

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County

Honorable Thomas A. Russo, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ANTHONY RAYNARD RANDALL,

APPELLANT

APPELLATE CASE NO 2018-001998

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

WILLIAM M. BLITCH
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT FOR VIEWING:
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State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Marion	)	Case No. 2018-GS-33-00300
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Anthony Raynard Randall,	)	
	)	
Defendant.	)	
	)	

November 5-7, 2018
Marion, South Carolina

B E F O R E:

The Honorable Thomas A. Russo, Judge; and a jury

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

Fitzlee McEachin, Esquire
Attorney for the State/Plaintiff

William Vickery Meetze, Esquire
Franklin Chandler, Esquire
Attorneys for the Defendant

Krystal J. Smith
Circuit Court Reporter

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21	dashes	--	intentional or purposeful interruption
22			or change in thought
23	ellipses	. . .	trailing off
24	[ph]		phonetically written
25	[sic]		written as said

1 NOVEMBER 5, 2018

2 (WHEREUPON, the proceedings began at 1:36 p.m.)

3 THE COURT: All right. Ladies and gentlemen, we will go
4 ahead now and I'll recognize Mr. McEachin on behalf of the
5 State to call the State's first case and we'll select our
6 first jury.

7 MR. MCEACHIN: Thank you, Your Honor. The State would
8 call the case of State versus Anthony Raynard Randall,
9 Indictment Number 2018-GS-33-300.

10 THE COURT: Thank you, sir.

11 THE CLERK: Can you just make sure that all the jurors
12 are back up?

13 THE COURT: Yeah.

14 THE CLERK: Okay.

15 THE COURT: Could y'all just check now and make sure
16 everyone is back?

17 (WHEREUPON, there was a pause in the proceedings, after
18 which the proceedings resumed as follows.)

19 THE COURT: Okay. I think we have everybody.

20 (WHEREUPON, a bench conference was held with the clerk
21 off the record, after which the proceedings resumed as
22 follows.)

23 THE COURT: All right. Ladies and gentlemen, you've
24 heard Mr. McEachin call the first case for trial, the State
25 of South Carolina versus Anthony Raynard Randall.

1 Mr. Randall is charged under an indictment. An
2 indictment, ladies and gentlemen, is simply a document.
3 Okay? It is the document or the piece of paper that brings
4 the charge into this court. It is the official charging
5 document, so to speak, and it contains the allegations that
6 the State has made against a defendant.

7 To the allegations contained in this indictment, Mr.
8 Randall has pled not guilty, and that plea of not guilty
9 places the burden of proof upon the State to prove the
10 allegations contained in this indictment beyond a reasonable
11 doubt and the elements that support those allegations.

12 Now, I'm going to read to you the allegations that are
13 contained in this indictment. Please understand that the
14 indictment and the allegations that are contained in the
15 indictment are not evidence against Mr. Randall. It is just
16 merely the charging document that brings the allegations into
17 this court.

18 This indictment is Indictment 2018-GS-33-300, and that
19 indictment charges Mr. Randall under Count I of the
20 indictment with the charge of murder, and the allegation is
21 that Anthony Raynard Randall did in Marion County on or about
22 January the 20th of 2018, willfully, feloniously, and
23 intentionally kill the victim, Dashamel Drayton, with malice
24 aforethought, either express or implied, by means of
25 shooting, and the victim did die as a proximate result

1 thereof on or about January the 20th of 2018 in Marion County,
2 all in violation of Section 16-3-10 of the South Carolina
3 Code of Laws, 1976, as amended.

4 Mr. Randall is also charged under this indictment for
5 the offense of possession of a weapon during a violent crime,
6 and the allegations as to that charge are that Anthony Ray --
7 Anthony Raynard Randall did in Marion County on or about
8 January the 20th, 2018, possess a firearm or visibly display
9 what appeared to be a firearm or visibly displayed a knife
10 during the commission or attempted commission of a violent
11 crime in violation of Section 16-23-490 of the South Carolina
12 Code of Laws, 1976, as amended.

13 And then the third allegation against Mr. Randall is a
14 charge of unlawful possession of a handgun, and that
15 allegation alleges that Anthony Raynard Randall did in Marion
16 County on or about January the 20th of 2018, carry about his
17 person a pistol, such carrying not being authorized in law,
18 in violation of Section 16-23-20 of the South Carolina Code
19 of Laws, as amended.

20 Those are the allegations that the State has made
21 against Mr. Randall. To those allegations, as I indicated to
22 you earlier, he has pled not guilty, and that plea of not
23 guilty places upon him the presumption of innocence and
24 places upon the State the burden of proving the elements of
25 those charges.

1 Now, having read to you those allegations that Mr.
2 Randall is charged with, is there any member of the jury
3 panel who knows anything about this case based on what I have
4 shared with you here this morning? If so, please stand.

5 (WHEREUPON, one person stood.)

6 THE COURT: All right. And, ma'am, if I could get --
7 I'm going to get you to come forward here and then I'll ask
8 you exactly what it is you know about the case. Okay?

9 (WHEREUPON, a bench conference was held with Juror
10 Number 58 was held as follows.)

11 THE COURT: And could I get your name?

12 JUROR NUMBER 58: Carmencita Ellison.

13 THE COURT: Okay. Come on up, Ms. Ellison. Ms.
14 Ellison, what do you know about the case?

15 JUROR NUMBER 58: Well, I know both sides, the family,
16 and I'm kin. I'm first cousin to the victim.

17 THE COURT: Oh, okay.

18 JUROR NUMBER 58: Yeah. I'm first cousin to him.

19 THE COURT: That would put you in --

20 JUROR NUMBER 58: Yeah. It makes it a decision. Yes,
21 sir.

22 THE COURT: Okay. What I'm going to do is I'm going to
23 excuse you from participating in this case.

24 JUROR NUMBER 58: Yes, sir.

25 THE COURT: Now, I'm going to ask you to go have a seat

1 and, if you would, just don't talk to anybody about the case.

2 Okay?

3 JUROR NUMBER 58: Okay.

4 THE COURT: And the rest of the questions that I'm going
5 to ask, whether they apply to you or not, you don't have to
6 stand and answer because I'm going to excuse you from being a
7 part of this case.

8 JUROR NUMBER 58: Okay. So just go back and have a
9 seat?

10 THE COURT: Just have a seat and just don't discuss the
11 case with anybody.

12 JUROR NUMBER 58: Okay.

13 THE COURT: Thank you.

14 JUROR NUMBER 58: You're welcome.

15 MR. MEETZE: Can you ask her just to make sure she
16 hasn't already discussed the case with anyone?

17 THE COURT: Have you talked with anybody out there about
18 the case?

19 JUROR NUMBER 58: No, but I heard some stuff about the
20 case though. I know a little bit about the case.

21 THE COURT: Okay. But you haven't discussed it with any
22 of your members --

23 JUROR NUMBER 58: No, sir.

24 THE COURT: Fellow members of the jury?

25 MR. MCEACHIN: The stuff you heard about it, did you

1 hear it out there?

2 JUROR NUMBER 58: No, sir. I don't stay too far from
3 the victim.

4 MR. MCEACHIN: Okay.

5 THE COURT: Okay.

6 JUROR NUMBER 58: We stay right across the street from
7 one another.

8 MR. MCEACHIN: But nobody out there has talked about it?

9 JUROR NUMBER 58: No. Huh-uh.

10 THE COURT: Okay. Thank you. Thank you, ma'am.

11 JUROR NUMBER 58: Okay. Thank you, sir.

12 (WHEREUPON, Juror Number 58 left the bench conference
13 ended and the bench conference continued as follows.)

14 THE COURT: Obviously, she wouldn't -- we need -- when
15 you do the pull for this panel, pull Ms. Ellison's name out.
16 Okay?

17 (WHEREUPON, the bench conference ended and the
18 proceedings resumed as follows.)

19 THE COURT: Ladies and gentlemen, we have representing
20 the State, Mr. McEachin, and representing the defense, Mr.
21 Meetze and Mr. Chandler. I am going to get them to stand and
22 introduce themselves and let you get a look at them, and then
23 I'll have some additional questions for you. We'll start
24 with Mr. McEachin.

25 MR. MCEACHIN: Judge, we'd like to go over the people in

1 our office as well.

2 THE COURT: If you -- if you can. If you know them all.

3 MR. MCEACHIN: I'll do my best, Your Honor.

4 Ladies and gentlemen, good morning. My name is Fitzlee
5 McEachin. I am the assistant solicitor who is prosecuting
6 this case today. In addition, Solicitor Clements is seated
7 here in the courtroom with Deputy Solicitor John Jepertinger,
8 and assistant solicitor, Patty Parker. We also have two of
9 our victim's advocates here today, Ms. Vicky Singletary and
10 Ms. Tracy Hagen. We do have some other prosecutors who will
11 be in and out but won't be involved in this case.

12 THE COURT: Thank you, sir. Let me -- before I
13 recognize Mr. Meetze and Mr. Chandler, let me go ahead and
14 ask my questions as it relates to Mr. McEachin and the
15 Solicitor's Office.

16 Is there any member of the jury panel who is related by
17 blood, connected by marriage or who has any close business or
18 personal relationship with either Mr. McEachin, Solicitor
19 Clements, Mr. Jepertinger, Ms. Parker or any member of the
20 Solicitor's Office or who has ever been either represented by
21 or prosecuted by that office? If so, please stand.

22 (WHEREUPON, one person stood.)

23 THE COURT: All right. And, ma'am, your name, please?

24 JUROR NUMBER 118: Hattie Pernell. Hattie Pernell.

25 THE COURT: Okay. And what number is that?

1 THE CLERK: 118.

2 THE COURT: And who do you know in that office, ma'am?

3 JUROR NUMBER 118: I was represented by them by Ms.
4 Parker.

5 THE COURT: Okay. You were represented by Ms. Parker?

6 JUROR NUMBER 118: Yes.

7 THE COURT: All right. The fact that you've had that
8 relationship, would that in any way affect your ability to
9 give both the State and the defense a fair trial?

10 JUROR NUMBER 118: No, it wouldn't.

11 THE COURT: All right. Thank you very much, ma'am. You
12 may have a seat.

13 Mr. Meetze, can you and Mr. Chandler -- if y'all would
14 introduce yourselves and then introduce your client.

15 MR. MEETZE: Ladies and gentlemen, I wasn't sure whether
16 to say good morning or good afternoon because it's just over
17 the line. So I'll say good afternoon to you.

18 My name is Vick Meetze and I work in the Public
19 Defender's Office for Marion County. I work there along with
20 Franklin Chandler, who is trying this case as well through
21 our office. Molly Sloan works with us in that office. Our
22 circuit defender is Scott Floyd for Florence and Marion
23 County. We also have Hank Anderson that works as an attorney
24 in our office. And we are happy to represent Anthony Randall
25 in this case.

1 THE COURT: Mr. Randall, if I could just get you to
2 stand and face the jury for just a moment, sir. Let them get
3 a look at you.

4 (WHEREUPON, the defendant complied.)

5 THE COURT: All right. Thank you. You may have a seat.

6 Folks, I always ask the lawyers and the folks to stand
7 and face you because sometimes you know someone, you
8 recognize their face and you know them, but you don't
9 recognize them by their name. So that's why I always have
10 them stand and introduce themselves.

11 You've met Mr. Meetze and Mr. Chandler and Ms. Sloan.
12 The fact that -- excuse me.

13 Is there any member of the jury panel who is related by
14 blood, connected by marriage or who has any close business or
15 personal relationship with or who has ever been represented
16 by either Mr. Meetze or Mr. Chandler or any member of the
17 Twelfth Circuit Public Defender's Office? If so, please
18 stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: Thank you. There are none.

21 You met Mr. Randall. Is there any member of the jury
22 panel who is related by blood, connected by marriage or who
23 has any close business or personal relationship with Mr.
24 Randall? If so, please stand.

25 (WHEREUPON, no one stood.)

1 THE COURT: Thank you. There are none.

2 Now, that question that I just asked you as it related
3 to Mr. Randall, that is are you related by blood, connected
4 by marriage or have any close business or personal
5 relationship, that's the same question that I'm going to be
6 asking you as it relates to the names that I'm about to call
7 out.

8 I'm going to -- I'm going to call out some names. These
9 are folks who are possible or potential witnesses. These are
10 people that may appear during the course of this trial as
11 witnesses.

12 And so as I go through these names, if that question
13 applies for you, if that question applies to one of these
14 individuals, I would ask that you would -- that you stand if
15 you hear a name and that question applies to you.

16 I would ask that you continue to listen. I have several
17 names that I'm going to call out and it may be that you know
18 more than one of these individuals.

19 If any of these folks are in the courtroom, I would ask
20 that you stand and face the jury for just a moment and then
21 you can have a seat.

22 The following folks are people that may or may not
23 testify during the course of this trial.

24 Lt. Chris Smith.

25 Chief Tony Flowers.

1 Sgt. Eric Poston.
2 Off. Jacolgen Mack.
3 Lt. Bessie Gause.
4 Marilyn Rogers.
5 Inv. Derrick Smith.
6 Dep. Robert Page.
7 Jessica Stowe.
8 Paul Greer.
9 Adrienne Hefney.
10 Travail Roberts.
11 Rickita Buxton.
12 Cederick Brown.
13 Demetrick White.
14 Alemetta Hope or she may go by Alenetta Hope.
15 Khadijah Roberts.
16 Angelina Phillips.
17 Karen Collins.
18 Is there any member of the jury panel related by blood,
19 connected by marriage or have any close business or personal
20 relationship with any of those folks?
21 (WHEREUPON, two people stood.)
22 THE COURT: Ma'am, your name, please?
23 JUROR NUMBER 149: Sara Smith.
24 THE COURT: All right. Ms. Smith, give me one second to
25 find you here. All right. This is Juror 149.

1 Ms. Smith, who on that list did you either know or are
2 related to?

3 JUROR NUMBER 149: Chris Smith.

4 THE COURT: All right. And what relation or knowledge
5 do you have on Chris Smith?

6 JUROR NUMBER 149: He is my nephew by marriage.

7 THE COURT: All right. The fact that Mr. Smith or
8 Officer Smith may appear during this case as a -- as a
9 witness, would that in any way affect your ability to give
10 both the State and the defense a fair and impartial trial?

11 JUROR NUMBER 149: No, sir.

12 THE COURT: Thank you, ma'am. You may have a seat.

13 And, ma'am, who on -- let me get your name first.

14 JUROR NUMBER 22: Gloria Brown.

15 THE COURT: All right. Is it Gloria Brown?

16 THE CLERK: Yes, sir.

17 THE COURT: 22. Ms. Brown, who on -- on that list did
18 you know or are related to?

19 JUROR NUMBER 22: Demetrick White. He's my niece by
20 marriage son.

21 THE COURT: Okay. The fact that Mr. White has -- you
22 have that relationship and that he may appear as a witness,
23 would that in any way affect your ability to give both the
24 State and the defense a fair and impartial trial?

25 JUROR NUMBER 22: No, sir.

1 THE COURT: Thank you very much, ma'am. You may have a
2 seat.

3 Anyone else?

4 (WHEREUPON, there was no response.)

5 THE COURT: Is there any member of the jury panel who
6 has ever been prosecuted by the Twelfth Circuit Solicitor's
7 Office or any member of your immediate family who have been
8 prosecuted by this office? If so, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: Thank you, there are none.

11 Is there any member of the jury panel or a member of
12 your close family have a close either social or personal
13 relationship or attend church or have any relationship with
14 either Teresa Ellison, James Ellison or -- is it Frenesia
15 [ph] Green? Anyone?

16 (WHEREUPON, there was no response.)

17 THE COURT: All right. Thank you. There are none.

18 Is there any member of the jury panel or a member of
19 your immediate family or close circle of friends who has ever
20 been employed by any city, county, state or federal law
21 enforcement agency, either currently or in the past? If so,
22 please stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Thank you, there are none.

25 Is there any member of the jury panel or any member of

1 your close immediate family or close circle of friends who
2 has ever been employed by any city, county, state or federal
3 prosecutor's office, either currently or in the past? If so,
4 please stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: Thank you. There are none.

7 Is there any member of the jury panel or a member of
8 your close immediate family or close circle of friends who
9 has volunteered their services for any law enforcement agency
10 or prosecutor's office, either in the past or currently? If
11 so, please stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Thank you. There are none.

14 Is there any member of the jury panel who is either a
15 member of or who has contributed either money or time to any
16 organization such as MADD, Mothers Against Drunk Driving,
17 SADD, Students Against Drunk Driving, CAVE, Citizens Against
18 Violence, or any other organization which lobbies on behalf
19 of victims' rights? If so, please stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Thank you. There are none.

22 Is there any member of the jury panel who has either
23 contributed -- either by way of financial means or by
24 volunteering of your time contributed to any law enforcement
25 organization, such as the Fraternal Order of Police, the

1 South Carolina Law Enforcement Officers Association, South
2 Carolina State Troopers Association, the Sheriff's
3 Association, any of those types of organizations that you've
4 contributed either money or volunteering of your time? If
5 so, please stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: Thank you, there are none.

8 Is there any member of the jury panel or member of your
9 immediate family who has ever been a victim of a criminal
10 offense? If so, please stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Thank you, there are none.

13 Ladies and gentlemen, any time we select a jury, whether
14 it be for a civil case or a criminal case, any time we put
15 twelve people in the jury box, what we're trying to do is
16 we're trying to seat folks who can take any of the
17 experiences that you've had outside this courtroom, set those
18 things aside, and sit here and listen carefully to the
19 evidence that is presented during the course of this trial
20 and decide this case based solely upon the evidence that
21 appears during this trial in this courtroom, and give both
22 the State of South Carolina and the defendant at the bar a
23 fair and impartial trial. That's our goal every time we
24 select a jury is to seat folks that can do that.

25 Now, I've asked you some questions and you've noticed

1 that my follow-up question. If you responded to any of my
2 questions, my follow-up question was always would that in any
3 way affect your ability to give both the State and the
4 defense a fair trial because that's what we're looking to do
5 here this week.

6 So I've asked some questions, but -- and I guess I could
7 ask questions all afternoon to try to determine if there is
8 any issues, but maybe the easiest way to do it would simply
9 be this way.

10 Whether or not I've asked the question, is there any
11 member of the jury panel who knows of any reason why you
12 would not be able to give both the State and the defense a
13 fair and impartial trial? If so, please stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: Thank you, there are none.

16 Are there any additional questions of voir dire from the
17 State?

18 MR. MCEACHIN: No, sir, Your Honor.

19 THE COURT: Anything additional from the defense?

20 MR. MEETZE: No, Your Honor.

21 THE COURT: Thank you, folks. Now, ladies and
22 gentlemen, let me tell you how we go about selecting juries
23 here in General Sessions court.

24 Madam Clerk has a program on her computer and what it
25 does is it takes this list. This is the jury list. These

1 are y'all's names pretty much in alphabetical order. Well,
2 it takes this list and it completely and randomly reorders
3 it.

4 So it may be, like, if I was on the jury panel, I may be
5 Tommy Russo, Juror 134, on this list, but I may show up on
6 this new list as Tommy Russo, Juror 14. There's just no
7 rhyme or reason. It just completely reorders the names.

8 What she will do is she'll take that new list and she'll
9 start at the very top and she'll call out the first name on
10 that new list. If your name is called, I would ask if you
11 would please stand and just -- and just stand there.

12 Madam Clerk will then -- she'll start with the State and
13 she'll ask of the State words to this effect: What say you
14 for the State? The State has one of two options. They can
15 excuse you and, if they excuse you, you'll just have a seat,
16 or they can present you and, if they present you, you'll
17 remain standing.

18 Then she'll look to the defense and ask of the defense
19 words to this effect: What say you for the defense? The
20 defense has two options. They can either excuse you and, if
21 they excuse you, you'll have a seat, or they can seat you
22 and, if they seat you, you'll come down and you'll come over
23 and have a seat in the jury box.

24 And if you are seated in the jury box, please bring with
25 you any personal belongings you may have brought to the

1 court. Okay? And we'll go through that process until we
2 have selected our jury.

3 So is the State ready to proceed to jury selection?

4 MR. MCEACHIN: The State is ready, Your Honor.

5 THE COURT: Is the defense ready?

6 MR. CHANDLER: We're ready, judge.

7 THE COURT: All right. And we're five and ten?

8 MR. MCEACHIN: Yes, sir.

9 THE CLERK: I am going to be calling by the juror
10 number.

11 Juror Number 28, Diane Cantey.

12 (WHEREUPON, a black female stood.)

13 THE CLERK: What say the State?

14 MR. MCEACHIN: Please present Ms. Cantey.

15 THE CLERK: What say the defense?

16 MR. CHANDLER: Please seat the juror.

17 THE DEFENDANT: Ms. Cantey, if you'll come forward,
18 please.

19 Juror Number 143, Bonita Self.

20 (WHEREUPON, a black female stood.)

21 THE CLERK: What say the State?

22 MR. MCEACHIN: I beg the Court's indulgence. Please
23 present Ms. Self.

24 THE CLERK: What say the defense?

25 MR. CHANDLER: Please seat the juror.

1 THE CLERK: Ms. Self, if you'll please come forward.
2 Juror Number 9, Vernon Bell.
3 (WHEREUPON, a black male stood.)
4 THE CLERK: What say the State?
5 MR. MCEACHIN: Please present Mr. Bell.
6 THE CLERK: What say the defense?
7 MR. CHANDLER: Please seat the juror.
8 THE CLERK: Mr. Bell.
9 Juror Number 92, Michelle Johnson.
10 (WHEREUPON, a white female stood.)
11 THE CLERK: What say the State?
12 MR. MCEACHIN: Please present Ms. Johnson.
13 THE CLERK: What say the defense?
14 MR. CHANDLER: Strike the juror.
15 THE CLERK: Excuse the juror?
16 MR. CHANDLER: Please excuse Ms. Johnson.
17 THE CLERK: Thank you.
18 Juror Number 47, William Drose.
19 (WHEREUPON, a white male stood.)
20 THE CLERK: What say the State?
21 MR. MCEACHIN: Please present Mr. Drose.
22 THE CLERK: What say the defense?
23 MR. CHANDLER: Please excuse Mr. Drose.
24 THE CLERK: Mr. Drose, you can have a seat.
25 Juror Number 130, Tia Richardson.

1 (WHEREUPON, a black female stood.)

2 THE CLERK: What say the State?

3 MR. MCEACHIN: Please excuse Ms. Richardson for purposes
4 of this trial only.

5 THE CLERK: You can take a seat, Ms. Richardson. Thank
6 you.

7 Juror Number 15, Brian Boykin.

8 (WHEREUPON, a black male stood.)

9 THE CLERK: What say the State?

10 MR. MCEACHIN: Please excuse Mr. Boykin for the purposes
11 of this trial only.

12 THE CLERK: You can take a seat, Mr. Boykin. Thank you.

13 Juror Number 21, Arleen Brooks.

14 (WHEREUPON, a black female stood.)

15 THE CLERK: What say the State?

16 MR. MCEACHIN: Please present Ms. Brooks.

17 THE CLERK: What say the defense?

18 MR. CHANDLER: Please seat the juror.

19 THE CLERK: Ms. Brooks, if you'll please come up front.

20 Thank you.

21 Juror Number 75, Dustin Goodyear.

22 (WHEREUPON, a white male stood.)

23 THE CLERK: What say the State?

24 MR. MCEACHIN: Please present Mr. Goodyear.

25 THE CLERK: What say the defense?

1 MR. CHANDLER: Please seat the juror.

2 THE CLERK: Mr. Goodyear, if you'll please come up
3 front. Thank you.

4 Juror Number 56, Norma Elliott.

5 (WHEREUPON, a white female stood.)

6 THE CLERK: What say the State?

7 MR. MCEACHIN: Please present Ms. Elliott.

8 THE CLERK: What say the defense?

9 MR. CHANDLER: Please excuse the juror.

10 THE CLERK: Ms. Elliott, you can take a seat. Thank
11 you.

12 Juror Number 152, Larry Stover.

13 (WHEREUPON, a white male stood.)

14 THE CLERK: What say the State?

15 MR. MCEACHIN: Please present Mr. Stover.

16 THE CLERK: What say the defense?

17 MR. CHANDLER: Please excuse the juror.

18 THE CLERK: Mr. Stover, you can take a seat. Thank you.

19 Juror Number 8, Eunece Bell.

20 (WHEREUPON, a black female stood.)

21 THE CLERK: What say the State?

22 MR. MCEACHIN: I beg the Court's indulgence for just a
23 moment.

24 THE COURT: Yes, sir.

25 MR. MCEACHIN: Please present Ms. Bell.

1 THE CLERK: What say the defense?
2 MR. CHANDLER: Please excuse the juror for this trial.
3 THE CLERK: Thank you.
4 Juror Number 164, Angel -- Angel Whiteneck.
5 (WHEREUPON, a white female stood.)
6 THE CLERK: What say the State?
7 MR. MCEACHIN: Please present Ms. Whiteneck.
8 THE CLERK: What say the defense?
9 MR. CHANDLER: Please seat the juror.
10 THE CLERK: Ms. Whiteneck, if you'll please come up
11 front. Thank you.
12 Juror Number 94, Teresa Lawson.
13 (WHEREUPON, a white female stood.)
14 THE CLERK: What say the State?
15 MR. MCEACHIN: Please present Ms. Lawson.
16 THE CLERK: What say the defense?
17 MR. CHANDLER: Please excuse Ms. Lawson from this trial.
18 THE CLERK: Thank you, Ms. Lawson.
19 Juror Number 112, Denise O'Neal.
20 (WHEREUPON, a black female stood.)
21 THE CLERK: What say the State?
22 MR. MCEACHIN: Please present Ms. O'Neal.
23 THE CLERK: What say the defense?
24 MR. CHANDLER: Please excuse the juror for this trial.
25 THE CLERK: Juror Number 30, Rickey Childs.

1 (WHEREUPON, a white male stood.)

2 THE CLERK: What say the State?

3 MR. MCEACHIN: I beg the Court's indulgence. Please
4 present Mr. Childs.

5 THE CLERK: What say the defense?

6 MR. CHANDLER: Please seat the juror.

7 THE CLERK: Mr. Childs, if you'll come up front, please.
8 Thank you.

9 Juror Number 72, Nancy Godfrey.

10 (WHEREUPON, a black female stood.)

11 THE CLERK: What say the State?

12 MR. MCEACHIN: I beg the Court's indulgence for just a
13 moment.

14 THE COURT: Yes, sir.

15 MR. MCEACHIN: Please excuse Ms. Godfrey for the
16 purposes of this trial only.

17 THE CLERK: You can take a seat, Ms. Godfrey. Thank
18 you.

19 Juror Number 16, Charles Brewton.

20 (WHEREUPON, a black male stood.)

21 THE CLERK: What say the State?

22 MR. MCEACHIN: Please present Mr. Brewton.

23 THE CLERK: What say the defense?

24 MR. CHANDLER: Please seat Mr. Brewton.

25 THE CLERK: Mr. Brewton, if you'd come up front, please.

1 Juror Number 65, Francis Fore.

2 (WHEREUPON, a black female stood.)

3 THE CLERK: What say the State?

4 MR. MCEACHIN: Please excuse Ms. Fore for the purposes
5 of this trial only.

6 THE CLERK: Juror Number 50, Justin Dupree.

7 (WHEREUPON, a black male stood.)

8 THE CLERK: What say the State?

9 MR. MCEACHIN: Please present Mr. Dupree.

10 THE CLERK: What say the defense?

11 MR. CHANDLER: Please seat Mr. Dupree.

12 THE CLERK: Mr. Dupree, you can come up front, please.

13 Juror Number 98, Latonya Marshall.

14 (WHEREUPON, a black female stood.)

15 THE CLERK: What say the State?

16 MR. MCEACHIN: I beg the Court's indulgence for just a
17 moment.

18 THE COURT: Yes, sir.

19 MR. MCEACHIN: Please -- I beg the Court's indulgence.
20 Please present Ms. Marshall.

21 THE CLERK: What say the defense?

22 MR. CHANDLER: Please seat Ms. Marshall.

23 THE CLERK: Ms. Marshall, if you'll come up front,
24 please.

25 Juror Number 149, Sarah Smith.

1 (WHEREUPON, a white female stood.)
2 THE CLERK: What say the State?
3 MR. MCEACHIN: Please present Ms. Smith.
4 THE CLERK: What say the defense?
5 MR. CHANDLER: Please excuse Ms. Smith from this trial.
6 THE CLERK: Ms. Smith, you can have a seat.
7 Juror Number 67, Carlton Foxworth.
8 (WHEREUPON, a black male stood.)
9 THE CLERK: What say the State?
10 MR. MCEACHIN: Please present Mr. Foxworth.
11 THE CLERK: What say the defense?
12 MR. CHANDLER: Please seat Mr. Foxworth.
13 THE CLERK: Mr. Foxworth, you can come up, please.
14 Juror Number 138, Rodney Rozier.
15 (WHEREUPON, a white male stood.)
16 THE CLERK: What say the State?
17 MR. MCEACHIN: Please present Mr. Rozier.
18 THE CLERK: What say the defense?
19 MR. CHANDLER: I beg the Court's indulgence.
20 THE COURT: Yes, sir.
21 MR. CHANDLER: Please excuse the juror.
22 THE CLERK: Mr. Rozier, you can have a seat. Thank you.
23 Juror Number 23, Jessica Brown.
24 (WHEREUPON, a black female stood.)
25 THE CLERK: What say the State?

1 MR. MCEACHIN: Please present Ms. Brown.

2 THE CLERK: What say the defense?

3 MR. CHANDLER: Please seat the juror.

4 THE CLERK: Ms. Brown, you can come up front, please.

5 THE COURT: We are going to do two alternates, one and
6 two on each.

7 THE CLERK: For our alternates, Juror Number 5, Pamela
8 Ammons.

9 (WHEREUPON, a white female stood.)

10 THE CLERK: What say the State?

11 MR. MCEACHIN: Please present Ms. Ammons.

12 THE CLERK: What say the defense?

13 MR. CHANDLER: Please seat the juror.

14 THE CLERK: Ms. Ammons, if you'll come up front, please.

15 Juror Number 122, Teresa Phillips.

16 (WHEREUPON, a black female stood.)

17 THE CLERK: What say the State?

18 MR. MCEACHIN: Please present Ms. Phillips.

19 THE CLERK: What say the defense?

20 MR. CHANDLER: Please seat Ms. Phillips.

21 THE CLERK: Ms. Phillips, if you'd come up front,
22 please.

23 THE COURT: All right. Are there any motions regarding
24 jury selection from the State?

25 MR. MCEACHIN: I'd beg the Court's indulgence a moment,

1 Your Honor.

2 THE COURT: Yes, sir.

3 MR. MCEACHIN: Nothing from the State, Your Honor.

4 THE COURT: Anything from the defense?

5 MR. CHANDLER: Nothing further, Your Honor.

6 THE COURT: All right. All right. Ladies and
7 gentlemen, those of you who remain in the jury pool, I am
8 going to excuse you at this time.

9 Do they have the number that they need?

10 THE CLERK: It's on the card that they got when they
11 came in.

12 THE COURT: Okay. When you came in this morning, you
13 were given a card. There is a phone number on that card. If
14 you would, please call that number after six o'clock this
15 evening. Don't call before six because we won't put the
16 information on there until almost that time, but if you'll
17 call that number after six o'clock and just follow the
18 instructions that you'll get on that recording.

19 It'll either be for you to come back at a certain time
20 or it will be for you to call back at a certain time. Okay?
21 But if you will, just follow the instructions that you get on
22 that recording.

23 Now, listen. Do yourself a favor. Don't forget to call
24 that number. We've had folks who have either forgot or just
25 thought that they'd play the odds and not call back and that

1 we wouldn't miss them. Well, we will miss you and if you are
2 instructed to be back and you don't come back, then either at
3 your house or at your place of work, a sheriff's deputy will
4 show up to give you a free ride to the courthouse, and you'd
5 probably rather not do that.

6 So don't forget to call that number after six o'clock
7 and follow whatever the instructions are that are on that
8 recording. Okay?

9 Yes, ma'am?

10 JUROR NUMBER 58: Me too?

11 THE COURT: Because I just excused you for purposes of
12 this case. If we have to try another case, we may need you.
13 Okay? So just call that number after six o'clock this
14 evening.

15 So, members of the panel, you're excused. Everyone else
16 please remain seated.

17 (WHEREUPON, the jury panel was excused and exited the
18 courtroom at 12:45 p.m.)

19 THE COURT: And, folks, as they file out, I am going to
20 -- I'm going to -- in just a minute, I'm going to excuse you
21 for the rest of the afternoon because we're going to start
22 this case first thing in the morning. Okay?

23 I have some pretrial matters that I'm going to take up
24 this afternoon that will help the trial go smoother and
25 quicker once we get started. I'm going to take up those

1 matters this afternoon, but we're going to get this case
2 started first thing in the morning.

3 But I need to send you with some additional
4 instructions. You don't have to call back because I'm going
5 to tell you right now that I need you back here at nine
6 o'clock -- excuse me -- 9:30 tomorrow morning. Okay? But in
7 just a minute, I'm going to excuse you for the balance of the
8 day.

9 It's very important that you have no conversations with
10 anybody about this case. You're going to take an oath to try
11 this case and to reach a verdict based solely upon the
12 evidence that is presented here in this courtroom. So it
13 would be highly improper for anyone to have any conversation
14 with you about the case.

15 Probably the easiest way to say this is when you get
16 back here in the morning, you should not know one more thing
17 about this case than you know right now. Okay? It's very
18 important both to the State and to the defense that you have
19 no conversation and that you decide this case based only on
20 the evidence that is presented here in this courtroom.

21 Your family, friends or loved ones -- they'll -- they'll
22 probably be curious as to whether or not you got selected.
23 You can tell them that you did get selected to be on a jury,
24 but that's where it really needs to end. Saying something as
25 innocent as, well, it involves -- it's a -- it's a murder

1 case or it involves a young man by the name of Randall,
2 something as innocent as that may cause that person to make a
3 comment or to say something that might affect your ability to
4 be fair and impartial.

5 So it's very important. You can tell them that you were
6 selected. That you're not allowed to discuss the case.
7 You're not even allowed to tell them what kind of case it is,
8 whether it's criminal or civil. You're not supposed to say a
9 word about it, but you can tell them to be patient because
10 when the trial is over, then you can freely talk about it and
11 you can tell them whatever they want to know. But until that
12 time, it's very important that you have no conversation about
13 the case.

14 When you come back tomorrow morning and you gather in
15 the jury room, even when you're together as a jury, you're
16 not to discuss the case. The only time that you are going to
17 be allowed to discuss the case with anybody will be once all
18 of the evidence is in, the attorneys have given you their
19 closing remarks, and I've given you the charge on the law.
20 Only then is it going to be appropriate for you to have any
21 discussions about the case.

22 So as we go through the trial and during the course of
23 the trial, we'll take breaks and you'll go back into the jury
24 room. You're not to -- excuse me. You're not to talk about
25 the case. Okay?

1 So I am going to let you leave here now and with that
2 instruction to not have any conversation.

3 If you can, try to get a good night's rest. There are
4 countless studies that show that our minds operate at a much
5 higher and more efficient level when we're well rested. So
6 if you can get a good night's rest, try to do that. And I
7 would ask that you please leave early enough so that you can
8 park and be up here and be in the jury room ready to go at
9 9:30. Okay?

10 So everyone else please remain seated. Folks, you're
11 excused for the rest of the afternoon and we'll see you at
12 9:30 in the morning.

13 (WHEREUPON, the jury exited the courtroom at 12:49 p.m.)

14 THE COURT: Okay. We -- obviously, we have our pretrial
15 matters that we're going to take up. More than likely, we'll
16 probably do that after lunch. What do you think? Okay? Do
17 we have anything? Anything this -- do you know?

18 MR. MCEACHIN: I don't think there's anything that needs
19 to be addressed. Not at the current time, Your Honor.

20 MR. MEETZE: I don't think there is, Judge. Really, I'm
21 --

22 THE COURT: Okay.

23 MR. MEETZE: I don't have any issues with regards to
24 discovery matters. Mr. McEachin has already indicated any of
25 his potential witnesses that are not law enforcement to

1 provide us with their NCIC so we can review that prior --

2 THE COURT: Okay.

3 MR. MEETZE: -- to their testimony. And I think we
4 discussed back in chambers Jackson v. Denno.

5 THE COURT: Yeah.

6 MR. MEETZE: Mr. McEachin doesn't intend on introducing
7 Mr. Randall's statements. So there wouldn't be any need for
8 that.

9 THE COURT: Okay. All right. Well, if there's -- if
10 there's nothing that we need to take up this afternoon
11 involving this case, then we'll just start back with
12 whatever.

13 (WHEREUPON, the proceedings adjourned for the day at
14 12:51 p.m.)

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16 (WHEREUPON, the proceedings resumed at 10:03 a.m.)

17 THE COURT: All right. Is there anything that we need
18 to take up before we get started before we bring the jury
19 out?

20 MR. MCEACHIN: Your Honor, I do want to put on the
21 record prior to beginning this morning, it was observed that
22 the defendant's mother made contact with one of the State's
23 witnesses in the case. We don't know what -- necessarily
24 what the nature of that conversation is.

25 It was reported to me by the witness that the

1 defendant's mother simply asked for her to give her some
2 breakfast. At that time, the State's witness left and did
3 come back, and it was my understanding that she also brought
4 food back.

5 In speaking with the witness, she indicated nothing
6 inappropriate was said to her by the defendant's mother, but
7 I did want to place that on the record. I'm not sure how
8 appropriate it was that she was speaking to her right before
9 we begin the trial of this case, but I wanted to --

10 THE COURT: Well, let me --

11 MR. MCEACHIN: -- place that on the record.

12 THE COURT: Let me just say this to everyone here, both
13 -- both sides. Until this case is over, I am going to ask
14 and I am going to order that there be no conversations
15 between defendant's family or relatives and victim's family
16 or relatives.

17 I don't know. Y'all may know each other and it may be
18 that it's -- it's a friendly talk and that there's nothing
19 inappropriate about it, but it's just inappropriate while
20 this trial is underway.

21 So I am going to ask that that end and, of course, this
22 should go without saying, but I will say this as well. It
23 would be highly inappropriate and people will go to jail if I
24 find anyone having any conversation with any member of the
25 jury. That would be highly inappropriate. So let's just

1 allow this case to go forward, let Mr. Randall have his fair
2 and impartial trial, and let the jury make whatever decisions
3 they're going to make.

4 MR. MCEACHIN: One other matter, Your Honor. Chris
5 Smith is here. He was -- he's the evidence custodian for
6 Marion County.

7 THE COURT: Okay.

8 MR. MCEACHIN: I'm not sure if the defense intends to
9 sequester witnesses or not, but in the event that he does
10 allow them, I will ask that Mr. Smith be allowed to stay in
11 because he's maintaining all the evidence we're using here at
12 trial today. I don't have an investigating officer on this
13 case.

14 THE COURT: Okay.

15 MR. MCEACHIN: So to the extent that they are asking to
16 sequester, I would ask that Chris Smith be allowed to stay in
17 for those purposes and he will have to testify about chain
18 matters.

19 MR. MEETZE: Judge, we're not making a motion --

20 THE COURT: Okay.

21 MR. MEETZE: -- for sequestration.

22 THE COURT: So just -- all right. Anything else before
23 we --

24 MR. MCEACHIN: Nothing from the State, Your Honor.

25 THE COURT: Anything from the defense?

1 MR. MEETZE: No, Your Honor.

2 THE COURT: All right. Well, then we'll bring the jury
3 in, I'll have a few preliminary remarks to make to them, and
4 then I will turn it over to the attorneys.

5 If you would, bring the jury in, please.

6 (WHEREUPON, the jury entered the courtroom at 10:07
7 a.m.)

8 THE COURT: All right. Ladies and gentlemen, I thank
9 everyone for being here this morning and, hopefully, you had
10 a good evening and you're ready to proceed with your work.

11 Let me just say a few things before we get started, if I
12 may. First of all, as far as -- it's important, folks, that
13 anything that is presented during the course of this trial
14 that you can see and hear everything.

15 So if at any time either one of the attorneys or a
16 witness or whatever you can't hear someone or you don't --
17 you can't see an exhibit or whatever, don't hesitate to let
18 us know. I will have that person speak up louder and have
19 them repeat whatever it is they said. It's important that
20 you hear and see everything that is presented.

21 Also, at some point -- and I'll do that over the next --
22 over the course of the trial. I am going to ask one of you
23 to serve as the foreperson of the jury, and I'll explain that
24 in a little bit more detail when I do that.

25 But other than the -- our two alternates here and the

1 foreperson, whenever I appoint that foreperson, other than
2 those three folks, there's not really any assigned seating in
3 the jury box. So where you're sitting right now, don't feel
4 like you have to sit in that chair every time you come in and
5 out. You can feel free just to flow regular -- you know,
6 just naturally in and out and sit wherever you want. So
7 there's no real assigned seating, but I do tell folks if
8 you've taken a hankering to that seat you're in and you want
9 to sit there, that's fine. You can go sit there again if you
10 want, but don't feel like you have to.

11 Also, to the extent we have control, we'll try to keep
12 the temperature at a -- at a decent temperature. Some folks
13 are a little more cold-natured. Some folks are a little more
14 hot-natured. But if you're uncomfortable, let me know, and
15 we'll see if we can tweak that for you. Okay?

16 Now, before I give you some opening remarks regarding
17 the trial itself, I'm going to ask you, if you would, to give
18 Madam Clerk your attention and she is going to place you
19 under your oath for your role as jurors in this case.

20 THE CLERK: If you will please all stand and raise your
21 right hand. You shall well and truly try and true
22 deliverance make between the State of South Carolina and the
23 prisoner at the bar, whom you shall have in charge, and a
24 true verdict give according to the law and the evidence, so
25 help you God. Please answer with an I will.

1 THE JURORS: I will.

2 THE CLERK: Thank you.

3 THE COURT: All right. Thank you, ladies and gentlemen.

4 Folks, I don't know if any of you have ever had the
5 opportunity to serve on an actual jury trial. Most folks
6 don't have this opportunity. Most people, their experience
7 or their exposure to jury trials are what they've seen in the
8 movies or read in books or what they've seen on television.
9 And as we all know, those trials are always full of high
10 drama and intense action and riveting circumstances because
11 that's Hollywood trying to entertain -- entertain the
12 viewers.

13 Now, during the course of this trial, any one of those
14 things could occur or not, but what I want you to understand
15 is is that this trial is not for your entertainment. This
16 trial is a fundamental part of our democracy. And unlike TV,
17 movies, and books, this trial may -- it may be fast. It may
18 be slow. It may be very deliberate. It may be repetitive.
19 In other words, it's not what you would expect from TV,
20 movies or books.

21 This courtroom is a place of honor that is dedicated to
22 the protection and to the preservation of citizens' rights
23 through what many have called the greatest justice system
24 ever created. The attorneys that appear before you are
25 advocates for the parties or the sides that they represent,

1 but first and foremost, they are officers of the Court, sworn
2 to uphold the integrity and the fairness of our judicial
3 system. You should expect them to be professional,
4 competent, and ethical in the performance of their duties in
5 the representation of their clients.

6 Now, you have just taken an oath to try this case and to
7 reach a fair and a just verdict and so you are also expected
8 to be professional, reasonable, and ethical in the
9 performance of your duties. And I have absolutely no doubt
10 you will do that and I want to thank you for your
11 contribution to our system of justice here in Marion County.

12 Now, during the course of the trial, there's -- there's
13 procedures that go on and there's a flow for the way trials
14 happen. I am going to share a little bit of that with you so
15 you can better follow along with what's going on as we go
16 through the case.

17 This is not a charge on the law. I will give you the
18 charge on the law before you retire to your jury room for
19 your deliberations, but this is just to basically give you a
20 better understanding of what's going on as we go through the
21 trial.

22 Let me see if I still have it. Did I give you back that
23 indictment?

24 THE CLERK: No, sir.

25 THE COURT: Are you sure?

1 THE CLERK: Yes, sir.

2 THE COURT: Is it near any of those papers? Do you have
3 a copy of it?

4 THE CLERK: I do not.

5 THE COURT: It's not over here. I'm sure it's not in
6 there. Have you got your file?

7 Ladies and gentlemen, I'm just trying to put my hands on
8 the indictment that I had yesterday. There it is.

9 Thank you, Emily.

10 As you heard yesterday, Mr. Randall is charged under the
11 indictment which I read to you yesterday, and he is charged
12 with one count of murder, one count of possession of a weapon
13 during the commission of a violent crime, and one count of
14 unlawful possession of a handgun. The elements of those
15 crimes I will explain to you later when I give you the charge
16 on the law.

17 What is important for you to understand at this time is
18 that the indictment is simply the charging document which
19 brings this case into court. It is not in any sense evidence
20 of any of the allegations that it contains. Mr. Randall has
21 pled not guilty to this -- the charges in this indictment and
22 so, therefore, the State has the burden of proving each
23 element of those crimes beyond a reasonable doubt.

24 It will be your duty, ladies and gentlemen, to determine
25 or to decide whether the State has met that burden. Your

1 purpose as jurors is to find and to determine the facts of
2 this case. You are the sole judges of the facts in this
3 case. If at anytime I make a comment about the facts, you
4 must disregard those comments because only you, the jury, are
5 allowed to decide what the facts are in this case.

6 You are to determine those facts from the testimony that
7 you hear and any other evidence that may be introduced during
8 the course of this trial. It is going to be up to you to
9 determine what inferences that you feel may be properly drawn
10 from that evidence.

11 It is especially important that you perform your duty of
12 determining the facts diligently and conscientiously because
13 there's really no way for the Court to correct an erroneous
14 determination of facts by a jury.

15 Now, on the other hand but with equal emphasis, the same
16 law that makes you the judges of the facts makes me the judge
17 of the law. The law as give -- as I give it to you is the
18 only law that you may consider. You must accept it and you
19 must follow it, even though you may disagree with it.

20 I cannot tell you about the facts of this case or what I
21 think about the facts of this case and you are not allowed to
22 disagree with me about what the law is or what you think the
23 law should be. Your job is to take the law as I give it to
24 you and apply it to the facts as you find the facts to be
25 from the testimony and any evidence that is introduced.

1 Now, until I advise you to begin your deliberations,
2 it's very important that you do not have any conversation
3 about this case, and that means as we take breaks and you go
4 back into the jury room that you have no conversation about
5 anything that you've heard as the trial progresses. You
6 listen to everything, process everything, but you don't have
7 any discussion or any deliberations until I tell you it's
8 appropriate.

9 It is important throughout this trial that you keep an
10 open mind and that you don't make any decisions about any
11 issue in this case until all of the evidence is in, the
12 attorneys have had an opportunity to address you with their
13 closing remarks, and I've given you the law. Only then will
14 it be appropriate for you to have discussions and
15 deliberations. It is your solemn responsibility to determine
16 the guilt or innocence of the defendant, and your verdict
17 must be based solely upon the evidence as it's presented
18 during the course of this trial.

19 Now, in just a moment, I am going to recognize the
20 solicitor for the State for what we refer to as an opening
21 statement. I don't really know what he's going to share with
22 you, but typically what is shared in opening statements is
23 what the solicitor believes the issues in this case will be.

24 Once he's concluded his opening statement, I will then
25 recognize the defense and they may also make an opening

1 statement, although they're not required to. They have that
2 right to either make one or not make one.

3 But what's important to understand is this. What any of
4 the attorneys may say to you during their opening statements
5 is not evidence. They are not under oath. They are not
6 testifying. It is merely their contention as to what they
7 believe the evidence will show.

8 The evidence in this case that you will have to
9 determine the facts will be presented to you by the way of
10 sworn testimony from witnesses who take the stand and are
11 placed under oath, as well as any exhibits that may come in
12 during the course of the trial.

13 Now, during the course of the trial, you may have -- you
14 may hear one of the attorneys say something along these
15 lines. Judge, we have a matter of law we need to take up
16 with the Court or, Judge, may we approach the bench. If I
17 can resolve an issue or a matter of law up here at the bench,
18 I will do that, but I may need to ask you to step back into
19 the jury room while I take up a matter of law.

20 If I do ask you to do that, the only reason I would ask
21 you to do that is this. As you recall, earlier I told you
22 that I'm not supposed to have any influence over you about
23 the facts of this case. That is solely your decision, but
24 sometimes if I'm dealing with a matter of law or I'm having
25 to resolve a matter of law, it requires me to make some

1 comment about the evidence or about the testimony in
2 connection with that ruling. So to protect you from those
3 comments, I may ask you to step back into the jury room, let
4 me resolve the matter of law, and then I'll bring you back
5 out and we'll pick up where we left off.

6 Now, in determining what the true facts are in this
7 case, you are going to have to decide whether or not the
8 testimony from the witnesses is believable or not. It is
9 going to be my job to determine what testimony comes into
10 this record or what is admissible, but once testimony is
11 allowed into this record, whether or not you believe it is
12 solely up for you to decide.

13 In deciding whether to believe a witness, you have the
14 right to consider the interest of any witness, the bias of
15 any witness, the opportunity for the witness to have seen the
16 matters and the things about which he or she testifies, the
17 way the witnesses act on the witness stand. You have the
18 right, ladies and gentlemen, to consider anything that's in
19 this record that will help you to evaluate the testimony of
20 the witnesses.

21 So what does that mean? That means that you need to pay
22 close attention to the witnesses when they're on the stand.
23 Pay close attention to the witnesses. Observe them. Listen
24 carefully to what they have to say. Listen carefully to the
25 attorneys and to the Court.

1 Try not to let your thoughts wander, but pay strict
2 attention to all of the testimony and the evidence so that at
3 the end of all of the evidence, once all the evidence is in,
4 the attorneys have made their closing remarks to you, and
5 I've given you the law, you will then be in a position to go
6 back into the jury room and to begin your deliberations in
7 deciding this case.

8 Now, before I turn it over to the attorneys for their
9 opening remarks, let me first inquire from the State are
10 there any objections or exceptions to the Court's opening
11 remarks?

12 MR. MCEACHIN: No, sir. Your Honor.

13 THE COURT: Anything from the defense?

14 MR. CHANDLER: No, Your Honor.

15 THE COURT: All right. Ladies and gentlemen, if you
16 would then, please give the attorneys your close and
17 undivided attention as they address you with their opening
18 remarks.

19 Mr. McEachin?

20 MR. MCEACHIN: Thank you very much, Your Honor. May it
21 please the Court. Mr. Chandler and Mr. Meetze.

22 OPENING STATEMENT ON BEHALF OF THE STATE

23 MR. MCEACHIN: Ladies and gentlemen of the jury, on the
24 evening of Saturday, January the 20th, 2018, a Saturday night,
25 on a cool night, Dashamel Drayton, with a friend of his, went

1 to the Tobacco House, about three blocks from here at the
2 corner of Bluff and College. They went there and they were
3 hanging out outside and Dashamel noticed two individuals had
4 gotten into some sort of argument, some sort of discussion,
5 altercation. Dashamel went over and got involved to try to
6 break the fight up.

7 While that happened, one of these individuals pulled a
8 gun out, leveled it at Dashamel's chest, and fired a round
9 that ultimately killed that young man. As jurors in this
10 case, the question that you will have to answer is who fired
11 that fatal shot that killed 23-year-old Dashamel Drayton.

12 I introduced myself yesterday. I'm Fitzlee McEachin. I
13 represent the State of South Carolina and the County of
14 Marion in this case. And as the individual who represents
15 the State of South Carolina and the County of Marion in this
16 case, it's my burden and my obligation to prove to you that
17 Anthony Randall is guilty of the crimes of which he has been
18 charged. He doesn't have to prove his innocence. I have to
19 prove his guilt. That is what I have to do.

20 As the judge already indicated to you, the defendant is
21 charged with murder, the possession of a weapon during the
22 commission of a violent crime -- and that commission of a
23 violent crime is the crime we're talking about this morning,
24 which means he had a gun when he committed the murder. And
25 then unlawful possession of a pistol.

1 Those are the three crimes that you as jurors are going
2 to have to look at, weigh the evidence, and make a
3 determination whether or not the State has met its burden in
4 this case and proved to you folks that the defendant is, in
5 fact, guilty of what he's charged with. And I have to prove
6 that to y'all by the standard that's known as beyond a
7 reasonable doubt, which is the highest standard known in the
8 law.

9 Sometimes we think about civil cases where people are
10 arguing about money. That's a -- that's a lower standard.
11 In criminal cases, it's the highest standard known in the
12 law. It's beyond a reasonable doubt, which means that after
13 you hear all of the evidence, see all of the exhibits in this
14 case, if you are firmly convinced that Anthony Randall killed
15 Dashamel Drayton, then you find him guilty. If you're not
16 firmly convinced, you're done.

17 So how do I prove the case to you beyond a reasonable
18 doubt? I do it through evidence, and there are two types of
19 evidence that you're going to see in this trial. The first
20 one is going to come from right up here in this witness
21 stand. It's going to come from the witnesses who were
22 involved in this case. It's going to come from eyewitnesses
23 who saw it happen. It's going to come from law enforcement
24 who worked on the case.

25 The other form of evidence is through exhibits, and

1 exhibits are those pieces of evidence -- those are the things
2 that you can feel, that you can touch, that you can see, that
3 you can use your senses to observe. And the exhibits in this
4 case are exceptionally important.

5 You are going to hear from several eyewitnesses involved
6 in the case. You're going to hear from them this morning,
7 people who were there, who saw what happened.

8 But maybe the most important piece of evidence that
9 you're going to be able to view is a video of the actual
10 shooting occurring. You are going to get an opportunity to
11 view that this morning and probably get an opportunity to
12 view it several times. It is strong evidence, and what I
13 will tell you is that what is shown on that video will not
14 only leave you firmly convinced, but ultimately convinced
15 that Anthony Randall killed Dashamel Drayton and he killed
16 him with malice and he intentionally killed him and, because
17 of that, he is guilty of the crimes that he has been charged
18 with.

19 Before I sit down, I want to thank you. I saw how much
20 attention y'all paid to the judge when he was reading his
21 initial charges. I simply ask that you give the same
22 attention to the witnesses in this witness stand and to the
23 exhibits and that you weigh all of that evidence. And if you
24 do that, I'm firmly convinced that you'll return a verdict of
25 guilty on all three counts as to the defendant, Anthony

1 Randall.

2 Thank you very much for your time and the effort you're
3 going to put into this case, and I'm going to go sit down.

4 THE COURT: Thank you, Mr. McEachin.

5 Mr. Chandler?

6 MR. CHANDLER: Thank you, Judge. May it please the
7 Court.

8 THE COURT: Yes, sir.

9 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

10 MR. CHANDLER: Good morning, ladies and gentlemen.
11 Myself, along with co-counsel Vick Meetze, work here in
12 Marion in the Public Defender's Office and we have the
13 pleasure of representing Anthony Randall.

14 Mr. McEachin touched on something in his opening, and
15 I'm going to stress to you it's proof beyond a reasonable
16 doubt. It's the highest burden of proof that exists in any
17 United States courtroom or proceeding anywhere in the U.S.
18 and, obviously, we're dealing with some very serious charges
19 here today.

20 So Mr. McEachin for the State is required to provide you
21 with enough evidence to erase any and all rational thought in
22 your mind that Mr. Randall is innocent, and he's an innocent
23 man right now. As he sits right there, he is innocent. The
24 State can't do that. They don't have enough. They don't
25 know the whole story.

1 And at the end of this case, you're going to have more
2 questions than answers, and that's reasonable doubt. For
3 instance, Mr. McEachin mentioned a dispute, an argument
4 between Mr. Randall and other people. Well, it started with
5 others. What was it about? What was said? You're not going
6 to -- you're not going to know that. Where is that on the
7 video? He's not going to come into the courtroom.

8 He also mentioned surveillance video. He is going to
9 tell you that tells the whole story. I submit to you that it
10 doesn't because if you look at that video, it's terrible
11 quality, and you're going to ask yourself another question.
12 Where's the victim when the gunshots are fired? You can't
13 tell.

14 You're also going to ask yourself why would the other
15 individual, who Mr. Randall was arguing with, point his hand
16 at him in a manner like this. Why would somebody do that
17 when shots are fired? Something to think about, ladies and
18 gentlemen.

19 Why wasn't a gunshot residue kit done on that person
20 that held a gun towards my client? They had him in custody
21 shortly thereafter. These are all questions that you need to
22 think about because these are all questions that create
23 reasonable doubt.

24 Now, we're not denying Mr. Randall had a gun. We're not
25 denying Mr. Randall used a gun, but he's not guilty of murder

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 because he did not murder Dashamel Drayton. There's more to
2 this story that you're not going to know and when the judge
3 gives you his charge of murder at the end of this trial,
4 you're going to agree with us that they haven't met their
5 burden of proof because there's more questions in this case
6 than answers.

7 Thank you.

8 THE COURT: Thank you, Mr. Chandler. All right.

9 You may call your first witness, sir.

10 MR. MCEACHIN: Thank you very much, Your Honor. I would
11 call Alemetta Hope to the stand.

12 THE COURT: All right. Ms. Hope, if you'd please come
13 around? Is she here?

14 (WHEREUPON, there was a pause in the proceedings until
15 the witness entered the courtroom.)

16 THE CLERK: Place your left hand on the Bible. Do you
17 solemnly swear or affirm to tell the truth, the whole truth,
18 and nothing but the truth, so help you God?

19 THE WITNESS: I do.

20 THE CLERK: Go ahead and take a seat.

21 ALEMETTA HOPE, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. MCEACHIN:

25 Q: Good morning, Alemetta.

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

- 1 A: Good morning.
- 2 Q: If you don't mind, would you spell your first name for
3 the record.
- 4 A: A-l-e-m-e-t-t-a.
- 5 Q: And your last name is Hope?
- 6 A: Yes. Correct.
- 7 Q: Alemetta, do you know why you're here today?
- 8 A: Yes.
- 9 Q: And can you please tell the jury how you know the
10 defendant, Anthony Randall?
- 11 A: We were dating.
- 12 Q: Okay. And were y'all dating at the time this alleged
13 incident occurred?
- 14 A: Yes, we were.
- 15 Q: Okay. And y'all had been in a relationship for several
16 months before that?
- 17 A: Yes.
- 18 Q: Now, I want to focus specifically on the night of the
19 incident. Do you recall that day?
- 20 A: Yes.
- 21 Q: Okay. And had you been working that day?
- 22 A: Yes. Correct.
- 23 Q: And where were you working?
- 24 A: In Dillon.
- 25 Q: And do you remember about what time you got off of work?

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 A: I made it to Marion about six -- 6:30.

2 Q: Okay. And when you were getting home from work, were
3 you going to your home?

4 A: Uh-huh. Yes. Correct.

5 Q: And where -- where do you -- at the time, where were you
6 living?

7 A: On Henry Street.

8 Q: And that's a couple blocks this way?

9 A: Yes. Correct.

10 Q: And as you were getting home, was somebody else in the
11 house as well?

12 A: No. I had talked to my, at the time, boyfriend and he
13 was supposed to be meeting me there because my cousin had
14 dropped some money off for me and so he was meeting me at the
15 house.

16 Q: And when you say your boyfriend, you're referring to
17 Anthony Randall?

18 A: Anthony. Correct.

19 Q: And just so we're clear, when we're talking about
20 Anthony Randall, we're talking about the fellow seated there
21 with the tie on?

22 A: Correct.

23 Q: Okay. Now, once y'all had that conversation or
24 exchange, what was the next thing that occurred?

25 A: I made it to the house.

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 Q: Okay. So that was on the way to the house that y'all
2 had that conversation?

3 A: Correct.

4 Q: And you said you got to the house somewhere between six
5 and 6:30?

6 A: Uh-huh.

7 Q: And what happened once you got to the house?

8 A: I got in the house and started unloading my bags and
9 stuff, and Anthony came in the house right after I did and
10 handed me the money.

11 Q: Okay. And did y'all have any conversation while he was
12 in the house?

13 A: Yes. I was, like, what you going to do. He was, like,
14 I'm going to chill. I was, like, I just got home from work.
15 Why -- you know, this should be our time. So we got into a
16 little, you know, argument about that.

17 Q: Okay. So y'all got into a little argument. He wanted to
18 go chill. You wanted to hang out. Y'all got into a little
19 argument. As a result of the argument, what occurred?

20 A: He left.

21 Q: Okay. He left the house?

22 A: Correct.

23 Q: And after he left the house, what did you do?

24 A: Got on the phone with my mom. My mom was, like, you
25 forgot to bring my Philly cheese steak. So I, you know,

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 jumped back in my truck and went and saw my mom. Then my
2 daughter called and she was like, mom, stop leaving your car
3 door open. She was, like, because somebody just stole a girl
4 from the Tobacco Store car out the parking lot. I was, like,
5 yeah, because I do have a bad habit of jumping out and
6 leaving it running.

7 So I got another phone call from one of my friends. What
8 you doing, da da da. I was, like, nothing. Girl was, like,
9 let's go hang out.

10 Q: Okay. And I need you to slow down just a little bit.

11 A: Okay.

12 Q: And speak up so everybody in the jury can hear you.

13 Okay?

14 A: Okay.

15 A: So I want to break that down just a little bit. After
16 the defendant had left your house --

17 A: Correct.

18 Q: You had a phone call with your mom about taking her some
19 food?

20 A: Yes. Correct.

21 Q: Okay. And you went and took her some food?

22 A: Correct.

23 Q: All right. And after you took your mom that food, where
24 did you go next?

25 A: Back to the house.

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

- 1 Q: Back to your home on Henry Street?
- 2 A: Yes.
- 3 Q: Okay. And once you got back there, do you remember
- 4 about what time that was?
- 5 A: That had to be, like, a quarter till seven.
- 6 Q: Okay. So this all happened in pretty short order. You
- 7 got home from work between six and 6:30, took your mom the
- 8 food, got back to the house a little before seven?
- 9 A: Correct.
- 10 Q: Okay. And once you got back to the house, what did you
- 11 do?
- 12 A: I looked at my watch and seen what time it was. I
- 13 dashed out the house. I wanted to catch the liquor store
- 14 open.
- 15 Q: Okay. Because I guess the liquor store closes at seven
- 16 o'clock?
- 17 A: At seven o'clock.
- 18 Q: Now, did you go to the liquor store beside the Tobacco
- 19 House?
- 20 A: No. I went to the one beside Scotchman.
- 21 Q: Okay. Out on 76?
- 22 A: On 76.
- 23 Q: Okay. And did you get there in time?
- 24 A: Yes.
- 25 Q: Okay. And once you left the liquor store, where did you

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 go?

2 A: I went back to my house.

3 Q: Okay. And did you stay at your house for the rest of
4 the night?

5 A: No.

6 Q: Where did you go after you got home?

7 A: I went and hung out with some friends.

8 Q: Okay. So you got back to the house, I guess changed,
9 and got dressed?

10 A: Took a shower, changed clothes, and went back out with
11 some friends.

12 Q: Okay. How long did you hang out with some friends?

13 A: I got home about maybe a quarter till eleven -- about
14 10:30, quarter till eleven.

15 Q: Okay. And once you got home, what did you do when you
16 got home?

17 A: Took off my clothes and just started relaxing and
18 started watching television.

19 Q: Okay. Did something occur while you were sitting there
20 watching television?

21 A: I started getting text messages and stuff. Me and
22 Anthony started arguing again over the phone.

23 Q: Okay. Y'all were arguing again?

24 A: Correct.

25 Q: Okay. Did the argument continue? Did you ever speak

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 with him on the phone?

2 A: Yes. I told him to stop calling me. It was about
3 another female.

4 Q: Okay. It's always about another female. Do you know
5 who that other female was?

6 A: Yes.

7 Q: Okay. That's neither here nor there, but so y'all had
8 an argument about that?

9 A: Correct.

10 Q: And as a result of the argument, once you said I'm
11 through and I don't want to talk to you anymore, was that it?

12 A: That was basically it. I mean besides I turned my phone
13 off and told him, you know, to stop texting and calling.

14 Q: Okay. So you cut your phone off after that last
15 conversation?

16 A: Correct.

17 Q: What happened after that?

18 A: I hear banging on the door.

19 Q: Okay. Did you get up to see who it was?

20 A: Yes.

21 Q: All right. Who was it?

22 A: Anthony.

23 Q: All right. When you say Anthony, you're referring to
24 the defendant?

25 A: Anthony. That's correct.

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 Q: All right. He was banging on your front door?

2 A: Correct.

3 Q: Was he saying anything or anything along those lines?

4 A: He was -- we was basically arguing back and forth

5 through the door about, you know, the other female.

6 Q: Okay. Did you let him in?

7 A: No.

8 Q: Okay. Did he -- did he leave?

9 A: I told him I was going to call law enforcement if he

10 didn't leave.

11 Q: Okay. Did you end up having to call the law?

12 A: Yes, I did.

13 Q: You called 9-1-1?

14 A: 9-1-1.

15 Q: And did they respond to your residence?

16 A: They came.

17 Q: And this was over on Henry Street?

18 A: On Henry Street.

19 Q: How long do you think it took for law enforcement to

20 arrive once you made that phone call?

21 A: I'd say less than three minutes.

22 Q: And during all this, did you -- were you looking outside

23 at all?

24 A: I was peeking out my window.

25 Q: Okay. What, if anything, did you observe once law

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 enforcement arrived at the house?

2 A: I observed, you know, him meeting the officers in the
3 middle of the street, and I couldn't hear what they were
4 saying, but they had a few words with him. The next thing I
5 know, they was handcuffing him.

6 Q: Okay. You saw him being placed under arrest?

7 A: Correct.

8 Q: Okay. And after that happened, did some law enforcement
9 officers come and speak with you?

10 A: Yes. Correct.

11 Q: Okay. Between the time Anthony left your house and when
12 he came back to your house, did you have any contact with him
13 other than the few text messages and phone calls before he
14 showed up?

15 A: No, I did not.

16 Q: Did you have any contact with him during that period of
17 time?

18 A: No.

19 Q: Do you have any idea what he was doing during that
20 period of time?

21 A: I do not.

22 Q: After you spoke with law enforcement that night, did you
23 have occasion to speak with them one other time?

24 A: With the law enforcement?

25 Q: Yes, ma'am.

ALEMETTA HOPE - DIRECT BY MR. MCEACHIN

1 A: Yes.

2 Q: Okay.

3 A: When they came back to the house.

4 Q: Other than that, at least at that point in the evening,
5 did you hear about anything else that had occurred that
6 night?

7 A: Not until later on when officers came back to the house.

8 Q: Okay. But up until that point before you saw law
9 enforcement or talked to law enforcement, you had no idea
10 what was going on earlier in that evening?

11 A: No.

12 Q: Okay. And did you -- just to make sure we're clear on
13 this, when Anthony came to the house later that evening, was
14 he ever in the house? Did he ever make his way into the
15 house?

16 A: No.

17 MR. MCEACHIN: Thank you. Please answer any questions
18 Mr. Meetze might have or Mr. Chandler might have.

19 MR. MEETZE: Judge, we don't have any questions for this
20 witness.

21 THE COURT: All right.

22 MR. MCEACHIN: And I'd ask that she be relieved from her
23 subpoena.

24 MR. MEETZE: No objection.

25 THE COURT: All right. Thank you very much, ma'am.

ERIC POSTON - DIRECT BY MR. MCEACHIN

1 You're free to go.

2 THE WITNESS: Thank you, sir.

3 MR. MCEACHIN: The State would call Officer Eric -- Sgt.
4 Eric Poston to the stand.

5 THE COURT: All right.

6 THE CLERK: Do you solemnly swear or affirm to tell the
7 truth, the whole truth, and nothing but the truth, so help
8 you God?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Thank you.

11 MR. MCEACHIN: Your Honor, I beg the Court's indulgence
12 just a moment.

13 (WHEREUPON, there was a pause in the proceedings, after
14 which the proceedings resumed as follows.)

15 MR. MCEACHIN: Thank you, Your Honor.

16 THE COURT: Yes, sir.

17 ERIC POSTON, being first duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. MCEACHIN:

21 Q: Good morning, Sgt. Poston.

22 A: Good morning.

23 Q: How are you doing this morning?

24 A: Okay.

25 Q: You're talking way too quiet. Everybody on this jury

ERIC POSTON - DIRECT BY MR. MCEACHIN

1 has to hear what you have to say.

2 A: Okay.

3 Q: As a matter of fact, we're going to move this a little
4 bit closer to you so everybody can hear what you have to say.

5 All right?

6 A: Okay.

7 Q: All right. Ofc. Poston, with whom are you currently
8 employed?

9 A: Marion Police Department.

10 Q: And I probably should've told -- asked you to put your
11 name on the record before we started. What's your -- what's
12 your name?

13 A: Eric Poston.

14 Q: And you're employed with Marion Police Department?

15 A: Marion Police Department.

16 Q: How long have you been employed with Marion Police
17 Department?

18 A: Since December of 2014.

19 Q: And prior to that, did you have any other law
20 enforcement experience?

21 A: Yes, sir.

22 Q: Okay. And how many total years of law enforcement
23 experience do you have?

24 A: January will make 18 coming up.

25 Q: Eighteen years?

ERIC POSTON - DIRECT BY MR. MCEACHIN

- 1 A: Yes.
- 2 Q: And since '14, you've been with Marion City?
- 3 A: Yes, sir.
- 4 Q: Okay. And what's your position with the Marion City
- 5 Police Department?
- 6 A: Sergeant.
- 7 Q: And let's go into a little more detail than just
- 8 sergeant. What's your role, I should say, with the City?
- 9 A: Shift supervisor.
- 10 Q: All right. And what does a shift supervisor do?
- 11 A: Just run the shift.
- 12 Q: Okay. And when we talk about a shift, we're talking
- 13 about street or patrol?
- 14 A: Streets and patrol. Yes, sir.
- 15 Q: And how many officers do you have on your shift?
- 16 A: Three, counting myself.
- 17 Q: Okay. And were you a shift supervisor back in January
- 18 of this year?
- 19 A: Yes, sir.
- 20 Q: And who were the other officers on your shift in
- 21 January?
- 22 A: Lt. Gause and Mack. Officer Mack.
- 23 Q: Officer Mack and Lt. Gause, you said?
- 24 A: Correct.
- 25 Q: Okay. Now, do you recall the date of January the 20th of

ERIC POSTON - DIRECT BY MR. MCEACHIN

- 1 2018?
- 2 A: Yes, sir.
- 3 Q: And were you working on that particular day?
- 4 A: Just signed on.
- 5 Q: Okay. When you say just signed on, were you working day
- 6 shift or night shift?
- 7 A: Night shift.
- 8 Q: And night shift with Marion City Police Department, when
- 9 do you sign on?
- 10 A: Seven o'clock is our shift change.
- 11 Q: All right. And how long does your shift run?
- 12 A: Twelve hours.
- 13 Q: So from seven p.m. to seven a.m. the following day?
- 14 A: Correct.
- 15 Q: All right. So at seven p.m. on January 20th, you would
- 16 have just been signing on to begin your shift?
- 17 A: Correct.
- 18 Q: And that would have been also for the other officers on
- 19 your shift?
- 20 A: Yes.
- 21 Q: When we talk about a shift, we're talking about the
- 22 three officers you mentioned? Y'all all signed in at the
- 23 same time and y'all work together during a particular shift?
- 24 A: Yes.
- 25 Q: And on January the 20th, y'all were working night shift

ERIC POSTON - DIRECT BY MR. MCEACHIN

1 or evening shift?

2 A: Right.

3 Q: And do you recall receiving a call to respond to an

4 incident?

5 A: Yes.

6 Q: Okay. And where were you dispatched to or where were

7 you sent to respond to?

8 A: To the Tobacco House on Bluff Street.

9 Q: All right. And when we talk about the Tobacco House on

10 Bluff Street, we're talking about the yellow building about

11 three -- three-and-a-half blocks from here?

12 A: Yes.

13 Q: And that's where you responded to?

14 A: Yes.

15 Q: And do you recall about when that call came out?

16 A: Seven o'clock.

17 Q: Almost seven on the dot?

18 A: Yes, sir.

19 Q: Okay. So y'all signed in and that's where y'all were?

20 Headed there?

21 A: Yes, sir.

22 Q: Did -- how long did it take you to get to the Tobacco

23 House?

24 A: Just a few minutes.

25 Q: Okay. Once y'all arrived at the Tobacco House, what did

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1 you do once you got there?

2 A: Once I arrived, I roped off the area.

3 Q: Okay. And when you say roped off the area, I know a
4 bunch of people have probably seen it on TV, but what you're
5 talking about is that yellow crime scene tape?

6 A: Yes, sir. Yellow tape.

7 Q: All right. So whenever a crime occurs, is that one of
8 your functions?

9 A: Yes, sir.

10 Q: All right. So you would've roped off the area. What's
11 the purpose of doing that?

12 A: Not to let them contaminate the area.

13 Q: Okay. Not to allow other people into that scene?

14 A: That is correct.

15 Q: Okay. So that was one of the first things you did when
16 you got there?

17 A: Yes.

18 Q: Okay. And did other officers arrive on scene as well?

19 A: Yes.

20 Q: Okay. And while you were securing the scene and putting
21 up the crime scene tape, once that part of your job was
22 completed, what was the next thing you did?

23 A: I had Lt. Gause go to the hospital with the victims.

24 Q: Okay. So it was also your understanding that the
25 victims had been transported to the hospital?

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- 1 A: Correct.
- 2 Q: Okay. And you remained there at the Tobacco House?
- 3 A: I did.
- 4 Q: Okay. And after you got your scene secured with the
5 crime scene tape, what was the next thing you did?
- 6 A: I looked around for shell casings and whatnot, anything
7 that might be of value.
- 8 Q: Okay. Why were you looking for shell casings?
- 9 A: It's part of the -- the -- looking for.
- 10 Q: Okay. What was your understanding of why you were
11 there?
- 12 A: A shooting call.
- 13 Q: Okay. So that's -- when a shooting occurs, often you
14 look for shell casings?
- 15 A: Correct.
- 16 Q: And were you able to locate any shell casings at the
17 scene?
- 18 A: I located three .380 shell casings.
- 19 Q: Three .380? And how were you able to determine they
20 were .380 shell casings?
- 21 A: It's marked on the back of them.
- 22 Q: Marked on the back of the shells? Once you located
23 those shell casings, were you able to secure them?
- 24 A: Yes, I did.
- 25 Q: Okay. And you did that?

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1 A: I did that.

2 Q: Okay.

3 MR. MCEACHIN: Your Honor, I beg the Court's indulgence.

4 (WHEREUPON, a large photograph was placed on an easel
5 before the jury.)

6 MR. MCEACHIN: Your Honor, may I have the witness step
7 down?

8 THE COURT: Yes, sir.

9 If you would just -- yeah, you can step down. Officer,
10 if you would, just keep your voice up so the court reporter
11 can hear your testimony.

12 THE WITNESS: Yes, sir.

13 THE COURT: And if you could, let the officer face the
14 court reporter.

15 MR. MCEACHIN: Certainly, Your Honor.

16 THE COURT: That would help.

17 MR. MCEACHIN: Sgt. Poston, if you would, please stand
18 right over here for me. I just want to make sure that all
19 the jury sees what you're referring to.

20 BY MR. MCEACHIN:

21 Q: Okay. What does this picture show?

22 A: This -- this is Bluff Street. This is the Tobacco
23 House.

24 Q: Okay. And --

25 A: This is the parking lot.

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1 Q: That's the parking lot? So people park right there in
2 front of the Tobacco House?

3 A: Correct.

4 Q: And is that the location that you responded to on
5 January the 20th of 2018?

6 A: That's correct.

7 Q: And where is that located?

8 A: On Bluff Street.

9 Q: Here in --

10 A: 702 Bluff Street.

11 Q: Okay. Is that in the city of Marion?

12 A: Yes, it is.

13 Q: Here in Marion County?

14 A: Yes, it is.

15 Q: Okay. And that's your understanding as to where this
16 shooting occurred?

17 A: Correct.

18 Q: Now, once you roped off the scene and began looking for
19 shell casings, you said you located three --

20 A: Three.

21 Q: -- .380 shell casings?

22 A: Three .380.

23 Q: I want to make sure we're clear on that. .380 was the
24 caliber shell casing?

25 A: Caliber. Yes, sir.

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1 Q: So you found three of those?

2 A: Yes.

3 Q: Okay. And can you just kind of point to the jury where
4 you located those shell casings?

5 A: On this side of the parking lot.

6 Q: Okay. So that would be if you're facing the front of
7 the building on the right-hand side of the building?

8 A: Correct.

9 Q: And how close together were those shell casings located?

10 A: Just a few feet apart.

11 Q: Okay. I'll let you hop back up in the witness stand.

12 (WHEREUPON, the witness complied.)

13 Q: Once you -- and I asked you the question secure and that
14 probably wasn't a good question. I'm not sure that the jury
15 understands that. How about tell the jury when I asked you
16 if you secured the shell casings, what did you do?

17 A: I put them in evidence bags.

18 Q: So you collected them and placed them in evidence bags?

19 A: Correct.

20 Q: All right. And what did you do once you collected them
21 and placed them in evidence bags?

22 A: I logged them into our evidence lockers.

23 Q: Okay. And I am going to have you take a look at what's
24 been marked as State's Exhibit Number 2. Don't pull those
25 out, but just look inside there and tell me if you can

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1 identify the items located within State's Exhibit Number 2.

2 A: Yes, sir.

3 Q: Okay. And what do those items appear to be?

4 A: The shell casings.

5 Q: All right. And those would have been the shell casings

6 that you collected that evening?

7 A: Yes, sir.

8 Q: And once you collected these shell casings, what did you

9 do with them?

10 A: I secured them in the police department in our evidence

11 locker.

12 Q: Okay. And tell the jury a little bit about that. I

13 mean when you say you secured them in y'all's evidence

14 locker, when you collect evidence, for example these shell

15 casings, once you take them to the police department, what do

16 you do with them?

17 A: We log it into our logbook and fill out a form, tell

18 what it is, describe what it is, and we put it in our

19 evidence locker.

20 Q: Okay. And who has access to that evidence locker?

21 A: Our captain.

22 Q: And that would be Chris Smith?

23 A: Capt. Smith.

24 Q: Okay. So once you put it in that locker, you can't get

25 it back?

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1 A: There's no getting it back.

2 Q: Okay. And that's what you did on this evening with
3 regard to State's Exhibit 2, the shell casings?

4 A: Yes, sir.

5 Q: Okay. How long do you think you were at the scene at
6 the Tobacco House?

7 A: Two hours.

8 Q: All right. So you found the shell casings. That
9 couldn't have taken a whole lot of time. Did you -- did you
10 look at anything else or observe anything else while you were
11 there?

12 A: The store had video.

13 Q: Okay. And were you able to review the video from the
14 store that night?

15 A: I did.

16 Q: And when you say the store had video, do you mean they
17 had surveillance cameras?

18 A: Surveillance.

19 Q: Okay. And you were able to review that footage?

20 A: Yes, I did.

21 Q: And did you request a copy of that footage?

22 A: I did request it.

23 Q: All right. Sgt. Poston, do you know what State's
24 Exhibit Number 3 is?

25 A: The Tobacco House.

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1 Q: This is the video from the Tobacco House?

2 A: Correct.

3 Q: This is the video that you requested?

4 A: Yes, sir.

5 Q: And you reviewed that video?

6 A: Yes, sir.

7 Q: And you've reviewed State's Exhibit 3?

8 A: Yes.

9 Q: And does State's Exhibit 3 fairly and accurately depict
10 what you saw on the video camera that evening?

11 A: Yes.

12 Q: Thank you.

13 MR. MCEACHIN: Your Honor, at this time, I would move
14 State's Exhibit 3 into evidence.

15 THE COURT: Any objection?

16 MR. CHANDLER: No objection, Your Honor.

17 THE COURT: All right. Without objection.

18 (WHEREUPON, State's Exhibit Number 3, surveillance video
19 on disk, was admitted into evidence.)

20 MR. MCEACHIN: Your Honor, permission to publish?

21 THE COURT: Yes, sir.

22 MR. MCEACHIN: It may take just a second to set up.

23 BY MR. MCEACHIN:

24 Q: Now, Sgt. Poston, with regards to the particular video
25 recording device that they had at the Tobacco House, was

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1 there more than one angle?

2 A: There was two.

3 Q: Okay. So were those taken from two separate cameras?

4 A: Yes, sir.

5 Q: Okay. And there would -- there would have been one

6 camera on this end of the Tobacco House?

7 A: Right.

8 Q: And that camera was looking this way?

9 A: That's right.

10 Q: Okay. And then there was another one on this end?

11 A: On that side.

12 Q: And it was looking this way?

13 A: Yes, sir.

14 Q: Okay. In the video that you received from the Tobacco

15 House, both videos were contained -- or I guess both camera

16 angles were contained in that video; is that correct?

17 A: Right.

18 Q: Okay.

19 MR. MCEACHIN: And, Your Honor, we'll play those one at
20 a time. So we'll play the video looking from here that way,
21 which would be the right front corner of the building looking
22 to the left front corner of the building first.

23 (WHEREUPON, State's Exhibit Number 3, surveillance

24 video, was played in open court. Video has no sound.

25 The following testimony occurred during the playing of

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1 the video.)

2 BY MR. MCEACHIN:

3 Q: And there was no sound with these videos; is that
4 correct?

5 A: I didn't hear any.

6 Q: And, Sgt. Poston, while that's playing, it's several
7 minutes prior to any incident or shooting occurring. You've
8 got several minutes -- 15 -- 20 minutes before the shooting
9 occurred; is that correct?

10 A: Right. Yes.

11 (WHEREUPON, there was a pause in the testimony while the
12 video continued playing, after which the testimony
13 resumed as follows.)

14 BY MR. MCEACHIN:

15 Q: Sgt. Poston, were you able to identify the individual
16 who was walking there with the red hat and the striped shirt?

17 MR. MEETZE: Judge, I'm going to object to that.

18 THE COURT: What's the basis of your object -- your
19 objection?

20 MR. MEETZE: I would say it would be hearsay.

21 THE COURT: If he has special knowledge, how would that
22 be hearsay?

23 MR. MCEACHIN: Judge, we may have a matter of law we
24 need to take up.

25 THE COURT: Well, let's do that. Can you pause that?

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1 (WHEREUPON, the video was paused.)

2 THE COURT: Ladies and gentlemen, let me get you to step
3 back in the jury room and let me take up this matter of law,
4 and I'll get you back out shortly. If you need anything, let
5 the bailiffs know.

6 (WHEREUPON, the jury exited the courtroom at 11:05 a.m.)

7 THE COURT: Yes, sir?

8 MR. MCEACHIN: Your Honor, I was -- I was trying to
9 avoid -- I was trying to avoid obviously an improper
10 statement where the officer knew him from prior incidents
11 with the law. I'm trying to stay away from that with the
12 question I was asking.

13 I understand Mr. Meetze believes his response is related
14 to hearsay. That's what I was trying to steer clear of and
15 that's why I wanted to bring that to the Court's attention.
16 I think if I went any further with, well, how did you know
17 Mr. Randall, then I would run afoul of a -- of a character
18 evidence issue.

19 MR. MEETZE: A couple things. One, the way the question
20 was asked was were you able to identify the person in this
21 video. To me, that way that's asked is the way you -- were
22 you able to identify him, you find out from other people who
23 that was through the investigation. So that was the basis
24 for that objection.

25 Secondly, I didn't say this on the record. I just think

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1 it would be more appropriate while this video is being
2 published to the jury to just let them watch the video and
3 them not have to pay attention to any questions while the
4 video is being played. And there will be several witnesses
5 that Mr. McEachin will be able to dissect this video with
6 that would, I would imagine --

7 THE COURT: Well, now --

8 MR. MEETZE: -- be able to identify whoever he wants to
9 be identified.

10 THE COURT: Well, I mean that -- that -- that's his
11 decision on how he wants to handle that. I mean if he wants
12 to dissect it with this witness, he can do that.

13 I just -- you know, I just didn't understand that -- I
14 understand what you're saying about the way it was worded.

15 MR. MCEACHIN: I can ask him do you -- I will ask him do
16 you know who the fellow in the red hat is. He can say yes or
17 no.

18 THE COURT: He either knows him or he doesn't. You
19 don't have to ask how you know him. Do you know him?

20 MR. MEETZE: I'll withdraw the hearsay objection and let
21 Mr. McEachin proceed as the question was asked.

22 THE COURT: Okay.

23 MR. MCEACHIN: I don't mind re-asking it to clear that
24 up.

25 THE COURT: And I understand what your -- what -- you're

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1 trying to protect that line -- not crossing over that line,
2 and I think you can do that without getting near it. Just
3 simply -- and I don't know anything about the case; so I
4 don't know if there's other witnesses that are going to be
5 able to also identify folks, but we'll -- I'll let you ask
6 that question that, you know, do you know -- do you know the
7 individual in the striped shirt?

8 MR. MCEACHIN: Thank you, Your Honor.

9 THE COURT: Either he does or he doesn't.

10 MR. MCEACHIN: That's fine. Yes, sir.

11 THE COURT: While they're out, do y'all want to take a
12 short --

13 MR. MEETZE: If that's all right --

14 THE COURT: Yeah.

15 MR. MEETZE: -- Your Honor.

16 THE COURT: Let's do that while -- yes, sir. And just
17 don't have any discussion about your testimony, but yeah, go
18 ahead and take a break.

19 (WHEREUPON, there was a break in the proceedings from
20 11:08 a.m. until 11:24 a.m., after which the proceedings
21 resumed as follows.)

22 THE COURT: All right. Anything before we start back?

23 MR. MEETZE: Judge, we do. Mr. McEachin through this
24 witness is going to, I think, get Officer Poston or Sgt.
25 Poston to identify the gun that was recovered in this matter,

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1 and we've got a motion to suppress that evidence based on it
2 being located under an unlawful search.

3 THE COURT: Okay.

4 MR. MEETZE: We want to put that before you.

5 MR. MCEACHIN: Judge, I was just made aware of this
6 issue after the jury was sworn. You know, it's fine. We're
7 in the middle of the testimony of a witness. You know,
8 there's certainly other witnesses who haven't testified as to
9 the admissibility of this piece of evidence as well.

10 As a matter of fact, Ms. Alemetta, who was previously up
11 in the witness stand, testified and we've relieved her from
12 her subpoena. I wasn't made aware of this issue prior to her
13 testimony or after her testimony at trial under subpoena. It
14 wasn't until I indicated that I was going to have this
15 witness identify the firearm that Mr. Meetze informed me that
16 they were now going to move to suppress the firearm.

17 You know, we can proceed, Your Honor. I'm comfortable
18 with the State's position in the trial. However, just, you
19 know, where we are in the process of this trial, I just think
20 that's not the appropriate time to have raised the issue. It
21 probably should've been raised pretrial, but I certainly
22 understand Mr. Meetze's motion and we'll be happy to proceed
23 however the Court deems fit.

24 THE COURT: Well, if you do intend to have this witness
25 attempt to identify it, I think we probably should address it

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1 now.

2 MR. MCEACHIN: That's fine, Judge. I'm going to have to
3 see if I can get Ms. Hope back over here and we have another
4 witness who is going to have to testify about it as well.
5 And he's going to have to testify about it.

6 I mean we've got three different witnesses who are going
7 to have to testify about the admissibility of whether or not
8 that particular piece of evidence is admissible. I can go
9 try and run her down right now. If I would have -- if I had
10 been made aware of it prior to relieving her from her
11 subpoena, I wouldn't have let her leave.

12 THE COURT: Well, why didn't we take this up prior to --

13 MR. MEETZE: Judge, I'm sorry. I didn't mean to
14 interrupt you. I didn't -- it didn't really dawn on me that
15 it was an issue until yesterday, and I don't know why it
16 didn't occur to me this morning.

17 Now, as far as I didn't -- I have nothing in my evidence
18 to believe that any other witnesses besides law enforcement
19 would be the witnesses to testify because there's nothing
20 that I've got that I've been given that indicates any
21 permission to search was given or anything like that.

22 So if that's the case, I've never been made aware of
23 that and there's nothing that I've seen in discovery that
24 indicates that. So I don't know why the previous witness
25 would need to be brought back.

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1 Essentially, I didn't think about it until after we
2 adjourned from this case yesterday. And as far as why I
3 didn't bring it up first thing this morning, I didn't -- I
4 didn't think about it then either.

5 So I do apologize for that and I understand Mr.
6 McEachin's position, but --

7 MR. MCEACHIN: It was the murder weapon, Judge. I mean
8 I understand what Mr. Meetze is saying, but I don't know how
9 you don't know prior to the jury being sworn that you're
10 going to move to suppress a piece of evidence based on all
11 the discovery that we've given them.

12 THE COURT: Well, of course, I'm at a disadvantage not
13 having any idea of what it is you need to get it into
14 evidence. If you think you need -- was it the young lady
15 that testified just a little while ago?

16 MR. MCEACHIN: Judge, I would simply have to ask her
17 some questions that I haven't previously asked her because I
18 don't know what her -- I mean there's several different
19 theories the State has as to why the gun can come in and I
20 want to make sure we're protected on the record, both for Mr.
21 Meetze's sake if the Court decides to allow the gun in and
22 for the State if the Court were to for some reason suppress
23 it.

24 THE COURT: Well, I don't, you know -- and I don't know
25 the basis for Mr. Meetze's motion to suppress. Why don't I

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1 hear from him? You can let me know then if you're going to
2 need additional time, if you're going to need that witness.
3 You may not. Because I don't know what he's going to say.
4 So why don't we hear from Mr. Meetze as to the basis for the
5 motion to suppress.

6 MR. MEETZE: I'm sorry. Again, I didn't mean to
7 interrupt you.

8 THE COURT: That's okay.

9 MR. MEETZE: And if I get any of these facts incorrect,
10 Mr. McEachin can certainly correct me.

11 The previous witness to testify, Ms. Alemetta Hope --

12 THE COURT: Hope. Yeah.

13 MR. MEETZE: If you recall her testimony, she testified
14 that the police did come to her house. She called them. It
15 seems like she testified that they left and returned later on
16 because when they first got there, she called because she
17 says Mr. Randall was there. They came. She watched out the
18 window as they talked to him and eventually took him into
19 custody.

20 I think it was when they came back that there was some
21 kind of a statue, cement statue type of thing in the yard.
22 The incident report that I've got indicates that they noticed
23 a crack in that statue, walked over, shined the light in
24 there, saw a handgun, and then looked up at the top and I
25 think they could take half of the statue apart and removed

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1 the handgun at that point in time.

2 My position would be that that constitutes a search and
3 without a warrant and without permission and without any
4 exigent circumstances would not be admissible at this time.
5 And I think the basis for no exigent circumstances would be,
6 obviously, he's -- Mr. Randall was in custody. There were
7 other law enforcement officers there. There were so many
8 people who would be there to be able to, you know, make sure
9 nothing was tampered with or taken in order to secure a
10 warrant in order to do a proper search.

11 MR. MCEACHIN: Just to clarify one factual issue. I
12 understand Mr. Meetze's position. When the arrest occurred,
13 you had several officers there. You had some arresting and
14 then you had some speaking with Ms. Hope. It all took place
15 at the same time. They didn't arrest him and take him away
16 and then come back and speak with her later.

17 Based on what they've said, Your Honor, the State's
18 position would be, first of all, Mr. Randall didn't have an
19 expectation of privacy on that property. It wasn't his
20 property. It was Ms. Hope's property. I don't know what
21 expectation of privacy he would have to the property.

22 Certainly, she would have an expectation of privacy if
23 she were the one on trial and it was alleged to be her murder
24 weapon, but I don't know what expectation of privacy he has.
25 He was banging on the door trying to get in. He didn't have

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1 -- obviously, he couldn't get in with a key or anything else.
2 Otherwise, he's inside.

3 THE COURT: There's some -- some concrete thing out in
4 the yard?

5 MR. MCEACHIN: It was, Your Honor. It was kind of one
6 of those bird baths you have that's a two-piece bird bath.

7 THE COURT: Okay. I know from --

8 MR. MCEACHIN: It was tipped over and, as Mr. Meetze
9 correctly pointed out, Officer Mack shined his light in it
10 and could see the handgun and he was ultimately able to
11 retrieve it and pull it out.

12 So you would have -- we would argue the plain-view
13 exception to the warrant requirement as well. I don't even
14 think we get to that point, Your Honor. I think you have --
15 he's doesn't have an expectation of privacy.

16 THE COURT: Mr. Meetze, what expectation of privacy does
17 Mr. Randall have in some concrete structure on someone else's
18 property?

19 MR. MEETZE: Judge, I don't have anything with regards
20 to -- in my possession that would indicate any ownership
21 rights to a residency or anything like that there, but let me
22 confer with Mr. Chandler.

23 THE COURT: Yeah. Sure.

24 (WHEREUPON, there was a pause in the proceedings, after
25 which the proceedings resumed as follows.)

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1 MR. MEETZE: Judge, I don't think we would have anything
2 to present with regards to --

3 THE COURT: All right.

4 MR. MEETZE: -- that.

5 THE COURT: All right. Well, at this time, if there's
6 nothing further, I'm going to overrule the -- the objection
7 and deny the motion to suppress. I'm not aware of there
8 being any expectation of privacy that Mr. Randall would have
9 had in that -- in that scenario.

10 MR. MCEACHIN: Thank you, Your Honor.

11 MR. MEETZE: Judge, I would just renew my objections on
12 the record --

13 THE COURT: Yeah.

14 MR. MEETZE: -- pursuant to your ruling --

15 THE COURT: Yes, sir.

16 MR. MEETZE: -- at this point in time.

17 THE COURT: We'll note -- note your exception to that.

18 MR. MEETZE: I am going to try to remember to
19 potentially object and certainly just understand that I'm
20 just doing that purely for the record whenever --

21 THE COURT: Yes, sir. Okay. But we'll make the record
22 clear that your objection to the -- to the weapon and the
23 exception to the Court's ruling on your motion to suppress
24 it.

25 Is there anything else then before we resume?

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1 MR. MEETZE: No, Your Honor.

2 THE COURT: Anything from the State?

3 MR. MCEACHIN: No, sir, Your Honor. We're ready.

4 THE COURT: All right. Let's bring them out, please.

5 (WHEREUPON, the jury entered the courtroom at 11:33
6 a.m.)

7 THE COURT: Okay. Folks, I'm sorry we took -- we
8 resolved the legal matter fairly quickly, but while y'all
9 were out, we thought that might be a good time for us to take
10 a bathroom break. So we did that. That's why it took a
11 little longer than I anticipated, but we've resolved that
12 issue and that legal issue.

13 And, Mr. McEachin, you may resume your direct, which I
14 think includes the video.

15 MR. MCEACHIN: That's correct, Your Honor. And at this
16 time, the State would continue playing one of the two videos
17 from State's Exhibit Number 3.

18 THE COURT: All right.

19 (WHEREUPON, the playing of the video contained on
20 State's Exhibit Number 3 resumed.)

21 (WHEREUPON, the video was stopped.)

22 BY MR. MCEACHIN:

23 Q: I had asked you prior to taking a break do you know who
24 the individual is in the red hat?

25 A: Mr. Randall.

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1 Q: And you need to speak up so everyone can hear.

2 A: Mr. Randall.

3 Q: Okay. And that's also the individual who you see seated
4 here in the courtroom?

5 A: Yes, sir.

6 Q: And what's he wearing? In the courtroom, not in the
7 video.

8 A: A tie.

9 Q: Okay. Thank you.

10 MR. MCEACHIN: Please have the record reflect the
11 officer has identified the defendant.

12 Please continue playing the video.

13 (WHEREUPON, the playing of the video contained in
14 State's Exhibit Number 3 resumed.)

15 (WHEREUPON, the video was stopped.)

16 BY MR. MCEACHIN:

17 Q: Sgt. Poston, based on your review of the video, at this
18 point the shooting had already occurred?

19 A: Yes.

20 Q: All right. Thank you.

21 MR. MCEACHIN: We will now play -- in order to save some
22 time, we're going to play a portion of the second video.

23 (WHEREUPON, the video resumed playing.)

24 BY MR. MCEACHIN:

25 Q: And this is a video from --

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1 MR. MCEACHIN: Please pause it.

2 (WHEREUPON, the video was stopped.)

3 BY MR. MCEACHIN:

4 Q: Sgt. Poston, the first video is here looking that way?

5 A: Right.

6 Q: Which would be the right front of the store looking to
7 the left front of the store. The video that we're about to
8 -- or the one that we're viewing now is from the left front
9 of the store looking back to the right front of the store; is
10 that correct?

11 A: Correct.

12 Q: Thank you.

13 MR. MCEACHIN: And this is still State's Exhibit Number
14 3.

15 (WHEREUPON, the video resumed playing.)

16 (WHEREUPON, the video was stopped.)

17 BY MR. MCEACHIN:

18 Q: Sgt. Poston, based on what you observed in the video, I
19 believe you had previously indicated to the jury that you
20 located those shell casings right in this area?

21 A: Correct.

22 Q: And is that close to the area where you saw Mr. Randall
23 get out of that vehicle?

24 A: I didn't see him get out of a vehicle. He got into a
25 vehicle.

ERIC POSTON - DIRECT BY MR. MCEACHIN

- 1 Q: Okay. And the vehicle that he got into --
- 2 A: Right.
- 3 Q: Is that where -- in that general vicinity is where that
- 4 -- is that where you located the shell casings?
- 5 A: Yes.
- 6 Q: Now, the shell casings and the video, I believe, were
- 7 all that you located from an evidentiary standpoint at the
- 8 Tobacco House; is that correct?
- 9 A: Say that again?
- 10 Q: The shell casings and the video were all that you
- 11 located from an evidentiary standpoint at the Tobacco House;
- 12 is that correct?
- 13 A: That's correct.
- 14 Q: And how long do you think you were at the Tobacco House
- 15 total from the time you arrived when you got the initial call
- 16 to the point where you cleared the scene and left?
- 17 A: Two hours, maybe a little longer.
- 18 Q: All right. Once you cleared the scene, what was the
- 19 next thing you did that evening?
- 20 A: Later, we received another call.
- 21 Q: Okay. And you've got to speak up for me. Okay?
- 22 A: I said later we received another call.
- 23 Q: Okay. Y'all received another call in reference to this
- 24 same case?
- 25 A: Same party.

ERIC POSTON - DIRECT BY MR. MCEACHIN

1 Q: Okay. When you say party, you're talking about an
2 individual?

3 A: Yes. An individual.

4 Q: Okay. And it was involving an individual from the
5 Tobacco House shooting?

6 A: Yes.

7 Q: All right. In reference to that call, where did you
8 respond?

9 A: To Henry Street.

10 Q: And you were in here just a moment ago when Miss
11 Alemetta Hope testified. Did you respond to her residence?

12 A: Yes.

13 Q: And did you have an opportunity to speak with Ms. Hope?

14 A: Yes.

15 Q: Okay. While at Ms. Hope's residence, who was there with
16 you?

17 A: Officer Gause -- Lt. Gause and Officer Smith arrived
18 first.

19 Q: Okay. And when you say Officer Smith, you're referring
20 to Derrick Smith?

21 A: Correct.

22 Q: Okay. And what happened at that location?

23 A: When I arrived, they had just got him detained.

24 Q: Okay. When you say him?

25 A: Mr. Randall. Sorry.

ERIC POSTON - DIRECT BY MR. MCEACHIN

1 Q: Okay. So they had detained the defendant at that
2 residence?
3 A: Yes.
4 Q: And what did you do at that point?
5 A: I Mirandized him and advised him it would be --
6 Q: You advised him of his rights?
7 A: -- questions. Yes.
8 Q: Did you also speak with Ms. Hope?
9 A: Yes.
10 Q: Okay. Who was with you when you spoke to Ms. Hope?
11 A: Officer Mack.
12 Q: All right. Officer Mack. What's Officer Mack's first
13 name?
14 A: I can't pronounce it. Jacolgen.
15 Q: Jacolgen I think is how it's pronounced?
16 A: Yes.
17 Q: Okay. So y'all call him Jack?
18 A: I just call him Mack.
19 Q: You call him Mack? Okay. So you and Mack went and
20 spoke with Ms. Hope?
21 A: Yes.
22 Q: And while y'all were at her front door or shortly
23 thereafter, did y'all notice or find anything else that y'all
24 believed to be of evidentiary value?
25 A: Yes.

ERIC POSTON - DIRECT BY MR. MCEACHIN

1 Q: Okay.

2 MR. MCEACHIN: Your Honor, may I approach the witness?

3 THE COURT: Yes, sir.

4 MR. MEETZE: Judge, I'll object for the record.

5 THE COURT: All right. Overruled.

6 BY MR. MCEACHIN:

7 Q: Sgt. Poston, I'm going to show you a box that's been
8 marked as State's Exhibit Number 1 and I'm going to ask you
9 if you can -- I think I can. I'll ask you if you can
10 identify what's in State's Exhibit Number 1?

11 A: Yes.

12 Q: Okay. And what is that in State's Exhibit Number 1?

13 A: A firearm.

14 Q: Okay. Where was this firearm located?

15 A: In a cement statue type outside.

16 Q: Outside of where?

17 A: I'm talking about Ms. Hope's residence in the front
18 yard.

19 Q: So I just want to make sure we're clear from the jury on
20 this.

21 A: Yes.

22 Q: Where was this located in reference to Ms. Hope's
23 residence?

24 A: In a statue on -- in front -- her front yard on Henry
25 Street.

ERIC POSTON - DIRECT BY MR. MCEACHIN

1 Q: All right. How close was it to her front door?

2 A: A few feet.

3 Q: Okay. And did y'all -- were y'all able to make a
4 photograph from a video?

5 A: Yes.

6 Q: Okay. I'm going to show you what's been marked as
7 State's Exhibit Number 7. Can you identify State's Exhibit
8 7?

9 A: Yes. The firearm.

10 Q: Is the firearm in State's Exhibit 7 and the firearm
11 located in State's Exhibit 1 the same firearm?

12 A: Yes, sir.

13 Q: And what does State's Exhibit Number 7 show?

14 A: The firearm, the .380.

15 Q: Okay. And where is the location of the firearm in
16 State's Exhibit 7?

17 A: In the statute which is located in the front yard of
18 Henry Street.

19 Q: So when y'all looked in the statute, that's the firearm
20 you saw?

21 A: Yes.

22 Q: Okay.

23 MR. MCEACHIN: Your Honor, at this time, I'd move
24 State's 7 into evidence.

25 MR. MEETZE: Judge, I'll say that sort of goes hand in

ERIC POSTON - DIRECT BY MR. MCEACHIN

1 hand with our previous objection.

2 THE COURT: Okay. I'm going to then note your objection
3 and I'm going to overrule it and I'll allow it in.

4 MR. MCEACHIN: State's 7 into evidence, Judge?

5 THE COURT: State's 7.

6 (WHEREUPON, State's Exhibit Number 7, a photograph, was
7 admitted into evidence.)

8 MR. MCEACHIN: Thank you.

9 BY MR. MCEACHIN:

10 Q: Now, who took possession of that firearm from the Henry
11 Street residence?

12 A: Officer Mack.

13 Q: Okay. So he -- he actually took possession of the
14 weapon there?

15 A: Correct.

16 Q: All right. Once you and Officer Mack cleared Henry
17 Street that night, did you have any other involvement with
18 this case?

19 A: No.

20 Q: Okay. I believe you -- other than, of course, you said,
21 I think, you took the shell casings and logged them in to the
22 evidence locker, but any other involvement other than that?

23 A: No.

24 Q: That was your only involvement?

25 A: Yes, sir.

ERIC POSTON - CROSS BY MR. MEETZE

1 MR. MCEACHIN: Please answer any questions Mr. Meetze
2 may have.

3 Your Honor, permission to publish?

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. MEETZE:

7 Q: All right. You're shift sergeant for Marion City
8 Police?

9 A: Yes, sir.

10 Q: And that's what you were doing at this time in this
11 incident; correct?

12 A: Yes, sir.

13 Q: And you had just started your shift when you got a call
14 back in January of this year to go to the Tobacco House?

15 A: Yes, sir.

16 Q: All right. And while you were there, you located some
17 shell casings?

18 A: Yes, sir.

19 Q: And recovered video from the Tobacco House?

20 A: Yes.

21 Q: Now, obviously, we just watched that video here as part
22 of this trial; correct?

23 A: Yes.

24 Q: A lot of people on that video; correct?

25 A: Yes.

ERIC POSTON - CROSS BY MR. MEETZE

1 Q: Pursuant to you locating that video, did you talk to any
2 of those individuals as potential witnesses?

3 A: No.

4 Q: Now, as a law enforcement officer, you are trained to be
5 a law enforcement officer; correct?

6 A: Yes.

7 Q: You go to the police academy?

8 A: Yes.

9 Q: And go through constant training; correct?

10 A: Yes.

11 Q: On-the-job training?

12 A: Yes.

13 Q: Being a law enforcement officer is like a lot of jobs in
14 that you're always learning, whether you're in a classroom or
15 whether you're out actually doing your job; correct?

16 A: Yes.

17 Q: Part of what you're trained to do is, as you've
18 testified earlier, secure crime scenes; correct?

19 A: Yes.

20 Q: Locate evidence; correct?

21 A: Yes.

22 Q: Preserve that evidence?

23 A: Yes.

24 Q: Evidence is more than just tangible items you might find
25 on the ground or a video that you might locate; correct?

ERIC POSTON - CROSS BY MR. MEETZE

- 1 A: Yes.
- 2 Q: You are giving evidence right now in this case; correct?
- 3 A: Yes.
- 4 Q: Through testimony?
- 5 A: Right.
- 6 Q: So many cases depend on statements of witnesses and
- 7 potential witnesses?
- 8 A: Yes.
- 9 Q: And after locating and getting that video and viewing
- 10 that video -- which you did that night; correct?
- 11 A: Yes.
- 12 Q: And you indicated that you were there for a little over
- 13 two hours?
- 14 A: Yes.
- 15 Q: And -- and I don't want to say something that's
- 16 incorrect, but I got the impression from your testimony that
- 17 one of the reasons you were there that long was because you
- 18 reviewed the video on site while you were there?
- 19 A: Yes.
- 20 Q: Okay. And that took a little bit of time?
- 21 A: Yes.
- 22 Q: Okay. After you reviewed that video, you didn't seek
- 23 out any of those potential witnesses there to speak to?
- 24 A: No.
- 25 Q: You didn't speak to any witnesses; correct?

ERIC POSTON - CROSS BY MR. MEETZE

1 A: No. The parking lot cleared.

2 Q: You did not go to the hospital?

3 A: No, I didn't.

4 Q: Okay. Did you take any written statements from anybody?

5 A: No.

6 Q: And obviously, you weren't there when all this happened;
7 correct?

8 A: No.

9 Q: And as you testified, the video that was just played
10 doesn't have any sound; correct?

11 A: No sound.

12 Q: So you can't hear what anybody out there is saying;
13 correct?

14 A: No, sir.

15 Q: All right.

16 MR. MEETZE: I beg the Court's indulgence for just one
17 second.

18 THE COURT: Yes, sir.

19 MR. MEETZE: Judge, I don't have any further questions.

20 THE COURT: Anything on redirect?

21 MR. MCEACHIN: Judge, I don't have any questions --
22 further questions for Sgt. Poston.

23 THE COURT: All right. Sergeant, thank you very much,
24 sir. You may step down.

25 THE WITNESS: Yes, sir.

1 MR. MCEACHIN: Your Honor, they are -- I would ask that
2 he be released from his subpoena as well.

3 THE COURT: Any objection to the sergeant being relieved
4 of his subpoena?

5 MR. CHANDLER: No objection, Your Honor.

6 THE COURT: Thank you, sir.

7 THE WITNESS: Thank you.

8 MR. MCEACHIN: Judge, may we approach?

9 THE COURT: Yeah.

10 (WHEREUPON, a bench conference was held in the presence
11 of the jury that out of the hearing of the jury off the
12 record, after which the proceedings resumed as follows.)

13 THE COURT: All right. You may call your next witness.

14 MR. MCEACHIN: Thank you very much, Your Honor. The
15 State would call Khadijah Roberts to the stand.

16 THE COURT: All right. Ms. Roberts, if you'd please
17 come around to be sworn.

18 THE CLERK: Place your left hand on the Bible and raise
19 your right hand. Do you swear or affirm to tell the truth,
20 the whole truth, and nothing but the truth, so help you God?

21 THE WITNESS: I swear to tell the truth and the whole
22 truth.

23 THE COURT: As long as you swear, you're good. Go ahead
24 and take a seat.

25 KHADIJAH ROBERTS, being first

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MCEACHIN:

4 Q: Good morning, Khadijah.

5 A: Good morning. How are you?

6 Q: Good. Now, you are very quiet and soft-spoken and
7 that's fine except that all these people on this jury have to
8 hear what you have to say. Okay?

9 A: (No verbal response.)

10 Q: So we can do one of two things.

11 A: Okay.

12 Q: You keep talking that quiet and lean into that
13 microphone or you can talk up a little bit. Okay?

14 A: Okay. That's fine.

15 Q: Because of this courtroom, we've got to kind of use our
16 outside voices in here. Okay?

17 Q: If you would, please state your full name for the
18 record?

19 A: My full name?

20 Q: Yes, ma'am?

21 A: My full name is Khadijah Roberts.

22 Q: Okay, Khadijah. And, Khadijah, my mom told me never to
23 ask this question and I apologize, but how old are you?

24 A: I'm 25.

25 Q: And where do you live? Here in Marion?

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: Yes, sir.

2 Q: And how long have you lived in Marion?

3 A: All my life.

4 Q: And do you know what you're doing here today?

5 A: Yes, sir.

6 Q: And you're here pursuant to a subpoena from the -- from
7 the State?

8 A: Yes, sir.

9 Q: In reference to what you witnessed on January the 2nd
10 [sic] of 2018?

11 A: Yes, sir.

12 Q: Okay. And do you remember that day?

13 A: Yes, sir.

14 Q: Okay. And I'm -- I specifically want you to focus on --
15 on that night, on that evening. Did you go anywhere that
16 particular evening?

17 A: No, sir.

18 Q: Okay. And when you say, no, sir, I mean what I'm
19 specifically asking about is did you end up going to the
20 Tobacco House that evening?

21 A: Oh, yes, sir.

22 Q: Okay. And tell the jury, if you don't mind, what had
23 you been doing that afternoon? What were you doing that
24 afternoon?

25 A: With my friend -- she was working at a liquor store and

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 her car got stolen earlier that day and she called me and she
2 was crying and upset.

3 Q: Okay.

4 A: So --

5 Q: When you say your friend, she was working at the liquor
6 store, the one that's connected to the Tobacco House?

7 A: Yes, sir.

8 Q: Okay. So she was working there and she had called you
9 about her car getting stolen earlier in the day?

10 A: Yes, sir.

11 Q: And she was upset?

12 A: Yes, sir.

13 Q: And as a result of you getting that phone call, what did
14 you do?

15 A: I left home to go to the liquor store where she was at
16 to talk to her to calm her down.

17 Q: Okay. And did you -- did you get a chance to meet with
18 her?

19 A: Yes, sir.

20 Q: Okay. And, of course, I'm not -- I'm not trying to
21 confuse you or trick you or anything. Do you remember about
22 what time you got to the liquor store that night?

23 A: Six -- 6:30.

24 Q: Okay. So sometime after six o'clock?

25 A: Uh-huh.

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 Q: And you said you thought you spoke to her for about 30
2 minutes or so?

3 A: Yes, sir.

4 Q: And then after you got through speaking with her, did
5 you run into anybody else at the Tobacco Store you knew?

6 A: Yes, sir.

7 Q: All right. And who else did you run into?

8 A: A couple of others.

9 Q: A couple of other friends?

10 A: Yes, sir.

11 Q: Okay. And did you also run into Anthony Randall?

12 A: Yes, sir.

13 Q: Okay. And do you know Anthony Randall?

14 A: Yes, sir.

15 Q: And how long have you known Anthony?

16 A: A couple of months.

17 Q: Okay. So you knew him a couple of months prior to this
18 happening?

19 A: Yes, sir.

20 Q: But you had seen him before?

21 A: No, sir.

22 Q: You had never seen him before that night?

23 A: Oh, yes, sir. I seen him before that night, but --

24 Q: Again, I'm sorry. I'm not trying to confuse you. I
25 wasn't talking about had you seen him before that day.

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: Okay.

2 Q: I was just talking about -- but you had seen him before?

3 You knew who he was?

4 A: Yes, sir.

5 Q: Okay.

6 A: I knew who he was.

7 Q: And the Anthony Randall we're talking about, do you see

8 him seated here in the courtroom today?

9 A: Yes, sir.

10 Q: And is that him in the white shirt and the tie?

11 A: Yes, sir.

12 Q: Okay.

13 MR. MCEACHIN: Please have the record reflect that the

14 witness has identified the defendant.

15 THE COURT: All right.

16 BY MR. MCEACHIN:

17 Q: Now, where did you run into him? Inside or outside of

18 the store?

19 A: Outside the store.

20 Q: Okay. And did you talk to him?

21 A: Yes, sir. We were just laughing and joking about

22 something.

23 Q: Okay. And I'm going to play you just a short portion of

24 a video so you can help clear something -- a couple things up

25 for us. Okay?

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: Okay.

2 (WHEREUPON, a portion of the video contained in State's
3 Exhibit Number 3 was played in open court.)

4 MR. MCEACHIN: Back it up just a little for me. Thank
5 you. Go forward.

6 All right. Pause that for me, please.

7 (WHEREUPON, the video was stopped.)

8 BY MR. MCEACHIN:

9 Q: Ms. Roberts, if you could, I want to go through this
10 particular portion of the video with you.

11 A: Uh-huh.

12 Q: On the left-hand side, there's an individual in a
13 striped shirt and a red hat. Who is that?

14 A: Anthony Randall.

15 Q: Okay. And then there's a young lady in what looks like
16 an aqua or blue-colored jacket. Do you know who that is?

17 A: Uh-huh.

18 A: What's her name?

19 A: Rickita Buxton.

20 Q: Okay. And then there's another young fellow with what
21 looks like a black shirt with red sleeves. Do you know that
22 fellow?

23 A: Uh-huh.

24 Q: What's his name?

25 A: Box.

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 Q: Box? Do you know his real name?

2 A: No. I'm not sure, really.

3 Q: Okay. But you know him as Box?

4 A: Uh-huh.

5 Q: And then there's somebody at the bottom of the screen in
6 -- it looks like a green sweatshirt. Who is that?

7 A: That's me.

8 Q: That's you?

9 A: (No verbal response.)

10 Q: Okay.

11 (WHEREUPON, the video resumed playing.)

12 MR. MCEACHIN: Pause it right there for me, please.

13 (WHEREUPON, the video was stopped.)

14 BY MR. MCEACHIN:

15 Q: Is Mr. Randall speaking to anybody in particular during
16 this portion of the video?

17 A: No, sir.

18 Q: What was going on there?

19 A: I guess some music was playing and he started rapping or
20 something.

21 Q: Okay. I saw you kind of dancing at the bottom in the
22 green too?

23 A: Oh, yes, sir.

24 Q: Okay. But -- so he wasn't yelling at anybody or
25 anything like that? He was just singing to the music?

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: Oh, yes, sir.

2 Q: Okay.

3 (WHEREUPON, the video resumed playing.)

4 MR. MCEACHIN: All right. Pause that for me.

5 (WHEREUPON, the video was stopped.)

6 BY MR. MCEACHIN:

7 Q: Okay. The fellow who just walked by you, do you know

8 who that was?

9 A: Yes, sir.

10 Q: Who was that?

11 A: Dashamel.

12 Q: That was Dashamel Drayton?

13 A: Uh-huh.

14 Q: Okay. And did you know Dashamel prior to this evening?

15 A: Yes, sir.

16 Q: How did you know him?

17 A: We went to school together.

18 Q: All right. So y'all went to school together? And the

19 jury can't see it. Why don't you tell the jury what's going

20 on kind of below this video that everybody's looking at? Do

21 you recall?

22 A: I'm not sure from that angle.

23 Q: Okay. And I'll show you another angle in a minute that

24 may refresh your recollection. Where was Dashamel going?

25 A: I think he was walking up to the car door where Meatball

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 was at.

2 Q: Okay. And you just named Meatball. That's the first
3 time we've heard that. Who is Meatball?

4 A: Demetrius White.

5 Q: Demetrius White? All right. Who else was in the car?

6 A: Anthony Randall.

7 Q: Okay.

8 (WHEREUPON, the video resumed playing and was then
9 stopped.)

10 BY MR. MCEACHIN:

11 Q: I'm going to show you another angle of this video from a
12 different camera too. Okay?

13 A: Uh-huh.

14 (WHEREUPON, the second video was played in open court.)

15 MR. MCEACHIN: Okay. Go ahead and pause that, please.

16 (WHEREUPON, the video was stopped.)

17 MR. MCEACHIN: And may I have the witness step down,
18 Your Honor? Your Honor, may I have the witness step down?

19 THE COURT: Yes.

20 MR. MCEACHIN: Thank you.

21 Step down, please.

22 (WHEREUPON, the witness complied.)

23 BY MR. MCEACHIN:

24 Q: Khadijah, I'm going to point out up here -- I know it's
25 hard to see from up there and I want to make sure all the

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 jurors can see; so I'm going to have you stand right here
2 where I am. Okay?

3 A: Uh-huh.

4 Q: All right. We see somebody in a green sweatshirt right
5 there. Who's that?

6 A: That's me.

7 Q: That's you?

8 THE COURT: All right. Now, she's going to have to
9 speak up because we can't hear her at all.

10 MR. MCEACHIN: Okay. All right.

11 BY MR. MCEACHIN:

12 Q: All right. The person in the green sweatshirt -- so
13 here's where I'm at. I'm going to move this just a hair.
14 I'm going to let you stand right there. You've got to talk
15 up real loud now because you don't have a microphone. Okay?

16 A: Okay.

17 Q: Just --

18 THE COURT: Make sure that the jury can see. Okay?

19 MR. MCEACHIN: Yes, sir.

20 BY MR. MCEACHIN:

21 Q: So the person in the green sweatshirt right here, you
22 said that was you?

23 A: That's me.

24 Q: Okay. Who is this right here?

25 A: That's Anthony Randall.

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 Q: Okay. And the fellow in the white shirt, who's that?

2 A: Demetrius White.

3 Q: And that's the fellow you call Meatball?

4 A: Uh-huh.

5 Q: Okay. I'm going to keep you standing there for just a
6 minute. Okay?

7 (WHEREUPON, the video resumed playing.)

8 MR. MCEACHIN: Pause that for me.

9 (WHEREUPON, the video was stopped.)

10 BY MR. MCEACHIN:

11 Q: All right. And who is this that's just walking up?

12 A: That's Dashamel.

13 Q: Okay. And you're fairly close here. Could you hear any
14 conversation that was going on between the defendant, Anthony
15 Randall, and Demetrius White?

16 A: Well, the most I heard was Meatball asking him what kind
17 of junk Anthony was talking about and Anthony was, like, he
18 wasn't talking no junk. He don't know what he was talking
19 about.

20 Q: Okay. So you heard that conversation taking place?

21 A: Uh-huh.

22 Q: All right.

23 (WHEREUPON, the video resumed playing.)

24 MR. MCEACHIN: Right here.

25 (WHEREUPON, the video was stopped.)

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 BY MR. MCEACHIN:

2 Q: All right. When Dashamel went over there, what did --
3 what was he doing?

4 A: He was trying to, you know, tell Meatball to, you know,
5 walk away. But he was trying to -- we were -- we were just
6 trying to, you know, break the situation up.

7 Q: He was trying to diffuse the situation?

8 A: Yeah.

9 Q: Okay. Was he talking trash to anybody or anything like
10 that?

11 A: Who? Dashamel?

12 Q: Yes, ma'am.

13 A: Oh, no.

14 Q: Okay. So he was trying to break the situation up?

15 A: Yeah. He was trying to.

16 (WHEREUPON, the video resumed playing.)

17 MR. MCEACHIN: All right.

18 (WHEREUPON, the video was stopped.)

19 BY MR. MCEACHIN:

20 Q: All right. Did you see Anthony get out of the car
21 there?

22 A: Yes, sir.

23 Q: At that point, where was -- where was Dashamel when
24 Anthony got out of the car?

25 A: I think he was running behind Meatball.

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 Q: So he was running behind Meatball when he got out of the
2 -- when Anthony out of the vehicle?

3 A: Yes, sir.

4 Q: And it looks like you moved at that point. Once you
5 heard gunshots, where did you go?

6 A: Oh, I went to my car.

7 Q: Okay. So really from that point, did you see anything
8 else that was taking place right then and there?

9 A: No, sir. I didn't see anything else other than that.

10 Q: Okay. Why don't you -- I'll let you sit back in the
11 witness stand. Okay?

12 (WHEREUPON, the witness complied.)

13 BY MR. MCEACHIN:

14 Q: I'm going to show you a couple of additional photos.

15 A: Yes, sir.

16 Q: And tell me if you can identify the people in these
17 photos. Okay?

18 A: Okay.

19 Q: All right. This has been marked as State's Exhibit
20 Number 4.

21 A: Okay.

22 Q: Can you identify the person in the bottom of that
23 photograph?

24 A: Yes, sir. That's myself.

25 Q: Okay. And the person in the middle in the blue jacket?

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: That's Rickita Buxton.

2 Q: Okay. And the fellow in the red hat and the striped
3 shirt?

4 A: That's Anthony Randall.

5 Q: Okay. And this was from that night at the Tobacco Shop?

6 A: Yes, sir.

7 MR. MCEACHIN: Your Honor, I'd move State's 4 into
8 evidence.

9 THE COURT: Any objections?

10 MR. CHANDLER: No objection, Your Honor.

11 THE COURT: All right. No objection. State's 4 in
12 evidence.

13 (WHEREUPON, State's Exhibit Number 4, a photograph, was
14 admitted into evidence.)

15 MR. MCEACHIN: Thank you.

16 BY MR. MCEACHIN:

17 Q: I'm going to show you what's been marked as State's
18 Exhibit Number 5 and ask you if you can identify the folks in
19 this photograph. Can you identify the person in the green
20 sweatshirt?

21 A: Yes, sir. That's myself.

22 Q: Okay. And the person in the -- it looks like a white
23 striped shirt?

24 A: Yes, sir.

25 Q: Who's that?

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: Anthony Randall.

2 Q: And that's the same Anthony Randall we've been talking
3 about?

4 A: Yes, sir.

5 Q: And who is that with the blue shirt on?

6 A: Rickita Buxton.

7 Q: Rickita Buxton? So it's the same people in State's
8 Exhibit 4 but just in a different position in State's Exhibit
9 5?

10 A: Yes, sir.

11 Q: Is that correct?

12 A: Yes, sir.

13 MR. MCEACHIN: At this point, I'd move State's Exhibit 5
14 into evidence.

15 MR. CHANDLER: No objection.

16 THE COURT: All right. Without objection, State's 5.

17 (WHEREUPON, State's Exhibit Number 5, a photograph, was
18 admitted into evidence.)

19 BY MR. MCEACHIN:

20 Q: And then finally, State's Exhibit 6.

21 A: Okay.

22 Q: I'm going to have you look at this and tell me if you
23 can identify who are the two people in State's Exhibit 6.
24 Who is that in the green -- the female in the green
25 sweatshirt at the bottom?

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: That's myself.

2 Q: That's you?

3 A: Uh-huh.

4 Q: And who is this in the black hooded sweatshirt right
5 beside you?

6 A: Dashamel.

7 Q: That's Dashamel?

8 A: Uh-huh.

9 Q: And that picture was also from that night?

10 A: Yes, sir.

11 Q: Okay.

12 MR. MCEACHIN: I'd move State's 6 into evidence.

13 MR. CHANDLER: No objection, Your Honor.

14 THE COURT: All right. Without objection, State's 6 is
15 in evidence.

16 (WHEREUPON, State's Exhibit Number 6, a photograph, was
17 admitted into evidence.)

18 BY MR. MCEACHIN:

19 Q: Once the shots were fired, I think you said you ran to
20 your car?

21 A: Yes, sir. I ran to my car.

22 Q: Okay. And where was your car located?

23 A: Right beside the carwash.

24 Q: The carwash? So you've got to make sure you speak up
25 now.

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: Okay.

2 Q: If we're looking at this diagram, this is the Tobacco
3 Shop. The carwash would be over here in between Bluff and
4 Godbold Street?

5 A: Yes, sir.

6 Q: So you were parked somewhere over here?

7 A: Yes, sir, I was.

8 Q: All right. So once those shots rang out, you took off
9 and ran over to your car?

10 A: Uh-huh. I ran to my car.

11 Q: Did most everybody take off running after those shots
12 were fired?

13 A: Yes, sir.

14 Q: Okay. After that, did you have any other involvement
15 with the case? I know you spoke with some law enforcement
16 officers; is that right?

17 A: Yes, sir.

18 Q: Okay. And did you tell them what you witnessed that
19 night?

20 A: Yes, sir, I did.

21 Q: Okay. And do you know how many shots Anthony Randall
22 fired?

23 A: No, sir. I can't tell you.

24 Q: Okay. Did you see anybody with a gun other than Anthony
25 Randall?

KHADIJAH ROBERTS - DIRECT BY MR. MCEACHIN

1 A: No, sir, I didn't. No, sir, I didn't.

2 Q: Okay.

3 MR. MCEACHIN: Thank you. Please answer any questions
4 the defense may have for you.

5 THE WITNESS: Okay.

6 CROSS-EXAMINATION

7 BY MR. CHANDLER:

8 Q: Ms. Roberts, how are you doing today?

9 A: Fine. How are you?

10 Q: Just fine. You said you arrived at the Tobacco House
11 around six -- 6:30 that night?

12 A: Yes, sir.

13 Q: Okay. And you ran into several people you knew, Box,
14 Dashamel Drayton, and Meatball; right?

15 A: Yes, sir.

16 Q: All right. And this unique individual whose name is
17 Meatball, what's his real name?

18 A: Demetrius White.

19 Q: Okay. And you stated that Dashamel approached Demetrius
20 White and, you know, tried to diffuse the bomb between him
21 and Randall, whatever was going on; right?

22 A: Yes, sir.

23 Q: So they were in an argument?

24 A: Whatever they were talking about.

25 Q: Okay. And Dashamel told Meatball to walk away; correct?

KHADIJAH ROBERTS - CROSS BY MR. CHANDLER

1 A: Yes, sir.

2 Q: So would you say Meatball was the aggressor?

3 A: Yes, sir.

4 Q: Okay. And you said your car -- let me grab this map
5 real quick. Now, you stated that your car was parked where
6 on this map?

7 A: Between the carwash and the stop sign.

8 Q: So right in here somewhere?

9 A: Yes, sir. Somewhere in that area.

10 Q: Not at the Tobacco House?

11 A: No.

12 Q: Okay. Now, you saw the exchange of gunfire; correct?

13 A: Yes, sir.

14 Q: You did?

15 A: (No verbal response.)

16 MR. CHANDLER: Can you pull up something for me? Can
17 you pull up 18:55 of the video?

18 (WHEREUPON, part of the video contained in State's
19 Exhibit Number 3 was played in open court and then
20 stopped.)

21 MR. CHANDLER: Your Honor, I'm going to ask the witness
22 to step down, if that's fine.

23 THE COURT: All right. Just as long as she keeps her
24 voice up so --

25 MR. CHANDLER: Yes, sir.

KHADIJAH ROBERTS - CROSS BY MR. CHANDLER

1 THE COURT: -- the court reporter can hear her.

2 MR. CHANDLER: Can you go frame by frame? All right.

3 Go forward and pause it. Stop right there.

4 BY MR. CHANDLER:

5 Q: Is that Demetrick White?

6 A: Yes, sir. And Dashamel.

7 Q: That's Meatball?

8 A: Uh-huh.

9 Q: What kind of gesture is he making there?

10 A: (Inaudible.)

11 THE COURT REPORTER: I can't -- I don't know what she
12 just said.

13 MR. CHANDLER: You need to speak up, Ms. Roberts.

14 THE COURT: Y'all need to switch places and let her face
15 the court reporter.

16 BY MR. CHANDLER:

17 Q: So this is Meatball with his hand extended; right?

18 A: Uh-huh.

19 Q: Is his hand extended towards Anthony?

20 A: Yes, sir.

21 Q: And Dashamel is in between those two; correct?

22 A: Yes, sir. Trying to back Meatball up.

23 Q: Okay. So Dashamel was backing up Meatball?

24 A: Uh-huh.

25 Q: And Meatball has got his hand extended towards Anthony?

KHADIJAH ROBERTS - CROSS BY MR. CHANDLER

1 A: Yes, sir.

2 Q: And this is before the gunshots went off?

3 A: Yes, sir.

4 Q: Okay. Do you know what happened to Dashamel right
5 there?

6 A: No, sir. I can't see.

7 Q: Okay. You don't see him in this video right here, do
8 you?

9 A: No, sir.

10 Q: You don't know where he went?

11 A: No, sir.

12 Q: All right. You saw him walking in that direction, but
13 you don't know if he went around the car or under the car or
14 anything?

15 A: No, sir. I didn't see it.

16 Q: All right.

17 MR. CHANDLER: No further questions.

18 THE COURT: Anything on redirect?

19 MR. MCEACHIN: No, sir, Your Honor.

20 THE COURT: All right, ma'am. Thank you very much.

21 THE WITNESS: You're welcome.

22 MR. MCEACHIN: I'm going to ask that she be relieved
23 from her subpoena.

24 THE COURT: Any objection?

25 MR. MEETZE: No, Your Honor.

1 THE COURT: She's free to go.

2 MR. MCEACHIN: Your Honor, may we take a brief recess?

3 THE COURT: Let me ask you real quick.

4 MR. MCEACHIN: Sure.

5 (WHEREUPON, a bench conference was held in the presence
6 of the jury but out of the hearing of the jury off the
7 record, after which the proceedings resumed as follows.)

8 THE COURT: All right. Ladies and gentlemen, what we're
9 going to do is we're going to take that little break, but
10 we're going to take a longer one. We're going to go ahead
11 and break for lunch at this time.

12 It's 12:24 or 23. I am going to ask you, if you would,
13 to be back at two o'clock. Okay? That gives you a little
14 over an hour and a half for lunch.

15 We'd ask that you do everything within your power to
16 protect your ability to remain fair and impartial. Don't
17 talk with anybody about the case. Don't allow anyone to talk
18 with you. Just -- I always tell juries give your minds a
19 break. Just kind of put your minds in neutral and go enjoy
20 lunch and kind of put this out of your mind until you get
21 back this afternoon and get back to work. Okay?

22 Please do not talk with anyone, do not allow anyone to
23 talk with you, and I'll ask you, if you would, to be back in
24 your jury room at two o'clock and we'll start back at that
25 time.

1 Everyone else please remain seated while the members of
2 the jury are excused for lunch.

3 (WHEREUPON, the jury exited the courtroom at 12:23 p.m.)

4 THE COURT: All right. Anything we need to take up
5 before we break?

6 MR. MEETZE: Nothing from the defense, Judge.

7 MR. MCEACHIN: No, sir, Your Honor.

8 THE COURT: All right. We'll be in recess then until
9 two o'clock.

10 (WHEREUPON, there was a break in the proceedings from
11 12:24 p.m. until 2:26 p.m., after which the proceedings
12 resumed as follows.)

13 THE COURT: All right. Before we get started, let's go
14 ahead and deal with the photo issue.

15 MR. MCEACHIN: Thank you very much, Your Honor. I'll
16 hand it up to the Court, and I've already shown these three
17 photographs to defense counsel.

18 I think there were over 37 or 38 photographs taken
19 during the autopsy of the case. I've gone through the best
20 ones possible to select the three that I thought would be the
21 least likely to inflame the passions of the jury. It's my
22 understanding defense counsel has an objection to the three
23 photographs that I've selected.

24 THE COURT: All right. Mr. Meetze?

25 MR. MEETZE: Thank you, Your Honor. If it please the

1 Court, Judge, we would object to those pictures being
2 admitted into evidence based on the potential for prejudice
3 to Mr. Randall, as the pictures could very reasonably incite
4 the passions of the jury and influence their decision based
5 on those passions as opposed to the evidence.

6 I think that testimony from the pathologist is
7 sufficient with regards to entry wounds and exit wounds and
8 things like that. I think that -- I think that the pictures
9 being admitted is superfluous and runs the risk of being
10 prejudicial to Mr. Randall on that basis. And what's in
11 those pictures can be testified to very reasonably and --
12 and, you know, the pathologist can demonstrate on her own
13 body where the bullet may have gone in on Mr. Drayton's body
14 as well.

15 So based on that, we're making a motion that the
16 pictures be excluded as evidence in this case.

17 THE COURT: All right. Mr. McEachin?

18 MR. MCEACHIN: Thank you, Your Honor.

19 As previously indicated, I had -- I did have an
20 opportunity to review all the photographs in this case and I
21 feel pretty comfortable in telling the Court I think the
22 pathologist will testify that it will be of benefit to her to
23 be able to explain to the jury the -- not only the cause of
24 death, but how the actual projectile traveled through the
25 decedent's body in the case.

1 If the Court notices, there's very little blood on any
2 of the photographs. Really, two of the photographs show the
3 entry wound, one from a little bit further away and one from
4 a little bit closer. And then there's one photograph that
5 shows an exit wound. I had originally intended to show
6 another photograph to show the exit wound, but that one did
7 have a little bit of blood and I chose not to proceed with
8 that particular photograph.

9 I think given all of that, Your Honor, you know, the
10 decedent's face is not shown in any of the photographs. The
11 photographs are very limited as to what parts of the body
12 they show. Based on all that, I certainly don't think those
13 particular photographs would inflame any passions of the
14 jury. It's simply going to be used to show where the entry
15 and exit wounds were on the decedent's body, as well as help
16 her to explain the path of the projectile through the
17 decedent's body.

18 THE COURT: Okay.

19 (WHEREUPON, there was a pause in the proceedings, after
20 which the proceedings resumed as follows.)

21 THE COURT: I think -- Mr. McEachin, I think I'm -- I
22 think I'm going to -- I'm going to overrule the objection as
23 to 9 and 10. I think I'm going to exclude 11. Do you have
24 -- you don't have -- do you understand the ones I'm talking
25 about?

1 MR. MCEACHIN: Judge, my understanding is I think 9 and
2 10 are the ones that are more close up.

3 THE COURT: A little more -- a little more close up and
4 I think the pathologist can -- he or she, I think, can use
5 those to show what it is they need to show.

6 The concern I have with 11 is not as much with the entry
7 wound itself, but because of it being a wider shot, the
8 various autopsy incisions and things of that nature tend to
9 be a little bit more concerning I think, whereas the 9 and 10
10 seem to focus in on the issue in this case.

11 MR. MCEACHIN: The State will certainly make that work,
12 Your Honor.

13 THE COURT: Mr. Meetze, I will certainly note your
14 exception to the ruling, but I am going to overrule you with
15 regards to 9 and 10, but I am going to sustain your objection
16 as to 11.

17 MR. MEETZE: Thank you, Your Honor.

18 THE COURT: And -- and note those exceptions. Is there
19 anything else that we need to address before we bring the
20 jury in from the State?

21 MR. MCEACHIN: No, sir, Your Honor.

22 THE COURT: Anything from the defense?

23 MR. MEETZE: No, Your Honor.

24 THE COURT: All right. Let's bring the jury in, please,
25 sir.

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 (WHEREUPON, the jury entered the courtroom at 2:33 p.m.)

2 THE COURT: All right. I hope everyone had a good lunch

3 and are ready to proceed then with our case. If you'll

4 recall when we broke for lunch that we were still on the

5 State's case. So we will pick up where we left off and

6 recognize the State for your next witness.

7 MR. MCEACHIN: Thank you very much, Your Honor. I would

8 call Rickita Buxton to the stand.

9 THE COURT: All right. Ma'am, if you'd please come

10 around to be sworn.

11 THE CLERK: Place your left hand on the Bible and raise

12 your right hand, please. Raise your right hand. Do you

13 solemnly swear or affirm to tell the truth, the whole truth,

14 and nothing but the truth, so help you God?

15 THE WITNESS: I do.

16 THE CLERK: Thank you. Go ahead and take a seat.

17 RICKITA BUXTON, being first

18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. MCEACHIN:

21 Q: Good afternoon, Rickita.

22 A: Hi.

23 Q: If you would, please state your full name for the

24 record?

25 A: Rickita Buxton.

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 Q: All right, Rickita, and I'm going to ask that you speak
2 up so everybody on the jury can hear you. Okay?

3 A: Yes, sir.

4 Q: And if you want to, you can just lean a little bit
5 closer to that microphone and that way you don't have to talk
6 quite as loud, but it'll pick up everything. Rickita,
7 forgive me for asking, but how old are you?

8 A: I'm 27.

9 Q: And you live here in Marion County?

10 A: Yes, sir.

11 Q: And how long have you lived in Marion County?

12 A: About 20 years.

13 Q: About 20 years?

14 A: (No verbal response.)

15 Q: Now, do you know why you're here today?

16 A: Yes, sir.

17 Q: All right. Now, you've got to speak up a little bit.
18 Okay? Because Madam Court Reporter has to get everything
19 you're saying and everybody on the jury has to hear what
20 you're saying too. Okay?

21 A: Okay.

22 Q: Okay. Tell you what. Let me give you this. That may
23 help with things.

24 All right. Rickita, do you know Dashamel Drayton?

25 A: Yes, I do.

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 Q: And how do you know him?

2 A: Him and my brother are best friends.

3 Q: He and your brother are best friends? And what's your
4 brother's name?

5 A: Derrick.

6 Q: Derrick? Are they about the same age?

7 A: Yes, sir.

8 Q: Okay. And is that how you got to know Dashamel, through
9 your brother, Derrick?

10 A: Yeah. I knew him from school too, but as him and my
11 brother got closer, that's how we got closer.

12 Q: Okay. And how long would you say you knew Dashamel for?

13 A: About seven years.

14 Q: About seven years?

15 A: Yes, sir.

16 Q: All right. Again, I need you to speak up just a little
17 bit for me. I'll tell you what. Let me push this closer.
18 That's right in your face. Sorry.

19 All right. Were you with Dashamel on the night he was
20 killed?

21 A: Yes, sir.

22 Q: Okay. And I want to talk a little bit about that day.
23 Y'all were both at the Tobacco House together?

24 A: Yes, sir.

25 Q: Okay.

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

- 1 A: I was going to the store with him.
- 2 Q: I'm sorry. Speak up, please.
- 3 A: I was going to the store with him.
- 4 Q: Okay. And that's what I want to ask you about. So you
- 5 and Dashamel went to the store together?
- 6 A: Yes, sir.
- 7 Q: All right. How did y'all get there that day?
- 8 A: We drove Mook's car.
- 9 Q: All right. And you said somebody named Mooks?
- 10 A: Mook.
- 11 Q: Okay. And you've got to speak up. Okay? You're
- 12 talking way too quiet. I know you're nervous, but I just
- 13 need you to speak up some because the court reporter can't
- 14 hear what you're saying. All right? It's very important you
- 15 speak loudly and clearly.
- 16 All right. So y'all took Mook's truck or Mook's mama's
- 17 truck to the Tobacco House?
- 18 A: Yes, sir.
- 19 Q: All right. Where had y'all been prior to going to the
- 20 Tobacco House?
- 21 A: We had went to my brother's house and took my sister to
- 22 go cash her check at the store before we went to that store.
- 23 Q: Okay. So you had been at your brother Derrick's --
- 24 A: Uh-huh.
- 25 Q: -- house?

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 A: Yes, sir.

2 Q: And y'all went by and helped your sister cash a check
3 and then after --

4 A: And then after we dropped her off, we went to the
5 Tobacco Store.

6 Q: Okay. And I'm not trying to pin you down to a specific
7 time, but do you recall about what time y'all got to the
8 Tobacco Store that night?

9 A: It was close to seven, something like that. I'm not
10 sure exactly what time.

11 Q: All right. So sometime close to seven o'clock?

12 A: Yes, sir.

13 Q: All right. And was anybody with you and Dashamel or was
14 it just the two of y'all?

15 A: Just us two.

16 Q: Okay. And after y'all went to the Tobacco Store, where
17 were you all going to go before -- before the shooting
18 happened?

19 A: Back to my brother's house.

20 Q: Back to Derrick's house on Bluff Road?

21 A: Yes.

22 Q: Okay. Nobody else rode in the car with y'all that
23 night?

24 A: No, sir.

25 Q: And do you remember -- you said in, I think, Mook's

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 mama's car. What kind of car was it? Do you remember?

2 A: It was a red truck.

3 Q: Okay. All right. Once you got to the Tobacco House,

4 what did you do once you got there?

5 A: I went to the liquor store and then I just stood around

6 and was talking.

7 Q: Okay.

8 A: Waiting for him.

9 Q: Okay. And what was Dashamel doing at the time?

10 A: He was, like, across the street talking to somebody else

11 close to the carwash.

12 Q: All right. So he was across the street talking to

13 somebody close to the car wash. How long do you think y'all

14 had been there?

15 A: Probably, like, 10 minutes or 15 minutes.

16 Q: Okay. And at some point -- now, you talked to several

17 people while you were there?

18 A: Uh-huh.

19 Q: And at some point, did Dashamel come back across the

20 street?

21 A: Yeah. We was getting ready to go. We was getting back

22 in the truck.

23 Q: Okay. And what do you recall happened?

24 A: When we was getting back in the truck, I seen Meatball

25 come across the street and he walked and was talking to Ant

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 at the door.

2 Q: Okay.

3 A: And Meatball went around to try to -- I mean Dashamel
4 went around to try to get, you know, Meatball from the truck.

5 Q: Let me -- let's -- let's back up just a minute because
6 you've said a couple names. We've got to make sure the jury
7 understands who you're talking about. When you say Meatball,
8 who are you talking about?

9 A: Demetrick.

10 Q: Demetrick White?

11 A: Yes, sir.

12 Q: Okay. And you said Ant. Who are you talking about when
13 you say Ant?

14 A: Anthony.

15 Q: Anthony Randall?

16 A: Yes, sir.

17 Q: The defendant in this case?

18 A: Yes, sir.

19 Q: The Anthony Randall you're referring to, do you see him
20 seated in the courtroom here today?

21 A: Yes, sir.

22 Q: Where is he seated?

23 A: Right there.

24 Q: Okay.

25 MR. MCEACHIN: Please have the record reflect that the

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 witness has pointed to the defendant.

2 BY MR. MCEACHIN:

3 Q: So Demetrick had come up and he was talking. I mean
4 were they arguing? Were he and Anthony arguing about
5 something?

6 A: I couldn't understand the conversation. I just seen
7 them talking, and Dashamel went around the truck to go get
8 him from the truck and it escalated from there.

9 Q: You said it escalated from there?

10 A: Uh-huh.

11 Q: All right. So was Dashamel originally with the two of
12 them at all?

13 A: No.

14 Q: Or he showed up later?

15 A: He came -- he was getting in the truck to leave with me,
16 but when he seen Meatball walking up to the truck, that's
17 when he went around to get Meatball to get him from over
18 there, I guess to get him from the confrontation.

19 Q: Okay. So it appeared to you that he was trying to break
20 up the confrontation?

21 A: Yes, sir.

22 Q: Okay. And at the time that all this was going on, where
23 were you?

24 A: Standing at the truck.

25 Q: Standing at the truck that y'all had arrived in?

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 A: Yes, sir.

2 Q: All right. I'm going to play a short portion of this
3 video for you. I'm going to stop it at a certain point so
4 you can tell the jury what was going on. Okay?

5 A: Okay.

6 Q: And you've got to speak up for me. Why don't you come
7 down here and I'm going to let you stand right over here.

8 Your Honor, is it all right if the witness steps down?

9 THE COURT: Yes, sir.

10 MR. MCEACHIN: All right.

11 (WHEREUPON, the witness complied.)

12 MR. MCEACHIN: I'm going to let you stand right over
13 here. Now, this is very important. You were quiet on the
14 witness stand. You have to be loud enough for this young
15 lady over here to hear you and for everybody on the jury.
16 Okay?

17 (WHEREUPON, the video contained in State's Exhibit
18 Number 3 was played and then stopped.)

19 BY MR. MCEACHIN:

20 Q: All right. Who's that in the -- in the blue -- kind of
21 teal-colored shirt there?

22 A: Behind me? Are you talking about me?

23 Q: No. I'm not -- I'm not going to be talking about you.
24 Who is this right here?

25 A: Me.

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 (WHEREUPON, the video resumed playing and was then
2 stopped.)
3 BY MR. MCEACHIN:
4 Q: Okay. And the red truck right here -- is that the truck
5 y'all arrived in?
6 A: Uh-huh.
7 Q: You have to -- you're going to have to say yes or no.
8 A: Yes, sir.
9 (WHEREUPON, the video resumed playing.)
10 BY MR. MCEACHIN:
11 Q: Who is that they're talking to right there?
12 A: Box.
13 Q: Box?
14 A: I don't know what his real name is.
15 Q: Okay.
16 MR. MCEACHIN: Pause it.
17 (WHEREUPON, the video was stopped.)
18 BY MR. MCEACHIN:
19 Q: Who is that that's walking right there in front of you?
20 A: Anthony.
21 Q: You got to speak up. Who is it?
22 A: Anthony.
23 Q: Okay. You're talking about Anthony Randall?
24 A: Yes, sir.
25 Q: Okay.

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 (WHEREUPON, the video resumed playing.)

2 MR. MCEACHIN: Just keep watching it for me.

3 BY MR. MCEACHIN:

4 Q: All right. You're standing right down there looking at
5 Anthony. What is that that he pulled from his waistband?

6 A: A gun.

7 Q: Did you witness that?

8 A: Uh-huh.

9 Q: You saw it happen?

10 A: Yes, sir.

11 Q: Okay. And once you saw it, you walked back to the
12 truck?

13 A: (No verbal response.)

14 MR. MCEACHIN: Pause it.

15 BY MR. MCEACHIN:

16 Q: Once you saw him pull the gun out, you walked back to
17 your truck?

18 A: Yes, sir. I knew what was coming.

19 Q: Okay.

20 (WHEREUPON, the video resumed playing.)

21 MR. MCEACHIN: All right. Pause it right there.

22 (WHEREUPON, the video was stopped.)

23 BY MR. MCEACHIN:

24 Q: Who is that coming around the front of the truck right
25 there?

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 A: That's Dashamel.

2 Q: That's Dashamel?

3 A: Uh-huh.

4 Q: Okay.

5 (WHEREUPON, the video resumed playing.)

6 MR. MCEACHIN: Pause it.

7 (WHEREUPON, the video was stopped.)

8 BY MR. MCEACHIN:

9 Q: He went running over there in a hurry to get over there?

10 A: He was just going to tell Meatball to just come on.

11 Q: Okay.

12 A: Tell him we were leaving.

13 (WHEREUPON, the video resumed playing.)

14 MR. MCEACHIN: Pause it.

15 (WHEREUPON, the video was stopped.)

16 BY MR. MCEACHIN:

17 Q: Right there when you closed the door, why did you close

18 the door?

19 A: Because they started shooting.

20 Q: That's what the shooting happened?

21 A: Yes, sir.

22 Q: And had you been looking that way the entire time?

23 A: Yes, sir.

24 Q: Tell the jury what you saw?

25 A: When I was looking at it, I seen Dashamel get shot and

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 Meatball went running out of there. I didn't know he had got
2 shot until after the thing. So --

3 Q: Okay. Who did you see doing the shooting?

4 A: Anthony.

5 Q: Anybody else do any shooting that night?

6 A: No, sir.

7 Q: Okay. Please grab a seat back in the witness chair.

8 (WHEREUPON, the witness complied.)

9 BY MR. MCEACHIN:

10 Q: Rickita, I'm going to show you what's been admitted
11 already as State's Exhibit Number 5 into evidence. Can you
12 identify that photograph?

13 A: Uh-huh.

14 Q: That's got to be a yes or a no answer.

15 A: Yes, sir.

16 Q: Okay. And what -- what does that photograph show?

17 A: Him standing there with the gun out.

18 Q: When you said him, are you referring to the defendant,
19 Anthony Randall?

20 A: Yes, sir.

21 MR. MCEACHIN: Your Honor, permission to publish to the
22 jury?

23 THE COURT: That's --

24 MR. MCEACHIN: State's 5.

25 THE COURT: Yeah. That's fine.

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 MR. MCEACHIN: I'll give the jury just a moment, Your
2 Honor, to look at that.

3 (WHEREUPON, there was a pause in the proceedings, after
4 which the proceedings resumed as follows.)

5 BY MR. MCEACHIN:

6 Q: So, Rickita, based on this photo, before Demetrick or
7 Dashamel ever came anywhere near Anthony Randall, he was
8 already flashing a gun?

9 A: Yes, sir.

10 Q: Once the shooting happened, I saw that you got back in
11 your vehicle. Did you end up leaving in that vehicle?

12 A: No, sir. Because I can't drive a stick.

13 Q: And that truck was a stick shift?

14 A: Yes, sir.

15 Q: All right. So where did you end up going?

16 A: Somebody named Creon [ph] took us to the hospital.

17 Q: All right. When you say somebody named Creon took us to
18 the hospital, who did he take to the hospital?

19 A: Me and Dashamel.

20 Q: You and Dashamel?

21 A: Yes, sir.

22 Q: So this was in somebody else's vehicle? Dashamel has
23 already gotten into it. You got into it?

24 A: Yes, sir.

25 Q: All right. Once you were in the vehicle with him, what

RICKITA BUXTON - DIRECT BY MR. MCEACHIN

1 did you notice about Dashamel?

2 A: That he was shot in his stomach and he was kind of in
3 and out, but he was still telling me he was hit because he
4 was kind of in and out.

5 Q: All right. I didn't understand and I'm sure some of the
6 jury didn't either. What did he say at the very end?

7 A: He was still telling me that he was hit. Like, he was
8 still talking that he was hit.

9 Q: Oh. He was saying he was hit?

10 A: He was kind of in and out.

11 Q: Which hospital did you all end up going to?

12 A: Marion Hospital.

13 Q: Okay. Once he got to the hospital, did they take him in
14 the back?

15 A: Yes, sir.

16 Q: And after they took him in the back, did you see him
17 again?

18 A: No, sir.

19 Q: You -- you had an opportunity to speak to some law
20 enforcement officers about what you witnessed that night?

21 A: Yes, sir.

22 Q: And other than speaking with those law enforcement
23 officers, did you have any other involvement or anything else
24 to do with this case?

25 A: No, sir.

RICKITA BUXTON - CROSS BY MR. MEETZE

1 Q: Okay.

2 MR. MCEACHIN: Please answer any questions Mr. Chandler
3 or Mr. Meetze may have for you.

4 CROSS-EXAMINATION

5 BY MR. MEETZE:

6 Q: Hey, Ms. Buxton.

7 A: Hey.

8 Q: Just a couple things. If I heard your testimony right,
9 you said when you first got to the Tobacco House that night,
10 it was a little before seven; correct?

11 A: Yes, sir.

12 Q: And you said you went into the liquor store?

13 A: Yes, sir.

14 Q: And that Dashamel had gone across the street to talk --
15 had just gone across the street was your testimony?

16 A: Uh-huh.

17 Q: Was that a yes or no?

18 A: Yes, sir.

19 Q: Okay. And that was while you were inside?

20 A: Yes, sir.

21 Q: When he went across the street, was he -- was anybody
22 else over there with him?

23 A: I don't know who he was talking to. I just know he went
24 across the street and I went in the liquor store.

25 Q: So you don't know if he was talking to Demetrick White

RICKITA BUXTON - CROSS BY MR. MEETZE

1 while he was across the street or not?

2 A: No. I didn't see anything else. I just seen he walked
3 across the street.

4 MR. MEETZE: I don't have anything further, Judge.

5 THE COURT: Anything on redirect?

6 MR. MCEACHIN: No, sir, Your Honor. I'd simply ask that
7 she be relieved from her subpoena.

8 THE COURT: Any objection?

9 MR. MEETZE: No, Your Honor.

10 THE COURT: All right. Thank you very much, ma'am.
11 You're free to go.

12 THE WITNESS: Thank you.

13 MR. MCEACHIN: Judge, I would call as the next witness
14 Angelina Phillips. It may take just a second to get her up
15 here.

16 THE COURT: All right.

17 (WHEREUPON, there was a pause in the proceedings until
18 the witness entered the courtroom, after which the
19 proceedings resumed as follows.)

20 THE CLERK: Do you solemnly swear or affirm to tell the
21 truth, the whole truth, and nothing but the truth, so help
22 you God?

23 THE WITNESS: I do.

24 THE CLERK: Thank you. Go ahead and take a seat.

25 DR. ANGELINA PHILLIPS, being

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 first duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MCEACHIN:

4 Q: Good afternoon, Dr. Phillips.

5 A: Good afternoon.

6 Q: If you don't mind, would you please state your full name
7 for the record?

8 A: Angelina Indira Phillips.

9 Q: And, Dr. Phillips, what do you do for a living?

10 A: I am a forensic pathologist.

11 Q: And are you currently licensed as a pathologist?

12 A: Yes.

13 Q: Okay. And is that -- just so the jury understands, when
14 you're licensed, are you licensed by the state? National --
15 through the national level? How are you licensed?

16 A: We are licensed by the state.

17 Q: And you're licensed for the state of South Carolina?

18 A: Correct.

19 Q: Any other states?

20 A: No.

21 Q: Okay. How long have you been licensed to practice in
22 your particular profession?

23 A: I've been licensed to practice medicine for seven years
24 and that was during my residency for four years in
25 Massachusetts and three years here in South Carolina.

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

- 1 Q: Okay. And that kind of is a perfect segue into my next
2 question. I want to talk to you about your educational
3 background. Where did you do your undergraduate work?
- 4 A: My undergraduate degree is in entomology from New York
5 University in New York.
- 6 Q: Okay. And how about medical school?
- 7 A: Medical school is also New York, upstate New York in
8 Syracuse.
- 9 Q: And you already harkened on this a little bit, but
10 specifically with regard to your training in pathology, where
11 did that take place?
- 12 A: That took place in Massachusetts at Baystate Medical
13 Center.
- 14 Q: And as part of the field of pathology, y'all have
15 occasion to do autopsies?
- 16 A: Yes.
- 17 Q: And if you don't mind, tell the jury what the purpose of
18 an autopsy is?
- 19 A: An autopsy is an examination of the body for the purpose
20 of identifying the cause and manner of death.
- 21 Q: Now, in addition to pathology, there's a term that's
22 also been used, forensic pathology. Can you explain to the
23 jury what forensic pathology is as opposed to just pathology?
- 24 A: Pathology is a general term used for all of pathology,
25 encompassing all of the subsections. Forensic pathology is a

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 small subsection of that, and it deals with autopsy
2 pathology, specifically autopsy pathology for -- in legal
3 matters.

4 Q: Such as criminal trials and things of that nature?

5 A: Correct.

6 Q: Okay. Now, are you a member of any specialized medical
7 or scientific groups or associations?

8 A: Yes.

9 Q: If you would, please let the jury know which groups or
10 associations you're involved with?

11 A: I'm certified by the American Board of Pathology, and I
12 am a member of the National Association of Medical Examiners.
13 Also, a member of the American Association of Forensic
14 Scientists and other basic pathology groups.

15 Q: Okay. And all of those groups in some form or fashion
16 deal with either pathology or forensic pathology?

17 A: Correct.

18 Q: But there are additional requirements for you to be
19 acknowledged or certified by those groups? Is that fair to
20 say?

21 A: Yes.

22 Q: Specifically with the American Board of Pathology, what
23 requirements do you have to meet in order to be board-
24 certified by them?

25 A: We need to complete a residency in pathology that's

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 either AP or CP, anatomic or clinical pathology. You can do
2 them either/or or both. And then once that's completed, you
3 need to do 50 autopsies, and then you are allowed to take the
4 exam, which after you pass you become certified by the Board
5 of Pathology.

6 Q: So this would be certainly above and beyond any -- just
7 you're licensed to practice medicine?

8 A: Correct.

9 Q: And I think you previously indicated you've been in your
10 particular field for about seven years?

11 A: Yes.

12 Q: And that's the field of pathology or forensic pathology?

13 A: Pathology for seven years, forensic pathology for three
14 of those.

15 Q: Okay. And during that time, I know you said you had to
16 do at least 50 autopsies in order to become board-certified.
17 How many total autopsies have you completed I guess from
18 medical school to present?

19 A: Over 800.

20 Q: And have you had an opportunity through either residency
21 or any of your training to observe cases where the cause of
22 death was determined to be from a gunshot wound?

23 A: Yes.

24 Q: And on how many cases? Or how many cases have you
25 observed where that was the case?

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 A: On average about a quarter of my cases are gunshot
2 wounds.

3 Q: Okay. So of the 800, somewhere in the 200 range
4 perhaps?

5 A: Yes.

6 Q: And have you ever been qualified as an expert witness in
7 the field of forensic pathology in either the state or local
8 courts of South Carolina?

9 A: Yes.

10 Q: And on how many occasions?

11 A: Approximately six.

12 MR. MCEACHIN: Your Honor, at this time, I would move to
13 qualify Dr. Phillips as an expert in the field of forensic
14 pathology.

15 THE COURT: Any objection or do you wish to voir dire
16 the witness at all?

17 MR. MEETZE: No, Your Honor.

18 THE COURT: All right. Without objection.

19 BY MR. MCEACHIN:

20 Q: Going a little bit more specifically into why you are
21 here today, during the month of January of 2018, did you have
22 occasion to perform one or more autopsies?

23 A: I did.

24 Q: And where did these autopsies -- where were these
25 autopsies performed?

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 A: These were performed at the Medical University of South
2 Carolina in our autopsy suite.

3 Q: And specifically, do you recall performing an autopsy on
4 a Dashamel Drayton on or about January 22nd, 2018?

5 A: I did.

6 Q: And, you know, just so the jury has a little bit clearer
7 understanding, when you conduct an autopsy or do an autopsy,
8 not to maybe take this too long, but explain to the jury how
9 you begin the process and the process you go through when you
10 conduct an autopsy and what you do?

11 Q: The process begins with a request from the coroner.
12 They will tell us that they have a case of someone who has
13 died and provide us with a small bit of history on the case.
14 The body is then transported to our facility. We examine the
15 body externally and then internally to determine what the
16 cause of death is, see if that correlates with the history we
17 are provided, and then sum up, make a manner of death
18 statement and a report.

19 Q: And you conducted both an external and internal
20 investigation in this case?

21 A: Yes.

22 Q: And as a result of the autopsy, were you able to make a
23 determination to a reasonable degree of medical certainty
24 what the cause of death was for the decedent?

25 A: Yes.

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 Q: And what was the cause of death?

2 A: He had a gunshot wound to the chest.

3 Q: And in -- I guess my question or follow-up question
4 would be when y'all are conducting these autopsies, do you
5 photograph or do you create any sort of record during the
6 process?

7 A: Yes. We generate photographs and a handwritten diagram.

8 Q: And if you have photographs to look at, would that
9 assist you in showing the jury the -- I guess, the actual
10 injuries sustained, as well as any sort of path that a
11 projectile would have taken inside of the body?

12 A: Yes, it would.

13 MR. MCEACHIN: Your Honor, may I approach the witness?

14 THE COURT: Yes, sir.

15 MR. MEETZE: Judge, at this time, I'll renew our
16 previous objections.

17 THE COURT: All right, sir. Overruled, but it's noted.

18 BY MR. MCEACHIN:

19 Q: Dr. Phillips, I'm going to have you take a look at
20 State's Exhibits 9 and 10, and tell me if you can identify
21 those two photographs?

22 A: Yes. These are two photographs that I took at the time
23 of autopsy.

24 Q: And with regard to State's Exhibit Number 9, what does
25 State's Exhibit Number 9 show?

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 A: It shows the decedent's back and the exit wound.

2 Q: Okay. And what about State's Exhibit Number 10?

3 A: Number 10 shows the decedent's chest and the entrance
4 wound.

5 Q: Okay.

6 MR. MCEACHIN: Your Honor, may I -- at this time, I
7 would move State's Exhibits 9 and 10 into evidence.

8 THE COURT: All right. And I've noted your objection,
9 Mr. Meetze.

10 MR. MEETZE: Thank you, Your Honor.

11 THE COURT: Overruled, and I'm going to allow those in
12 as -- what numbers? 9 and 10; is that correct?

13 MR. MCEACHIN: 9 and 10. That's correct, Your Honor.

14 THE COURT: All right.

15 (WHEREUPON, State's Exhibit Number 9, a photograph, and
16 State's Exhibit Number 10, a photograph, were admitted
17 into evidence.)

18 MR. MCEACHIN: Your Honor, may I have the witness step
19 down?

20 THE COURT: Yes, ma'am. Or yes, sir. I apologize.
21 Yes.

22 MR. MCEACHIN: No problem.

23 (WHEREUPON, the witness complied.)

24 MR. MCEACHIN: Let's start -- and I'm going to have
25 stand and turn around, but I need to make sure you speak loud

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 enough for the court reporter to hear you.

2 BY MR. MCEACHIN:

3 Q: Let's start with State's Exhibit Number 10. Again, what
4 is State's Exhibit Number 10? And try to hold it up where
5 everyone on the jury can see it.

6 A: So this is showing a picture up close of the gunshot
7 wound to the chest. So there's the nipple. There was some
8 medical intervention. You can see his head is above here and
9 his feet are down here. And this is the entrance gunshot
10 wound.

11 Q: Okay. Hang tight. Give me just a second.

12 MR. MCEACHIN: I guess I'm going to mark this.

13 THE COURT REPORTER: Okay.

14 (WHEREUPON, a large diagram of a human body was marked
15 for identification as State's Exhibit Number 12.)

16 MR. MCEACHIN: Thanks.

17 BY MR. MCEACHIN:

18 Q: All right. In order to give the jury a good idea,
19 because I know that's kind of a close-up picture, can you
20 show with just a circle approximately where that gunshot
21 wound is on the human body?

22 (WHEREUPON, the witness complied.)

23 A: Yes. So it is on the chest just below the nipple and at
24 about the level of the sixth rib. The first rib is up near
25 the clavicle or the shoulder blade, and so it would be right

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 here.

2 Q: And you indicated that you believed that to be the entry
3 wound?

4 A: Yes.

5 Q: If you would, just write entry by that, if you don't
6 mind.

7 (WHEREUPON, the witness complied.)

8 Q: And that's a determination that you made, but if you
9 could, explain to the jury how you made that determination
10 that's the entry wound?

11 A: We look at the features of the gunshot wound to
12 determine the entry versus the exit. In general, your entry
13 wounds are nice and round. They have an abrasion border
14 because if you imagine the bullet is going through the skin,
15 it is spinning and it creates an abrasion on the outer
16 portion of the skin as it goes in.

17 And then that differentiates it from the exits, which
18 generally does not have the abrasion border because you
19 imagine the bullet coming out of the skin. So if there were
20 to be an abrasion from the bullet, it would be on the inside
21 of the skin in that line of thought.

22 Also, your exit wounds tend to have a slit-like
23 appearance where you can re-approximate edges, and this wound
24 has both an abrasion border and is nice and round, and we
25 have an exit wound to compare it to; so we know that that's

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 the entrance wound.

2 Q: Okay. And why don't we talk about that one right now?

3 State's Exhibit Number 9. If you could, show that to the

4 jury and, again, you said that's the decedent's back?

5 A: Correct.

6 Q: And --

7 A: So his head is right here and his shoulder blade is

8 right here and that's his rib.

9 Q: Okay. And can you show them -- I know it's probably

10 hard for people in the back row to see. Can you point to

11 where the -- the exit wound is?

12 A: The exit wound is right here on the left side of the

13 back in the back.

14 Q: And I know you've explained to them just now how you

15 determine if something is an entry wound, but again, how do

16 you make a determination that this one, this particular

17 wound, is an exit wound as opposed to an entry wound?

18 A: So unlike the other one that we looked at, this is not

19 nice and round. It has a slit-like appearance and can be

20 reapproximated. There is no abrasion ring.

21 Q: And if you don't mind, could you show for the jury on

22 this diagram where the exit -- approximately where the exit

23 wound is located?

24 A: (Indicating.)

25 Q: And if you would, just write exit.

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 (WHEREUPON, the witness complied.)

2 MR. MCEACHIN: Your Honor, at this time, I'd move
3 State's 12 into evidence.

4 MR. MEETZE: No objection.

5 THE COURT: All right. State's 12 is in evidence with
6 no objection.

7 (WHEREUPON, State's Exhibit Number 12, diagram of the
8 human body with wounds indicated, was admitted into
9 evidence.)

10 BY MR. MCEACHIN:

11 Q: And again, it's your opinion to a reasonable degree of
12 medical certainty that that gunshot wound was the cause of
13 the decedent's death?

14 A: Yes.

15 Q: In addition, as part of forensic pathology, do you
16 determine the manner of an individual deaths?

17 A: I do.

18 Q: All right. And explain to the jury what the manner of
19 death is?

20 A: The manner of death is a classification system that we
21 use. We have five choices. You have homicide, suicide,
22 accident, natural, and undetermined. In this case, it was
23 deemed a homicide because those are deaths that occur by the
24 hands of another.

25 Q: Okay. And that was going to be my follow-up question.

ANGELINA PHILLIPS - DIRECT BY MR. MCEACHIN

1 So of the five potential manners of death it could be, you
2 made a determination it was a homicide in this case?

3 A: Yes.

4 Q: And that's death at the hand of another individual?

5 A: Correct.

6 Q: And is that opinion to a reasonable degree of medical
7 certainty?

8 A: Yes.

9 MR. MCEACHIN: Thank you. At this point in time, I'd
10 ask that you please answer any questions defense counsel may
11 have for you.

12 CROSS-EXAMINATION

13 BY MR. MEETZE:

14 Q: Dr. Phillips, you testified your role is to examine the
15 deceased body in this case and determine a manner and cause
16 of death; correct?

17 A: Yes.

18 Q: You don't have any other information with regard to this
19 case whatsoever; correct?

20 A: I get a small amount of history from the coroner.

21 Q: Nothing -- I'm sorry. I didn't mean to interrupt you.
22 Nothing that you perceived with your own --

23 A: No.

24 Q: -- eyes and ears?

25 A: Other than the examination of the body.

ANGELINA PHILLIPS - CROSS BY MR. MEETZE

1 Q: Correct.

2 MR. MEETZE: Thank you. I don't have any further
3 questions.

4 MR. MCEACHIN: Nothing further, Your Honor. I'd ask
5 that Dr. Phillips be released from her subpoena.

6 THE COURT: Any objection?

7 MR. MEETZE: No.

8 THE COURT: All right.

9 Thank you very much, Doctor. You're free to go, ma'am.
10 Appreciate you being here.

11 MR. MCEACHIN: Your Honor, I believe my next witness is
12 on the way up.

13 THE COURT: All right.

14 (WHEREUPON, there was a pause in the proceedings until
15 the witness entered the courtroom, after which the
16 proceedings resumed as follows.)

17 MR. MCEACHIN: Judge, the State would call Officer
18 Jacolgen Mack to the stand.

19 THE COURT: All right. Sir, if you'd please come around
20 to be sworn.

21 THE CLERK: Place your left hand on the Bible. Raise
22 your right hand. Do you solemnly swear or affirm to tell the
23 truth, the whole truth, and nothing but the truth, so help
24 you God?

25 THE WITNESS: Yes, ma'am.

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 THE CLERK: Thank you. Go ahead and have a seat.

2 JACOLGEN MACK, being first duly
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. MCEACHIN:

6 Q: Good afternoon, Officer Mack.

7 A: How you doing?

8 Q: I'm fine. Thank you. If you would, please state your
9 full name for the record, and speak loudly because the
10 acoustics in this courtroom have caught a couple witnesses
11 off guard already.

12 A: Yes, sir. My full name is Jacolgen Mack.

13 Q: Okay. And, Jacolgen, with whom are you currently
14 employed?

15 A: Marion Police Department.

16 Q: And how long have you been employed with the Marion
17 Police Department?

18 A: A year and seven months.

19 Q: A year and seven months? Is that what you said?

20 A: Yes, sir.

21 Q: Okay. And prior to working with the Marion Police
22 Department, did you have any other law enforcement
23 experience?

24 A: No, sir.

25 Q: All right. So you went to the Academy and then straight

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 to the Marion Police Department?

2 A: Yes, sir.

3 Q: And what's your current position with the Marion Police
4 Department?

5 A: PFC, patrol, patrolman first class.

6 Q: Okay. And patrolman first class, that's, for lack of a
7 better term, an officer who patrols the streets?

8 A: Yes, sir.

9 Q: All right. And responds to calls?

10 A: Yes, sir.

11 Q: And is that the position you've had since you started
12 with the Police Department?

13 A: Yes, sir.

14 Q: So about a year and seven months you've been doing this?

15 A: Yes, sir.

16 Q: And I guess back in January, you would've been doing it
17 for almost a year? My math may be off there.

18 A: Probably less than a year. At that time, probably a few
19 months.

20 Q: Okay.

21 A: Because I just graduated the Academy in August.

22 Q: Okay. So you just graduated from the Academy in August
23 of 2017?

24 A: Yes, sir.

25 Q: Okay. And when did you actually begin patrolling?

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

- 1 A: As soon as I -- as soon as I got back.
- 2 Q: So sometime in August or September of 2017?
- 3 A: Yes, sir.
- 4 Q: Okay. Whose shift are you or were you on in January of
- 5 2018?
- 6 A: It was me, Sgt. Poston, and Lt. Gause.
- 7 Q: Okay. Just three people on your shift?
- 8 A: Yes, sir.
- 9 Q: All right. And Lt. Gause, Sgt. Poston, and you?
- 10 A: Yes, sir.
- 11 Q: Okay. And do you recall on January the 20th, 2018, if
- 12 you were working days or nights?
- 13 A: Night shift.
- 14 Q: And when does the night shift run from?
- 15 A: Seven p.m. to seven a.m.
- 16 Q: So it's a 12-hour shift?
- 17 A: Yes, sir.
- 18 Q: And you would've gone on at seven p.m. on the night of
- 19 January the 20th of 2018?
- 20 A: Yes, sir.
- 21 Q: And do you recall around that time when you would've
- 22 gone on receiving a call for y'all to respond to?
- 23 A: Yes, sir.
- 24 Q: Okay. And what was that call in reference to?
- 25 A: Shots fired at the -- at the Tobacco House on Bluff

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 Street.

2 Q: Okay. And the Tobacco House that you're referring to is
3 the yellow building that's about three-and-a-half blocks that
4 way?

5 A: Yes, sir.

6 Q: Okay. And did you respond to that location?

7 A: Yes, sir.

8 Q: Who else responded to that location?

9 A: Pretty much both shifts because we was in the middle of
10 shift change. So it was me, Bessie, and Poston, and other
11 people that was on shift.

12 Q: Okay. So to make sure we're clear on this, because it
13 was right on the shift change right there at seven o'clock
14 when the dayshift goes off and the night shift comes on?

15 A: Yes, sir.

16 Q: Y'all had officers from both shifts show up for that
17 call?

18 A: Yes, sir.

19 Q: Okay. Once you were at the scene at the Tobacco House,
20 what did you do?

21 A: Pretty much secured the scene.

22 Q: Okay. And that's something that your shift would've
23 been responsible for? If y'all had gotten the call to the
24 scene where shots have been fired, it would have been y'all's
25 obligation and responsibility to secure that scene?

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 A: Yes, sir.

2 Q: Okay. And that's what y'all did?

3 A: Yes, sir.

4 Q: And what all does securing the scene entail? I guess

5 you ensure that people don't come in the crime scene tape?

6 A: Yes, sir. Taping it off so no one can get in.

7 Q: All right. And is that what you were primarily doing,

8 watching the scene as you were there that night?

9 A: Yes, sir.

10 Q: And how long do you think you were at the Tobacco House

11 that evening?

12 A: It had to be at least four or five hours.

13 Q: Okay. So from the time you got there to the time you

14 left -- and officers were coming all during this period of

15 time?

16 A: Yes, sir.

17 Q: Okay. But you were staying on the scene while it was

18 still a scene?

19 A: Yes, sir.

20 Q: Okay. At some point, did you get called away or did you

21 have to go somewhere other than to the Tobacco House that

22 night?

23 A: Yes, sir.

24 Q: Okay. And where did you end up having to go?

25 A: [REDACTED].

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

- 1 Q: Okay. And [REDACTED], that's over there near CVS?
- 2 A: Yes, sir.
- 3 Q: Behind CVS?
- 4 A: Yes, sir.
- 5 Q: Okay. And do you recall what you were responding to at
- 6 that time?
- 7 A: At that time, it was a -- it was a female's boyfriend
- 8 trying to break into her home, banging on windows and that
- 9 kind of stuff.
- 10 Q: Okay. And again, you're just going to have to speak up
- 11 just a hair. Banging on windows and what?
- 12 A: Just pretty much banging on the windows trying to break
- 13 in.
- 14 Q: Okay. And you responded to that location?
- 15 A: Yes, sir.
- 16 Q: Did other officers respond to that location as well?
- 17 A: Yes, sir.
- 18 Q: All right. And once you were at that location, did you
- 19 make contact with the individual who made the call?
- 20 A: Yes, sir.
- 21 Q: Okay. Did you and another officer speak with that
- 22 individual?
- 23 A: Yes, sir.
- 24 Q: Would that be Officer -- or Sgt. Poston?
- 25 A: Yes, sir.

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 Q: Okay. So y'all spoke with the woman who made that call?

2 A: Yes, sir.

3 Q: Do you recall her name?

4 A: I just remember her last name was Hope.

5 Q: Hope?

6 A: Yes, sir.

7 Q: Okay. And y'all had a chance to speak with her?

8 A: Yes, sir.

9 Q: Okay. After y'all spoke with her -- while y'all were

10 speaking with her, did you locate anything at the scene or

11 did Sgt. Poston locate anything at the scene that y'all

12 thought might be of evidentiary value in this case?

13 A: Yes, sir.

14 Q: And tell the jury what you located?

15 A: It was a .380 Smith & Wesson Bodyguard handgun.

16 Q: Okay. And where was that -- that located?

17 A: It was located inside of a birdbath statue, a two-piece

18 statue.

19 Q: Okay. And you were the one who located that?

20 A: Yes, sir.

21 Q: Okay.

22 MR. MEETZE: Judge, I'm going to object to that

23 testimony for the record.

24 THE COURT: All right. Overruled.

25 MR. MCEACHIN: Your Honor, may I approach the witness?

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 THE COURT: Yes, sir.

2 BY MR. MCEACHIN:

3 Q: Officer Mack, I'm going to have you look inside of
4 State's Exhibit Number 1 and tell me if you can identify
5 what's located inside of State's Exhibit Number 1?

6 A: Yes, sir.

7 Q: All right. And what is inside of State's Exhibit Number
8 1?

9 A: A Smith & Wesson .380 Bodyguard handgun, magazine that
10 holds six rounds, and three rounds.

11 Q: Three rounds or two rounds?

12 A: Two. Two rounds.

13 Q: Okay. Was this the firearm that you located at Henry
14 Street?

15 A: Yes, sir.

16 Q: Additionally, shortly before you located this firearm at
17 Henry Street, was an arrest made at Henry Street?

18 A: Yes, sir.

19 Q: And do you know who was arrested at Henry Street?

20 A: Yes, sir.

21 Q: And who was arrested at Henry Street?

22 A: It was -- it was the subject, Anthony Randall.

23 Q: Okay. Who took possession of the firearm inside of
24 State's Exhibit Number 1?

25 A: I did.

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 Q: Okay. And when you took possession of it, what's the
2 procedure for taking possession of a firearm?

3 A: Well, dropping the magazine, clearing at, making sure
4 there's nothing in the chamber, and locking the trigger.

5 Q: All right. So your concerns are mainly making sure the
6 gun is clear, there's no ammunition inside of the gun where
7 it can fire, and making sure that it's clear?

8 A: Yes, sir.

9 Q: And you took possession of the firearm from [REDACTED]
[REDACTED] that evening?

11 A: Yes, sir.

12 Q: I'm going to show you what's been marked and admitted
13 previously as State's Exhibit Number 7. Can you identify
14 that?

15 A: Yes, sir.

16 Q: And what does State's Exhibit 7 show?

17 A: It's the hollow bottom of the statue with the same gun,
18 the .380 Smith & Wesson.

19 Q: Is that a photograph of the gun that's located in
20 State's Exhibit Number 1?

21 A: Yes, sir.

22 Q: And is that where y'all located it that evening?

23 A: Yes, sir.

24 Q: And that was at the residence of Ms. Hope?

25 A: Yes, sir.

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 MR. MCEACHIN: Permission to publish, Your Honor?

2 THE COURT: Yes, sir.

3 MR. MEETZE: Again, Judge, for the record, we'd just
4 object -- renew our previous objection.

5 THE COURT: Yes, sir. It's noted for the record.

6 BY MR. MCEACHIN:

7 Q: Once you secured the firearm, what did you -- were you
8 in charge of then making sure it got into evidence?

9 A: Yes, sir.

10 Q: Okay. So you took it from the scene that night?

11 A: Yes, sir.

12 Q: And what did you do with it to -- did anybody ever have
13 possession of it other than you?

14 A: No, sir.

15 Q: Okay. What did you do once you got it back to the
16 police department?

17 A: I logged it into evidence.

18 Q: Okay. And how do you log something into evidence at the
19 police department?

20 A: You just log it into the evidence records and lock it
21 into the evidence locker.

22 Q: Okay. And does any -- who -- who has access to the
23 evidence locker?

24 A: Capt. Smith.

25 Q: Capt. Smith? That's Capt. Smith seated here?

JACOLGEN MACK - DIRECT BY MR. MCEACHIN

1 A: Yes, sir.

2 Q: Okay. So once you put it in there, you can't get it
3 back out?

4 A: No, sir.

5 Q: Okay. Other -- and I should take a step back for a
6 minute. So from the moment it was removed from that -- what
7 you called, I think, a birdbath earlier, a statue?

8 A: Yes, sir.

9 Q: Once it was removed from there, it stayed in your
10 possession until it was placed into the evidence locker at
11 the police department?

12 A: Yes, sir.

13 Q: Did you have any other involvement with this case other
14 than that?

15 A: No, sir.

16 MR. MCEACHIN: Thank you. Please answer any questions
17 defense counsel may have for you.

18 MR. CHANDLER: Thank you, Your Honor. We don't have any
19 questions for this witness.

20 THE COURT: All right.

21 MR. CHANDLER: Thank you, Your Honor.

22 THE COURT: Thank you very much, sir. You may step
23 down.

24 MR. MCEACHIN: And the same of Mr. -- or Officer Mack.
25 We ask that he be released from his subpoena.

DERRICK SMITH - DIRECT BY MR. MCEACHIN

1 THE COURT: No objection?

2 MR. MCEACHIN: Judge, they've gone to get the next
3 witness.

4 THE COURT: Okay.

5 (WHEREUPON, there was a pause in the proceedings until
6 the witness entered the courtroom, after which the
7 proceedings resumed as follows.)

8 MR. MCEACHIN: Your Honor, I'd call Inv. Derrick Smith
9 to the stand.

10 THE COURT: All right. Inv. Smith, if you'd come around
11 to be sworn, sir.

12 THE CLERK: Place your left hand on the Bible and raise
13 your right hand. Do you solemnly swear or affirm to tell the
14 truth, the whole truth, and nothing but the truth, so help
15 you God?

16 THE WITNESS: I do.

17 THE CLERK: Thank you. You can go ahead and take a
18 seat.

19 DERRICK SMITH, being first duly
20 sworn, testified as follows:

21 DIRECT EXAMINATION

22 Q: Good afternoon, Inv. Smith.

23 A: Good afternoon.

24 Q: If you would, please state your full name for the
25 record?

DERRICK SMITH - DIRECT BY MR. MCEACHIN

- 1 A: My name is Derrick Sentelle Smith.
- 2 Q: And, Derrick, who are you currently employed with?
- 3 A: The Marion City Police Department.
- 4 Q: And in what capacity are you employed?
- 5 A: I am an investigator.
- 6 Q: And how long have you been an investigator with the City
- 7 Police?
- 8 A: Under five months.
- 9 Q: Okay. So prior to being an investigator with the City,
- 10 what did you do?
- 11 A: I was a police officer.
- 12 Q: With?
- 13 A: Marion Police Department.
- 14 Q: Okay. And how long had you been a police officer with
- 15 the Marion Police Department?
- 16 A: Nine years.
- 17 Q: Okay. Prior to becoming a police officer with the
- 18 Marion City Police Department, did you serve in any other
- 19 capacity in a law enforcement setting?
- 20 A: I have not.
- 21 Q: Okay. So almost nine-and-a-half years of service in
- 22 some form or fashion with Marion City?
- 23 A: Yes, sir.
- 24 Q: Okay. Back in January of this year, you would have been
- 25 -- what would your rank and position have been at that time?

DERRICK SMITH - DIRECT BY MR. MCEACHIN

1 A: Sergeant.

2 Q: Okay. And as a sergeant with Marion City, what were
3 your -- what were your roles? What obligations did you have
4 or serve as a sergeant?

5 A: Basically, I served as a supervisor. I managed my guys
6 that worked under me and helped keep the city in order.

7 Q: Okay. And we had some testimony earlier about the guys
8 that work on a shift. Were you on a shift?

9 A: I actually came out that night to help out field some
10 calls.

11 Q: Okay. And we're talking about the night of January the
12 20th of 2018?

13 A: Yes, sir.

14 Q: So your shift or your group wouldn't have been out that
15 particular evening?

16 A: No, sir.

17 Q: Were y'all on day shift, I guess?

18 A: I don't recall.

19 Q: Okay. But y'all -- y'all weren't scheduled to be on
20 during the evening of January the 20th of 2018?

21 A: No, sir.

22 Q: But you ended up ultimately coming out anyway to assist?

23 A: Yes, sir.

24 Q: And on that particular evening, do you recall responding
25 to a location?

DERRICK SMITH - DIRECT BY MR. MCEACHIN

1 A: Yes, sir.

2 Q: And where did you respond?

3 A: [REDACTED] [REDACTED].

4 Q: [REDACTED] here in the city of Marion?

5 A: Yes, sir.

6 Q: In Marion County?

7 A: Yes, sir.

8 Q: And once you responded -- or what was the reason for

9 your responding to [REDACTED]?

10 A: I believe it was an attempted break-in.

11 Q: That y'all received a phone call about?

12 A: We received a 9-1-1 call.

13 Q: Okay. And you arrived on scene?

14 A: Yes, sir.

15 Q: And were y'all able to make contact with the subject at

16 that residence?

17 A: I did.

18 Q: Okay. And did you detain that subject?

19 A: I did.

20 Q: Did you place that subject under arrest?

21 A: I did.

22 Q: And who was that subject?

23 A: The subject was Anthony Randall.

24 Q: And do you see the individual you arrested that night

25 here in the courtroom?

DERRICK SMITH - DIRECT BY MR. MCEACHIN

1 A: Yes, sir.

2 Q: Where is he seated?

3 A: White shirt, black tie.

4 Q: Thank you.

5 MR. MCEACHIN: Please have the record reflect that
6 Officer -- excuse me -- the investigator has identified the
7 defendant.

8 THE COURT: Yes, sir.

9 BY MR. MCEACHIN:

10 Q: Once you placed him under arrest, were you aware of what
11 had been going on earlier that night at the Tobacco House?

12 A: I was aware.

13 Q: Okay. But your primary response was to the -- I think
14 you called it an attempted break-in there at [REDACTED]

15 [REDACTED]?

16 A: Yes, sir.

17 Q: All right. Once you placed the defendant under arrest,
18 what did you do next?

19 A: I placed him in the back of my patrol car and I
20 transported him to the Marion County jail.

21 Q: Okay. And did you fill out whatever paperwork was
22 necessary to book him in?

23 A: I did.

24 Q: And did you receive anything from the jail prior to
25 leaving?

DERRICK SMITH - DIRECT BY MR. MCEACHIN

1 A: I took Mr. Randall's clothing and a cell phone, and I
2 took it back to the Marion Police Department and I entered it
3 into evidence.

4 Q: Okay. I'm going to show you what's been marked for
5 identification purposes as State's Exhibit Number 8. Can you
6 identify that?

7 A: This is the shirt that Mr. Randall was wearing that
8 night.

9 Q: At the time of arrest, that was the shirt he was
10 wearing?

11 A: At the time of arrest, yes.

12 Q: Is that the shirt you retrieved from the jail?

13 A: Yes, sir.

14 Q: And is that the shirt you logged into evidence at the
15 Marion City Police Department?

16 A: Yes, sir.

17 MR. MCEACHIN: Your Honor, at this time, I would move
18 State's Exhibit 8 into evidence.

19 MR. MEETZE: No objection, Your Honor.

20 THE COURT: All right. Without objection. State's 8,
21 you said?

22 MR. MCEACHIN: State's 8. Yes, sir.

23 THE COURT: All right, sir.

24 (WHEREUPON, State's Exhibit Number 8, a shirt, was
25 admitted into evidence.)

DERRICK SMITH - DIRECT BY MR. MCEACHIN

1 BY MR. MCEACHIN:

2 Q: And again, that was the shirt that Mr. Randall was
3 wearing when you arrested him on January the -- either the
4 20th or early hours -- early morning hours of the 21st, 2018?

5 A: Yes, sir.

6 Q: Other than that, once you logged that into evidence, did
7 you have any other involvement with this case?

8 A: No, sir.

9 Q: No other involvement with any other aspect of the
10 investigation in this matter?

11 A: No, sir.

12 Q: That was your only involvement?

13 A: My only involvement.

14 MR. MCEACHIN: Please answer any questions defense
15 counsel may have for you.

16 MR. MEETZE: Inv. Smith, just a couple things.

17 CROSS-EXAMINATION

18 BY MR. MEETZE:

19 Q: You testified that you went to [REDACTED] on the
20 call for a break-in or attempted break-in; correct?

21 A: Yes, sir.

22 Q: Nobody was charged with a break-in or attempted break-in
23 that evening; correct?

24 A: Not to my knowledge.

25 MR. MEETZE: I don't have anything further, Judge.

1 MR. MCEACHIN: No follow-up, Your Honor.

2 THE COURT: All right.

3 MR. MCEACHIN: I'd ask that he be released from his
4 subpoena.

5 THE COURT: Any objection?

6 MR. MEETZE: No, Your Honor.

7 MR. CHANDLER: No objection, Your Honor.

8 THE COURT: Thank you very much, sir. You may step
9 down. You're free to go.

10 MR. MCEACHIN: Your Honor, may we have a brief recess?

11 THE COURT: All right. Ladies and gentlemen, we're
12 going to just take a little short break here. If you need
13 anything while you're in there, let the bailiff know. Please
14 have no conversation about the case, and we'll get started
15 back shortly.

16 (WHEREUPON, the jury exited the courtroom at 3:28 p.m.)

17 THE COURT: All right. We'll be at ease for a few
18 minutes.

19 MR. MCEACHIN: And, Judge, for planning purposes, I only
20 have, I think, two witnesses left. I don't think they will
21 be real long for the day.

22 THE COURT: Okay.

23 MR. MCEACHIN: And then the folks from SLED will be here
24 in the morning.

25 THE COURT: And then you have the folks in the morning?

CHRIS SMITH - DIRECT BY MR. MCEACHIN

1 MR. MCEACHIN: Yes, sir, Judge.

2 THE COURT: All right. Sounds good.

3 (WHEREUPON, there was a break in the proceedings from
4 3:29 p.m. until 3:45 p.m., after which the proceedings
5 resumed as follows.)

6 THE COURT: Are we ready?

7 MR. MCEACHIN: Yes, sir.

8 THE COURT: Is the defense ready?

9 MR. MEETZE: Ready.

10 THE COURT: All right. Let's bring the jury in.

11 (WHEREUPON, the jury entered the courtroom at 3:47 p.m.)

12 THE COURT: All right. Folks, we're ready to pick up
13 where we left off, and I recognize Mr. McEachin for the
14 State's next witness.

15 MR. MCEACHIN: Thank you, Your Honor. I'd call Capt.
16 Chris Smith to the stand.

17 THE COURT: All right, sir. If you'd please come around
18 to be sworn.

19 THE CLERK: Do you solemnly swear or affirm to tell the
20 truth, the whole truth, and nothing but the truth, so help
21 you God?

22 THE WITNESS: I do.

23 THE CLERK: Thank you.

24 CHRIS SMITH, being first duly
25 sworn, testified as follows:

CHRIS SMITH - DIRECT BY MR. MCEACHIN

DIRECT EXAMINATION

1
2 BY MR. MCEACHIN:

3 Q: Good afternoon, Capt. Smith.

4 A: Good afternoon.

5 Q: If you would, please state your full name for the
6 record?

7 A: Robert Christopher Smith.

8 Q: And, Capt. Smith, I've already indicated what your rank
9 is, but what is your -- who do you work for?

10 A: I work for the Marion Police Department.

11 Q: And how long have you been employed with the Marion
12 Police Department?

13 A: A little over 18 years.

14 Q: Okay. And you're currently a captain?

15 A: Yes.

16 Q: And what role does the captain have at the police
17 department?

18 A: I'm over investigations at the police department.

19 Q: Okay. And there have been several witnesses who have
20 also testified about evidence or an evidence locker. What's
21 your role with regard to evidence or the evidence locker?

22 A: I'm over the evidence room and the safe that locks in
23 the evidence. There's a lock on a locker. They lock that,
24 fill out paperwork that's in there with the evidence, and
25 then once or twice a week I go in the evidence locker and

CHRIS SMITH - DIRECT BY MR. MCEACHIN

1 transfer them to either the safe or the evidence room.

2 Q: Okay. And you're the only one who has access to that
3 locker?

4 A: Yes.

5 Q: Okay. And any evidence that would be placed in the
6 locker -- can anybody, even the officer who puts it into the
7 locker -- can they retrieve it out once it's been placed in
8 there?

9 A: No, sir.

10 Q: You're the only one who can do that?

11 A: Yes, sir.

12 Q: The only one with access to it?

13 A: Yes.

14 Q: Nobody else can touch it?

15 A: No.

16 Q: Okay. Were you in that position or in that role back in
17 January of this year, 2018?

18 A: Yes.

19 Q: And specifically, on or about January the 20th, did you
20 have occasion to retrieve any evidence out of the evidence
21 locker in relation to the shooting that took place at the
22 Tobacco House?

23 A: Yes.

24 Q: You know, I guess before we get into that, did you
25 respond to the Tobacco House that evening?

CHRIS SMITH - DIRECT BY MR. MCEACHIN

1 A: No.

2 Q: Did you respond to Henry Street that evening?

3 A: No.

4 Q: Your involvement was primarily with regard to the
5 evidence that was collected in the case?

6 A: Yes.

7 Q: Okay. I am going to hand you first what's been marked
8 as State's Exhibit Number 1. Can you identify State's
9 Exhibit 1?

10 A: That's a gun box with this incident's case number on it
11 and inside is a Smith & Wesson handgun with a magazine and
12 two live rounds.

13 Q: Okay. And the box that that's in -- is that a box you
14 would have placed it in?

15 A: No. I provide these boxes to all officers that work the
16 streets. They fill it out. I come in and look it over, seal
17 it, and place it in the safe.

18 Q: Okay. And in reference to sealing it, so the box would
19 be placed in it and it would not be sealed, but once you've
20 had an opportunity to review what was inside, check that with
21 what was written on the outside, you would have then sealed
22 it?

23 A: Yes. If you'll notice the red evidence tape has got my
24 initials and the date that I took it out of the evidence
25 locker.

CHRIS SMITH - DIRECT BY MR. MCEACHIN

1 Q: Okay.

2 A: Excuse me. The date that I sent it to SLED.

3 Q: So the date it would've been sealed and sent to SLED
4 based on this would have been January the 31st of 2018?

5 A: Yes.

6 Q: I'm sorry. It would probably help if I let you look at
7 it.

8 A: Whenever I go to pre-login a SLED list, that's when I
9 secure everything and I get it ready to go.

10 Q: Okay. And you would've received this directly from the
11 evidence locker?

12 A: Yes.

13 Q: Okay. And up until it left for SLED, did anybody have
14 access to it at the police department other than you?

15 A: No, sir.

16 Q: I'm also going to show you what's been marked as State's
17 Exhibit Number 2 and ask if you can identify State's 2?

18 A: It has the same case number as this incident on the
19 outside of the envelope. It looks like three shell casings.

20 Q: When you say shell casings, are those live rounds or
21 spent rounds?

22 A: Spent rounds.

23 Q: And on the outside of this envelope, we see that same
24 red tape. That would've been something that you placed on
25 it?

CHRIS SMITH - DIRECT BY MR. MCEACHIN

1 A: Yes.

2 Q: And that would have been after you got it out of the
3 evidence locker?

4 A: Yes.

5 Q: It looks like -- and it's hard to read, but behind the
6 SLED tape, it looks like it was taken out on the same day and
7 logged in on the same day of 1/31/18?

8 A: Yes, sir.

9 Q: And just like with Plaintiff's Exhibit -- excuse me --
10 State's Exhibit Number 1, would anybody at the police
11 department have had any access to State's Exhibit 2 other
12 than you once it got to the police department?

13 A: No, sir.

14 Q: All right. And you did indicate that these items were
15 sent to SLED. Why are items sent to SLED?

16 A: So they can analyze. Those two particular items were
17 sent to see if the shell casings would match the gun that was
18 found at Mr. Randall's -- or excuse me -- at Ms. Hope's
19 residence.

20 Q: Okay. And who would have transported these items from
21 your custody and care to SLED?

22 A: Lt. Rogers.

23 Q: And that's Marilyn Rogers?

24 A: Yes.

25 MR. MCEACHIN: Thank you. Please answer any questions

CHRIS SMITH - CROSS BY MR. MEETZE

1 defense counsel may have for you.

2 CROSS-EXAMINATION

3 BY MR. MEETZE:

4 Q: Capt. Smith, do you know Demetrick White?

5 A: Yes, sir.

6 Q: Do you have any personal knowledge as to whether or not
7 he has a reputation for violence?

8 MR. MCEACHIN: Objection, Your Honor. Matter of law.

9 THE COURT: All right. Ladies and gentlemen, let me get
10 you to step back down into the jury room and let me take up
11 this matter of law. Please have no conversation about the
12 case.

13 (WHEREUPON, the jury exited the courtroom at 3:53 p.m.)

14 THE COURT: All right. Mr. McEachin?

15 MR. MCEACHIN: Judge, I beg the Court's indulgence for
16 just a moment.

17 THE COURT: Yes.

18 (WHEREUPON, there was a pause in the proceedings, after
19 which the proceedings resumed as follows.)

20 MR. MCEACHIN: Judge, I think that that's an improper
21 question under Rule 405, as well as Rule -- well, primarily
22 Rule 405, Your Honor. I don't know that -- certainly it's an
23 improper witness to get into that with and, you know, it
24 sounds like the defense is trying to backdoor in evidence
25 that is not otherwise admissible in this trial.

1 MR. MEETZE: I'm not asking anything about anything that
2 may have happened that night. I'm just asking from his
3 personal knowledge if he has any knowledge as to whether or
4 not Demetrick White has any reputation for violence.

5 THE COURT: What relevance does that have?

6 MR. MEETZE: There's been testimony that he was the
7 aggressor in this situation by one witness. When I asked the
8 question was Demetrick White the aggressor in this situation,
9 the answer was yes. And the other witness -- the other --
10 the only other eyewitness said that Demetrick White came
11 across the street to Anthony Randall. So I think based on
12 that --

13 THE COURT: Demetrick -- Demetrick White? Is that the
14 one --

15 MR. MEETZE: Demetrick White.

16 THE COURT: Is that the one they call Meatball?

17 MR. MEETZE: Yes.

18 THE COURT: Okay. Mr. McEachin, I believe it's --

19 MR. MCEACHIN: Judge, if I -- if I can have just a
20 second?

21 THE COURT: Okay.

22 (WHEREUPON, there was a pause in the proceedings, after
23 which the proceedings resumed as follows.)

24 THE COURT: Do they -- is that -- does that still have
25 two doors or is it one now?

1 THE CLERK: Two.

2 THE COURT: Well, make sure that both doors are closed
3 then.

4 MR. MCEACHIN: Judge, if I may?

5 THE COURT: Yes, sir.

6 MR. MCEACHIN: And I may have been a little bit
7 incorrect when claiming Rule 405 is dispositive on the issue.
8 I think it's probably Rule 404, as well as a 403 issue.

9 You know, evidence of a person's character or trait of
10 character is not admissible for purposes of proving action
11 conforming therewith. I think that's what they're intending
12 to do here by eliciting the testimony of not even of the,
13 quote/unquote, Demetrick -- I guess he could be a victim or a
14 witness, but they are trying to elicit that testimony from an
15 independent witness.

16 And I think it clearly violates Rule 404 and, Judge, its
17 prejudicial effect under Rule 403 is substantially outweighed
18 by any probative value. You know, to the extent that they're
19 trying to evolve into a self-defense defense, which I'm not
20 sure that they're trying to do, but it sounds like what
21 they're trying to do, there's been no evidence whatsoever of
22 any sort of action that would have -- on the part of Mr.
23 White that would have allowed the responsive action that Mr.
24 Randall did that ultimately killed Dashamel Drayton.

25 So based on that, Your Honor, I think it's, one, highly

1 prejudicial. Two, I think it's improper that it comes in
2 through this witness under both Rule 404 and a 403 analysis.

3 MR. MEETZE: Judge, if I -- if you don't mind?

4 THE COURT: Yes, sir.

5 MR. MEETZE: I think what would be relevant in this case
6 would be Mr. Randall's state of mind. There is evidence from
7 the video that was testified to that Mr. Randall is in the
8 vehicle. Mr. White is outside the vehicle standing up. That
9 certainly can be argued at least that that's an advantageous
10 position for Mr. White.

11 Also, Mr. White pointed that way. Now, you can't see
12 anything in his hand or anything like that, but certainly,
13 that's a gesture that is not uncommon with somebody pointing
14 a handgun --

15 THE COURT: How --

16 MR. MEETZE: -- at somebody.

17 THE COURT: How are you going to use -- I mean how are
18 you going to use this witness to get in what Mr. Randall's
19 state of mind might have been?

20 MR. MEETZE: Well --

21 THE COURT: I don't know how you'd make that connection.

22 MR. MEETZE: If he's got a reputation for violence, I
23 think Capt. -- and Capt. Smith is aware of that and -- and
24 affirms that, then I think that I can argue that as something
25 that was in Mr. Randall's mind when he acted.

1 MR. MCEACHIN: And, Judge, I tend to agree with the
2 question. How in the world would what he testifies to can
3 you possibly link that with what Mr. Randall's state of mind
4 was?

5 THE COURT: That's the --

6 MR. MCEACHIN: What Mr. --

7 THE COURT: That's the problem I'm having is that
8 regardless of what the captain's knowledge is of Mr. White,
9 that's relevant as to how the captain would respond, but it's
10 not relevant as to how I would respond or how Mr. Randall
11 would respond without some evidence that Mr. Randall knew of
12 that reputation and that was his concern.

13 So I -- so I don't know how you -- I don't know how you
14 -- through this witness you can make that jump. So I am
15 going to -- you know, based on just on that, I am going to --
16 I am going to sustain the objection.

17 MR. MCEACHIN: Thank you, Your Honor.

18 MR. MEETZE: And we would just object to your --

19 THE COURT: Yes, sir.

20 MR. MEETZE: -- sustaining of the objection.

21 THE COURT: We'll note your exception to the Court's
22 ruling, but I just -- I just don't think there's any way that
23 you can argue that if -- if Mr. White had a reputation for
24 violence that the captain was aware of that you can argue
25 that Mr. Randall would've known that.

MARILYN ROGERS - DIRECT BY MR. MCEACHIN

1 Now, you may -- as we go through the trial, you may get
2 to that and then it may be relevant, but, you know, at this
3 point, I think it's not appropriate.

4 All right. Let's bring the jury back in.

5 (WHEREUPON, the jury entered the courtroom at 4:04 p.m.)

6 THE COURT: All right. I'm going to sustain the
7 objection for Mr. McEachin.

8 Mr. Meetze, you may continue your examination.

9 MR. MEETZE: We have no further questions, Judge.

10 THE COURT: All right. Anything further?

11 MR. MCEACHIN: No, sir, Your Honor.

12 THE COURT: Thank you very much, sir. You may step
13 down.

14 You may call your next witness.

15 MR. MCEACHIN: Thank you, Your Honor. We'd call Marilyn
16 Rogers to the stand.

17 (WHEREUPON, there was a pause in the proceedings until
18 the witness entered the courtroom, after which the
19 proceedings resumed as follows.)

20 THE CLERK: Raise your right hand. Do you solemnly
21 swear or affirm to tell the truth, the whole truth, and
22 nothing but the truth, so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Thank you. Go ahead and have a seat.

25 MARILYN ROGERS, being first

MARILYN ROGERS - DIRECT BY MR. MCEACHIN

1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MCEACHIN:

4 Q: Good afternoon, Lt. Rogers.

5 A: Good afternoon.

6 Q: If you would, please state your full name for the
7 record?

8 A: Marilyn Elaine Rogers.

9 Q: And, Lt. Rogers, what is your current role and position
10 with the Marion Police Department?

11 A: I'm an investigator.

12 Q: And how long have you been in that particular position?

13 A: About -- August was a year.

14 Q: And prior to doing that, what did you do for the police
15 department?

16 A: I was an SRO at the school.

17 Q: Okay. And what was your position back in, I guess,
18 January of this year?

19 A: Investigator.

20 Q: And did you have occasion to become involved in a case
21 that involved the shooting that occurred at the Tobacco House
22 on or about January the 20th of 2018?

23 A: Yes, sir.

24 Q: And what was your involvement in that case?

25 A: I took the evidence to SLED.

MARILYN ROGERS - DIRECT BY MR. MCEACHIN

1 Q: Okay. So any evidence that was collected that needed to
2 go to SLED, that was -- that was what you did?

3 A: Yes, sir.

4 Q: Okay. Did you have any other involvement in this case
5 other than that?

6 A: No, sir.

7 Q: Okay. I'm going to hand you a couple of items here.
8 First, what's been marked as Plaintiff's Exhibit Number 1 for
9 identification purposes and tell me if you can identify --
10 and you're welcome to open it. Tell me if you can identify
11 Plaintiff's Exhibit 1? You may not need to open it actually.

12 A: Yeah. Yes, sir.

13 Q: Okay. Is Plaintiff's Exhibit 1 one of the items that
14 you would've transported to SLED?

15 A: Yes, sir.

16 Q: Who would you have received this from?

17 A: Capt. Smith.

18 Q: Okay. Capt. Chris Smith?

19 A: Yes, sir.

20 Q: Okay. And once you got it to SLED, what did you do with
21 it once it -- once you got it to SLED?

22 A: I put it in. I logged it in. I time stamped it and
23 then I put it into an evidence box, locked it into an
24 evidence box.

25 Q: All right. And once it's in that evidence box, can you

MARILYN ROGERS - DIRECT BY MR. MCEACHIN

1 get it back?

2 A: No, sir.

3 Q: Once it's in there, they've got it?

4 Q: Yes, sir.

5 Q: Okay. I'm also going to hand you what's been marked as
6 State's Exhibit Number 2. Can you identify that?

7 A: Yes, sir. This is one item also.

8 Q: Did you also take that item to SLED?

9 A: Yes, sir.

10 Q: Who did you get this item from?

11 A: Capt. Smith.

12 Q: Okay. Did you log it in at SLED the same way you logged
13 in State's Exhibit Number 1?

14 A: Yes, sir.

15 Q: And once it was logged in, you couldn't get it back?

16 A: No, sir.

17 Q: Okay. And again, other than transporting these items of
18 evidence to SLED, did you have any other involvement with
19 this case?

20 A: No, sir.

21 MR. MCEACHIN: Thank you. Please answer any questions
22 the defense may have.

23 MR. MEETZE: No questions, Your Honor.

24 THE COURT: All right. Thank you very much, ma'am. You
25 may step down.

1 MR. MCEACHIN: Your Honor, may we approach?

2 THE COURT: Yes, sir.

3 (WHEREUPON, a bench conference was held in the presence
4 of the jury but out of the hearing of the jury off the
5 record, after which the proceedings resumed as follows.)

6 THE COURT: Ladies and gentlemen, we're going to break a
7 little early here this afternoon. The State has a couple of
8 more witnesses that were not able to be here until in the
9 morning; so we're going to adjourn for the afternoon.

10 Now, you've had a full day of hearing testimony and
11 evidence; so your family, friends or loved ones will probably
12 be curious as to what you've heard today or what you've
13 experienced today. You are going to need to continue to tell
14 them that you're not allowed to discuss the case.

15 Just ask them to be patient. That when the case is
16 concluded, you will be able to tell them everything they want
17 to know, but until that time, it's very important that you
18 have no conversation about the case. Continue to do
19 everything within your power to protect your ability to
20 remain fair and impartial and to judge this case based solely
21 upon the evidence that was -- that has been presented here in
22 this -- in this courtroom. We're not done yet. So just
23 continue to maintain that silence.

24 Again, have a good evening. If you can, get a good
25 night's rest. Be back -- if you'll be back here the same

1 thing at 9:30 in the morning and we'll get started once
2 everyone has reconvened.

3 I'm going to ask everyone in the courtroom to remain
4 seated.

5 Folks, we'll see you back here at 9:30 tomorrow morning.

6 (WHEREUPON, the jury exited the courtroom at 4:10 p.m.)

7 THE COURT: All right. Anything we need to take up then
8 before we end for the afternoon?

9 MR. MCEACHIN: No, sir.

10 THE COURT: Let me -- let me mention to you if you have
11 any specific requests to charge that you'd like us to
12 consider, if you could -- probably the easiest way, if you
13 could, would be email that to Emily, if there's anything.

14 I've got -- you know, I've got a lot of the boilerplate
15 language and I've got the statutes, but if there's anything
16 specific you would like me to consider, just let us know, if
17 you would, please.

18 Anything then before we end for the day?

19 MR. MCEACHIN: Nothing from the State, Your Honor.

20 THE COURT: Anything, Vick?

21 MR. MEETZE: No, Your Honor.

22 THE COURT: Okay. All right. Then we'll be in recess
23 then until 9:30 tomorrow morning.

24 (WHEREUPON, the proceedings adjourned for the day at
25 4:12 p.m.)

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2 (WHEREUPON, the proceedings began at 9:56 a.m.)

3 THE COURT: Anything we need to take up from the State
4 before we get started?

5 MR. MCEACHIN: Nothing from the State, Your Honor.

6 THE COURT: Anything from the defense?

7 MR. MEETZE: Not at this time, Judge.

8 THE COURT: All right. Let's bring the jury out,
9 please.

10 MR. MEETZE: Judge?

11 MR. MCEACHIN: We're --

12 MR. MEETZE: We can do it now. Before the --

13 THE COURT: Hold on.

14 MR. MEETZE: I had told Mr. McEachin earlier today we
15 can take this up now or we can make the motion now and you
16 can think about it or whatever, but we're going to ask for a
17 charge of self-defense. We submitted last night that we
18 would ask for a charge of voluntary manslaughter. We would
19 also ask for one on self-defense as well.

20 THE COURT: Okay. All right.

21 MR. MCEACHIN: And I don't know if you want to hear
22 argument on that now, Judge, or want to wait until the
23 State's case is over with.

24 THE COURT: We probably need to wait and see what's
25 going to go on.

PAUL GREER - DIRECT BY MR. MCEACHIN

1 MR. MCEACHIN: Okay.

2 THE COURT: So we'll -- we'll do that. All right. Go
3 ahead and bring them in.

4 (WHEREUPON, the jury entered the courtroom at 9:57 a.m.)

5 THE COURT: Good morning, folks.

6 THE JURORS: Good morning.

7 THE COURT: I hope everyone had a good night's rest and
8 is ready to get started here today. I won't take up any time
9 chatting. We'll go ahead and get right into it.

10 When we -- when we rested yesterday afternoon, the State
11 was still on their case and so I'll recognize Mr. McEachin to
12 call the State's next witness.

13 MR. MCEACHIN: Thank you, Your Honor. The State would
14 call Paul Greer to the stand.

15 THE COURT: All right. Mr. Greer, if you would, please
16 come around to be sworn, sir.

17 THE CLERK: Do you solemnly swear or affirm to tell the
18 truth, the whole truth, and nothing but the truth, so help
19 you God?

20 THE WITNESS: I do.

21 THE CLERK: Thank you. Have a seat.

22 PAUL GREER, being first duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. MCEACHIN:

PAUL GREER - DIRECT BY MR. MCEACHIN

1 Q: Good morning, Agent Greer.

2 A: Good morning.

3 Q: If you would, please state your full name for the
4 record?

5 A: Paul Sarab [ph] Greer, G-r-e-e-r.

6 Q: Thank you, Paul. And what is your current occupation?

7 A: I am a firearms examiner in the forensic services
8 laboratory at SLED.

9 Q: All right. And what does SLED stand for?

10 A: That is the South Carolina Law Enforcement Division.

11 Q: And how long have you been employed with the South
12 Carolina Law Enforcement Division?

13 A: I've been employed there approximately four-and-a-half
14 years.

15 Q: And you indicated you work in the firearms department.
16 If you don't mind, explain to the jury a little bit about
17 what y'all do in the firearms department?

18 A: Yes, sir. The firearms department -- that is a
19 department in the forensic services laboratory and, in that
20 department, we are examining fired ammunition components, so
21 that is like a fired cartridge case or a fired bullet, in
22 order to see if it was fired by a particular firearm. So
23 essentially, it is a discipline of forensics.

24 Q: Okay. And with regard to you specifically, what are
25 your duties within the department?

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1 A: Within the department, my duties include the examination
2 of firearms and firearms-related evidence. I'm conducting
3 serial number restorations, general rifling characteristics
4 exams, distance determinations, providing some limited crime
5 scene response, destruction of weapons for various agencies
6 across the state of South Carolina, as well as other related
7 duties as necessary.

8 Q: Okay. And you had talked on just briefly about
9 examining fired cartridge cases to determine if they been
10 fired from a particular weapon. How are you able to make
11 such identifications?

12 A: When a piece of ammunition is fired in a firearm -- so
13 that's the cartridge case or the bullet -- it may take on
14 specific markings from that gun that are placed on the gun
15 from the manufacturing process. So I look at the tiny marks
16 on the fired cartridge cases or the bullets under a
17 microscope in order to look at it and see if a particular
18 firearm was involved.

19 Q: And let's take a step back a minute. We've talked about
20 cartridge cases, but it may be beneficial if the jury
21 understands the different components of an actual shell or
22 what I call a shell or a bullet.

23 A: Yes, sir.

24 Q: If you could explain that to them, please?

25 A: A cartridge is essentially an unfired round. A lot of

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1 people refer to that as a round of ammunition. A cartridge
2 is the term that we use at SLED in the laboratory.

3 A cartridge case is just the container, that brass or
4 golden-colored item that you see, and it just holds all of
5 that together. It holds the bullet. It holds the powder
6 that makes it ignite and to fire. And the bullet is the
7 projectile that travels down the barrel of the firearm.

8 Q: Okay. Thank you very much.

9 A: Yes, sir.

10 Q: Tell the jury just a little bit before we get too far
11 into this about your educational background?

12 A: Yes, sir. I received a Bachelors of Science in
13 biological sciences from the University of South Carolina.
14 I've also completed the Class III law enforcement
15 certification from the South Carolina Criminal Justice
16 Academy.

17 In addition to that, I've completed the SLED firearms
18 course of instruction. This is an extensive three-year
19 apprenticeship-style training program that's under the
20 supervision of other court-qualified examiners.

21 During this time, the training includes helping
22 examiners prep cases, multiple written and practical
23 examinations on conducting microscopic examinations myself.
24 And at the conclusion of this training, I concluded a
25 multipart comprehensive final exam that included some

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1 casework. I successfully passed this final exam and was
2 deemed competent to conduct casework on my own.

3 Q: And in your particular field, are there any sort of
4 professional organizations or associations that you are a
5 part of or work with?

6 A: Yes, sir. One in particular is the Association of
7 Firearm and Toolmark Examiners known as AFTE. I am a
8 provisional member in that organization where I am able to
9 collaborate with other examiners across the nation and the
10 world and attend special conferences to learn about new
11 techniques in the field and share ideas.

12 Q: And have you previously testified as an expert either in
13 state or federal court here in the state of South Carolina?

14 A: Yes, sir.

15 MR. MCEACHIN: And, Your Honor, at this time, I would
16 move to qualify Agent Greer as an expert in firearm
17 identification.

18 THE COURT: Any objection or do you wish to voir dire
19 the witness?

20 MR. MEETZE: There's no objection, Judge.

21 THE COURT: All right. He is so qualified.

22 MR. MCEACHIN: Your Honor, may I approach the witness?

23 THE COURT: Yes, sir.

24 BY MR. MCEACHIN:

25 Q: Agent Greer, I'm going to hand you these gloves.

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1 A: Yes, sir.

2 Q: I'm going to ask that you put those on for me. I
3 should've gotten you a size a little bit bigger. I'm sorry
4 about that.

5 A: Yes, sir.

6 Q: The first thing I'm going to show you is what's been
7 marked as State's Exhibit Number 1 for identification
8 purposes. I'm going to ask you to look at the container, as
9 well as what's in the container, and tell me if you can
10 identify State's Exhibit Number 1?

11 A: First, I recognize this as my container. It has my SLED
12 laboratory number, the item number, and my initials, as well
13 as the evidence tape with my unseal date and initials.

14 Q: And tell the jury, if you don't mind, all of those items
15 you just mentioned, your lab number, as well as the SLED seal
16 tape -- which is the yellow tape on there?

17 A: Yes, sir.

18 Q: Your initials and I think you said the date. Why do you
19 place those items on a particular piece of evidence such as
20 State's Exhibit 1?

21 A: Where there is space available, our protocol -- we
22 always will place the SLED laboratory number, the item
23 number, and our initials, if that space is available, just so
24 that we are able to know this evidence is ours. So when I
25 re-examine it or look at it in the future, I've marked this

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1 evidence and I know this is the evidence that I examined on
2 this given date and time.

3 Q: Okay. Thank you very much. Please look inside of
4 State's 1. Do you also recognize the items located inside of
5 State's Exhibit Number 1?

6 A: Ladies and gentlemen, this pistol --

7 Q: Before you do that, you were just clearing the firearm;
8 is that correct?

9 A: Yes, sir.

10 Q: It's not a loaded firearm?

11 A: Right. This pistol is verified to be unloaded and is
12 safe for me to handle in the courtroom.

13 Q: Okay. Thank you very much. Please continue.

14 A: Yes, sir. Again, I'm looking on this pistol for the
15 SLED lab number, the item number, and my initials, and I do
16 see them on the pistol, as well as the magazine and the
17 container containing unfired cartridges.

18 Q: Okay. So when you say you're looking for it on the
19 pistol, did you actually place the SLED lab number, as well
20 as your initials, on the firearm itself?

21 A: Yes, sir.

22 Q: And that firearm does, in fact, contain the same lab --
23 lab number associated with this case and your initials?

24 A: Yes, sir. That's correct.

25 Q: So you did, in fact, do some sort of examination with

PAUL GREER - DIRECT BY MR. MCEACHIN

1 regards to that particular firearm?

2 A: Yes, sir.

3 Q: Now, once you received that item -- and actually, I'm
4 going to ask you about State's 2 before I ask you the next
5 question. I'm going to ask you to put State's 1 down for
6 just a second, and I'm going to hand you what's been marked
7 as State's Exhibit Number 2. Tell me if you can identify
8 that item?

9 A: Yes, sir.

10 Q: And what is contained in State's Exhibit Number 2?

11 A: These are three fired cartridge cases.

12 Q: Okay. And going back a little bit with regard to both
13 State's Exhibit 1 and State's Exhibit 2, how would you have
14 come into possession of those items?

15 A: These items would have been delivered to the SLED
16 laboratory through our locker system from the Marion County
17 Sheriff's Office, and then it would have been distributed
18 throughout the laboratory through the evidence control
19 department, through any DNA that may be requested, and then
20 eventually to the firearms department, where I received the
21 evidence.

22 Q: Okay. So you don't ever meet with the law enforcement
23 officer or agency who is delivering the firearm itself?
24 Y'all have protocols in place to ensure that once it's
25 delivered to them, y'all have, I guess, a chain of custody to

PAUL GREER - DIRECT BY MR. MCEACHIN

1 ensure that --

2 A: Yes, sir.

3 Q: -- none of the evidence is tampered with?

4 A: Yes, sir. That's correct.

5 Q: And in this particular case, who was the individual who
6 brought it to you?

7 THE WITNESS: May I refer to my notes, Your Honor?

8 THE COURT: Yes, sir.

9 BY MR. MCEACHIN:

10 A: I received the evidence from Jessica Stowe.

11 Q: Okay. And as far as you're concerned, once that
12 evidence had made it to SLED, it had not been tampered with
13 in any form or fashion?

14 A: No, sir. When I received the evidence, it was in the
15 sealed containers and that -- and that's the condition I
16 received it and it's what we see today.

17 Q: Okay. Thank you. Now, going back to State's Exhibit 1
18 and we can talk about State's Exhibit 2, once you received
19 these items, what did you do with them?

20 A: When I receive evidence, there's a few steps that I will
21 take in order to document with photography and to document
22 each item on appropriate departmental worksheets. So I will
23 take photos of the pistol, the magazine, the unfired
24 ammunition I received, as well as the fired cartridge cases,
25 and then I will document those for any -- for the packaging,

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1 anything that I see on it that may be trace material. So
2 that may be a fiber or blood that may be present, and then I
3 will examine them under the microscope.

4 I will look at them to see what type of markings that I
5 may see on the gun, of how it may mark. I may look at the
6 cartridge cases under the microscope to see what the
7 striations look like or the impressions on that particular
8 item.

9 Q: So with regard to State's 1, which does contain the
10 firearm in this case, do you have to do anything with regard
11 to the firearm prior to making the comparison between that
12 gun and the shell cases you received?

13 A: Yes, sir. When examining the firearm, I'll look for any
14 information such as that foreign material, that trace
15 material, and then I will document things such as the make
16 and model, the caliber and serial number of the firearm. I
17 will also make sure that the safety is functioning and that
18 the firearm is in proper working order.

19 I will then test fire the firearm. And at SLED, we have
20 a bullet recovery tank that is a vertical tank where we test
21 fire in so I have the ability to recover our test specimens,
22 those fired bullets and those fired cartridge cases, and then
23 look at those test fires in order to see if they are -- they
24 will match and then I can compare the markings on those to
25 each other. That is then available to be used to look at the

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1 other evidence that was submitted in the case.

2 Q: Okay. And just to make sure we're clear on this, so
3 once you test fire, you test fire a round, the cartridge
4 casing gets ejected from the gun?

5 A: That's correct.

6 Q: Okay. And you then take that cartridge casing that was
7 fired from the same gun you received and you compare it to
8 the -- what's been marked as State's Exhibit 2, those
9 cartridge cases?

10 A: Yes, sir. I will compare my test specimens to make sure
11 that I can see similarities in how the firearm is marked and
12 to each other and then I will compare those test fires from
13 this pistol to the other evidence, the other fired cartridge
14 cases.

15 Q: And specifically, when you're doing that examination,
16 what are you looking for?

17 A: We're looking at tiny microscopic scratches on these
18 cartridge cases. We use a comparison microscope and
19 basically what that is is it's two microscopes that are
20 joined together through an ocular bridge. So basically, I
21 can look at two items of evidence at one time and I'm going
22 to use magnification at different levels, some high-powered
23 and some low-powered, in order to observe these tiny
24 scratches.

25 Q: And did you do that with regard to the spent shell

PAUL GREER - DIRECT BY MR. MCEACHIN

1 casing from State's 1, as well as what's the spent casings
2 from State's Exhibit 2?

3 A: Yes.

4 Q: And after conducting your investigation, were you able
5 to make a determination or do you have an opinion as to
6 whether the spent cartridge cases that were provided to you
7 in State's Number 2 were fired from the gun in State's Number
8 1?

9 A: Yes, sir. The --

10 Q: And what is your opinion?

11 A: The three fired cartridge cases submitted in State's
12 Exhibit Number 2 were fired by the pistol in State's Exhibit
13 Number 1.

14 Q: And you can say that to a reasonable degree of
15 analytical certainty?

16 A: Yes, sir.

17 Q: Thank you very much.

18 MR. MCEACHIN: Your Honor, this time, I would move
19 State's Exhibit 1 and State's Exhibit 2 into evidence.

20 THE COURT: Any objection?

21 MR. MEETZE: Just pursuant to previous objections.

22 THE COURT: All right, sir. Those are noted.
23 Overruled.

24 (WHEREUPON, State's Exhibit Number 1, gun, ammunition,
25 and magazine, and State's Exhibit Number 2, shell

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1 casings, were admitted into evidence.)

2 MR. MCEACHIN: And you can take those gloves off now, if
3 you'd like to.

4 BY MR. MCEACHIN:

5 Q: Once you completed your analysis and made the
6 determination that the spent shell casings in State's 2 were,
7 in fact, fired from State's Exhibit Number 1, did you have
8 occasion to prepare a report?

9 A: Yes, sir.

10 Q: Okay. I'm going to hand you what's been marked for
11 identification purposes as State's Exhibit 13 and ask that
12 you please review State's Exhibit 13.

13 A: This appears to be the report.

14 Q: Okay. And is what you've testified today consistent
15 with your report in this case?

16 A: Yes, sir.

17 MR. MCEACHIN: Thank you. Please answer any questions
18 the defense may have.

19 MR. CHANDLER: May it please the Court.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. CHANDLER:

23 Q: Good morning, Mr. Greer.

24 A: Good morning.

25 Q: You've been working in forensic firearms services for

PAUL GREER - CROSS BY MR. CHANDLER

1 four-and-a-half years; correct?

2 A: Yes, sir.

3 Q: Perfect. So you've got an extensive knowledge of
4 firearms and handguns?

5 A: Yes, sir.

6 Q: Perfect. Do all handguns eject shell casings?

7 A: Not always. Typically, with a pistol like the one we
8 examined in this case, it will eject a cartridge case.

9 Q: Are there any other kinds of handguns that do not eject
10 shell casings?

11 A: There could be.

12 Q: Like for instance what? A revolver, for instance?

13 A: Yes, sir. A revolver will not eject a cartridge case,
14 but that's a little different than a pistol.

15 Q: I understand. So in a crime scene where a revolver is
16 used, do you typically recover shell casings?

17 A: I do not process a lot of crime scenes on scene.

18 Typically, the revolvers do not eject a cartridge case. It
19 has to be -- the cartridge case has to be manually ejected.
20 So sometimes you may not see those at a scene.

21 MR. CHANDLER: Thank you, Mr. Greer.

22 No further questions, Your Honor.

23 THE COURT: All right. Anything on redirect?

24 MR. MCEACHIN: Your Honor, I ask that Agent Greer please
25 be excused and released from his subpoena.

1 THE COURT: Any objection, Mr. Chandler?

2 MR. CHANDLER: No objection, Your Honor.

3 THE COURT: All right. Thank you very much, sir.

4 THE WITNESS: Thank you.

5 THE COURT: I appreciate you being here. You're free to
6 go.

7 MR. MCEACHIN: I beg the Court's indulgence for just a
8 moment, Your Honor.

9 THE COURT: Yes, sir.

10 MR. MCEACHIN: Your Honor, the State of South Carolina
11 rests.

12 THE COURT: All right. Ladies and gentlemen, the State
13 has rested their case and, before we proceed any further, I
14 have to take up matters of law that I take up in every case
15 once the State has rested.

16 So I'm going to ask you to step back into the jury room.
17 Let me take up these matters of law and then we'll bring you
18 back out and continue.

19 (WHEREUPON, the jury exited the courtroom at 10:17 a.m.)

20 THE COURT: All right. At this time, I'll take up any
21 motions at the close of the State's case.

22 MR. MEETZE: Judge, at this time, we would make a motion
23 for directed verdict on Mr. Randall's behalf on the murder
24 charge as well as the possession of a weapon during the
25 commission of a violent crime charge. Judge, we would submit

1 to the Court that the evidence presented -- there is not
2 sufficient direct evidence or substantial circumstantial
3 evidence.

4 Specifically, Judge, we would make note that a lot of
5 this -- the primary evidence in this case are two witnesses,
6 eyewitnesses, and the video. Much of what the State put in
7 is not in dispute, but that video, accompanied by the
8 descriptive testimony of the two eyewitnesses, we would rely
9 on for our motion, Judge.

10 Not much, if any, testimony was given by the
11 eyewitnesses as to what was said. There was descriptions,
12 like I said, such as that Mr. Demetrick White walked over to
13 Anthony Randall. That Demetrick White was the aggressor in
14 the situation.

15 So what we're really left with is interpreting a lot of
16 what the video shows, and the video does support that
17 testimony. That Anthony -- excuse me. That Demetrick White
18 did come over from across the street to Mr. Randall. At that
19 point in time, Mr. Randall -- as soon as he got to Mr.
20 Randall, there wasn't any kind of face-to-face standing
21 confrontation. Mr. Randall got in his vehicle. Okay?

22 Prior to Demetrick White coming over, the only testimony
23 with regards to Anthony Randall being outside or doing
24 anything, Mr. McEachin sort of cleared up with his
25 questioning that he was standing there because he's standing

1 there and he does appear animated. We can't hear anything.

2 He asked Khadija Roberts what he was doing then. Was he
3 angry? Was he yelling at somebody or jawing at anybody, and
4 she says, oh, no, he was singing or dancing to the music that
5 was playing from some -- from a car.

6 So at that point in time, there was nothing and there's
7 nothing in evidence that Mr. Randall brought about this
8 altercation. I submit that all of the evidence indicates
9 that Mr. White, Demetrick White, or Meatball as he was also
10 referred to, started the altercation by coming over to
11 Anthony Randall, at which time he immediately gets in his
12 car. He does not try to escalate the situation, it would
13 appear, and a lot of this -- again, it's got to be
14 interpretation because that's all we've got is a video that
15 shows moving pictures with no sound. And that's certainly
16 nobody's fault, but that's just the nature of the evidence
17 that we've got in this case.

18 So he gets in the car. Mr. White continues to again
19 stand outside of the car, looking in his direction and being
20 sort of animated. Dashamel comes over. The testimony is
21 that he's there to diffuse the situation or diffuse an A-bomb
22 was the testimony and all that was put into evidence.

23 And in the video, Dashamel is dealing with Demetrick
24 White only. He tries to push Demetrick White away from the
25 car back towards the Tobacco House. Demetrick White resists

1 that, sort of pulls his arm back one time and then pushes
2 himself around and gets to the apex of the car because Mr.
3 Randall is in the car, the car door is open. So he's sort of
4 at the apex of where the car door is open.

5 The last thing we see before shots is Demetrick White
6 and his arm in that position. You cannot see a firearm or
7 anything like that, but again, this is interpretation.
8 There's a couple of things that I think would be reasonable
9 interpretations for that action. One would be that he did
10 have a handgun. One would be that he was saying sort of, you
11 know, I guess more of a defensive posture because Mr. Randall
12 had a handgun.

13 But in any event, those are both reasonable things and I
14 would submit that -- that based on all of that stuff, Mr.
15 Randall did not do anything to bring about the confrontation.
16 He did not try to escalate it. He got in the car. He didn't
17 get in the car to get a gun. That's clear from the evidence
18 because he already had a gun.

19 If he had -- you know, if he -- I would submit that it's
20 reasonable for him to believe -- because again, as Mr.
21 Randall is walking -- Mr. White is walking from across the
22 street, he's very demonstrative with sort of an exaggerated
23 arm swing. He raises his arm up one time. I think those can
24 be interpreted as threatening things. I think holding your
25 arm out like that is a threatening posture as well or at

1 least can be. It is not unreasonable to take it as such.

2 I think that bringing -- having no fault of bringing
3 about the altercation, I think that it's reasonable for him
4 to believe that he was in jeopardy of death or great bodily
5 injury. I think a reasonable person could have felt the same
6 way, and I felt like -- I feel like even though he was in his
7 car with Mr. White right there on top of him, he reasonably
8 believed that he would not have had any ability to retreat
9 successfully and, therefore, did not. So I don't think in
10 this case he would've had a duty to retreat.

11 So our directed verdict motion is primarily an argument
12 that this is self-defense. And so based on all of that,
13 Judge, is why we're making a directed verdict motion in this
14 case --

15 THE COURT: All right.

16 MR. MEETZE: -- on those two counts.

17 THE COURT: All right. I'm going to -- I'm going to
18 respectfully deny the motion for a directed verdict. I think
19 everything that you raised -- and I think everything you
20 raised was accurate or at least appeared to be. However,
21 what that seems to do, in my opinion, is raise questions of
22 fact, and that has to be resolved by a jury.

23 And so I think it's appropriate. I think there is
24 evidence in the record, depending on how the jury views it.
25 So I think a directed verdict would be inappropriate at this

1 stage.

2 Anything else regarding that?

3 MR. MEETZE: Nothing regarding that, Your Honor.

4 THE COURT: Okay.

5 MR. MEETZE: Judge, I didn't mean to interrupt you. If
6 you could give me one minute to confer? We had talked to Mr.
7 Randall yesterday about his --

8 THE COURT: Yeah. I was going to ask you --

9 MR. MEETZE: -- right to testify. I just want to make
10 sure he's still in the same posture --

11 THE COURT: Yeah.

12 MR. MEETZE: -- before you question him about that.

13 THE COURT: Go ahead and do that, and you can let me
14 know what you decide.

15 MR. CLEMENTS: While he's doing that, Your Honor, may I
16 approach the bench --

17 THE COURT: Yeah.

18 MR. CLEMENTS: -- on another matter?

19 THE COURT: Yes, sir.

20 (WHEREUPON, there was a pause in the proceedings, after
21 which the proceedings resumed as follows.)

22 THE COURT: All right.

23 MR. MEETZE: Judge, we're ready if you would like to
24 question --

25 THE COURT: Okay.

1 MR. MEETZE: -- Mr. Randall.

2 THE COURT: Mr. Randall, I just want to ask you a few
3 questions that I ask of every person that's charged with a --
4 with a criminal offense.

5 You have, obviously, many constitutional rights. One of
6 -- two of those rights are you have the constitutional right
7 to testify and to represent -- or to speak to the jury and
8 tell whatever it is you would like to tell. You also have
9 the constitutional right to remain silent.

10 The burden of proof in this case is on the State. You
11 don't have to prove anything. You could exercise your right
12 to remain silent.

13 And if you chose to do that -- excuse me -- I would
14 instruct the jury that the burden of proof in this case is on
15 the State of South Carolina. They must prove your guilt
16 beyond a reasonable doubt. You have no burden to prove
17 anything. You do not have to prove your innocence.

18 And the fact -- if you decided to remain silent, I would
19 instruct the jury that that is your constitutional right and
20 that they cannot consider the fact that you chose to remain
21 silent. They could not give that any consideration when they
22 go back into the jury room for their deliberations.

23 As a matter of fact, I would tell them that the fact
24 that you chose to remain silent could not even be discussed
25 in the jury room. They are not to give it any consideration

1 because you don't have to prove anything. The burden of
2 proof is on the State, and I would instruct them that in that
3 fashion if you chose to remain silent or to not testify.

4 But you also have the right to testify. And if you did
5 choose to testify, obviously, you would answer questions from
6 Mr. Meetze or Mr. Chandler, either -- either one of your
7 attorneys, but you would also be required to answer questions
8 from the State's attorney, Mr. McEachin. Do you understand
9 that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, are there any -- is there any matters
12 in his history that would be subject to possible questioning
13 or impeachment?

14 MR. MEETZE: Judge, there are. Mr. McEachin and I had
15 discussed previously and certainly the defense would have
16 consented that he has a prior felony conviction that would've
17 been able to be admissible for impeachment purposes against
18 him.

19 THE COURT: Okay. All right. You understand that I
20 would -- if you were to take the stand to testify that you
21 could be asked about that prior conviction. However, I would
22 not allow anyone to go into any details about it. They would
23 simply be allowed to ask whether or not you have had -- have
24 had that conviction. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Now, these are your options under
2 your constitutional rights. Now, obviously -- and I -- and I
3 hope you have done this. You have two outstanding attorneys
4 and part of their job is to give you their -- their wisdom,
5 their -- their thoughts, and their opinions as to trial
6 strategy and things of that nature.

7 But whether or not someone is going to exercise a
8 constitutional right, they can give you their thoughts and
9 opinions, but the decision has got to be yours. In other
10 words, they can't tell you, yes, you have to testify or, no,
11 you cannot testify. They can just give you their thoughts
12 and opinions. Whether or not you decide to testify or not
13 testify must be your decision because it is your
14 constitutional right that you are having to exercise.

15 So have you had enough time to discuss with your
16 attorneys whether or not you wish to testify or not?

17 THE DEFENDANT: I have.

18 THE COURT: All right. And have you made a decision
19 with regards to that?

20 THE DEFENDANT: I have.

21 THE COURT: And what is that decision, sir?

22 THE DEFENDANT: I won't testify.

23 THE COURT: Okay. Well, that -- and that's fine. We
24 will certainly honor that.

25 Mr. Meetze, would the defense have any other witnesses

1 to present?

2 MR. MEETZE: No, Your Honor.

3 THE COURT: All right.

4 THE COURT: Okay. Now, is there anything further with
5 regards to that?

6 MR. MEETZE: No, sir, Your Honor.

7 THE COURT: All right. Thank you, Mr. Randall. You can
8 have a seat.

9 Now, so the defense would be -- would be resting when we
10 start back?

11 MR. MEETZE: We will.

12 THE COURT: So at this point, do you want to take up the
13 issue on the self-defense?

14 MR. MEETZE: Sure.

15 THE COURT: Which I think -- I think you made your
16 argument.

17 MR. MEETZE: My position -- my position is on the
18 record. I wouldn't --

19 THE COURT: All right.

20 MR. MEETZE: -- have anything to add to that.

21 THE COURT: Okay. All right. So I'll be happy to hear
22 from Mr. McEachin regarding that.

23 MR. MCEACHIN: Thank you, Your Honor.

24 As the Court is well aware, the case of State v. Long is
25 dispositive as far as the requirements in self-defense and

1 there are four requirements, as the Court is aware.

2 That the defendant is without fault in bringing on the
3 difficulty. That the defendant actually believed he was in
4 imminent danger of losing his life or sustaining serious
5 bodily injury. And a reasonably prudent person of ordinary
6 firmness and courage would've entertained the same belief.
7 And finally, that the defendant had no other probable means
8 of avoiding danger.

9 Your Honor, the State's position specifically as it
10 relates to the first and second prong of the Long factors is
11 that the defense, even if we looked at all of the evidence
12 that is -- that is before the jury, cannot satisfy either of
13 those two prongs.

14 First, the defendant is out fault -- is without fault in
15 bringing on the difficulty. As the Court may recall, I
16 specifically spoke with Rickita Buxton during her testimony
17 and, Your Honor, as it pertains to State's Exhibit 5 -- and
18 I'll hand that up to the Court.

19 State's Exhibit 5 shows you that Mr. Randall had
20 actually pulled the gun prior to any sort of discussion,
21 conversation, argument, whatever the Court wants to call it,
22 with Mr. White. The fact that he pulled a gun at that time
23 clearly shows, in our opinion, Your Honor, that the defendant
24 can't show that he is without fault in bringing on the
25 difficulty which ultimately led to the demise of the decedent

1 in this case, Mr. Dashamel Drayton.

2 Second, Your Honor, would be that the defendant actually
3 believed he was in imminent danger of losing his life or
4 sustaining serious bodily injury. Judge, there's absolutely
5 no way to make that determination without the defendant
6 having stated that he was in imminent -- or that he believed
7 he was in imminent danger of losing his life. To require the
8 jury to make that leap is simply beyond what the -- what the
9 second prong of Long stands for.

10 You know, certainly he's entitled to maintain his
11 silence under the Fifth Amendment, but if he is going to
12 attempt to raise a self-defense defense, then he would have
13 an obligation to show that he was in imminent danger of
14 losing his life. That's -- it says the defendant actually
15 believed -- actually believed he was in imminent danger of
16 losing his life or sustaining serious bodily injury. Without
17 his testimony, we can't ever determine whether or not he
18 believed he was in imminent danger.

19 THE COURT: So any defendant that chooses to exercise
20 his Fifth Amendment right to remain silent can never --

21 MR. MCEACHIN: No, sir. This is --

22 THE COURT: -- have self-defense?

23 MR. MCEACHIN: I'm sorry, Judge. I didn't mean to
24 interrupt you.

25 This is case specific to this case because there was no

1 testimony whatsoever that there was any sort of firearm or
2 anything else at issue in this case. The only testimony I
3 believe came from Khadijah was that it appeared that
4 Demetrick might've -- may have thrown a punch and certainly
5 that doesn't rise to the level that deadly force can be used
6 against another individual.

7 So I'm not -- I'm certainly not suggesting a blanket
8 anytime a defendant asserts their Fifth Amendment right
9 they're not entitled to a self-defense defense. I'm saying
10 specifically as it pertains to this case.

11 THE COURT: Okay.

12 MR. MCEACHIN: The facts would not support a self-
13 defense defense, and that's the State's position, Your Honor.
14 I don't believe they've met either -- either of the two
15 prongs in the Long case and because they've failed to
16 establish that and because there's no evidence that supports
17 those two prongs, I don't believe they are entitled to a
18 self-defense defense as it pertains to the facts that have
19 been presented in this matter.

20 THE COURT: All right. Let me ask you while -- while
21 you have the floor here though.

22 Regarding this State's Exhibit 5, I'm at a little bit of
23 a disadvantage. I don't really know exactly when during this
24 whole scenario this photograph would have -- would have been
25 taken, but it appears this was taken some time prior to Mr.

1 White coming across the road.

2 MR. MCEACHIN: That's correct, Your Honor.

3 THE COURT: So -- and again, it's open to all kind of
4 speculation, you know. Did he pull that -- did he pull that
5 -- did he have the pistol in his pocket? Did he pull it out
6 to get to other things in his pocket and then put it back in
7 and never show it again? I don't know. I just have a
8 picture with him holding it in his hand some time prior to
9 the other individual involved in this matter coming or
10 encountering the defendant.

11 So I'm not sure that that's proof. I mean it depends.
12 I think it's an issue. I think it's a factual issue that the
13 jury would have to decide if -- if self-defense is going to
14 be on the table.

15 I don't think this in and of itself is dispositive that
16 this is action that would rise to the level of that he was at
17 fault in bringing it on. So that's the question that I have
18 as it relates to that. Then, of course, I asked you the
19 question about the -- him exercising his Fifth Amendment
20 right.

21 Mr. Meetze, anything else you want to share about this?

22 MR. MEETZE: Judge, I would say, like a lot of things in
23 this case and in other cases, there's -- you know, there's a
24 malice element with regards to -- to murder. That's a state
25 of mind. Beliefs with regards to a self-defense defense is

1 also a state of mind, and I think that in deciding whether or
2 not to charge something or not to charge something, the
3 standard is an any evidence standard.

4 And certainly, as you brought up, the State has
5 certainly an argument and that to glean from interpretation
6 of the video that this is not a self-defense case. The
7 defense also has, I believe, a reasonable argument that it
8 is. I think certainly based on the evidence that is here in
9 this trial in this courtroom, it certainly passes that
10 standard, which is an any evidence standard, and I think that
11 it's appropriate to charge self-defense in this case.

12 THE COURT: Okay. All right. Other than the issue of
13 the self-defense, are there -- is there any other matters
14 that we need to --

15 MR. MEETZE: Judge --

16 THE COURT: -- address?

17 MR. MEETZE: I know that Mr. McEachin had submitted the
18 request to charge transferred intent. We don't have any
19 objection to that.

20 THE COURT: Okay.

21 MR. MCEACHIN: And with regard to the voluntary, Your
22 Honor, I think that there is probably enough evidence in the
23 record for him to be entitled to a voluntary charge.

24 THE COURT: Okay. So you've -- have you submitted
25 something to Emily about transferred intent?

1 MR. MCEACHIN: I have not, Your Honor. I know the bench
2 book has -- has a standard.

3 THE COURT: Okay.

4 MR. MCEACHIN: But if y'all would rather me present
5 something, I can get that right to you.

6 THE COURT: We've got it. That's fine.

7 MR. MEETZE: Yes.

8 THE COURT: So we've got that and then we're going to
9 charge the lesser included of voluntary. Any -- anything
10 else?

11 The only reason I'm asking is I'm going to take just a
12 couple minutes to kind of review in my mind the testimony and
13 everything, and then I will make a decision on the self-
14 defense thing. But is there anything else other than that?

15 MR. MEETZE: Judge, with regards to charge, I do not
16 have anything else other than that. As far as moving the
17 case along, would you like for us to, for the record, renew
18 our motions at this time so that when the jury comes out we
19 can just rest and go right on into --

20 THE COURT: Well, I was going to do that when I come
21 back out --

22 MR. MEETZE: Sure.

23 THE COURT: -- after making this decision and so that
24 when the jury does come back out, we will have done that and
25 then we'll be ready to move into closing argument.

1 So while I'm making this call, I will give y'all an
2 opportunity to get your thoughts together with regards to
3 closing arguments, and I know you kind of need this decision
4 to formulate that, but I won't be very long.

5 MR. MCEACHIN: Thank you, Your Honor.

6 (WHEREUPON, there was a break in the proceedings from
7 10:40 a.m. until 11:59 a.m., after which the proceedings
8 resumed as follows.)

9 THE COURT: All right. At this time, I'm going to --
10 Mr. Meetze, you had indicated the defense will not be putting
11 up a case and so why don't we take up matters at the close of
12 all of the evidence so that we can move on into arguments?

13 MR. MEETZE: Sure, Judge. Thank you, Your Honor.

14 Basically, Judge, at this time, we will renew our
15 previous motions made at the closing of the State's case,
16 particularly the directed verdict motion that was made and
17 put on the record. I don't feel like I need to go back
18 through that. Hopefully --

19 THE COURT: Yes, sir.

20 MR. MEETZE: So at this point in time, we would renew
21 that motion for the record at this time.

22 THE COURT: All right, sir. And those -- that -- those
23 objections are certainly noted. The motions are -- I
24 respectfully deny the motion. As I indicated earlier, I
25 think it's a jury question.

1 As to the issue -- I don't think I -- I talked with the
2 attorneys, but I don't think we were in -- or on the record
3 at the time. But I am going to charge self-defense pursuant
4 to your request to do that. I am also going to charge the
5 voluntary manslaughter as well and, Mr. McEachin, also the
6 transferred intent, which you had asked for. I'm going to
7 charge that.

8 So if you -- if you don't mind, Vick, what I'm going to
9 do is I'll bring the jury out, I'll recognize you, you can
10 then stand and rest on the record before the jury, and then
11 I'll explain to the jury that we're ready to go into closing
12 arguments.

13 And we're going to -- the State is going to close in
14 full and then the defense?

15 MR. MEETZE: Suits me, Judge.

16 THE COURT: All right. Okay. Bring the jury out,
17 please. Can we -- just while I'm speaking to them right now,
18 can we just move this?

19 MR. MCEACHIN: Oh, yes, Your Honor. I'm sorry, Your
20 Honor.

21 THE COURT: And you don't have to move it far. Just
22 kind of put it right over here.

23 MR. MCEACHIN: Is the TV okay where it is?

24 THE COURT: Yeah. That's fine. I just want to be able
25 to see them while I'm speaking to them. That's fine. That's

1 good. Right there.

2 MR. MCEACHIN: Kind of right there?

3 (WHEREUPON, the jury entered the courtroom at 12:02
4 p.m.)

5 THE COURT: Mr. Brewton? Mr. Brewton, can I get you to
6 do me a favor?

7 THE FOREPERSON: Yes, sir.

8 THE COURT: Could I -- I'm going to get you, if I could,
9 to get you to sit in this chair over here. I'm going to ask
10 you to be the foreperson of the jury, if you don't mind.

11 THE FOREPERSON: Yes, sir.

12 THE COURT: Yeah, that's good.

13 Ladies and gentlemen, I want to ask for your forgiveness
14 about the length of time that you were back there, and I want
15 to let you know that it had absolutely nothing to do with
16 these fine lawyers out here. I had some other matters that
17 came up that I ended up having to deal with back in chambers,
18 and so it took a lot longer than it should have.

19 However -- well, I'm going to -- I'll address this for
20 you in a minute.

21 If you recall when we took the break, the State had
22 rested their case and I had matters that I needed to take up.
23 I've done that. So now we're ready to proceed.

24 I would recognize Mr. Meetze on behalf of the defense.

25 MR. MEETZE: Your Honor, the defense rests.

1 THE COURT: All right. Thank you, sir.

2 Mr. Meetze is -- was kind enough during that break to
3 inform the Court that the defense would be resting their
4 case, and so what typically happens is the defense -- I have
5 to take up -- just as I took up matters of law at the close
6 of the State's case, then I have to take up matters of law at
7 the close of the defense's case.

8 And so he let me know during the break that the defense
9 would be resting; so I went ahead and did that while we were
10 out. So I've taken up all the matters of law that I needed
11 to take up at the close of the State's case and at the close
12 of the defense's case.

13 So we have now reached the portion of the trial where
14 the attorneys are going to have the opportunity to address
15 you with their closing remarks. I will tell you that if
16 you're curious or you're wondering because it's about noon
17 right now, I've ordered lunch and so they're going to bring
18 lunch in for us. So you're not going to miss lunch. Okay?
19 But we're going to proceed with the trial and proceed with
20 the closing arguments.

21 Now, this is the -- the evidence in the case is closed.
22 It's the testimony you heard from the witness stand and the
23 exhibits that came in during the course of the trial. That's
24 the evidence in this case, but it's important that you listen
25 carefully to the attorneys. Remember, I told you that what

1 the attorneys tell you is not evidence and that's true, but
2 it is their opportunity to argue to you what they believe the
3 evidence has shown.

4 And so they're going to have that opportunity at this
5 time and if you'd listen carefully to them, when they've
6 concluded their closing remarks, I will then give you the
7 charge on the law and then you will have everything you need
8 to go back in your jury room and to begin your deliberations.

9 So if you would, please give the attorneys your
10 undivided attention as the address you with their closing
11 arguments.

12 Mr. McEachin?

13 MR. MCEACHIN: Thank you, Your Honor. May it please the
14 Court.

15 THE COURT: Yes, sir.

16 MR. MCEACHIN: Mr. Meetze and Mr. Chandler.

17 CLOSING ARGUMENT ON BEHALF OF THE STATE

18 MR. MCEACHIN: Mr. Foreman and ladies and gentlemen of
19 the jury, we started this trial yesterday morning and I
20 started by telling you that there would be one question that
21 you would have to answer, and that question dealt with the
22 events and the circumstances that took place at the Tobacco
23 House around seven p.m. on the night of January the 20th of
24 this year. The question I told you you would have to answer
25 is who shot and killed Dashamel Drayton.

1 As the judge has already told you, all the evidence is
2 now before you. This is a unique case because, generally
3 speaking, in cases like these we don't have a video of the
4 crime occurring. In cases like these, we don't have still
5 shots in live time while the crime is taking place.

6 The person who murdered Dashamel Drayton -- and make no
7 mistake about it, folks, this is a murder case -- is Anthony
8 Randall, who is seated right there, who is identified by
9 nearly every witness in this case as being the individual who
10 shot Dashamel.

11 Now, at the beginning of the trial, you may recall that
12 I told you that, as the State's attorney, it's my burden.
13 The defendant doesn't have a burden to prove his innocence.
14 It's my burden to prove that he's guilty and that he's guilty
15 beyond a reasonable doubt.

16 And the way I told y'all I was going to do that was by
17 presenting the evidence, the exhibits and the testimony from
18 the witness stand. So let's go over that very briefly and
19 make a determination if, in fact, I have proven my case to
20 you beyond a reasonable doubt.

21 What do we know? We know that Anthony Randall was at
22 the Tobacco House a little before seven o'clock on January
23 20th, 2018. We had several witnesses identify him as the
24 fellow in the white striped shirt and the red hat.

25 What other evidence do we have that that was Anthony

1 Randall? Well, when he was arrested a few hours later, he
2 was wearing this shirt, which I'll allow you folks -- and
3 you're certainly entitled to watch the video and look at
4 these photographs, but I submit to you the shirt in the video
5 matches this shirt. It's the same individual.

6 We also know that Rickita Buxton and Khadijah Roberts
7 were at the Tobacco House. Rickita was in the blue shirt and
8 Khadijah was down at the bottom in what I believe to be this
9 green sweatshirt.

10 Both of those ladies were here to testify and the reason
11 it's so important that they testify is because both of them
12 were very close to the shooting when it occurred, and the
13 testimony that they gave us is critical to this case.
14 Eyewitnesses to a killing, to a murder. Think about the
15 testimony that came from this witness stand.

16 With regard to Ms. Roberts, she got up here. Very soft-
17 spoken. In fact, both of those ladies were very soft-spoken,
18 if you remember. Ms. Roberts told you she was standing there
19 next to Anthony Randall. She was the closest one at the
20 scene. Remember when we saw the video, she was standing
21 right in front and she saw Anthony Randall fire a gun.

22 I specifically asked her did anybody else fire? No.
23 Did anybody else have a gun? No. So we know there were no
24 other guns involved in this matter. There was no witness who
25 testified there were any other guns involved in this case.

1 The only person that fired a weapon that night was this guy.
2 That guy.

3 What's the important evidence that Rickita Buxton put
4 forth? Well, I know at the beginning it seemed strange how
5 it could get where it happened to get to the Tobacco House
6 and who were they were there with. We found out from Ms.
7 Buxton that she and Dashamel came in this red truck, just the
8 two of them. They came in the red truck together. And it's
9 when they were getting ready to leave that Dashamel Drayton
10 saw two people arguing, walked over, and tried to diffuse the
11 situation, tried to keep the two from arguing.

12 But Anthony Randall wasn't going to have it because
13 Anthony Randall was there that night to cause trouble. I'm
14 going to show you in just a second. I know you've seen the
15 video several times, and I've narrowed it down to about two
16 minutes. It's not going to be long, but I'm going to show
17 you two minutes on that video that show you that Anthony
18 Randall was there to cause trouble. He wasn't there to shop.
19 He wasn't there for any reason other than he was looking for
20 trouble.

21 Now, I imagine when the defense gets up in this case --
22 oh, before I mention that, the other thing that's critical to
23 remember in this case are the State's last witnesses. You
24 know, Sgt. Poston told you that he collected three shell
25 casings from the Tobacco House. Right? Three shell casings

1 from the scene.

2 The reason that we called a bunch of those witnesses
3 that may not have made sense to you why we called them up is
4 we had to establish how evidence got to specific places.
5 Sgt. Poston told y'all these three shell casings were located
6 right there and he showed you on the diagram it was right
7 there where the car was where the shooting occurred when you
8 watched the video. Okay?

9 Well, what other piece of evidence is critical to that
10 is the gun in the case. Where was the gun located? It was
11 located at Ms. Hope's residence, Mr. Randall's girlfriend's
12 residence, the residence where Mr. Randall was arrested right
13 there in the front yard.

14 How did the gun get there? How did the gun that shell
15 casings match the shooting from the Tobacco House get there?
16 It got there by that guy that got arrested there. It's
17 called corroborating evidence. It's putting the pieces of
18 the puzzle together so you can see what happened that night
19 since none of us were there.

20 Now, I think the defense -- and I imagine the defense is
21 going to get up and say a couple things in closing, although
22 they don't have any responsibility. They don't have to if
23 they don't want to, but I imagine you may hear something
24 about self-defense. Maybe, maybe not. I don't see how that
25 could be. I don't see how they could claim it, but I imagine

1 they may try to suggest that do you. They may even try to
2 suggest, well, even if it's not murder, it's voluntary
3 manslaughter.

4 Again, what that is is smoke and mirrors, folks. What
5 that is is trying to take y'all's attention away from the
6 evidence in the case and the facts of this case and trying to
7 make you think about some things that just weren't there, the
8 elements weren't there, the facts weren't there.

9 So if they are going to get up and talk to y'all about
10 self-defense, there are four requirements to self-defense.

11 The defendant has to be without fault. That means
12 Anthony Randall has to be without fault about bringing on the
13 difficulty that occurred. This video we're going to play
14 will show you that he was absolutely involved about bringing
15 on what occurred.

16 The defendant actually believed he was in imminent
17 danger of losing his life or sustaining serious bodily
18 injury. Zero evidence of that in this case. There is zero
19 evidence that the defendant actually believed he was in
20 imminent fear of losing his life or having great bodily
21 injury.

22 They would have to also show you that a reasonably
23 prudent person of ordinary firmness and courage would have to
24 have the same belief that they were in fear of death or great
25 bodily injury.

1 And then finally, the defendant had no other probable
2 means of avoiding the danger.

3 If they suggest to you that this case is self-defense,
4 it is absolutely, unequivocally unable to be proven by the
5 evidence that has been placed before you.

6 We've got two minutes in this video I want you all to
7 see. I am going to show you why self-defense is not
8 possible, and I am also going to show you why it's murder, if
9 I can figure out the technology. This clip you're about to
10 watch from State's Exhibit 3 is about a minute and a half
11 leading up to the shooting up to about 10 seconds after the
12 shooting occurs.

13 And as this video is playing, I am going to explain to
14 you exactly why murder is the only realistic and probable
15 decision that you should make in this case.

16 (WHEREUPON, a portion of State's Exhibit Number 3 was
17 played in open court.)

18 MR. MCEACHIN: All of you saw that where he pulled the
19 gun right there. I want you to pay specific attention when
20 you see Dashamel Drayton, standing right here, walk around.
21 Pay attention to his mannerisms. Pay attention to his face.
22 Watch him carefully.

23 The reason it cannot be self-defense, ladies and
24 gentlemen, is, one, you have to show that you're without
25 fault in bringing on the difficulty that was involved in this

1 case. Y'all watched the defendant traveling back and forth,
2 stepping out, always looking in the direction across the
3 street. And you saw him -- and this is critical. You saw
4 him pull a gun from his waistband before there was any -- any
5 conversation with anybody in this case. Demetrick White,
6 Dashamel Drayton, anybody.

7 You cannot be with fault if you want to claim self-
8 defense. They cannot -- they cannot get past the first
9 element.

10 And as I previously indicated to you, the second element
11 is that the defendant has to be in actual fear of imminent
12 bodily harm or death. There's unequivocally no evidence in
13 this case that that at all was the case.

14 So to the extent that y'all hear that -- which you may
15 or may not, but to the extent that you hear it, that's smoke
16 and mirrors. That's trying to take your minds away from the
17 evidence and make you think of something that doesn't apply
18 in this case because really what this case boils down to is
19 Dashamel Drayton walked over there, an innocent party to this
20 whole thing, tried to diffuse some argument that was going
21 on, and Anthony Randall took this gun out and leveled it at
22 Dashamel's chest and fired a shot that ultimately killed the
23 man.

24 The defense is going to spend some time talking to y'all
25 about Demetrick White, I'm sure. Demetrick White is not

1 dead. Anthony Randall is not dead. Dashamel Drayton is
2 dead, and he's dead because Anthony Randall made the decision
3 with malice in his heart to kill him because he was looking
4 for trouble that night.

5 Y'all will have all of this evidence. Y'all will get to
6 take it in your jury room, and there may be some stuff that
7 y'all thought about that I haven't thought of and we can look
8 at the video again. If you want to look at the photos again,
9 they'll be back there with you. You're going to have the
10 gun. You can look at if you want. You are going to have the
11 spent shell casings.

12 You're going to have all of that because that's the
13 evidence in the case. What I say and what Mr. Meetze says is
14 not evidence. Y'all have to make the decision based on these
15 items and the testimony you heard from the witness stand.

16 And if you do that, folks, if you take that testimony,
17 if you look at these exhibits, there is only one possible
18 outcome in this case, and that is that Anthony Randall
19 murdered Dashamel Drayton. He did it with a firearm and he
20 unlawfully possessed the firearm.

21 I thank each and every one of you on behalf of
22 Dashamel's family and on behalf of the County of Marion and
23 on behalf of the State of South Carolina. I ask that you
24 please return a verdict of guilty as to murder, possession of
25 a weapon during the commission of a violent crime, and

1 unlawful pistol. Thank you.

2 THE COURT: Thank you, Mr. McEachin.

3 Mr. Meetze?

4 MR. MEETZE: Thank you, Your Honor. May it please the
5 Court.

6 THE COURT: Yes, sir.

7 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

8 MR. MEETZE: During the course of this trial, there
9 would be moments, a number of moments, when the State would
10 be publishing the video to you all through a witness or so.
11 Myself and Mr. Chandler would come around there so that we
12 could see as well.

13 And I would find myself watching the video, but also
14 thinking and hearing things in the background. If I stood
15 over there, I could hear cars go by and I could hear
16 conversations. They might've been muffled and I couldn't
17 necessarily understand what the conversations were, but I
18 could hear people talking out on the street. I might even
19 hear a bird chirping, and it just sort of struck me that --
20 how important our senses are to all of us and how it's very
21 easy to take for granted our senses unless, of course, you
22 find yourself without them.

23 Now, my dad -- his vision is severely impaired and when
24 we go places -- and he can see, but he's got a severe vision
25 impairment and when we go places, you know, you have to walk

1 with him and make sure he steps up where there's a curb so he
2 doesn't fall down and things like that. And when we go to
3 places that they have dim lighting and things like that, he
4 struggles even more and we just have to make sure to be with
5 him. Even though I'm close to that situation, it still
6 doesn't give me a context of what it's like for him.

7 In this case, I'm not saying in this case it makes us
8 all know what it's like to be hearing impaired, but to a
9 certain extent, because of the importance of the key evidence
10 in this case, which is the video, that is a sense that we're
11 without in determining exactly what happened in this case.
12 It's not anybody's fault. It's just the way the cameras from
13 the Tobacco House are. They show you what happened, but you
14 can't hear any sound or anything like that.

15 So it makes you realize. It makes you aware of how
16 important our senses are when you lose one of them for
17 whatever reason. And in this case, in that key piece of
18 evidence, we are left to determine what happened based on
19 what we see.

20 And make no mistake about it. Okay? I guess I'll cut
21 to the chase a little bit. Nobody here is trying to convince
22 you that Anthony Randall was not there at the Tobacco House
23 that night. Nobody is here trying to convince you that he
24 didn't have a gun, and nobody is here trying to convince you
25 that he didn't shoot that gun. Okay?

1 And Mr. McEachin, in his opening statement, I recall he
2 was describing to you and explained to you a little bit about
3 reasonable doubt, and I think he said something along the
4 lines of if after you have gotten all the evidence in this
5 case, if you are firmly convinced that Mr. Randall shot
6 Dashamel Drayton, then you must find him guilty, and this is
7 sort of an example as to why what lawyers say is not evidence
8 and, of course, you're going to get a charge on the law, but
9 that's not necessarily true.

10 Just because you find that he shot Dashamel Drayton does
11 not make him guilty. That's what you have to decide, and you
12 decide that based on all of the evidence. Certainly, there
13 are justified shootings and killings that occur and, under
14 our law, folks are exonerated for that because there are
15 occasions where such actions are justified, and I do submit
16 to you that this is one of those times and we're going to go
17 through that.

18 First of all, I do want to talk to you a little bit
19 about reasonable doubt. You've heard it before. You'll hear
20 it again after I'm done speaking. And the reason for that is
21 because it is just that important. The proof beyond a
22 reasonable doubt is a principle in our law that is held as
23 strongly for people that live in this world as anything else.

24 For folks that don't live in this world, so to speak --
25 and when I say that, I mean folks like myself, Mr. Chandler,

1 Mr. McEachin, and Judge Russo. This is where we work. This
2 is not a foreign arena to us. For us, that principle is held
3 very dearly and it's very, very important in cases like this
4 and in any criminal case, regardless of what the charge is.

5 And the reason for that is because in criminal court we
6 deal with people's very liberty. There is absolutely nothing
7 more important than that and because that's what we deal with
8 and because of that importance, we have in criminal court the
9 highest standard of proof that exists in our law, which is
10 proof beyond a reasonable doubt.

11 And Mr. McEachin, I think, also explained to you that
12 there are different kind of cases in Circuit Court. There
13 are civil cases and there are criminal cases, both of which
14 deal with juries, but the standard in a civil case is a
15 lesser standard. It's a more likely than not by a
16 preponderance of the evidence or it's a 51 percent to 49
17 percent situation.

18 And in those cases, typically -- not all the time, but
19 typically, you are dealing with disputes that revolve around
20 money and not that that's not important, but it's not as
21 important as our very liberty and that's why in criminal
22 court everything up here has the higher burden.

23 Now, reasonable doubt -- it can come not only from the
24 evidence that you do see, but it can come from stuff that you
25 don't get to see or hear. Okay? In this case, obviously,

1 y'all have seen the video. There's people all over that
2 video and most of them weren't brought here. Okay?

3 And it would appear that there wasn't really much of any
4 effort made to bring them here. Now, the only witness that
5 really touched on that was Sgt. Poston, and he was asked --
6 he's the one that got the video and reviewed it before
7 anybody else, but he said he didn't make an attempt to locate
8 any of those other folks.

9 And again, we're dealing with a case where it would be
10 very important to be able to hear because you can't hear on
11 the video and you would need witnesses and it would be
12 extremely helpful for witnesses to be able to be your ears.
13 But we really don't have that in this case.

14 So that could've been very helpful, but that wasn't done
15 and, certainly, I think the evidence shows that that would
16 not have been anything that would've been overly difficult to
17 at least make the effort. Rickita Buxton and Khadijah
18 Roberts identified other people in the video, a fellow named
19 Box. And when you watch the video, you may have noticed or
20 may not Rickita Buxton greeting people and it appears that
21 she knew them.

22 So certainly, they would have been -- you could talk to
23 the folks that worked there and show them the video and see
24 if they can identify people that were there. And maybe then
25 we would've been able to get a clearer picture of what

1 happened, but that didn't happen and we've got the evidence
2 in this case that was presented to you.

3 Now, again, like I said, we did have the two
4 eyewitnesses, and the reason I say that in this case we're
5 more left with just basically our eyes, those witnesses --
6 they gave descriptions in their testimony of things. This
7 person did that and this person did that at the time of
8 testimony, but there really was no testimony as to what was
9 said. And Khadijah Roberts was right there at the incident,
10 but really didn't have any testimony with regard to anything
11 that was being said between anybody.

12 So again, we are just left with what our eyes tell us
13 from watching the video. Compare the actions of the people
14 in the video to the testimony that we did get from the
15 eyewitnesses and then you are left with your common sense to
16 lead you the rest of the way.

17 And again, like I said, reasonable doubt can come from
18 evidence that you did hear or evidence that you didn't hear,
19 and I think the fact that other witnesses that were available
20 -- and I submit to you that there were other potential
21 witnesses that would not have been difficult to locate and
22 bring in to court. You did not get an opportunity to hear
23 from them. It creates a reasonable doubt in this case and
24 that's, again, what this is all about.

25 And like I said, we're not disputing a lot of the key

1 facts. So the testimony from SLED today, the testimony with
2 regard to the gun being found, all of that is necessary and
3 Mr. McEachin does a great job. He always does. He did a
4 great job presenting to you all the evidence in the case.
5 But make no mistake, this case boils down to the two
6 eyewitnesses and the video. That's what it boils down to.
7 So that is going to be my focus with regards to the evidence
8 in this case.

9 I'm going to play the video.

10 All right. Now, before I play this little video clip --
11 and, again, like Mr. McEachin, it's not going to be very
12 long, but I do want to address the clip that he played for
13 y'all.

14 If you'll remember, that was part of the descriptive
15 testimony that you got from Khadijah Roberts. Mr. McEachin
16 was using that clip to make an argument before you that there
17 was no way that this case could be self-defense because there
18 was no way -- because that clip proves that Mr. Randall acted
19 in such a way that he brought about -- he brought about the
20 confrontation between he and Demetrick White, that he brought
21 that about. And that clip that he showed you was the exact
22 same clip that he showed Khadijah Roberts when she said that
23 he wasn't yelling at anybody, he wasn't talking to anybody,
24 he was just singing and dancing to some music that was
25 playing.

1 Also, with regards to pulling the gun out of his pocket,
2 there's absolutely no evidence at all that Demetrick White
3 saw that and that's who the confrontation was for. There is
4 zero evidence that he saw Anthony Randall pull that gun out
5 all. There is no evidence whatsoever.

6 We know that Demetrick White was across the street,
7 would have had to have seen through cars or whatever else to
8 have had an opportunity to see that gun that was taken out
9 for a matter of the second at the most. I submit to you that
10 the evidence makes it extremely unlikely that he would've
11 seen that, which would have made it not just impossible under
12 the law, it would not have done anything at all to bring
13 about the eventual confrontation that led to everything else
14 that brings us here today.

15 And that's very important. All right?

16 No evidence that Demetrick White saw that at all and,
17 again, I submit that from where he was situated to where Mr.
18 Randall was situated, for the length of time that that took
19 for that to happen, it didn't take much more than is in this
20 picture. A few frames, but that's about it. It's extremely
21 unlikely, which would mean that, under those circumstances,
22 that action did nothing to bring about the eventual
23 confrontation.

24 So what I want to do is play this, and I'll -- again,
25 it's going to be probably less than two minutes and I may

1 stop it here and there. I'm going to ask for them to play
2 the video.

3 And again, this is the different angle of when he's
4 singing and dancing to the music that's playing.

5 (WHEREUPON, a portion of the video contained in State's
6 Exhibit Number 3 was played in open court.)

7 MR. MEETZE: So at this point in time, that's the only
8 testimony -- you can stop it, please.

9 (WHEREUPON, the video was stopped.)

10 MR. MEETZE: And keep in mind, that is the only
11 testimony with regards to that, that he was not yelling at
12 anybody, he was not in a confrontation with anybody. That is
13 the only evidence with regards to what Mr. Randall was doing
14 just then.

15 There is no evidence to contradict that at all in the
16 record, and that's all we're allowed to consider is what
17 evidence is actually presented to you, and there is nothing
18 to contradict that testimony of Khadijah Roberts that he was
19 not -- she actually laughed when Mr. McEachin asked her, now,
20 is he jawing at somebody? She kind of chuckled and said, no,
21 he was just dancing to the music. And Mr. McEachin even said
22 to her I can see you dancing a little bit, being funny as far
23 as my little dancing instruction there.

24 But anyway, so that's all the evidence is. So at this
25 point in time based on what we know and the testimony that we

1 have, he's done nothing to start any kind of confrontation.

2 (WHEREUPON, the video resumes playing.)

3 MR. MEETZE: You can stop right there.

4 (WHEREUPON, the video is stopped.)

5 MR. MEETZE: All right. Here comes Demetrick White.

6 All right? At this point in time, you've seen nothing and,
7 based on the testimony and the evidence that we have, Anthony
8 Randall has done nothing to provoke Demetrick White to come
9 over to him, absolutely nothing. But here he comes and you
10 can see in the still shot here, he's got a left arm raised.
11 That's a gesture of some kind, I would submit. I don't know
12 what. That's part of what we don't really know, but it's
13 clear that he's got a left arm raised there.

14 You can continue.

15 (WHEREUPON, the video resumed playing.)

16 MR. MEETZE: As he's walking, he's swinging his arms in
17 a more aggressive manner than normal.

18 You can stop it.

19 (WHEREUPON, the video was stopped.)

20 MR. MEETZE: All right. And he gets to where Anthony
21 Randall is. All right? Pretty much as soon as he gets
22 there, I want you to watch what Mr. Randall does.

23 (WHEREUPON, the video resumed playing.)

24 MR. MEETZE: Stop it.

25 (WHEREUPON, the video was stopped.)

1 MR. MEETZE: He gets in his car. Now, the State wants
2 you to believe that Mr. Randall came there looking for
3 trouble.

4 First of all, Mr. Randall was there before Rickita
5 Buxton. You'll have to remember the evidence. I don't know.
6 I don't remember for sure, but I think he was there before
7 Khadijah Roberts, but I can't be sure about that. We don't
8 know when -- from the testimony at least, I'm not aware. We
9 don't know when Demetrick White arrived, but he was across
10 the street before he came over. Okay?

11 So we know that Anthony Randall had in his possession a
12 handgun when he was standing over here. If he was there
13 looking for trouble, if he was there out to get Demetrick
14 White, he could've taken that gun out and shot him when he
15 walked over. He could've shot him when he first got there.
16 He did not do that. The State is trying to convince you all
17 that Mr. Randall is guilty of the crime of murder. Murder is
18 an intentional killing of another person with malice
19 aforethought.

20 Now, the judge is going to charge you as part of his
21 charge what malice is, and it's a state of mind, for one
22 thing. So it's not something that you can dissect somebody's
23 brain and look in there and see if there was malice then or
24 now or whatever. It's something essentially that you have to
25 be able to glean from the evidence that we have, and this is

1 the evidence that we have and the actions that occurred in
2 this video are what we have.

3 If he was out to get and kill Demetrick White, he would
4 have had plenty of opportunity to do it, but what did he do?
5 He got into his car. All right? That is about as passive a
6 reaction to that situation as you could possibly have. He
7 was not looking for trouble at that point in time.

8 Anybody looking for trouble at that point in time would
9 not have gotten into the car. That is, I would submit to
10 you, a terrible position to be in for a confrontation, to be
11 sitting in a car with your adversary outside above you from
12 an -- from an elevated position.

13 So that right there is all kinds of proof that there was
14 absolutely no malice in Mr. Randall's heart or anywhere else
15 on this night. With no malice, there is no murder. With no
16 malice, there is no murder.

17 All right. If you'll continue playing the video,
18 please.

19 (WHEREUPON, the video resumed playing.)

20 MR. MEETZE: All right. I'm going to ask you to stop
21 one more time.

22 (WHEREUPON, the video was stopped.)

23 MR. MEETZE: As you can see, Demetrick White didn't go
24 anywhere. He stayed there. We can't hear, but you can just
25 see and there's no question he's animated and he's -- they're

1 not exchanging pleasantries, I would submit to you. Okay?
2 He's hanging out outside the car and he's jawing at Anthony
3 Randall from outside the car.

4 All right. Continue.

5 (WHEREUPON, the video resumed playing.)

6 MR. MEETZE: And that continues, and it continues until
7 Dashamel Drayton comes over.

8 All right. You can stop it one more time.

9 (WHEREUPON, the video was stopped.)

10 MR. MEETZE: All right. Right there, Dashamel Drayton
11 walks over to Demetrick White.

12 Now, the testimony with regards to Demetrick White I'll
13 reiterate to you or go over with you again. Both witnesses
14 that were eyewitnesses touched on it. Khadijah Roberts was
15 specifically asked in this situation was Demetrick White the
16 aggressor. Yes. Demetrick White was the aggressor. If
17 Demetrick White is the aggressor, there is no malice in this
18 case. No malice, no murder. It is that simple.

19 Rickita Buxton testified and she didn't use the words
20 aggressor, but she said Demetrick White came over from across
21 the street to Anthony Randall, and that clearly happened
22 based on the video. So we know the video corroborates that
23 testimony.

24 So he gets there. Anthony Randall doesn't confront him,
25 doesn't go jaw to jaw with him, doesn't try to shoot him as

1 he's walking across the street. He gets in his car. Again,
2 that is not an action of somebody who is looking for trouble.
3 I'm sorry. It's not.

4 We know he didn't go in there to get a gun because he
5 already had a gun. So he didn't go in there to do that. He
6 went in there, I submit to you, to avoid confrontation with
7 Mr. White, who did not let that happen.

8 So as Dashamel Drayton gets there, he tries to get Mr.
9 White away from the situation, and you saw right before I
10 paused, Mr. White didn't want to have anything to do with
11 him. He pulled his arm away.

12 And I'm going to ask for the video to continue.

13 (WHEREUPON, the video resumed playing.)

14 MR. MEETZE: And he fights around Dashamel.

15 Stop it right there.

16 (WHEREUPON, the video was stopped.)

17 MR. MEETZE: And finds himself in the apex of the car
18 where the door is open, I can say, where Anthony Randall is
19 sitting in it and the door is open and I guess in the V area
20 that the door and the car make. And that is Demetrick White
21 with his arm pointed out directly parallel -- I mean even
22 with his shoulder in the direction of the front seat of that
23 car.

24 Now, admittedly, you can't see anything in his hand.

25 For that matter, you can't even see whether he's got a head

1 or not, and that's just the way the camera is and the way the
2 nighttime is. There's a lot of things you cannot see.

3 Mr. McEachin brought to your attention that the
4 witnesses testified that nobody else shot a gun and nobody
5 else had a gun. Well, we really don't have any way of
6 knowing the second thing for sure. The only way you're going
7 to know if somebody has got a gun is if they display that
8 gun.

9 And by the time all of this is happening, Rickita Buxton
10 is back in this truck with this car and this car in between
11 them. So there is, I would submit to you, no way she could
12 see from there to there to see whether he had a gun at that
13 point in time or not.

14 And I would say the same thing with regards to Khadijah
15 Roberts, who I don't even see there anymore. But certainly,
16 the door is open. He's in the apex. That would have been an
17 obstructed view as well.

18 So I certainly can say that they can testify that they
19 didn't see a gun, but I submit to you that they wouldn't know
20 for sure whether he had a gun because neither one of them at
21 that point in time were in a position to see what, if
22 anything, he has there.

23 You can play on.

24 (WHEREUON, the video resumed playing.)

25 MR. MEETZE: All right. So it's almost instantly when

1 that happens -- you can stop it --

2 (WHEREUPON, the video was stopped.)

3 MR. MEETZE: -- that Anthony Randall acts. All right?
4 It took until this moment for him to react.

5 And what I submit to you was he had gotten himself in a
6 situation where he had to act and didn't think he had any
7 other choice. At this point in time, it's him or me, and he
8 made that decision and, unfortunately, there was a tragic
9 outcome, but that doesn't change the state of mind that
10 caused Mr. Randall to act.

11 That doesn't change any of that, and as tragic as it is,
12 he acted legally in self-defense defending himself from
13 Demetrick White. Those actions are justified and the tragic
14 consequences are just that. They are tragic, and anybody
15 anywhere, here or otherwise, I submit to you would want to
16 take that back if they at all could.

17 But that's what we're dealing with here. We're left
18 with some descriptive testimony of eyewitnesses with nothing
19 that was being said. We're left with seeing what we can see
20 on here that corroborates that. We are left with the only
21 testimony about Mr. Randall up on this sidewalk being that he
22 was just singing and dancing. That's all that there is.

23 There is no evidence that he did anything to bring that
24 about. When it occurred, he immediately gets into the car.
25 Folks, I'm sorry. I submit to you that there is no other

1 reasonable explanation for why he would've gotten into that
2 car unless his goal was to avoid confrontation.

3 Dashamel Drayton came over there. He was not concerned
4 with Anthony Randall. His focus was on Demetrick White. The
5 testimony from the witness stand was that Dashamel went over
6 there to diffuse the situation. Well, what kind of
7 situation? What kind of things needed diffusing? Things
8 that can explode. Dashamel was trying to go over there to
9 keep Demetrick White from exploding, and a tragic set of
10 consequences and circumstances occurred after that.

11 Demetrick White did explode, and it caused the chain
12 reaction of events that brings us here, but it doesn't mean
13 there's malice in Anthony Randall on that night and, as I
14 said before and I submit to you, that there was no malice.

15 There is absolutely no evidence of malice. Everything
16 he did from the time -- I mean that's the key part of this
17 case. When Demetrick White starts walking over, he did
18 absolutely nothing from that point on until the end, nothing
19 to bring that about on himself. Absolutely no malice. If
20 there's no malice, there is no murder.

21 And in this country, you have the absolute right to
22 defend yourself and, in that instance and in that case,
23 Anthony Randall was trying to avoid conflict. He sits down
24 in his car. It is not until the time Demetrick White levels
25 his arm at him, whether he had something or not -- don't know

1 and it really doesn't matter.

2 All Mr. Randall had to believe was he was in actual
3 danger of losing his life or having serious bodily injury and
4 that a reasonable person would also believe that and that a
5 reasonable person would have felt like there was no other way
6 to avoid the confrontation, no other duty to retreat in other
7 words and, of course, he's sitting in a car, but Demetrick
8 White was right over him.

9 So trying to leave is not going to do any good because
10 Demetrick White is still right there and any ill will that he
11 had he could carry out whether or not Anthony Randall was
12 trying to leave or not. So in this case, I would submit to
13 you that he had absolutely no duty to retreat.

14 Self-defense in our state and everywhere else is an
15 absolute affirmative defense and it exonerates you. And if
16 you believe that this case meets the elements of self-
17 defense, then I would submit to you that the only just
18 verdict is not guilty in this case.

19 But at the very least, there is no malice in this case.
20 If no malice, then there is no murder. And I submit again
21 there is absolutely no evidence of malice and plenty of
22 evidence that he was doing nothing more than defending
23 himself and the result was tragic, but that doesn't make him
24 guilty of anything.

25 Thank you.

1 THE COURT: Thank you, Mr. Meetze.

2 (WHEREUPON, the Court left the bench and approached the
3 jury box.)

4 CHARGE ON THE LAW

5 THE COURT: Ladies and gentlemen, when we started this
6 case, I told you that you were the judges of the facts and
7 I'm the judge of the law, and that's true. And so during the
8 course of the trial, while the attorneys have been presenting
9 to you the evidence in this case or the facts of this case,
10 it's been appropriate for me to be up here out of the way and
11 allow that to occur.

12 But we have now reached the portion of this trial where
13 you and I are in this together, you as the judges of the
14 facts and me as the judge of the law. So I think it's
15 appropriate that I come down and be with you as I give you
16 the charge on the law. I am going to read this to you
17 verbatim so that I don't misquote or leave out anything, but
18 I'd ask that you please give me your undivided attention.

19 Mr. Foreman and members of the jury, you have heard the
20 evidence and the arguments of both parties. I am now going
21 to explain to you the rules of law that you must follow and
22 apply in deciding this case and, when I have finished, you
23 will go into your jury room and begin your deliberations.

24 Your decision must be based only upon the evidence
25 presented here during the course of this trial. You must not

1 be influenced in any way by either sympathy for or prejudice
2 against anyone.

3 The indictment in this case charges the defendant,
4 Anthony Raynard Randall, with murder, possession of a weapon
5 during the commission of a violent crime, and unlawful
6 possession of a handgun.

7 Now, as I told you earlier when we started this case, an
8 indictment is simply the formal written instrument which
9 contains the charge made against the defendant. I remind you
10 that the fact that the defendant was arrested, charged, and
11 indicted in this case is not evidence in this case and it
12 cannot be considered by you as evidence of guilt, nor does it
13 create any presumption or inference of guilt.

14 The defendant has pled not guilty to these charges and
15 that plea puts the burden on the State to prove him guilty
16 beyond a reasonable doubt. A person charged with committing
17 a criminal offense in South Carolina is never required to
18 prove him or herself innocent.

19 I charge you that it is an important rule of law that a
20 defendant in a criminal trial, no matter what the seriousness
21 of the charge may be, will always be presumed to be innocent
22 of the crime for which the indictment is issued unless guilt
23 has been proven by evidence satisfying you of that guilt
24 beyond a reasonable doubt. This presumption of innocence
25 does not end when you begin your deliberations, but it

1 accompanies the defendant throughout the trial until you
2 reach a verdict.

3 The presumption of innocence is not a mere legal theory.
4 It's not just a legal phrase, but it is a substantial right
5 to which every defendant is entitled unless you, the jury,
6 are satisfied of the defendant's guilt beyond a reasonable
7 doubt.

8 So what is a reasonable doubt in the law? Some of you
9 may have served as jurors in civil cases where you were told
10 that it's only necessary to prove that a fact is more likely
11 true than not true, such as by the greater weight or the
12 preponderance of the evidence. In criminal cases, the
13 State's proof must be more powerful than that. It must be
14 beyond a reasonable doubt. Proof beyond a reasonable doubt
15 is proof that leaves you firmly convinced of the defendant's
16 guilt.

17 Now, there are very few things in this world that we
18 know with absolute certainty and, in criminal cases, the law
19 does not require proof that overcomes every possible doubt.
20 If based on your consideration of the evidence you are firmly
21 convinced that the defendant is guilty of the crimes charged,
22 you must find the defendant guilty. If, on the other hand,
23 you think that there is a real possibility that the defendant
24 is not guilty, then you must give the defendant the benefit
25 of that doubt and find him not guilty.

1 As I've said before, you must consider only the evidence
2 that I have admitted into this case. Evidence includes the
3 testimony from the witnesses who took the witness stand and
4 then the exhibits which came in during the course of the
5 trial.

6 You should not assume from anything that I have said
7 that I have any opinion about any factual issue in this case.
8 Except for my instructions to you on the law that I'm giving
9 to you now, you should disregard anything that I may have
10 said during this trial in arriving at your own decision about
11 the facts. Your own recollection and interpretation of the
12 evidence is what matters. In considering the evidence, you
13 may use reasoning and common sense to make deductions and to
14 reach conclusions.

15 Now, while the argument of counsel is a benefit -- a
16 beneficial part of every trial, you should remember that the
17 statements made by the attorneys are not evidence.

18 In presenting arguments, the attorneys often refer to
19 the evidence. However, you should base your verdict on the
20 evidence as you remember it. Therefore, if there are any
21 conflicts between the recollection of counsel and -- about
22 the evidence and your own recollection, you should rely upon
23 your own understanding of the evidence.

24 Now, there's two types of evidence which are generally
25 presented in a trial. There is direct evidence and there is

1 circumstantial evidence.

2 Direct evidence directly proves the existence of a fact
3 and it does not require deduction. Circumstantial evidence
4 is a proof of a chain of facts and circumstances which
5 indicate the existence of the fact.

6 Crimes may be proven by circumstantial evidence, and the
7 law makes absolutely no distinction between the weight or the
8 value to be given to either direct or to circumstantial
9 evidence. However, to the extent that the State relies on
10 circumstantial evidence, all of the circumstances must be
11 consistent with each other and when taken together point
12 conclusively to the guilt of the accused beyond a reasonable
13 doubt.

14 If these circumstances merely portray the defendant's
15 behavior as suspicious, then that proof would have failed.
16 The State has the burden of proving the defendant guilty
17 beyond a reasonable doubt, and this burden rests with the
18 State regardless of whether it relies on direct evidence,
19 circumstantial evidence, or some combination of the two.

20 Now, when I say that you must consider all of the
21 evidence, I don't mean that you must accept all of the
22 evidence as true or accurate. You decide whether you believe
23 what each witness had to say and how important that testimony
24 was.

25 In making those decisions, you may believe or disbelieve

1 any witness in whole or in part. The number of witnesses
2 testifying concerning a particular point does not necessarily
3 matter. To decide whether to believe any witness, I suggest
4 that you ask yourself a few questions.

5 Did the witness impress you as one who was telling the
6 truth?

7 Did the witness have any particular reason not to tell
8 the truth or have any personal interest in the outcome of the
9 case?

10 Did the witness have the opportunity and the ability to
11 accurately observe the things he or she may have testified
12 about?

13 Did the witnesses -- did the witness appear to
14 understand the questions and answer them clearly and
15 directly?

16 And did the witness's testimony differ from that of
17 other evidence?

18 However, keep in mind that a simple mistake does not
19 mean that a witness wasn't telling the truth as he or she
20 remembers it. People naturally tend to forget some things or
21 to remember them a little bit inaccurately.

22 So if a witness did misstate something, you must decide
23 whether it was because of an innocent lapse of memory or an
24 intentional deception. The significance of your decision may
25 depend on whether the misstatement is about an important fact

1 or an unimportant detail.

2 Now, folks, the rules of evidence ordinarily do not
3 allow witnesses to testify to opinions or conclusions.
4 There's an exception to this rule that exists for witnesses
5 that we call expert witnesses. A witness who by education
6 and experience has become an expert in some art, science,
7 profession or calling may state an opinion as to the relevant
8 and material matter in which that witness claims to be an
9 expert, and they may also state the reasons given for that
10 opinion.

11 You should consider any expert opinion received into
12 evidence in this case and, like any other evidence, give it
13 the weight that you think it deserves. If you decide that
14 the opinion of an expert witness is not based on sufficient
15 education and experience or if you conclude that the reasons
16 given in support of the opinion are not sound or that the
17 opinion is outweighed by other evidence, you may disregard
18 that opinion in its entirety. An expert witness's testimony
19 is to be given no greater weight than that of any other
20 witness simply because that witness is an expert.

21 Now, I instruct you and I emphasize the fact that the
22 defendant in this case did not testify is not a factor to be
23 considered by you in any way in your deliberations and in
24 your consideration on the question of guilt or innocence. It
25 is not to be considered by you in any manner whatsoever.

1 A defendant has the constitutional right to remain
2 silent and the assertion of this right must not be considered
3 by you during your deliberations. I repeat, under your oath,
4 you are to draw no conclusions whatsoever from the fact that
5 the defendant did not testify in this case. The fact that
6 the defendant did not testify should not even be discussed in
7 the jury room.

8 Now, the indictment in this case alleges three different
9 offenses against the defendant. Each count charges a
10 separate and a distinct offense. You must decide each count
11 separately on the evidence and the law applicable to it,
12 uninfluenced by your decision as to any other charge. The
13 defendant may be convicted or acquitted on any or all of the
14 offenses charged. You will be asked to write a separate
15 verdict of guilty or not guilty for each charge.

16 Now, the defendant in this case, Mr. Randall, is charged
17 with the crime of murder. The following elements that the
18 State must prove beyond a reasonable doubt to prove murder
19 are, one, that the defendant killed another person and, two,
20 that he did so with malice aforethought.

21 Malice is hatred, ill will, or hostility toward another
22 person. It is the intentional doing of a wrongful act
23 without just cause or excuse and with the intent to inflict
24 an injury or under circumstances that the law will infer an
25 evil intent.

1 Malice aforethought does not require that malice exist
2 for any particular time before the act is committed, but
3 malice must exist in the mind of the defendant just before
4 and at the time that the act is committed. Therefore, there
5 must be a combination of the previous evil intent and then
6 the act.

7 Malice aforethought may be express or inferred. Now,
8 these terms, express and inferred, do not mean different
9 kinds of malice, but merely the manner in which malice may be
10 shown to exist, that is either by direct evidence or by
11 inference from some facts and circumstances.

12 Express malice is shown when a person speaks words which
13 express hatred or ill will for another or when the person
14 prepared beforehand to do the act which was later
15 accomplished.

16 Inferred malice may be found to exist when circumstances
17 demonstrate a wanton or a reckless disregard for human life
18 or when a reasonably prudent person would have known that
19 according to common experience there was a plain and strong
20 likelihood that death would follow the contemplated act.

21 Now, if you find that the State has failed to prove
22 beyond a reasonable doubt that the defendant committed
23 murder, you may consider whether the State has proved beyond
24 a reasonable doubt that the defendant committed voluntary
25 manslaughter.

1 To prove voluntary manslaughter, the State must prove
2 beyond a reasonable doubt that the defendant took the life of
3 another in the sudden heat of passion based upon sufficient
4 legal provocation. Both heat of passion and sufficient legal
5 provocation must be present at the time of the killing to
6 constitute voluntary manslaughter.

7 Sudden heat of passion may for a time affect a person's
8 self-control and temporarily disturb a person's reasoning.
9 The sudden heat of passion must be the type that would make
10 an ordinary person unable to coolly reflect on his or her
11 actions and would produce an uncontrollable impulse to do
12 violence.

13 Sufficient legal provocation must be the type that would
14 make a person of ordinary reason and caution become enraged
15 or to lose control temporarily. The provocation needed for
16 voluntary manslaughter must come from some act of or related
17 to the victim. Words alone, however vulgar or insulting, are
18 not enough to be legal provocation.

19 Where death is caused by the use of a deadly weapon, the
20 words must be accompanied by some overt or threatening act
21 which could have produced that heat of passion. The exercise
22 of a legal right, no matter how offensive it is to the other
23 person, is never sufficient legal provocation for voluntary
24 manslaughter.

25 If the heat of passion had cooled or if there was enough

1 time between the provocation, if any, and the killing for the
2 passion -- for the passion of a reasonable person to cool,
3 then the killing would not be voluntary manslaughter.

4 In deciding whether a reasonable person would've had
5 enough time to cool off, you should consider all of the
6 circumstances surrounding the killing. You may consider the
7 nature of the provocation, if any, and the defendant's mental
8 and physical state and the parties' circumstances and the
9 relationship between the parties.

10 Now, under the law, if the defendant with malice
11 aforethought attempts to kill another person but by mistake
12 injures or kills a different person, the defendant still has
13 the intent to kill. The intent to kill is merely transferred
14 from the original person that the defendant intended to kill
15 and is moved to the actual person killed or injured.

16 Now, Mr. Randall is also charged with possession of a
17 weapon during the commission of or attempt to commit a
18 violent crime. The State must prove beyond a reasonable
19 doubt that the defendant was in possession of a firearm or
20 visibly displayed what appeared to be a firearm during the
21 commission of a violent crime. A firearm means any type of
22 machine-gun, automatic rifle, revolver, pistol, or any weapon
23 which is designed to or may be readily converted to expel a
24 projectile.

25 In order to find the defendant guilty of possession of a

1 weapon during the commission of a violent crime in this case,
2 you must first find the defendant guilty of either the murder
3 or the -- or the voluntary manslaughter. The State must
4 prove beyond a reasonable doubt that the weapon furthered,
5 advanced or helped in the commission of the crime.

6 And lastly, the defendant is charged with unlawful
7 carrying of a pistol. The State must prove beyond a
8 reasonable doubt that the defendant carried a pistol about
9 his person, whether concealed or not. A weapon is about the
10 defendant's person if it is readily accessible and convenient
11 for immediate use. The pistol need not be actually touching
12 the person of the defendant.

13 Now, in this case, the defendant has raised the defense
14 of self-defense. Self-defense is a complete defense and, if
15 it is established, you must find the defendant not guilty.
16 The State has the burden of disproving self-defense by proof
17 beyond a reasonable doubt. The following elements are
18 required to establish self-defense.

19 First, the defendant must be without fault in bringing
20 on the difficulty. If the defendant's conduct was the type
21 which was reasonably calculated to and did provoke a deadly
22 assault, the defendant would be at fault in bringing on the
23 difficulty and would not be entitled to an acquittal based
24 upon self-defense.

25 Secondly, the element of self-defense -- the second

1 element of self-defense is that the defendant was actually in
2 imminent danger of death or serious bodily injury or that the
3 defendant actually believed that he was in imminent danger of
4 death or serious bodily injury.

5 If the defendant was actually in imminent danger, it
6 must be shown that the circumstances would have warranted a
7 person of ordinary firmness and courage to strike the fatal
8 blow to prevent death or serious bodily injury. If the
9 defendant believed he was in imminent danger of death or
10 serious bodily injury, it must be shown that a reasonably
11 prudent person of ordinary firmness and courage would have
12 had the same belief.

13 In deciding whether the defendant actually was or
14 believed he was in imminent danger of death or serious bodily
15 injury, you should consider all of the facts and
16 circumstances surrounding the crime, including the physical
17 condition and characteristics of the defendant and the
18 victim.

19 A defendant does not have to show that he was actually
20 in danger. It is enough if the defendant believed he was in
21 imminent danger and that a reasonably prudent person of
22 ordinary firmness and courage would have had that same
23 belief.

24 The defendant has the right to act on appearances, even
25 though the defendant's beliefs may have been mistaken. It is

1 for you to decide whether or not the defendant's fear of
2 imminent danger of death or serious bodily injury was
3 reasonable and would have been felt by an ordinary person in
4 the same situation. That is a jury question for you to
5 decide.

6 The final element of self-defense is that the defendant
7 had no other probable way to avoid the danger of death or
8 serious bodily injury than to act as the defendant did in
9 this particular instance. The defendant had no duty to
10 retreat if by doing so the danger of being killed or
11 suffering serious bodily injury would have been increased.

12 A person cannot be required to make an exact calculation
13 as to the degree or the amount of force which may be needed
14 to avoid death or serious bodily harm. Therefore, in self-
15 defense, the defendant has the right to use the force needed
16 to avoid death or serious bodily harm.

17 The force used in self-defense does not have to be
18 limited to the degree or the amount of force used by the
19 victim. The defendant has the right to use as much force as
20 appeared to be necessary for complete protection and which a
21 person of ordinary reason and firmness would have believed
22 needed -- believed to be needed to prevent death or serious
23 bodily harm.

24 Now, ladies and gentlemen, your verdict in this case
25 must be unanimous. In other words, you must all agree on the

1 verdict, whatever it is. Your deliberations are secret. You
2 will never have to explain your verdict to anyone. Each of
3 you must decide this case for yourself, but only after fully
4 considering all of the evidence along with your fellow
5 jurors.

6 So you must discuss the case with one another and try to
7 reach an agreement. While you're discussing the case, don't
8 hesitate to re-examine your own opinions and to change your
9 mind if you become convinced that you were wrong, but don't
10 give up your honest or your firmly held belief just because
11 others think differently or because you simply want to get
12 the case over with.

13 Now, when you go back to retire to your jury room in
14 just a moment, you -- we're going to send back the items, the
15 evidence. So you'll have those in the back. If you wish to
16 view this video or any portion of it, it would be up to you.
17 If you want to see all of it or a portion of it, if you'll
18 just let us know and we'll certainly do that for you.

19 But I'm going to also send back the verdict form, and
20 the verdict form is pretty self-explanatory.

21 Mr. Brewton, I'll have that back there and you'll be
22 charged with the verdict form. And what you'll do is -- at
23 the top of the form is just the caption of the case, but
24 we'll just take the charges as they appeared on the
25 indictment.

1 And so as to number one, the form just simply says as to
2 murder, we, the jury, find the defendant, Anthony Raynard
3 Randall, either guilty or not guilty. And whatever the
4 verdict the jury has decided, you'll just mark the proper
5 spot.

6 And then there's an instruction underneath that, and it
7 says if you found the defendant guilty of murder, please move
8 on to question three. If you found the defendant not guilty
9 of murder, then you go to question two.

10 So just follow those instructions. If you found him
11 guilty of murder, go to number three. If you found him not
12 guilty of murder, you go to number two.

13 Number two is as to voluntary manslaughter. We, the
14 jury, either find the defendant guilty or not guilty of
15 voluntary manslaughter.

16 And then underneath that there will be an instruction,
17 and it's right here. If you found the defendant guilty of
18 murder or voluntary manslaughter, then you go to question
19 three. If you found the defendant not guilty of both murder
20 and voluntary manslaughter, then you'd move to question four.
21 Okay?

22 So whatever decision you had as to the other two, if you
23 found the defendant guilty of one, either murder or voluntary
24 manslaughter, you then go to question three, and that's the
25 charge of possession of a weapon during the commission of a

1 violent crime. Then you would decide whether or not he was
2 guilty or not guilty of that offense.

3 And then the fourth one is as to the unlawful possession
4 of a handgun and if you find the defendant either guilty or
5 not guilty, you'll just mark the appropriate box.

6 And then once you've reached a decision on all of these
7 and you've completed the verdict form, you'll just let us
8 know that you have a verdict and then we'll bring you out.
9 Okay?

10 Now, I'm going to send you in the back and a couple
11 things. First, I'm going to ask you don't begin your
12 deliberations quite yet. I'm just going to double check with
13 the attorneys to make sure I've covered everything. If I
14 need to bring you back out and recharge something or correct
15 something or amend something or add or delete, I'll do that,
16 but if the charge is good as is, we'll send back these
17 exhibits. When you get the exhibits, that's your cue to
18 begin deliberations.

19 While I am checking with the lawyers to make sure I've
20 got everything though, is there -- is lunch here?

21 THE CLERK: It is.

22 THE COURT: Okay. I'm going to send you back. Don't
23 start your deliberations until you get this evidence, but you
24 can start on the pizza. We'll send it on back so you can
25 begin having lunch, if you'd like to do that, and then we'll

1 -- I'll send this stuff back as soon as I finish checking
2 with the attorneys. Okay?

3 So go in the back and hold off on your deliberations
4 until you get these items, but go ahead with lunch.

5 (WHEREUPON, the jury exited the courtroom at 1:22 p.m.)

6 THE COURT: First, as to the charge, are there any
7 objections or exceptions -- exceptions --

8 MR. MCEACHIN: Exceptions.

9 THE COURT: Exceptions to the charge by the State?

10 MR. MCEACHIN: Judge, I'd just renew my objection to
11 self-defense, Your Honor.

12 THE COURT: All right. That's certainly noted.

13 And from the defense?

14 MR. MEETZE: No, Your Honor.

15 THE COURT: Okay. Here's the thing. I'm not going to
16 send this gun back unless I can get either some type of a --

17 MR. MCEACHIN: A lock?

18 THE COURT: A trigger lock or some type of a cable lock
19 so that the gun is not operational.

20 MR. MCEACHIN: I guess we can get one.

21 THE COURT: I wish I had known. I have a bunch of
22 those. I've got about eight of them at the house.

23 But here's the thing. I mean I realize that -- I
24 realize that it's not loaded, but -- and I know none of those
25 people have .380 rounds in their pocketbook or their pocket,

1 but I don't know that for a fact.

2 MR. MCEACHIN: Sure.

3 THE COURT: So what I will -- what we can do is we can
4 tell them -- there's law enforcement agencies all over this
5 place. No one has a cable lock? You know, the one where you
6 just -- it's a cable that goes through here and locks?

7 Somebody should have one. Come on. If you -- if you
8 can get a lock, then I'll allow this to go back, but we won't
9 let -- regardless of whether we have a lock, the ammunition
10 won't go back.

11 MR. MCEACHIN: Yes, sir.

12 THE COURT: But I'll allow the gun to go back if we can
13 get a cable lock on it.

14 Get with Krystal.

15 MR. MEETZE: If they need to view it in the meantime, we
16 can just bring them out in the courtroom.

17 THE COURT: Absolutely. But y'all go ahead and get with
18 Krystal at least while we're doing that.

19 MR. MEETZE: Can I just look at the verdict form real
20 quick?

21 THE COURT: Yeah. Oh, thank you for mentioning that.

22 Emily, the verdict form, we've got to correct something.
23 It has voluntary manslaughter, which is correct, but then
24 down here is says if you found the defendant guilty of murder
25 or involuntary manslaughter.

1 THE LAW CLERK: Okay.

2 THE COURT: So we need to change that to voluntary, but
3 I think that's the only place that it's on there.

4 (WHEREUPON, there was a pause in the proceedings while
5 the evidence was checked, after which the proceedings
6 resumed as follows.)

7 (WHEREUPON, the alternate jurors were released and
8 exited the courtroom at 1:29 p.m.)

9 (WHEREUPON, the jury deliberations began at 1:32 p.m.)

10 (WHEREUPON, there was a break in the proceedings from
11 1:33 p.m. until 2:22 p.m., after which the proceedings
12 resumed as follows.)

13 THE COURT: All right, guys. Please have a seat. I
14 don't even know how to -- I don't even know how to give you
15 the question. There's two of them, but I'll read it
16 verbatim. I think I'll read it verbatim.

17 We would like to see around 18:56 of the video right
18 before, period.

19 And then something was erased. So I don't know. Right
20 before I don't know what, but they can tell us what they want
21 to see when they come out.

22 MR. MCEACHIN: That's fine, Judge, and I will attest
23 that 18:56 is after everything has happened. So I don't know
24 if that's --

25 MR. CHANDLER: I mean 18:55, Judge, that's when the

1 whole exchange happens.

2 MR. MCEACHIN: Well, I --

3 THE COURT: Well, when they come out, we'll -- we'll ask
4 them.

5 MR. CHANDLER: That's open to interpretation.

6 THE COURT: The second question is charges, explain one
7 more time.

8 Well, I'm not giving them the boilerplate crap again. I
9 might charge them the statutes.

10 MR. MEETZE: The statutes.

11 THE COURT: But I'll ask them. Again, I'll get them to
12 clarify when they come out.

13 MR. MEETZE: Okay. We would just -- and also, we just
14 need to clarify which camera angle on the video, I guess,
15 they want.

16 THE COURT: Yeah. I think the best thing we could do is
17 just get them out here and have them tell us what it is they
18 want to see.

19 MR. MCEACHIN: Or, Your Honor, if you want to just send
20 the letter back to them asking them to clarify. I'm fine
21 with that too. That way, they're not having any sort of
22 discussion or deliberation in front of all of us about what
23 they actually want to see. I don't -- I don't have a
24 preference.

25 THE COURT: Well, they're probably going to say, well,

1 we told you around 18:56. That's pretty -- that's pretty
2 direct.

3 I think I'm going to bring them out and I'm going to let
4 them say. Let's bring them out and see if we can get some --
5 do they have the disk back there?

6 MR. MCEACHIN: They do, but we have it set up.

7 THE COURT: All right. We're going to need the disk
8 also though.

9 THE CLERK: They already have it up.

10 THE COURT: Oh, it's on the computer?

11 MR. MCEACHIN: We have them both.

12 THE COURT: Okay. Don't worry about it. We've got it
13 on the computer.

14 (WHEREUPON, the jury entered the courtroom at 2:25 p.m.)

15 THE COURT: All right, folks. We got your -- your note.
16 I wasn't really clear -- so that's why I went ahead and
17 brought you out -- exactly what portion you want to see. So
18 I'm going to let y'all tell Mr. McEachin exactly what you
19 want to see. Okay?

20 I think you had a number on there, 18:56?

21 A FEMALE JUROR: It's right before the shooting. Just
22 right before everybody starts scattering before the shooting.

23 THE COURT: Before the --

24 A FEMALE JUROR: Right before the shooting and right
25 before everybody starts scattering and just after it. That's

1 what we need to see.

2 THE COURT: Okay. So what you want to see is the
3 portion that is right before the shooting and all the way
4 through until afterwards?

5 MR. MCEACHIN: And which camera angle?

6 THE COURT: Well, the other camera doesn't show the
7 shooting. You're talking about the camera that showed down
8 the storefront and you could see the people? Right. So I
9 don't know. Whatever camera that is.

10 And, Fitzlee, I know you're somewhat bound by your
11 cords, but is there a chance we can slide your computer over
12 and let's get this whole unit closer to the members of the
13 jury so they can -- it's kind of far away for folks sitting
14 on this end. If we could just roll it? Because I don't -- I
15 don't need to see it. So just make it so they -- it won't
16 mess with the computer part though. It will just turn the TV
17 off and turn it back on.

18 And, folks, y'all are in control. So you just let them
19 know when you've seen enough or if you want it to be played
20 back or whatever.

21 (WHEREUPON, the requested portion of State's Exhibit
22 Number 3 was shown in open court, after which the
23 proceedings resumed as follows.)

24 MR. MCEACHIN: That should be it.

25 THE COURT: Okay. You're done with that? All right.

1 Yes, sir?

2 THE FOREPERSON: Sir, the jury wanted to ask a question.
3 We wanted to know would you read the meaning of murder and
4 involuntary. They don't understand it.

5 THE COURT: Okay. So you want the charge on murder and
6 voluntary manslaughter; is that right?

7 THE FOREPERSON: Yes.

8 THE COURT: Okay. All right. I'll give you the charge
9 that I -- that I've got here, and I hope it'll be what you
10 need.

11 Okay. And again, I'm just -- and I'll take it slow and
12 just go through it.

13 Mr. Randall is charged with the crime of murder. The
14 following are the elements that the State must prove beyond a
15 reasonable doubt to prove murder. First, that the defendant
16 killed another person and, second, that he did so with malice
17 aforethought.

18 Malice is hatred, ill will, or hostility towards another
19 person. It is the intentional doing of a wrongful act
20 without just cause or excuse and with the intent to inflict
21 an injury or under circumstances that the law will infer an
22 evil intent.

23 Malice aforethought does not require that malice exist
24 for any particular time before the act is committed, but
25 malice must exist in the mind of the defendant just before

1 and at the time that the act is committed. Therefore, there
2 must be a combination of a previous evil intent and the act.

3 Malice aforethought may be express or inferred. These
4 two terms, express and inferred, do not mean different kinds
5 of malice, but merely the manner in which malice may be shown
6 to exist, that is either by direct evidence or by inference
7 from the facts and circumstances which are proved.

8 Express malice is shown when a person speaks words which
9 express hatred or ill will for another or when the person
10 prepared beforehand to do the act which was later
11 accomplished.

12 Inferred malice may be found to exist when -- when
13 circumstances demonstrate a wanton or a reckless disregard
14 for human life or when a reasonably prudent person would have
15 known that according to common experience there was a plain
16 and strong likelihood that death would follow the
17 contemplated act.

18 If you find that the State has failed to prove beyond a
19 reasonable doubt that the defendant committed murder, you may
20 consider whether the State has proved beyond a reasonable
21 doubt that the defendant committed voluntary manslaughter.

22 To prove voluntary manslaughter, the State must prove
23 beyond a reasonable doubt that the defendant took the life of
24 another person in the sudden heat of passion based upon
25 sufficient legal provocation. Both heat of passion and

1 sufficient legal provocation must be present at the time of
2 the killing to constitute voluntary manslaughter.

3 Sudden heat of passion may for a time affect a person's
4 self-control and temporarily disturb a person's reasoning.
5 The sudden heat of passion must be the type that would make
6 an ordinary person unable to coolly reflect on his or hers
7 acts -- his or hers actions and would produce an
8 uncontrollable impulse to do violence.

9 Sufficient legal provocation must be the type that would
10 make a person of ordinary reason and caution become enraged
11 or to lose control temporarily. The provocation needed for
12 voluntary manslaughter must come from some act of or related
13 to the victim. Words alone however -- excuse me. Words
14 alone, however vulgar or insulting, are not enough to be
15 legal provocation.

16 Where death is caused by the use of a deadly weapon, the
17 words must be accompanied by some overt, threatening act
18 which could have produced the heat of passion. The exercise
19 of a legal right, no matter how offensive it is to the other,
20 is never sufficient legal provocation for voluntary
21 manslaughter.

22 If the heat of passion had cooled or if there was enough
23 time between the provocation and the killing for the passion
24 of a reasonable person to cool, then the killing would not be
25 voluntary manslaughter.

1 In deciding whether a reasonable person would've had
2 enough time to cool off, you should consider all of the
3 circumstances surrounding the killing. You may consider the
4 nature of the provocation, if any, the defendant's mental and
5 physical state, and circumstances and the relationships
6 between the parties.

7 If the defendant with malice aforethought attempts to
8 kill another person but by mistake injures or kills a
9 different person, the defendant still has the intent to kill.
10 The intent to kill is merely transferred from the original
11 person that the defendant attempted to kill over to the
12 actual person that was killed or injured.

13 Okay? All right, folks. Thank you very much. Step
14 back and continue your deliberations.

15 (WHEREUPON, the jury exited the courtroom at 2:40 p.m.)

16 (WHEREUPON, the jury note was marked as Court's Exhibit
17 Number 1.)

18 (WHEREUPON, there was a break in the proceedings from
19 2:41 p.m. until 2:52 p.m., after which the proceedings
20 resumed as follows.)

21 THE COURT: All right. If I could get everybody's
22 attention, please?

23 Ladies and gentlemen, I have been instructed that the
24 jury has reached a verdict. I sit here, as you do, and have
25 no idea what that is.

1 But let me just caution -- and I -- folks, I don't do
2 this just in this case. I do this in every criminal case
3 that I try, whether it is something as serious as this case
4 or whether it's a shoplifting. I have this same conversation
5 with folks.

6 Whatever -- I never tell anybody that they have to agree
7 with the jury's verdict. People will agree with the jury,
8 people will disagree with the jury, and that's fine. You are
9 more than welcome to agree or disagree, but here's where I
10 need you to listen carefully.

11 Whatever the verdict is -- and I don't know what it is,
12 but whatever it is, the jury deserves to have it received in
13 a professional manner. Okay? In other words, there needs to
14 be no outbursts. There needs to be no outbursts of sorrow or
15 anger or joy.

16 In other words, whatever verdict is that the jury has
17 reached, it needs to be received in a professional manner.
18 Allow me to instruct the jury and excuse the jury. And any
19 emotions or things like that that you need to express, that
20 can be done outside the court. And I know that's maybe
21 asking a lot because I understand that emotions can run high.

22 So having said that, if you don't think you can follow
23 my instructions, I would suggest that maybe you step outside
24 and wait until after the verdict is rendered. If you stay
25 inside, I'm going to assume that you can follow my

1 instructions.

2 So if you stay inside and after the jury's verdict is
3 read there is some type of a disturbance or an outburst or
4 something of that nature, I can promise you that whoever does
5 that, I'm going to have the deputies put you in custody and
6 we're going to take you out to the jail.

7 So I'm not trying to be rude. I just think the jury
8 deserves to have their verdict, whatever it is, received in a
9 professional manner. Okay?

10 Is the State ready to receive the jury's verdict?

11 MR. MCEACHIN: The State is ready, Your Honor.

12 THE COURT: Is the defense ready?

13 MR. MEETZE: We are, Judge.

14 THE COURT: All right. If you'll please ask the jury to
15 come on in.

16 (WHEREUPON, the jury entered the courtroom at 2:55 p.m.)

17 THE COURT: All right. Mr. Foreman, has the jury
18 reached a unanimous verdict, sir?

19 THE FOREPERSON: Yes, sir, we have.

20 THE COURT: All right. I'm going to get you to hand
21 that to the bailiff and let him hand it to me.

22 (WHEREUPON, the foreperson complied.)

23 THE COURT: Thank you, sir.

24 All right. All right. That appears to be in order.

25 Madam Clerk, if you would be kind enough to publish the

1 jury's verdict. And if you want to, you can avoid reading
2 those things. You can just read that and then just follow
3 the -- you don't have to read the instructions, I guess, is
4 what I'm saying.

5 VERDICT

6 THE CLERK: Okay. State of South Carolina, County of
7 Marion, in the Court of General Sessions. State of South
8 Carolina versus Anthony Raynard Randall, Indictment Number
9 2018-GS-33-00300. Verdict Form.

10 As to murder, we, the jury, find the defendant, Anthony
11 Raynard Randall, not guilty.

12 As to voluntary manslaughter, we, the jury, find the
13 defendant, Anthony Raynard Randall, guilty.

14 As to possession of a weapon during the commission of a
15 violent crime, we, the jury, find the defendant, Anthony
16 Raynard Randall, guilty.

17 As to the unlawful possession of a handgun, we, the
18 jury, find the defendant, Anthony Raynard Randall, guilty.

19 Dated November 7th, 2018. Charles L. Brewton, Foreman.

20 If this is your verdict, please signify by the raising
21 of your hand.

22 (WHEREUPON, all jurors complied.)

23 THE COURT: All right. Thank you, Madam Clerk.

24 Ladies and gentlemen, I want to thank you for your
25 service in this case. I -- you had the two alternates, the

1 two young ladies that were with us. I have instructed them
2 to call back this evening to determine whether they need to
3 be back in the morning because I thought we had another case
4 to try and I was going to have to give you that same
5 instruction.

6 The good news is from the time they left until now, that
7 case that we had for tomorrow -- the individual has pled
8 guilty. So this will end your service this week. So you
9 don't have to call back. You don't have to come back anymore
10 this week. This concludes your service.

11 Now, if you remember on Monday, I told you that state
12 law only requires that you serve on jury duty once every
13 three calendar years. So you understand that you have that
14 exemption. So that if you do receive a summons for jury
15 service here in this court, in Circuit Court, for the balance
16 of this year, all of 2019, and all of 2020, you can exercise
17 that exemption and be excused from that service.

18 But I will say this. It is just an exemption. It
19 doesn't mean you're not qualified to serve. So if you do get
20 a summons and you would like to serve again, I would welcome
21 you to do that. I would encourage you to do that. But you
22 do have that exemption if you -- if you needed it.

23 That concludes your service this week. Madam Clerk --
24 they will send out checks sometime this week. Is that right?

25 THE CLERK: Friday.

1 THE COURT: Friday. They'll send those out to you with
2 a -- is there a work excuse in there? If they need one?

3 THE CLERK: If they need one now, they can go across the
4 street and get one.

5 THE COURT: Okay. If you need a work excuse, as you go
6 out, the clerk's office is right across the road in the
7 building over there. If you go over there, they can give you
8 a work excuse, if you need that for your employment. Okay?

9 But I want to thank you again for your service, folks.
10 I would ask that everyone please remain seated and, members
11 of the jury, you are excused. If you could, make sure you
12 give them your little badge there.

13 (WHEREUPON, the jury was excused and exited the
14 courtroom at 3:01 p.m.)

15 THE COURT: All right. At this time, I'll take up any
16 motions at the reading of the -- at the close of the case.

17 MR. MEETZE: Judge, at this time, we would make a motion
18 for a new trial based on the verdict that was returned by the
19 jury not being supported by the evidence that was presented
20 in this case.

21 THE COURT: All right. Thank you, Mr. Meetze.

22 I'm going to respectfully deny that motion. I do think
23 that it was a factual issue for the jury to -- to decide, and
24 I think -- I think that there were -- depending on how the
25 jury viewed it, I think there were facts in the -- in the

1 evidence that would support the verdict that they rendered.
2 And so I would respectfully deny that.

3 MR. MEETZE: Judge, also for the record, I just renew
4 all previous motions and objections.

5 THE COURT: All right. And the record will clearly
6 reflect that the defense has renewed all of their previous
7 objections and motions and the exceptions to those rulings.

8 All right. Is the State ready to proceed to sentencing?

9 MR. MCEACHIN: We are, Your Honor.

10 THE COURT: Is the defense ready?

11 MR. MEETZE: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. MCEACHIN: May it please the Court, Your Honor.

14 THE COURT: Yes, sir.

15 MR. MCEACHIN: Standing before you is Anthony Raynard
16 Randall. He's before the Court on Indictment Number 2018-GS-
17 33-300. This case was tried by a jury here in Marion County
18 on today's date.

19 The defendant was convicted of one count of voluntary
20 manslaughter, one count of possession during a violent --
21 possession of a weapon during a violent crime, and one count
22 of unlawful carrying of a pistol. With regard to the
23 voluntary manslaughter charge, Your Honor, that is a violent
24 and most serious offense under South Carolina law.

25 The defendant is represented by Vick Meetze and Franklin

1 Chandler of the Public Defender's Office.

2 THE COURT: Thank you, sir.

3 All right. Mr. Meetze? Mr. Chandler? I'd be more than
4 happy to hear from either one or both of you. And if Mr.
5 Randall would like to address the Court, I would be happy to
6 hear from him. And then if there's anyone on his behalf --

7 MR. MEETZE: Sure.

8 THE COURT: -- I would be happy to hear from them.

9 Mr. McEachin, if there's any members of the victim's
10 family that would like to be heard, I'll be happy to hear
11 from them at that time.

12 MR. MCEACHIN: Thank you.

13 THE COURT: Okay. All right. Mr. Meetze?

14 MR. MEETZE: Thank you, Your Honor.

15 Judge, on Mr. Randall's behalf, just to say, obviously,
16 you've been here for the trial. So you're familiar with --
17 with the facts. I'll just -- just say that I truly don't
18 believe that this was any -- anything premeditated when Mr.
19 Randall went out that night and went to the Tobacco House
20 that he had any intent on anything like this happening
21 whatsoever.

22 Circumstances arose. They arose quickly, escalated
23 quickly, and ended up in, obviously, a tragic result. And
24 for that, he, as well, is extremely sorry and certainly, if
25 he could, would certainly take it back.

1 Judge, Mr. Chandler and myself, in preparing for this
2 case and talking to Mr. Randall beforehand, you know, had
3 told him that what we would try to do would be to get him an
4 offer for a voluntary manslaughter plea. We felt like from
5 the beginning that that was really a just result for this
6 case under these facts.

7 And certainly, try as we might and, certainly, it's the
8 State's right to make offers or not make offers, he wasn't
9 given that opportunity and, you know, Judge, had he been
10 given the opportunity to plead to what he was eventually
11 convicted of, then we wouldn't have had to go through all
12 this.

13 But so we just ask you to take that in consideration
14 with regard to him exercising his right to a trial. It was
15 done so with really starting the trial with the hope and
16 understanding that this was -- was the verdict that was, in
17 our mind, the most just and what we were -- what we were
18 seeking as the most realistic and, again, just verdict.

19 He's been in since his arrest, which is 291 days. We
20 would certainly ask that any sentence you impose on the
21 charges that they run concurrently and ask for leniency and
22 mercy and for a sentence that is just and reflects punishment
23 for what he's been convicted of.

24 THE COURT: All right. Thank you, Mr. Meetze.

25 Mr. Chandler, anything?

1 MR. CHANDLER: Your Honor, I think Mr. Meetze covered
2 just about everything. I've known Anthony since he first got
3 arrested. I covered his bond hearings. He's certainly
4 remorseful for what took place that night. That is in no way
5 what he intended to happen that night and he never did intend
6 for that to happen at any point during the night, and we just
7 ask you be as merciful as possible.

8 THE COURT: Thank you, sir.

9 MR. CHANDLER: He is 30 years of age, as well, Your
10 Honor.

11 THE COURT: All right. If she can just come around to
12 the end of the table here?

13 Ma'am, if I could just -- I'd be more than happy to hear
14 from you. If I could just get your name for the record,
15 please?

16 MS. JORDAN: My name is Mary Jordan.

17 THE COURT: All right. Ms. Jordan, I'll be happy to
18 hear from you, ma'am.

19 MS. JORDAN: I'm Anthony's grandmother.

20 THE COURT: Yes, ma'am.

21 MR. MEETZE: Anything you'd like to say?

22 MS. JORDAN: Oh, I want to speak on Anthony's behalf.
23 He's a good, good man. You know, he's been raised real good.
24 I raised him myself, you know, but I just hope that somebody
25 just have mercy on him, you know, and give him a chance, you

1 know, because his life -- he's still got life to live, you
2 know. Give him a chance to live and try to get this past and
3 try to be a man, you know.

4 THE COURT: Yes, ma'am. All right.

5 MS. JORDAN: That's all I ask, Your Honor, please, sir.
6 Thank you.

7 THE COURT: Thank you, Ms. Jordan.

8 MS. JORDAN: You're welcome.

9 THE COURT: I appreciate you being here, ma'am.
10 Is there anyone --

11 MR. MCEACHIN: Your Honor, we do have several members of
12 the victim's -- Dashamel Drayton's family here. Ms. Letticia
13 Drayton, his mother, is here. Ms. Dorthey Drayton, his
14 grandmother, as well as Ms. Mildred Riggins, his grandmother.

15 Ms. Barbara Williams and Ms. Cynthia Williams are his
16 aunts. Ms. Daphne Benbow or Benbow is a cousin. Ms. Travail
17 Rogers is an aunt. Ms. Jasmine Gause is a cousin. Ms.
18 Patricia Davis is a cousin. Mr. Andre Riggins is an uncle,
19 and Ms. Deon Davis is a cousin. If it please Your Honor,
20 I'll provide the court reporter with the spellings of all of
21 these names.

22 Your Honor, it's my understanding that Mr. Drayton's
23 mother, Ms. Letticia Drayton, would like to speak.
24 Additionally, I think the family has been able to compose a
25 letter that Vicky Singletary, our victim's advocate, is going

1 to read to the Court for them.

2 THE COURT: All right.

3 MR. MCEACHIN: I believe that would be it, Your Honor.

4 THE COURT: Okay. That's fine.

5 MR. MCEACHIN: Just state your name first.

6 MS. DRAYTON: Letticia Drayton.

7 THE COURT: Yes, ma'am?

8 MS. DRAYTON: Judge Russo, I'm the mother of Dashamel

9 Prince Drayton. I have so many mixed emotions right now.

10 The first time I stood here was for the bail hearing. I was

11 nervous because I was speaking for the people. Today, I'm

12 not full of nerves as much as between hurt, maybe angry,

13 because I only have one boy.

14 THE COURT: Yes, ma'am.

15 MS. DRAYTON: And when I talk about my two kids -- I

16 have a daughter -- I say my babies. He's 23 and she's 21.

17 That's my babies.

18 And I just want to tell you real quick Dashamel -- he

19 was a loving -- no problems. They had a vigil for my child

20 and at that vigil, a police officer stood to say he

21 challenged the others to say something bad about that boy.

22 They couldn't.

23 Every family member has been affected from me, his

24 grandmothers, his aunts, uncles, cousins. I state it's

25 devastation through my family right here because this is a

1 boy when you see him he smiles, hugging, I love you. It's so
2 bad that he's 23 years old and I couldn't even see him a
3 grown man. You know what I'd always see? My baby, Dashy.

4 And because of that night, because of that night, not
5 thinking, people want to put up -- pick up guns. Don't
6 understand them guns don't have a name on it when you pull
7 it. Whether you mean to or not, they're killing babies,
8 children, grandmas, aunts, and uncles, and they have people
9 standing here like me, who is devastated.

10 I don't know what this pain -- this pain -- I would
11 never wish this on anybody else. It hurts and it puts you in
12 a dark place many days. This is my dark place. Don't want
13 to talk. Outgoing. Don't know what to do with yourself some
14 days because my baby is gone, all because somebody wanted to
15 pick that gun up and play God at that moment.

16 Now, don't get me wrong. I do believe the injuries to
17 him -- God had a chance to give me my baby, but the injuries
18 -- he couldn't live or wanted to live like that. So God had
19 to step in and take him, but it's all because of that gun.
20 Because of that. That was a gun battle. And then when it's
21 over, people want to sit there like you can't bring him back.

22 And as this trial went from yesterday -- Monday,
23 Tuesday, and today, I sat here and I watched and I thought to
24 myself and a little jealousy ran through my body because I
25 got to see him in here laughing with his family. I got to

1 see smiles and I could hear his name being called and he'd
2 answer.

3 Dashamel. Dash. Dashy. Is he going to answer me? No.
4 Is he? No. You know what I got to do? Think in my head and
5 remember Dashy this, Dashy that. Hear his voice. Go to that
6 cemetery and look at a picture and talk to my child and wish
7 and pray how if heaven -- if heaven only had visiting hours.
8 Oh, how I would be there with my baby.

9 And now my baby is gone and can't nobody bring him back.
10 His sister is tore up. My mom. Her mother as well. My
11 aunt. All this you see, that's nothing. My whole family.
12 Every other week or every other day you hear somebody calling
13 me. His cousin would like that. He's in the navy. He can't
14 get through. He don't know how to get flush with it.

15 But I'll tell you this boy would light up a room with a
16 smile, and now my baby is gone. I'm not going to lie. I
17 wanted life because I felt like -- and since I didn't get
18 that murder, but I felt like at least they have their son.
19 You may have to go behind the gates or whatever it is in
20 South Carolina, but you can touch him. You can hear his
21 voice.

22 I can't do that, and I'm still in the dark. I don't
23 have emotions sometimes and sometimes you may not see me
24 crying and I hold it in to be strong, and then sometimes I
25 just break.

1 THE COURT: Yes, ma'am.

2 MS. DRAYTON: He didn't give me no grands. I don't got
3 a grandchild. He didn't get married. He didn't finish
4 filling his life. There's a way to do things. He didn't get
5 to do that, all because he took that from me, and I don't
6 think that it's so mean to want somebody to spend their time,
7 the rest behind there, because at least their family got him.

8 But you know what? I guess I was waiting because I feel
9 sorry for them just a little because I don't even know if he
10 grasps that, what he took from us, and I hear his
11 grandmother. I feel her. I get what they're doing. But let
12 me just feel that. But I'm not ready to forgive. But that's
13 what kind of child, I guess, what me and baby played in,
14 because he's like me.

15 And I just want you to give him the sentence I want,
16 life. I don't know if that's possible, but I want him to get
17 the most because at the end of the day, his family has still
18 got him and I -- I don't got my baby no more.

19 THE COURT: Yes, ma'am. I'm so sorry that you have to
20 be here, and I'm so sorry for your loss, ma'am.

21 MS. DRAYTON: And it's sad. This gun violence got to
22 stop. It's not even me. You probably see a thousand
23 different mothers come through here, probably making the same
24 cries as me. That's their child. That's a mother's
25 heartbreak when you lose that because you can't abide that.

1 But at the end of the day, something got to be done.
2 You can't keep popping them on the wrist. You get in
3 trouble, we let you out. Well, when we let you out, we let
4 you out not to go do the same thing. Start your life over.

5 THE COURT: Right.

6 MS. DRAYTON: Do better. Don't come out and take
7 another life. You know, so it's like something got to give.
8 It could be me or anybody else in here. It got to give.
9 This gun battles is picking up and shooting and killing.
10 Something. It got to give. Something got to be shown, like
11 I said.

12 THE COURT: Yes, ma'am. Thank you.

13 MS. SINGLETARY: Your Honor, Vicky Singletary, a victim
14 advocate in the Solicitor's Office.

15 THE COURT: Yes, ma'am.

16 MS. SINGLETARY: I've been entrusted to read a letter
17 from his godmother.

18 THE COURT: All right.

19 MS. SINGLETARY: He has a lot of family in New York.
20 Let me give you her name. Her name is Ms. Kendra Williams
21 Grant. I believe that's the victim's godmother.

22 THE COURT: Okay.

23 MS. SINGLETARY: This is dated November 6th, 2018.

24 Nine months ago, I experienced a level of pain that
25 brought me to my knees. It caused an aching in my heart that

1 has yet to go away.

2 At birth, Dashamel Drayton's parents entrusted me to be
3 his godmother and, with that honor, he became my son. He
4 became my Dash and I became his Mama Kendra.

5 Upon hearing of this shooting, I immediately became
6 fearful at the thought of losing him. As the hours passed, I
7 frequently prayed for God to keep him. I cried hysterically.
8 I yelled. I paced. It was simply due to the lack of ability
9 to do anything else. I continuously fell to my knees. I had
10 no strength. I knew that he was fighting for his life and
11 that there was nothing I could do to help him. I was
12 helpless.

13 Dashamel has always warmed the hearts of everyone. From
14 his newborn days, his smile has always been able to light up
15 a room. His gentle, loving nature -- nature never wavered.
16 He let us all know that he loved us. He hugged, he kissed
17 us, and he even said the words I love you.

18 Since his death, my family has remained numb. We mourn
19 him every hour of every day. We imagine what his future
20 would have been like. We imagine him as a husband, a father,
21 an uncle. We shed tears over the fact that he will never
22 have these opportunities.

23 Not only have the blessings of life been taken from him,
24 Dashamel at the early age of 23, they have also been taken
25 away from the world. His parents will never see his

1 offspring and we will never be able to beam in the pride and
2 relish in the joy of him being a family man.

3 Dashamel's picture remains on the mirror of my bathroom
4 vanity, as well as my phone screen saver. I'm not yet ready
5 to accept that, because of this senseless crime for which he
6 was an innocent bystander, we no longer have this exceptional
7 young man in our lives. Dashamel's murder is a tragedy, a
8 tragedy that will remain with my family throughout the rest
9 of our lives.

10 Your Honor, I ask that you render your sentence and you
11 consider the devastation of my family and what I am
12 experiencing. I ask that you send a clear message that gun
13 violence is unacceptable and must end. Marion County, as
14 well as the counties throughout our country, are plagued by
15 crime. Let's not allow the surge in gun violence to also
16 overtake our home community.

17 As a result of the circumstances in this case, I humbly
18 request a sentence of life without parole. Thank you.
19 Kendra Williams Grant, victim's godmother.

20 I also have additional letters from various members of
21 the family and the community that I will be entering into the
22 file.

23 THE COURT: All right. Thank you very much, ma'am.

24 MS. SINGLETARY: We may have one other family member
25 that wants to speak.

1 MS. WILLIAMS: Cynthia Williams. I'm Dashamel's aunt.

2 THE COURT: Yes, ma'am?

3 MS. WILLIAMS: There's nothing more for me to say. My
4 family has said it all. We are devastated. And every day
5 that we wake up, we can look at each other and we can smile,
6 but eventually, that great sadness, as we call it, will come
7 upon us and you can tell because, all of a sudden, the smile
8 is gone, the joy is gone. It can be something as simple as
9 just thinking about how a holiday coming up and it just
10 doesn't seem fair that other people get to keep their kids,
11 see them, and we can't.

12 And I guess the thought of me walking down the street
13 one day and looking in the face of someone that I know --
14 that I know doesn't appear as sad as I am for the situation
15 is painful. So I just stand before you and say I trust your
16 judgment and I will not question it, but please consider the
17 devastation of our family.

18 THE COURT: Yes, ma'am. Thank you very much.

19 MR. MCEACHIN: Your Honor, as far as the defendant's
20 prior record is concerned --

21 THE COURT: Yes, sir.

22 MR. MCEACHIN: He had a juvenile case that resulted in
23 him being placed on the sex offender registry. He had a
24 public disorderly conduct in 2008, a discharging firearm in
25 2009, unlawful carrying charge associated with that 2009

1 charge, a failure to register as a sex offender in 2010,
2 malicious injury to personal property in 2012, as well as a
3 criminal domestic violence, first offense. It looks like he
4 had two separate trespassing charges in 2012 and a
5 trafficking cocaine charge from 2014.

6 Your Honor, as far as the State is concerned on this
7 case, you've had an opportunity to hear from the victim's
8 family and, given what they have said, given the defendant's
9 prior record, given what he has been convicted of here today,
10 it's the State's position that he should receive the maximum
11 sentence on the three charges that he has been convicted of
12 and that those shall -- should be run consecutively.

13 With regard to possession of a weapon during the
14 commission of a violent crime, I believe statutorily the
15 Court may be required to run that consecutive because the
16 voluntary manslaughter did not carry life in prison. So I
17 believe that charge has to be run consecutive, and we would
18 ask that all charges be run consecutively in this case, Your
19 Honor.

20 THE COURT: All right. To -- to Ms. Drayton and the
21 family, I appreciate your words. I can't -- I'm not going to
22 say I understand your pain because I haven't walked in your
23 shoes, but I can just imagine it. But if I could just take a
24 moment just to share something briefly with you, and I hope
25 you'll -- I hope you'll receive it in the -- in the care in

1 which I say it.

2 I can imagine being in a dark place, as you mentioned,
3 Ms. Drayton, and my hope and my prayer for you and for your
4 family is that you can find your way out of that, and part of
5 that, I believe, comes through being able to let go and
6 forgive and to not harbor the anger or the hate.

7 Now, I understand the anger and the hate and -- and the
8 unforgiveness. I understand it. It's absolutely
9 understandable, but I also understand this about those types
10 of feelings and emotions.

11 And I don't want to be crude the way I'm saying it, but
12 this fellow here -- if you hate him or are unforgiving toward
13 him or wish evil on him, it doesn't affect his life one way
14 or the other. He could care less. What it does is it
15 destroys you and it destroys your happiness. It destroys
16 your ability to move forward.

17 And so if there -- if you can -- and in time, I hope you
18 will. Try to turn loose those emotions, forgive, and move
19 past that darkness because you deserve better than that.
20 Anger and hatred end up inside hurting us. It doesn't hurt
21 the person we're angry at or that we hate. It ends up really
22 affecting our lives, and you deserve better than that.

23 So I hope you'll be able to come to that place, and I
24 think you will. It'll take time, but I pray for you that
25 you'll get there.

1 Mr. Randall, the thing that just frustrates me to no end
2 is I don't know what you're doing hanging out in front of
3 that place over there, but apparently, it's a hangout.
4 Here's what I know though.

5 Your grandmother, who is hurting because she's about to
6 lose you -- not the way Ms. Drayton has lost her son, but
7 you're out of her life for -- for whatever period of time.
8 All the people that you've affected because, for whatever
9 reason, you felt it necessary to carry a gun.

10 Now, I'm about -- I'm an advocate of gun rights. I'm a
11 believer in our Second Amendment, but this isn't what the
12 Second Amendment is about. This is -- walking the streets
13 and unlawfully carrying a weapon so that you can use it on
14 someone that you disagree with is not what the Second
15 Amendment is about. It's not what gun rights is about.

16 You're a convicted felon. You're not supposed to be in
17 possession of a weapon to begin with and you're carrying it
18 unlawfully.

19 I don't know Mr. White that I heard about in this trial.
20 The witnesses -- no one -- no one saw him with a weapon. I
21 don't know if he had one or not. I wasn't there. But I know
22 if you didn't have one, you wouldn't be here. You'd be at
23 home with your family. Dashamel would be home with his
24 family.

25 This is just getting too common in our society. And you

1 know what? It's not -- it's not gender, it's not race, it's
2 not national origin, anything. It's across the board. Young
3 people today, whites, blacks, Asians, Hispanics, it doesn't
4 matter, all think they have to carry guns, and this is the
5 result.

6 And there's going to be somebody behind you, after you
7 are gone, who is going to say I need to carry a gun because
8 the others are carrying guns. What if all of you put them
9 down?

10 You know, when I was growing up, if that would have been
11 me on that corner that night -- because when I was young, I
12 hung out. I've gotten into scraps. I've got my tail whipped
13 before, and I've whipped other people's tail, but the problem
14 -- the thing about that is the next morning I woke up. I
15 might have had a sore jaw or a sore fist, but that was the
16 extent of it.

17 We didn't carry guns. We were man enough if we had a
18 problem with somebody to confront them face to face, man to
19 man, not behind the barrel of a gun. This is just senseless
20 and it's destroying lives and I don't know how to stop it.

21 (WHEREUPON, there was a pause in the proceedings, after
22 which the proceedings resumed as follows.)

23 SENTENCE

24 THE COURT: On Indictment 2018-GS-33-300, as to the
25 charge of voluntary manslaughter, the sentence of the Court

1 is that you be committed to the State Department of
2 Corrections for a period of 30 years.

3 On -- on that same indictment under Count V, possession
4 of a weapon during the commission of a violent crime, the
5 sentence of the Court is that you be committed to the State
6 Department of Corrections for a period of 5 years.

7 Under Count VI of that indictment, the unlawful carrying
8 of a pistol, that you be committed to the county detention
9 center for a period of 291 days.

10 You are to be given credit for the 291 days that you
11 have served. The sentences on Counts I and Counts V are to
12 run consecutive. Count VI to run concurrent with those.

13 MR. MEETZE: Thank you, Your Honor.

14 THE COURT: Good luck to you, sir.

15 MR. CHANDLER: Thank you, Judge.

16 MR. MCEACHIN: Thank you, Judge.

17 (WHEREUPON, the proceedings ended at 3:32 p.m.)

18

19 --- END REQUESTED TRANSCRIPT ---

20

21

22

23

24

25

1	State of South Carolina	)	
2		)	Certificate
3	County of Florence	)	

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 309, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Marion County, South Carolina, on the 5th through 7th days of November, 2018.

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

17 s/ Krystal J. Smith

18 Court Reporter

20	Florence, South Carolina

21 | April 11, 2019

WITNESSES

Tony P Flowers Marion Police Department

Fitzlee H McEachin

ARREST WARRANT NUMBER

2018A3320100032 ✓ 2018A3320100030 ✓
2018A3320100034 ✓
2018A3320100035 ✓ 2018A3320100037 ✓
2018A3320100036 ✓

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: 7-26-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-33-00300

The State of South Carolina

County of

MARION

COURT OF GENERAL SESSIONS

JULY TERM 2018

THE STATE

vs.

ANTHONY RAYNARD RANDALL

TRUE BILL

Indictment for

MURDER,
ATTEMPTED MURDER,
POINTING AND PRESENTING A FIREARM
(TWO COUNTS),
POSSESSION OF A WEAPON
DURING A VIOLENT CRIME
AND
UNLAWFUL HANDGUN

FILED
2018 JUL 26 PM 2:04
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)

INDICTMENT FOR
 MURDER,
 ATTEMPTED MURDER,
 POINTING AND PRESENTING A FIREARM
 (TWO COUNT),
 POSSESSION OF A WEAPON DURING
 A VIOLENT CRIME
 AND
 UNLAWFUL HANDGUN

At a Court of General Sessions, convened on JULY 26, 2018 the Grand Jurors of MARION County present upon their oath:

✓ COUNT ONE- MURDER

That ANTHONY RAYNARD RANDALL did in Marion County, on or about January 20, 2018, willfully, feloniously, and intentionally kill the victim, Dashamel Drayton, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about January 20, 2018 in Marion County, in violation of Section 16-03-0010, 0020, S. C. Code of Laws, 1976, as amended.

COUNT TWO- ATTEMPTED MURDER

That ANTHONY RAYNARD RANDALL did in Marion County, on or about January 20, 2018, with malice aforethought attempt to murder Demetrik T. White by shooting him with a firearm, causing great bodily injury and substantial risk of death; in violation of Section 16-03-0029, S.C. Code of Laws, 1976, as amended.

COUNT THREE - POINTING AND PRESENTING A FIREARM

That ANTHONY RAYNARD RANDALL did in Marion County on or about January 20, 2018, point or present a loaded or unloaded firearm, to wit: Smith & Wesson .380 Cal. Semi, at one, in violation of Section 16-23-0410, S. C. Code of Laws, 1976, as amended.

COUNT FOUR- POINTING AND PRESENTING A FIREARM

That ANTHONY RAYNARD RANDALL did in Marion County on or about January 20, 2018, point or present a loaded or unloaded firearm, to wit: Smith & Wesson .380 cal., at one, in violation of Section 16-23-0410, S. C. Code of Laws, 1976, as amended.

✓ COUNT FIVE- POSSESSION OF A WEAPON DURING A VIOLENT CRIME

That ANTHONY RAYNARD RANDALL did in Marion County, on or about January 20, 2018, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR MURDER,
 ATTEMPTED MURDER, POINTING AND PRESENTING A FIREARM (TWO COUNTS), POSSESSION OF A

WEAPON DURNING A VIOLENT CRIME AND UNLAWFUL HANDGUN, WITH THE AFORESAID
NAMES(S) OF ANTHONY RAYNARD RANDALL SHOWN THEREON:

✓COUNT SIX- UNLAWFUL HANDGUN

That **ANTHONY RAYNARD RANDALL** did in Marion County on or about January 20, 2018, carry about the person a pistol, such carrying not being authorized by law, in violation of Section 16-23-0020, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

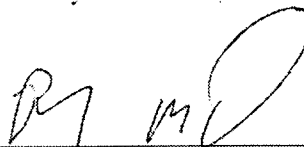
A handwritten signature in black ink, appearing to read "E.L. Clements, III". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of November, 2019.

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."

RECEIVED

NOV 08 2019

SC Court of Appeals

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of November, 2019.