beyond a reasonable doubt.

10 The evidence you are to consider consists of the
11 testimony of the witnesses and the exhibits that have
12 been offered and received during the course of the
13 trial. Objections and rulings and matters that have
14 been excluded from the record are not to be considered
15 by you in any fashion. If it appears to you that I
16 have so commented, during either the trial or the
17 giving of these instructions, you must disregard such
18 comment entirely. Also, the remarks of the attorneys
19 are not evidence. Their statements and their arguments
20 are intended to help you understand the evidence and
21 apply the law. You should disregard any remark,
22 statement or argument which is not supported by the
23 evidence or the law as given to you by the Court.

24 A statement alleged to have been given by the
25 Defendant has been admitted into evidence in this case.

JURY CHARGE

1 While the Court has determined that the statement is
2 admissible, I instruct you that you make the ultimate
3 decision of whether or not the Defendant made the
4 statement. If the Defendant did make the statement,
5 you must determine whether the statement was made by
6 the Defendant voluntarily and of his own free will.
7 This means that the statement was not caused by
8 pressure, force, fear, threats, coercion, or
9 intimidation, or by hope or a promise of leniency or a
10 reward of any kind. In determining whether the
11 statement was voluntary, you should consider both the
12 characteristics of the Defendant and the details of the
13 questioning.

14 Some of the factors you must consider are: (1) the
15 age of the Defendant; (2) the Defendant's education or
16 lack of education; (3) the Defendant's mental ability
17 or capacity; (4) the Defendant's IQ; (5) the
18 Defendant's background and environment; (6) the place
19 and length of detention; (7) the nature of the
20 questioning; and (8) the advice, or lack thereof, to
21 the Defendant of his constitutional rights, including,
22 but not limited to, the right to remain silent; that
23 any statement could be used against him in a court of
24 law; the right to have a lawyer present; that if he
25 could not afford a lawyer, a lawyer would be appointed

JURY CHARGE

1 to represent him without any cost; and that he could
2 stop making a statement at any time. You must
3 carefully consider all of the surrounding circumstances
4 before you give any weight to an alleged statement.

5 The State has the burden of proving beyond a
6 reasonable doubt that the alleged statement was
7 voluntary. If you determine it was, you may give the
8 statement any further consideration you deem proper.
9 You must decide what weight, if any, should be given to
10 the alleged statement. If you determine the alleged
11 statement was not the free and voluntary statement of
12 the Defendant, you should not consider the statement at
13 all.

14 Now, I have the additional duty to charge you with
15 the law applicable to this case. As the presiding
16 judge, I am the sole judge of the law of this case, and
17 it's your duty as the jurors to accept and apply the
18 law as I now state it to you.

19 As I've already told you, you are given a wide
20 latitude in regard to this matter determining
21 believability, determining the facts as we call them in
22 the case. When it comes to the law, though, you have
23 to accept the following legal principals as I give them
24 to you. You obviously can't change the law. You just
25 take the law as I give it to you. You find the facts

JURY CHARGE

1 as you see them and then you apply the law to those
2 facts and that's the way that you reach your verdict.

3 Section 16-3-10 of the South Carolina code defines
4 murder as the killing of any person with malice
5 aforethought, either expressed or implied. The State
6 must prove beyond a reasonable doubt that the Defendant
7 killed another person with malice aforethought.

8 Malice is hatred, ill will, or hostility towards
9 another person. It is the intentional wrongdoing of a
10 wrongful act without just cause or excuse and with an
11 intent to inflict an injury or under circumstances that
12 the law will infer an evil intent. Malice indicates a
13 formed purpose and design to do a wrongful act under
14 circumstances that exclude any legal right to do it.

15 Further, there must be malice aforethought, which
16 means that the malice must have been conceived in the
17 mind of the Defendant prior to the act producing the
18 fatal result. The word aforethought is usually
19 understood to refer to the time when the evil is
20 conceived. The law does not require that the malice
21 must exist for any appreciable length of time before
22 the commission of the act. It may be conceived at the
23 very moment the action is taken which results in the
24 death of another. Therefore, there must be a
25 combination of the previous evil intent and the act.

JURY CHARGE

1 Malice aforethought may be expressed or inferred.
2 These terms, "expressed" and "inferred" do not mean
3 different kinds of malice, but merely the manner in
4 which malice may be shown to exist. That is either by
5 direct evidence or by inference from the facts and
6 circumstances which are proved. Expressed malice is
7 shown when a person speaks words which express hatred
8 or ill will for another or when the person prepared
9 beforehand to do the act which was later accomplished;
10 for example, lying in wait for a person or any other
11 acts of preparation going to show that the deed was
12 within the Defendant's mind would be expressed malice.

13 Malice may be inferred from conduct showing a
14 total disregard for human life. If facts are proved
15 beyond a reasonable doubt sufficient to raise an
16 inference of malice to your satisfaction, this
17 inference would be simply an evidentiary fact to be
18 considered by you, the jury, along with other evidence
19 in the case, and you may give it such weight as you
20 find it should receive.

21 If malice is present in the mind of the one doing
22 the killing any length of time before the act, then its
23 presence would be sufficient to render the killing
24 murder.

25 As I previously stated, criminal intent is a

JURY CHARGE

1 necessary element of the crime of murder, and that must
2 be proved by the State beyond a reasonable doubt.
3 Criminal intent is always a matter that must be
4 determined by the jury from the circumstances
5 surrounding the situation, so the law states that
6 criminal intent may be inferred from the circumstances
7 shown to have existed. This is how the jury makes a
8 determination of whether or not the element requiring
9 an intent was present. The State is not required to
10 prove motive although the presence or absence of this
11 evidence of motive may be considered in making your
12 determination in this case.

13 Criminal intent is a state of mind that operates
14 jointly with an act in the commission of a crime.
15 Intent includes those consequences which (a) represent
16 the very purpose for which an act is done, or (b) are
17 known to be substantially certain to result regardless
18 of desire. Criminal intent is a mental state, a
19 conscious wrongdoing, so it is up to you, the jury, to
20 determine what the Defendant intended to do, based on
21 the circumstances shown to have existed. I tell you
22 that the State must prove criminal intent as it must
23 prove every other element, beyond a reasonable doubt.

24 If you find that the State has failed to prove
25 beyond a reasonable doubt the Defendant committed

JURY CHARGE

1 murder, you may consider whether the State has proved
2 beyond a reasonable doubt that the Defendant committed
3 voluntary manslaughter.

4 To prove voluntary manslaughter, the State must
5 prove beyond a reasonable doubt that the Defendant took
6 the life of another in the sudden heat of passion based
7 on sufficient legal provocation. Both heat of passion
8 and sufficient legal provocation must be present at the
9 time of the killing to constitute voluntary
10 manslaughter.

11 Sudden heat of passion may, for a time, affect a
12 person's self-control and temporarily disturb a
13 person's reason. The sudden heat of passion must be
14 the type that would make an ordinary person unable to
15 coolly reflect on his actions and would produce an
16 uncontrollable impulse to do violence.

17 Sufficient legal provocation must be the type that
18 would make a person of ordinary reason and caution
19 become enraged and to lose control temporarily. The
20 provocation needed for voluntary manslaughter must come
21 from some act of, or related to, the victim.

22 Words alone, however vulgar or insulting, are not
23 enough to be legal provocation. Where death is caused
24 by the use of a deadly weapon, the words must be
25 accompanied by some overt, threatening act which could

JURY CHARGE

1 have produced the heat of passion. The exercise of a
2 legal right, no matter how offensive it is to another,
3 is never sufficient legal provocation for voluntary
4 manslaughter.

5 If the heat of passion had cooled, or if there was
6 enough time between the provocation, if any, and the
7 killing for the passion of a reasonable person to cool,
8 the killing would not be voluntary manslaughter. In
9 deciding whether a reasonable person would have had
10 enough time to cool off, you should consider all the
11 circumstances surrounding the killing. You may
12 consider the nature of the provocation, if any; the
13 Defendant's mental and physical state; and the
14 circumstances and relationships between the parties.

15 If you find that the State has failed to prove
16 beyond a reasonable doubt that the Defendant committed
17 murder, you may also consider whether the State has
18 proved beyond a reasonable doubt the Defendant
19 committed involuntary manslaughter.

20 To prove involuntary manslaughter, the State must
21 prove beyond a reasonable doubt that the Defendant
22 unintentionally killed the victim without malice, but
23 while engaged in an unlawful activity not amounting to
24 a felony and not naturally tending to cause death or
25 great bodily harm or that the Defendant unintentionally

JURY CHARGE

1 killed the victim without malice, while engaged in a
2 lawful activity with reckless disregard for the safety
3 of others.

4 Unintentional means that the Defendant did not
5 intend for anyone to be killed or seriously injured.
6 Reckless disregard for the safety of others is more
7 than mere negligence or carelessness. Mere negligence
8 or carelessness is the failure to use the care that a
9 person of ordinary reason would use under the same
10 circumstances.

11 Recklessness is a conscious failure to use
12 ordinary care. Reckless disregard for the safety of
13 others means you are not interested in the consequences
14 of your acts or the rights and safety of others. If a
15 person who knows, or should know, that ordinary care
16 requires certain precautions be taken for the safety of
17 others, but that person fails to use those precautions
18 without concern, the person's actions are considered
19 reckless.

20 The State must also prove beyond a reasonable
21 doubt that the Defendant's act was the proximate cause
22 of death. Proximate cause is the direct cause; it is
23 the immediate cause; it is the efficient cause; it is
24 that cause without which the death of the victim would
25 not have resulted. There must be a chain of causation

JURY CHARGE

1 from the time of the injury inflicted by the Defendant
2 until the time of the victim's death. Proximate cause
3 does not necessarily mean that it occurred immediately
4 prior to death.

5 There may be more than one proximate cause. The
6 Defendant's act may be regarded as the proximate cause
7 if it is a contributing cause of the death of the
8 victim. The fact that other causes also contribute to
9 the death of the victim does not relieve the Defendant
10 from responsibility. The Defendant's act need not be
11 the sole cause of the death, but must be a proximate
12 cause contributing to the death of the victim.

13 The Defendant has raised the defense of an
14 accident. A homicide may be excused on the ground of
15 accident if it is shown that the killing was
16 unintentional, the Defendant was acting lawfully, and
17 reasonable care was used by the Defendant at the time
18 of the decedent's death.

19 The burden is on the State to prove beyond a
20 reasonable doubt that the act committed by the
21 Defendant which was a proximate cause of the victim's
22 death was not an accident, but was caused by the
23 criminal negligence on the part of the Defendant.
24 Criminal negligence is defined as the reckless
25 disregard for the safety of others, is more than mere

JURY CHARGE

1 negligence or carelessness. Mere negligence or
2 carelessness is the failure to use the care that a
3 person of ordinary reason would use under the same
4 circumstances. Recklessness is a conscious failure to
5 use ordinary care. Reckless disregard for the safety
6 of others means that you are not interested in the
7 consequences of your acts or the rights and safety of
8 others.

9 The Defendant is also charged with possession of a
10 weapon during the commission of, or attempt to commit,
11 a violent crime. The State must prove beyond a
12 reasonable doubt that the Defendant was in possession
13 of a firearm or visibly displayed what appeared to
14 be a firearm, during the commission of a violent crime.

15 A firearm means any machine gun, automatic rifle,
16 revolver, pistol, or any weapon which will, is designed
17 to, or may be readily converted to expel a projectile.

18 In order to find the Defendant guilty of
19 possession of a weapon during the commission of a
20 violent crime, you must first find the Defendant guilty
21 of either committing a violent crime or attempting to
22 commit a violent crime. Murder and voluntary
23 manslaughter are violent crimes. The State must prove
24 beyond a reasonable doubt that the weapon furthered,
25 advanced, or helped in the commission of the crime.

JURY CHARGE

1 Ladies and gentlemen, you are not partisans or
2 advocates for the State of South Carolina or this
3 Defendant. You do not serve as jurors to reward
4 friends or to punish enemies. You have been selected
5 by both the State and this Defendant as fair and
6 impartial jurors. It is your duty, then, by your joint
7 deliberations, to determine the facts in this case,
8 giving to this Defendant the benefit of every
9 reasonable doubt. Then, to the facts which you
10 determine, you take and apply the law which has been
11 given you by this Court and thus arrive at a verdict.

12 When you have accomplished this and written your
13 verdict, you will have satisfied your oath as jurors
14 and you will have discharged your duty to this State,
15 to Mr. Robinson and the Court.

16 There are several possible verdicts which you may
17 find in this case. There is no significance whatsoever
18 in the order in which I state the possible verdicts,
19 it's simply that one must be stated first. You're
20 going to have two verdict forms with you in the jury
21 room.

22 This verdict form states: We, the jury, by
23 unanimous consent, find the Defendant, Jamie Jermaine
24 Robinson, on the charge of murder, and your options
25 are, guilty, guilty of the lesser included offense of

JURY CHARGE

1 voluntary manslaughter, guilty of the lesser included
2 offense of involuntary manslaughter, or not guilty.
3 Then the foreperson must sign the verdict form and date
4 it at the bottom when you've reached that verdict
5 unanimously.

6 On the second verdict form, it states: We, the
7 jury, by unanimous consent find the Defendant, Jamie
8 Jermaine Robinson, on the charge of possession of a
9 weapon during the commission of a violent crime, guilty
10 or not guilty. And then, again, the foreperson must
11 sign the bottom of the form and date it.

12 Ladies and gentlemen, your verdict must be a
13 unanimous one.

14 Madam Foreperson, when the jury agrees on the
15 verdict, you will indicate by checking the line next to
16 the verdict that I've just shown you and sign your name
17 as foreperson. Then knock on the jury room door and
18 inform the bailiff that you have reached a verdict. At
19 that time, we will receive you back into the courtroom.

20 I ask that you now return to your jury room, but
21 do not begin deliberations until you are told to do so
22 by the clerk or the bailiff. There are a few matters
23 which must be discussed with the attorneys before you
24 begin your deliberation.

25 Thank you very much.

JURY CHARGE

1 (The jury exits the courtroom at 11:12 a.m.)

2 THE COURT: Any exceptions or objections from the
3 charge given by the Court by the State?

4 MS. SMITH: No, ma'am.

5 THE COURT: Any by the Defendant?

6 MS. CAMPBELL: No, ma'am.

7 THE COURT: Any other legal matters before I
8 release the alternates, or any objection to me
9 releasing the alternates at this time?

10 MS. CAMPBELL: No, ma'am.

11 MS. SMITH: No.

12 THE COURT: All right. If you would bring the
13 alternates back in.

14 (Whereupon, the alternates are released.)

15 THE COURT: Briefly, I'd like to address everyone
16 in the courtroom just for a minute. I'll ask that
17 everyone take their place. I'll let the court reporter
18 get back to her seat.

19 Ladies and gentlemen, everybody, this is
20 obviously -- these are emotional type of cases for both
21 sides. I want to just ask everybody during this
22 processes to remain calm and cool. If there are any
23 emotional outbursts, if there are any threats from one
24 side to another that I hear about going on, in or
25 around, or on the grounds of this courthouse, I'm going

COLLOQUY

1 to have to ask you to come in before me and we will
2 have a hearing on contempt. The contempt powers of the
3 court carry up to 10 years in prison and no one is
4 exempt from these. So, I want everyone to understand
5 that. I certainly don't inspect that it's going to get
6 that far. Everybody has been, obviously, very well
7 behaved during this trial, so I don't anticipate it,
8 but I know we are at that stage where some decisions
9 may be made, and I just want to remind and you and ask
10 you to continue to act the way you've been acting this
11 week in the courtroom, okay. Thank you very much.

12 We're going to be at ease now. The jury has it.

13 (Jury deliberations begin at 11:21 a.m.)

14 THE COURT: If you want to waive his presence,
15 I'll be glad to read the note and we can go forward,
16 but, obviously, he has the right to be here.

17 MS. CAMPBELL: Can we approach?

18 THE COURT: Yes.

19 (Off-the-record discussion was held.)

20 THE COURT: All right. We have a note from the
21 jury, ladies and gentlemen, which we will mark shortly
22 as a Court's Exhibit. It states: Can we have a
23 written definition of murder, voluntary manslaughter,
24 involuntary manslaughter, signed by the foreperson, and
25 dated July 19, 2018.

QUESTION OF THE JURY

1 I am more than happy to charge them on these
2 portions of my charge, beginning with the verbiage, you
3 can follow along with your print off if you like,
4 Section 16-3-10 of the South Carolina code defines
5 murder, go through criminal intent, I'll go through
6 voluntary manslaughter, I'll go through involuntary
7 manslaughter, to encompass proximate cause,
8 contributing to the death of the victim and stop there.
9 It's approximately eight pages.

10 MS. CAMPBELL: And Your Honor, on behalf of the
11 Defendant, I certainly agree that that would be
12 appropriate for them to be recharged on those three
13 specific requests. I would just ask that the portion
14 of Your Honor's charge that deals specifically with
15 reasonable doubt, begins on my Page 5 through Page 6,
16 be recharged as well. Thank you.

17 THE COURT: I have no problem charging reasonable
18 doubt again. I think that's proper. What I'll do is
19 charge it at the end of the requested -- at the end.

20 MS. CAMPBELL: Thank you, Your Honor.

21 THE COURT: Okay. Any objection to that from the
22 State?

23 MS. SMITH: No, ma'am.

24 THE COURT: Okay. For the record, that note will
25 be Court's Exhibit 14.

QUESTION OF THE JURY

1 *(Whereupon, Court's Exhibit No(s). 14 marked for*
2 *identification and received in evidence.)*

3 THE BAILIFF: May I approach?

4 (Off-the-record discussion held.)

5 THE COURT: The message was, some of them
6 requested paper, but I'm not going to give them paper,
7 or that I slow down. So I said I will slow it down.

8 THE BAILIFF: The jury is entering the courtroom,
9 Your Honor.

10 (The jury enters the courtroom at 11:46 a.m.)

11 THE COURT: Thank you, ladies and gentlemen,
12 please be seated. We received your note asking for
13 written definitions of murder, voluntary manslaughter
14 and involuntary manslaughter. My short answer is no,
15 I'm not going to give you a written definition, but I'm
16 happy to tell them to you again, and I will do that.
17 And I will definitely try to slow down a little bit
18 this time, okay.

19 So, with that. Section 16-3-10 of the South
20 Carolina code defines murder as the killing of any
21 person with malice aforethought, either suppressed or
22 implied. The State must prove beyond a reasonable
23 doubt that the Defendant killed another person with
24 malice aforethought. Hatred is ill will -- malice is
25 hatred, ill will or hostility towards another person.

QUESTION OF THE JURY

1 It is the intentional doing of a wrongful act without
2 just cause or excuse and with an intent to inflict an
3 injury or, under circumstances that the law will infer,
4 an evil intent. Malice indicates an informed purpose
5 and design to do a wrongful act under circumstances
6 that exclude any legal right to do it.

7 Further, there must be malice aforethought, which
8 means that the malice must have been conceived in the
9 mind of the Defendant prior to the act producing the
10 fatal result. The word aforethought is usually
11 understood to refer to the time when the evil is
12 conceived. The law does not require that the malice
13 must exist for any appreciable length of time before
14 the commission of the act. It may be conceived at the
15 very moment the action is taken, which results in the
16 death of another. Therefore, there must be a
17 combination of the previous evil intent and act.

18 Malice aforethought may be expressed or inferred.
19 These terms "expressed" and "inferred" do not mean
20 different kinds of malice, but merely the manner in
21 which malice may be shown to exist. That is either by
22 direct evidence or by inference from the facts and
23 circumstances which are proved.

24 Expressed malice is shown when a person speaks
25 words which express hatred or ill will for another or

QUESTION OF THE JURY

1 when the person prepared beforehand to do the act which
2 was, later accomplished. For example, lying in wait for
3 a person or any other acts of preparation going to show
4 that the deed was in the Defendant's mind would be
5 expressed malice.

6 Malice may be inferred from conduct showing a
7 total disregard for human life. If facts are proved
8 beyond a reasonable doubt sufficient to raise an
9 inference of malice to your satisfaction, this
10 inference would be simply an evidentiary fact to be
11 considered by you, the jury, along with other evidence
12 in this case. And you may give it such weight that you
13 find it should receive. If malice is present in the
14 mind of the one doing the killing any length of time
15 before the act, then its presence would be sufficient
16 to render the killing murder.

17 As I previously stated, criminal intent is a
18 necessary element of the crime of murder and that must
19 be proved by the State beyond a reasonable doubt.
20 Criminal intent is always a matter that must be
21 determined by the jury from the circumstances
22 surrounding the situation. So the law states that
23 criminal intent may be inferred from the circumstances
24 shown to have existed. This is how the jury makes a
25 determination of whether or not the element requiring

QUESTION OF THE JURY

1 an intent was present.

2 The State is not required to prove motive,
3 although the presence or absence of this evidence of
4 motive may be considered in making your determinations
5 in the case. Criminal intent is a state of mind that
6 operates jointly with an act in the commission of a
7 crime. Intent includes those consequences which
8 represent the very purpose for which an act is done or
9 known to be substantially certain to result regardless
10 of desire.

11 Criminal intent is a mental state, a conscious
12 wrongdoing, so it is up to you, the jury, to determine
13 what the Defendant intended to do based on the
14 circumstances shown to have existed. I tell you that
15 the State must prove criminal intent as it must prove
16 every other element beyond a reasonable doubt.

17 If you find the State has failed to prove beyond a
18 reasonable doubt that the Defendant committed murder,
19 you may consider whether the State has proved beyond a
20 reasonable doubt that the Defendant committed voluntary
21 manslaughter. To prove voluntary manslaughter, the
22 State must prove beyond a reasonable doubt that the
23 Defendant took the life of another in the sudden heat
24 of passion based on sufficient legal provocation. Both
25 heat of passion and sufficient legal provocation must

QUESTION OF THE JURY

1 be present at the time of the killing to constitute
2 voluntary manslaughter. Sudden heat of passion may,
3 for a time, affect the person's self-control and
4 temporarily disturb a person's reason. The sudden heat
5 of passion must be the type that would make an ordinary
6 person unable to coolly reflect on his actions and would
7 produce an uncontrollable impulse to do violence.

8 Sufficient legal provocation must be the type that
9 would make a person of ordinary reason and caution
10 become enraged and lose control temporarily. The
11 provocation needed for voluntary manslaughter must come
12 from some act of or related to the victim. Words
13 alone, however vulgar or insulting, are not enough to
14 be legal provocation. Where death is caused by the use
15 of a deadly weapon, the words must be accompanied by
16 some overt threatening act which could have produced
17 the heat of passion. The exercise of a legal right, no
18 matter how offensive it is to another is never
19 sufficient legal provocation for voluntary
20 manslaughter.

21 If the heat of passion had cooled or if there was
22 enough time between the provocation, if any, and the
23 killing for the passion of a reasonable person to cool,
24 the killing would not be voluntary manslaughter. In
25 deciding whether a reasonable person would have had

QUESTION OF THE JURY

1 enough time to cool off, you should consider all of the
2 circumstances surrounding the killing. You may
3 consider the nature of the provocation, if any, the
4 Defendant's mental and physical state, and the
5 circumstances and relationships between the parties.

6 If you find the State has failed to prove beyond a
7 reasonable doubt that the Defendant committed murder,
8 you may also consider whether the State has proved
9 beyond a reasonable doubt that the Defendant committed
10 involuntary manslaughter. To prove involuntary
11 manslaughter, the State must prove beyond a reasonable
12 doubt that the Defendant unintentionally killed the
13 victim without malice, but while engaged in an unlawful
14 activity not amounting to a felony and not naturally
15 tending to cause death or great bodily harm or that the
16 Defendant unintentionally killed the victim without
17 malice while engaged in a lawful activity with reckless
18 disregard for the safety of others. Unintentional
19 means that the Defendant did not intend for anyone to
20 be killed or seriously injured.

21 Reckless disregard for the safety of others is
22 more than mere negligence or carelessness. Mere
23 negligence or carelessness is the failure to use care
24 that a person of ordinary reason would use under the
25 same circumstances. Recklessness is a conscious

QUESTION OF THE JURY

1 failure to use ordinary care. Reckless disregard for
2 the safety of others means you are not interested in
3 the consequences of your acts or the rights and safety
4 of others. If a person who knows or should know that
5 ordinary care requires certain precautions to be taken
6 for the safety of others, but that person fails to use
7 those precautions without concern, the person's actions
8 are considered reckless.

9 The State must also prove beyond a reasonable
10 doubt that the Defendant's act was the proximate cause
11 of death. Proximate cause is the direct cause. It is
12 the immediate cause. It is the efficient cause. It is
13 that cause without which the death of the victim would
14 not have resulted. There must be a chain of causation
15 from the time of the injury inflicted by the Defendant
16 until the time of the victim's death.

17 Proximate cause does not necessarily mean that it
18 occurred immediately prior to death. There may be more
19 than one proximate cause. The Defendant's act may be
20 regarded as the proximate cause if it is a contributing
21 cause of the death of the victim. The fact that other
22 causes also contribute to the death of the victim does
23 not relieve the Defendant from responsibility. The
24 Defendant's act need not be the sole cause of the
25 death, but must be a proximate cause contributing to

QUESTION OF THE JURY

1 the death of the victim.

2 What is reasonable doubt? A reasonable doubt is a
3 doubt which makes an honest, sincere, conscientious
4 juror in search of the truth in a case hesitate to act.
5 Proof beyond a reasonable doubt is proof that leaves
6 you firmly convinced of the Defendant's guilt. There
7 are very few things in this world that we know with
8 absolute certainty. And in criminal cases, the law
9 does not require proof that overcomes every possible
10 doubt.

11 If based on your consideration of the evidence,
12 you are firmly convinced that the Defendant is guilty
13 of the crime charged, you must find him guilty. If, on
14 the other hand, you think there is a real possibility
15 that he is not guilty, you must give him the benefit of
16 the doubt and find him not guilty.

17 Reasonable doubt may arise from evidence which is
18 in the case or from the lack or absence of evidence in
19 the case. It's up to you, ladies and gentlemen, to
20 determine whether or not a reasonable doubt exists as
21 to guilt of this Defendant. I charge you that the
22 Defendant is entitled to every reasonable doubt arising
23 in the whole case. If upon any issue of fact essential
24 to conviction and a verdict of guilty you have a
25 reasonable doubt as to how that issue should be

QUESTION OF THE JURY

1 resolved, it would be your duty to resolve that
2 reasonable doubt in favor of the Defendant.

3 That concludes my recharge on these requested
4 areas. I'm going to release you back to your jury room
5 at this time. Please do not begin deliberations again
6 yet until instructed to do so by a bailiff or court
7 personnel.

8 (The jury exits the courtroom at 11:57 a.m.)

9 THE COURT: Any additions or exceptions to the
10 charge by the State?

11 MS. SMITH: No, Your Honor.

12 THE COURT: By the defense?

13 MS. CAMPBELL: No, Your Honor.

14 THE COURT: Okay. You may tell them to resume
15 their deliberations and we will be back at ease.

16 (Juror deliberations continue.)

17 THE COURT: All right, ladies and gentlemen, it's
18 my understanding that we have a verdict in this case.
19 I'm going to again remind everybody present that I
20 inspect the upmost decorum and behavior at all times in
21 this courtroom and in this courthouse and on the
22 courthouse grounds. I'll remind you there's security
23 personnel and there are cameras everywhere, so even if
24 you think you've found a place that you're not being
25 watched, I guarantee you that you are. So I just

VERDICT

1 caution everybody in here as to that briefly. But
2 again, I expect that we will continue to behave in the
3 same manner we've behaved all week. Hopefully, that
4 won't be an issue now.

5 We'll receive the verdict now.

6 MS. SMITH: Judge, can I just check and see.

7 THE COURT: You waiting on somebody?

8 MS. SMITH: They may have left, but I'm not going
9 to wait.

10 THE COURT: We're going. Sorry. Have a seat.
11 You can have your victim's advocate if she wants to go
12 and try to round them up. I don't mean to be rude, but
13 y'all's office has me starting pleas at 2 o'clock and
14 we've got stuff going on, so.

15 MS. SMITH: Yes, ma'am.

16 THE BAILIFF: Your Honor, may I?

17 THE COURT: Uh-huh. (Indicating affirmatively.)

18 (Off-the-record discussion held.)

19 THE COURT: Just a request and reminder to use
20 juror numbers at all times, no names. Thank you.

21 THE CLERK: Yes, ma'am.

22 THE BAILIFF: Are you ready, Your Honor?

23 THE COURT: Yes.

24 THE BAILIFF: The jury is entering the courtroom,
25 Your Honor.

VERDICT

1 (The jury enters the courtroom at 1:38 p.m.)

2 THE BAILIFF: The jury is seated, Your Honor.

3 THE COURT: Thank you.

4 Everybody, please be seated.

5 Madam Foreperson, have you reached a verdict in
6 the case?

7 THE FOREPERSON: We have, Your Honor.

8 THE COURT: Okay. If you could please give it to
9 the bailiff at this time.

10 And if the clerk could publish the verdict.

11 THE CLERK: In the case of the State of South
12 Carolina vs. Jamie Jermaine Robinson, we, the jury, by
13 the unanimous consent by find the Defendant, Jamie
14 Jermaine Robinson, on the charge of murder, guilty of
15 the lesser included offense of voluntary manslaughter.

16 On the case of the State of South Carolina vs.
17 Jamie Jermaine Robinson, we, the jury, by unanimous
18 consent find the Defendant, Jamie Jermaine Robinson, on
19 the charge of possession of a weapon during the
20 commission of a violent crime, guilty.

21 THE COURT: All right. Thank you very much.

22 Are there any post-verdict motions by the State?

23 MS. SMITH: Nothing from the State.

24 THE COURT: By the defense?

25 MS. CAMPBELL: I would like to ask that the jury

VERDICT

1 be polled.

2 THE COURT: Sure. We will poll the jury by juror
3 number, please.

4 THE CLERK: Juror Number 355, is this your
5 verdict?

6 JUROR: Yes.

7 THE CLERK: Does this remain your verdict?

8 JUROR: Yes.

9 THE CLERK: Juror Number 262, is this your
10 verdict?

11 JUROR: Yes.

12 THE CLERK: Does this remain your verdict?

13 JUROR: Yes.

14 THE CLERK: Juror Number 260, is this your
15 verdict?

16 JUROR: Yes.

17 THE CLERK: Does this remain your verdict?

18 JUROR: Yes.

19 THE CLERK: Juror Number 322, is this your
20 verdict?

21 JUROR: Yes.

22 THE CLERK: Does this remain your verdict?

23 JUROR: Yes.

24 THE CLERK: Juror Number 121, is this your
25 verdict?

POLLING OF THE JURY

1 JUROR: Yes.

2 THE CLERK: Does this remain your verdict?

3 JUROR: Yes.

4 THE CLERK: Juror Number 12, is this your verdict?

5 JUROR: Yes.

6 THE CLERK: Does this remain your verdict?

7 JUROR: Yes.

8 THE CLERK: Juror Number 20, is this your verdict?

9 JUROR: Yes.

10 THE CLERK: Does this remain your verdict?

11 JUROR: Yes.

12 THE CLERK: Juror Number 304, is this your

13 verdict?

14 JUROR: Yes.

15 THE CLERK: Does this remain your verdict?

16 JUROR: Yes.

17 THE CLERK: Juror Number 15, is this your verdict?

18 JUROR: Yes.

19 THE CLERK: Does this remain your verdict?

20 JUROR: Yes.

21 THE CLERK: Juror Number 175, is this your

22 verdict?

23 JUROR: Yes.

24 THE CLERK: Does this remain your verdict?

25 JUROR: Yes.

POLLING OF THE JURY

1 THE CLERK: Juror Number 31, is this your verdict?

2 JUROR: Yes.

3 THE CLERK: Does this remain your verdict?

4 JUROR: Yes.

5 THE CLERK: Juror Number 51, is this your verdict?

6 JUROR: Yes.

7 THE CLERK: Does this remain your verdict?

8 JUROR: Yes.

9 THE CLERK: Juror Number 390 -- I'm sorry, that
10 was all of them.

11 THE COURT: Thank you. The jury has been polled.

12 Any other motions at this point in time?

13 MS. CAMPBELL: No, Your Honor.

14 THE COURT: Any by the state?

15 MS. SMITH: No, ma'am.

16 THE COURT: All right. Ladies and gentlemen, I
17 want to thank you for your service. You have now
18 completed your jury service and rendered a verdict
19 pursuant to your oath. I -- at this point in time,
20 we're going to move on to the next phase of the trial,
21 which will be the sentencing phase, which I will
22 preside over. If you want to stay, you may, and you
23 can remain in the jury box right where you are. You'll
24 be escorted at the end by our court security to your
25 vehicle. Whether you leave now or whether you stay for

JURY RELEASED BY THE COURT

1 that part, that will remain the same. If you wish to
2 leave now, you are certainly more than welcome to. And
3 once again, we thank you for your service.

4 Would everybody like to stay? And if you want to
5 get up at any point in time, we're not holding you
6 hostage, you can always leave if you can't stay for the
7 whole thing. Okay.

8 All right. Ms. Smith, do you have sentencing
9 sheets? Are you getting those ready?

10 MS. SMITH: Yes.

11 THE COURT: Okay. I'm happy to hear from you and
12 anybody on your behalf.

13 MS. SMITH: Judge, you heard the facts of this
14 case. Ms. Moon was young, she was 47 years old when
15 this happened. You heard the life that she was living
16 and the relationship between her and the Defendant. I
17 don't need to go into that anymore. We've got a lot of
18 the family here. I know that her daughter definitely
19 wants to speak and maybe a couple of the other family
20 members, if that's okay.

21 THE COURT: Sure.

22 MS. SMITH: Where would you like for them to come?

23 THE COURT: The beauty of sitting way up here, I
24 can see everywhere, so wherever they're most
25 comfortable is fine with me as long as they speak up

SENTENCING

1 loud enough for the court reporter to hear them.

2 VICTIM'S DAUGHTER: My name is Tamieka. Eulia
3 Moon is my mother. I'm going to always wonder in my
4 heart and my mind as to what happened and why. My kids
5 don't have a grandmother at this point. I just gave
6 birth to a child that will never meet her due to
7 foolishness. I just hope that you give sufficient
8 punishment that fits the crime. I don't have sisters,
9 now, I don't have a mother. I have brothers, but to
10 lose a mother, that is a hurtful thing. The way she
11 was taken, that's hurtful. It's just -- I don't even
12 know what to say at this point. My question is always
13 going to be why. How do I explain to my kids? How do
14 you explain to kids what happened to their grandmother?
15 It's a hurtful feeling. I have no sympathy at all for
16 him. When you make your ruling, I hope it fits the
17 punishment.

18 MS. SMITH: Judge, the victim's mother would like
19 to address you.

20 THE COURT: Tell me your name, ma'am, before you
21 begin..

22 VICTIM'S MOTHER: Barbara Moon.

23 THE COURT: Thank you, Ms. Moon.

24 VICTIM'S MOTHER: I know I have lost a daughter
25 here, but to the young man, I forgive you because I

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1 must, but I forgive you because it's what the Lord say
2 to do. But I am so angry with you. And one day that
3 anger will get over with, but I do forgive you because
4 you are a child of God. You have taken away my child
5 and I hope that whatever goes on down the road that you
6 will one day realize that you took a life that did not
7 belong to you to take.

8 THE COURT: Thank you.

9 Anybody else?

10 MS. SMITH: Please state your name.

11 VICTIM'S BROTHER: My name is Derrick Moon, I am
12 the deceased brother, her younger brother. And I just
13 wanted to stand and say, on behalf of my family, we
14 just want justice. And I just want to say to Jamie's
15 mother that I'm praying for you because I know this
16 cannot be easy. Because I'm sitting here today and I
17 see that we are gathered together on behalf of my
18 sister and you have to go through this by yourself. I
19 know it can't be easy. And just like my mother said,
20 there is forgiveness. And I'm praying for your
21 strength as you go through this as well.

22 My question is just why as well, because that was
23 my sister, just a year younger. I am a pastor and I
24 had to preach my sister's funeral. And it was the
25 first funeral I ever had to do. And if I thought in my

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1 mind ever that that would be the first funeral I had to
2 do would be my sister's, that's not a job I would have
3 taken. But I know I had to do that for my sister.

4 And I echo what my niece said, we just want to
5 know that the punishment fits the crime. Because I
6 heard the evidence, I saw everything and I saw nothing
7 at all that warrants my sister to deserve -- I don't
8 care whose gun it was, I don't care about bullets,
9 ballistics, crime scene, I know my sister did not
10 deserve that. I know no one deserves that, to have to
11 be shot and left for dead.

12 So, we just want to see justice. I came here. I
13 left my family in Charleston, South Carolina to come
14 down here and sit in here just to know that justice is
15 being served. And I trust and believe that this jury
16 and Your Honor is going to serve justice today. And I
17 thank you all. I do appreciate the time that you took
18 to hear this case. I thank God for everybody that's
19 involved in the processes, and we thank you.

20 THE COURT: Thank you.

21 MS. SMITH: Judge, if I may, just -- you heard
22 from some of the family members. Eulia Moon had five
23 children and you heard from two of them today, but the
24 others have been in the courtroom and she was loved by
25 all of them. I have talked to all of her children and

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1 they have had a very difficult time since she passed
2 and they have been supporting each other. E.J. moved
3 to Charlotte where his other brother, Jimmy, lives.
4 And he moved up there -- Jimmy was the youngest and his
5 mom was extremely special to him, kind of like his --
6 looked at everything he did. He always went to her.
7 So, E.J. moved up there to help him get through this.
8 And David and Tamieka live near one another and have
9 helped each other. They've got a really strong family
10 unit.

11 And I can tell you that in talking with them and
12 preparing for this case and -- that the State would ask
13 for nothing but the maximum penalty for this crime.
14 Thank you.

15 THE COURT: Uh-huh. (Indicating affirmatively.)

16 Ms. Campbell, I'm happy to hear from you.

17 MS. CAMPBELL: May it please the Court?

18 THE COURT: Uh-huh. (Indicating affirmatively.)

19 MS. CAMPBELL: I know Hazel would like to address
20 Your Honor, and so I would ask her to do that now and
21 then I'll be happy to make my argument in terms of a
22 sentence.

23 THE COURT: Okay.

24 Ms. Robinson, I'm happy to hear from you wherever
25 you're most comfortable. You can stay right there, if

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1 you like.

2 DEFENDANT'S MOTHER: Yes. Your Honor, I raised a
3 good child. I spent all my life trying to do -- all of
4 his life trying to do that. I did not raise someone
5 who would deliberately take the life of another
6 individual. In my heart of hearts and the Lord knows
7 as well that this was not supposed to happen. It
8 happened and that's the will of the Lord. It's in his
9 hands. And I need my child, but I also know that you
10 are going to sentence him according to the evidence
11 that was presented.

12 My husband died in 2011, and prior to that, Jamie
13 was living in North Carolina. My husband asked him to
14 come home to help out with us. Jamie has five
15 children, three young children. One son lives with me
16 on a full-time basis now because he needed help in
17 school. His two younger children, he has a
18 four-year-old daughter and a seven-year-old daughter,
19 and he has two sons that are in their 20s. They're no
20 longer here. One is in the service and the other one
21 is in school away. He's my only help, my son. I have
22 some medical issues and he assists me at home in taking
23 care of our property and whatever else. If I have a
24 need to go to the doctor and I cannot do it myself, he
25 was my sole help.

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1 Now, I'm sorry for what happened and I know that
2 he is sorry as well, but that's what happened and
3 there's nothing that we can do at this point to change
4 that. But I certainly would ask you, if you see it in
5 your heart to give him a lenient sentence so that he
6 would be able to spend time with me. I'm -- as you can
7 tell, I'm an elderly woman. I'll be 72 in August, and
8 I don't have much more time to spend with my son. I
9 just want you to take that into consideration.

10 I thank you for all that you have done. I thank
11 the jury for the time that they put in. And I am so
12 sorry for what happened. That's all that I can think
13 of to say at this point. Thank you.

14 THE COURT: Yes, ma'am.

15 MS. CAMPBELL: Thank you, Judge.

16 THE COURT: Okay. Would anybody else like to
17 speak?

18 MS. CAMPBELL: Mr. Robinson will not be making a
19 statement.

20 THE COURT: Okay.

21 MS. CAMPBELL: And I will be brief. Your Honor
22 has a wide latitude with your sentence. The sentencing
23 range on the primary indictment, which the jury
24 returned a verdict on for manslaughter, your sentencing
25 range is two years to 30 years. There's great

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1 discretion that's given to this Court.

2 And the reason I believe is because you have been
3 in the best possible position to see and hear
4 everything and to temper your justice with the mercy
5 that is -- you know, flows and comes from your
6 position. Because, as I have heard both sides ask for
7 a just sentence and that is in the essence of what you
8 do as a justice, as a judge.

9 You know that Jamie is Hazel's only son, her only
10 child. You know that this is a no parole offense, that
11 whatever sentence you decide upon, you can be
12 guaranteed that at a minimum, 85 percent of that
13 sentence, he will do day for day. For instance, if you
14 were to give a 10-year sentence, that's eight and a
15 half years.

16 So, I say to Your Honor, he has been in jail since
17 the day he was arrested awaiting his trial. I would
18 look to the detention center to give us an exact day
19 calculation of how many days so that you may include
20 that in your sentence and, under the statutory rules,
21 give him credit for those days that he has served.

22 THE COURT: He will certainly be given credit for
23 all time he's served.

24 MS. CAMPBELL: Thank you, Your Honor.

25 And as to the second indictment, you know, I know

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1 the sentence has a minimum, you know -- not a minimum,
2 but the range is significantly less. What I ask Your
3 Honor to consider doing is to combine the sentencing on
4 both indictments so that it meets with the justice that
5 everyone has requested from Your Honor, and I'm
6 confident that will happen. Thank you, Your Honor.

7 THE COURT: Thank you.

8 MS. CAMPBELL: Would you like us to -- would you
9 like Mr. Robinson to stand for his sentencing or should
10 he remain seated?

11 THE COURT: It's entirely up to him. I'm happy
12 for him to remain seated if it's most comfortable.

13 MS. CAMPBELL: He says he'll remain seated. Thank
14 you, Your Honor.

15 THE COURT: Okay. All right, if there's nothing
16 else from either side, the sentence from the Court on
17 indictment 2016-GS-07-1999, this is the possession of a
18 weapon during the commission of a violent crime,
19 pursuant to the statute, Mr. Robinson will be committed
20 to the State Department of Corrections for a term of
21 five years.

22 On indictment 2016-GS-07-1987, voluntary
23 manslaughter, sentence you to the State Department of
24 Corrections for a term of 30 years. Those sentences
25 will run concurrent. Good luck.

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1 MS. CAMPBELL: Thank you, Your Honor.

2 THE COURT: Yes, thank you.

3 THE BAILIFF: Quite in the courtroom, please.

4 THE COURT: We need order. Thank you. You can
5 still exit, but please do so quietly.

6 MS. CAMPBELL: When Your Honor is ready, I do have
7 something brief to put on the record.

8 THE COURT: Yes, ma'am, I'm ready.

9 MS. CAMPBELL: Okay. So, Your Honor, in terms of
10 post-trial motions, I have explained to my client. I
11 waived his presence here for what I'm going to put on
12 the record.

13 THE COURT: Thank you.

14 MS. CAMPBELL: I will be taking the 10 days that
15 we are allowed and will be filing a written motion
16 dealing with post-trial motions. Of course, I'll be
17 serving on Ms. Smith at the Solicitor's office and
18 providing it to Your Honor. Within the 10 days, I will
19 have filed the post-trial motions.

20 THE COURT: Okay. Thank you very much.

21 MS. SMITH: Thank you.

22 (Whereupon, the trial in this case was concluded.)

23

24

25

SENTENCING

1

2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

8

DATED this 1st day of April, 2019.

9

10

11

Mona L. Manley /s/

12

MONA L. MANLEY

13

Official South Carolina Court Reporter

Circuit Reporter for the 14th Circuit

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mmanley@sccourts.org

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STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	
)	
State of South Carolina,)	CASE NO. 2016-GS-07-1987
)	2016-GS-07-1999
)	
PLAINTIFF,)	TRANSCRIPT OF RECORD
)	
VS.)	ORIGINAL
)	
Jamie Jermaine Robinson,)	
)	
DEFENDANT.)	
)	

December 17, 2018

Charleston, South Carolina

B E F O R E:

The Honorable Jennifer B. McCoy

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2016-GS-07-1987, 2016-GS-07-1999

I N D E X

HEARING -- 03

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT -- 13

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

1 THE COURT: Ms. Campbell, we are here on your motion
2 for a new trial subsequent to the trial that we held in
3 Beaufort County earlier this year; is that correct?

4 MS. CAMPBELL: That is correct, Your Honor. Two
5 post-trial motions were filed subsequent to the jury
6 reaching the verdict.

7 If you recall, the case number is 2016-GS-07-01999
8 where my client was charged with murder, 2016-GS-07-1987
9 he was charged with possession of a weapon during the
10 commission of a violent crime.

11 Your Honor, presided over his trial. The jury was
12 charged with both the murder indictment and then the
13 lesser included of involuntary manslaughter. The jury
14 deliberated and returned the voluntary manslaughter
15 conviction against Mr. Robinson.

16 If you recall briefly the facts, Mr. Robinson and
17 Leighlee (ph), his girlfriend had been in a relationship
18 for some time. There was a bit of an argument back and
19 forth about fidelity issues. And there was evidence in
20 the record - and I am sure Ms. Smith will tell me if I am
21 wrong or misstating what you heard - that she put the gun
22 to her head and then he tried to retrieve it, put the gun
23 to his head and then the firearm discharged killing her,
24 Leighlee.

25 Mr. Robinson Your Honor sentenced him to thirty

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1 years in prison with the five years on the possession of
2 the firearm to run concurrently.

3 And, you know, again, if Ms. Smith would like to
4 tell you differently -- it is my understanding at that
5 time as the State presented it to you Mr. Robinson had no
6 violent history whatsoever.

7 And so one of the motions we filed was a motion for
8 Your Honor to reconsider this 30-year sentence for Mr.
9 Robinson, based upon the facts as they, you know, were
10 put in the record at trial, based upon the evidence that
11 the State didn't present about a violent history, and
12 quite frankly, Your Honor, based upon the jury making the
13 determination that this was not a calculated event. This
14 was not something that Mr. Robinson set out to do that
15 night. That it was more of a passionate situation which
16 is not necessarily indicative of violence.

17 And so for those reasons we would like for you to
18 reconsider or at least take under advisement this what
19 appears to be an extremely harsh sentence for him when he
20 has no record of anything close to what occurred that
21 night.

22 It is an aberration. It is not indicative of who he
23 is. And thirty years is the maximum that Your Honor
24 could give him, with two being the minimum.

25 And so that would be the first matter. And then the

1 other post-trial motion was the motion for a new trial.

2 Thank you, Your Honor.

3 THE COURT: Yes, ma'am, Ms. Campbell.

4 And if you could just state your name, your full
5 name for the record before you begin, Ms. Smith, for the
6 court reporter.

7 MS. SMITH: Sure. Kimberly Smith from Beaufort
8 County Solicitor's Office.

9 THE COURT: Thank you.

10 MS. SMITH: Judge, as far as the first, the motion
11 to reconsider, our version of the facts is different.
12 You have heard the case. We don't believe this was an
13 accidental shooting. We believe he had her in the car,
14 pulled a gun on her and shot and killed her where there
15 were no witnesses.

16 His actions after the shooting, he runs, he lies, he
17 ditches evidence in the woods in the path that he is
18 running down from his house to where he is ultimately
19 picked up.

20 There was testimony that there had been some
21 violence in the past, that his own mother testified about
22 his violent behavior when he would be drinking or doing
23 drugs.

24 So I don't think this was a one-time thing. While
25 he does have no prior record I think that the

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1 circumstances and the testimony that you heard support
2 the 30-year sentence.

3 You heard from her family members, her son, and her
4 daughter, who said that she was scared of Mr. Robinson
5 and that they had had some encounters before and he had
6 been known to waive a gun at his mother. And I think he
7 is a violent person. And I think 30 years is an
8 appropriate sentence for him.

9 As far as her first trial motions I don't know if
10 you want me ---

11 THE COURT: We will just address it one at a time.

12 MS. SMITH: Okay.

13 THE COURT: I will stand by the sentence I gave.

14 Obviously after looking into the full trial and
15 considering the jury's verdict that was unanimous for the
16 charge and the scope that the legislature allowed for the
17 charge I think it was appropriate given the underlying
18 facts. So I stand by my sentence.

19 But I am happy to hear from your other motions. And
20 you can take them one at a time. I have a copy of your
21 new trial motion right here.

22 MS. CAMPBELL: Thank you, Your Honor. Having denied
23 the motion for reconsidering and changing his sentence I
24 would move on to the motion for a new trial that we filed
25 in this case. It appears that it was filed on July 24th,

1 2018, right after the case was heard and decided.

2 The first matter that we placed on here was that the
3 court had erred in failing to present the defendant's
4 requested voir dire to the jury panel. We did mark the
5 voir dire and enter it as a court's exhibit and felt that
6 the request to voir dire was appropriate and that he was
7 not given a fair trial because his properly requested and
8 proper voir dire was not asked of the jury. That would
9 be the first basis. Thank you, Your Honor.

10 THE COURT: Okay. Do you want to address these in
11 turn?

12 MS. SMITH: Judge, as to the voir dire I think it
13 was extensive when we selected the jury in this case.
14 And I don't believe I really have any argument for that.

15 THE COURT: I think the voir dire process was
16 appropriate. I think I properly considered the voir
17 dire, the proposed voir dire from both the State and the
18 defense, in forming the ultimate voir dire that I did ask
19 the jury panel.

20 I find the jury panel to this court's recollection
21 was appropriately sequestered when they answered the
22 questions pursuant to the voir dire process, that that
23 was -- the answers that the particular jurors gave during
24 the voir dire process were thorough.

25 And I find that I did properly consider all the

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1 defendant's requested voir dire and sift out only those
2 that I believed to be over-inflammatory or overly
3 prejudicial.

4 So next ground.

5 MS. CAMPBELL: Thank you, Your Honor. Number 2, the
6 court erred in denying defendant's motion to suppress
7 this evidence of the prior difficulties.

8 We had quite lengthy argument at trial about this.
9 And we filed a written motion that was made a court's
10 exhibit with the case and feel that by the court allowing
11 evidence of prior difficulties, that prevented Mr.
12 Robinson from receiving a fair trial in this matter.
13 Thank you.

14 MS. SMITH: Judge, as far as the evidence of prior
15 difficulties we had statements of Edward Lecree and
16 Tamica Moon, the victim's children. They were admitted,
17 but only general observations that they observed
18 themselves. No details.

19 It was -- the testimony was not characterizing. It
20 was in forma with State versus Braxton which we talked
21 about at the hearing. And the testimony that was
22 elicited was close in time to the actual event. It was
23 all within or under a year of when this happened and was
24 appropriate under the case law.

25 THE COURT: I have reviewed the motion that was

1 filed to suppress prior to today's hearing, Ms. Campbell,
2 just to refresh my memory. And I do recall considering
3 these things at length. And I do recall ultimately
4 allowing the testimony in in a very limited capacity. So
5 I do I stand by my ruling on that at trial. So I will
6 deny your motion on that basis as well.

7 MS. CAMPBELL: Thank you, Your Honor. Item Number 3
8 deals with the pretrial motion that we dealt with in
9 terms of the Lyle evidence in this case. There was some
10 evidence that the State sought to introduce that the
11 defendant objected to as being inadmissible under Lyle
12 404(b) evidence. The Court allowed the evidence. And
13 again on that basis we would seek a new trial.

14 THE COURT: I think was that the same evidence we
15 just discussed? Yes. So -- I think -- I believe it was.
16 But go ahead.

17 MS. SMITH: Judge, that would be the State's
18 position, the same argument as applied and any
19 reliability of those statements could have been and was
20 cross-examined by the defense.

21 MS. CAMPBELL: Number 4, nearing the end of the list
22 here, Your Honor. You know, and I have dealt with this a
23 number of times. Again in this case we have this jail
24 phone call. We objected to it for lacking the proper
25 adequate legal notice as is required by the law as to the