

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Dorchester County
Maite Murphy, Circuit Court Judge

THE STATE,

v.

TRAVIS LATRELL LAWRENCE,

RESPONDENT

APPELLANT

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SC Court of Appeals

APPELLATE CASE NO. 2018-000989

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
COUNTY OF DORCHESTER) FIRST JUDICIAL CIRCUIT

2016-GS-18-01604; 1605
2018-GS-18-0922

State of South Carolina,)
))
Plaintiff,)
))
v.) Transcript of Record
))
Travis Latrell Lawrence,)
))
Defendant.)
))
_____)

May 21 - 23, 2018
St. George, South Carolina

B E F O R E:

The Honorable Maite Murphy, Judge

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Circuit Court Reporter

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(Jury panel in at 1:23 p.m.)

THE COURT: Solicitor, you may call your first case.

MR. SPEARS: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, sir.

MR. SPEARS: Your Honor, this case is in regards to Travis Lawrence under indictment numbers 2016-GS-18-1604 charging him with armed robbery; 2016-GS-18-1605 charging him with attempted murder; and, 2018-GS-18-0922, charging him by possessions of a firearm by persons unlawful.

May I approach?

THE COURT: Yes, sir.

(Mr. Spears passes documents to the Court.)

THE COURT: Ladies and gentlemen of the jury panel, the State has called their first case for trial this week and it's the case of the State of South Carolina versus Travis Latrell Lawrence. I'm going to read to you the indictments in this case and the sole purpose of me doing this is just to see if you know anything about this case and have heard anything about this case or have and involvement whatsoever about this case. Again, these indictments are not evidence in this case. They're merely the allegations and the documents that bring the charge into this Court.

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1 the witness may testify and the way that the witness acts on
2 the witness stand. You have the right to consider anything
3 that is in the record that will help you evaluate the
4 testimony of the witnesses. That means it is your duty to
5 pay close attention to these witnesses, to observe the
6 witness, to listen to the witnesses, and please pay close
7 attention to the attorneys and to the Court.

8 Please do not let your thoughts wander but give strict
9 attention to the testimony in this case so at the end of the
10 testimony, after the arguments of counsel, and after you
11 have been instructed on the law in this case, you will be in
12 a position to render a verdict under the solemn oath that
13 you just took.

14 Are there any objections to the opening remarks from
15 either the State or from the Defense?

16 MR. SPEARS: None from the State, Your Honor.

17 MS. WILLIAMS: None from the Defense.

18 THE COURT: All right. You may proceed,
19 Solicitor.

20 MR. TEMPLETON: May it please the Court, Your
21 Honor.

22 STATE'S OPENING

23 BY MR. TEMPLETON:

24 Ladies and gentlemen, you're here today because of some
25 events that occurred back on July 2nd, 2016. Travis

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1 Lawrence, who is sitting at Defense table, along with Terell
2 Bennett concocted a plan to rob the victim in this case, who
3 is sitting in the back of the courtroom. His name is
4 Clayton Baxter.

5 Each of those people are going to kind of be what we're
6 looking at through this entire case. Travis Lawrence who
7 goes by Trell -- or Trav. I'm sorry. Terell Lawrence (sic)
8 goes by Rell, and Clayton Baxter.

9 My name is Ryan Templeton. I'm one of the Assistant
10 Solicitor's for Dorchester County. Myself, along with Mike
11 Spears will be prosecuting this case. We're here to provide
12 y'all with the information that y'all need to determine what
13 really happened there that day.

14 At the end of this case, Judge Murphy is going to get
15 the chance to provide y'all with what the law is on this
16 case. But briefly, I want to go over it with you. There's
17 three charges that have been filed at this point. Attempted
18 murder. You kind of know what that is, but it's the
19 attempted killing of another person with malice
20 aforethought, malice meaning ill will or hatred. It's the
21 term that we use within our law to provide ill will, hatred,
22 dislike. And aforethought, meaning in it's his mind at the
23 time that he's committing that crime.

24 Armed robbery, I think we basically all know what that
25 is too. But we basically define it as taking of property

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1 from another person while armed with a deadly weapon and by
2 using force.

3 Ladies and Gentlemen, back on July 2nd, 2016, Terell
4 Bennett, along with Travis Lawrence, went over to Clayton's
5 house. Originally, Clayton thought that they were coming
6 over to borrow some money, but when they got there a gun
7 gets pulled. They run through his pockets. At one point
8 that gun goes to the ground for just a second and Clayton
9 Baxter grabs it. Ultimately, two shots are fired into the
10 ceiling of that residence and Travis Lawrence gets away from
11 that gun. We believe that he grabs a nearby knife and then
12 stabs Clayton Baxter multiple times in his back. You're
13 going to see photographs from the scene. You're going to
14 see the shirt that Clayton Baxter was wearing that day with
15 the stab wounds in it.

16 Ultimately, after Clayton was stabbed multiple times in
17 the back, he has to give up. He goes to the ground and the
18 two of them leave the scene. Rell is going to have his day
19 in court at a different time, but today is Trav's day.

20 At the end of this case, I believe that the State will
21 prove each of the elements of these crimes beyond a
22 reasonable doubt. It's a word that we've all heard before
23 in movies and TV. But basically, what we have to prove to
24 you is each of these elements of the crime beyond a
25 reasonable doubt, meaning that there is evidence in this

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1 case that leaves you firmly convinced of his guilt. At the
2 end of this case, the State will get up in front of you and
3 ask that you return a verdict of guilty, because we will
4 leave you firmly convinced of his guilt.

5 Thank you.

6 THE COURT: Counsel.

7 MS. WILLIAMS: Thank you, Judge. May it please
8 the Court?

9 THE COURT: Yes, ma'am.

10 DEFENSE'S OPENING

11 BY MS. WILLIAMS:

12 I want to clear up something quickly that the State
13 said in the beginning. I want to clear up the players for
14 you. My client's names is Travis Lawrence. Would you
15 stand, Travis?

16 DEFENDANT LAWRENCE: (Complies)

17 MS. WILLIAMS: This is Travis Lawrence. That's my
18 client.

19 DEFENDANT LAWRENCE: (Seated)

20 MS. WILLIAMS: He has a co-defendant. His name is
21 Terell Bennett. He's not on trial today. And there is an
22 alleged victim. The State keeps calling him a victim and
23 his name is Clayton Baxter. Those are the names we have
24 today, Travis Lawrence, who's on trial. Terell Bennett, who
25 is a co-defendant, and Clayton Baxter. There was a little

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1 bit of a confusion a minute ago and I wanted to clear that
2 up.

3 But really what I want to talk to you about is this
4 concept of proof beyond a reasonable doubt. We all have
5 heard it and we've read books entitled Proof Beyond a
6 Reasonable Doubt and we've heard about it in TV and the
7 movies. I want to talk to you about what it means; what it
8 means to have a proof beyond a reasonable doubt. The best
9 way I know to describe it to you is to tell you that the
10 State or the Solicitor's office who's sitting here, they
11 have control of the criminal docket. That means they call
12 the cases to Court. That means they call me to court; they
13 called my client to court. Technically, they called the
14 judge here today for this trial. They've called you here
15 today for this trial. And the reason why they're given that
16 responsibility is because they have the burden of proof.
17 They have the only job in this courtroom during this trial.

18 If you imagine the scales of justice or scales -- any
19 scales, what that means for your purposes is that the State
20 has to bring evidence and give it to you. And by evidence
21 we mean pictures. They talked about pictures. By evidence
22 we mean testimony; witnesses, eyewitnesses, police officers.
23 By evidence we mean bullets, knives, guns. Forensics, like
24 fingerprints, DNA, footprint evidence. They have to bring
25 evidence like that. That's what we mean when we say

1 evidence. And they have to put it on the scales. That's
2 their job. And they don't have to just tip the scales. We
3 have another type of trial that we do. It's called a civil
4 trial and they have their own burden. That burden is called
5 proof by a preponderance of the evidence. And that's when
6 we talk about tipping the scales. That's proof by a
7 preponderance of the evidence. But that's not their burden.
8 They have to bring all of this evidence in, these guns,
9 these knives, they have to bring all of this in. And they
10 have to take those scales and they have to tip them all the
11 way down because that's proof beyond a reasonable doubt.

12 As the Defense, we don't have a burden and that's what
13 the Judge is telling you. Technically, we don't even need
14 to be here. We don't have to put anything on those scales.
15 We don't even it out. We don't have to bring it down. We
16 don't have to do anything. All we have to do is listen, and
17 the State has to take the evidence and put it on those
18 scales and they have to weigh it down, all the way down to
19 beyond a reasonable doubt. And you, each and every one of
20 you was picked -- the Judge gave you an oath -- because
21 you're believed to be reasonable people. Because it's
22 believed that you will carry out the oath that you swore to
23 do during this trial. And that as a reasonable person, if
24 you question the evidence, if you question the testimony,
25 Clayton Baxter's credibility. If you question the

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1 investigation. If you question whether or not there's a
2 self-defense argument here, whether or not Travis Lawrence
3 was even there that day. If you hesitate in your
4 deliberation, and in when you're listening to this case,
5 that's a reasonable doubt. Because you as a reasonable
6 person are doubting this case. And all of you have to come
7 to a unanimous decision at the end. All of you as
8 reasonable people have to come to a unanimous decision for
9 either guilt or not guilt. And you have to hold the State
10 to that test and that's the oath you've taken today.

11 On July 2nd, 2016 these facts are uncontested. What we
12 do know is that -- and Clayton Baxter is going to get up and
13 tell you this -- that Terell Bennett -- who he considers a
14 family member. He's known him for twenty years. He calls
15 him his nephew -- called him up and said can I borrow some
16 money. And Clayton Baxter told him, sure. Come on over,
17 because they're friends, they're family. They consider
18 themselves family members. And so Terell Bennett, the co-
19 defendant in this case, gets in his Cadillac and he picks up
20 my client, Travis Lawrence, and they go to Clayton Baxter's
21 house. What happens in that house is really what -- is for
22 you to decide.

23 Clayton Baxter is going to tell you that even though he
24 told them to come on over they could borrow money, they get
25 there and they decided to pull a gun and steal the money

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1 anyhow. You're going to have to question whether or not you
2 believe that. But what I want you to think about when you
3 listen to Clayton Baxter's testimony is whether it makes
4 sense, whether you believe it, whether or not there's
5 inconsistencies, because at the end of this trial what
6 you're going to see is that's all the State has to give you
7 is Clayton Baxter's testimony.

8 I want you to ask yourselves, where's the gun? Where's
9 the knife? Where's the fingerprints? Where's the DNA that
10 they took and just never submitted for testing?

11 They have charged my client, who is twenty-five years
12 old, with attempted murder and armed robbery, some of the
13 most serious charges that the State of South Carolina can
14 levy against a human being. They've charged two different
15 individuals with this. There's a co-defendant.

16 They ultimately gathered some evidence that this might
17 have been self-defense. It might have been Terell Bennett
18 who committed this crime. They ultimately don't know what
19 happened, which is what they're asking you to decide today.
20 But without anything, other than Clayton Baxter's testimony.

21 And so what I'm asking you to do and what Travis
22 Lawrence is asking you to do and what the Judge asking you
23 to do is to take the scales of justice and piece by piece
24 take whatever evidence they can give you and then put it on
25 there. And ask yourself is this proof beyond a reasonable

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1 doubt to me as a reasonable person. Can I sentence a
2 twenty-five year old and find proof beyond a reasonable
3 doubt in this case. Because if you hesitate, then you have
4 to find him not guilty, and that's what we're going to ask
5 you for at the end of this case.

6 Thanks.

7 THE COURT: You may call your first witness.

8 MR. TEMPLETON: Thank you, Your Honor. May it
9 please the Court.

10 THE COURT: Yes, sir.

11 MR. TEMPLETON: The State calls Clayton Baxter.

12 THE COURT: Your witness.

13 MR. TEMPLETON: Thank you, Your Honor.

14 (WHEREUPON, Clayton Baxter was
15 sworn to tell the truth.)

16 CLAYTON BAXTER - DIRECT EXAMINATION

17 BY MR. TEMPLETON:

18 Q Good afternoon, Clayton.

19 A Good afternoon.

20 Q Clayton, can you please tell the jury where you're
21 from?

22 A Charleston, South Carolina.

23 Q How long have you lived there?

24 A All my life.

25 Q How old are you now?

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1 A Thirty-eight.

2 Q And are you currently employed?

3 A Yes.

4 Q Where are you employed?

5 A (Inaudible) Bakery.

6 Q All right. How long have you worked there?

7 A Two and a half years.

8 Q Two and a half years. Are you married?

9 A No.

10 Q Do you have any kids?

11 A No.

12 Q Do you live with anybody?

13 A I'm sorry?

14 Q Do you live with anyone?

15 A Oh, yes.

16 Q Who?

17 A My sister.

18 Q Clayton, let's go back to July 2nd, 2016. Do you
19 recall where you lived at the time?

20 A Yes.

21 Q Okay. If you could tell us what county that was in?

22 A I believe Charleston County. It's kind of like in
23 between jurisdictions. I believe it's Charleston County.

24 Q Now, did anyone live with you there?

25 A Yes.

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1 Q Was this a house, an apartment, a town home?

2 A Townhouse.

3 Q Were you dating the person that you lived with?

4 A No, just good friends.

5 Q Did she have any children?

6 A She was pregnant.

7 Q She was pregnant at the time. Can you -- you said this
8 was in between jurisdictions. What jurisdictions was this
9 in between?

10 A When it gets at a certain like road, it changes from
11 Dorchester to Charleston.

12 Q Okay?

13 A So I really don't know what jurisdiction it is, but I
14 believe Charleston.

15 Q Well, you're not sure which side of the road was which
16 county?

17 A Right. Correct.

18 Q Can you just briefly describe for the jury the layout
19 of this town home that you lived in?

20 A Well, it was upstairs/downstairs. When you walk in the
21 door you got the kitchen. You walk a little down, you got
22 the living room. The stairs is to the left. You walk up
23 the stairs. The first bedroom is up to the top. The second
24 bedroom is to the back.

25 Q Do you happen to recall the address of this place?

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1 A No, not offhand.

2 Q Okay. Were you employed at that time back in July of
3 2016?

4 A Yeah. I was working off and on.

5 Q All right. But did you have any steady work?

6 A The only steady work you really get at some agency is
7 like if the job goes on for a period of months or a year.
8 And most likely it does.

9 Q Were you receiving any financial aid from anything?

10 A I was.

11 Q What was that?

12 A Social Security.

13 Q And about how much did you receive?

14 A Seven forty, seven sixtyish.

15 Q And how was that distributed to you?

16 A My aunt, she goes to the bank. She gets the deposit
17 out the bank and she brings me that money.

18 Q Okay. So where was it deposited in the bank? Like,
19 with what account? Whose account was it deposited to?

20 A Well, mine.

21 Q Okay.

22 A Direct deposit.

23 Q But she would take this deposit and give it to you?

24 A Right.

25 Q Okay. Would she write you a check or --

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1 A No, She would bring cash.

2 Q And where did you keep that cash?

3 A I hide it. Sometimes I would hide it so much I
4 wouldn't be able to find it for a couple of days.

5 Q On July 2, 2016 were you contacted by anyone you knew?

6 A Yes.

7 Q Who contacted you on this day?

8 A Terell.

9 Q Terell?

10 A Bennett.

11 Q Bennett. And how do you know this individual?

12 A He's been in our family for years, about twenty-two.

13 Q Are you a blood relative or --

14 A No. But we accepted him like a blood relative.

15 Q And so were you familiar with him? Did you have
16 nicknames for each other?

17 A He called me Unc, I call him Nephew.

18 Q What was the nature of the call that he placed to you?

19 A He wanted to borrow some money.

20 Q Okay. I'm going to switch -- so he wanted to borrow
21 some money. What did you tell him?

22 A Come on.

23 Q Was there any animosity between you two --

24 A Never.

25 Q -- that you were aware?

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1 A Never had a debate, never had an argument.

2 Q After the phone call, what did you do after you hung up
3 waiting for them to come over?

4 A I continue watching TV.

5 Q Did you have any marijuana in the house?

6 A Yeah.

7 Q Did you smoke any of that or --

8 A Yes, sir.

9 Q All right. Actually, as of right now, on today, I
10 mean, do you have any crime, marijuana-related crimes on
11 your record?

12 A Yes.

13 Q Okay. What is that?

14 A Possession of marijuana.

15 Q Now, following that, you say that you had marijuana in
16 the house, that you had known Rell for twenty years. You
17 already have a charge of marijuana on your record, at this
18 point in time, not then?

19 A Correct.

20 Q If Rell had asked you if he could come over and borrow
21 some marijuana from you, would you have let him?

22 A Yeah.

23 Q What type of vehicle did Rell arrive in?

24 A A gold Cadillac DeVille.

25 Q Are you familiar with this car?

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1 A Very.

2 Q Had you seen him in it before?

3 A I've been in the car. He actually took me to the store
4 a couple of times.

5 Q Okay. Can you describe to the jury what happened when
6 Rell arrived to your town home.

7 A Well, first he called me to let me know he was outside.
8 And then I really didn't think about it, but he asked me was
9 there anybody else in the house with me. I told him, no.
10 I'll go ahead and open the door for you. So I came, opened
11 up the door, and when I open up the door he walked inside.
12 But as he was walking inside -- I'm pretty observant with
13 different things. So I'm looking between his legs and I see
14 a set of feet walking behind him, slow. So I said who's
15 that behind you? And when I asked him who was that behind
16 him, he moves to the right and boom. I got a big 'ole 38 --
17 I'm staring down the barrel of a 38.

18 Q Now, who was holding this 38?

19 A Mr. Lawrence.

20 Q And you familiar with Mr. Lawrence, have you met him
21 before?

22 A I got introduced to him.

23 Q When had you been introduced to him?

24 A Before that incident happened?

25 Q Uh-huh. (Affirmative response)

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1 A The course of that year before that.

2 Q Okay. About how many times have you been introduced to
3 him?

4 A Well, you mean have we ever been around each other?

5 Q How many times had you met, seen him before?

6 A Seen him before? Maybe six or seven times.

7 Q And was he generally with anyone when you met him or
8 did you just see him on the street?

9 A No, most of the time when I seen him, he was with Mr.
10 Bennett.

11 Q Did y'all ever have any altercations before this day?
12 Had you shared words over anything?

13 A No, me and him never had no issues, no problems.

14 Q Did you know him by any name? Did you know him as Mr.
15 Lawrence or -- what did you call him?

16 A Just what he told me, Trav.

17 Q All right.

18 A He said Travis but he said I can call him Trav.

19 Q Okay. At that point in time, did you know his last
20 name?

21 A No.

22 Q Is he in the courtroom today?

23 A Yes.

24 Q Can you point him out for the jury, please?

25 A (Witness complies)

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1 MS. WILLIAMS: Objection, Your Honor. Based on my
2 pretrial motions.

3 THE COURT: The same ruling applies.

4 You may proceed.

5 MR. SPEARS: Thank you, Your Honor.

6 BY MR. SPEARS:

7 Q So when we left off, you said that he was holding a gun
8 on you. Can you tell what -- like, was this a -- what type
9 of gun was it?

10 A Revolver.

11 Q All right. And how could you tell?

12 A I seen gun magazines. I got family in the military. I
13 just know.

14 Q You just know. I mean, could you just describe the
15 gun, was it a bottom load or did it have a cylinder?

16 A No, no, circle in the middle. You can see the bullets
17 in the middle of the gun.

18 Q And did he say anything to you when he was holding the
19 gun on you?

20 A Yeah.

21 Q What did he say?

22 A Give me your money.

23 Q Okay. Was Terell doing anything at this point in time?

24 A Honestly, no. More like I called him a stander, the
25 protector. I guess he was making sure whatever they came to

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1 do, they got it done.

2 Q Okay. So he said give me the money. What happened
3 after that?

4 A We walked from toward the front door and they shut the
5 front door and we walk toward the dining room table. So the
6 first thought that comes to my mind is I'm waiting for them
7 to make one mistake so I can capitalize on it. And the
8 mistake he made was at the same time of trying to go in my
9 pockets, he puts the gun down. I grabbed his hand, pick him
10 up, slam him on top of the table.

11 Q And you say he put the gun down. Did he put it down on
12 something or --

13 A No, no. Not physically put it down, down. Raise it
14 down a better way of putting it.

15 Q Was there a struggle that followed that?

16 A Oh, yeah.

17 Q Who was involved in that?

18 A Mr. Lawrence and Mr. Bennett and myself.

19 Q During this struggle, I mean, you say you grabbed him
20 and threw him down. What was your objective at this point
21 in time?

22 A It's me or them.

23 Q So did the gun go off at any point in time?

24 A It did.

25 Q Whose finger was on the trigger when the gun went off?

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1 A I don't want lie. I know it was in mine because I got
2 my hand around this arm with the gun in his hand. But at
3 the same time I got Mr. Bennett on top of me and I got him
4 on top of him. So it's really hard to say on who fired the
5 weapon, but it did go off.

6 Q But it did go off?

7 A Right.

8 Q Did it hit anything in the apartment or the town home,
9 I'm sorry.

10 A For a fact, for a fact a bullet went through the
11 ceiling into where -- in the same room that my friend slept
12 in.

13 Q You said this is the friend you said that slept
14 upstairs?

15 A Right.

16 Q And so the bullet path went into that room?

17 A (Nods head affirmatively)

18 Q Okay. How did the struggle for the gun evolve after it
19 went off? Like, what happened next after that?

20 A It went off about seven, eight minutes maybe, after it
21 went off, and after they saw that really not stronger than
22 me, so after they saw they didn't have more strength than
23 me, he get -- Mr. Lawrence gets from underneath me and goes
24 to the kitchen. It had to be a knife because when I wash
25 dishes I keep all the dishes in the dish drainer and knives

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1 were loaded in the dish drainer along with plates and other
2 --

3 Q Where is this dish drainer in the kitchen?

4 A Well, the kitchen is like right next to the dining
5 room. So you take two steps, and the dish drainer right
6 there.

7 Q And you say it was Trav that went towards the kitchen?

8 A Correct.

9 Q Were you still struggling with the gun at this point in
10 time?

11 A So like -- not really, but more like I know if I let
12 the gun go -- I don't want to get shot. So I'm holding --
13 I'm holding -- I'm holding -- I'm holding Rell.

14 Q Okay. So you're not trying to get the gun?

15 A (Shakes head negatively)

16 Q Okay. Now, what happened when he -- two steps into the
17 kitchen as you say. And what did you say he grabbed?

18 A It had to be a knife.

19 Q What happened?

20 A I felt this slice come across my face but I really
21 didn't pay it no mind because I'm still trying to grab and
22 get control of this situation at least. So I felt that, but
23 after he stabbed me in the back of my head. I got like a
24 severe headache. I started getting dizzy. I'm still
25 holding on, still trying to hold on, but I feel jabs going

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1 deep into my shoulder blade. It sound like -- he's like let
2 go. Let him go. Let him go. So I let them go.

3 Q And why did you let go at that point?

4 A Pain.

5 Q Okay. Do you know about how many times you were struck
6 with this?

7 A I felt three. I'll say three.

8 Q Three jabs?

9 A Three jabs in my shoulder. I felt one across my face,
10 and I felt one go in the back of my head.

11 Q Were you struck with this object in any other part of
12 your body, your arms or your legs or any extremity like
13 that?

14 A My head, three in my shoulder, one time -- a couple of
15 times in my back.

16 Q Now, you said you let go once that happened. Who had
17 the gun at this point in time?

18 A Terell. Mr. Bennett.

19 Q And what happened after that? So, you have let go of
20 the gun and you said Mr. Bennett has it. Who has the knife
21 at this point in time?

22 A After that, honestly, I didn't see it.

23 Q What happens after that?

24 A Mr. Bennett just hold the gun to me and told me don't
25 move. I don't want to kill you. Don't move. So I stayed

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1 still trying to hold my shoulder because the blood is just
2 basically like gushing. I'm talking about gushing to the
3 point where I started feeling weak, so I know I was losing a
4 lot of blood.

5 Q Did they stay in the apartment after that? Town home.
6 I'm sorry.

7 A (Shakes head negatively)

8 Q So they left?

9 A (Nods head affirmatively)

10 Q You've got to --

11 A Yes.

12 Q Okay. Now, did they leave quickly or did they take
13 anything before they left?

14 A No, they left quick. They left real quick.

15 Q Did they --

16 A Because our town homes are still set up where -- you
17 got a townhouse right here, a townhouse right here, a
18 townhouse right here. So I would say they probably been
19 thinking the same thing I'm thinking, someone had to hear
20 the shots. Someone had to hear something.

21 Q Now, did they take the gun and the knife with them or
22 did they leave them in your apartment?

23 A No, they took it because I look for it.

24 Q What was the first thing you did after they left?

25 A Grab a towel and wrapped around my neck.

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1 Q How about after that?

2 A Tried to dial 9-1-1.

3 Q Were you able to get in contact with 9-1-1?

4 A Well, not at first because so much blood was on the
5 phone I actually had to take my hand and smear my phone
6 because I could even touch the screen.

7 MR. SPEARS: May I please have this marked as
8 State's, I believe, 17 is the number.

9 (State's Exhibit No. 17, CD, was
10 marked for ID)

11 COURT REPORTER: State's 17 for ID.

12 MR. SPEARS: Thank you.

13 May I approach the witness, Your Honor?

14 THE COURT: You may.

15 BY MR. SPEARS:

16 Q Clay, do you recognize this?

17 A Yes.

18 Q How do you recognize it?

19 A I signed it.

20 Q Well, what is it?

21 A It's a 9-1-1 call, first recording.

22 Q Have you had an opportunity to review the contents of
23 that disk?

24 A Yes.

25 Q What did you do after you listened to the contents of

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1 it?

2 A (Witness pauses)

3 Q Did you write anything?

4 A I signed a signature.

5 Q Okay. Did you date it or anything?

6 A Yes. Excuse me.

7 Q Are the contents of that disk a fair and accurate
8 representation of the 9-1-1 call that you placed on July
9 2nd, 2016?

10 A Yes, it is.

11 MR. TEMPLETON: Your Honor, at this time I'd
12 request State's 17 introduced into evidence.

13 THE COURT: Any objection.

14 MS. WILLIAMS: Yes, ma'am?

15 THE COURT: Basis for your objection?

16 MS. WILLIAMS: Lack of foundation for a 9-1-1 call
17 made by a 9-1-1 operator and also hearsay.

18 MR. TEMPLETON: Your Honor, the foundation is
19 simply that he made the call. He recognizes it. He's
20 listened to it. He knows what he said at that time. It's
21 also non-testimonial evidence. It doesn't qualify as
22 hearsay at this point in time. Case law tells us this was a
23 call for help. This wasn't a statement made to be used in
24 court later.

25 THE COURT: I agree. Your objection is overruled.

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1 (State's Exhibit No. 17, CD, was
2 marked and entered)

3 THE COURT: You may proceed.

4 MR. SPEARS: Thank you, Your Honor. May I
5 approach?

6 THE COURT: You may.

7 MR. SPEARS: Your Honor, may I publish the
8 contents of this disk to the jury?

9 THE COURT: Yes, sir.

10 (State's Exhibit No. 17, CD, was
11 published to the jury)

12 BY MR. SPEARS:

13 Q Clayton, after you hung up the phone with 9-1-1 --

14 A I didn't hang up. I didn't hang up. I'm sorry, Your
15 Honor. I didn't hang up. The blood got into screen and
16 that's why the phone cut off. It was so much blood on the
17 phone, it just made the phone cut off so she had to call me
18 back.

19 Q So that's why she called you back?

20 A Right.

21 Q After the officers arrived and you hung up at that
22 point in time, did you speak with law enforcement?

23 A I did.

24 Q Did you receive any medical aid at that point in time?

25 A Yes, I did.

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1 Q Did you try to identify the two individuals who had
2 attacked?

3 A I did, yes.

4 Q Did you show them anything? Did you show law
5 enforcement anything?

6 A Yes.

7 Q What was that?

8 A I tried to show them my phone, you know, Terell's face
9 on my phone when they first got there.

10 Q Before law enforcement arrived, had anyone but Terell
11 and Travis entered or exited your apartment?

12 A No, absolutely not. My friend didn't tolerate that.

13 Q So after Terell and Trav left, and before law
14 enforcement arrived, had anybody else come in or out of your
15 apartment?

16 A No.

17 Q What was the length of time, if you can recall, between
18 when Terell and Trav left after the attack, and law
19 enforcement arrived?

20 A Not long at all. Maybe like seven minutes, maybe ten.

21 Q And did you stay at the house thereafter --

22 A Yes.

23 Q -- to receive medical attention. Were you taken
24 anywhere?

25 A Yes.

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1 Q All right. You said you received medical aid there?

2 A Yes.

3 Q Did EMS take you anywhere?

4 A Yes.

5 Q Did law enforcement search your house after you were
6 taken away?

7 A (Nods head affirmatively)

8 Q Did they tell you that you that they were going to
9 search your house?

10 A (No response)

11 Q Did you lock the door before you were taken away?

12 A No.

13 Q Did you try to prevent any search by law enforcement of
14 your house?

15 A No.

16 Q All right. After you were taken to the hospital, did
17 you speak with an investigator about this?

18 A I did.

19 Q Do you recall the first time you spoke with him or did
20 you write a statement for him?

21 A Not that night because I was in the hospital most of
22 that night. But I did speak to a officer at the hospital.

23 Q After you spoke to the officer at the hospital, you
24 said later on you did write a statement?

25 A A couple days, a few days later.

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1 Q Okay. In that statement, did you write down your
2 address at that time?

3 A I don't recall.

4 MR. SPEARS: May I please have this marked as
5 State's 18.

6 (State's Exhibit No. 18, statement,
7 was marked for ID)

8 COURT REPORTER: State's 18, Judge.

9 THE COURT: Thank you.

10 MR. SPEARS: May I approach the witness, Your
11 Honor?

12 THE COURT: Yes, sir.

13 BY MR. SPEARS:

14 Q Clayton, do you recognize this?

15 A Yes.

16 Q What is it?

17 A It's a written statement.

18 Q Who wrote this statement.

19 A I did.

20 Q Is this the statement that you provided to law
21 enforcement?

22 A I did.

23 Q Did you write your name and address at the top?

24 A Yes.

25 Q What was the address that you wrote on there?

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1 A [REDACTED].

2 Q Is that the address that -- the townhouse that you
3 lived at when you were attacked?

4 A Yes.

5 Q Now, let's go back a little bit. I jumped ahead. When
6 law enforcement first came to the townhouse, after you
7 called 9-1-1, do you recall how many officers were initially
8 there?

9 A Maybe five or seven.

10 Q Well, when they first responded and you opened the
11 door, do you recall how many you saw?

12 A Two. Two was at the front door.

13 Q And did you speak with them about what had happened?

14 A Yes, I did.

15 Q Were those the individuals you tried to show the
16 Facebook photo on your phone to?

17 A Yes.

18 (State's Exhibit No. 19, DVD, was
19 marked for ID)

20 COURT REPORTER: State's 19 for ID, Judge.

21 BY MR. SPEARS:

22 Q Clay, do you recognize this disk?

23 A Yes.

24 Q How do you recognize it?

25 A I initialed it.

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1 Q What are the contents of that disk.

2 A That's the video.

3 Q The video of what?

4 A The incident that occurred on July 2nd.

5 Q The video of the actual incident?

6 A No, the -- when the police came.

7 Q Okay. Were the police wearing any sort of recording
8 device?

9 A Body cam.

10 Q Now, have you had a chance to review this disk?

11 A Yes, I did.

12 Q What did you do after you reviewed this disk? Did you
13 make any marking on it?

14 A Initialed it and date it.

15 Q Now, from what you were able to see on there, are the
16 contents of that disk a fair and accurate representation of
17 the events as you recall them on July 2nd, 2016?

18 A Yes.

19 MR. SPEARS: May I approach the witness, Your
20 Honor?

21 THE COURT: You may.

22 BY MR. SPEARS:

23 Q I've only got a few more questions, Clay. After you
24 spoke with an investigator and you gave a statement, did you
25 speak with any other investigators in regards to identifying

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1 the individuals who came into your town home that day?

2 A Yes.

3 Q Were you provided with a lineup?

4 A Yes.

5 (State's Exhibit No. 20, photo
6 lineup, was marked for ID)

7 COURT REPORTER: State's 20 for ID, Judge.

8 THE COURT: Thank you.

9 MR. SPEARS: May I approach the witness, Your
10 Honor.

11 THE COURT: You may.

12 BY MR. SPEARS:

13 Q All right. Clayton, lastly, what is this?

14 A That's the photo lineup.

15 Q How do you recognize this?

16 A I signed it.

17 Q So is that your signature on the front there?

18 A Yes.

19 Q Were you provided this lineup before or after you wrote
20 your statement; do you recall?

21 A No.

22 Q When you were provided this statement, were you able to
23 identify the individual of those six faces on the second
24 page there?

25 A Yes.

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1 Q Who were you able to identify?

2 A Mr. Lawrence.

3 Q All right. And did you have any question about whether
4 Mr. Lawrence is pictured there.

5 A There was no question to ask. I knew who I was looking
6 at. It's not like it was my first time seeing him.

7 MR. TEMPLETON: Your Honor, at this time, I'd
8 request to put State's 20 into evidence.

9 THE COURT: Any objection?

10 MS. WILLIAMS: Yes, ma'am. Pursuant to my
11 pretrial objection.

12 THE COURT: Pursuant to the same rulings, it's in.
13 (State's Exhibit No. 20, photo
14 lineup, was marked and entered)

15 MR. SPEARS: Thank you, Your Honor. Court's
16 indulgence.

17 THE COURT: Yes, sir.

18 BY MR. SPEARS:

19 Q All right. Mr. Baxter, I'm going to grab this real
20 quick. Clay, I'm going to go a little ways back in your
21 testimony. I know I've asked you a lot of questions. You
22 say that you received a check and it was cashed. And you
23 told us it was brought to you?

24 A Yes.

25 Q Do you recall when that money was given to you? Was it

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1 monthly, every two weeks --

2 A No, monthly.

3 Q Monthly?

4 A Monthly.

5 Q When did it hit the account?

6 A Every 1st.

7 Q Every 1st.

8 A Or if it's on a Sunday or a Saturday, I usually get
9 that 29th.

10 Q Okay. All right. Clay, please answer any questions
11 the Defense might have for you.

12 A Yes, sir.

13 THE COURT: Cross-examination

14 MS. WILLIAMS: Thank you, Judge. May it please
15 the Court?

16 THE COURT: Yes, ma'am.

17 CLAYTON BAXTER - CROSS-EXAMINATION

18 BY MS. WILLIAMS:

19 Q Mr. Baxter, your story today is that you knew Terell
20 Bennett for twenty years?

21 A Twenty-odd plus years.

22 Q Close enough that you thought he was family?

23 A Yes, ma'am.

24 Q And on that day he called you?

25 A Yes, ma'am.

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1 Q And he asked you to borrow some money?

2 A Correct.

3 Q And you said come on?

4 A Without hesitation.

5 Q And by that, you mean absolutely, you can borrow my
6 money. Come on over?

7 A (Nods head affirmatively)

8 Q So he did it?

9 A Yes.

10 Q And your story today is that he and Travis Lawrence
11 came in and stole the money from you that you were willing
12 to give to them?

13 A I never really said he stole --

14 Q So they didn't steal the money from you?

15 A I said take.

16 Q So your testimony today is that even though you had
17 offered to give them money, and let them borrow money, your
18 testimony to the jury is that instead, they decided to come
19 and put a gun in your face and take it with force?

20 A I sure did.

21 Q Okay. And your testimony is that -- I mean, Terell
22 couldn't have hidden from you, right? I mean, he knew you
23 were going to call the police, right?

24 A I believe so.

25 Q Yeah, he knew he would be arrested?

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1 A Right.

2 Q And yet -- has he ever done this to you before?

3 A No.

4 Q He's never hurt you or tried to steal your money?

5 A No.

6 Q No. He just decided one day to come and do this, even
7 though you were going to give him money?

8 A Correct.

9 Q Okay. So that's the testimony that you have today. Do
10 you remember -- and I think you testified to this. There
11 were two police officers that responded on July 2nd of 2016
12 to your apartment, right?

13 A Yes.

14 Q You said there were two. And you identified one of the
15 body cameras. You watched one body camera and identified
16 it?

17 A One body cam.

18 Q Did you watch the other one?

19 A No.

20 Q No. Do you know the name of the officer of the one
21 that you did watch?

22 A No, I never got it.

23 Q You never got his name?

24 A No.

25 Q It doesn't say that anywhere when you were watching the

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1 video?

2 A No.

3 Q Okay. Are you aware that there is an officer who says
4 that you told him Terell Bennett is the one who stabbed you
5 in the head?

6 A I ain't never said that. Never.

7 Q Would it surprise you if there's a police report
8 written by an officer where your initial report is that --

9 MR. SPEARS: Your Honor, I have to object. She's
10 pitting witnesses at this point.

11 THE COURT: Sustained.

12 MR. SPEARS: Thank you.

13 MS. WILLIAMS: May we approach, Judge?

14 THE COURT: You may.

15 (Off the record bench conference with counsel and the
16 Court.)

17 BY MS. WILLIAMS:

18 Q So, Mr. Baxter, your testimony today is that you never
19 told a police officer that the actual person who stabbed you
20 was Terell Bennett and not Travis Lawrence?

21 THE WITNESS: May I respond, Your Honor.

22 THE COURT: Please answer the question if you know
23 the answer.

24 A No.

25 BY MS. WILLIAMS:

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1 Q Okay. If I showed you the video of a body camera where
2 you are stating Rell did it and a fellow by the name of
3 Travis was with him. Is it your testimony that you never
4 said that either?

5 A My story hasn't changed in two years, no.

6 Q No. So your testimony to the jury is that you never
7 said those things to the responding officer?

8 A I told the officers Trav stabbed me, Rell had the gun
9 and held me and told me don't move.

10 MS. WILLIAMS: Court's indulgence.

11 Judge, may we approach?

12 THE COURT: Yes, ma'am.

13 (Off the record bench conference with counsel and the
14 Court.)

15 THE COURT: Ladies and gentlemen, I have to take a
16 brief recess. If you would please go to your jury room for
17 just a brief moment, we'll be right back with you. Please
18 do not discuss this case amongst yourselves. I'll be right
19 back with you.

20 (Jury out at 3:04 p.m.)

21 THE COURT: Are you ready to proceed, Ms.
22 Williams?

23 MS. WILLIAMS: Not just yet.

24 CLAYTON BAXTER - PROFFER CROSS-EXAMINATION

25 Q Mr. Baxter, can you see the video that's being played

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1 right now?

2 A I can see it right now.

3 Q Okay. Does this look like the other body cam, kind of
4 the same kind of thing that you reviewed with the State?

5 A It's similar to the one Mr. Spears showed me.

6 Q We're going to hit play. And if you could just -- as
7 soon as you recognize it being you and your house, if you
8 could just say stop and say I recognize this as being me in
9 my house on July 2nd.

10 (Video played)

11 Q Does this look like your apartment on July 2nd, 2016?

12 A Yes.

13 Q And is that you?

14 A Yes.

15 Q And is this a fair and accurate representation of the
16 events that happened?

17 A Yes.

18 Q Okay.

19 CLAYTON BAXTER - PROFFER CROSS-EXAMINATION ENDED

20 MS. WILLIAMS: Judge, at this time I'd like to
21 mark this and enter this into evidence as Defense Exhibit 9.

22 THE COURT: Any objections?

23 MR. TEMPLETON: No objection, Your Honor.

24 THE COURT: All right. I believe it's
25 authenticated based upon his review of the video.

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1 (Defendant's Exhibit No. 9, DVD,
2 was marked for ID)

3 THE COURT: Are you ready for the jury come back
4 in?

5 MS. WILLIAMS: Yes, ma'am.

6 THE COURT: Let's have our jury back, please?

7 COURT REPORTER: Defendant's 9, Judge.

8 THE COURT: Thank you.

9 THE CLERK: Judge, they're not ready. They're
10 using the bathroom.

11 THE COURT: Okay. Soon as they're ready. Thank
12 you.

13 MR. SPEARS: Your Honor, if they're using the
14 restroom, can we just take a brief recess and do the same.

15 THE COURT: Sure. Will you let the bailiff know?
16 We'll just take a brief recess and we'll use the restroom
17 real quick. Thank you.

18 We'll take a brief recess. Let us know when they're
19 ready.

20 THE CLERK: Yes, ma'am.

21 THE COURT: All right. We'll take a brief recess.

22 Mr. Baxter, are you okay or do you need to use the
23 restroom?

24 THE WITNESS: I could use the restroom.

25 THE COURT: Just make sure you don't talk to

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1 anyone about your testimony.

2 THE WITNESS: No, ma'am.

3 (Court in recess for short break)

4 (Court in session after short
5 break)

6 THE COURT: Everyone ready to proceed?

7 MR. TEMPLETON: Yes, Your Honor.

8 THE COURT: Could we have our jury, please?

9 THE BAILIFF: Yes, ma'am.

10 (Jury in at 3:17 p.m.)

11 THE COURT: Welcome back, ladies and gentlemen of
12 the jury. Actually, that was a good opportunity for us to
13 take a brief afternoon recess.

14 You may proceed Ms. Williams.

15 MS. WILLIAMS: Thank you, Judge.

16 CLAYTON BAXTER - CONTINUED CROSS EXAMINATION

17 BY MS. WILLIAMS:

18 Q So Mr. Baxter, On July 2nd, 2016, you testified that
19 two police officers showed up to your house, correct?

20 A Yes.

21 Q And each of them had a body camera on?

22 A I believe so.

23 Q And they were recording the events?

24 A Yes.

25 Q You watched one of those and you went over that with

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1 the State, correct?

2 A Correct.

3 Q I'm going to play for you what's been marked as
4 Defendant's Exhibit 9. And I'm going to stop it and I'm
5 going to have you identify it for me, okay?

6 A Okay.

7 (Defendant's Exhibit No. 9, DVD,
8 portion published)

9 BY MS. WILLIAMS:

10 Q Okay. Mr. Baxter, was that your apartment on July 2nd,
11 2016?

12 A Yes.

13 Q Is that you on that video?

14 A Yes.

15 Q Is this a fair and accurate representation of the
16 events that occurred on July 2nd, 2016, from what you can
17 tell?

18 A Correct.

19 MS. WILLIAMS: At this point, Judge, I would enter
20 Defense Exhibit 9 into evidence.

21 THE COURT: Without objection?

22 MR. SPEARS: No, Your Honor.

23 THE COURT: All right. It's in.

24 (Defendant's Exhibit No. 9, DVD,
25 was marked and entered)

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1 BY MS. WILLIAMS:

2 Q I'm going to direct your attention to that video.

3 MS. WILLIAMS: John, if you could play the first
4 section --

5 (Off record discussion between Ms.
6 Williams and Mr. Loy)

7 BY MS. WILLIAMS:

8 Q Your original testimony was that you told the police
9 Trav is the -- Travis Lawrence is the one who stabbed me.
10 That was what you testified to right before we took a break,
11 right?

12 A Correct.

13 (Portion of Defendant's Exhibit No.
14 9, DVD, published/paused)

15 BY MS. WILLIAMS:

16 Q In that statement you said his name is Rell?

17 A Correct.

18 MS. WILLIAMS: Can you keep playing.

19 (Portion of Defendant's Exhibit No.
20 9 is published)

21 BY MS. WILLIAMS:

22 Q You said, I can show you --

23 (Publication of Defendant's Exhibit
24 No. 9, DVD, resumed)

25 MS. WILLIAMS: Pause it again.

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1 (Publication of Defendant's exhibit

2 No. 9, DVD, paused)

3 BY MS. WILLIAMS:

4 Q And you said, I can show ---

5 A Never once did I say that Rell stabbed me. I said, his
6 name is Rell. I can take you to his house.

7 So I figured if I said it like that, then they'll bring him.

8 MS. WILLIAMS: Can you rewind it again 32:46.

9 We'll play it in its entirety for about ten seconds.

10 BY MS. WILLIAMS:

11 Q Your original statement to the jury about ten minutes
12 ago was you told the police Travis Lawrence stabbed you in
13 the head, right?

14 A Right.

15 Q And I asked you did you ever tell them that Terell
16 Bennett stabbed you in the head? And you said absolute not.
17 My story's always been the same.

18 A Terell didn't stab me.

19 MS. WILLIAMS: Can you play it again.

20 (Publication of Defendant's Exhibit

21 No. 9, DVD, resumed/paused)

22 MS. WILLIAMS: Can you fast forward to --

23 Q Is that you talking on that video?

24 A Yes.

25 MS. WILLIAMS: Can you fast forward it to --

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(Publication of Defendant's Exhibit

No. 9, DVD, resumed/paused)

BY MS. WILLIAMS:

Q And in that clip you said it was Terell. He drives a gold Cadillac. I think you testified to that. And the officer asked you, did he have anybody with him? And you testified yeah, one person, Trav. Right?

A Correct.

Q So that was the first time you told the story of what happened to you that day, that was to the responding officers, the very first time you told anybody that story?

A Correct.

Q You then went to the hospital and a gentleman by the name of Detective Dwayne Peters came and spoke to you, right?

A I remember.

Q And you signed a statement with Detective Peters at some point after that?

A Yes, I did.

Q And that was the second time that you wrote your story about what happened?

A Yes.

Q And in that statement you told Detective Peters the person with the gun, it was a 38 caliber gun?

A Yes.

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1 Q Right, that's what you told him? You told him -- when
2 he asked you, do you know Trav? You told him, no. I've
3 only seen him around Dorchester Manor?

4 A Just like I told you yesterday, knowing of someone and
5 knowing someone are two totally different things. I didn't
6 hang out with him. I met him through my nephews.

7 Q Well, we're going to talk about fourth version of the
8 story, which happened yesterday in just a minute. What I
9 want to talk about is your second version of the story when
10 you spoke to Detective Peters?

11 A So do I.

12 Q When Detective Peters spoke to you, you told him it was
13 a 38 caliber pistol that was used. And you also -- when he
14 asked you do you know Trav you told him, no. I've only seen
15 him around Dorchester Manor. Is that right?

16 A Correct.

17 Q So then I want to talk about the third time you gave
18 your story. The third time you gave your story was at a
19 hearing yesterday, correct?

20 A Correct.

21 Q And when you got up on the witness stand yesterday, the
22 jury wasn't here. It was just some of us here trying to
23 figure out some of the pre-trial matters, correct?

24 A You are correct.

25 Q And at that point you testified that it was actually a

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1 357. The gun that was used was a 357?

2 A They're both calibers. They're both 38 calibers. Same
3 thing, the same bracket.

4 Q Today you said that it was a revolver with a circle,
5 right?

6 A A caliber 38. I said that.

7 Q And when you talked to Detective Peters you said it was
8 a 38 caliber revolver?

9 A Yes.

10 Q And you said today, I know guns, right? Isn't that
11 what you told the jury? I know guns.

12 A I watch TV. I mean --

13 Q But yesterday your story --

14 A -- or if you go into a pawn shop, you see 38's, 9mm's
15 and that inside the showcase. I mean, you're going to see a
16 gun. Regardless, you're going to see a gun.

17 Q But yesterday -- yesterday your testimony was the gun
18 was a 357?

19 A Okay. Yes, I did.

20 Q Yesterday, your testimony -- and I think today -- your
21 testimony is that you knew Travis well. Wasn't that a quote
22 from Yesterday?

23 A Well enough to know his face, know who he is, correct.

24 Q And that you had seen him around several times?

25 A When he at Rell's house, when I used to go there with

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1 Aaron, my nephew and my nephew Marcus who is now deceased,
2 yeah.

3 Q I want to talk to you a little bit about this story
4 about borrowing money. Your story is that Terell Bennett
5 came to your house to borrow money from you, right?

6 A Correct.

7 Q They put a gun in your face, they reached into your
8 pocket and they took seventy-five dollars?

9 A Seventy.

10 Q Seventy dollars.

11 A It's in the statement.

12 Q You had a lot more money in the house, didn't you?

13 A Correct.

14 Q You had it rolled up and shoved into shoes?

15 A I hid money. I stated that earlier.

16 Q You had piles of cash?

17 A No, I didn't have piles of cash. They separated it
18 into different sections, but that was about six thirty, six
19 forty, as well.

20 Q And that was in your house?

21 A Yes.

22 Q Hidden in various places; is that your testimony?

23 A I've done that for years. Yes, ma'am.

24 Q To the point where you wouldn't be able to find it?

25 A Sometimes, I'll find it maybe a day or so later.

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1 Q Well, we'll find out where this all was hidden when the
2 officers testify later, but what I want to ask you, it was
3 in a whole bunch of different denominations, hundreds,
4 twenties, tens, ones, right?

5 A Yes.

6 Q They didn't steal any of that, did they?

7 A How could they if I hid it? I mean, that's just common
8 sense.

9 Q Are you sure this wasn't a drug deal?

10 A No, ma'am.

11 Q You had drugs in the house that day, right?

12 A Yes, I did.

13 Q In fact, when you were at the hospital they searched
14 your house?

15 A I believe they did.

16 Q You were the victim and yet the police came in and
17 searched your house?

18 A Part of procedure.

19 Q And they found marijuana in glass Mason jars, right?

20 A Correct.

21 Q And they found -- I don't want to argue with you about
22 what it's called, but money. Lots of money?

23 A That wasn't -- six hundred and thirty dollars is not a
24 lot of money. My Social Security check is not a lot of
25 money. Not to me. I mean, maybe to someone else, but not

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1 me.

2 Q In a bunch of different denominations, hundreds,
3 twenties, ones, tens?

4 A It's a Social Security check. The bank gives you
5 hundred and twenties and tens and fives.

6 Q They found a digital scale?

7 A I don't want nobody playing me where ever I went to
8 purchase at that time, so I got one.

9 Q Whenever you went to purchase drugs. Is that what
10 you're talking about?

11 A Yes. It was no secret I smoked marijuana. I smoke
12 marijuana all day every day. I self-medicated.

13 Q The Solicitor asked you about a prior conviction you
14 had?

15 A Correct.

16 Q And you said I have a possession of marijuana charge?

17 A I do.

18 Q Isn't it true that charge is actually possession with
19 intent to distribute marijuana?

20 A I think possession, possession with intent to
21 distribute. I won't argue that.

22 Q Okay.

23 A I won't argue that at all.

24 Q So you were convicted of possession with intent to
25 distribute, not just simple possession of marijuana?

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1 A Right.

2 Q Right. And you're on probation for that?

3 A Yes, I am.

4 MS. WILLIAMS: May we approach, Judge?

5 THE COURT: Yes, ma'am.

6 (Off the record bench conference with counsel and the
7 Court.)

8 BY MS. WILLIAMS:

9 Q And so your conviction that you talked about with the
10 Solicitor isn't possession of marijuana, it's possession
11 with intent to distribute marijuana?

12 A Correct.

13 Q Okay. And that's because you said everybody knows I
14 smoke weed. That's all I do. I smoke weed?

15 A I smoked a whole lot of weed.

16 Q Do you use any other --

17 A And also -- if I may, if you don't mind. When they
18 searched that house -- Detective Peters can you tell you
19 right there right now. They found about ten packs of
20 Swisher Sweets. A garbage can full of tobacco, cups full of
21 tobacco so, yeah, I smoke. But selling -- selling and
22 smoking, when you can tell a person's smoking, it's two
23 totally different things. So, yeah, I smoke, heavily. What
24 I been through in my life, yeah, I smoke. I smoke heavily.
25 Is it right, no.

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1 Q No other drugs?

2 A No, ever.

3 MS. WILLIAMS: Judge, at this point, I would just
4 renew my conference with you at the bench and my request at
5 the bench.

6 THE COURT: The same ruling applies at this
7 juncture.

8 MS. WILLIAMS: Thank you.

9 BY MS. WILLIAMS:

10 Q Mr. Baxter, one of the things they got when they
11 searched your house was your driver's license or your state
12 ID. I guess it's a State ID. Is it true you're six seven?

13 A Yes.

14 Q And this says you weigh two seventy-five?

15 A Roughly. But I've lost weight since then so maybe
16 about two fifty-five now.

17 Q Okay. At the time of the incident, you weighed 300?

18 A I did. I lost some weigh. I did.

19 Q Yeah. So back in July of 2016, you weighed three
20 hundred pounds --

21 A Roughly.

22 Q -- and you're six seven?

23 A Yes, ma'am.

24 Q You've seen Travis. You know Trav?

25 A Uh-huh. (Affirmative response)

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1 Q He's about five six, right?

2 A He's shorter --

3 Q He weighs about a buck seventy-five, you think?

4 A I'd say. I'd say.

5 Q How tall is Terell Bennet?

6 A Six four, six five.

7 Q Almost as tall as you?

8 A I'm about two or three inches taller than him.

9 Q And you were stabbed in the top part of your shoulder?

10 A While leaning down like this. Yes, I was.

11 MS. WILLIAMS: Court's indulgence.

12 I have no further questions, Judge.

13 THE COURT: Redirect?

14 MR. SPEARS: Yes, Your Honor. Briefly.

15 CLAYTON BAXTER - REDIRECT EXAMINATION

16 BY MR. SPEARS:

17 Q Clayton, we're just going to go back over a few things.

18 I know this will be the third time, but for clarification

19 purposes, in your apartment, who held a gun to you?

20 A Mr. Lawrence.

21 Q Mr. Lawrence, what's his name? What did you know him
22 by?

23 A Travis.

24 Q Okay. And you were asked if Terell had ever done this
25 to you before?

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1 A Yes, I was.

2 Q Did he hold a gun on you on this date?

3 A Who, Terell?

4 Q Yeah?

5 A I mean, after everything -- everything happened, he
6 held it on me, but at entry to the apartment, no.

7 Q Did he stab you on this day?

8 A No, I would not lie on him. I don't lie on people.

9 Q There's some question in that video about someone
10 asking you who did it?

11 A Right.

12 Q Okay. Now, when you heard that, were you saying
13 specifically who stabbed you or were you telling the officer
14 who was involved in the incident?

15 A I was basically telling the officers who were involved.
16 He asked me who was involved. I told him who was involved.

17 Q The 9-1-1- call that we heard earlier, did that occur
18 before or after this video that was just presented?

19 A Before.

20 Q Who did you say was involved in that 9-1-1 call?

21 A Terell Bennet and Travis.

22 Q All right.

23 MR. SPEARS: Your Honor, at this time I'd request
24 to publish Defense's 9 to the jury in full.

25 THE COURT: Yes, sir.

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1 MR. SPEARS: In full. We'll publish it again.

2 (Defendant's Exhibit No. 9, DVD,

3 published/paused)

4 BY MR. SPEARS:

5 Q Can you tell the jury what you just said, you could it
6 to whose house?

7 A I can take you to their house.

8 Q All right. At this point in time, to your knowledge,
9 have Terell and Trav lived together?

10 A Yes.

11 Q Okay.

12 (Defendant's Exhibit No 9, DVD,

13 published/paused)

14 BY MR. SPEARS:

15 Q When they asked who's the guy that did it, what did you
16 just tell them?

17 A Terell.

18 Q Did you say if it was one of the individuals names or
19 one specific person did it?

20 A I said both. I said one person and I said the other
21 one after.

22 Q All right.

23 (Defendant's Exhibit No. 9, DVD,

24 publication resumed/paused)

25 BY MR. SPEARS:

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1 Q All right. Now, let's just look at a few more things.
2 There's some question about whether the gun presented to you
3 by who you say was Trav was whether it was a 357 or a 38.

4 A Correct.

5 Q Now, did you see the actual caliber of the gun during
6 this event?

7 A Yes.

8 Q So you saw the writing on the side of the gun?

9 A No, no, no, no, no. I'm sorry. I thought you meant
10 the size of it.

11 Q Okay. Okay. That's fine. I mean, you say you saw the
12 cylinder?

13 A I said the whole thing

14 Q You told us that earlier?

15 A The whole gun.

16 Q Okay. Is it just your understanding that a 357 or a 38
17 looks like that?

18 A This is the differences that I know, a 357 is longer
19 than a regular 38. A snub nose 38 is about this small. How
20 do I know, my cousin, he was in the military. He has a
21 licensed one. His is smaller. So Mr. Lawrence presented to
22 me with -- when he came into the apartment, was a longer
23 version of a 38, about this long. That is a 357.

24 Q So in this situation -- but you didn't see the actual
25 caliber written on the side of the gun?

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1 A No, I just saw the circle, the barrel.

2 Q This is just the knowledge that you have attained --

3 A Yes.

4 Q -- your guess as to what caliber bullet. What is in a
5 revolver?

6 A A revolver is weapon you pull out -- the barrel comes
7 out the middle and you put the bullets inside a circle.

8 Q So was it a revolver?

9 A Right.

10 Q Was it a firearm?

11 A Yes.

12 Q Okay. There's some questions in regards to the money
13 located in your house --

14 A Right.

15 Q -- about how the bills had different denominations?

16 A I knew exactly where money is that.

17 Q Well, you told us that. The bills -- that you had gone
18 to the grocery store. You had bought some groceries and
19 stuff?

20 A Yes.

21 Q So when the money is taken from the bank and you spend
22 it somewhere, did you receive any change back for these
23 groceries?

24 A Yeah.

25 Q Okay. Do you typically go to the grocery store and

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1 throw down a hundred dollar bill?

2 A In most instances if I don't have any change --

3 Q Uh-huh. (Affirmative response)

4 A -- I do. But if I have a smaller bill, I'll use a
5 smaller bill. It just -- it all depends on the time and the
6 situation.

7 MR. SPEARS: Court's indulgence, Your Honor.

8 THE COURT: Yes, sir.

9 MR. SPEARS: No more questions from the State.

10 THE COURT: You may step down, sir. Thank you.
11 You may call your next witness.

12 MR. SPEARS: Thank you, Your Honor. The State
13 calls Deputy Jenkins, Justin Jenkins.

14 (WHEREUPON, Justin Jenkins was
15 sworn to tell the truth.)

16 THE COURT: Your Witness.

17 MR. SPEARS: Thank you, Your Honor. May it please
18 the Court?

19 THE COURT: Yes, sir.

20 JUSTIN JENKINS - DIRECT EXAMINATION

21 BY MR. SPEARS:

22 Q Mr. Jenkins, where are you currently employed?

23 A Professional Builder's Supply in North Charleston.

24 Q And where were you employed on July 2nd, 2016?

25 A Dorchester County Sheriff's Office.

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1 Q Had long had you been employed there?

2 A Approximately a year and a half.

3 Q Did you have any other employment in law enforcement
4 before that?

5 A I did. Prior to that I was a Department of Defense
6 Police with -- contracted with the United States Air Force.
7 And then prior to that, 2005 to 2008, I was a security
8 police with the Air Force.

9 Q Can you just describe to the jury the nature of your
10 duties when you were employed at the Dorchester County
11 Sheriff's Office?

12 A I was a deputy assigned to the road patrol. My duties
13 were to answer any calls for service, investigate initial
14 accounts of any crimes or anything that's reported and make
15 a determination from there.

16 Q Mr. Jenkins, did you have an opportunity to respond to
17 a call on July 2nd, 2016?

18 A I did.

19 Q What was the location of that call?

20 A That would have been in North Charleston. This was
21 around -- approximately 5:30 in the evening.

22 Q Do you recall the address?

23 A [REDACTED] Trail.

24 Q And what county was that in?

25 A It was in Dorchester County.

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1 Q Was this area near the Charleston County line or was it
2 --

3 A A couple of miles before the Charleston County line,
4 but it's very close.

5 Q All right. Can you just please describe to the jury
6 the scene as you found it?

7 A Yes. Upon initial arrival I exited my vehicle and I
8 went to the address along with another deputy. Upon
9 knocking on the door, a black male later identified as the
10 victim, Mr. Baxter, once he opened the door, I noticed he
11 had his right hand holding the side of his neck and a large
12 amount of blood on his shirt. At that time, I pretty much
13 went into just a, you know, providing basic care for him to
14 try and stop bleeding, whatever else we could do.

15 Q Did you speak with him at all during this event?

16 A Very little. My speaking with him pertained mostly to
17 making sure he was staying alert, staying conscious and what
18 he was feeling to keep him alert until medical personnel
19 could get there.

20 Q Now, when you were employed at the Dorchester County
21 Sheriff's Office, were you equipped with any sort of body
22 camera?

23 A I was and my body camera was on and functioning at that
24 time.

25 Q And can you just briefly describe to the Court and the

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1 jury how the body camera footage is loaded once the shift is
2 over or how it comes to a central location?

3 A Right. At that time what we would do is come into the
4 sheriff's office and download. It would download to a hard
5 drive from our body cameras to an actual hard drive that was
6 collected and then out tech guy would go through and save
7 everything to disks.

8 Q I'm showing you what's already been marked as State's
9 19.

10 MR. SPEARS: May I approach the witness, Your
11 Honor.

12 THE COURT: Yes, sir.

13 BY MR. SPEARS:

14 Q Do you recognize this?

15 A I do.

16 Q And how do you recognize it?

17 A That is my initials as well as the date from when we
18 reviewed the footage for the body camera.

19 Q And are the contents of that disk a fair and accurate
20 representation of the events that you experienced on July
21 2nd, 2016?

22 A Yes, they are.

23 Q All right.

24 MR. SPEARS: At this point in time, Your Honor, I
25 would place State's 19 into evidence.

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1 THE COURT: Any objection?

2 MS. WILLIAMS: None, Your Honor.

3 THE COURT: Okay.

4 (State's Exhibit No. 19, DVD, was
5 marked and entered)

6 MR. SPEARS: Your Honor, may I publish.

7 THE COURT: You may.

8 (State's Exhibit No. 19, DVD,
9 published/paused)

10 BY MR. SPEARS:

11 Q Now, the inside of this apartment, did you have a
12 chance to observe it?

13 A Just from right there at the front door. I got a quick
14 eyeshot.

15 Q If you recall and only if you can recall, can you tell
16 the jury from your memory, what's immediately to the right
17 there?

18 A The kitchen.

19 Q And back beyond that area?

20 A Is the living room.

21 Q Were there dishes in the kitchen?

22 A Not that I can recall.

23 Q Okay.

24 (Publication of State's Exhibit No.
25 19, DVD, resumes/paused)

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1 BY MR. SPEARS:

2 Q Mr. Jenkins, just a couple more questions. After this,
3 after, as you said, you helped them render aid and make sure
4 he was stabilized for the ride with EMS. What did you do
5 after that?

6 A Establish a crime scene, an area and we started a crime
7 scene log, and waited on the detectives to get there.

8 Q As you were approaching this townhouse, did you see
9 anybody entering or exiting this specific address?

10 A No.

11 Q Did anybody outside of law enforcement or Mr. Baxter
12 enter or exit the address after you had established the
13 crime scene?

14 A No.

15 Q Okay. Did you participate in any search of the
16 property afterwards?

17 A I did not.

18 Q Okay. After you established the crime scene, did you
19 have any more duties in the area for this specific charge?

20 A No.

21 Q Okay. Please answer any questions the Defense might
22 have for you.

23 THE COURT: Cross-examination

24 MS. WILLIAMS: Thank you, Judge. May it please
25 the Court?

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1 THE COURT: Yes, ma'am.

2 JUSTIN JENKINS - CROSS-EXAMINATION

3 BY MS. WILLIAMS:

4 Q When Mr. Baxter left the house, was he wearing his
5 shorts?

6 A I do not recall.

7 Q Could he have been carrying a gun or a knife or
8 anything like that when he left; do you know?

9 A No, ma'am.

10 Q You don't know or --

11 A I know that he would not have been. EMS, they had
12 checked him out prior to transporting.

13 Q EMS searched him?

14 A With us sitting there they check to make sure that he
15 had what he needed as far as his credentials, but that he
16 wasn't wearing anything that had pockets to my knowledge.

17 Q Okay. So we watched your body cam. Have you seen the
18 body cam before today?

19 A Just whenever I went over it to review it.

20 Q Anywhere on the body cam does Clayton Baxter say Travis
21 Lawrence is the one who stabbed me?

22 A Not that I can recall.

23 Q You were kind of coming and going from the house. It
24 looked like you were going to get stuff out of your car?

25 A Yes.

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1 Q Were you present when Clayton Baxter -- there was
2 another officer there, Josh Cerone?

3 A Yes.

4 Q Deputy Cerone was there. Were you present when Clayton
5 Baxter told Josh Cerone it was Terell who did it and he had
6 someone with him by the name of Trav?

7 A I was not.

8 Q You would have been at your car?

9 A Yes.

10 Q What we did hear in the clip that the Solicitor showed
11 was he said this is the guy who did it and he showed you a
12 phone?

13 A Correct, showed me a picture on his phone.

14 Q Okay. And was that Facebook picture he was showing
15 you?

16 A I don't recall.

17 Q Okay. Did you smell marijuana when you went to that
18 house?

19 A I did. I did smell the odor of marijuana when we
20 initial got there.

21 Q Was that why y'all searched the house?

22 A I wasn't involved in the search.

23 MS. WILLIAMS: Court's indulgence. I have no
24 further questions.

25 THE COURT: Any redirect?

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1 MR. SPEARS: Briefly, Your Honor.

2 JUSTIN JENKINS - REDIRECT EXAMINATION

3 BY MR. SPEARS:

4 Q Mr. Jenkins, I'm just -- I'm going to ask you something
5 about the video that we just watched and you have previously
6 watched. And if you don't recall specifically, that's fine.
7 But when he showed you the phone, do you recall what he
8 said?

9 A Just that this is one of the guys that did it.

10 Q He said this is one of the guys that did it?

11 A Correct.

12 Q Okay.

13 MR. SPEARS: No more questions, Your Honor.

14 THE COURT: You may step down, sir. Thank you.

15 THE WITNESS: Thank you.

16 THE COURT: Would counsel please approach?

17 (Off the record bench conference with counsel and the
18 Court.)

19 THE COURT: Ladies and gentlemen of the jury, it's
20 almost 4:00. I expect that our next witness might be a
21 little bit lengthy and I certainly understand that most of
22 you don't live right next door and you might need some time
23 to get home and take care of things for your family. So
24 it's a good time for us to break for the afternoon. Please
25 remember my previous instruction not to discuss this case

1 THE COURT: And the next issue, I understand is
2 regarding the victim's prior record. We have the
3 questioning cued up if we could listen to that specific
4 question, then I'll allow you to put your positions on the
5 record.

6 MS. WILLIAMS: Thank you, Judge.

7 MR. LOY: Your Honor, for following up the earlier
8 issue, I can publish our proposed stipulation if that would
9 be good.

10 THE COURT: Fair enough.

11 MR. LOY: We propose that Your Honor would do a
12 standard instruction as far as what a stipulation is to the
13 jury. That is an uncontested fact that is not anything they
14 need to consider or debate. And propose, you will have in
15 the jury room with you indictment number -- and the
16 indictment number -- which charges the Defendant with
17 possession of a firearm by a person convicted of a crime of
18 violence. I charge you that the parties have stipulated
19 that Defendant has been so convicted of a crime or has been
20 convicted of a crime of violence. Therefore, under this
21 indictment, the sole issue for you is whether or not the
22 Defendant has been proven to be in possession of a firearm
23 on the date alleged within the indictment. If yes, your
24 verdict is guilty. If there is a reasonable doubt as to his
25 possession of a firearm, your verdict is not guilty.

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1 THE COURT: Any objection to that?

2 MR. TEMPLETON: Your Honor, the only thing, I know
3 it needs to be done during our case to get past directed
4 verdict. So I don't know if this is more of a charge that
5 they're proposing. I just need to make sure it's in our
6 case in chief.

7 THE COURT: And y'all can -- to the first portion
8 of it if you want. You can say yes, we agree to the
9 stipulation or if you want me to publish it I'd be happy to
10 publish it.

11 MR. LOY: When it's generally done is we, at some
12 point she announces the parties have a reached a
13 stipulation. We stand up and say it or -- from the bench.
14 She can read it.

15 THE COURT: Either way. I'm happy to do it either
16 way. It's to however y'all want to do it.

17 MR. SPEARS: Judge, as long as you tell them we've
18 reached a stipulation, then I think that would be fine and
19 then we'll go into that with the charge.

20 MR. LOY: Just since this addresses -- I think I'd
21 rather it come from you. The way I've worded --

22 THE COURT: Okay.

23 MR. LOY: I wrote it for you, Judge. If I was
24 going to deliver it, I would have written it differently.

25 MS. WILLIAMS: We can type it up. We have the

1 caption here. So that way it can be made a part of the
2 court record.

3 THE COURT: That would be beneficial.

4 MS. WILLIAMS: Yeah.

5 MR. LOY: I'm not sure I went to school to be a
6 secretary. If the wording of this is okay, then we can get
7 that typed up.

8 THE COURT: And the wording seemed perfect.

9 MR. SPEARS: Judge, just to clarify. I've never
10 actually put a stipulation on record before but will you
11 just be telling them that we've reached a stipulation that
12 he has been convicted of a crime of violence?

13 THE COURT: Right. Basically what I will do is
14 just basically read that stipulation out and what the
15 stipulation is. And I will tell the jury the stipulation is
16 an agreement between the parties that they can take as a
17 fact.

18 MR. SPEARS: Okay.

19 THE COURT: They don't have to determine it. And
20 then I'll read what the stipulation is. And you can look at
21 it verbatim again prior to me doing that. And we'll go from
22 there.

23 MR. SPEARS: Okay. Sounds good. Thank you,
24 Judge.

25 THE COURT: At what point do you want me to do,

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1 right before you rest or when they come in?

2 MR. SPEARS: Right after we rest, I think, that
3 might actually -- before. Before we rest.

4 THE COURT: Before you rest, after you call your
5 last witness?

6 MR. SPEARS: Yes, ma'am.

7 THE COURT: Okay. All right. So are we ready for
8 the audio.

9 MS. WILLIAMS: Yes, let's see if it works.

10 MR. SPEARS: We will all find out together.

11 (Portion of testimony of Clayton
12 Baxter replayed)

13 MS. WILLIAMS: Judge, at this point, I would just
14 --

15 THE COURT: All right. Well, it makes it clear
16 that he said no, ever. That he hadn't done it before, so I
17 think it comes in Solicitor.

18 MR. SPEARS: Your Honor, just briefly, I would
19 think the argument there would simply be that he was talking
20 about smoking. You know, I only smoke ever. The prior
21 charge is a possession.

22 THE COURT: Mr. Loy, would you care to be heard on
23 that?

24 MR. LOY: Yes, ma'am. Could I have one moment.

25 THE COURT: Sure.

1 MR. LOY: Could I have one moment with counsel.

2 (Counsel confers)

3 MR. LOY: Your Honor, we're prepared -- if we can
4 enter a stipulation -- as opposed to recalling the witness
5 and I don't know where that goes. At our table, we're
6 prepared to enter a stipulation which simply says, you know,
7 again, stipulation is an undisputed fact. And the fact is
8 that the alleged victim in this case has, in fact, been
9 convicted of possession of cocaine in the past.

10 THE COURT: Any objection to that? We can put the
11 time frame in, more than a ten years ago?

12 MR. SPEARS: That's all that we would ask, Judge.

13 MR. LOY: Obviously, you could say it anyway if
14 you're going to allow it, whether it comes live or in the
15 stipulation. I don't know that the time frame is critical,
16 but since he says never ever then that would be fine.

17 THE COURT: May we add that to the written
18 language of the stipulations?

19 MR. LOY: I can, Your Honor, yes. And I'll have
20 it typed up also and run that by the State before y'all
21 close.

22 THE COURT: Thank you for your secretarial
23 services, Mr. Loy.

24 MR. LOY: That's probably where I'm best suited.

25 THE COURT: All right. Anything else before I

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1 MR. TEMPLETON: Thank you, Your Honor.

2 BRANDON BYRD - DIRECT EXAMINATION

3 BY MR. TEMPLETON:

4 Q Detective Byrd, where are you employed?

5 A Dorchester County Sheriff's Office.

6 Q All right. And what is your position with the
7 Dorchester County Sheriff's?

8 A I'm a sergeant in the crime scene unit.

9 Q Okay. If you would, tell the jury a little bit about
10 your educational background, mainly towards your law
11 enforcement experience.

12 A I graduated the South Carolina Criminal Justice Academy
13 in 2008. I started at the sheriff's office in 2010. I
14 entered crime scene unit in 2013, of which I'm now a
15 supervisor, and about four hundred and fifty hours combined
16 forensics training.

17 Q Okay. Do you recall being dispatched out to [REDACTED]
[REDACTED] Trail back in July of 2016?

19 A I do.

20 Q What were you dispatched in reference to?

21 A I was dispatched in reference to an attempted murder
22 case just to process the crime scene.

23 Q Okay. And ultimately when you arrived on scene, were
24 there other officers there?

25 A There was.

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1 Q What was going on when you ultimately arrived on scene?

2 A Everyone was standing by. The scene was secured with
3 evidence -- sheriff's office tape. Everybody was standing
4 by waiting for a search warrant to be signed.

5 Q Detective Byrd, I'm going to show you what's marked as
6 State's Exhibit Numbers 1 through 4.

7 MR. TEMPLETON: May I approach, Your Honor.

8 THE COURT: Yes, sir.

9 BY MR. TEMPLETON:

10 Q Can you tell me what those photographs are of?

11 A Yes, sir. This is how I found the scene, when I
12 arrived.

13 Q Okay. Number 1, what does that show?

14 A That shows the front of the building and the apartment
15 door.

16 Q Okay. And then Number 2, what does that show?

17 A That's a closer picture of the front of the door.

18 Q And Number 3, what does that show?

19 A Number 3 is the stoop, just in front of the front door,
20 debris left behind by EMS.

21 Q And then Number 4?

22 A Number 4 is -- as I entered, this is from the front
23 door. I shot toward the living room and part of the kitchen
24 area.

25 Q I'll take those back from you now.

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1 A All right.

2 MR. TEMPLETON: Your Honor, at this point, the
3 State would offer State's 1 through 4 into evidence.

4 THE COURT: Any objection?

5 MR. LOY: There is not, Your Honor.

6 THE COURT: All right.

7 (State's Exhibit No. 1, photo, was
8 marked and entered)

9 (State's Exhibit No. 2, photo, was
10 marked and entered)

11 (State's Exhibit No. 3, photo, was
12 marked and entered)

13 (State's Exhibit No. 4, photo, was
14 marked and entered)

15 MR. TEMPLETON: And I'm going to publish those to
16 the jury.

17 BY MR. TEMPLETON:

18 Q So this is State's Exhibit No. 1. Can you just tell
19 the jury again what that is?

20 A Yes, sir. It's the front of the apartment building and
21 also the apartment door where the incident took place.

22 Q And then State's Exhibit No. 2, is that just a close up
23 of basically the same thing?

24 A Yes, sir. It's a closer picture.

25 Q All right. And then State's Exhibit No. 3?

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1 A That's the stoop.

2 Q Okay. That's just right outside the front door
3 basically?

4 A Yes.

5 Q Okay. And then as you come into that particular unit,
6 what do you kind of see?

7 A As soon as I walk in the door, directly in front of me
8 was the stairwell. On that stairwell there was cut shirts.
9 There appeared to be a large amount of blood on his shirt.
10 The wall to the left, appeared to be blood on the wall. I
11 could see the stairwell, and then as the picture showed
12 before, the living room to my front-right. So to the left
13 there is the stairwell. The living room is to the front-
14 right and then the kitchen on the far right.

15 Q I'm going to back out a little bit so you can see this
16 a little bit better.

17 A Okay.

18 Q So to the right is going to be the kitchen, right?

19 A Yes, sir.

20 Q Kind of straight forward is the stairwell. And then a
21 little bit to the right you go back into the living room?

22 A Yes.

23 Q Okay. Detective Byrd, I'm going to show you what is
24 marked as State's Exhibits No. 5 through 11 -- or sorry -- 5
25 through 12. If you can -- and actually they're in reverse

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1 order, so I'm going to need you to pull off the back.

2 A Okay.

3 Q If you will first tell us what Number 5 is?

4 A Number 5 is a photograph I took with a scale of some of
5 the blood spatter.

6 Q Okay. And Number 6?

7 A Number 6 is another photograph I took -- and these are
8 both at the wall to the left of -- if I'm facing the
9 stairwell, this is the wall there. This one was on the
10 inside, just inside where the kitchen area is. No, I'm
11 sorry. Where the living room area is. There's a dining
12 table across the way there. Another scale photograph of
13 looks like some blood dripping. This was underneath the
14 stairwell, Exhibit 5, is dripping from underneath the
15 handrail in the stairwell.

16 Q Okay. And if you'll just keep on going through.
17 That's 5 and 6 that you've talked about.

18 A 6 is the one, the wall across from the -- there's a
19 table there like a dining table. It's the wall across the
20 way kind of on the outside of the stairwell.

21 Q Okay. And then the next photograph?

22 A 7 is the stairwell. As I first opened the door, that's
23 how I found it. It's a towel laying on the floor and it
24 shows parts of the floor in the kitchen. That's the
25 stairwell where the shirts are, the cut shirts are.

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1 Q Okay.

2 A 8 is another shot of -- kind of a little farther back
3 from the wall showing some of the blood underneath the
4 handrail, and it's still showing the cut shirts on the
5 stairs itself. 9 is part of the floor of the living room
6 and the kitchen. 10 is the kitchen area. Showing a large
7 amount of blood on the floor. 11 is also the kitchen behind
8 the cabinet area where you cook. And 12 is that dining
9 table I referred to earlier.

10 Q Are each of those fair and accurate representations of
11 what you saw when you arrived on scene?

12 A It is.

13 MR. TEMPLETON: Your Honor, at this time, the
14 State would offer State Exhibit Numbers 5 through 12 into
15 evidence.

16 THE COURT: Any objection?

17 MR. LOY: Your Honor, we'd renew our earlier
18 objections and renew our arguments also.

19 THE COURT: Yes, sir. Same ruling. They're in.

20 (State's Exhibit No. 5, photo, was
21 marked and entered)

22 (State's Exhibit No. 6, photo, was
23 marked and entered)

24 (State's Exhibit No. 7, photo, was
25 marked and entered)

3 (State's Exhibit No. 9, photo, was
4 marked and entered)

7 (State's Exhibit No. 11, photo, was
8 marked and entered)

11 BY MR. TEMPLETON:

15 A Yes. That's the photograph as I open up the door, into
16 the scene. I took a photograph right away.

19 A That's the first thing I saw when I'm walking through
20 the door.

22 A Those are the shirts that were cut off of the victim.

24 A Those are some towels, yes.

25 Q Okay. All right. I'm going to show you State's

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1 Exhibit No. 8 now. Is that the same general area from a
2 different angle?

3 A Yes, it is.

4 Q Okay. And is that basically just blood on the wall?

5 A Yes. Right next to where the shirts are.

6 Q And you're seeing the shirts again in that picture?

7 A Yes, sir.

8 Q All right. State's Exhibit No. 9. Can you tell the
9 jury kind of where -- what they're seeing there?

10 A Okay. There you can see the stairwell. Part of the
11 stairwell to the left there, that's --

12 Q Here?

13 A Yes.

14 Q Okay.

15 A And that's directly to the right. That's the -- the
16 opening from the kitchen area, the kitchen floor to the
17 living room area where the dining table is also located.

18 Q Okay. And then to the right over here, where does that
19 go?

20 A That's the main kitchen area behind the cabinets.

21 Q And I'm going to show you State's Exhibit No. 10. Is
22 that another picture of that kind of same general area?

23 A Yes, it is.

24 Q Going up, we're going into the living room?

25 A That's correct.

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1 Q And to the right into the kitchen; is that correct?

2 A That's correct.

3 Q Then I'm going to show you State's Exhibit No. 11.

4 Where is that picture taken from?

5 A That's the main kitchen area, the cabinets.

6 Q Okay. And then State's Exhibit No. 12?

7 A That's the dining table I referenced earlier in the
8 living room area.

9 Q And that dining table, where is that basically located?

10 A As you -- you saw where the carpet began in the
11 photograph. It's just up and to the right, as I'm walking
12 through. Just behind the kitchen, there's a counter top
13 there and that's behind that.

14 Q So is that location relatively close to the kitchen?

15 A Yes.

16 Q I mean, would you say it's adjacent to it?

17 A Yes.

18 Q Okay. What else is in that room with that kitchen
19 table?

20 A There was -- I remember a couch, several pairs of shoes
21 on the floor. Not much more else there. A TV and
22 entertainment center type deal.

23 Q Okay. Detective Byrd, I'm going to show you now
24 State's Exhibit No. 16. Can you tell the jury where State's
25 Exhibit No. 16 is taken?

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1 A 16 was taken from the spare bedroom in the upstairs
2 level of the apartment.

3 Q Are there multiple bedrooms upstairs?

4 A Yes.

5 Q Okay. And this is one of those bedrooms?

6 A Yes.

7 Q What do you see in that photograph?

8 A I see the night stand, a bedside table with a hole
9 coming out of the top.

10 Q Were you able to determine where that hole came from?

11 A It went all the way through the bedside table in front
12 of the floor.

13 Q Okay. I'll take that back from you. Is that a fair
14 and accurate representation of what you saw in that upstairs
15 bedroom?

16 A It is.

17 Q Okay.

18 MR. TEMPLETON: At this time, the State would move
19 State's 16 into evidence.

20 THE COURT: Any objection?

21 MR. LOY: None, Your Honor. And there's none to
22 13, 14, and 15, which I hope follow shortly.

23 MR. TEMPLETON: Okay. And I would move those into
24 evidence at this point, Your Honor.

25 THE COURT: 13, 14, and 15 are in, and 16.

3 (State's Exhibit No. 14, photo, was
4 marked and entered)

5 (State's Exhibit No. 15, photo, was
6 marked and entered)

7 (State's Exhibit No. 16, photo, was
8 marked and entered)

9 BY MR. TEMPLETON:

10 Q So what are we seeing here now that the jury's able to
11 see it?

12 A That's the bedside table in the spare bedroom, a top
13 view.

14 Q And this is the hole you're talking about?

15 A Yes, sir.

16 Q And where does that hole come from or do you know?

17 A Yes. I needed help removing, moving the bedside table.
18 The holes came from the floor.

19 Q Okay. Downstairs in the living room, did you see
20 anything that kind of made you want to go upstairs?

21 A I did. I saw two holes in the ceiling.

22 Q Okay. And I'm going to show you -- since these are
23 already in evidence -- State's Exhibit No. 14. What did you
24 do to kind of determine what those holes came from?

25 A I'm sorry. Say it again?

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1 Q What did you ultimately do to determine --

2 A Oh. Yes, I did place dowel rods in the holes.

3 Q And what's your reasoning behind putting dowel rods
4 through those holes?

5 A Just to determine directionality for documentation.

6 Q Okay. So that would show the direction of a bullet
7 going from one location to another?

8 A Yes.

9 Q Okay. And these are coming down into the living room?

10 A Going up.

11 Q Right. Right. Going up from the living room into the
12 upstairs bedroom?

13 A Yes.

14 Q Approximately where are those located in the house?

15 A Very close. I'm basically standing by the dining table
16 at this point.

17 Q And I'm going to show you State's Exhibit No. 13. I
18 need to back it out a little bit so you can see. That's
19 about as far as I can back it out. You can see one of the
20 dowel rods there?

21 A Yes.

22 Q In the top?

23 A Yes.

24 Q And is this the table you're talking about?

25 A Yes, sir.

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1 Q And this is the rest of the living room?

2 A That's the rest of it, yes.

3 Q And, finally, State's 15, what are we showing there?

4 A That is from the upper level spare bedroom that we
5 talked about earlier. I'd removed the bedside table at that
6 point. I ran the dowel rods all the way through the floor
7 for documentation.

8 Q Okay. And ultimately is one of those -- basically the
9 hole goes through the bedside table?

10 A Yes.

11 Q Okay. From downstairs?

12 A Yes.

13 Q I want to go back to State's Exhibit No. 7. Did you
14 ultimately collect any evidence in State's Exhibit No. 7?

15 A I did. I collected the shirts there.

16 Q All right. I'm going to show you what the State -- to
17 be marked as State's Exhibit Numbers 21 and 22. I'm going
18 to let you get these out of the bag, though.

19 MR. TEMPLETON: May the witness step down, Your
20 Honor.

21 THE COURT: Yes.

22 A (Witness steps down)

23 BY MR. TEMPLETON:

24 Q All right. I'm going to mark these before you do
25 anything.

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1 A Okay.

2 MR. TEMPLETON: So this one is going to be State's
3 Exhibit No. 21. We'll start with that. And the second one
4 will be State's Exhibit No. 22.

5 (State's Exhibit No. 21, black
6 shirt, was marked for ID)

7 (State's Exhibit No. 22, white
8 shirt, was marked for ID)

9 BY MR. TEMPLETON:

10 Q If you would, what is State's Exhibit No. 21 that's in
11 your hand right now?

12 A This is the black shirt, one of the shirts that was on
13 the --

14 MR. LOY: Your Honor, I can't hear him.

15 THE COURT: Sure.

16 MR. TEMPLETON: If you can, just speak up just a
17 little bit so that Mr. Loy can hear.

18 A This is the black shirt from the stairwell.

19 BY MR. TEMPLETON:

20 Q Okay.

21 MR. TEMPLETON: Your Honor, at this point, the
22 State would offer State's Exhibit No. 21 into evidence.

23 THE COURT: Any objection?

24 MR. LOY: If it was offered -- If we could get a
25 little further foundation. I mean --

1 MR. TEMPLETON: You okay with the jury seeing it?

3 BY MR. TEMPLETON:

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5      A      (Removes shirt from bag)
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8 A This is the shirt that was recovered, yes.

10 MR. LOY: No objection, Your Honor.

12 THE COURT: It's in.

15 BY MR. TEMPLETON:

18 A Okay.

21 A Yes.

23 A Yes. We have one here and another here.

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1 || A The upper back.

2 Q Okay. And I know it's kind of been mutilated at this
3 point, if you can turn it around just kind of show them were
4 the tag is in relation to those --

5 A Yeah, it's right here.

6 Q And, again, can you point out the --

7 A The holes.

8 | 0 -- the holes?

9 A Here and there.

10 Q Okay. And we can put that one away.

11 (Off record discussion)

12 BY MR. TEMPLETON:

13 Q And what is State's Exhibit No. 22?

14 A 22 is the white shirt that was taken from the stairwell
15 as well.

16 Q Also recovered at the same location?

17 A Yes.

18 MR. TEMPLETON: Your Honor, at this time the State
19 would offer State's 22 into evidence.

20 MR. LOY: Without objection.

21 THE COURT: All right. It's in.

22 (State's Exhibit No. 22, white
23 shirt, was marked and entered)

24 BY MR. TEMPLETON:

25 Q And same thing here. If you could kind of point out to

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1 the jury the location of the holes in the back of that
2 shirt?

3 A Here and then here.

4 Q All right. Thank you. You can sit back down.

5 A (Witness takes stand)

6 Q Detective Byrd, did you end up basically doing a
7 complete search of the house?

8 A Yes.

9 Q Okay. Ultimately, was a small amount of marijuana
10 found?

11 A Yes. Yes.

12 Q And was a certain amount of cash found?

13 A Yes, it was.

14 Q Do you recall about how much money was recovered?

15 A It was approximately seven hundred dollars.

16 Q And the amount of marijuana, was it ever tested?

17 A No.

18 Q Do you know approximately how much marijuana?

19 A Less than an ounce.

20 Q Okay. Did you find any firearms during this
21 investigation?

22 A No.

23 Q Any ammunition during this investigation?

24 A No.

25 Q Any holsters, anything that would go along with a

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1 firearm?

2 A No.

3 Q Did you find any knives in the house that may have been
4 used as a weapon in this case?

5 A No.

6 Q No knives with blood on them or anything of that
7 nature?

8 A Nothing recovered.

9 MR. TEMPLETON: I beg the Court's indulgence, Your
10 Honor.

11 Q Please answer any questions the Defense may have.

12 THE COURT: Cross-examination?

13 MR. LOY: Thank you, Your Honor.

14 BRANDON BYRD - CROSS-EXAMINATION

15 BY MR. LOY:

16 Q Good morning, Detective?

17 A Good morning, sir.

18 Q How are you?

19 A Good. How are you?

20 Q I'm well. Thank you. So you have been with the
21 sheriff's department for how long now, sir?

22 A Since 2010.

23 Q I'm sorry?

24 A Since 2010, about eight years.

25 Q And is that your first job in law -- your entire career

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1 in law enforcement has been with the sheriff's department?

2 A No, sir.

3 Q Is that not correct?

4 A No, sir.

5 Q Where did you work prior to that?

6 A I started out at Walhalla Police Department in the
7 upstate in 2007.

8 Q Okay. And I assume that you were hired on as a patrol
9 officer and advanced throughout; is that correct?

10 A Yes, sir.

11 Q And when you were hired as a patrol officer you went
12 through basic training, that is, basic law enforcement at
13 the criminal justice academy; is that right?

14 A Yes, sir.

15 Q Okay. And you performed your duties as a patrol
16 officer subsequent to that?

17 A That's correct.

18 Q Sometime later you became -- and I'm sorry. You are
19 now -- what is it? Evidence --

20 A I'm a crime scene investigator.

21 Q Crime scene investigator.

22 A Yes.

23 Q You're a crime scene investigator. And so when you
24 became a crime scene investigator or a candidate to be a
25 crime scene investigator, you received further training

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1 subsequent to your basic law enforcement; is that right?

2 A Yes, sir. That's right.

3 Q And to some extent or another, that training is on-
4 going? I mean, there are seminars or classes etcetera that
5 you participate in?

6 A Yes, sir.

7 Q Is that right?

8 A That's right.

9 Q Can you tell us -- and I know that the crime scene
10 investigator is an important function in the course of an
11 investigation. Can you tell us partly why that is? What it
12 is that's important about the function you serve?

13 A It's about preserving, protecting evidence and
14 documenting the scene.

15 Q Okay. And part of that is -- I mean, you don't have,
16 so to speak, a dog in the fight. You don't arrest somebody
17 and charge them with a crime. You come in later,
18 investigate the scene, see what the evidence is; is that
19 correct?

20 A Yes, sir.

21 Q Okay. And so when you are called to a crime scene, it
22 is important that the scene has been preserved or at least
23 ideally the scene has been preserved; is that correct?

24 A Absolutely.

25 Q Okay. And then you attempt to gather all of the

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1 evidence that you can, which would either tend to show a
2 crime was committed or tend to disprove that a crime was
3 committed; is that right?

4 A Yes, sir.

5 Q I mean, you don't lean one way or the other. You're
6 down the middle. This is what I saw. This is what I found.
7 I just collected this. Someone else can draw their
8 conclusions down the road; is that correct?

9 A Yes, sir.

10 Q And it is fair to say that in your documentation it is
11 important, not only that you note the things that you found
12 and the evidence that you discovered and/or recovered, but
13 also that you document and note the things you did not find;
14 is that correct also?

15 A Yes.

16 Q Because what you don't find could be equally important
17 as what you do as far as proving or disproving a crime down
18 the road. Does that make sense to you?

19 A Yes, sir. It does.

20 Q Okay. And in this case, you were called out. What
21 information did you have prior to you actually processing
22 the crime scene? Briefly, what was your understanding of
23 what had transpired?

24 A The only think I knew was that it is an attempted
25 murder. I arrived on scene and was advised. We were

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1 waiting on a search warrant to process the apartment.

2 Q Okay. And subsequent to the arrival you processed the
3 apartment; is that correct?

4 A Yes, sir.

5 Q And as a crime scene investigator you have some degree
6 of dealings with fingerprints; is that right?

7 A Yes, sir.

8 Q And while I think probably everybody knows, just for
9 our record, can you tell us roughly what that is,
10 fingerprint evidence?

11 A It's residue left behind when somebody touches an
12 object. It's mostly sweat, mostly water comes out of your
13 pores. When you touch a surface, that's what you leave
14 behind from your fingers, from the ridges.

15 Q And I realize that they have guys at SLED etcetera who
16 are fingerprint experts and I know that's not what you do,
17 but in the course of your work, you gather fingerprints for
18 further analysis; is that correct?

19 A Yes.

20 Q And it's your understanding that fingerprint is
21 essentially oils in the skin, sweat, secretions, etcetera,
22 which when an object, particularly a smooth object is
23 touched, leaves a picture behind, so to speak; is that
24 right?

25 A Yes, sir.

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1 Q And those are pretty -- to your knowledge, as long as
2 somebody doesn't come along and wipe one out, erase it away
3 or spray it with counter cleaner or something like that,
4 fingerprints can stay on an item such as, say, this table
5 for a long time; is that right?

6 A They can. Under the right circumstances, yes.

7 Q Okay. And fingerprint evidence would be important
8 because it establishes if it can be -- if the fingerprints
9 that you collect can be tied to a person down the road, it
10 establishes, that at least some at some point in time, they
11 were present on the scene or they were in the presence of
12 the object that was fingerprinted?

13 A Yes, sir.

14 Q Is that fair to say?

15 A Yes, sir, it is.

16 Q Okay. And if a person has been present or is alleged
17 to have been present on the scene, is alleged to have been
18 in physical contact with various objects and you're
19 investigating that scene, alleged crime, you would want to
20 gather those fingerprints to establish the State's case,
21 would you not?

22 A Yes.

23 Q And in this case it was your understanding, was it not,
24 that there had been people in the home and a struggle had
25 ensued?

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1 A Yes, sir.

2 Q That there had been a trouble in the kitchen or the
3 dining room area?

4 A (Nods head affirmatively)

5 Q And a physical confrontation had taken place?

6 A Yes, sir.

7 Q So in the course of your investigation you certainly
8 wanted to establish if you could, who had been in the
9 kitchen or at least who has been in the presence of the
10 kitchen table relatively recently. And so you swabbed or
11 took for fingerprint evidence; is that correct?

12 A That's correct.

13 Q And how did you go about doing that?

14 A I used black powder to process the scene.

15 Q And when you say you used black powder, does that mean
16 like you sprinkle it around on the table and the
17 fingerprints show up or how does it work?

18 A We have a container with the powder. We use a brush
19 and in a general twirling motion, grab some powder from the
20 container and process each part that I'm trying to
21 fingerprints at.

22 Q Now, when you say black powder, just for purposes of
23 our record, that's not the thing I'm shooting a gun with.
24 This is some other forensic chemical that y'all have access
25 to; is that right?

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1 A Yes, sir.

2 Q And in this case, did you gather fingerprints?

3 A I gathered two fingerprint cards on scene.

4 Q Okay. And you turned those over to the investigating
5 officers for further analysis?

6 A Yes, sir.

7 Q They could have been or would have been sent to SLED to
8 see whether or not they matched either the Defendant or
9 anyone else. That's your experience in the past is how it
10 works; is that right?

11 A Well, we do our latent prints in-house, but, yes, sir.

12 Q Okay. Then the analysis would have been performed to
13 see if you could, in fact, match them to anybody charged
14 with having been wrongdoing in the presence of or in that
15 house; is that right?

16 A That's right.

17 Q And that information was all provided either to
18 Detective Peters or to whoever was investigating this case;
19 is that correct?

20 A Yes.

21 Q Now, there have been some advancements over since
22 you've been in law enforcement within the field of crime
23 scene investigation and preservation, I'm sure. And I'm not
24 going to try to pin you down on DNA. Most of us don't
25 understand too much of it, but to some degree you're

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1 involved in collecting DNA evidence on occasion; is that
2 correct?

3 A Yes, it is.

4 Q Can you tell the ladies and gentlemen of the jury what
5 that is and how you go about it. Just a primer so the rest
6 of us can understand?

7 A Okay. DNA is basically it's -- from what I understand,
8 I'm not a DNA expert. But left by an individual, by an
9 person. So when you sweat you have a chance of leaving DNA
10 there. There's absolutely DNA in your blood, anything like
11 that. I was using a swab, a sterile swab, to collect that
12 item and properly package it so there's -- not going to
13 cross-contaminate. And then heat seal it once I got back to
14 the office for it to be sent off at a later time for
15 analysis.

16 Q Now, during the time that you've been practicing, doing
17 the work that you're do in law enforcement, DNA, the
18 technology, the frontier's been -- the barrier is pushed
19 farther and farther back. It's become more sophisticated;
20 is that fair to say?

21 A Yes.

22 Q Okay. I mean, at one point in time y'all were
23 collecting DNA when it would be blood or semen or a bodily
24 fluid; is that right?

25 A Yes, sir.

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1 Q Subsequent to that, though, here in 2018, you're
2 familiar with what's referred to as touch DNA, are you?

3 A Yes, sir.

4 Q From your training and your experience, can you tell
5 the ladies and the gentlemen of the jury what touch DNA is?

6 A Touch is basically the same -- like when I refer to
7 when you leave fingerprints behind, you'll leave behind
8 those oils, that residue from your body. It is possible for
9 your DNA to be in that residue or say if you're sweating and
10 you brush against something with your arm, you'll leave
11 sweat behind. It's possible for there to DNA there. That
12 is touch DNA. That's something -- an object that has been
13 touched by a human being, possibly leaving behind DNA.

14 Q So with that, it's quite likely you can take a swab
15 here and say well, at some point in time, Mr. Loy was here
16 and he leaned on that bar, at least he dragged his hand
17 across it, assuming I'm in the DNA bank; is that correct?

18 A Yes, sir.

19 Q And that's really important because I know the numbers
20 that you guys use, DNA is one in literally like twenty-eight
21 zeros, quadrillions and stuff like that; is that correct?

22 A Yes, sir.

23 Q And in this case, if there was DNA that would establish
24 the presence of the defendants or the Defendant in this
25 house, in this home, you certainly made every effort to

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1 collect and preserve that, did you not?

2 A Yes, sir.

3 Q Because that would be critical to the function that you
4 perform, yes?

5 A Yes, sir.

6 Q Okay. And so did you make an effort to collect DNA?

7 A I did.

8 Q Okay. And how did you go about doing that?

9 A I use the sterile swabs. They come individually
10 packaged. At that point I did swab the dining table, where
11 the alleged incident mainly took place. Packaged it in the
12 envelope, brought it back to the office, waited for it to
13 dry and heat sealed it.

14 Q Okay. And then that, those samples, those that you had
15 collected, they were provided to the -- I mean, at that
16 point, you were done with the DNA; is that correct?

17 A Yes, sir.

18 Q It was passed along for further investigation to the
19 officers who were, in fact, conducting the investigation?

20 A Yes, sir.

21 Q And you collected that and followed your procedure?

22 A I did.

23 Q Now, you referred to holes in the ceiling?

24 A Yes, sir.

25 Q And you talked about them being related to something

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1 that had happened here or something like that. The fact is
2 you have no idea when these holes were put in this floor or
3 the ceiling, do you?

4 A I wouldn't know exactly when, no.

5 Q No. I mean, you can't look at it and say this is
6 fresh. This is old. This was yesterday or this is -- there
7 were holes there?

8 A There were holes there. Yes, sir.

9 Q But you do have a procedure available to you in your
10 profession --

11 A Yes, sir.

12 Q -- where you can often determine whether or not a
13 firearm has recently been fired; is that correct?

14 A Are you talking -- are you referring to gunshot
15 residue?

16 Q I am. GSR, gunshot residue?

17 A Yes. Yes.

18 Q Can you tell the ladies and gentlemen of the jury what
19 gunshot residue is and how it's important in the work that
20 you do?

21 A Gunshot residue can be left behind basically from the
22 powder being expelled from the weapon as it's fired. As far
23 as the chemical makeup of gunshot powders, I don't know
24 that. I do know we have gunshot residue kits that we can
25 use to collect from a person to see if they've been in the

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1 vicinity of a firearm when it was fired.

2 Q So when you say you have a gunshot residue kit, what is
3 that?

4 A It is a individually packaged kit we get from a
5 forensics company. We'll order them. Now, they come in
6 individually -- they're little small plastic containers
7 about this big. You open up the cap and there's a sticky
8 side on the bottom part and it gives you the instructions on
9 where to collect the -- where the basically sticky part to
10 try to collect the residue. So it'll say left palm, right
11 palm, right back hand, left back hand and we would collect
12 from that area and we seal it back into the plastic
13 container and put it back in our kit to be sent off later.

14 Q So the example that you gave if you were testing a
15 person's hands and you determined it was positive for
16 gunshot residue, then that would at least support the
17 contention this person had recently fired a firearm or been
18 in the presence of a firearm that was fired; is that
19 correct?

20 A Yes.

21 Q And that's because with a -- if you know -- with a
22 pistol -- when a gun is fired, there's a bunch of stuff that
23 comes -- and I won't ask you for the chemical composition.
24 I don't know myself. But there's a bunch of stuff that
25 comes out of the barrel?

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1 A Yes.

2 Q Is that right? There's metal particles and there's
3 burnt particles and there's powder that didn't quite burn?

4 A Yes.

5 Q All of those things are expelled and even if you can't
6 see them, they essentially form a cloud that envelopes the
7 person's hand that's shooting the gun; is that right?

8 A Yes.

9 Q And dependent on the caliber and proximity of the gun,
10 it could be gunshot residue on a person's clothes or
11 etcetera; is that right?

12 A Yes, anybody in the room, in the vicinity could --

13 Q But if you don't discover gunshot residue on a hand of
14 a person, it doesn't mean he didn't fire a gun; am I right?

15 A That's correct.

16 Q Because the gunshot residue is -- it's relatively
17 volatile. I mean, you can get it off of yourself fairly
18 quickly; is that right?

19 A That's right. You can.

20 Q So it's good when you used it on a person to determine
21 whether or not they have recently been in the presence of a
22 firearm that would support that contention --

23 A Right.

24 Q -- but it wouldn't disprove that contention if you
25 didn't find it; is that right?

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1 A Yes, sir. That's right.

2 Q However, if I were to take a pistol, lay it here on
3 this table flat, pull the trigger and fire it, then whether
4 or not you discovered gunshot residue on my hand at least
5 until this area was cleared up and cleaned, there's be
6 gunshot residue there?

7 A Yes, sir.

8 Q You could take the same sample and gather that banging
9 around and gather that residue; is that right?

10 A I suppose I could. From what I understand SLED will
11 not accept gunshot residue kits -- they specifically say
12 what part of the body they need to come from. From what I
13 understand, they will not accept them from inanimate
14 objects.

15 Q Okay. What I'm asking you is the gunshot residue would
16 have been on the table?

17 A Yes.

18 Q You had the kits?

19 A Yes.

20 Q You had the ability to collect them?

21 A Yes.

22 Q And in this case if you had gathered that, it would
23 have supported the contention -- and it could be proven --
24 it would support the contention a firearm had recently been
25 fired on or around that table?

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1 A Right.

2 Q Okay. But that's not something that we have in this
3 case; is that right?

4 A That's not something we have, no.

5 Q You found a digital scale in this home; is that
6 correct?

7 A Yes.

8 Q Now there's a lot of stuff in the home if I'm correct
9 and if I'm right that -- you didn't catalog everything in
10 the house; is that right? I mean, there's pots and pans and
11 you didn't catalog them. And toothpaste and tooth brushes
12 and those were things you did not think were important and
13 didn't catalog them or make note of them; is that right?

14 A That's right.

15 Q In your notes however, underneath the glass jar
16 containing green plant material, I see there it says you got
17 a scale. Why was that something that you felt was
18 worthwhile seizing in your investigation of a crime in this
19 home?

20 A It was coupled with the glass jars that we obtained.

21 Q The glass jars?

22 A Yes.

23 Q That you obtained containing the green plant material
24 and it was in their presence also?

25 A Yes, sir.

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1 Q And you don't work narcotics so you don't want to say
2 that's indicative of a business enterprise or not; is that
3 right?

4 A That's correct. Yes, sir.

5 Q But there it all was. People can draw their own
6 conclusion?

7 A Yes.

8 Q Thank you. And the money that you recovered --

9 MR. LOY: One moment, Your Honor.

10 THE COURT: Yes, sir.

11 BY MR. LOY:

12 Q I'm showing you what's been marked as Defendant's
13 Exhibit No. 5. Is this a photograph that you recognize?

14 A Yes, sir, it is.

15 Q And what is this photograph of?

16 A This is a photograph of -- we obtained -- Detective
17 Lundberg of narcotics unit, we obtained some -- this money
18 from his shoe that was sitting there in the living room.

19 Q Okay. If I'm clear this was Detective -- I think you
20 said Detective Lundberg of the narcotics unit?

21 A Yes, sir.

22 Q He doesn't generally work an attempted robbery or
23 homicide to your knowledge, does he?

24 A They come out on various calls. It just depends on
25 what we find in a house or suspect of finding in the house.

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1 Q Depends on what you find in the house? Scales, glass
2 jars, drugs?

3 A Yes, sir.

4 Q They come out?

5 A Yes, sir.

6 Q And do you know ultimately what happened to this money?

7 A I do not know.

8 Q So whether or not the narcotics department seized this
9 money or not, you don't know?

10 A I'm certain that they did.

11 Q Because that's what they do?

12 A That's what -- yes.

13 Q Yeah. Defendant's Exhibit No. 3 --

14 MR. LOY: I'm sorry. Your Honor, I would move at
15 this point in time -- there's no objection, I don't believe
16 to 2, 3, and 5 Defendant's Exhibits into evidence.

17 THE COURT: Any objection?

18 MR. TEMPLETON: No objection, Your Honor.

19 THE COURT: All right. Exhibits 2, 3 and 5 --

20 (Defendant's Exhibit No. 2, photo,
21 was marked and entered)

22 (Defendant's Exhibit No. 3, photo,
23 was marked and entered)

24 (Defendant's Exhibit No. 5, photo,
25 was marked and entered)

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1 BY MR. LOY:

2 Q Number 3, can you tell us what this is?

3 A Yes, sir. That is some more cash that was found there

4 Q And how about Number 2. Can you tell us what
5 Defendant's Exhibit Number 2 is, please?

6 A That's a shoe. It appears to be money inside of it.

7 Q The money that is laid out here?

8 A Yes, sir.

9 Q Was rolled up in this tennis shoe?

10 A Yes, sir.

11 Q And that's from whence it was recovered?

12 A Yes, sir.

13 Q If you'll pardon the language.

14 A Yes, sir.

15 Q Thank you. Now, there are occasions where -- if I talk
16 about a projectile in the work that you do --

17 A Yes, sir.

18 Q -- what does a projectile mean to you in the work that
19 you do?

20 A It could be a fired bullet, mostly.

21 Q And have you been involved in recovering them in the
22 past?

23 A I have.

24 Q And is that something that can be important in crime
25 scene investigation or any investigation of criminal

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1 activity?

2 A Yes, sir, it can.

3 Q And can you tell us why?

4 A It's possible if -- if a projectile is in good
5 condition, it possibly can be matched up to a gun that it
6 was fired from.

7 Q Okay. And in this case you say you saw some holes that
8 you thought were suspicious?

9 A Yes, sir.

10 Q You don't know where they came from or how long they
11 had been there, but you saw them; is that right?

12 A Yes.

13 Q And tell us about the projectiles that you recovered?

14 A I didn't recover any projectiles from the scene.

15 Q If you had recovered projectiles from the scene, is it
16 your testimony that perhaps they could have been matched to
17 a particular firearm at some point down the road?

18 A If they were in good enough condition.

19 Q Or that they could have been used to determine the
20 caliber and/or make of the bullet that was fired?

21 A Yes.

22 Q And that this could be very important information, what
23 you do?

24 A It could be, yes.

25 Q That's not something that we have in this case; is that

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1 right?

2 A That's right. Yes, sir.

3 Q But we do have this and these, Defendant's Exhibit No.
4 5; is that right?

5 A Yes.

6 Q Okay. Thank you.

7 MR. LOY: One moment, Your Honor.

8 I have no more questions. Thank you.

9 THE COURT: Redirect.

10 MR. TEMPLETON: Thank you, Your Honor.

11 BRANDON BYRD - REDIRECT EXAMINATION

12 BY MR. TEMPLETON:

13 Q I'm going to go into a couple of things that Mr. Loy
14 just talked about.

15 A Yes, sir.

16 Q Regarding gunshot residue tests, have you ever taken
17 gunshot residue from just inanimate objects?

18 A That's not normal practice.

19 Q Have you ever been trained to do that?

20 A No.

21 Q Do you know if the South Carolina Law Enforcement
22 Division will test GSR off of just an inanimate object?

23 A It's my understanding that no, they won't.

24 Q Okay. So even if you collect GSR in a case like this,
25 do you have the ability to test it?

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1 A No.

2 Q Okay. He was talking about what you did not find. Did
3 you find any shell casings at the scene?

4 A I did not.

5 Q Okay. You're a law enforcement officer. You know a
6 decent amount about firearms, correct?

7 A Yes.

8 Q Okay. With a revolver, will a revolver eject a
9 projectile?

10 A No, it wouldn't.

11 Q Okay. So --

12 MR. LOY: Your Honor, I have an objection. That's
13 just misleading. I mean, he asked if a revolver would -- he
14 asked about shell casings and then asked whether a revolved
15 would project a projectile.

16 MR. TEMPLETON: Shell casing. Eject a shell
17 casing?

18 MR. LOY: If it doesn't eject a bullet, it's a
19 pretty worthless gun.

20 THE COURT: Maybe just rephrase Mr. Templeton.

21 BY MR. TEMPLETON:

22 Q Does it eject a shell casing?

23 A No, it does not.

24 Q Okay. He was talking a little bit about touch DNA. Do
25 you know when SLED tests touch DNA, do they normally get

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1 results?

2 MR. LOY: Objection, Your Honor, that's an over-
3 broad and vague question. I don't know what normally tests
4 means.

5 MR. TEMPLETON: I'll rephrase it, Your Honor.

6 THE COURT: Proceed.

7 BY MR. TEMPLETON:

8 Q Do you know what percentage of cases actually get a
9 result on touch DNA from SLED, approximately?

10 A I attended a SLED seminar about a year and a half ago.
11 During that they advised roughly less than six percent,
12 about a six percent chance.

13 Q Okay. Why did you not recover the projectiles in this
14 case? Were you able to find them?

15 A No. One of the projectiles -- the one that went
16 through the, say, bedside table and into the ceiling --

17 MR. LOY: Objection, Your Honor. That's a
18 conclusion.

19 THE COURT: If he knows. If he has specific
20 knowledge. I mean, if he saw it, then he can certain
21 testify to that. You opened the door and asked him about
22 it.

23 MR. LOY: I didn't ask him about going through a
24 bedside table, Your Honor. He just indicated his conclusion
25 was that one went through the table. He wasn't present when

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1 it happened. He can testify to what he saw, I believe.

2 THE COURT: He can testify as to what he saw and
3 if he saw something in the ceiling, he can testify to that.

4 MR. LOY: I have no objection to that.

5 THE COURT: You may proceed.

6 A There was a hole in the ceiling and another into the
7 side wall. I didn't collect any projectiles. Who knows
8 where they went? I could have torn the whole building down
9 and possibly not collected any projectiles.

10 BY MR. TEMPLETON:

11 Q Okay. And ultimately Mr. Loy was also talking a little
12 bit about fingerprints. Did you collect some fingerprints
13 from the scene?

14 A Yes.

15 Q Okay. Do you actually test fingerprints for the
16 sheriff's department?

17 A Yes.

18 Q Do you recall if any of those fingerprints were able to
19 be analyzed?

20 A No, not on scene, no.

21 Q Okay. Were any of the ones that ultimately were
22 collected analyzed?

23 A Yes.

24 Q Okay. What, if you remember, the ones that were
25 collected and that were analyzed, what did those come off

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1 of?

2 A The jars, the glass jars.

3 Q So do you know where the other ones were collected
4 from?

5 A I believe the table area.

6 Q Did that have enough ridge detail for you to even
7 analyze it?

8 A No.

9 MR. TEMPLETON: I beg the Court's indulgence.
10 Thank you, Your Honor.

11 THE COURT: You may step down, sir. Thank you.
12 You may call your next witness.

13 MR. SPEARS: Your Honor, the State calls Erin
14 Frisby.

15 (WHEREUPON, Erin Frisby was sworn
16 to tell the truth)

17 THE COURT: Your witness.

18 MR. SPEARS: Thank you, Your Honor.

19 ERIN FRISBY - DIRECT EXAMINATION

20 BY MR. SPEARS:

21 Q Good morning, Ms. Frisby. Can you please spell your
22 last name for the court reporter?

23 A F-R-I-S-B-Y.

24 Q And where are you currently employed?

25 A Dorchester County EMS.

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1 Q How long have you been -- how long have you worked
2 there?

3 A About six years.

4 Q Have you ever been employed with a emergency medical
5 service before that?

6 A Yes, with private services.

7 Q And how long have you worked for the emergency medical
8 services in total, do you think?

9 A About ten years.

10 Q Did you happen to respond to a call on July 2nd, 2016?

11 A Yes, sir, I did.

12 Q Do you recall what the nature of that call was?

13 A It was a -- dispatch information gave us one male that
14 was stabbed in the shoulder.

15 Q Okay. And if you can, can you please describe the
16 scene as you saw it when you came in?

17 A When we arrived on the scene law enforcement and the
18 fire department were already there. We walked in and a
19 gentleman was sitting on the bottom step of the front
20 stairwell. He -- the fire department was holding pressure
21 to the back of the head. There was a large amount of blood
22 on the scene, on the floor, also covering the patient's
23 chest and his back. The fire department reported that his
24 head wound --

25 MS. WILLIAMS: Objection, Your Honor. Hearsay.

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1 THE COURT: You can't say what somebody else told
2 you.

3 THE WITNESS: Okay.

4 THE COURT: You can testify as to what you saw and
5 what you did.

6 A The fire department was holding the pressure to the
7 back of the head. I immediately began assessing for
8 bleeding. We put a pressure bandage around the patients
9 head. I also noted that there was two stab wounds to the
10 patient's shoulder that were also bleeding. We put
11 occlusive dressings on the shoulder to help seal the wound
12 from air, for bacteria, and to help control bleeding.

13 BY MR. SPEARS:

14 Q Were you able to see how severe the bleeding was or was
15 there already pressure on the --

16 A On the back of the head, there was already pressure
17 being held, so I did not see that. But the shoulder, I did
18 see the bleeding.

19 Q Okay. Now, did -- when you saw the bleeding and all of
20 that, did he have his shirt on or was it removed?

21 A No, it was already removed at that point.

22 Q Okay. Generally, when you are responding to a call
23 with this type of injury, how is a shirt removed from an
24 individual?

25 A Usually, it's cut.

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1 Q Okay. What did you do next in regards to the patient?

2 A We just rapidly transported him to the hospital. We
3 did fluid therapy. We gave pain medication as well.

4 Q And what type of pain medication did you give him?

5 A We gave him a pain medication called fentanyl.

6 Q And did that medication alleviate any of his reported
7 pain?

8 A It did not.

9 Q Do you typically ask a patient -- how do you determine
10 what their pain is?

11 A We ask the patient the question of what their pain is
12 by a number scale of one to ten, one being no pain and ten
13 being the worst pain imaginable.

14 Q All right. And did you call ahead to the hospital that
15 you taking him to?

16 A I did.

17 Q And I'm sorry. I assumed there. Where were you taking
18 him?

19 A I was taking him to Trident Medical Center. To their
20 trauma bay.

21 Q Okay. And what type of call did you place to the
22 hospital?

23 A I called in what we call a trauma alert because he had
24 penetrating trauma to his body. And that alerts the
25 hospital that there is a, -- there's a patient coming in

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1 with severe injuries and it gets all the resources to that
2 hospital room for the patient.

3 Q Lastly, is it a part of -- do you ever have a patient
4 sign anything after being transported?

5 A We do, it's usually a billing signature.

6 Q Was this patient able to sign this?

7 A No, he wasn't. He couldn't sign it. He stated he was
8 in too much pain to sign.

9 MS. WILLIAMS: Objection, Your Honor. Hearsay.

10 THE COURT: For purpose of medical treatment. You
11 may proceed.

12 MR. SPEARS: Thank you, Your Honor.

13 BY MR. SPEARS:

14 Q And I'm sorry. Can you just repeat that?

15 A He stated that he was in too much pain to sign my
16 billing signature.

17 MR. SPEARS: The Court's indulgence, Your Honor.

18 Please answer any questions the Defense might have for
19 you.

20 THE COURT: Cross-examination?

21 MS. WILLIAMS: I have no questions.

22 THE COURT: Thank you. You may step down.

23 You may call your next witness.

24 MR. SPEARS: Your Honor, may I ask at this time,
25 is Ms. Frisby free to go or --

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1 THE COURT: Any objection?

2 MS. WILLIAMS: No objections.

3 THE COURT: You're free to go, ma'am.

4 MR. TEMPLETON: The State calls Deputy Jordan
5 Williamson.

6 MR. LOY: Your Honor, may we approach?

7 THE COURT: Yes, sir.

8 (Off the record bench conference with counsel and the
9 Court.)

10 THE COURT: Ladies and gentlemen of the jury,
11 we're going to take just a very brief recess. If you could
12 go to your jury room. Please do not discuss this matter.
13 We'll be right back with you.

14 (Jury out at 11:09 a.m.)

15 THE CLERK: Sorry about that. Place your left hand
16 on the Bible and raise your right hand.

17 (WHEREUPON, Jordan Williamson was
18 sworn to tell the truth)

19 THE COURT: Mr. Loy I understand you have some
20 concerns regarding the next witnesses proposed testimony.
21 I'm not sure what that testimony is but Mr. Templeton, can
22 you tell me what you're trying to elicit from this witness?

23 MR. TEMPLETON: Your Honor, my testimony or the
24 testimony that I believe this witness testify is limited to
25 a previous traffic stop on the co-defendant in this case,

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1 just that he was driving a gold Cadillac that links with our
2 victim's testimony that he was driving a gold Cadillac on
3 that day. And it's purely for that identification. I'm
4 going to limit it to, was there a traffic stop? I'm not
5 going to go into the reason for the traffic stop, anything
6 that occurred out of that traffic stop, that a gold Cadillac
7 was what he was driving. And I'm going to ask the license
8 plate number of that gold Cadillac and that is all of the
9 testimony that I will be eliciting from Deputy Williamson.

10 THE COURT: Mr. Loy?

11 MR. LOY: Your Honor, it invites speculation on
12 the jury's part as to the nature of this prior law
13 enforcement contact between a defendant who is not present,
14 but whom the State is attempting to establish a connection
15 between the Defendant on trial and the defendant who is not
16 present.

17 They had the opportunity, of course, to try these guys
18 together. They chose not to try these guys together. And
19 to come out and say the person that our victim, whose
20 testimony is what we hinge on here, is going to somehow be
21 supported by the fact that his nephew does, in fact, have a
22 gold Cadillac. It simply invites speculation on their part
23 and it's unfair for that to enure to the dis-benefit of the
24 client.

25 There is no other person that I'm aware of, unless

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1 they're forthcoming, to say a gold Cadillac was parked in
2 front of the house that day, to say that two guys got out of
3 a gold Cadillac that day, to say that our client had ever
4 been in a gold Cadillac that day or otherwise, or that he
5 was present in this Cadillac on the day that it was stopped.
6 It proves or it makes known fact in dispute more or less
7 likely. I mean, it doesn't prove anything that the State's
8 got. And it's unfair to the Defendant. I mean, the victim
9 has said my nephew drives a gold Cadillac. I've known him
10 for twenty years. I helped raise him. I know what kind of
11 car he drives. For law enforcement then to come in and say,
12 and not only that, but we've had prior contact with this
13 guy. Even if they cut it off and they don't ask
14 specifically well, what did you find? Where did the
15 investigation go? What else happened? It plants it in the
16 jury's mind that there's ongoing law enforcement contact
17 between a defendant who the State could have here, and has
18 chosen not to. And then attempts to tie that back to our
19 client. There's no other reason to produce it and I object
20 to it. I think it invites speculation on their part. I
21 think it's irrelevant and I think it's prejudicial.

22 THE COURT: I think it's a stretch to state that a
23 sole traffic stop with law enforcement, prolonged law
24 enforcement contact, certainly it can be a very innocent
25 traffic stop where nothing occurred; however, I think it's

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1 corroborative evidence of the gold Cadillac, which is an
2 issue in this case and is corroborative of the victim's
3 testimony, which certainly is going to impact his
4 credibility. So I think the probative value outweighs the
5 prejudicial effect and your objection is overruled.

6 MR. LOY: Thank you, Your Honor.

7 THE COURT: All right. You ready?

8 MR. TEMPLETON: We are, Your Honor.

9 THE COURT: Will you check on the jury.

10 MS. WILLIAMS: Judge, before the jury gets in
11 here, Deputy Williamson is the only one left.

12 THE COURT: Yes, ma'am.

13 MS. WILLIAMS: I don't know if you would want to
14 talk about breaking for lunch or going into -- he's going to
15 be pretty lengthy, I imagine.

16 THE COURT: Well, I anticipate doing that before
17 -- after Deputy Williamson testifies because Deputy Peters,
18 I believe, expect would be rather lengthy. So we've got
19 other matters to take care of in camera. So we'll do that.

20 How long do y'all anticipate the other matter to take,
21 the proposed testimony of the co-defendant, any idea?

22 MR. TEMPLETON: We won't be calling the co-
23 defendant?

24 MS. WILLIAMS: I don't think I'll be. My
25 understanding is it was just going to be an in-camera.

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1 THE COURT: No, that's what I'm -- but how long do
2 y'all anticipate for that process to take. I'm not sure
3 what all has been alleged to have been said. I'm totally in
4 the dark. Can you tell me?

5 MR. SPEARS: Judge --

6 THE COURT: All right. So we'll just plan thirty
7 minutes; how about that?

8 MR. TEMPLETON: I think that would be fair.

9 THE COURT: All right. Anything further before we
10 bring the jury back out?

11 MS. WILLIAMS: No. Sorry, Judge.

12 THE COURT: That's okay.

13 All right. Let's have our jury, please?

14 (Off the record discussion)

15 MR. LOY: Your Honor, should I mark our
16 Stipulations?

17 THE COURT: Sure.

18 MR. LOY: A Court's exhibit.

19 MR. TEMPLETON: We're in agreement as to the
20 language.

21 COURT REPORTER: That would be Court's Exhibit No.
22 1?

23 MR. TEMPLETON: I believe so.

24 COURT REPORTER: Court's 1, Judge.

25 (Court's Exhibit No. 1,

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1 stipulations of the parties, is marked)

2 (Jury in at 11:12 a.m.)

3 THE CLERK: I'm going to swear you in front of the
4 jury.

5 MR. WILLIAMSON: Sure.

6 (WHEREUPON, Jordan Williamson was
7 sworn to tell the truth.)

8 THE COURT: Your witness.

9 MR. TEMPLETON: Thank you, Your Honor.

10 JORDAN WILLIAMSON - DIRECT EXAMINATION

11 BY MR. TEMPLETON:

12 Q Deputy Williamson, where are you currently employed?

13 A I am currently employed Berkeley County Sheriff's
14 Office.

15 Q Okay. And back in April 2016, where were you employed?

16 A In Dorchester County Sheriff's Office.

17 Q How long were you employed there?

18 A Approximately two years.

19 Q Okay. And if you would, tell the jury your -- just
20 basic law enforcement training?

21 A I served six years in the United State's Air Force as a
22 law enforcement officer. And after that I did twelve weeks
23 at the South Carolina Criminal Justice Academy where I was
24 certified as a Class I law enforcement officer.

25 Q Okay. Do you recall a interaction with Terell Bennett

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1 back in April of 2016?

2 A I do.

3 Q Okay. Was that just a simple traffic stop?

4 A Yes, sir.

5 Q What was he driving during that traffic stop?

6 A He was driving a gold in color Cadillac DeVille.

7 Q Okay. Do you remember what the license plate number of
8 that Cadillac was?

9 A South Carolina license plate was Lima Lima November
10 163.

11 Q So that would LLN 163.

12 A Yes, sir.

13 MR. TEMPLETON: That's all the questions I would
14 have, Your Honor. Please answer any questions Defense may
15 have.

16 THE COURT: Any cross-examination.

17 JORDAN WILLIAMSON - CROSS-EXAMINATION

18 BY MR. LOY:

19 Q The person you stopped in this car was named Bennett;
20 is that right?

21 A Correct.

22 Q Mr. Bennett?

23 A Correct.

24 Q Thank you.

25 MR. LOY: No more questions.

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1 THE COURT: You may step down, sir. Thank you.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Ladies and gentlemen of the jury, I
4 know it's a little bit early. Our next witness in this case
5 would be a rather lengthy witness and we have some matters
6 that we have to take care of that are non-related to your
7 duty. So I'm going to have to ask you to go to your lunch
8 break a little bit early. I know it's -- hopefully, by the
9 time you get there, you will be hungry. But it's about
10 11:15. If you would be back in your jury room say at --
11 let's do 1:00. That should give everyone plenty of time. I
12 understand that's a long lunch break for you, but we do have
13 some other matters. Please remember not to discuss this
14 case amongst yourselves or with anyone else. Have a nice
15 lunch and we will see you then.

16 (Jury out at 11:15 a.m.)

17 THE COURT: Anything further from the State and
18 Defense at this point?

19 MR. SPEARS: Not at the moment, Your Honor.

20 MS. WILLIAMS: No, ma'am.

21 (On the record, In Chambers, conference with Counsel,
22 Counsel for the Co-defendant and the Court)

23 THE COURT: And counsel for the co-defendant,
24 would you please come forward.

25 Would you please state your name again for the record,

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1 ma'am?

2 MS. FOX: Lauren Fox.

3 THE COURT: And, Ms. Fox, I understand that you're
4 here on behalf of Mr. Goode who represents this co-defendant
5 in these matters; is that correct?

6 MS. FOX: I am.

7 THE COURT: And it's my understand that the
8 Defendant in this case is calling the co-defendant as a
9 potential witness; is that your understanding?

10 MS. FOX: It is.

11 THE COURT: And is that correct? From the
12 Defense?

13 MS. WILLIAMS: Yes. Yes, ma'am. We have him
14 under subpoena.

15 THE COURT: All right. And so Ms. Fox, have you
16 -- is your client present in the courtroom?

17 MS. FOX: No, he's waiting outside.

18 THE COURT: Okay. What we'll do is we'll bring
19 him into the courtroom. We have to have an in-camera review
20 of his rights and whatnot. If you would discuss that with
21 him -- of course, I will question him regarding that. I
22 will clear the courtroom but I do want this made part of
23 the court record, without anybody else present and so we'll
24 have an in camera review his rights and the questions
25 regarding that. His knowledge of this.

1 I understand though from the Defense though that you
2 are claiming that he has invoked the privilege or waived his
3 privilege to testify; is that correct?

4 MS. WILLIAMS: We met with the co-defendant Terell
5 Bennet and his counsel briefly outside prior to court today.
6 And his counsel had asserted to us that Mr. Bennett was
7 intending to assert his Fifth Amendment Right against self-
8 incrimination if we did call him to the witness stand.

9 My understanding of the case law is that we can't call
10 somebody to the witness stand just so that they will say we
11 want to remain silent. So what I think -- we're requesting
12 that this Court conduct an in-camera hearing to determine if
13 that is actually what he's going to do. And if so, to then
14 further inquire as to whether or not -- the fact that he's
15 already told the State twice what his testimony would be.
16 They have that information. We have the investigator who
17 was present for that -- meetings with the State. We have
18 that Investigator Melendez under subpoena also. Whether or
19 not he's already waived his right against self-incrimination
20 by entering into those discussions with the State that were
21 never disclosed to us, by the way, Judge. We have no idea
22 really what he's going to say, other than what his attorney,
23 Joe Goode, has told us.

24 MR. LOY: Your Honor, for -- I'm sorry.

25 MS. WILLIAMS: Additionally, Judge, we would ask

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1 that this Court conduct in the in camera questions about
2 whether or not what he's going to say or what he would
3 testify to, whether or not they would be inculpatory,
4 because certainly he can't assert his right against self-
5 incrimination if the statements he's going to make would not
6 incriminate him.

7 THE COURT: Well, let's tackle one at a time.

8 All right. Solicitor, your response to that?

9 MR. SPEARS: Your Honor, in response to the first
10 part about waiving his right against self-incrimination.
11 There were no sworn statements. There was no testifying at
12 any point in time. He came into the Solicitor's office and
13 spoke with my investigator in regards to the event. This
14 was not a -- this was not a oath, a court declaration, no
15 Mirandization (ph) about anything at any time.

16 THE COURT: It was not a court proceeding where he
17 was subject to examination and cross-examination under oath;
18 is that correct?

19 MR. SPEARS: Exactly, Your Honor. There was no
20 actual waiver of his Fifth Amendment Right at that point in
21 time.

22 THE COURT: Ms. Fox, was anyone from your office
23 present or were you present?

24 MS. FOX: I was not present. I believe Joe Goode
25 was.

1 MR. LOY: And he wasn't in custody, Your Honor.
2 There's no need for Miranda.

3 Procedurally, what we would suggest is that the Court
4 do the in camera hearing as anticipated. And subsequent to
5 that, we would like to call Detective Melendez in camera to
6 the witness stand and argue that if his testimony mirrors,
7 that is, Detective Melendez says what he told us, the State,
8 the Prosecutor and myself, Detective Melendez, that's the
9 same stuff that he told us. If Melendez presentation
10 mirrors that of the co-defendant, then I think that clearly
11 his argument against self-incrimination has been waived.
12 It's the attorney/client privilege parallel that he can't
13 publish his business and then complain or assert the
14 privilege.

15 THE COURT: That doesn't mean he can't still
16 invoke it now.

17 MR. LOY: Your Honor, if, in fact, he has told the
18 -- and that's a ruling Your Honor will have to make. Our
19 position would be that if it's been waived, if he has put
20 the information in the hand of the State, if he has said
21 here is what I will say. Here is my testimony, etcetera,
22 then by saying it again, he doesn't further incriminate
23 himself or he does not incriminate him -- he clears himself.
24 He explains -- he just repeats what he's already told. And
25 our position would be that that is not -- it's not

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1 incriminating at this point, because he's already given his
2 position. They've got their witness out front. We haven't
3 had access to this guy and nobody's given us a report,
4 etcetera, as to what it is he's alleged to have said.
5 That's why we're out here now -- I don't want to use a term
6 like a fishing expedition.

7 THE COURT: I don't know that you've not had
8 access. I mean, you know he's been a co-defendant.
9 Certainly, you could have tried to access him and have the
10 same conversation with him that the State did; is that not
11 correct, Mr. Loy?

12 MR. LOY: We could try to have the same
13 conversation --

14 THE COURT: Certainly.

15 MR. LOY: -- but this is information that is in
16 the hands of the State. We've filed our discovery requests.
17 We've followed it up. If it's something that, you know, is
18 to our benefit and it's in the hand of the State. That is,
19 they know that the alleged co-defendant has come in and told
20 them this was an act of self-defense. And certainly we're
21 entitled to know whether he'll say it to us or not, that he
22 said it. And so we're still trying to find out what the
23 nature of this meeting was. So we would like to call
24 Detective Melendez to the stand, subsequent to the Court's
25 inquiry. For purposes of our record, whether it sways the

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1 Judge or not, and determine what the nature of this meeting
2 was.

3 THE COURT: All right.

4 MR. SPEARS: Judge.

5 THE COURT: Yes, sir.

6 MR. SPEARS: If I may, simply our investigator has
7 been open with the Defense ever since this meeting. He has
8 spoken with them about the meeting. Terrell Bennett the co-
9 defendant in this case can invoke his right to -- I guess
10 that's self-incrimination at any time. If he wishes to do
11 so, then I don't understand how him speaking about something
12 prior, outside of Court, not put in writing, would prevent
13 him from doing so.

14 MR. LOY: They seem hard-pressed to prevent us
15 from finding out what he told them at the meeting.

16 THE COURT: Well, why don't we do this. Let's do
17 it one step at a time and we'll get to the facts of it.
18 We'll call Mr. -- the co-defendant to the stand. We'll have
19 the in camera hearing and proceed from there.

20 MR. LOY: Okay. In camera's outside the presence
21 of us all?

22 THE COURT: Yes.

23 MR. LOY: Yes, ma'am. And that's where we are
24 now, Your Honor.

25 THE COURT: Yes, sir. For the benefit of my court

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1 reporter I'm allowing her to stay here so she doesn't have
2 to cart her stuff in and out.

3 MR. LOY: Yes, ma'am.

4 THE COURT: All right. So we want to clear the
5 courtroom.

6 (Courtroom cleared)

7 THE COURT: Thank you, Major.

8 DEPUTY MAJOR MOULTRIE: Yes, ma'am.

9 THE COURT: All right. Can we bring in the co-
10 defendant and his attorney.

11 (Terell Bennett and counsel enter
12 courtroom)

13 THE COURT: Come on up, sir, here to the witness
14 stand.

15 TERELL BENNETT: (Complies)

16 THE COURT: Come right over here, please

17 TERELL BENNETT: (Complies)

18 THE COURT: Sir, could you please place your left
19 hand on the Bible and raise your right hand?

20 TERELL BENNETT: (Complies)

21 (WHEREUPON, Terell Bennett, was
22 sworn to tell the truth)

23 THE COURT: All right. Sir, have a seat.

24 TERELL BENNETT: (Complies)

25 IN-CAMERA EXAMINATION OF TERELL BENNETT

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1 THE COURT: And would you please tell me your full
2 name for the record?

3 TERELL BENNETT: Terell Xavier Bennett.

4 THE COURT: All right. Mr. Bennett, we have
5 cleared the courtroom in this case because there's certain
6 of your rights that I need to explain to you before we go
7 forward.

8 You're listed as a co-defendant in this case and you
9 need to understand the certain protections given to you by
10 the Fifth Amendment of the Constitution of the United
11 States. And basically this amendment states in part that no
12 person shall be compelled in any criminal case to be a
13 witness against himself. It means that you cannot be
14 required to testify in this case because basically, you are
15 a co-defendant in this case --

16 TERELL BENNETT: Yes, ma'am.

17 THE COURT: --so you can invoke your right against
18 self-incrimination, because what you say in this case could
19 be used against you in your own case. You have the right to
20 testify, but no one can make you testify. This is a
21 personal right and no one can waive this right except for
22 you. If you decide to testify you will be subject to the
23 same rules that govern other witnesses and you may be
24 examined and cross-examined on any relevant issue in this
25 case. In addition, of course, that would be your case as

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1 well. In addition, if you have any convictions involving
2 dishonesty or false statement or for crimes punishable by
3 imprisonment for more than one year, and I determine that
4 the probative value of admitting this evidence outweighs the
5 prejudicial effect to you, both parties will have the
6 opportunity to introduce your record to attack your
7 credibility. If you decide to not testify it certainly will
8 not be ever used against you. It's your personal right,
9 which only you can waive and your decision. But that
10 decision to testify must be made freely, voluntarily, and
11 intelligently with the knowledge of the protections given to
12 you by the constitution and the Fifth Amendment.

13 Do you understand what I have explained to you?

14 TERELL BENNETT: Yes, ma'am.

15 THE COURT: All right. Mr. Bennett, have you
16 discussed this matter with your attorney?

17 TERELL BENNETT: Yes. And I would like to invoke
18 my -- respectfully invoke my Fifth Amendment and
19 respectfully decline to answer your question.

20 THE COURT: Okay. Well, what you're telling me is
21 just for the Court to determine?

22 TERELL BENNETT: Yes, ma'am.

23 THE COURT: To see if it actually is incriminating
24 in nature.

25 TERELL BENNETT: Yes, ma'am.

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1 THE COURT: That's why everybody else is out of
2 here.

3 TERELL BENNETT: Yes, ma'am.

4 THE COURT: The only people in here are court
5 personnel, the court reporter and people from my staff. So
6 what you're telling me now is not out there for them to use
7 against you.

8 TERELL BENNETT: Okay. Yes, ma'am.

9 THE COURT: I have to make a determination as to
10 whether what you may testify is incriminating in nature to
11 you and whether or not you can invoke that privilege of
12 self-incrimination. Do you understand?

13 TERELL BENNETT: Yes, ma'am.

14 THE COURT: Okay. So have you discussed this with
15 your attorney as far as what you would be testifying to if
16 you were subject to being called as a witness?

17 TERELL BENNETT: Yes, ma'am.

18 THE COURT: Okay. All right. So I'm going to ask
19 you a couple of questions. And, again, what you tell me is
20 for you here and then I can determine if it's inculpatory
21 for you for you to be able to invoke that right, okay?

22 TERELL BENNETT: (Nods head affirmatively)

23 THE COURT: All right. So Mr. Bennett tell me
24 about -- I understand that you had a meeting in the
25 Solicitor's office; is that correct?

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1 TERELL BENNETT: Yes. Yes, ma'am.

2 THE COURT: All right. And at that meeting, can
3 you tell me who was present?

4 TERELL BENNETT: My attorney, Joe Goode and I
5 think a prosecutor. Some -- it was a older guy that was
6 there.

7 THE COURT: An older guy that was there?

8 TERELL BENNETT: Yeah. I think he was a
9 prosecutor?

10 THE COURT: He was one of the Prosecutors?

11 TERELL BENNETT: Yeah, I just can't remember his
12 name exactly.

13 THE COURT: All right. But he identified himself
14 as being one of the Solicitors or Prosecutors in your case?

15 TERELL BENNETT: Yeah. Yes, ma'am.

16 THE COURT: Okay. And when you went there, did
17 anybody read you your rights?

18 TERELL BENNETT: My rights? Um --

19 THE COURT: Did they tell you you had the right to
20 remain silent and you didn't have to talk?

21 TERELL BENNETT: Oh, no. Uh-uh. They didn't tell
22 me I had the right to remain silence, no.

23 THE COURT: You basically went there because you
24 wanted to give some information or you tell me, why did you
25 go there?

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1 TERELL BENNETT: It was -- because -- yeah, I
2 guess I volunteered because I came to the Solicitor's
3 office.

4 THE COURT: Right.

5 TERELL BENNETT: Yeah.

6 THE COURT: So you volunteered. Nobody made you
7 go?

8 TERELL BENNETT: No, nobody made me go.

9 THE COURT: How did this come about? Did somebody
10 call you and ask you to come in or did you volunteer on your
11 own to --

12 TERELL BENNETT: On, no -- they called -- they
13 called me in. The Solicitor called me in and I agreed to
14 come in and talk with them.

15 THE COURT: So the Solicitor's office made a phone
16 call to your attorney or to you?

17 TERELL BENNETT: My attorney.

18 THE COURT: Okay. And based upon what your
19 attorney -- and don't tell me what you discussed with your
20 attorney -- based upon that, you decided to go talk to the
21 Solicitor's office; is that correct?

22 TERELL BENNETT: Yes, ma'am.

23 THE COURT: And can you tell me, were you given
24 any promises? Did they say they would be more lenient with
25 you or any exchange for any kind of plea negotiations based

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1 upon your conversations with them?

2 TERELL BENNETT: Not that I know of. They didn't
3 like tell me like it was agreement or anything like that.

4 THE COURT: So it was come in and do the right
5 thing type of situation or --

6 TERELL BENNETT: Yeah. Basically, like, yeah, do
7 the right thing and tell the truth.

8 THE COURT: But you weren't promised anything?

9 TERELL BENNETT: No.

10 THE COURT: They didn't say we'll recommend a
11 certain sentence or not prosecute or anything like that; is
12 that correct?

13 TERELL BENNETT: No. They didn't promise me
14 anything. And, you know, like plea or anything like that,
15 they didn't --

16 THE COURT: Okay.

17 TERELL BENNETT: They didn't discuss it.

18 THE COURT: Now, tell me what did you tell them as
19 far as anything associated with this case, whether it's -- I
20 need to know whether what you told them is good for you, bad
21 for them. Just tell me what you told them?

22 TERELL BENNETT: Yeah. I basically told them the
23 truth of what happened, you know, what not. That really I
24 was like -- I mean, being held against my will and falsely
25 accused from someone -- we was in fear basically. And when

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1 we went there, he attacked us but we just was going to buy
2 some marijuana. That's why I don't understand like the
3 history they have or anything like that, but I'm basically
4 like trapped in the middle of some problems that I didn't
5 know anything about. And I just was like caught in the
6 blind because I was just -- I was just was coming to get a
7 little bit of marijuana to smoke and get on about my day.
8 When we got inside the house, Clayton, he attacked Travis
9 first. I was like no way. I was surprised. I was shocked
10 as I don't know what because we all knew, like, knew each
11 other when we was growing up and stuff. Like Clayton was in
12 our life since we was young, because, like, his sister
13 raised me or what not. So like I've known him for a long
14 time. Him and Travis had a relationship together. They
15 knew each other for a long time, but I don't know what
16 problems they have between each other, but they brought me
17 in the middle of some problems I had no idea about, because
18 like as soon as Clayton like first saw Travis or something,
19 you know, he like, his whole demeanor just flip out of
20 nowhere like he was frustrated. But like -- if it was like,
21 why you call me over there. And he already saw -- like, he
22 already Travis in the past and stuff but, they don't ever
23 like -- they don't ever act like that. He never act like
24 that with me.

25 THE COURT: Well, and I just wanted to make sure I

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1 understand completely what you're saying. You're saying
2 that obviously you went there to buy marijuana. So that's
3 something that would implicate you in a crime; you
4 understand that?

5 TERELL BENNETT: Yes, ma'am.

6 THE COURT: And I'm not here to prosecute you on
7 that.

8 TERELL BENNETT: Oh, okay.

9 THE COURT: I just want to make sure I understand
10 the full breadth of what you're saying so I know whether or
11 not you can invoke your right as far as implication. You're
12 putting yourself at the scene of this alleged crime; do you
13 understand that?

14 TERELL BENNETT: Yes, ma'am.

15 THE COURT: Okay. But you're stating that
16 whatever happened was in response -- basically it's self-
17 defense --

18 TERELL BENNETT: Yeah. Yeah.

19 THE COURT: -- type situation?

20 TERELL BENNETT: Basically.

21 THE COURT: You understand though that if you
22 allege a self-defense, of course, then the question is the,
23 you know, where are the weapons? What happened to the
24 weapons? How did the injuries occur? What is your position
25 on that?

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1 TERELL BENNETT: I don't even know what -- I
2 didn't even know where the weapon was or on like that.

3 THE COURT: Did you receive any injuries?

4 TERELL BENNETT: No, I didn't. The only injury I
5 received was like a -- I just got my hand a little burned or
6 whatnot, but that wasn't -- that was the only thing. Yeah.
7 That was the only thing I could think of.

8 THE COURT: Do you know if Mr. Lawrence received
9 any injuries?

10 TERELL BENNETT: He should, he should -- like, the
11 only injuries I ever know of is like punches to the face or
12 to the face and the chest area. But, like, I don't know if
13 that's that serious. That's the only injuries I could think
14 of.

15 THE COURT: Ms. Fox, what sort of questions would
16 you like me to follow-up with?

17 MS. FOX: Your Honor, we want to prevent him from
18 divulging anything that may be used against him in any kind
19 of subsequent proceedings against him. So that's why we
20 would prefer that -- we support him in invoking his Fifth
21 Amendment privilege. I don't believe that he was kept away
22 from the Defense at any time. It seems like they're trying
23 to maybe circumvent discovery, so to speak. This
24 information could have been discovered during discovery. It
25 wasn't. I don't know why at this point we are in a position

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1 that he needs to come in and provide information that can be
2 used against him at a later date.

3 THE COURT: What is your position as to whether or
4 not any of this information is exculpatory to his co-
5 defendant?

6 MS. FOX: It would seem that his testimony might
7 be able to provide or bolster their case of -- or their
8 defense of self-defense. But it also places our client in a
9 position where he's giving information that could
10 potentially be used against him.

11 THE COURT: And let me ask you this. As far as
12 your understanding of his meeting at the Solicitor's office,
13 was he advised that he was waiving further invocation of his
14 rights down the road?

15 MS. FOX: I don't believe so, at all. I think
16 that it was a very informal meeting, consisting of him
17 attempting to cooperate and in an effort to obtain a better
18 deal for himself. Negotiations.

19 THE COURT: Were there any promises made regarding
20 a potential sentence or plea agreement?

21 MS. FOX: I don't believe so at all. I think it
22 was very informal and he was doing it in the spirit of
23 cooperation.

24 THE COURT: So, to your knowledge based upon the
25 review of the file, and I'm going to ask you to talk with

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1 co-counsel to ensure that that's the case, that nothing was
2 promised in exchange for him coming and speaking with --

3 MS. FOX: I don't believe so.

4 THE COURT: I'm going to ask you to double-check
5 since you --

6 MS. FOX: I will try to double check, yes.

7 THE COURT: No, you will double check.

8 MS. FOX: Your Honor, I don't know if I can get in
9 contact with him today?

10 THE COURT: Well, he needs to be found so that we
11 have that answer because I need an answer today.

12 MS. FOX: I understand.

13 THE COURT: He's counsel of record so he needs to
14 be available. I certainly appreciate you being here and I
15 know that's not what was initially intended. However, he is
16 counsel of record and he needs to be available to answer
17 questions regarding his potential testimony.

18 MS. FOX: I understand.

19 THE COURT: So he needs to be found. Let me ask
20 you the next question. Obviously, you've listened to his
21 proposed testimony, in your position as counsel, from my
22 understanding what you're telling me is that it puts him at
23 the scene obviously of a crime. I have to tread lightly
24 here because I don't want to know what you would advise him
25 to do, but based upon your experience and your knowledge of

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1 the case, obviously whether or not he wished to testify
2 would be freely and voluntarily a decision on his part. As
3 counsel, on your part, do you think you would call him to
4 testify?

5 MS. FOX: If I were defense?

6 THE COURT: Yes. For him, obviously. Not for --
7 not for them? If he had a --

8 MS. FOX: I would probably call him

9 THE COURT: Okay. Is there anything else you
10 think needs to be addressed regarding when he spoke with the
11 Solicitor's office?

12 MS. FOX: No, Your Honor.

13 THE COURT: Okay. All right. Mr. Bennett, you
14 can step down. Thank you, sir.

15 TEREELL BENNETT: Yes, ma'am.

16 (Terell Bennett and counsel exit
17 courtroom)

18 THE COURT: All right. At this juncture, I'm
19 going to allow both parties to come back into the courtroom
20 and have them call Investigator Melendez to testify.

21 (All parties return to courtroom)

22 INVESTIGATOR MELENDEZ: Yes, Your Honor.

23 THE COURT: Actually, I need all the parties in
24 here for your testimony too.

25 INVESTIGATOR MELENDEZ: Oh, yeah.

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1 THE COURT: So come on in.

2 INVESTIGATOR MELENDEZ: Let me make sure he
3 understands that.

4 Your Honor, do you want me to take the stand now?

5 THE COURT: Sure. Come on in.

6 (WHEREUPON, Eric Melendez was sworn
7 to tell the truth)

8 THE COURT: Counsel, do you have questions for
9 Investigator Melendez?

10 MS. WILLIAMS: Yes, ma'am.

11 ERIC MELENDEZ - DIRECT EXAMINATION

12 BY MS. WILLIAMS:

13 Q Investigator Melendez, where do you work?

14 A I work for the Solicitor's officer in Summerville.

15 Q Dorchester County?

16 A I do.

17 Q And did you investigate this case, the State versus
18 Travis Lawrence?

19 A I did not.

20 Q Did you speak to any of the co-defendants for this case
21 in State versus Travis Lawrence, specifically Terell
22 Bennett?

23 A I was present during an interview with him. I didn't
24 actually directly speak or question him.

25 Q Okay. And do you know when those -- was it just one

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1 interview?

2 A No. There were two times that I sat in, in an
3 interview.

4 Q And who all was present for those interviews?

5 A Solicitor Spear, the defendant's attorney, Mr. Goode
6 and myself. And Terell.

7 Q And Terell Bennett?

8 A Correct.

9 Q And where did these interviews happen?

10 A In the Solicitor's office at 140 North Main Street.

11 Q Terell Bennett is charged as a co-defendant in this
12 case; is that your understanding?

13 A It is my understanding.

14 Q When he appeared, was he there voluntarily, at the
15 Solicitor's office?

16 A I was told that he was coming in to provide a written
17 statement and I was asked to collect that written statement
18 from him.

19 Q Did you take any notes or take a written statement from
20 him?

21 A I did not.

22 Q But you were present for that?

23 A That was correct.

24 Q Did you record it?

25 A I did not.

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1 Q Okay. What is your recollection -- the first time that
2 you met with him, do you know the date?

3 A I don't. I could try to find it on my phone through
4 the calendar, but I don't recall the date. It was probably,
5 maybe about three weeks ago was the first time, approximate.
6 And it was maybe four days later, something like that, four
7 or five days later, he decide to come back in, because the
8 first meeting didn't go anywhere. It ended quite abruptly
9 and so the attorney contacted Mr. Spears, I assume, and I
10 was advised that he was coming back in to tell us the story.

11 Q Okay. What did Mr. Bennett say at the first meeting
12 that you said happened approximately three weeks ago?

13 A I mean, really just -- he really didn't say a whole lot
14 of anything to be perfectly honest with you. When he sat
15 down he said that, you know -- he outlined that he had went
16 over to the house and he was not forthcoming. It just kind
17 of began and ended abruptly. I mean, he didn't provide us
18 any real information or details about that evening. And the
19 interview was over. I mean, it just ended, because he
20 wasn't telling us anything about -- details about what
21 occurred.

22 Q Do you have any recollection specifically what he said?

23 A Not about the first meeting, no. I really don't have
24 any recollection of anything pertinent that I would have
25 even recalled.

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1 Q Were you under the impression that he was talking about
2 anything relating to self-defense after the first meeting?

3 A No.

4 Q Okay. The second meeting happened four days later,
5 correct?

6 A Correct.

7 Q And what did he talk about then? What was his story
8 then?

9 A He said that -- at that meeting he said that he went
10 over to borrow money.

11 Q From?

12 A From the victim. And that his intent was to, you know,
13 borrow, I don't know, seventy-four or seventy-five dollars,
14 whatever it was. And when he got there, what I recall,
15 there was some sort of an incident that occurred in -- what
16 I remember is there was a struggle. There was a gun that
17 came out, and that now that this gun has been brought out --
18 and I'm not quite clear whose possession that firearm was
19 in. But that firearm is now being struggled with and not
20 sure who has control of the firearm. He says he's got a
21 hold of the firearm and the barrel is somewhat in his grip
22 of his hand, according to him. And between him, the victim
23 and the Defendant on trial today, Travis, he says that at
24 some point while he's in grip of the gun, it goes off. And
25 he makes a statement that it burns his hand and he showed us

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1 this -- held his hand up, that I still have the burn mark on
2 my hand. And so that the Defendant Travis broke free
3 somehow, released the gun, whatever happened. He releases
4 the gun and that at that point that -- I guess Travis gets a
5 knife and he begins stabbing the victim. And during that
6 struggle, that's when Mr. Spears asked him well, what
7 happened to the gun, you know, because he literally has a
8 hold of the gun and the victim and he are struggling with
9 the gun. And when he poses the question where's the gun?
10 What ever happened to the gun? Did you end up with the gun?
11 He couldn't answer the question. And Mr. Spears asked him,
12 you know, where's the gun? I mean, what happened --
13 something had to happen to the gun during the struggle. You
14 ended up with it. The victim ended up with it. Where is
15 it? He didn't know. So at that point our interview pretty
16 much ended because he just would not provide any details
17 about what happened to the firearm, because he was the last
18 one to hold onto it when it went off. And so Mr. Spears
19 closed his case file and I walked out and I think the
20 attorney -- his attorney had a few --

21 Q I'm going to stop you there.

22 A Yes, ma'am.

23 Q I just wanted to know what his testimony was.

24 A Okay.

25 Q Do you remember talking to me last week?

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1 A I do.

2 Q And when I called you on the phone to ask you about --
3 I asked you about this same conference?

4 A Yes.

5 Q And I said to you -- I asked you did he tell y'all that
6 Clayton Baxter rushed at Travis Lawrence? And you said
7 yeah, that sounds about like my recollection. Do you
8 remember telling me that?

9 A You know, I don't know that he ever said that Clayton
10 -- I think that the victim did lunge toward him, you know,
11 to try and maybe grab the gun or gain control of the gun,
12 but I don't recall, you know, specifically what he may have
13 said as far as, you know, him trying to, you know, attack
14 either one of the defendants.

15 Q So you don't recall whether or not he said that Clayton
16 Baxter had rushed at Travis Lawrence?

17 A No, ma'am.

18 Q Do you remember me asking you whether or not there had
19 been a prior beef between Clayton Baxter and Travis
20 Lawrence?

21 A I do not.

22 Q Do you recall me asking you whether or not Terrell
23 Bennett's statement to y'all in y'all's office established a
24 self-defense, whether he was saying it was self-defense?

25 A I never gathered a self-defense by him at all during

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1 that time. I don't know -- he didn't provide -- he kind of
2 skipped a lot of portions of how everything transpired that
3 evening. I mean, it was as though he was trying to, in my
4 opinion based on interviews that I've conducted, he was
5 trying to step around some pertinent parts of what happened
6 that evening. But when I talked to you last week, I mean,
7 it seemed like that I did most of the talking, you know,
8 that I was telling you what basically I just told you now.
9 You know, I don't recall a lot of questions coming from you.
10 You did ask me a couple of questions but not those
11 questions. But it seems like I did most of the talking over
12 the phone with you about, you know, what I had listened to
13 while he was in our office on that second interview. And
14 the first interview was basically useless in my opinion.
15 And that's why it ended so abruptly and then he came back,
16 you know, a few days later.

17 Q Thank you.

18 MS. WILLIAMS: Court's indulgence?

19 THE COURT: Yes, ma'am.

20 MS. WILLIAMS: I have no further questions, Judge.

21 THE COURT: Anything from the State?

22 MR. SPEARS: Just very, very briefly, Your Honor.

23 ERIC MELENDEZ - CROSS-EXAMINATION

24 BY MR. SPEARS:

25 Q Investigator, you said this happened approximately

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1 three weeks ago or so. Can you think about it and look back
2 -- are you sure it was three weeks or --

3 THE WITNESS: Your Honor, may I look at my phone?

4 THE COURT: You may.

5 A Okay. I've got one here dated May the 7th, 2018 from
6 Mr. Goode.

7 BY MR. SPEARS:

8 Q All right.

9 A And I don't know if that's the first one or the second
10 one, but that was the first one I came to.

11 Q That's fine. So just May the 17th, so a couple of
12 weeks ago.

13 A Yes.

14 Q No more questions from the State, Your Honor.

15 THE COURT: Anything further from Defense?

16 MS. WILLIAMS: No, ma'am.

17 THE COURT: All right. Sir, you can step down.

18 Thank you.

19 ERIC MELENDEZ: Thank you, Your Honor.

20 THE COURT: All right. Counsel, I'm happy for you
21 both to put your positions on the record and cite any law,
22 any case law that you are relying on.

23 MS. WILLIAMS: Judge, at this point, you know, I
24 really don't know what Terell Bennett's going to say. I can
25 put on the record that I spoke to Joe Goode and Joe Goode

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1 gave me a recitation of what he believed his client told the
2 State. His recitation of what he believes his client told
3 the State was that Clayton -- they went to Clayton Baxter's
4 house, that it was Terell and Travis, that Terell told the
5 State that Clayton Baxter had a beef with Travis, unknown to
6 Terell from something prior. And that as soon as they
7 walked in to buy drugs, which is what they were there to do,
8 Clayton Baxter got up and charged at Travis. Travis was
9 carrying a gun, pulled the gun in defense. Clayton then
10 tackled Travis, got the gun out of his hands, the gun went
11 off into the ceiling. Travis then struggled away and got a
12 knife and in an attempt to get Clayton Baxter off of him
13 stabbed him in the neck.

14 These are the facts that Joe Goode said to me on the
15 phone, which is what prompted this entire -- I had to call
16 the State. I asked the State -- I had called Mike Spear and
17 said did he tell you something different that would help us
18 in our case. And Mike Spear told me, I didn't write
19 anything down. And I said to him, if he said something
20 that's exculpatory, you have to release it to me. And he
21 said again, I didn't write anything down. I then called the
22 attorney back. The attorney again said this is what Terell
23 is prepared to testify to, which is why I issued the
24 subpoena, back when I had no idea he was going to assert the
25 right against self-incrimination. So I issued the subpoena

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1 for Terell. Joe Goode told me, I'll have him there. I've
2 already told him he's going to have to testify. And that
3 was the last of that conversation. I then called Melendez.
4 I found out that Investigator Melendez had been present for
5 those conversations from Joe Goode and I asked Investigator
6 Melendez, this is what Joe Goode says his client is going to
7 say. Is that your recollection? And Investigator Melendez
8 said to me, that's about it. And I then called the
9 Solicitor back and the Solicitor also said, yeah, I did meet
10 with them and I'm not going to use them. It's not helpful
11 to me, which leads us here. I still really have no idea
12 what Terell Bennett told you, what he's going to testify to,
13 you know. And that's really been my focus this entire time.
14 Whether or not I'm going to call him, I have no idea. You
15 know, he's a wild card for our purposes and Melendez doesn't
16 help us in any way, shape or form, obviously from what he's
17 saying on the witness stand now. He recollects very minimal
18 of what that conversation was.

19 I would ask the Court whether or not what Terell
20 Bennett said is inculpatory to himself, whether or not you
21 would protect him under his assertion of the right against
22 self-incrimination, whether or not you can share what he has
23 said in camera before I make any argument about whether or
24 not I would use him. Because if you're going to protect him
25 then obviously my argument is moot. But I really don't know

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1 whether or not I would even call him at this point.

2 THE COURT: From the State?

3 MR. SPEARS: Your Honor, if I may, just a few
4 points of clarification. First and foremost, the reason I
5 had Investigator Melendez with me is I'm not a witness in
6 this case. From what I recall in speaking with Michelle the
7 first time she called me is that I did not write anything
8 down. Eric was there. I just want to make sure it's clear
9 at the forefront that although I failed to call her
10 immediately after the meeting, everything was open and
11 honest. She had full access to my investigator the entire
12 time.

13 At this point in time -- I'm new to this type of
14 hearing. I'm very new to this type of hearing and I'm not
15 sure exactly what needs to be said. I would say -- well,
16 Your Honor, I'm honestly not all that sure I'm supposed to
17 argue. I think I'm just going to --

18 THE COURT: Why don't we do this, counsel. It is
19 somewhat of an unusual circumstance which we find ourselves
20 in. I'm going to give you a little bit of time to get your
21 research, get your case law together to present to the Court
22 as to how you would like to proceed. Same for counsel for
23 the Defense. I told the jury to be back at 1:00. If y'all
24 could just reconvene at like twenty till. That should
25 hopefully give y'all a little bit of time to get all your

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1 ducks in a row and we'll go from there.

2 MR. SPEARS: Thank you, Your Honor.

3 MS. WILLIAMS: Judge, if I -- and I'll just point
4 before we all -- the case that I'm kind of relying on is
5 Kastigar versus United States. It's a United States Supreme
6 Court decision, which our assertion would be Terrell Bennett
7 may assert his Fifth Amendment privilege against self-
8 incrimination in answering questions under oath that would
9 tend to incriminate him in any subsequent criminal
10 proceedings. But if he's not incriminating himself, then he
11 would not be able to assert that right, which is why I asked
12 for the in camera.

13 THE COURT: Right. And I get that. I just want
14 to make sure procedurally we follow all the proper steps
15 before I make that ruling. So if you have anything else,
16 I'd certainly appreciate that. If anybody else has any
17 other case law, I'd be happy to take a look at it during the
18 lunch break.

19 MS. WILLIAMS: Thank you, Judge.

20 MR. SPEARS: Thank you, Your Honor.

21 THE COURT: Y'all hold on a second. We apparently
22 have a juror who's employer is giving her a hard time about
23 serving on jury duty. She emailed the clerk's office. She
24 emailed them this morning or last night. And, you know,
25 obviously my response would be you need to be present, you

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1 THE COURT: Do y'all want to be present for that
2 or do you want me just report to you exactly what was said?

3 MS. WILLIAMS: I don't need to be present, Judge.

4 THE COURT: Do you need to be present when I call
5 the employer and just ask them what the situation is?

6 MR. LOY: We're at the Court's disposal, Your
7 Honor. We're coming back. We'll come back. And if not, we
8 certainly don't have a complaint about missing the
9 conversation.

10 THE COURT: Okay. All right. Easy enough.

11 MR. LOY: Thank you, Judge.

12 MR. SPEARS: Thank you.

13 (Court in recess for lunch break at
14 12:06 p.m.)

15 (Court in session after lunch break
16 at 1:27 p.m.)

17 THE COURT: Thank you, everyone. Please have a
18 seat.

19 MS. WILLIAMS: Judge, I handed up my proposed jury
20 charge.

21 THE COURT: Okay. All right. We'll take a look
22 at that. And we'll have a charge conference just after the
23 sides rest their cases.

24 I've had an opportunity to consider the testimony of
25 the co-defendant in this matter pursuant to the in-camera

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1 review, his potential answers and based upon his indication
2 of his Fifth Amendment Rights, he requested that he be
3 allowed to invoke his rights and I proceed to ask him
4 questions in-camera and those questions would be indicative
5 that would establish a hazard of incrimination for him. His
6 silence is certainly justified in this matter and it appears
7 to be that if he were allowed to testify, that he would
8 incriminate himself and any questions, even those specific
9 single questions may not be overtly incriminating -- but
10 would be incriminating through any further confessional
11 proof so the Court will allow him to invoke his right
12 against self-incrimination and protect him from testifying
13 in this matter.

14 Anything further on that issue?

15 MR. SPEARS: Nothing from the State, Your Honor.

16 MS. WILLIAMS: Nothing from the Defense, Your
17 Honor. At this point Mr. Bennett and his attorney are
18 released from our subpoena.

19 THE COURT: You may go. Thank you.

20 MS. FOX: Thank you, Your Honor.

21 THE COURT: All right. Anything before I bring
22 the jury out?

23 MR. SPEARS: Nothing, Your Honor.

24 MS. WILLIAMS: No ma'am.

25 THE COURT: All right. Let's have our jury,

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1 please?

2 THE BAILIFF: Yes, ma'am.

3 (Jury in at 1:29 p.m.)

4 THE COURT: Welcome back, ladies and gentlemen of
5 the jury. Thank you so much for your patience. We're now
6 ready to proceed with the trial of this case.

7 You may call your next witness.

8 MR. SPEARS: Thank you, Your Honor. The State
9 calls Dwayne Peters.

10 (WHEREUPON, Dwayne Peters was sworn
11 to tell the truth)

12 THE COURT: Your witness.

13 MR. TEMPLETON: Thank you, Your Honor.

14 DWAYNE PETERS - DIRECT EXAMINATION

15 BY MR. SPEARS:

16 Q Deputy Peters, where are you employed?

17 A I'm employed by the Dorchester County Sheriff's Office.

18 Q And how long have you worked there?

19 A I've worked there approximately since 2008.

20 Q What's your position there?

21 A I am presently the lieutenant over the general
22 investigations unit. Basically, I'm the unit commander.

23 Q And can you describe some of the nature of your duties
24 there?

25 A As of right now basically, I'm in charge. Even though

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1 another detective will investigate it, I'm responsible for
2 the investigation. I'm basically the chief investigative
3 officer for general investigations for the sheriff.

4 Q Now, back in 2016, was that your position?

5 A No, I was just a sergeant. I was the day to day
6 supervisor.

7 Q Okay. And as a sergeant, what was the nature of your
8 duties then?

9 A I would actually supervise detectives during their
10 investigations, but I would also conduct investigations that
11 were assigned to me.

12 Q All right. And did you have to take any specific
13 training as a part of this job?

14 A I have. I was certified in law enforcement in 1995. I
15 started off working at Isle of Palms. I worked there for
16 approximately four years. I went to the Town of
17 Summerville, worked there until 2008, '99 to 2008. I
18 started my investigations career in 2001. I basically have
19 been in investigations since. My first six years was in
20 narcotics investigations, and then I transferred over to the
21 general criminal.

22 Q Detective Peters, did you respond to an incident at
23 [REDACTED] Trail in 2016?

24 A I did.

25 Q What was the nature of that incident?

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1 A What was reported at that time, we had a stabbing at
2 that incident location.

3 Q Can you just describe to the jury your initial
4 involvement? What did you do when you initially got
5 involved?

6 A I was the on-call detective that weekend. It was July
7 4th weekend. July 4th, I think, fell on a Monday so this
8 was a Saturday. I received a call from the patrol
9 supervisor who said, hey, we had a stabbing. The victim's
10 at Trident with wounds. So at that time, I actually went to
11 Trident first. They had the scene secured. Patrol deputies
12 had the scene secured and I met with Mr. Baxter at Trident.

13 Q Did you speak with Mr. Baxter about the incident?

14 A I did.

15 Q Did he describe to you what happened to him?

16 A He did. He basically said his nephew -- identified
17 Rell as his nephew.

18 MS. WILLIAMS: Objection, Your Honor. Hearsay.

19 THE COURT: Sustained.

20 BY MR. SPEARS:

21 Q Can you just describe Clayton Baxter as you saw him at
22 that time?

23 A He was actually being treated by medical personnel. He
24 had bandages. I know he had a bandage on the back of his
25 head and he had bandages on his shoulder area. He was

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1 hooked up to an IV. Medical personnel were in and out. He
2 was given pain medication. He was very groggy and all that,
3 but he was still in pain.

4 Q Were you able to take a statement from him at that
5 time, a written statement?

6 A No, I was not.

7 Q All right. And why did you not attempt to take a
8 written statement?

9 A Basically, because he was under pain medication and
10 also he was receiving medical treatment.

11 Q What did you do next?

12 A At that time -- while I was in route there, I had
13 notified the on-call metro narcotics detective to assist in
14 obtaining a search warrant for the property. It's a holiday
15 weekend. Normally, we don't involve the narcotics guys
16 because stabbings are not their forte. It's drugs. Yes,
17 there was some drugs involved in here from marijuana, but I
18 didn't want to call in another detective that had prior
19 arrangements with his family or whatever. So we called the
20 on-call detective to help.

21 Q And why did you call them to get a warrant?

22 A Just because I was going to meet with the victim, in
23 order to speed up the process, I had another detective -- in
24 order for us to be in a residence -- you have a right to
25 privacy -- we need either consent or a search warrant from a

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1 judge, signed by a judge. Mr. Baxter was unable, in my
2 opinion, to provide consent because (a) he's under pain
3 medication; and, also consent -- you can limit the scope of
4 what we can search. Therefore -- and if he's not there, he
5 cannot limit the scope of the search. If he says I don't
6 want you checking the kitchen table, then we can't search
7 there under a consent search. That is why we had to obtain
8 a search warrant.

9 Q Now, was there anything found to your knowledge in the
10 apartment in regards to this investigation? I mean, what
11 was found?

12 A We took forensic -- we took a couple of swabs. We took
13 latent prints. We took digital photographs. There's a
14 couple of glass jars, a small amount of green plant-like
15 material, basically marijuana. My opinion, it was marijuana
16 and there was a scale.

17 Q And I'm sorry, I'm going out of order here. But when
18 you were at the hospital, when you didn't take the statement
19 from Clayton, were there any weapons turned over to you by
20 the hospital?

21 A No, nothing was turned over to me at the hospital.

22 Q As an investigator, if you respond to a hospital to
23 speak with someone in regards to an incident and the
24 hospital has found a weapon on someone, do they turn it over
25 to you or do they throw it away or --

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1 A No. They'll either turn it over to their security
2 department -- North Charleston Police Department provides
3 security at Trident. So they'd actually notify North
4 Charleston, turn it over to them, which North Charleston
5 would have turned it over to me.

6 Q And at any point in time, were you able to acquire any
7 weapon and to your knowledge, was one found on Clayton
8 Baxter?

9 A There was nothing found.

10 Q Okay. When you were searching through the house, and
11 we'll go back to the -- where we were before I took that
12 detour. When you were searching through the house, and in
13 your discussions with Clayton beforehand, was there anything
14 to make you believe that the blood in the house was
15 anyone's, other than Clayton's?

16 A No, sir.

17 Q In your investigation, were you able to ascertain
18 suspects?

19 A We were.

20 Q Okay. And who were the suspects?

21 A Mr. Bennett and Mr. Lawrence.

22 Q Okay. Initially, what did you know Mr. Lawrence as?

23 A Mr. Lawrence was Trav.

24 Q And were you able to get more information about his
25 full name?

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1 A Based on --

2 MS. WILLIAMS: Objection, Your Honor. Hearsay.

3 THE COURT: Now, the question was were you able to
4 obtain information about him. And he can answer yes or no.
5 That's not hearsay.

6 MS. WILLIAMS: Yes, ma'am.

7 A I was able to obtain information.

8 BY MR. SPEARS:

9 Q And when you did that, what did you do? Did you
10 request a -- what did you do after you received the name?

11 A Once we received the name, I requested a photographic
12 lineup from the State Law Enforcement Division.

13 Q Okay. And who did you give that lineup to? Was that
14 lineup ever presented to the victim?

15 A It was.

16 Q Oh, I'm sorry, detective. In the house and the items
17 that were found during the search, was money found?

18 A It was. It was found in a shoe.

19 Q In a shoe. Was that money taken by law enforcement?

20 A No, we left it actually at the residence.

21 Q Were any charges filed against Mr. Baxter?

22 A There was no charges filed for the simple possession of
23 marijuana in the home.

24 Q Detective, I'm showing you State's Exhibit 20.

25 MR. SPEARS: May I approach the witness, Your

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1 Honor?

2 THE COURT: Yes, sir.

3 BY MR. SPEARS:

4 Q Detective, is this the lineup that you received from
5 SLED?

6 A Yes, it was.

7 Q And is this the one that you had presented to Mr.
8 Baxter?

9 A I didn't present this to Mr. Baxter.

10 Q That you had presented?

11 A I had it presented. Yes, it is, sir.

12 MR. SPEARS: Your Honor, may I publish this
13 evidence in here?

14 THE COURT: You may.

15 BY MR. SPEARS:

16 Q And detective, can you just go over the information on
17 this lineup right here?

18 A Okay. The first sheet -- it consist of two sheets.

19 What happens is we submit a sheet to -- a form to SLED
20 through email and they create, what we call, a six-pack
21 photographic lineup, right, with the information that we
22 provide. We don't know any of the other suspects or what
23 their involvement is. SLED always does it. It's my policy
24 or my thing to actually get a detective that has no
25 knowledge of this case, doesn't even know who the suspects

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1 are to present the lineup. At that time, how I normally do
2 it, is I read the cover sheet. You'll be asked to look at a
3 group of photographs. The fact that the photographs are
4 shown to you should not influence your judgment. You should
5 not conclude or guess the photographs contain a picture of
6 the person who committed the crime. You are not obligated
7 to identify anyone. It's just as important to free innocent
8 persons from suspicion as to identify guilty parties.
9 Please do not discuss the case with other witnesses nor
10 indicate in any way that you have identified someone. At
11 that time, I present the photo lineup to be shown.

12 Q All right. And on the bottom right there, is that --
13 under detective. Who is that?

14 A That is Detective David Harris' signature.

15 Q Okay. And is that the individual that you gave the
16 lineup to, to be presented to Clayton Baxter?

17 A Yes, sir.

18 Q Now, on the second page, can you describe this to the
19 jurors?

20 A This is the six-pack photographic lineup that was sent
21 by SLED.

22 Q Okay. And in the top right there. What happens when a
23 lineup is presented to an individual?

24 A The six-pack's shown to the individual. If they
25 identify somebody they will circle and initial it. And in

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1 this case the Defendant was --

2 MS. WILLIAMS: Objection, Your Honor. Hearsay.

3 THE COURT: How's that hearsay?

4 MS. WILLIAMS: He's testifying to what proceedings
5 Detective Harris did. This officer has never testified that
6 he's been present for this. Up until now he's been
7 testifying about what he normally does during an ID.

8 THE COURT: Rather than colloquy, can you please
9 point to a specific hearsay exception or hearsay rule that
10 you're relying on.

11 MS. WILLIAMS: He is testifying to what Detective
12 Harris said and did during this investigation.

13 THE COURT: He can testify as to what's indicated
14 on the lineup, not hearsay.

15 MS. WILLIAMS: Thank you, Judge.

16 THE COURT: If you know. You can indicate what's
17 on the lineup.

18 You may proceed.

19 MR. SPEARS: Thank you, Your Honor.

20 BY MR. SPEARS:

21 Q Detective, at this point in time when this lineup was
22 -- I'm sorry. Let me phrase this question better. From the
23 lineup that you see right here, who was indicated? Do you
24 recognize the photo of the person that was circled?

25 A That is correct. That is number three is the person

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1 that was circled and that's the Defendant.

2 Q Okay. Please answer any questions that the Defense
3 might have for you.

4 THE COURT: Cross-examination.

5 MS. WILLIAMS: Yes, ma'am. Thank you.

6 Court's indulgence. Thank you, Judge.

7 DWAYNE PETERS - CROSS-EXAMINATION

8 BY MS. WILLIAMS:

9 Q Deputy Peters -- Detective Peters --

10 A That is correct.

11 Q You testified that you have been in law enforcement,
12 maybe not with Dorchester County, but you've been in law
13 enforcement since 1995?

14 A That is correct.

15 Q That's over twenty years of law enforcement experience?

16 A Yes, ma'am.

17 Q You've had numerous trainings, I'm certain?

18 A I have.

19 Q One of which being the criminal justice academy?

20 A I have.

21 Q And you're the chief investigating officer in this
22 case?

23 A That is correct.

24 Q And you would have interviewed all the witnesses, gone
25 over all the reports?

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1 A That is correct.

2 Q You would have prepared the arrest warrant in this
3 case?

4 A That is correct.

5 Q So I want to talk about the arrest warrant. When you
6 prepare an arrest warrant, one of the things you're doing,
7 it's the formal charging document, correct?

8 A That is correct.

9 Q Where you write out what happened in a case and you
10 submit it to a judge, a Magistrate Judge, correct?

11 A Correct.

12 Q And you are swearing when you give that to the judge
13 that that is the truth and that you're accurately reflecting
14 what your investigation has shown?

15 A That is correct.

16 Q And a judge signs it and relies on what you've written
17 in that arrest warrant?

18 A That's correct.

19 Q And once that arrest warrant is signed, that gives you
20 the power to go put handcuffs on someone, correct?

21 A Correct.

22 Q And that happened for Travis Lawrence?

23 A Yes.

24 Q You went to a judge and you swore out an arrest
25 warrant. You said this is the truth, judge. And you handed

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1 it to the judge?

2 A Correct.

3 Q And the judge signed it, correct?

4 A Yes.

5 Q And after that, I think Travis Lawrence turned himself
6 in when he found out about it?

7 A I believe so.

8 Q Yeah?

9 A In August.

10 Q And you've learned in your trainings that it's
11 important that you write correct and accurate information in
12 these arrest warrants?

13 A That is correct.

14 MS. WILLIAMS: May I have this pre-marked, please,
15 Madam Clerk -- I mean Court Reporter.

16 (Defendant's Exhibit No. 10, arrest
17 warrant, was marked for ID)

18 COURT REPORTER: Defendant's 10 for ID, Judge

19 THE COURT: Thank you.

20 MS. WILLIAMS: May I approach, Your Honor?

21 THE COURT: You may.

22 BY MS. WILLIAMS:

23 Q Detective Peters, I'm handing you a document. Can you
24 identify it for the Court?

25 A That's an arrest warrant for Mr. Lawrence.

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1 Q And is this the arrest warrant that you prepared?

2 A Yes, ma'am.

3 Q Is it signed by a judge?

4 A It is.

5 Q So this was the formal document that you submitted to a
6 judge so that you could put handcuffs on Travis Lawrence?

7 A That is correct.

8 MS. WILLIAMS: At this point, Judge, I'd ask that
9 this be entered into evidence.

10 THE COURT: Any objection?

11 MR. TEMPLETON: No objection, Your Honor.

12 THE COURT: All right. It's in

13 (Defendant's Exhibit No. 10, arrest
14 warrant, was marked and entered)

15 BY MS. WILLIAMS:

16 Q I'm going to take it from you real quick. Thank you.

17 A (Passes exhibit back to counsel)

18 Q Now, I've put that up on the screen. This portion
19 right here that I'm zooming in on, that's what you rely on
20 and that's what the judge relies on when they find probable
21 cause to arrest, correct?

22 A That is correct.

23 Q I'm going to read along here. The Defendant, and the
24 Defendant on this warrant is going to be Travis Lawrence.
25 That's his charging documents?

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1 A That is correct.

2 Q And the co-defendant, when you say co-defendant, who
3 you're referring to in this warrant is Terell Bennett?

4 A That is correct.

5 Q And this says you're charging Travis Lawrence. Let's
6 see. On or about July 2nd, 2016 located at [REDACTED], Apartment
7 [REDACTED], North Charleston, within the county and
8 state aforesaid, the Defendant, one Travis Latrell Lawrence
9 did, along with a co-defendant commit the offense of
10 attempted murder in violation of section 16-3-29 of the
11 South Carolina Code of Laws. And that he did willfully,
12 unlawfully and feloniously attempt to kill Clayton Baxter
13 with malice aforethought? The facts to prove the same are
14 that the Defendant, along with the co-defendant while armed
15 with a weapon robbed the victim of seventy-five dollars.
16 The Defendant, co-defendant, and victim started to struggle
17 over the handgun where the co-defendant grabbed a knife and
18 stabbed the victim at least twice. The victim identified
19 the Defendant through a photographic lineup provided by
20 State Law Enforcement Division. Did I read that accurately?

21 A That is correct.

22 Q And this was signed, submitted -- I'm going to show you
23 down here -- and signed by -- it looks like Judge Katrina
24 Patton?

25 A Yes.

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1 Q So early on in your investigation you had reason to
2 believe that Terell Bennett was the person who stabbed
3 Clayton Baxter?

4 A Actually, that was a mistake on the arrest warrant.

5 Q That's a typo in the arrest warrant?

6 A Yes, ma'am.

7 Q So you didn't have reason to believe that Terell
8 Bennett was the person who stabbed Clayton Baxter?

9 A Terell was involved in the armed robbery and Mr.
10 Baxter's statements to us -- that Mr. Lawrence is the one
11 that stabbed him.

12 Q Did you have reason to believe that Terell Bennett was
13 the person who stabbed Clayton Baxter --

14 A No.

15 Q -- when you began your investigation?

16 A Well, actually at -- before? I don't understand. When
17 I arrived on the scene or after I talked to Mr. Baxter?

18 Q Did you at any point in your investigation?

19 A We didn't know who actually stabbed him at first. And
20 then, after I talked to Mr. Baxter and he said Trav had
21 stabbed him.

22 Q Did you review all of the reports in this case?

23 A I did.

24 Q Did you happen to review the responding officer, Josh
25 Cerone's report?

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1 A I did.

2 Q And did you review in the report where Deputy Cerone
3 says Terell Bennett --

4 MR. SPEARS: Your Honor, I'm going to have to
5 object to hearsay on this.

6 THE COURT: Sustained.

7 BY MS. WILLIAMS:

8 Q So your testimony, Deputy Peters, is that at no point,
9 even after reviewing all of the reports, did you ever at any
10 point believe that perhaps Terell Bennett was the person who
11 had stabbed Clayton Baxter?

12 A That incident report was provided to me after I'd spoke
13 to Mr. Baxter, that initial time. And after speaking with
14 Mr. Baxter the initial time, I believed that the Defendant
15 was the person that stabbed him.

16 Q And it's just a typo that your arrest warrant that you
17 handed to a judge and swore out to be the truth, the whole
18 truth, and nothing but the truth --

19 A Yes, ma'am. I made a mistake.

20 Q -- was a typo. One of the things it says in the arrest
21 warrant however -- so that was a typo. But the part in the
22 arrest warrant where it says you submitted a photo lineup
23 through the State Law Enforcement Division?

24 A Correct.

25 Q That part of is correct. So parts of it are incorrect,

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1 but parts of it, aren't; is that your testimony?

2 A It was a typo for co-defendant and defendant.

3 Q Okay. But identification that you were -- that was put
4 up and has already been admitted into evidence that you were
5 testifying to on direct, you were not present for that photo
6 identification?

7 A No, I was not.

8 Q You have no idea whether or not it was read to Mr.
9 Baxter the way you read it into the record?

10 A No, I do not.

11 Q You have no idea what was said, what was asked of him?

12 A No, I do not.

13 Q You have no idea if it was in reference to an attempted
14 murder or a theft or anything. You have no idea what was
15 referenced when Mr. Baxter was picking someone out of this
16 lineup?

17 A That's correct.

18 Q You did go to see Mr. Baxter at the hospital and then
19 you interviewed him later on. You testified to that, right?

20 A Correct.

21 Q And you wrote a report about everything you did in this
22 case?

23 A Yes.

24 Q No where in that report do you reflect that you ever
25 had a physical description of Trav?

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1 A That was the initial description, which was submitted
2 in the incident report.

3 Q Okay. Would you like to see the incident report so you
4 can refresh your recollection or perhaps your own report?

5 A Sure. Well, I don't need my report.

6 Q Okay. In your report --

7 A There's nothing about a physical description, no.

8 Q Okay. Of Trav.

9 MS. WILLIAMS: May I approach, You Honor?

10 THE COURT: You may.

11 BY MS. WILLIAMS:

12 Q That's the first page and look at the other pages.

13 A (Reviews document)

14 Q So in your report there is no physical description of
15 this gentleman named Trav?

16 A Do you have the other two pages?

17 MS. WILLIAMS: May I approach, Judge?

18 THE COURT: You may.

19 BY MS. WILLIAMS:

20 Q In your report there's no -- In the report you made
21 there's no physical description of Trav?

22 A No.

23 Q In the initial report, isn't it also true there's no
24 physical description of this person named Trav?

25 A Travis Latrell Lawrence, date of birth, height 5'11",

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1 weight 175, hair black, eyes brown.

2 Q Is that prior to the arrest?

3 A I don't know when that was --

4 Q Did you ever have a physical description of Trav when
5 you presented a photo lineup for --

6 A He was identified as a black male.

7 Q Okay. So that was the only physical description you
8 had was black male?

9 A Uh-huh. (Affirmative response) Correct.

10 Q And Trav?

11 A Correct.

12 Q So what you're reading from is just who they ended up
13 arresting?

14 A Yes.

15 Q Okay. When -- and I know you went into why you
16 searched Clayton Baxter's house, but ultimately your
17 department searched Clayton Baxter's house, correct?

18 A That is correct.

19 Q And they found a digital scale?

20 A Yes.

21 Q They took that?

22 A They did.

23 Q They found marijuana?

24 A Correct.

25 Q And they found cash?

1 A Yes.

2 Q Some of it was hidden in a shoe, correct?

3 A Correct.

4 Q Not all of it?

5 THE COURT: Counsel, if you'd just identify for
6 the record the exhibit number you're publishing so the
7 record's clear.

8 MS. WILLIAMS: Yes, ma'am.

9 BY MS. WILLIAMS:

10 Q I'm showing you what's already been entered into
11 evidence as Defendant's Exhibit 2. It's a picture of a shoe
12 with some -- a roll of money in it; isn't that correct?

13 A That is correct.

14 Q Not all of the money that was found was found in that
15 shoe, right?

16 A Honestly, I can't remember that.

17 Q I'm going to show you what's been marked as Defendant's
18 Exhibit 5. Is that a picture of all of the money that was
19 found in Clayton Baxter's house?

20 A That appears to be, yes.

21 Q And it was found in his townhouse?

22 A Correct.

23 Q But it wasn't stolen, correct?

24 A Not that I know of.

25 Q Let's talk about what else was found or wasn't found in

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1 the townhouse. Y'all -- and somebody already testified to
2 this -- dusted for fingerprints?

3 A That is correct.

4 Q But as a result of those fingerprints -- you did get
5 some fingerprints, but none of those fingerprints matched
6 Travis Lawrence?

7 A That is correct.

8 Q You took DNA?

9 A We took swabs. We don't know if we actually obtained
10 DNA.

11 Q Because it was never sent to SLED?

12 A Correct.

13 Q Never found any projectiles. There's been a lot of
14 talk of projectiles and I'm not good with guns. A
15 projectile is just a bullet?

16 A That is correct.

17 Q You never found any bullets in that house?

18 A No.

19 Q If a revolver is fired there would be a projectile,
20 there would be a bullet, correct?

21 A Yes.

22 Q Not a shell casing?

23 A Correct.

24 Q But there would be a bullet?

25 A (Nods head affirmatively)

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1 Q You never found a gun?

2 A We never found a gun.

3 Q You never found a knife?

4 A We never found a knife.

5 Q Or a razor or any type of blade that had blood on it?

6 A No.

7 Q Okay. The only witness statement is Clayton Baxter?

8 A That is correct.

9 Q The only 9-1-1 call is Clayton Baxter?

10 A That is correct.

11 Q This is a townhouse, right?

12 A Yes.

13 Q It was attached to other townhouses.

14 A Yes.

15 Q And we know that there were people home, right?

16 A Yes.

17 Q Clayton Baxter is 6'7" 275 pounds pursuant to your
18 investigation, correct?

19 A Yes.

20 Q Terell Bennet is 6'4" 236 pounds?

21 A Correct.

22 Q Travis Lawrence is 5'11" 175 pounds?

23 A That's correct.

24 MS. WILLIAMS: Court's indulgence?

25 THE COURT: Yes, ma'am.

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1 MS. WILLIAMS: Thank you, Judge. I have no
2 further questions.

3 THE COURT: Any redirect?

4 MR. SPEARS: Very briefly, Your Honor.

5 DWAYNE PETERS - REDIRECT EXAMINATION

6 BY MR. SPEARS:

7 Q Detective Peters, when you swear an affirmation on a
8 warrant, is that to the best of your knowledge in total or
9 is to the best of your knowledge at that time?

10 MS. WILLIAMS: Objection, Your Honor. Leading.

11 THE COURT: You can say whether or not.

12 MR. SPEARS: Your Honor, I apologize. I'll
13 rephrase the question.

14 THE COURT: Okay.

15 BY MR. SPEARS:

16 Q When you swear an affirmation on a warrant, all right,
17 what are you affirming?

18 A The information at that time.

19 Q Ms. Williams asked you if you ever found a projectile.
20 Did y'all attempt to recover a projectile?

21 A We looked. It had gone through walls and all of that,
22 we'd basically have to dismantle an apartment, you know,
23 walls and ceilings looking for it. It went through a floor.
24 There was one that went through the floor and went through
25 the night stand and into another wall. And based on my

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1 experience, a shell or a round, a projectile is not going to
2 be recoverable after that. We could recover it. It's going
3 to be a flattened piece of metal if that, and SLED, State
4 Law Enforcement, will not be able to find any evidentiary
5 value for it. More than likely it's just like the casing
6 out of the --

7 MR. SPEARS: No more questions at this time.

8 THE COURT: You may step down, Detective. Thank
9 you.

10 You may call your next witness.

11 MR. SPEARS: Your Honor, the State has no more
12 witnesses, but there's the matter of our stipulations.

13 THE COURT: Oh, yes, sir.

14 Ladies and gentlemen, the State doesn't have any more
15 witnesses but prior to them resting I'm going to read to you
16 a stipulation. A stipulation is an agreement. Basically,
17 both parties agree that this is a fact. So this will not be
18 a fact for you to determine. It's already a fact that is
19 established.

20 The stipulation of the parties is as follows: It
21 states that you will have in the jury room with you
22 indictment Number 2018-GS-18-0922, which charges the
23 Defendant with possession of a firearm by a person convicted
24 of a crime of violence. I charge you that the parties have
25 stipulated the Defendant has been convicted of a crime of

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1 violence. Therefore, under this indictment the sole issue
2 for you will be to determine whether the Defendant has been
3 proven to be in possession of the firearm on the alleged --
4 on the date alleged within the indictment.

5 Further, the parties have also stipulated that the
6 alleged victim in this case was convicted of possession of
7 cocaine on February 28th, of 2008.

8 And that is the stipulations of both parties.

9 Any objections or changes or exceptions to the
10 stipulation as read by the Court from either the State or
11 the Defense?

12 MR. SPEARS: None from the State, Your Honor.

13 MS. WILLIAMS: None from the Defense.

14 THE COURT: Does the State rests?

15 MR. SPEARS: Yes, Your Honor. The State has
16 rested.

17 THE COURT: Ladies and gentlemen, we must take a
18 very brief recess. We'll be right back with you. If you
19 would please go to your jury room. Although the State has
20 rested their case, please do not discuss this case amongst
21 yourselves or allow anyone to discuss it with you. We'll be
22 right back with you.

23 (Jury out at 2:01 p.m.)

24 THE COURT: Any motions?

25 MR. LOY: Your Honor, at this point in time --

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1 MS. WILLIAMS: Thank you, Judge.

2 JOSH CERONE - DIRECT EXAMINATION

3 BY MS. WILLIAMS:

4 Q Mr. Cerone, where were you employed in July of 2016?

5 A I was a corporal for the Dorchester County Sheriff's
6 Office.

7 Q So you were in law enforcement?

8 A Yes.

9 Q How long had you been in law enforcement?

10 A At that time, probably a little under ten years.

11 Q And you were a corporal --

12 A Yeah.

13 Q -- on July 2nd, of 2016?

14 A Yeah.

15 Q Do you remember responding to an event that happened at

16 [REDACTED] Trail in North Charleston on July 2nd, 2016?

17 A Yes, I do.

18 Q And how many people responded to that event?

19 A The initial response was me and Deputy Jenkins. And
20 then the third officer that was there was Lieutenant Hill.

21 Q But initially, it was just the two of you?

22 A Just the two of us, yeah.

23 Q And are you the only one that generated a report in
24 that event?

25 A Apparently, it looks like that I'm the only one from

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1 the response that did a written report.

2 Q And in order to become a police officer, did your
3 receiving training?

4 A Yes, I received training.

5 Q What kind of training did you receive?

6 A Initially, you have to attend the South Carolina
7 Criminal Justice Academy, then there is a set amount of
8 hours each year of, you know, additional training or
9 continuous training that you have to maintain.

10 Q And did you receive training about writing police
11 reports?

12 A Yes, I did.

13 Q What did you learn about writing police reports?

14 A Who, what, when, where and why.

15 Q Was it important to be accurate?

16 A Yes.

17 Q Were you trained to be accurate in your police report?

18 A Yes.

19 Q And so when you wrote a police report, were you pretty
20 clear about what you were writing in that report?

21 A Yes.

22 Q And you tried as hard as you could to be accurate?

23 A Yes.

24 Q And you wrote a report in response to the incident on
25 July 2nd of 2016?

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1 A Yes.

2 Q And you have something up there at the stand with you,
3 at the witness stand with you. Is that your report that you
4 wrote?

5 A Yeah, that's the incident report. Yeah.

6 MS. WILLIAMS: May I approach, Your Honor.

7 THE COURT: Yes, ma'am.

8 BY MS. WILLIAMS:

9 Q Mr. Cerone, are you currently employed with the
10 Dorchester County Sheriff's Office?

11 A No, I'm not.

12 Q Mr. Cerone, I'm now handing you what's been marked as
13 Defendant's Exhibit 11.

14 A Okay.

15 Q Is this a copy of the same report?

16 A Yes, it is.

17 Q Is it a fair and accurate representation of your
18 report?

19 A Yes, it is.

20 MS. WILLIAMS: At this point, Judge, I would ask
21 to enter Defendant's Exhibit 11 into evidence.

22 MR. SPEARS: Your Honor, I mean, my objection
23 would be hearsay. I mean, he's here to testify about it.
24 If he declines to say that that's what he wrote, maybe she
25 can impeach him with it, but I don't think it's proper to

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1 introduce it into evidence at this point.

2 THE COURT: Sustained.

3 MS. WILLIAMS: If I may be heard, Judge? I'm just
4 trying to enter it under 613(b). It's extrinsic evidence of
5 a prior inconsistent statement.

6 THE COURT: He hasn't testified as far as anything
7 inconsistent, Ms. Williams.

8 MS. WILLIAMS: Okay.

9 BY MS. WILLIAMS:

10 Q I'm going to direct you to this report, Mr. Cerone.
11 Second line. After I arrived I made contact with the
12 victim.

13 MR. SPEARS: Objection, Your Honor. She's just
14 doing the same thing through reading it in versus
15 introducing it.

16 THE COURT: Ms. Williams, you can ask him the
17 question and then wait for the response. And then follow up
18 accordingly pursuant to the rules of evidence as to whether
19 or not there was any extrinsic evidence.

20 MS. WILLIAMS: Okay.

21 BY MS. WILLIAMS:

22 Q Did Mr. Baxter tell you, the victim, Mr. Baxter, tell
23 you that Rell was the one who stabbed him, according to this
24 report?

25 A According to this report, that's what he said.

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1 MS. WILLIAMS: Judge, at this point I would ask
2 that this be admitted as extrinsic evidence of a prior
3 inconsistent statement in regards to Clayton Baxter.

4 THE COURT: That's not the proper procedure to do
5 that, Ms. Williams. This witness has not testified
6 inconsistently and that's not the proper way to get in
7 evidence.

8 BY MS. WILLIAMS:

9 Q In responding to this scene and in writing this report,
10 your understanding in investigating this case was that
11 Clayton Baxter was stabbed by a male suspect by the name of
12 Rell?

13 A Is that my understanding?

14 Q Yes?

15 A Yes, it is.

16 Q And that the --

17 A From what he told me at the time.

18 Q And that the other suspect was an unknown black male
19 suspect?

20 A That's what he reported at the time.

21 MS. WILLIAMS: Court's indulgence. I have no
22 further questions. Thank you ---

23 THE COURT: Any redirect -- cross?

24 MR. TEMPLETON: Just a couple of questions, Your
25 Honor.

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JOSH CERONE - CROSS-EXAMINATION

BY MR. TEMPLETON:

Q Mr. Cerone, did you get a chance to watch your body cam in this case?

A Yes, I did.

Q Do you recall from that body cam if he said there was anyone else there?

A (Witness pauses)

Q And I can show it to you if you need it?

A When I interviewed him he told me that there -- anyone inside the house or how many people actually came over?

What are you asking me?

Q How many people were there during the altercation?

A He said there was a total of two individuals.

Q Do you remember if he told you the name of the second individual?

A I don't believe so. I think that's why I put unknown.

Q And I'm going to show you your body cam just to see if it helps you remember that.

A Okay.

MR. TEMPLETON: Which is already into evidence as Defense 9, Your Honor.

A Okay.

(Defendant's Exhibit No. 9 played for the witness)

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1 BY MR. TEMPLETON:

2 Q So he tells you one of the guys is Rell, right?

3 A Yeah.

4 Q And he knows where they live at, correct?

5 A Yeah.

6 Q So he's talking about more than one person, correct?

7 A Yes.

8 MR. TEMPLETON: I beg the Court's indulgence, Your
9 Honor.

10 Q That's all the questions I have, thank you.

11 A All right. Thank you.

12 THE COURT: Any redirect?

13 MS. WILLIAMS: None, Your Honor.

14 THE COURT: You may step down, sir. Thank you.

15 MS. WILLIAMS: We'd ask that Mr. Cerone be
16 excused.

17 THE COURT: Any objection?

18 MR. TEMPLETON: No objection from the State, Your
19 Honor.

20 THE COURT: You're free to go.

21 THE WITNESS: Thank you.

22 MS. WILLIAMS: Your Honor, may we approach?

23 (Off the record bench conference with counsel and the
24 Court.)

25 THE COURT: Ladies and gentlemen, I apologize for

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1 and we're ready to proceed.

2 All right. Let's have our jury, please?

3 THE BAILIFF: Yes, ma'am.

4 (Jury in at 3:04 p.m.)

5 THE COURT: Welcome back ladies and gentlemen of
6 the jury. We're now ready to proceed with the closing
7 arguments. Please pay close attention.

8 You may proceed, Solicitor.

9 MR. SPEARS: Thank you, Your Honor. May it please
10 the Court?

11 THE COURT: Yes, sir.

12 STATE'S CLOSING

13 BY MR. SPEARS:

14 Ladies and gentlemen, the fact that I'm speaking to you
15 now means that we've passed the evidentiary part of the
16 trial. We're in closing arguments and this is where I
17 actually get to talk to you about what's been presented.
18 All right. This is where we get to go over the evidence and
19 as Ms. Williams stated in opening, we place the evidence on
20 the scales, all right?

21 Now, I'm going to give you a brief preview of the law
22 that the Judge is going to charge you with when this is all
23 over.

24 We're here because of a charge of attempted murder. In
25 this state it's unlawful for attempt to kill another person,

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1 with specific intent to kill and malice aforethought. And
2 we are here because of an armed robbery, a charge of armed
3 robbery. What that means is unlawful to take away the
4 possessions of another with the intent to permanently
5 deprive through threat or use of force or threat with a
6 deadly weapon. Lastly is, we're here because of a charge of
7 possession of a handgun by a persons unlawful, okay?

8 Now, for this testimony we're going to look at the
9 evidence, the testimony and the exhibits. First, you heard
10 from Clayton Baxter. Clayton got on that stand yesterday
11 and told you what happened to him on July 2nd, 2016. He
12 told you that he was in his house. He told you that he was
13 hanging out, watching TV when he got a call from Terell or
14 Rell, as he calls him, a guy he called neph, short for
15 nephew, someone that he had known for twenty-some-odd years.
16 All right. That call was a request by Rell to borrow money.
17 This was on July 2nd. Clayton also told you that he gets
18 his Social Security money at the beginning of every month,
19 cash brought over to him.

20 But what happened, and what you heard was that that's
21 not what actually happened, that when Terell arrived, he was
22 immediately followed by another individual, Travis Lawrence.
23 Travis, when Rell moves aside, has a handgun and he's
24 pointing right there, described as a revolver, whether it
25 was a 38 or a 357, it was a revolver. It was a handgun. He

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1 says, you know what this is. Goes into the livingroom area
2 and starts looking through Clayton's pockets, gets seventy
3 dollars. But in doing so, that gun moves a little bit to
4 the side and that's when the melee starts. That's when the
5 wrestling for the gun begins.

6 Terell, and up until that point in time, he's off to
7 the side. But when they start fighting for the gun and the
8 bullets start going up through the ceiling, into his
9 roommate's room, that's when all three people are involved
10 in this. He'd just been robbed, but now this melee
11 escalates because when Travis realizes he's not going to
12 win, when he's at the bottom of this brawl between three
13 people, he backs off. And what he does is he goes over to
14 the kitchen and grabs a knife. He comes back into this
15 brawl and he starts stabbing Clayton in the back of the
16 shoulder, in the side of the face, in the neck. He starts
17 attacking him with this knife. He tries to put the big man
18 down. I submit to you that's exactly what he was trying to
19 do. He wasn't nicking him in the arm. He wasn't poking him
20 in the thigh to make him stop or drop the gun, he was
21 stabbing him in the neck and the head and the shoulder.

22 Now afterwards, Clayton goes down, relinquishes the gun
23 to Terell and Trav stops stabbing him because he's on the
24 ground. And you saw Clayton, he said this was happening,
25 okay? That's when they leave.

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1 They leave with the gun and they leave with the knife
2 and the seventy dollars that they took from him. They leave
3 him bleeding out on his own floor.

4 He tries to call the police and the phone starts
5 messing up on him. He told you it was because it was
6 covered in blood.

7 Now, what is it about this that weighs the scales?
8 What's the other evidence? Because what Clayton told you
9 was that he called 9-1-1 and he said Trav and Rell tried to
10 rob me. He's asking for help and they asked what happened
11 and that's what he tells them. That's the first indication
12 of people not in this event -- or the first notice anyone,
13 not in that house at that time, got of what went on. And it
14 was Clayton asking for help. And when he asked for help
15 they asked what happened and you can hear what he said.

16 (Portion of 9-1-1 tape
17 played/paused)

18 BY MR. SPEARS:

19 And you heard that. Who did this to you? Where are
20 they? They ran off. Can you describe them? Well, he
21 tries. You heard it but it was breaking up.

22 (Portion of 9-1-1 tape
23 played/paused)

24 BY MR. SPEARS:

25 The phone cuts out. She has to dial him back.

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1 (Portion of 9-1-1 tape
2 played/paused)

3 BY MR. SPEARS:

4 And you heard Williamson testify that Terell, who
5 Clayton has told you is friends with Travis Lawrence and was
6 there that day, also drives the gold Cadillac.

7 (Portion of 9-1-1 tape
8 played/paused)

9 BY MR. SPEARS:

10 Why were they fighting? They were trying to rob me.
11 What was happening when they stabbed you? I was just trying
12 to fight them off of me.

13 I mean, this is right after the incident. Clayton is,
14 at this time, in his testimony, was trying to put a towel on
15 his arm because, again, like he said, it's spraying out.
16 It's hitting the walls. It's not just slowly dripping out.
17 He doesn't have a scratch on him. He thinks he's in danger.

18 Now, following that, police arrive. They arrive --
19 it's actually a fairly short 9-1-1 call. Police arrive very
20 soon. They were nearby, thankfully. All right. And when
21 police arrive, they ask what happened again. They're trying
22 to ascertain the situation, okay? Clayton is off the phone
23 when police come to the door. That's right when that
24 transition happens, okay?

25 I know y'all have seen this before.

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1 (Portion of responding officer's
2 body cam recording played/paused)

3 BY MR. SPEARS:

4 Just like he just said, I guess they thought I had
5 money. They were trying to rob me. When he was on the
6 stand earlier being questioned about the money in his house,
7 he told his Social Security check is not that much money,
8 all right? It's hard to live on, but it's cash, because
9 that's how he kept it. That's how he hid it in his house.
10 Clayton talks with the officers and he said they tried to
11 rob me.

12 (Portion of responding officer's
13 body cam recording played/paused)

14 BY MR. SPEARS:

15 Now, ladies and gentlemen, here -- what we just heard
16 is man, I'm so scared right now. What does it mean that my
17 jaw's going numb, okay?

18 When police search this house they did not find a
19 revolver. They did not find a knife with any blood on it,
20 okay? There was no time for Clayton to dispose of anything.
21 Those items were carried out of this house by the people who
22 tried to rob him and by the individual who tried to kill
23 him, because he fought back during the robbery. This is not
24 a man who had time to set something up. This is not a man
25 who is worried about anything right now but getting help.

25 Here and here. Now, the tag is on this side. So his

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1 back right shoulder is here and here. And see the patterns
2 of that coming out there. That wasn't a dissuading move.
3 There was malice there, ladies and gentlemen.

4 Furthermore, when EMS arrives and they take Clayton
5 away, he's given Fentanyl for the pain, okay? When Dwayne
6 Peters comes to the hospital, it's like this guy's been
7 given so much pain medicine, I can't get a good report out
8 of him right now.

9 The house is searched. A search warrant is issued
10 because it's hard to give consent when you're in the
11 hospital and hopped up on pain medication.

12 Clayton told you on the stand he had smoked weed. He
13 was fairly fervent about the fact that he smoked marijuana
14 and they found marijuana. They also found money. They
15 found approximately seven hundred dollars, approximately. I
16 haven't counted the bills myself in the photos, but they're
17 there. And the same smaller denominations each time,
18 hundreds, to twenties, to ten, like you would get from a
19 bank when you cash a check or withdraw a certain amount of
20 money from your funds. All right? There's even smaller
21 bills there you wouldn't get from a bank, like maybe if you
22 had just bought some groceries.

23 Now, ladies and gentlemen, I'm going over this over and
24 over again, and that's because every piece of evidence that
25 you've been presented here has been consistent, all right?

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1 Clayton got up first and he told you what happened to him.
2 And then you heard the 9-1-1 and he said what happened to
3 him. Then you saw the body camera footage and he said what
4 happened to him. And then he gave a statement to Dwayne
5 Peters that said what happened to him. Travis Lawrence
6 stabbed him, tried to kill him. Travis Lawrence held a gun
7 on him and took his money. And there's been a stipulation.
8 Travis Lawrence cannot possess a handgun because he has been
9 convicted of a crime of violence, okay? Travis Lawrence
10 possessed the handgun.

11 Now, ladies and gentlemen, lastly, the evidence has all
12 been presented to you. And I submit to you what it shows
13 is, again, he wasn't allowed to possess a handgun and he
14 did, that he held Clayton at gunpoint and took his money,
15 that when Clayton resisted, he grabbed a knife and tried to
16 kill him. He tried to stop him from getting the gun. He
17 tried to go through with what was happening. He tried to
18 take him down. And he left him there with those injuries
19 that caused all that blood, that deep on his shoulder, in
20 the back of his head, in his face, left him there to bleed
21 out in his own apartment. He didn't call 9-1-1. What it
22 shows is possession of a handgun by a person unlawfully.
23 What the evidence shows is armed robbery. What the evidence
24 shows is attempted murder. And when you take all of that
25 evidence that's been presented to you and you put it

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1 together, it describes Travis Lawrence in one word. I
2 submit to you that word is guilty. Thank you.

3 THE COURT: Counsel.

4 MS. WILLIAMS: Thank you, Judge. May it please
5 the Court?

6 THE COURT: Yes, ma'am.

7 DEFENSE'S CLOSING

8 BY MS. WILLIAMS:

9 If they wanted Clayton Baxter dead and they left with
10 the knife and they left with the gun, then why is he here
11 today? Nothing in this case makes sense, nothing.

12 The State has charged Travis Lawrence with three very
13 serious charges, some of the most serious charges you can
14 levy against an individual in our State. Armed robbery,
15 they charged him with, what they believe, are the facts,
16 that he used a weapon in taking and carrying away Clayton
17 Baxter's property. They charged him with attempted murder,
18 that he went to that house not to buy drugs, not to borrow
19 money, not to hang out, but he went to that house with the
20 specific intent to kill Clayton Baxter. That's what they've
21 charged him with. That's what they have to prove. They
22 charged him with possession of a weapon by a person that is
23 not allowed to carry a weapon, some of the most serious
24 charges you can levy against an individual. And they
25 promised to you by bringing this case, by calling us here,

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1 by calling me, and you and the Judge, they promised us that
2 they will prove each and every one of those elements beyond
3 a reasonable doubt. They promised you that they are going
4 to leave you beyond a reasonable doubt, every single one of
5 you, about each and every element of the crime that they
6 brought.

7 And the Judge is going to tell you, she is going to
8 give you all of the correct law and I want you to rely on
9 what she tells you, not what I tell you but what she tells
10 you. I think she's going to tell you that Travis Lawrence
11 is innocent and that he sits here innocent and that he is
12 presumed innocent by me, by her, by the State, and that you
13 have to presume that he's innocent. It's called the
14 presumption of innocence. He is cloaked in a robe of
15 innocence. And that the State has to bring all of that
16 evidence in to prove to each and every one of you beyond a
17 reasonable doubt that he is guilty. And then and only then
18 can that robe of innocence be taken away from him.

19 So let me ask you this. Do you have a doubt about who
20 stabbed Clayton Baxter? Because if you do, your verdict has
21 to be not guilty. Do you think that maybe Clayton Baxter
22 was lying to this Court yesterday about his story? Do you
23 think maybe he was lying yesterday about his story, about
24 the versions of his story? Because if you do, you have to
25 find Travis Lawrence not guilty. Do you think he was lying

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1 about his prior record? He sat here and told you I've only
2 ever been convicted of marijuana. And when I asked him, is
3 that true? He said, yeah. And then I asked him wasn't it
4 true you were convicted of possession with intent to
5 distribute marijuana. I just smoke. I don't use. I only
6 use that scale so that I don't get played by the people I
7 buy from. That's what he told y'all. If you believe he was
8 lying to you, you have to find Travis Lawrence not guilty.
9 Do you believe he was lying to you about the fact that all
10 he does is use marijuana. That's what he told you. And you
11 can listen to the testimony. If you're questioning what I'm
12 telling you, you can ask to listen to what he testified to.
13 And I said, marijuana's all you use? He said, I don't use
14 any other drugs, never. But you heard the Judge tell you,
15 he's been convicted of possession of cocaine.

16 So was he telling you the truth or was he lying
17 yesterday? Because if you think he was lying, then you have
18 to find Travis Lawrence not guilty. And I'll tell you why,
19 because that's all they have. That is all they have. They
20 are dumping this on you. The State is dumping this on you
21 with Clayton Baxter's testimony.

22 I don't know if you noticed, but they didn't give you
23 fingerprint evidence. They brought the police officer in,
24 they sat him up there and they had the police officer tell
25 you everything. And then we had to get up and say did you

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1 dust for fingerprints? Yeah, I did. Did those fingerprints
2 match Travis Lawrence. No, we got some. Not a single one
3 matched Travis Lawrence. I don't know if you noticed, but
4 we had to ask, did you take DNA samples? Yeah, we did. Did
5 any of that DNA get sent to see if it matched Travis
6 Lawrence? No, we brought that in. We brought that in. We
7 asked them did you take gunshot residue off of anybody's
8 hands, off of the table? Nope. What about projectiles?

9 Clayton Baxter's story is that on July 2nd, 2016 Terell
10 Bennett called him. Terell is a family member, twenty
11 years. He calls him a nephew. He knows him well. They're
12 close and Terell said, can I borrow money. They are so
13 close -- and I don't know about you, but I don't lend money
14 to a lot of people. But they are so close that Clayton said
15 yes, come on. I'll lend you my money. And so he shows up.
16 And for whatever reason, instead of just being given the
17 money, Clayton Baxter's story is that Terell Bennett
18 conspired to rob him of the money. Somehow, he wanted to
19 take by force what was just going to be given to him. Does
20 that make sense? Does that make sense to anybody in this
21 room, that that's what happened? They want to say that oh,
22 they knew about his Social Security check. They want to say
23 they knew about the wads of cash that was around the house.
24 None of it got taken. Seventy dollars got taken from a
25 pocket. That's what's alleged or at least that's what

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1 Clayton Baxter says happened. Didn't take his drugs. He
2 had drugs in the house. They didn't take that.

3 What they want you to believe somehow is that Terell
4 Bennett was going to be loaned this seventy dollars, but
5 instead he decided to conspire to pull a gun and take it by
6 force. It just doesn't make sense. And if you believe that
7 Clayton Baxter is lying about these things, if you question
8 his testimony, the Judge is going to tell you, you have to
9 weigh his credibility. You have to weigh his prior
10 inconsistent statements. You are required to determine
11 whether or not he's telling the truth. And if he isn't, you
12 have to find Travis Lawrence not guilty.

13 And how do we even know -- I mean, honestly, they've
14 brought in shirts and they've shown bloody pictures, we
15 really don't know when the event happened. We don't know
16 how long it was before he called the police. We don't know
17 what the time period was. None of that was ever given to
18 you, about when it actually happened, these allegations.
19 All we know is when he called the police. So all of this
20 blood and all of this, they can try to throw that at you and
21 try to scare you or make you nervous or anxious, but the
22 reality is we don't even know if he was stabbed. Did you
23 see the wounds? Do we know what they looked like? He went
24 to the hospital. Did you see the medical records? Did you
25 see the pictures? I'm assuming he got some type of x-ray.

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1 Was any of that ever given to you? Do we even know if he
2 was stabbed? Do we know what caused that injury? They
3 don't have a knife. They don't have a gun. They could have
4 searched Travis Lawrence's house. They could have searched
5 Terell Bennett's house. Instead -- and you heard an officer
6 -- and I know Detective Peters got up on the witness stand
7 and said the only reason we got a search warrant was because
8 he couldn't consent. But you also heard another officer
9 testified that said we smelled marijuana and that's why we
10 searched that house. So instead of searching the people
11 that they now have charged, they searched Clayton Baxter's
12 house.

13 Would Terell Bennett go to his uncle's house and steal
14 from him knowing he would be identified, knowing he would be
15 caught? Knowing that eventually he'd be charged in this?
16 And if he did, why would Clayton Baxter tell the police that
17 Terell was the one who stabbed him, because you saw it. And
18 the body cam is in evidence, you can watch it. And I'm the
19 who admitted. I'm the one who admitted Officer Cerone's
20 body cam so that you could see it where they said who did
21 this to you? And he said Rell. Did he have anyone else
22 with him? Somebody named Trav. I'm the one who had to call
23 Officer Cerone to the witness stand, the Defense. I called
24 the police office and that's the only person I called so
25 that you could hear him say he told me that Terell Bennett

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1 stabbed him, is why I put it in my report.

2 So do you think Clayton Baxter was lying? Because if
3 you do, if you doubt his story, you have to find Travis
4 Lawrence innocent. You have to find him not guilty, because
5 that's all they gave you was Clayton Baxter. He told Deputy
6 Peters that it was a 38 revolver. He then testified that it
7 was a 357, so we don't even know what kind of gun it was.
8 There were never any bullets found, which is odd. He told
9 you he only had simple possession of marijuana on his
10 record. It turns out it was actually possession with intent
11 to distribute. He told you he didn't use any other drugs.
12 Turns out he actually uses cocaine. He didn't know what
13 kind of gun. He told some police it was Terell who stabbed
14 him. He then changed his story, maybe because Terell's his
15 family member, maybe because he's trying to protect Terell.
16 Clearly, he's not on trial today. Clearly, the non-family
17 member's on trial. Maybe that's why his stories changed. I
18 don't know, but I'll tell you my job is not to know what
19 happened in that house. I don't know what happened in that
20 house. I do know that my client's fingerprints aren't
21 there. His DNA is not there. I do know that there was
22 never a physical description of Trav given to Deputy Peters,
23 but somehow they came up with a photo lineup. Isn't that
24 weird. How are we connecting these dots? But, again, I
25 don't know what happened in that house.

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1 You know whose job it is to tell you what happened in
2 that house, it's the State's. It's not my job. It's the
3 State's job to connect those dots and to give you enough
4 evidence to ethically go back and make a determination. I'm
5 asking you to do the right thing, to do the just thing, to
6 do what your oath has required you to do. I'm asking you to
7 get out that scale, and not a digital scale used to weigh
8 drugs. I'm asking you to get out the scales of justice and
9 I'm asking you to deliver a verdict of not guilty.

10 Thank you.

11 THE COURT: You may proceed.

12 STATE'S REPLY CLOSING

13 BY MR. SPEARS:

14 Ladies and gentlemen, just a few more things. When
15 Travis Lawrence -- I submit to you when Travis Lawrence
16 stabbed Clayton Baxter, he had the specific intent to kill.
17 He didn't have to think that up two days beforehand. That
18 intent can form and that intent existed as evident by how he
19 stabbed him, by where he stabbed him, by how he left him
20 there to bleed out. You were asked do you have a doubt who
21 stabbed Clayton? He told you who stabbed him.

22 Do you think that Clayton was lying? The evidence has
23 all shown what he's been saying was consistent, what he's
24 been saying from the 9-1-1 call, to the body camera footage,
25 speaking with the officers sitting in front of you yesterday

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1 was the same.

2 Now, there's a question about the four fingerprints.
3 Remember what happened. When they walked in, Terell moved
4 aside and there's Travis with the gun. Then the melee
5 starts. There wasn't an opportunity for Travis to just
6 start putting his hands on things. The one moment when he
7 might have touched something, he grabbed the knife. We
8 don't have that knife, because I submit to you Travis
9 Lawrence left with that knife. And, yes, the other guy who
10 was there, Terell, was close with Clayton. And as of right
11 now, I'm not worried about Terell. Terell's going to have
12 his day in court. But they were close. They've known each
13 other for twenty-some odd years. And Clayton, from what you
14 heard, is a man of habit who cashes his Social Security
15 check the first of every month. And he keeps the cash
16 hidden somewhere in his house.

17 I submit to you the goal of this robbery wasn't the
18 seventy dollars that he was going to willingly give away.
19 It was the money that was found in the house. This wasn't
20 just a pocket change robbery. They knew there was money
21 there. Clayton told you Trav is good friends with Rell.
22 Everything he's seen Trav, it was with Rell. Rell's known
23 him for twenty years.

24 There's a question was he even stabbed? Was this just
25 some big fabrication? I'm not even going to show you any

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1 more photos. You've seen enough of them. You've seen what
2 he looked like. You've seen the floor. You've seen his
3 shirt. You heard EMS say that he had to be taken straight
4 to the trauma center.

5 But there questions is would Terell Bennett go to his
6 uncle's house to rob him? Terell Bennett's not on trial,
7 Travis Lawrence is.

8 Travis Lawrence is the man that had the revolver and
9 when that revolver was being fought over, bullets went up.
10 They went through the floor, went through a bedside table,
11 and they ended up in the ceiling.

12 Dwayne Peters told you that the projectile, if it's
13 found, after going through that much would be useless.
14 During this search, he had already spoken with Clayton at
15 the hospital. Clayton, even before that had told 9-1-1, had
16 told the officers it's Trav and Rell that did this. They
17 were trying to rob me. And I'll tell you what, ladies and
18 gentlemen, Officer Cerone who was called by the Defense,
19 absolutely, the other responding officer. We called one
20 responding officer, they called another. He was asked about
21 who in his report you think stabbed Clayton, okay? It was
22 in the moment question and response when Cerone was trying
23 to ascertain what happened in this situation. And I'm not
24 showing you this video again to show you the blood. You've
25 seen the blood. You've seen everything. I want you to

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1 listen to the Clayton's answer to the question.

2 (Portion of Officer's body cam
3 recording played/paused)

4 BY MR. SPEARS:

5 I can take you to their house. I know where they live
6 at.

7 (Portion of Officer's body cam
8 recording played/paused)

9 BY MR. SPEARS:

10 Who's the guy that did this to you? One of them's name
11 is Rell. One of them. He has already told 9-1-1 it was
12 Trav and Rell, five minutes earlier, ten minutes earlier. I
13 don't have the time written down right now. In the
14 meantime, he's still bleeding. He's already said this to
15 one person.

16 Ladies and gentlemen, the evidence is there. The
17 questions on the testimony. The testimony is supported by
18 the evidence. Travis Lawrence is guilty of armed robbery,
19 of attempted murder, possession of a handgun by a person
20 that's unlawful.

21 Thank you.

22 COURT'S CHARGE

23 THE COURT: Ladies and gentlemen, it is now time
24 for me to charge you on the law in this case.

25 I remind you that during this trial, you and I have

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1 certain duties to perform. As the trial Judge, it's my
2 responsibility to preside over the trial of this case and I
3 also have the duty to rule on the admissibility of the
4 evidence offered during this trial. You are to consider
5 only the competent evidence before you. If there was any
6 testimony ordered stricken from the record in this case
7 during this trial, you must disregard that testimony. You
8 are to consider only the testimony, which has been presented
9 from the witness stand, any exhibits which were made part of
10 the record in this case and any stipulations of counsel.

11 I have the additional duty to charge you the law
12 applicable to this case. As the presiding judge, I am the
13 sole judge of the law in this case and it is your duty as
14 jurors to accept and apply the law as I now state it to you.
15 If you already have an idea as to what the law is or what
16 the law should be, and it does not agree with what I now
17 tell you that the law is, you must abandon this idea because
18 you are sworn to accept the law and apply it exactly as I
19 state it to you. In every case tried in this court before a
20 jury, the jury becomes the sole and exclusive judge of the
21 facts in the case. A trial judge cannot intimate, state,
22 comment on or make any statement to the jury about the facts
23 in a case. Since you, the jury, are the sole judges of the
24 facts in this case, you're not to infer from anything that I
25 have said during the progress of this trial in ruling upon

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1 the admissibility of evidence or otherwise, or anything that
2 I say now during the course of this instruction to you, that
3 I have any opinion about the facts in this case. The law
4 does not allow me to have an opinion about the facts in this
5 case. This matter is solely for you to determine. As
6 jurors, it is your duty to determine the effect, value,
7 weight, and the truth of the evidence presented during this
8 trial.

9 The indictments charge the Defendant with attempted
10 murder, armed robbery and possession of a firearm by a
11 person convicted of a crime of violence. I remind you that
12 the fact that the Defendant was arrested, charged and
13 indicted in this case is not evidence in this case and
14 cannot be considered by you as evidence of guilt in this
15 case, nor does it create any presumption or inference of
16 guilt. These documents are simply the formal written
17 instruments, which contain the charges made against the
18 Defendant. They are the formal documents by which this case
19 is brought into court. The indictments again in this case
20 allege several different offenses against the Defendant.
21 The charges are attempted murder, armed robbery, in
22 possession of a firearm by a person convicted of a crime of
23 violence. Each indictment charges a separate and distinct
24 offense. You must decide each indictment separately on the
25 evidence and the law applicable to it, uninfluenced by your

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1 decision as to any other indictment. The Defendant may be
2 convicted or acquitted on any or all of the offenses
3 charged. You'll be asked to write a separate verdict of
4 guilty or not guilty for each indictment.

5 The Defendant has pled not guilty to these indictments
6 and that plea puts the burden on the State to prove the
7 Defendant guilty. A person charged with committing a
8 criminal offense in South Carolina is never required to
9 prove himself innocent. I charge you that it is an
10 important rule of law that the defendant in a criminal
11 trial, no matter what the seriousness of the charge may be,
12 will always be presumed innocent of the crime for which the
13 indictment was issued unless guilt has been proven by
14 evidence satisfying you of that guilt beyond a reasonable
15 doubt. This presumption of innocence does not end when you
16 begin your deliberations, but it accompanies the Defendant
17 throughout the trial until you reach a verdict of guilt,
18 based on evidence satisfying you of that guilt beyond a
19 reasonable doubt. The presumption of innocence is like a
20 robe righteousness placed about the shoulders of the
21 Defendant, which remains with the Defendant until it has
22 been stripped from the Defendant by evidence satisfying you
23 of the Defendant's guilt beyond a reasonable doubt. The
24 presumption of innocence is not a mere legal theory. It is
25 not just a legal phrase. It is a substantial right to which

1 every Defendant is entitled unless you, the jury are
2 satisfied from the evidence of the Defendant's guilt beyond
3 a reasonable doubt.

4 What is a reasonable doubt in the law? A reasonable
5 doubt is the kind of doubt that would cause a reasonable
6 person to hesitate to act. The State has the burden of
7 proving the Defendant guilty beyond a reasonable doubt.
8 Some of you may have served as jurors in civil cases where
9 you were told that it is only necessary to prove that a fact
10 is more likely true than not true, such as by the greater
11 weight or the preponderance of the evidence. In criminal
12 cases, the State's proof must be more powerful than that.
13 It must be beyond a reasonable doubt. Proof beyond a
14 reasonable doubt is proof that leaves you firmly convinced
15 of the Defendant's guilt. There are very few things in this
16 world that we know with absolute certainty. And in criminal
17 cases the law does not require proof that overcomes ever
18 possible doubt.

19 If based on your consideration of the evidence you are
20 firmly convinced that the Defendant is guilty of the crime
21 charged, you must find the Defendant guilty. If on the
22 other hand you think there is a real possibility the
23 Defendant is not guilty, you must give the Defendant the
24 benefit of the doubt and find him not guilty.

25 There are two types of evidence, which are generally

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1 presented during the trial, direct evidence and
2 circumstantial evidence. Direct evidence is the testimony
3 of a person who claims to have actual knowledge of a fact,
4 such as an eyewitness. Circumstantial evidence is proof of
5 a chain of facts and circumstances indicating the existence
6 of a fact. The law makes absolutely no distinction between
7 the weight or the value to be given to either direct
8 evidence or circumstantial evidence, nor is a greater degree
9 of certainty required of circumstantial evidence than of
10 direct evidence.

11 You should weigh all of the evidence in this case.
12 After weighing all the evidence if you're not convinced of
13 the guilt of the Defendant beyond a reasonable doubt, you
14 must find the Defendant not guilty. Necessarily, you must
15 determine the credibility of witnesses who have testified in
16 this case. Credibility simply means believability. It
17 becomes your duty as jurors to analyze and to evaluate the
18 evidence and determine which evidence convinces you of its
19 truth. In determining the believability of witnesses who
20 have testified in this case, you may believe one witness
21 over several witnesses or several witnesses over one
22 witness. You may believe a part of the testimony of a
23 witness and reject the remaining part of the testimony of
24 that same witness. You may believe the testimony of a
25 witness in its entirety or reject the testimony of a witness

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1 in its entirety. You may consider whether the witness has
2 exhibited to you any interest, bias, prejudice or other
3 motive in this case. You may also consider the appearance
4 and the manner of a witness while on the witness stand.
5 There has been evidence presented that witnesses have made
6 prior statements which are not consistent with the witnesses
7 present testimony. You may use this evidence to decide
8 whether to believe the witness. You may also use evidence
9 of the earlier contradictory statements to determine the
10 truth of those statements. It is up to you to decide
11 whether to believe the earlier statements or the testimony
12 given at trial. If a witness is shown to have knowingly
13 testified untruthfully concerning any material matter, you
14 may consider this in determining whether to trust the
15 witnesses testimony as to other matters. You may reject all
16 testimony of that witness or give all or part of the
17 testimony the weight that you think that it deserves.

18 I instruct you and emphasize that the fact that the
19 Defendant did not testify is not a factor to be considered
20 by you in any way in your deliberation and in your
21 consideration of the question of guilt or innocence of the
22 Defendant. It must not be considered by you in any manner
23 whatsoever. A defendant has a constitutional right to
24 remain silent and the assertion of this right must not be
25 considered by you in your deliberations. I repeat, under

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1 your oath, you are to draw no conclusion whatsoever from the
2 fact that the Defendant in this case did not testify. The
3 fact that this Defendant did not testify should not even be
4 discussed in the jury room. The burden of proof, as I have
5 stated to you, is on the State. The Defendant is not
6 required to prove his innocence. The burden of proof
7 remains on the State to prove guilt beyond a reasonable
8 doubt.

9 If a crime is committed by two or more people who are
10 acting together in committing a crime, the act of one is the
11 act of all. A person who joins with another to commit an
12 unlawful act is criminally responsible for everything done
13 by the other person, which happened as a probable or natural
14 consequence of the acts done in carrying on the common plan
15 and purpose. For example, two people can be guilty of
16 killing another person, when only one of the two had a gun,
17 there was only one bullet and only one of the two fired the
18 shot that caused the death. If two or more people are
19 together, acting together, assisting each other in
20 committing the offense, the act of one is the act of all.
21 Or as is sometimes said the hand of one is the hand of all.

22 Prior knowledge that a crime is going to being
23 committed without more is not sufficient to make a person
24 guilty of that crime. Mere knowledge that another person is
25 going to commit a crime, even if the Defendant is present

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1 when the crime is committed, is not sufficient to convict
2 the Defendant as a principal. Guilt as a principal is shown
3 by actual constructive presence at the scene as a result of
4 prior arrangement. Therefore, a finding of a prior arranged
5 plan or common scheme is necessary for a finding of guilt as
6 a principal. The State must prove beyond a reasonable doubt
7 competent evidence the theory of the hand of one is the hand
8 of all. A principal in a crime is one who either actually
9 commits the crime or who is present, aiding, abetting, or
10 assisting in committing the crime. When a person does an
11 act in the presence of and with the assistance of another,
12 the act is done by both. Where two or more acting with a
13 common plan or intent are present at the commission of a
14 crime, it does not matter who actually commits the crime.
15 All are guilty. The hand of one is the hand of all.
16 Present at the commission of a crime means to be
17 sufficiently near to aid and abet and assist in the
18 commission of the crime. However, mere presence at the
19 scene of a crime is not sufficient to convict one as a
20 principal in the theory of aiding and abetting. Intent is
21 also a necessary element for there must have been a common
22 design or intent to commit the crime. And the crime must
23 have been committed pursuant thereto with the person aiding
24 and abetting by some overt act. Intent means intending the
25 result which actually occurs, not accidentally or

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1 involuntarily. Intent may be shown by acts and conduct of
2 the Defendant and other circumstances from which you may
3 naturally and reasonably infer intent. The State must prove
4 these elements beyond a reasonable doubt.

5 An issue in this case is the identification of the
6 Defendant as the person who committed the crime charged.
7 The State has the burden of proving identity beyond a
8 reasonable doubt. You must be satisfied beyond a reasonable
9 doubt of the accuracy of the identification of the Defendant
10 before you may convict the Defendant. Identification
11 testimony is an expression of belief or impression by a
12 witness. You must determine the accuracy of the
13 identification of the Defendant. You must consider the
14 believability of each identification witness in the same way
15 as any other witness. You may consider whether the witness
16 has had an adequate opportunity to observe the offender at
17 the time of the offense. This will be effected by things
18 like how long or short a time was available; how far or
19 close the witness was; the lighting conditions; and, whether
20 the witness had the chance to see or know the person in the
21 past. Once again, I instruct you the burden of proof on the
22 State extends to every element of the crime charged and this
23 specifically includes the burden of proving beyond a
24 reasonable doubt the identity of the Defendant as the person
25 who committed the crime. If after examining the testimony

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1 you have a reasonable doubt as to the accuracy of the
2 identification, you must find the Defendant not guilty.

3 In order to establish criminal liability, criminal
4 intent is required. For example, the mental state required
5 to be proven by the State for a particular crime might be
6 purpose, intent, knowledge, recklessness, or criminal
7 negligence. Criminal intent must be proven by the State
8 beyond a reasonable doubt. Criminal intent is always a
9 matter that must be determined by the jury from the
10 circumstances surrounding the situation. There is no way to
11 prove intent by a mathematical certainty. There is no way
12 medical science can dissect a person's brain and determine
13 what the person had in mind. So the law says that criminal
14 intent may be inferred from the circumstances shown to have
15 existed. This is how you make a determination of whether or
16 not the element requiring intent was present. It is not
17 necessary to establish an intent by directive and positive
18 evidence, but intent may be established by inference in the
19 same way as any other fact by taking into consideration the
20 acts of the party and all of the facts and circumstances of
21 the case. Criminal intent is a mental state, a conscious
22 wrongdoing. It is up to you to determine what the Defendant
23 intended to do based upon the circumstances shown to have
24 existed. Criminal intent can arise from action or failure
25 to act. It may arise from negligence, recklessness or an

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1 indifference to duty or to consequences that is considered
2 by the law to be the equivalent of criminal intent.

3 You have heard evidence that a witness was convicted of
4 a crime. A person who has a past criminal record is
5 competent to testify during a trial. A past record does not
6 affect the ability of that witness to testify. The past
7 record may only be considered by you, if at all, in
8 determining the witnesses believability. Remember, you are
9 the sole judges of the facts in this case and the
10 believability of any and all of the witnesses.

11 The Defendant is charged with armed robbery. In order
12 to prove this offense, the State must first prove beyond a
13 reasonable doubt that the Defendant took personal property
14 from the person or presence of another person. Property is
15 in the presence of a person if it is within the person's
16 reach, inspection, observation, or control so that the
17 person could, if not overcome with violence or prevented by
18 fear, keep possession of the property. The State must also
19 prove beyond a reasonable doubt that the Defendant carried
20 the property away intending to permanently deprive the owner
21 of the property and to keep the property for the Defendant's
22 own use. The slightest removal of the property or the
23 complete possession of the property, even for an instant by
24 the Defendant, is sufficient to show a taking and carrying
25 away of the property. The taking and carrying away of the

1 property must have been done with violence or by putting the
2 owner of the property in fear of violence.

3 Finally, the State must prove beyond a reasonable doubt
4 that the Defendant was armed with a deadly weapon during the
5 robbery. A deadly weapon is any article, instrument or
6 substance, which is likely to cause death or great bodily
7 harm. Whether an instrument has been used as a deadly
8 weapon depends on the facts and circumstances of each case.
9 The following are examples of instruments which may be
10 deadly weapons, a pistol, a shotgun, a rifle, a knife. A
11 gun may be a deadly weapon even if it not operating. The
12 Defendant is charged with attempted murder. A person who is
13 charged with intent to kill attempts to kill another person
14 with expressed malice aforethought commits the offense of
15 attempted murder. Attempted murder requires proof of a
16 specific intent to kill. Specific intent means that the
17 Defendant consciously intended the completion of the acts
18 comprising the attempted offense. Furthermore, attempted
19 murder can be committed only when the accused acts are
20 accompanied by expressed malice, malice in fact. Expressed
21 malice is shown when a person speaks words which are
22 expressed hatred or ill will for another or when the person
23 prepared beforehand to do the act, which is later
24 accomplished. For example, lying in wait for a person or
25 any other acts of preparation going to show that the deed

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1 was within the Defendant's mind would be expressed malice.
2 Possession of a handgun by a person convicted of a crime of
3 violence. I charge you that the parties have stipulated
4 that the Defendant has been convicted of a crime of
5 violence. And, therefore, under this indictment the sole
6 issue for you to determine is whether the Defendant has been
7 proven to be in possession of a firearm on the date alleged
8 within the indictment.

9 If you find that the State has proven beyond a
10 reasonable doubt that the Defendant was in possession of a
11 handgun on the date alleged within the indictment, your
12 verdict will be guilty. If, on the other hand, you believe
13 there's a reasonable doubt as to whether the Defendant was
14 in possession of a firearm or a handgun on the date alleged
15 in the indictment, your verdict will be not guilty.

16 Further, I charge you that the fact that the parties
17 have stipulated to a prior conviction of the Defendant is in
18 no way evidence as to the other indictments and should in no
19 way be considered as evidence or proof of guilt alleged
20 therein. The prior conviction stipulated to should not
21 enter into your deliberations as to the remaining charges.

22 Ladies and gentlemen of the jury, you will have in the
23 jury room copies of the indictments, along with the verdict
24 form.

25 Madam Forelady, on the verdict form, you will write the

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1 verdict once the jury comes to a unanimous verdict. Of
2 course, unanimous means that all twelve of you must agree
3 upon a verdict. When you do come to a verdict, if you would
4 knock on the door, we will bring you in to receive your
5 verdict. Also, on the front of the indictment there is a
6 section that says verdict. If you would write the
7 appropriate verdict and sign and date it as the Foreperson,
8 that will be on the front of each of the indictments.

9 Before you begin your deliberations, I'm going to send
10 you to your room, but do not begin your deliberations until
11 you have received the indictments and the verdict forms and
12 all of the exhibits that have been presented. And just in
13 case I forgot to instruct you on anything with the law. So
14 you may retire your jury room and begin your deliberations
15 when you receive the exhibits.

16 (Jury out at 3:59 p.m.)

17 THE COURT: Any exceptions or objections to the
18 charge on the law from either the State and from the
19 Defense?

20 MR. TEMPLETON: None, Your Honor.

21 MS. WILLIAMS: None, Your Honor.

22 THE COURT: I'm going to go release the
23 alternates. Any objection?

24 MR. TEMPLETON: None, Your Honor.

25 MS. WILLIAMS: I'm sorry.

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1 MR. LOY: We have no objection to the releasing of
2 the alternates.

3 MS. WILLIAMS: No, no objection to that.

4 THE COURT: All right.

5 (Alternate jurors excused at 4:00
6 p.m.)

7 (Jury deliberating at 4:00 p.m.)

8 (Court in recess at 4:00 p.m.)

9 (Court in session for jury question
10 at 6:24 p.m.)

11 THE COURT: For the record, we have received a
12 note from the jury, which we'll mark as a Court's Exhibit in
13 just a moment. It states we're deadlocked. How do we
14 proceed on one of the charges. Mark that as a Court's
15 exhibit. I've shown that to both State and to Defense
16 counsel. What I am going to do now is give an Allen Charge.
17 Any objections or exceptions for me to charge?

18 MR. SPEARS: No objections, Your Honor.

19 MS. WILLIAMS: None, Your Honor.

20 MR. LOY: One other addition, Your Honor, it might
21 be an appropriate time to address the earlier note that you
22 got also. If you want to put that on the record.

23 THE COURT: Absolutely.

24 CLERK: They have it.

25 THE COURT: They have it. We'll get it back from

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1 the jury but we'll mark that a Court Exhibit as well. They
2 did send back a previous note, which asked whether or not
3 the hand of one, hand of all applied to all of the charges
4 and both parties to write on that note that no, it only
5 applied to the two other indictments, not the possession of
6 the weapon charge.

7 Anything further from that?

8 MR. LOY: Nothing, Your Honor.

9 COURT REPORTER: Judge, I'm going to make those
10 notes Court's 2 and Court's 3.

11 THE COURT: Thank you.

12 (Court's Exhibit No. 2, question,
13 was marked)

14 (Court's Exhibit No. 3, question
15 was marked)

16 (Jury in at 6:25 p.m.)

17 ALLEN CHARGE

18 THE COURT: Madam Forelady, I am in receipt of
19 your note, which we have marked as a Court's Exhibit. What
20 I must now tell you is that ladies and gentlemen you have
21 stated that you have been unable to agree on a verdict in
22 this case. As I instructed you earlier, the verdict of the
23 jury must be a unanimous verdict. When a matter is in
24 dispute it isn't always easy for even two people to agree.
25 So when twelve people must agree, it becomes even more

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1 difficult. In most cases absolute certainty cannot be
2 reached or expected; however, you have a duty to make every
3 reasonable effort to reach a unanimous verdict. In doing
4 this, you should consult with one another, express your own
5 views and listen to the opinions of your fellow jurors.
6 Tell each other how you feel and why you feel that way,
7 discuss your differences with open minds. Although the
8 verdict of the jury must be unanimous, every one of you has
9 a right to your own opinion. The verdict you agree to must
10 be your own verdict and the result of your own convictions
11 and you should not give up your firmly held beliefs merely
12 to be in agreement with your fellow jurors. The majority
13 should consider the minorities position and the minority and
14 should consider the majorities position. You should
15 carefully consider and respect the opinions of each other
16 and reevaluate your position for reasonableness, correctness
17 and impartiality. You must lay aside all outside matters
18 and reexamine the questions before you based on the law and
19 the evidence in this case.

20 If you do not agree a verdict in this case, I must
21 declare a mistrial. In that case, it does not mean anybody
22 wins. It just means that at some future time I will try
23 this case with some other jury sitting where you now sit,
24 the same participants will come and the same lawyers will
25 ask basically the same questions and get basically the same

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1 answers and we'll go through the whole process again.

2 You were selected in the same manner and from the same
3 source as any future jury will be and there's no reason for
4 me to suppose that the case will ever be submitted to twelve
5 more intelligent, impartial, conscientious and competent
6 jurors than you or that a more clear evidence would be
7 produced on one side or the other. Therefore, ladies and
8 gentlemen, at this juncture, I'm going to ask you to please
9 return to your jury room to continue your deliberations.

10 (Jury out at 6:28 p.m.)

11 THE COURT: Any exceptions to the charge on the
12 law from either the State or from the Defense?

13 MR. TEMPLETON: No, Your Honor.

14 MS. WILLIAMS: None, Your Honor.

15 THE COURT: All right. We'll be at ease.

16 Hopefully, we'll return with a verdict.

17 (Court in recess at 6:28 p.m.)

18 (Court in session for jury question
19 at 6:52 p.m.)

20 THE COURT: We've received another note from the
21 jury which states if they can have the definition of malice
22 aforethought. After sharing that not with both parties, it
23 has been agreed upon by both the State and the Defense that
24 the Court will read the attempted murder charge to the jury
25 in hopes of clearing up that explanation. The malice charge

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1 is contained therein. Any objection from either the State
2 or from the Defense?

3 MR. SPEARS: No, Your Honor.

4 MS. WILLIAMS: None, Your Honor.

5 THE COURT: All right. Let's have our jury,
6 please.

7 (Jury in at 6:52 p.m.)

8 THE COURT: Welcome back ladies and gentlemen of
9 the jury. I'm in receipt of your note asking for a
10 definition of malice and aforethought. What I'm going to do
11 is I'm going to read to you the attempted murder language,
12 which includes that in there so that hopefully you get a
13 complete picture of the law on that charge.

14 The Defendant is charged with attempted murder. A
15 person who with intent to kill attempts to kill another
16 person with expressed malice aforethought, commits the
17 offense of attempted murder. Attempted murder requires
18 proof of specific intent to kill. Specific intent means
19 that the Defendant consciously intended the completion of
20 the acts, comprising the attempted offense. Furthermore,
21 attempted murder can be committed only when accused acts are
22 accompanied by expressed malice, malice in fact. Expressed
23 malice is shown when a person speaks words which express
24 hatred or ill will for another or when the person prepared
25 beforehand to do the act, which was later accomplished. For

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1 example, lying in wait for a person or any other acts of
2 preparation going to show that the deed was within the
3 Defendant's mind would be expressed malice.

4 Ladies and gentlemen, I will ask for you to return to
5 your room to complete your deliberations.

6 (Jury out at 6:54 p.m.)

7 THE COURT: Any exceptions or objections from
8 either side?

9 MR. SPEARS: None, Your Honor.

10 MS. WILLIAMS: No, ma'am.

11 THE COURT: We'll mark this as our next Court's
12 Exhibit.

13 (Court's Exhibit No. 4, jury note,
14 was marked)

15 THE COURT: We'll be at ease.

16 (Court in recess at 6:55 p.m.)

17 (Court in session for verdict 7:25
18 p.m.)

19 THE COURT: It is my understanding that we have a
20 verdict. Anything before I bring the jury out?

21 MR. SPEARS: No, Your Honor.

22 MS. WILLIAMS: No, ma'am.

23 THE COURT: Could we have our jury, please?

24 (Jury in at 7:25 p.m.)

25 THE COURT: Madam Forelady, has the jury reached a

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1 verdict?

2 MADAM FORELADY: Yes, ma'am.

3 THE COURT: Would you please hand it to the
4 bailiff?

5 Do you have the verdict form as well?

6 MADAM FORELADY: No, ma'am.

7 THE COURT: Is it in the jury room?

8 MADAM FORELADY: Yes, ma'am.

9 THE COURT: Is it filled out?

10 MADAM FORELADY: No, ma'am.

11 THE COURT: You just read the verdicts on the
12 indictments?

13 MADAM FORELADY: Yes, ma'am.

14 THE COURT: Any objection to reading the verdict
15 solely from the indictments or do you request a verdict
16 form?

17 MR. TEMPLETON: No objection from the State, Your
18 Honor.

19 MS. WILLIAMS: No objection, Judge.

20 THE COURT: All right. Madam Clerk, if you would
21 please publish the verdict.

22 THE CLERK: Yes, ma'am.

23 In the matter of the State of South Carolina versus
24 Travis Latrell Lawrence, indictment number 2016-GS-18-1605
25 for an attempted murder. Verdict is guilty. Signed by

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1 Foreperson, Leah Turner.

2 For indictment Number 2016-GS-18-1604 for the charge of
3 armed robbery, the verdict is not guilty. Signed by
4 Foreperson Leah Turner.

5 And indictment Number 2018-GS-18-0922 --

6 (off record discussion between
7 Clerk and The Court)

8 THE CLERK: -- for the sale or delivery of pistol
9 to, possession by, the verdict is not guilty. Signed by
10 Foreperson, Leah Turner.

11 Should that be dated?

12 THE COURT: Yes, ma'am. I'm going to ask you to
13 date the verdict forms.

14 Is there any objection if the Court inserts the date on
15 them, on the indictment?

16 MS. WILLIAMS: No Judge.

17 THE CLERK: You can go ahead and poll the jury.

18 THE CLERK: Yes, ma'am.

19 (Whereupon, the jury was polled and
20 the verdicts stand)

21 THE COURT: Thank you, ladies and gentlemen of the
22 jury. If you would please return to your jury for the last
23 time, I'll be in there shortly to release you.

24 (Jury out at 7:45 p.m.)

25 THE COURT: Anything further before I release the

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1 community and punishment for your crimes. They've stated
2 you've maintained your innocence; however, the jury has
3 spoken and I can certainly see why they've come to the
4 verdict that they've come. I think you're fortunate that
5 the victim here wasn't a murder victim. I mean, he survived
6 these wounds. It's a terrible crime regardless of the
7 circumstances of what brought you there, whether it was to
8 buy drugs or buy money, I don't know. But regardless of any
9 of those circumstances, it's not right.

10 On indictment 2016-GS-18-1605 for attempted murder,
11 you're hereby committed to the State Department of
12 Correction's for a period of thirty years.

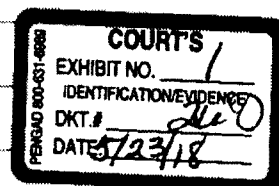
13 Court is adjourned.

14 (This proceeding is concluded)
15
16
17
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25

Does the "hand of one is the hand of all"
apply to the gun charge?

No, that only applies to the
other two indictments.

Marte Mier



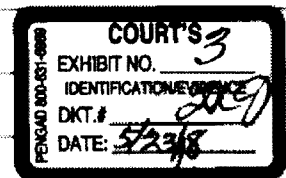
Attempted Murder

7 Guilty

5 Not Guilty

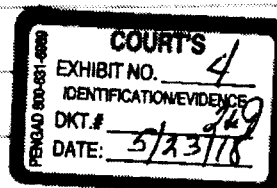
We are deadlocked, how do we proceed?

[Handwritten signature]



Can we have a definition of malice
aforethought?

[Handwritten signature]

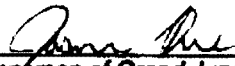
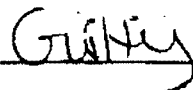
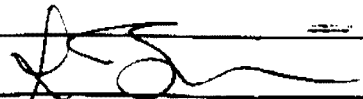


WITNESSES

D Peters

Dorchester County Sheriff
16-006745ARREST WARRANT NUMBER
2016A1810300732

Arrested: August 23, 2016

ACTION OF GRAND JURY

 Foreperson of Grand Jury
 Date: February 2, 2017
VERDICT


 Foreperson of Petit Jury
 Date:

DOCKET NO. 2016GS18-1605

The State of South Carolina
County of DORCHESTER
COURT OF GENERAL SESSIONS

February 6, 2017 TERM

THE STATE
vs.

Travis Latrell Lawrence

Indictment for

Attempted Murder

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ECOR
2 FEB -2 PM 3:01
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

INDICTMENT
2016GS18-1605

As a Court of General Sessions, convened on February 2, 2017 the Grand Jurors of DORCHESTER County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Travis Latrell Lawrence, did in Dorchester County on or about July 2, 2016 did with the intent to kill, attempt to kill one Clayton Baxter with malice aforethought by stabbing the victim. This offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

A handwritten signature in black ink, reading "Glenn P. Justis", is written over a horizontal line.

Glenn P. Justis, Solicitor

242 STATE OF SOUTH CAROLINA

COUNTY OF Dorchester
STATE VS.
Travis Latrell Lawrence
AKA:
Race: BLACK Sex: M Age: 25
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED] Blvd
City, State, Zip: North Charleston, SC 29420
DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Attempted Murder

in violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

[Signature] 102370
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDoc.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5%) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Del/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS18-1605

A/W#: 2016A1810300732

Date of Offense: 7/2/2016

S.C. Code §: 16-3-29

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

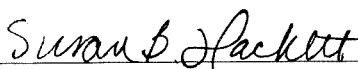
Judge Code: 2164

Sentence Date: 5/23/19

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 7th day of October, 2019.

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SC Court of Appeals