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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
General Sessions Court
Letitia H. Verdin, Circuit Court Judge

Case No. 2015-GS-39-01893
Case No. 2015-GS-39-01895

Appellate Case No. 2017-002042

RECEIVED
FEB 04 2019
SC Court of Appeals

The State,

Respondent,

v.

Jaron Lamont Gibbs,

Appellant.

RECORD ON APPEAL
VOLUME 1 OF 2

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ATTORNEYS FOR RESPONDENT

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Jaron Lamont Gibbs,

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VOLUME 1 OF 2

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ATTORNEYS FOR APPELLANT

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
OCT 02 2017
SC Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of General Sessions

Letitia H. Verdin, Circuit Court Judge

Case Nos.: 2015-GS-39-01893
2015-GS-39-01895

The State,

Respondent,

v.

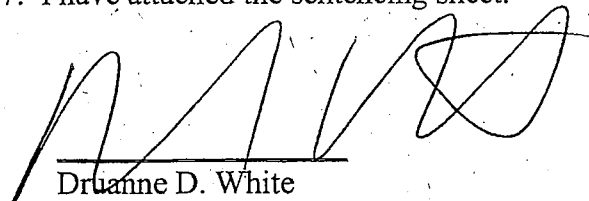
Jaron Gibbs,

Appellant.

NOTICE OF APPEAL

Jaron Gibbs appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Letitia H. Verdin on September 21, 2017. I have attached the sentencing sheet.

September 22, 2017



Druanne D. White
P.O. Box 1346
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Attorney for Appellant

Other Counsel of Record:
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Thirteenth Judicial Circuit Solicitor
Brandi Hinton
Assistant Solicitor
214 East Main Street
Pickens, SC 29671
Attorney for Respondent

WITNESSES

Mike Arflin

Clemson Police Department

8/6/2015

ARREST WARRANT NUMBER

2015A3920200235

ACTION OF GRAND JURY

TRUE BILL

Date _____

OCT 13 2015

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

Date: 09/21/2017

DOCKET NO. 2015-GS-39-1893
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

OCT 13 2015 TERM 2015

THE STATE

vs.

JARON LAMONT GIBBS

Indictment for

0549

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A CRIME

VIOLATION § 16-23-0490

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
POSSESSION OF A WEAPON DURING THE COMMISSION OF A
CRIME

RECEIVED

OCT 02 2017

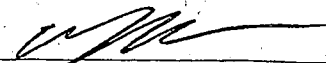
SC Court of Appeals

At a Court of General Sessions, convened on **OCT 13 2015** the Grand Jurors of Pickens

County present upon their oath:

That JARON LAMONT GIBBS did in Pickens County, on or about the 1st day of August, 2015, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR BAR # 66112

WITNESSES

Mike Arflin

Clemson Police Department

8/6/2015

ARREST WARRANT NUMBER
2015A3920200234

ACTION OF GRAND JURY

TRUE BILL

Date

OCT 13 2015

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury
Date: 09/21/2017

DOCKET NO. 2015-GS-39-1895
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

OCT 13 2015

TERM 2015

THE STATE

vs.

JARON LAMONT GIBBS

0116 Indictment for

MURDER

VIOLATION § 16-03-0010, 0020

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on

OCT 13 2015

the Grand Jurors of Pickens

County present upon their oath:

That JARON LAMONT GIBBS did in Pickens County, on or about the 1st day of August, 2015, unlawfully and with malice aforethought kill ROBBIE EDREW PORTER by means of firing a handgun into the vehicle that the victim was riding in, striking the victim in the head, and that ROBBIE EDREW PORTER died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina 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.


SOLICITOR

BAR # 66112

COUNTY OF Pickens VS. STATE

INDICTMENT/CASE#: 2015GS3901893

Jaron Lamont Gibbs

A/W#: 2015A3920200235

AKA:

Date of Offense: 8/1/2015

Race: BLACK Sex: M Age: 25

S.C. Code §: 16-23-0490

DOB: SS#:

CDR Code #: 0549

Address:

City, State, Zip: Greenville, SC 29605-1350

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Weapons / Poss. Weapon During Violent Crime

RECEIVED OCT 02 2017 SENTENCE SHEET 5 years SCC Court of Appeals

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant, Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Brandi Hutton 77844 Defendant WHITE, DRUANNE 05991 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 780 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like Assessments 107.5%, Conv. Surcharge \$100, DUI Surcharge \$100, etc.

TOTAL \$ 128.75

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Defendant Fund
Other: Harold P. Walker

Clerk of Court Pickens County, SC Dated 9/22/17
Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk: Harold P. Walker
Court Reporter: Teresa Johnson

Presiding Judge:
Judge Code:
Sentence Date: 9/21/17

STATE OF SOUTH CAROLINA

COUNTY OF Pickens
STATE VS.
Jaron Lamont Gibbs

AKA:
Race: BLACK Sex: M Age: 25
DOB: SS#:
Address:
City, State, Zip: Greenville, SC 29605-1350
DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Murder (gs)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3901895
A/W#: 2015A3920200234
Date of Offense: 8/1/2015
S.C. Code §: 16-03-0010, 0020
CDR Code #: 0116

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OCT 02 2017

SC Court of Appeals

SENTENCE SHEET

30-life

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Brandi Batson 77844 Defendant WHITE, DRUANNE 05991
Hinton, Brandi Batson SC Bar# Defendant WHITE, DRUANNE SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 35 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 780 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75. TOTAL \$ 128.75

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund

Certified Copy

Clerk of Court
Pickens County, SC

Appointed or appointed other courts
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk Harold P. Walker
Court Reporter: Terga Johnson

Presiding Judge
Judge Code:
Sentence Date: 9/21/17

STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	
COUNTY OF PICKENS)	Case No(s) : 2015GS3901893,
)	2015GS3901895
State of South Carolina,)	
)	
Plaintiff,)	
)	
-VS-)	TRANSCRIPT OF RECORD
)	VOLUME 1 OF 4
Jaron Lamont Gibbs,)	
)	
Defendant.)	
)	

September 18 - 22, 2017
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

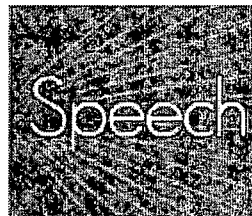
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BRITNI McCALL, Esquire
Attorneys for the Plaintiff

DRUANNE WHITE, Esquire
ASHLEA WHITE, Esquire
Attorneys for the Defendant

Teresa B. Johnson, CVR-M, CM
Certified Court Reporter
P.O. Box 2812
Greenville, S.C. 29602

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1 for just a minute. (Pause.)

2 All right. Ladies and Gentlemen, as I said,
3 I'm going to ask you to stand. But if not, then
4 you just come -- you just let me know you want
5 to come up and talk to me about it here. Of
6 course, the attorneys involved in this case and
7 my court reporter will be here, but, you know,
8 if it's something you don't want to talk about
9 in front of everybody, please let me know.

10 All right. To begin with, this is the State
11 of South Carolina versus Jaron Lamont Gibbs.
12 Mr. Gibbs is charged with Murder and Possession
13 of a Weapon during the Commission of a Crime,
14 and the elements of that will be explained to
15 you later.

16 Now, I'm going to first begin by allowing
17 the attorneys for the State to introduce
18 themselves.

19 Yes, ma'am.

20 **MS. HINTON:** Thank you, Your Honor. Good
21 morning. My name is Brandi Hinton. I'm an
22 Assistant Solicitor here in Pickens County.
23 Seated over here is Detective Mike Arflin with
24 the Clemson City Police Department.

25 **MS. MCCALL:** And I am Britni McCall, also

1 who might know something about this case.

2 As I've told you before, please don't
3 listen to any news reports and avoid any
4 newspaper articles, if there are any at all
5 about the case. It's important that you keep an
6 open mind and not discuss any issue in the case
7 until all of the evidence has been presented.
8 Sometimes jurors ask me why that is. You know,
9 why can't we discuss it all along and,
10 certainly, remind each other about the evidence.
11 And that is so you don't make your mind up about
12 anything, nothing at all, until the end of this
13 case.

14 In just a moment, the Solicitor is going to
15 make what is called an opening statement, in
16 which she's going to tell you what she believes
17 the issues in this case to be. Opening
18 statements are not evidence; they are merely a
19 contention by the attorneys as to what the
20 issues are. Defense attorney in this case may
21 make an opening statement, although she is not
22 required to do so.

23 From time to time, you're going to hear the
24 attorneys say something like, can we approach on
25 a matter of law or could we take up a matter of

1 **THE COURT:** Yes, ma'am.

2 **MS. MCCALL:** Ms. White and Ms. White.

3 Ladies and Gentlemen of the jury, in 2015,
4 Robby Porter was a 23-year-old young man. He had
5 his whole life in front of him. He was a son, a
6 brother, a grandson, a friend, a loving husband
7 to Kalyn and a loving father to his two-year-old
8 son Clark. He had plans to teach his son Clark's
9 sports teams. He had just gotten a new job at a
10 nursery where he loved his patients.

11 On August 1st, 2015, Robby Porter was a
12 passenger in a car, the driver was Hunter Raby,
13 and Robby's wife was in the back seat. They
14 pulled up to a four-way stop. A man in the car
15 in front of him got out of the passenger seat.
16 That was the defendant. He got out of that car
17 and walked up to the driver's seat in the car
18 behind him.

19 Some words were exchanged. He stuck a gun
20 in the car. The driver's hand swatted the gun
21 away. The gun was brought back in the car and it
22 fired. It grazed the driver's head, and that
23 bullet lodged in Robby's own head, killing him.

24 You'll hear a lot of testimony today from
25 witnesses and tomorrow and the following day,

1 probably from witnesses. You'll see some
2 evidence. During that, you'll find out that none
3 of the parties in this case were saints. This
4 all started from a drug deal gone bad. After
5 this incident, the investigating officers, they
6 found, in the car, drugs. Also, in Robby's
7 system, he had drugs.

8 But that day did not go as planned. Robby
9 and his wife, Kalyn, planned to go to the lake
10 that day with Hunter Raby. On their way to the
11 lake, they planned to get some weed. They met up
12 with the defendant and bought some pot. As soon
13 as they drove off, they, shortly thereafter,
14 realized that they didn't get what they paid
15 for. They had been shorted. They made some phone
16 calls to try to figure out what was going on
17 with the situation.

18 They ended up getting behind the defendant
19 in the car that he was riding in. They
20 eventually came to a stop at a four-way stop in
21 Clemson. This four-way stop is a fairly busy
22 stop in Clemson. It was actually a Saturday in
23 August, a beautiful, sunny day. There were other
24 people at that intersection, not just the
25 victims and the defendant. There were other

1 witnesses that had also come to that four-way
2 stop that day. And you will hear from some of
3 those.

4 The victim is a passenger in the car, in
5 the back, back behind the car that the defendant
6 is riding in. When they come to this stop at the
7 four-way stop and the defendant gets out and
8 walks up to the driver's side window with a gun
9 in his hand, the actions that followed ended
10 Robby Porter's life. After the gun fired and it
11 ended up shooting Robby in the head, the
12 defendant returned to the car that he was riding
13 in and he drove off. The defendant ended up in
14 Georgia that day. Robby Porter ended up dead.

15 The defendant is charged with Murder and
16 Possession of a Weapon During the Commission of
17 a Violent Crime. Murder is the killing of
18 another person with malice aforethought. Well,
19 what is malice aforethought?

20 Malice can be shown by either being
21 expressed or implied, so it can be shown through
22 words or actions. One of the ways that it can be
23 shown through actions is conduct that shows a
24 depravity toward and a total disregard for human
25 life. In South Carolina, the use of a deadly

1 weapon may be inferred as malice.

2 **MS. D. WHITE:** Your Honor, may I be heard
3 please?

4 **THE COURT:** All right. Can you approach?

5 **MS. D. WHITE:** Yes. Yes, Your Honor.

6 (Bench conference is held off the record.)

7 **MS. D. WHITE:** Your Honor, I would just
8 object that the law does not provide that one
9 may infer malice simply from the use of a deadly
10 weapon.

11 **THE COURT:** All right, and your objection
12 is sustained.

13 All right. Go ahead.

14 **MS. MCCALL:** Thank you, Your Honor.

15 Also, in the state of South Carolina,
16 there's a doctrine called transfer of intent.
17 What that is is, essentially, what it sounds
18 like. In the case of murder, if one intends to
19 kill one person and in the process, someone else
20 is killed, that is described as transfer of
21 intent.

22 The State, in this case, has the burden of
23 proving to you these charges beyond a reasonable
24 doubt. What does that mean? What is beyond a
25 reasonable doubt? Well, if the State leaves you

1 firmly convinced that the defendant committed
2 these crimes, then you will find him guilty.
3 This is the same standard that every defendant
4 who has ever been convicted and in any criminal
5 trial has been convicted under. We, as the
6 State, willingly accept that burden to prove
7 that to you.

8 I'm sure many of you, like me, watched
9 college football this weekend, maybe pro
10 football occasionally. In football, one team has
11 plays and they come up with these plays in order
12 to confuse the other team. The quarterback will
13 want the opposing team to think I'm throwing the
14 ball to the left when, in fact, he's passing it
15 off to the right. They may do this to distract
16 the other team so they can get a touchdown. You
17 may see some of that in this trial. You may see
18 the defense trying to guide you down one path or
19 get you to look at one thing, but I would ask
20 that you keep your eye on the ball. Just try to
21 stay focused on the facts of this case and the
22 evidence and the testimony that is presented.

23 The defendant came into this courtroom
24 today an innocent man, but it is up to you to
25 decide whether or not he leaves here an innocent

1 man. The judge will instruct you fully on the
2 law, as she has stated. But it is up to each of
3 you to decide what the facts are in this case.
4 At the end of this trial, after you have heard
5 all of the testimony and seen all of the
6 evidence, the State will come back before you
7 and ask you to find the defendant guilty beyond
8 a reasonable doubt of Murder and Possession of a
9 Weapon During the Commission of a Violent Crime.
10 Thank you.

11 **THE COURT:** Thank you.

12 Yes, ma'am.

13 **MS. D. WHITE:** Please the Court?

14 **THE COURT:** Yes, ma'am.

15 **MS. D. WHITE:** You've heard that Jaron has
16 been indicted for Murder and Possession of a
17 Firearm During the Commission of a Violent
18 Crime. There's a reason why the judge said you
19 can't look at an indictment and give it any
20 weight, because these indictments -- we are not
21 even allowed to be there for the grand jury.
22 We're not even told it's going to happen that
23 day. One officer goes in. Often hundreds of
24 cases are indicted. So please don't give any
25 weight to the fact that this was an indictment.

1 The State would have you believe this is an
2 open and shut case. An execution killing on a
3 sunny day in a public place. End of story. I
4 think you're going to find out that's the
5 problem with this case. The end of the story was
6 written before the investigation began. And
7 everything in the investigation that was done
8 was to make that the end of the story.

9 I'm going to very much encourage you to pay
10 attention to the details in this. Pay attention
11 to the credibility of the witnesses, because
12 with these indictments, there's more to this
13 story than meets the eye.

14 **THE COURT:** All right, Ladies and
15 Gentlemen. I know it's early, but our timing
16 just happened to hit at a funny moment. So we
17 want to make sure that you're not sort of left
18 hanging with part of testimony. So we're going
19 to start tomorrow morning at 9 a.m.

20 I'm going to sound like a broken record.
21 Y'all are going to get so sick of me saying
22 this, but please don't discuss the case with
23 anyone. I thank you so much for your service. Go
24 and enjoy what, I believe, is still a sunny
25 afternoon. I'll see you back tomorrow morning at

P R O C E E D I N G S

(Proceedings begin on the 19th day of September, 2017 at approximately 9:07 a.m.)

(State's Exhibits 1 and 2 are marked for identification.)

(State's Exhibits 6 through 18 are marked for identification.)

THE COURT: All right. We ready to get started and bring the jury back in?

MS. HINTON: The State is, Your Honor. Thank you.

THE COURT: All right.

THE CLERK: Good morning.

THE COURT: Good morning.

(Jury enters at approximately 9:10 a.m.)

THE COURT: Good morning, Ladies and Gentlemen. I hope you had a good evening. We are now ready to get started with the testimony in this case.

MS. HINTON: Thank you, Your Honor. The State would call Kalyn Meaders to the stand.

KALYN MEADERS

having first been duly sworn, testifies as follows:

THE CLERK: Thank you, ma'am. If you would, have a seat and state your name for the

1 record please.

2 THE WITNESS: Kalyn Meaders.

3 DIRECT EXAMINATION

4 BY MS. HINTON:

5 Q Kalyn, if you would, just make sure you
6 speak into that microphone. There's a vent that runs
7 back here, so it's kind of hard to hear back in the
8 back. Okay? Kalyn, how old are you?

9 A 22.

10 Q Do you have any children?

11 A Yes.

12 Q How many?

13 A One.

14 Q And what's your child's name?

15 A Clark.

16 Q And how old is Clark?

17 A Four.

18 Q And who is Clark's father?

19 A Robby.

20 Q Robby? What was Robby's last name?

21 A Porter.

22 Q Were you and Robby married?

23 A Yes.

24 Q When did you guys get married?

25 A 2013.

1 Q And how did y'all meet?

2 A In high school.

3 Q Where did you go to high school?

4 A Daniel.

5 Q And were you guys together the entire time
6 through high school?

7 A We were together since I was 16.

8 Q And how do you know Hunter Raby?

9 A High school.

10 Q Did he go to Daniel, as well?

11 A Yes.

12 Q Do you know Jaron Gibbs?

13 A Yes.

14 Q And how do you know Jaron?

15 A Through Robby.

16 Q Okay. Did Jaron go to high school with you
17 all?

18 A Yes.

19 Q After high school, did you ever see Jaron?

20 A Yes.

21 Q How often did you see him?

22 A About every week in 2015.

23 Q And do you see Jaron Gibbs present in the
24 courtroom today?

25 A Yes.

1 Q And where is he sitting?

2 A Right there. (Indicating.)

3 MS. HINTON: Your Honor, I would like the
4 record to reflect that she's pointed to the
5 defendant.

6 THE COURT: All right. It so reflects.

7 MS. HINTON: Thank you, Your Honor.

8 BY MS. HINTON:

9 Q Kalyn, I want to go to August the 1st of
10 2015. What were you guys going to do that day?

11 A Go to the lake.

12 Q Who were you going with?

13 A Hunter and Robby.

14 Q And whose car were you in?

15 A Hunter's.

16 Q What kind of car did he have? Do you
17 remember?

18 A A white Explorer.

19 Q And where was everybody sitting in the car?

20 A Hunter was driving; Robby was in the
21 passenger seat; and I was behind the passenger.

22 Q Now, prior to going to the lake, did you
23 guys make any contact with the defendant?

24 A Yes.

25 Q And tell me why you contacted him.

1 **A** To buy marijuana.

2 **Q** Do you recall who contacted him?

3 **A** I don't remember. I think we were both
4 texting.

5 **Q** And "we both" being who?

6 **A** Me and Robby.

7 **Q** Did you end up meeting him to buy
8 marijuana?

9 **A** Yes.

10 **Q** And where did you guys meet?

11 **A** On Abel Road.

12 **Q** Do you recall the name of the road?

13 **A** I think it was Abel. It was in a circle.

14 **Q** And when you met up with him, tell me what
15 happened?

16 **A** They had a transaction in the front seat.
17 Then we drove around the circle.

18 **Q** So let me back up a little bit. Who is
19 "they"?

20 **A** Robby and Jaron.

21 **Q** And when you said they were having a
22 transaction, just in plain terms, tell me what
23 happened.

24 **A** He got weed from him and they had some kind
25 of pills that they were trading.

1 Q Okay. So he, being Robby, got weed
2 from ---

3 A Yes.

4 Q --- Jaron? Okay. And who traded Jaron
5 pills?

6 A Hunter.

7 Q And was any money exchanged?

8 A I think so.

9 Q After that happens, what do you guys do
10 next?

11 A We drive towards Walmart. Then we stop at
12 Walmart to weigh it.

13 Q To weigh what?

14 A The weed.

15 Q And do you weigh it?

16 A Yes.

17 Q All right. And what do you find when you
18 weigh it?

19 A That it wasn't what he said it was.

20 Q And what do you mean by that?

21 A It wasn't as much as he said it was.

22 Q And after you learned that, what happens
23 next?

24 A We called him and drove back to the circle
25 of Abel.

1 Q Okay. So he, being Robby, got weed
2 from ---

3 A Yes.

4 Q --- Jaron? Okay. And who traded Jaron
5 pills?

6 A Hunter.

7 Q And was any money exchanged?

8 A I think so.

9 Q After that happens, what do you guys do
10 next?

11 A We drive towards Walmart. Then we stop at
12 Walmart to weigh it.

13 Q To weigh what?

14 A The weed.

15 Q And do you weigh it?

16 A Yes.

17 Q All right. And what do you find when you
18 weigh it?

19 A That it wasn't what he said it was.

20 Q And what do you mean by that?

21 A It wasn't as much as he said it was.

22 Q And after you learned that, what happens
23 next?

24 A We called him and drove back to the circle
25 of Abel.

1 **MS. D. WHITE:** No objection.

2 **BY MS. HINTON:**

3 **Q** Kalyn, I'm going to show you what's been
4 marked as State's Exhibit Number 1. Do you recognize
5 what that is?

6 **A** Yes.

7 **Q** What is that?

8 **A** It's the circle off Abel Road.

9 **Q** And what's the whole thing?

10 **A** It's the Central/Clemson area.

11 **Q** Okay. Does this show on there where you
12 guys were?

13 **A** Yes.

14 **MS. HINTON:** Your Honor, at this time, the
15 State moves State's 1 into evidence.

16 **THE COURT:** All right. Without objection,
17 it's so admitted.

18 Ladies and Gentlemen of the jury, I just
19 want to tell you, these exhibits are being
20 presented for you. So if you can't see something
21 or at any point you can't hear any testimony,
22 let me know, and we'll take care of that.

23 (State's Exhibit 1 is admitted into the record.)

24 **BY MS. HINTON:**

25 **Q** Kalyn, there should be a laser pointer up

1 there. Press this red button right here. It does the
2 laser. Okay. I know it's a little out of focus. Can
3 you show on that map where -- around where this drug
4 transaction happened?

5 **A** Right around there. (Indicating.)

6 **Q** Okay. And where is the Walmart where you
7 guys went?

8 **A** Right here. (Indicating.)

9 **Q** Okay. And then you said you went back to
10 the area where you guys had originally been. Where
11 was that on that map?

12 **A** Right around there.

13 **Q** All right. When you go back to that area,
14 do you see the defendant?

15 **A** Yeah, we see them in the car.

16 **Q** Who is "them"?

17 **A** Him and the girl he was with.

18 **Q** Do you recall what kind of car they were
19 in?

20 **A** A Chrysler.

21 **Q** And when you guys see the Chrysler, what do
22 you do?

23 **A** We got behind him. Robby and him were on
24 the phone.

25 **Q** Robby and him, you mean Robby and the

1 defendant?

2 **A** Yes.

3 **Q** So you are behind the Chrysler, and then
4 where do you guys go? Do you recall?

5 **A** Towards the Walmart.

6 **Q** Use that laser pointer as well.

7 **A** We went down this road. (Indicating.)

8 **Q** Do you ever -- you got to 93. Do you ever
9 turn off of 93?

10 **A** Yes.

11 **Q** Where do you turn off?

12 **A** We turn down this road.

13 **Q** Okay.

14 **A** To this stop sign.

15 **Q** Okay. When you are following Mr. Gibbs'
16 car, the car that he's in, how is Hunter driving?

17 **A** Regular, I would assume.

18 **Q** Okay. Well, you were in there?

19 **A** Yeah.

20 **Q** So tell me what you saw.

21 **A** I don't remember him driving any other kind
22 of way. Just behind them.

23 **Q** And don't tell me what Robby said, cause
24 you can't do that, but tell me what was his demeanor?

25 **A** That he had mistakenly gave him the wrong

1 bag.

2 Q Just tell me how -- how was he talking? Was
3 he angry? Was he happy? Was he --

4 A He was -- he wasn't mad. He wasn't happy.
5 He was just explaining.

6 Q Okay. At some point, does anyone else in
7 the car talk to Mr. Gibbs that you are aware of?

8 A I don't remember.

9 Q Okay. Did you ever hear anyone in your car
10 make any threats towards Mr. Gibbs?

11 A No.

12 Q You said you turned down, I believe that's
13 Cambridge Road, and you come to a stop sign?

14 A Yes.

15 Q When you get to that stop sign, tell me
16 what happens?

17 A We stopped at the car -- in the car behind
18 him, and he got out of the car.

19 Q Who is "he"?

20 A Jaron.

21 Q Okay.

22 A And came back to our window and pulled the
23 gun.

24 Q And tell me what window does he come to.

25 A The driver's side.

1 Q So what -- what seat was Mr. Gibbs in in
2 the car in front of you?

3 A The passenger.

4 Q Tell me, does he walk around the cars,
5 between the cars? Where does he walk to get to the
6 driver's side?

7 A He walks behind his car and then around the
8 front of our car.

9 Q Okay. And when he gets to the driver's
10 side, what does he do?

11 A He pulls the gun. By the time I saw the
12 gun, it had already been fired.

13 Q Okay. When he gets to the driver's side,
14 how is Mr. Gibbs acting?

15 A Angry.

16 Q Do you remember anything he said?

17 A Something about money, but I don't remember
18 exactly what he said.

19 Q Did you -- was anybody else yelling back at
20 him, that you recall?

21 A I don't recall.

22 Q Did anybody else have a gun?

23 A No.

24 Q Okay. Did you see Mr. Raby do anything when
25 Mr. Gibbs had the gun?

1 **A** No.

2 **Q** Did you ever see him hit the gun?

3 **A** No.

4 **Q** Did you ever see him try to move the gun
5 from him?

6 **A** No, I couldn't see the gun from where I was
7 sitting.

8 **Q** You could or could not?

9 **A** I could not.

10 **Q** Do you recall telling law enforcement that
11 you saw him swat the gun?

12 **MS. D. WHITE:** Your Honor, I would object
13 to leading. This is her witness.

14 **THE COURT:** Sustained.

15 **MS. HINTON:** Okay.

16 **THE COURT:** I'll just ask you to rephrase
17 that question.

18 **MS. HINTON:** Sure.

19 **BY MS. HINTON:**

20 **Q** You gave a -- your testimony was that you
21 do not recall whether or not you saw any -- Mr. Raby
22 do anything to the gun, correct?

23 **A** Yes.

24 **Q** Do you recall giving a prior statement to
25 law enforcement about seeing Mr. Raby doing anything

1 to the gun?

2 **A** I don't remember.

3 **Q** Okay. Let me show it to you. What is that a
4 copy of?

5 **A** My statement.

6 **Q** Okay. And I don't want you to read it out
7 loud, but tell me when you gave that statement.

8 What's the date and time at the bottom?

9 **A** August 1, 2015 at 1:40.

10 **Q** Okay. In that bottom paragraph, just read
11 it to yourself. Don't read it out loud.

12 **A** (Reviewing.)

13 **Q** Now, do you recall whether you said
14 anything to law enforcement about what Mr. Raby did
15 when the gun was in his face?

16 **A** Yes.

17 **Q** And what did you tell them?

18 **MS. D. WHITE:** Your Honor, I'm going to
19 object. She just said she didn't see the gun. It
20 doesn't matter what she wrote. The point is she
21 just now said she didn't see the gun.

22 **MS. HINTON:** Judge, it does matter. I
23 mean, this is refreshing her recollection as to
24 what she said two years ago. I'm allowed to do
25 that.

1 **MS. D. WHITE:** No, ma'am. I understand
2 that, but she just said -- there's no
3 foundation. She can't come in and testify about
4 something that happened if she didn't see it. I
5 don't care whether you told someone you saw it
6 in the past, if that's not true, you can't.

7 **MS. HINTON:** Judge --

8 **MS. D. WHITE:** That would be hearsay.

9 **THE COURT:** Hold on just one second.
10 Yes?

11 **MS. HINTON:** Judge, that's part of her
12 cross-examination. But I think I have the right
13 to refresh any witness' recollection. I don't
14 know how much further I want to go into this in
15 front of the jury.

16 **THE COURT:** All right. I'm going to allow
17 her to refresh it. I certainly will allow you to
18 come back and vigorously cross her on that.

19 **MS. D. WHITE:** Yes, Your Honor.

20 **BY MS. HINTON:**

21 **Q** All right. Kalyn, tell me what you recall
22 telling the officer about what Mr. Raby did when the
23 gun was in his face?

24 **A** I wrote that he swatted the gun.

25 **Q** Okay. Did you ever tell anybody that there

1 was a struggle over the gun?

2 **A** I don't remember.

3 **Q** Was that in your statement that there was a
4 struggle? The word "struggle"?

5 **A** No.

6 **Q** After the shot is fired, what happens? What
7 do you see next?

8 **A** It was really loud. Then I saw Hunter jump
9 on top of Robby. That's when I got out of the car and
10 went to the front and tried to help him.

11 **Q** Did you see where Jaron went?

12 **A** He went to the car.

13 **Q** Which car?

14 **A** The Chrysler in front of us.

15 **Q** Did you see where the Chrysler went?

16 **A** To the right.

17 **Q** And can you use that laser pointer again
18 and show which way?

19 **A** This way. (Indicating.)

20 **Q** You said you got out of the car when the
21 shot was fired. Did you see anybody make any effort
22 to get out of the car prior to that shot being fired?

23 **A** No.

24 **Q** When you get out of the car, how are you
25 acting?

1 **A** Shocked. Scared.

2 **Q** And what are you trying to do?

3 **A** Put pressure on Robby's head and talk to
4 him.

5 **Q** And what is Robby's condition at that
6 point?

7 **A** Unconscious.

8 **Q** Do you recall whether anybody else came to
9 the car to help y'all?

10 **A** There was an EMT on -- a first responder at
11 the red light or at the stop sign whenever it
12 happened. He came over there.

13 **Q** Did you recognize Mr. Gibbs when he came
14 to the window of the car?

15 **A** Yes.

16 **Q** And were you able to -- did you identify
17 him as the person who did this?

18 **A** Yes.

19 **Q** Do you know Autumn Gilstrap?

20 **A** Barely. I know of her.

21 **Q** Was she present that day?

22 **A** Yes.

23 **Q** What was she doing?

24 **A** Driving the Chrysler.

25 **Q** And how did you know that she was driving

1 that Chrysler?

2 A I knew it was her car. I could see her.

3 Q Were you intoxicated on this day?

4 A No.

5 Q What was the weather like that day?

6 A Sunny.

7 Q And about what time of day did this happen,
8 if you recall?

9 A Right after lunch.

10 Q All right. Kalyn, that's all I have. Please
11 answer any questions that Ms. White may have for you.

12 **CROSS-EXAMINATION**

13 **BY MS. D. WHITE:**

14 Q Why did y'all go to the Walmart?

15 A To weigh it.

16 Q To weigh it?

17 A Yes.

18 Q Now, where were you living at this time?

19 A In Six Mile.

20 Q And do you know what the address was there?

21 A 1996 Liberty Highway.

22 Q And who all lived there with you?

23 A Me and Robby and his parents and my son and
24 his sisters.

25 Q And do you know why Hunter Raby would have

1 put Robby's parents down as contacts and emergency
2 contacts at the hospital that day for him?

3 A No.

4 Q So did he live there?

5 A No. He'd only met Robby's parents a time or
6 two.

7 Q And Robby and Jaron would play basketball
8 together, play video games together, things like
9 that. You said that they would get together about
10 once a week and those are some of the activities they
11 would enjoy together?

12 A They'd play basketball together when they
13 were in high school. They would get together every
14 now and again.

15 Q And what date did this happen, again?

16 A August the 1st.

17 Q All right. Yesterday -- well -- so you had
18 a phone on you; is that correct?

19 A Yes.

20 Q Who all had a phone in that car?

21 A All of us. But me and Robby's didn't have
22 any signal on it. It was just Wi-Fi.

23 Q But you all could text; is that correct?

24 A Not unless we were at home.

25 Q And so had you used it to text from at

1 home?

2 **A** Yes.

3 **Q** And you said that you all had talked to
4 Jaron or something earlier that day; is that right?

5 **A** Yes.

6 **Q** Okay. And so when you contacted him, did
7 you do it on your phones?

8 **A** Yes.

9 **Q** And did you do it by text?

10 **A** Yes.

11 **Q** Now, did Hunter have a phone?

12 **A** Yes.

13 **Q** And was that working?

14 **A** I believe, so.

15 **Q** Well, you said there were some phone calls
16 being made. So I guess what I'm getting at is whose
17 phone was used to make phone calls?

18 **A** Hunter's.

19 **Q** And were all of these phones in your car
20 that day?

21 **A** Yes.

22 **Q** Did anyone ever come to you and ask for
23 Robby's password, your password, or, to your
24 knowledge, Hunter's password?

25 **A** No, they took Robby's phone, but I don't

1 think it had a password on it.

2 Q And there was a tablet in the car. Do you
3 know whose tablet that was?

4 A No.

5 Q To your knowledge, was there ever a
6 forensic exam done by the forensic department and
7 SLED --

8 MS. HINTON: Objection, Your Honor. I
9 think that is outside of her purview as a lay
10 witness.

11 MS. D. WHITE: She can say she doesn't know
12 if she doesn't, Your Honor.

13 THE COURT: All right. I'll allow you to
14 ask the question.

15 BY MS. D. WHITE:

16 Q To your knowledge, was there ever a
17 forensic exam done on any of these devices by the
18 forensic department at SLED that can be done for free
19 to track any of this stuff you're saying to see if
20 it's true?

21 A I don't know.

22 Q But there's no question all the phones were
23 there that day?

24 A Yes.

25 Q Roped off in scene tape?

1 **MS. HINTON:** Your Honor, I'd ask that
2 she'd ask questions and not testify.

3 **MS. D. WHITE:** I'm asking.

4 **THE COURT:** I think it's in the form of a
5 question.

6 **THE WITNESS:** Can you rephrase that?

7 **BY MS. D. WHITE:**

8 **Q** Were these within the area that was roped
9 off with yellow tape?

10 **A** Yes.

11 **Q** So was there any reason that you saw why
12 law enforcement could not get all of these devices
13 and send them to SLED for review?

14 **A** No.

15 **Q** Now, when you go back to the map of State's
16 Exhibit 1, are you aware that is Curtis Circle right
17 here?

18 **A** I don't know the road well.

19 **Q** Okay.

20 **A** It was around Abel Road.

21 **Q** Okay. And this is Abel Road; is that
22 correct?

23 **A** Yes.

24 **Q** And then this is Walmart down here; is that
25 right?

1 **A** Yes.

2 **Q** Are you aware that this area in here is
3 approximately one point -- well, not approximately,
4 is 1.4 miles from this area here to the stop sign
5 here? Does that sound about right?

6 **A** Yeah.

7 **Q** Okay. And according to MapQuest anyway, it
8 takes about four minutes to get there. Would you
9 agree with that?

10 **A** Yes.

11 **Q** Now, you would agree that this is a bright,
12 sunny day?

13 **A** Yes.

14 **Q** And it was actually about 12:40?

15 **A** Yes.

16 **Q** Noon. In other words, right after lunch?

17 **A** Yes.

18 **Q** And would you agree that at this stop sign,
19 this is a busy intersection ---

20 **A** Yes.

21 **Q** --- where this occurred?

22 **A** Yes.

23 **Q** And you would agree there were lots of
24 other cars here when this occurred?

25 **A** Yes.

1 Q So there would be no belief on anyone's
2 part that you could do something without being seen?

3 A Yes.

4 Q Now, when you were at the scene, you gave
5 several different statements, verbal and written; is
6 that correct?

7 A I don't remember.

8 Q Well, do you remember talking to Sergeant
9 Bridge -- Bridge -- Bridgeman?

10 A I don't remember any of their names.

11 Q Do you remember talking to the detective on
12 the case?

13 A Yes.

14 Q Do you remember giving a written statement
15 to another law enforcement officer, the one you were
16 just shown?

17 A Yes.

18 Q Do you remember talking to other people at
19 the scene?

20 A Briefly.

21 Q And, ma'am, you did not tell one single
22 person, out of all of those people, that this was a
23 drug deal gone bad; did you?

24 A I don't remember.

25 Q In fact, you said that this happened

1 because Jaron owed you money; isn't that true?

2 A Yes.

3 Q In fact, you never told anybody, law
4 enforcement or prosecution, until approximately a
5 year and a half after this, that this was a drug deal
6 gone bad; did you?

7 A No.

8 Q Now, let me ask you something. When you
9 were there at scene, are you aware the first officer
10 got there within about four minutes of the shooting
11 occurring? Got there at 12:44?

12 A No.

13 Q You didn't see him?

14 A I don't remember how long it had taken
15 anybody to get there.

16 Q So when -- are you aware that Hunter Raby
17 never said anything about a drug deal gone bad until
18 a few weeks ago?

19 MS. HINTON: Objection, Judge. Not proper.

20 THE COURT: I'm going to allow her to
21 answer. I think --

22 THE WITNESS: What was the question?

23 BY MS. D. WHITE:

24 Q Are you aware that Hunter Raby never said
25 anything about a drug deal gone bad until just a few

1 weeks ago?

2 **A** No. We don't speak a lot.

3 **Q** So the shooting occurs. The police officer
4 gets there in about four minutes. So when did you and
5 Hunter decide that you were going to not say anything
6 about a drug deal gone bad after being interviewed
7 multiple times by multiple police officers?

8 **A** I don't remember that. He was also grazed
9 in the head.

10 **Q** So you're denying that you and Hunter ever
11 got together and decided that you were going to lie
12 to the police and not -- and just say that Jaron owed
13 you money?

14 **A** I don't remember.

15 **Q** Do you remember testifying yesterday and
16 saying that that did not happen, you all never got
17 together and made up a story?

18 **A** Yes.

19 **Q** So I don't understand what happened between
20 yesterday and today, that yesterday you said we never
21 got together and --

22 **MS. HINTON:** Judge, I'm going to object
23 to this. May we approach?

24 **THE COURT:** Y'all approach on this, yes.

25 (Bench conference is held off the record.)

1 **THE COURT:** Overruled.

2 **BY MS. D. WHITE:**

3 **Q** So you've said under oath that you and
4 Hunter never got together and decided to mislead the
5 police about a drug deal gone bad; is that correct?

6 **A** I don't remember that happening.

7 **Q** Okay. But that's not what I'm asking,
8 ma'am. What I'm asking is, have you given prior sworn
9 testimony where you said under oath that never
10 happened?

11 **A** Yes.

12 **Q** Did you talk to Hunter Raby last night
13 about this case?

14 **A** No.

15 **Q** Now, you said you were in the back driver's
16 or passenger's seat -- I'm sorry -- is that correct?

17 **A** Yes.

18 **Q** Okay. And the headrest in that vehicle --
19 and what I mean is, what the driver would have the
20 head against or what the front passenger would have
21 the head against, were solid; is that right?

22 **A** Yes.

23 **Q** Okay. And there was no way for you to be
24 able to see -- if we're sitting in the car and this
25 is the driver, this is Hunter, you are back here in

1 the back passenger seat, there is no way to see what
2 was happening over here on the side of the driver; is
3 that correct?

4 **A** No.

5 **Q** You would have been completely blocked?

6 **A** Yes.

7 **Q** So when you said at the scene that you saw
8 certain things, in the statement that the prosecutor
9 just asked you, actually, you didn't see any of that;
10 is that correct? That's what Hunter said.

11 **A** Yes.

12 **Q** Did you see Hunter when you wrote that you
13 saw Hunter swipe the gun away?

14 **A** No, that was just what I assumed had
15 happened.

16 **Q** Why did you assume that?

17 **A** I don't know. It just all happened so fast.

18 **Q** So you didn't see who pulled the trigger;
19 did you?

20 **A** No.

21 **Q** Now, in that same statement, you said
22 nothing about a robbery, a drug deal gone bad, you
23 simply said Jaron owed us money; is that correct?

24 **A** Yes.

25 **Q** And you said that as he came to the car, he

1 was saying something about money; is that correct?

2 A Yes.

3 Q And that's all you remember him saying as
4 he came to the car?

5 A Yes.

6 Q Now, were all of the windows up, except for
7 the driver's side, or were all of them down?

8 A I think so, yeah.

9 Q All of them were up except for the driver's
10 side; is that correct?

11 A Yes.

12 Q Okay. This was August; is that right?

13 A Yes.

14 Q Why was the driver's side down?

15 A I don't know.

16 Q Was there air conditioning in that car?

17 A No.

18 Q How do you know that?

19 A Cause I just remember it being a hot summer
20 and we were in the car. We would sweat through the
21 summer when we'd go places.

22 Q Okay. But your three windows were up and
23 this one window was down?

24 A To my knowledge. I don't completely
25 remember.

1 **Q** Now, when you all were following, you said
2 that you all, basically, followed, I guess, it'd be
3 this way. Is that correct?

4 **A** Yes.

5 **Q** And you all were right on their bumper,
6 weren't you?

7 **A** We were behind them. I'm not sure how
8 close.

9 **Q** And there were, like, maybe four or five
10 phone calls made from your car to theirs?

11 **A** I don't remember.

12 **Q** And at some point, you all were asked to
13 leave them alone; is that correct?

14 **A** I wasn't talking to him. I don't know
15 exactly what was said.

16 **Q** Would you agree that Hunter was very
17 insistent on the phone that he was going to keep
18 following?

19 **A** No. Jaron had said that he wanted them to
20 meet them in Greenville or he wanted to meet up in
21 Greenville.

22 **Q** So you're denying that you all were chasing
23 them?

24 **A** No, we were behind them.

25 **Q** Okay. Well, behind or chasing? Which one?

1 **A** We were following them.

2 **Q** And that was without the consent of Autumn
3 and Jaron; is that correct?

4 **A** No, he told us to follow -- to meet him in
5 Greenville. So we were behind him going towards
6 Greenville.

7 **Q** Ma'am, is that anywhere in your statement
8 that day or in any other notes of any law enforcement
9 officer who talked to you that day?

10 **A** I don't remember.

11 **Q** Would it surprise you to know it's not?

12 **A** I don't know.

13 **Q** In fact, you all were pointing -- you all
14 were chasing. You were on the bumper; isn't that
15 true?

16 **A** I don't remember.

17 **Q** Let me ask you something. Are you aware
18 Autumn has given a statement to police? Gave one
19 about two hours after the shooting occurred?

20 **MS. HINTON:** Your Honor, objection. This
21 is not proper.

22 **MS. D. WHITE:** I'm not asking what she
23 said. I'm asking if she's aware.

24 **THE COURT:** All right. I'll allow her to
25 answer whether or not she's aware.

1 **THE WITNESS:** I do not.

2 **BY MS. D. WHITE:**

3 **Q** Are you aware they actually have a taped
4 statement from Autumn?

5 **A** No.

6 **Q** Well, if you go this route that you're
7 talking about, you pass a Walmart; is that correct?

8 **A** Yes.

9 **Q** You pass a 7-Eleven; is that correct?

10 **A** Yes.

11 **Q** Are there other establishments, commercial
12 establishments, along that route?

13 **A** There's an Ingles to the left.

14 **Q** Are you aware that commercial
15 establishments these days very often have videos,
16 they have cameras?

17 **A** Yes.

18 **Q** Is there any reason you could think of why
19 the police would not have gone to any of those
20 establishments to ask for videos to confirm one way
21 or the other?

22 **MS. HINTON:** Objection, Judge.

23 **THE COURT:** Sustained. You don't need to
24 answer.

25 **THE WITNESS:** Okay.

1 **THE COURT:** That's okay.

2 **BY MS. D. WHITE:**

3 **Q** You would agree that it would be pretty
4 weird that, if you intended to kill somebody, to go
5 to a sunny area with witnesses everywhere and think
6 you were going to get away with killing somebody, if
7 that's what you intended to do. Wouldn't you agree?

8 **A** If you came to the car with a gun, I would
9 assume you intended on killing somebody.

10 **Q** But you didn't see any of it; did you?

11 **A** No.

12 **Q** Now, in your statement -- and yester -- I'm
13 sorry -- on a previous occasion, you testified under
14 oath that Jaron said he was going to Atlanta; is that
15 correct?

16 **A** Yes.

17 **Q** Now, in your written statement that the
18 jury heard about, that was given about an hour after
19 the shooting, you said a small revolver, silver, was
20 put through the driver's side window. Is that
21 correct?

22 **A** Yes.

23 **Q** And the driver tried to swat the gun away;
24 is that correct?

25 **A** I don't remember.

1 Q Would you like to look at it?

2 A (Reviewing.)

3 Q It was put through the window. Is that what
4 you said?

5 A Yes.

6 Q And do you recall talking to Sergeant
7 Bridgeman there at the scene and saying that Mr. Raby
8 swatted the gun and then swatted the gun again? Do
9 you recall that?

10 A I don't recall a lot of stuff that happened
11 around that whole time.

12 Q Are you aware that every officer who would
13 have talked to you would have made a report and
14 written things down?

15 A Yes.

16 Q Okay. So would you deny that?

17 A No.

18 Q Would you deny telling Sergeant Bridgeman
19 Hunter Raby swatted at the gun and it went off?

20 A I don't remember.

21 Q Do you deny that? If it's in his report, do
22 you deny that?

23 A No.

24 Q Do you think it'd be odd if you -- well,
25 let me ask you this, would there be anything -- if I

1 intended to kill somebody who was sitting in the
2 driver's seat of a car and I walk up, would there be
3 any reason why I wouldn't (just fire from outside the
4 car?

5 **MS. HINTON:** Judge, I'm going to object.
6 She can't testify to somebody else's intent.

7 **THE COURT:** Sustained.

8 **BY MS. D. WHITE:**

9 **Q** Let me ask it this way. Was there anything
10 that would prevent Jaron if, in fact, he decided he
11 wanted to go kill somebody, from standing outside the
12 car and shooting in?

13 **MS. HINTON:** Judge, again, she's asking
14 about what was in his head. She can't testify to
15 that.

16 **MS. D. WHITE:** No, ma'am. I asked was there
17 anything to prevent him from doing that. She was
18 at the scene.

19 **THE COURT:** I will allow her to answer
20 that question. Not what you -- what you would
21 have thought, but was there anything to prevent.

22 **MS. HINTON:** Can she fully state the
23 question again, Your Honor?

24 **THE COURT:** Okay. Will you state it again?

25 **BY MS. D. WHITE:**

1 **Q** For instance, was there a barrier? Was
2 there anything in between them? Was there anything to
3 prevent him if he intended and wanted to shoot Hunter
4 Raby from standing back from the car and firing the
5 weapon?

6 **MS. HINTON:** Again, Your Honor, she's
7 asking about his intent.

8 **MS. D. WHITE:** No, I said was there
9 anything to prevent.

10 **THE COURT:** Overruled.

11 I'm going to allow you to answer if there's
12 some sort of physical barrier, something like
13 that. You can answer that question.

14 **THE WITNESS:** Nothing that I could see.

15 **BY MS. D. WHITE:**

16 **Q** Was Hunter Raby -- was his arms at all
17 handicapped?

18 **A** I don't believe so.

19 **Q** So do you think it's odd that if you want
20 to kill somebody, you put the gun where they can
21 reach it?

22 **MS. HINTON:** Judge, again, I mean, she's
23 asking about the specifics of what was going on
24 in the defendant's mind. I don't think she can
25 testify to that.

1 **MS. D. WHITE:** I didn't ask in the
2 defendant's mind, Your Honor.

3 **MS. HINTON:** But she --

4 **THE COURT:** I'm going to ask you to
5 rephrase your question to get to what you're
6 asking for.

7 **MS. D. WHITE:** Yes, ma'am.

8 **BY MS. D. WHITE:**

9 **Q** So if someone is going to kill somebody or
10 wants to shoot them and they can stand back, would it
11 make sense to you that they go straight in, to the
12 victim, and put the gun where the victim can grab it
13 or swat it or take it and maybe even use it against
14 them?

15 **A** I think he was just putting the gun up
16 against his head.

17 **Q** You couldn't see that, though, could you?

18 **A** No.

19 **Q** So you don't know where the gun went in the
20 car; did you?

21 **MS. HINTON:** Judge, if she's going to rely
22 on the fact that she can't see anything, I'm
23 going to ask her not to ask other questions
24 about what may or may not have happened. I mean,
25 either she saw it or she didn't.

1 **THE COURT:** Ms. White, have you concluded
2 with that line?

3 **MS. D. WHITE:** I am, Your Honor.

4 **THE COURT:** All right.

5 **BY MS. D. WHITE:**

6 **Q** Now, there was a hat in that car; is that
7 correct?

8 **A** I don't recall.

9 **Q** You don't remember a camouflage hat?

10 **A** No.

11 **Q** And you said that you all were going to the
12 lake; is that right?

13 **A** Yes.

14 **Q** Why was Hunter wearing cargo pants, like,
15 the khaki kind of cargo pants that are kind of heavy
16 and have pockets all over them?

17 **A** I don't know.

18 **Q** Now, did you see the marijuana in the
19 console and under the driver's seat? Did you ever see
20 any of that?

21 **A** No, I just saw it right after they got it.
22 That's the last I saw it.

23 **Q** And how was it packaged?

24 **A** In a cigar wrapper.

25 **Q** So why would they be buying marijuana if

1 there was marijuana under the seat in a box and in
2 the console?

3 **MS. HINTON:** Objection, Judge. She can't
4 testify as to why other people did things.

5 **MS. D. WHITE:** Your Honor, she's in the car
6 with them saying they are all purchasing this
7 marijuana.

8 **THE COURT:** If she knows, I'll allow her
9 to answer.

10 Do you know?

11 **THE WITNESS:** I don't know.

12 **THE COURT:** Okay.

13 **BY MS. D. WHITE:**

14 **Q** But you all didn't say anything about this
15 until a year and a half after this happened?

16 **A** Yes.

17 **Q** Now, there were also some bottles, medicine
18 bottles in the car; is that correct?

19 **A** I'm not sure.

20 **Q** Did you see the medicine bottle? Who's
21 Marilyn Porter?

22 **A** I don't know.

23 **Q** Is she Robby's mom?

24 **A** No, she's not related to me or Robby.

25 **Q** And were you aware that there were several

1 pill bottles with clonazepam and various other pills,
2 Zoloft, lots of other pills in y'all's vehicle?

3 A I was aware of the clonazepam.

4 Q I'm sorry?

5 A The clonazepam.

6 Q Yes.

7 A That was the only one I was aware of.

8 Q And we're talking, like, well over 100?

9 A I'm not sure. I just knew that they were
10 there.

11 Q And were you aware there was a silver and
12 black box under the driver's seat where Hunter was
13 seated with marijuana and a pipe?

14 A No. I seen the box before, but I wasn't
15 aware.

16 Q Now, you are aware, of course, that Robby
17 was taken to the hospital?

18 A Yes.

19 Q And he had marijuana, cocaine and benzos in
20 his system. Were you aware of that?

21 A I wasn't aware of the cocaine until you
22 mentioned it yesterday.

23 Q So you said you lived with him; is that
24 right?

25 A Yes.

1 Q And this was at noon?

2 A Yes.

3 Q So when were these drugs used?

4 A I'm not sure.

5 Q When you say that you can come in and tell
6 the jury what happened that day, what were you using?

7 A I wasn't using anything. We had just woken
8 up and got in the car.

9 Q Well, how did he have these drugs in his
10 system?

11 A Maybe from a few days before. I'm not sure.

12 Q You're aware that, in the autopsy, they
13 actually took blood and that's what's actually
14 affecting your organs as it moves around. In other
15 words --

16 MS. HINTON: Objection, Judge. Not an
17 appropriate question for the witness.

18 THE COURT: Sustained. I'll just ask you
19 to -- if what you're driving at is what they
20 were using, just ask that question.

21 MS. D. WHITE: Yes, ma'am.

22 BY MS. D. WHITE:

23 Q So, ma'am, you lived with him. Were y'all
24 together the night before?

25 A Yes.

1 Q And so can you tell this jury when your
2 husband -- did y'all sleep together the night before
3 in the same bed?

4 A Yes.

5 Q Did you stay in the same room?

6 A Yes.

7 Q Were you together for 24 to 48 hours before
8 this?

9 A Not the whole time, but off and on.

10 Q Well, did you go to bed together the night
11 before?

12 A Yes.

13 Q Did you sleep together that whole night?

14 A Yes.

15 Q Did you get up the next morning together?

16 A No.

17 Q In the same house?

18 A Yes.

19 Q And did you all go together in this car? Is
20 this the first time you left the house?

21 A Yes.

22 Q So can you tell this jury when those drugs
23 were used?

24 A I don't know.

25 Q Let me ask you this. Did the investigators

1 at the scene of this, knowing you and Hunter were
2 eyewitnesses, ask for your blood or urine or anything
3 else to see how accurate you would be able to
4 testify?

5 **A** No.

6 **Q** Would you have given it to them?

7 **A** Yes.

8 **Q** So no one ever asked for yours or Hunter's?

9 **A** Not that I remember, no.

10 **Q** So to this day, we have no idea whether you
11 had drugs or alcohol in your blood?

12 **A** No.

13 **Q** But there were drugs found in the car,
14 multiple drugs and drugs found in Robby's blood and
15 urine?

16 **MS. HINTON:** Judge, asked and answered.
17 We've established there were drugs in the car
18 and drugs in his system. I mean, we've been over
19 this.

20 **THE COURT:** All right. Sustained.

21 **BY MS. D. WHITE:**

22 **Q** To your knowledge, was touch DNA -- in
23 other words, you can get DNA from an object being
24 touched -- was touch DNA performed on any of these
25 pill bottles, the box under the seat, any of this?

1 **MS. HINTON:** Judge --

2 **THE COURT:** That's not an appropriate
3 question for this witness.

4 **MS. D. WHITE:** Yes, ma'am.

5 **BY MS. D. WHITE:**

6 **Q** Now, after this occurred, were you and
7 Hunter and the other witnesses at the scene
8 immediately separated before you could talk to each
9 other?

10 **A** I was sat in a chair in front of the blue
11 house. That was the most I remember.

12 **Q** So was Hunter there with you?

13 **A** No. He had been grazed in the head, so he
14 was with the ambulance.

15 **Q** Ma'am, are you aware there was a body cam
16 from one of the officers who were there?

17 **A** I guess.

18 **Q** Would you -- would you -- would you
19 disagree that you and Hunter were walking in and out
20 of the woodline there, you were in and out of the
21 car? Would you disagree with that?

22 **A** I don't remember.

23 **Q** Would you agree that a body cam would
24 accurately show what was happening?

25 **A** Yes.

1 **MS. HINTON:** Objection, Judge.

2 **THE COURT:** Overruled.

3 **BY MS. D. WHITE:**

4 **Q** Would you agree, too, that you and Hunter
5 were there with witnesses, in fact, even hugging some
6 of them?

7 **A** Yes.

8 **Q** So then the answer to my question would be,
9 there was no separation of witnesses and you all were
10 all intermingled for quite some time. Is that
11 correct?

12 **A** Yes.

13 **Q** Was Hunter telling people while you are
14 together that he did not --

15 **MS. HINTON:** Objection, hearsay.

16 **THE COURT:** I haven't heard the question
17 yet.

18 **MS. HINTON:** She's asking if Hunter told
19 anybody, and she was about to say whatever that
20 was. That's hearsay.

21 **THE COURT:** I'm not sure if it falls under
22 an exception or if it's even being offered.

23 **MS. D. WHITE:** It's not offered for the
24 truth of the matter.

25 **BY MS. D. WHITE:**

1 **Q** Was Hunter telling people there that it was
2 Jaron who fired that shot and not him? Is that what
3 he was saying to those witnesses?

4 **A** I don't remember.

5 **Q** Would you deny that that could have
6 happened?

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

8 **Q** Now, let's go back to the driver's side
9 window. You all had tinting on this car; is that
10 right?

11 **A** I believe so.

12 **Q** And there were pictures taken that day, but
13 you would agree that you, basically, can not see into
14 the car when the windows are up because of the
15 tinting?

16 **A** Yes.

17 **Q** And you would agree that if Jaron was in
18 the driver's window in that area, and that was the
19 only window down, he would be blocking a view, pretty
20 much ---

21 **MS. HINTON:** Objection, Your Honor.

22 **MS. D. WHITE:** --- of what happened inside
23 that vehicle.

24 **MS. HINTON:** She doesn't know what
25 different views could have been seen. I mean,

1 she can not testify as to what other people saw.

2 MS. D. WHITE: I'll rephrase.

3 THE COURT: All right.

4 BY MS. D. WHITE:

5 Q Was he standing in that window area?

6 A In what window area?

7 Q You said he walked up to the driver's
8 window. Is that correct? This is where everything
9 happened?

10 A Yes.

11 Q So his arms are not 18 feet long; are they?

12 A No.

13 Q So he was standing in that window, is that
14 correct, in that area of the driver's window?

15 A Yes.

16 Q Well, was there any blood spatter analysis
17 on anybody's clothing, to your knowledge?

18 MS. HINTON: Objection, Judge. I mean, she
19 can ask what they did to her, but I think
20 getting into --

21 THE COURT: Sustained.

22 BY MS. D. WHITE:

23 Q Well, let me ask this. Did the police ask
24 for your clothing and take your clothing so they
25 could run blood spatter and various tests on it?

1 **A** No.

2 **Q** They never got your clothing?

3 **A** Not to my knowledge.

4 **Q** Well, let me ask you this. Hunter, who is
5 sitting right there in the driver's side, to your
6 knowledge, did they ever get his clothing so they
7 could run blood spatter, distance determinations,
8 things like that?

9 **A** Not to my knowledge.

10 **Q** In fact, they never got yours or Hunter's
11 or Robby's; did they?

12 **MS. HINTON:** Objection, Judge. I mean,
13 again, she can ask what they did to her, but as
14 far as what analysis they did on other people --

15 **THE COURT:** Sustained.

16 **BY MS. D. WHITE:**

17 **Q** To your knowledge, they never got Robby's
18 clothing, they never got your clothing and they never
19 got Hunter's clothing; did they?

20 **A** I don't know.

21 **Q** Do you remember whether or not Hunter was
22 wearing a cap at the time that this occurred?

23 **A** I don't remember.

24 **Q** Do you remember you and Hunter going in and
25 out of your vehicle that you all were in while the

1 scene tape was up showing on the body cam?

2 A I don't remember.

3 Q Are you denying that that happened?

4 A No.

5 Q Do you recall having a soft drink in your
6 hands?

7 A No.

8 Q If that showed on the body cam, would you
9 disagree that you had a soft drink in your hand?

10 A Everything that happened back then is all a
11 blur. I can't --

12 Q So you're not denying that you were holding
13 a drink?

14 A No.

15 Q Did anybody ever test your hands for
16 gunshot residue?

17 A No.

18 Q Nobody ever swabbed your hands?

19 A I don't remember.

20 Q In fact, that never happened; did it?

21 A I don't recall that happening, no.

22 Q Well, to your knowledge, did anybody ever
23 swab Robby's hands? Did you ever see anybody swabbing
24 his hands for gunshot residue?

25 THE COURT: Y'all just approach for a

1 second.

2 (Bench conference is held off the record.)

3 **BY MS. D. WHITE:**

4 **Q** Now, do you recall you and Hunter walking
5 around and do you recall seeing Hunter putting his
6 hands in and out of his hair? Would that surprise you
7 if that's on the body cam?

8 **A** I don't remember, but he had a gunshot
9 wound to the head so I would imagine that he would
10 touch it.

11 **Q** And did you see him slamming his fist into
12 the car?

13 **A** I don't remember that.

14 **Q** If it's on the body cam, would you agree
15 that that happened?

16 **A** If it's on the body cam, yeah.

17 **Q** But you have testified under oath that you
18 and Hunter Raby never got together and decided to
19 tell police nothing about a drug deal gone bad? You
20 all never got together right after the shooting and
21 decided to get your stories together?

22 **A** No, not to my knowledge.

23 **Q** But you did testify about that before, that
24 you didn't? That's my fault. You're looking at me and
25 you should be looking at me like you're confused

1 cause I didn't even understand what I asked. What I'm
2 asking is you had testified before that you and
3 Hunter Raby never got your stories straight before
4 the police got there about a drug deal gone bad; is
5 that correct?

6 A Yes.

7 Q And, in fact, you told police, Detective
8 Arflin, actually, at the scene, that -- who's Nice?
9 You used the term Nice.

10 A Jaron.

11 Q That's -- that's his nickname?

12 A Yes.

13 Q You said that Nice owed them money and they
14 started calling him back trying to get it.

15 A Yes.

16 Q Is that correct? Okay. And then you also
17 told Detective Arflin at the scene that day, Raby,
18 Hunter Raby, swatted at the gun and it went off. Is
19 that correct?

20 A I don't know.

21 Q Would you deny that that's true if, in
22 fact, it's in his written report?

23 MS. HINTON: Judge, if she says she
24 doesn't know, she can't just follow it up with
25 if it's somewhere, would you agree with that. I

1 mean, she either knows or she doesn't know. If
2 she wants to impeach her with it, she can.
3 But --

4 **MS. D. WHITE:** Yes, ma'am.

5 **THE COURT:** I will allow her to ask that
6 question. Go ahead.

7 **BY MS. D. WHITE:**

8 **Q** Are you denying if it's in his report that
9 you told him that day, Raby swatted at the gun and it
10 went off?

11 **A** No.

12 **MS. D. WHITE:** No further questions.

13 **THE COURT:** Any redirect?

14 **MS. HINTON:** Briefly, Your Honor.

15 **THE COURT:** Sure.

16 **REDIRECT EXAMINATION**

17 **BY MS. HINTON:**

18 **Q** Kalyn, Ms. White asked you about the
19 multiple pills that were in the car. Do you have any
20 knowledge of whether any of those multiple pills were
21 the ones that were given to the defendant prior to
22 this?

23 **MS. D. WHITE:** Your Honor, objection. These
24 were in their car. How could they have been
25 given to the defendant?

1 **MS. HINTON:** She testified earlier that
2 pills were exchanged.

3 **THE COURT:** She did. I'll allow the
4 question.

5 **THE WITNESS:** What was the question again?

6 **BY MS. HINTON:**

7 **Q** The multiple pills that were in there, you
8 had previously testified that pills were exchanged to
9 Jaron with the marijuana, correct?

10 **A** Yes.

11 **Q** Were those pills -- do you know whether or
12 not those pills were part of the pills that were
13 given to Mr. Gibbs?

14 **A** I think so. I'm not 100 percent sure.

15 **Q** And Ms. White asked you about the Walmart,
16 the 7-Eleven, all those things that were on the path
17 that you guys took ---

18 **A** Yes.

19 **Q** --- do you recall that?

20 **A** (Nods head.)

21 **Q** Okay. Other than stopping at the Walmart to
22 weigh the marijuana before you went back up to see
23 the defendant, did you make any -- did y'all make any
24 stops when you were following that car?

25 **A** Not to my knowledge.

1 Q Okay. Did you pull into any of those
2 parking lots, that you recall?

3 A No.

4 Q Okay. And she asked you about whether or
5 not you knew multiple forensic things, whether they
6 were done or not. After you gave your statement to
7 the police, where did you go?

8 A I sat in a chair and somebody drove me to
9 the hospital.

10 Q Do you recall who drove you to the
11 hospital?

12 A The first responder's wife.

13 Q Okay. And why did you go to the hospital?

14 A To be with Robby.

15 Q Did you ever see Hunter rip that gun from
16 Jaron's hands?

17 A No.

18 Q Did you ever see Hunter --

19 MS. D. WHITE: Objection to leading. This
20 is her witness. She's already testified she
21 didn't see the gun at all. I object to both
22 grounds.

23 THE COURT: Any response?

24 MS. HINTON: Judge, I mean, I can ask her
25 if she -- she asked her if she saw 800 different

1 things. I think I have the right to ask her if
2 she saw anything else.

3 MS. D. WHITE: I was on cross.

4 THE COURT: I -- I just ask you to
5 rephrase your question.

6 MS. HINTON: Okay.

7 BY MS. HINTON:

8 Q Did you see anyone in your car point that
9 gun at Robby Porter?

10 MS. D. WHITE: Objection. Leading.

11 MS. HINTON: Judge --

12 THE COURT: Overruled.

13 BY MS. HINTON:

14 Q Okay. Did you see anyone in your car pull
15 that trigger at Robby's head?

16 MS. D. WHITE: Objection, leading, and she
17 already said she didn't see the gun from her
18 angle at all.

19 THE COURT: Overruled. I'll allow her to
20 answer if she knows.

21 THE WITNESS: What was the question again?

22 BY MS. HINTON:

23 Q Did you ever see anyone in your car pull
24 that trigger at Robby's head?

25 MS. D. WHITE: Same objection.

1 **BY MS. HINTON:**

2 **Q** You can answer.

3 **A** No.

4 **Q** And when you told police why y'all were
5 following Jaron, what was your reason of why y'all
6 were following him?

7 **A** Cause he owed us money.

8 **Q** Okay. Did you ever tell him that it was
9 anything more than that?

10 **A** No.

11 **MS. HINTON:** That's all I have.

12 **THE COURT:** Ms. White, anything else for
13 this witness?

14 **MS. D. WHITE:** No, Your Honor.

15 **THE COURT:** All right. Ma'am, you can step
16 down.

17 **MS. HINTON:** Your Honor, may she be
18 excused?

19 **MS. D. WHITE:** I would ask that she stay on
20 phone standby, if she will provide a phone
21 number to the prosecutor.

22 **THE COURT:** Ma'am, before you leave, you
23 need to give someone from the State your cell
24 phone number. And you need to understand, I'll
25 allow you to leave this courthouse, but only

1 under the condition that you could be back
2 within one hour.

3 **THE WITNESS:** I would like to stay, if
4 that's okay.

5 **THE COURT:** That's fine.

6 **MS. HINTON:** Your Honor, I think -- Your
7 Honor, I think she wanted to stay and watch. I
8 think that's the issue that we have.

9 **THE COURT:** Ms. White, do you have any
10 objection to her being in the courtroom?

11 **MS. D. WHITE:** I -- Your Honor, I'm going
12 to have a real -- as long as they are not
13 planning on calling -- they do not, not not
14 planning, but do not call her at all again in
15 this case.

16 **MS. HINTON:** And, Judge, may we approach
17 on that matter?

18 **THE COURT:** Sure.

19 (Bench conference is held off the record.)

20 **MS. D. WHITE:** Your Honor, for the record,
21 I just want to make a record of it, I would
22 object to her sitting in the courtroom listening
23 to other people's testimony if she is going to
24 testify again in this case.

25 **THE COURT:** All right. And your objection

1 on that is noted. We don't -- it's my
2 understanding we don't anticipate her to testify
3 again. However, I'll allow her to sit in the
4 courtroom.

5 **MS. HINTON:** Thank you.

6 **THE COURT:** All right.

7 **MS. HINTON:** The State would call Hunter
8 Raby.

9 **THE COURT:** Is everybody okay? If you need
10 a break at any time, you just let me know, okay?
11 The other thing, sometimes when we're changing
12 up witnesses, it's nice to stand up. Don't feel
13 like you're just chained to your seat. I do it.
14 I do it too.

15 **HUNTER RABY**

16 having first been duly sworn, testifies as follows:

17 **THE CLERK:** Have a seat and state your
18 name for the record.

19 **THE WITNESS:** My name is Hunter Raby.

20 **DIRECT EXAMINATION**

21 **BY MS. HINTON:**

22 **Q** All right. Mr. Raby, make sure you speak
23 into that microphone for me. Okay?

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

25 **Q** Mr. Raby, do you know Kalyn?

1 A Yes, ma'am.

2 Q And how do you know her?

3 A Through school.

4 Q What school?

5 A D.W. Daniel.

6 Q Were you guys in school together?

7 A Yes. We were in the same year.

8 Q And how did you know Robby Porter?

9 A I didn't know him personally in school, but
10 I knew him through her afterwards.

11 Q Through Kalyn?

12 A Yes.

13 Q And did you know Jaron Gibbs?

14 A Not before knowing Robby Porter, no.

15 Q But once you knew Robby Porter, did you
16 meet Jaron Gibbs?

17 A Yes.

18 Q Did you know him as Jaron Gibbs or did you
19 know him as a street name?

20 A We knew him as Nice.

21 Q And do you see Nice present in the
22 courtroom today?

23 A Yes, ma'am.

24 Q Where is he?

25 A (Indicating.)

1 Q What color shirt does he have on?

2 A White shirt.

3 MS. HINTON: Your Honor, let the record
4 reflect that he's pointing to the defendant.

5 THE COURT: All right. It so reflects.

6 MS. HINTON: Thank you.

7 BY MS. HINTON:

8 Q All right. I want to go to August the 1st
9 of 2015. What were you guys going to do that day?

10 A We had originally planned to head to the
11 lake.

12 Q And who is we?

13 A Me, Robby and Kalyn.

14 Q And whose car did you guys take?

15 A We were in mine.

16 Q And what do you -- what do you drive?

17 A I had a '96 Ford Explorer.

18 Q And where was everybody seated in the
19 Explorer?

20 A I was in the driver's seat. Kalyn was in
21 the back. Robby was in the passenger seat.

22 Q Do you recall if Kalyn was behind you or
23 behind Robby? Do you recall?

24 A I think she was behind Robby.

25 Q Prior to going to the lake, did you guys

1 make contact with the defendant?

2 A We did.

3 Q And why did you guys contact him?

4 A We contacted him so that we could buy
5 marijuana from him.

6 Q Did you, in fact, meet up with him to buy
7 marijuana?

8 A We did.

9 Q Do you recall where you met up with him?

10 A We met not far from the Walmart
11 Neighborhood Market in Central.

12 Q I'm going to show you State's Exhibit
13 Number 1. Up there on that remote-looking thing,
14 there's a red button that says laser.

15 A It would have been on this road here.
16 (Indicating.)

17 Q And where is the Walmart?

18 A There. (Indicating.)

19 Q All right. So when you met up with him,
20 tell me what happened. And try not to use the words
21 "he" and "she." Use names, if you can.

22 A Okay. We -- me, Robby and Kalyn, we came to
23 that road there. As we were pulling up on the road,
24 we saw Nice walking down the road. We pulled up
25 alongside him. He came to the passenger window, Nice

1 did. Me and Robby talked to him. We made the trade.
2 We handed him the money. Then we left to go weigh it
3 up.

4 Q Okay. Do you recall whether or not there
5 were any pills exchanged?

6 A I do not recall, no.

7 Q And when you said you saw him walking, was
8 this -- did you guys make a decision to meet up there
9 or did y'all just happen to run up on him?

10 A He told us to meet him on the road. We did
11 not know he would be just walking down the road. But
12 when we saw him, we just pulled up next to him.

13 Q Okay. And during that transaction, are you
14 guys friendly or are you angry? How does that go
15 down?

16 A Everything was going fine. There was no
17 mean words said. Everything was smiles and okay.

18 Q Okay. So after that transaction, where do
19 you guys go?

20 A We then went to the neighborhood market
21 there. We parked in the parking lot to weigh up the
22 marijuana.

23 Q And did you weigh it?

24 A We did.

25 Q And what did you find once you weighed it?

1 **A** We found that we had been ripped off and he
2 had not given us everything that he was supposed to.

3 **Q** Does that mean that you guys gave him more
4 money than you received marijuana?

5 **A** Yes.

6 **Q** After you guys realized that, what happens
7 next?

8 **A** We tried calling him and we couldn't get
9 ahold of him. So we went back down to the road where
10 we tried to find him -- Mr. Gibbs.

11 **Q** Okay. Let me stop you real quick. You said
12 you called him and you couldn't get him. How many
13 times did you call him and he didn't answer? Do you
14 know?

15 **A** Maybe once, twice.

16 **Q** At some point, do you talk to him or do you
17 see him again? What happens first?

18 **A** When we pull up on the road, we see him. We
19 don't get a chance to talk to him before he gets into
20 another car.

21 **Q** Okay. And show me what road you're talking
22 about.

23 **A** (Indicating.)

24 **Q** And is that Abel Road?

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

1 **Q** When you see him get into that car, do you
2 recall was -- what kind of car it was?

3 **A** I remember it was a silver sedan.

4 **Q** Two-door? Four-door? Do you know?

5 **A** I believe it had four doors.

6 **Q** Do you know whose car that was?

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

8 **Q** And you're -- are you still driving at this
9 point?

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

11 **Q** Once you see him get into that car, what do
12 you guys do?

13 **A** We did try to get ahead of them to cut them
14 off so we could stop and talk. But then they went
15 around us in a hurry and started to go down this road
16 here.

17 **Q** So to be clear, you said you tried to get
18 in front of him. Did you try to run them off of the
19 road?

20 **A** No, we just tried to stop in front of them.

21 **Q** Did you hit their car at all?

22 **A** No.

23 **Q** Did your car ever make physical contact
24 with the car that Mr. Gibbs was in?

25 **A** No.

1 Q After they go around you, do you follow
2 them?

3 A Yes. We followed them. We proceeded to make
4 more phone calls to him, the defendant.

5 Q Okay. And tell me -- don't tell me what was
6 said, tell me the nature of those phone calls. Are
7 they angry? Are y'all calm? What's your demeanor?

8 A At the beginning, I was upset. I was trying
9 to reason with him. But then as the phone calls kept
10 going on, he would get more angrier and angrier.

11 Q How many times did you guys actually speak?

12 A I believe maybe once or twice.

13 Q And do you threaten him at all?

14 A No, ma'am.

15 Q Does Robby Porter threaten him, at all,
16 that you hear?

17 A No, ma'am.

18 Q Does Kalyn threaten him?

19 A No, ma'am.

20 Q Does the defendant make any threats to you?

21 A Not none I could say personally. He did say
22 that it would be bad if I kept following him.

23 Q At some point, do you guys come to a stop?

24 A We made the turn down Cambridge and we
25 stopped, I believe, at this intersection right here.

1 Q Is that a two-way stop, a four-way stop? Do
2 you know?

3 A It's a four-way stop.

4 Q And when you get to that four-way stop --
5 well, let me ask you this. Were your windows up or
6 down?

7 A I believe my window was the only window
8 down.

9 Q And what happens when you guys get to that
10 four-way stop?

11 A When the car he is in approaches the stop,
12 we park -- I mean, we stop just a little bit behind
13 him.

14 Q Let me stop you there. Are you in your
15 correct lane of traffic when you come up behind him?

16 A Yes, ma'am.

17 Q Did you bump their car, at all?

18 A No, ma'am.

19 Q Did you try to pin them in at all at that
20 four-way stop?

21 A No, ma'am.

22 Q Go ahead. I'm sorry.

23 A He then proceeded to get out of the
24 vehicle. He crossed in between that car that he rode
25 in and my car. Then he proceeded to come to my

1 driver's side window.

2 Q And what side of the car was he in in his
3 car? Was he the driver or passenger?

4 A Passenger.

5 Q All right. And when he gets to your window,
6 tell me what happens.

7 A He proceeds to pull up a gun. I noticed it
8 as he was crossing. Then he pulls the gun up and he
9 puts it in the window. He proceeds to tell me that,
10 this isn't how I wanted it to go down. Basically,
11 that -- he was, basically, yelling and telling me
12 that I, basically, had messed up and I was really
13 close to losing my life over it.

14 Q And when the gun is in the window, where --
15 where is it pointed it?

16 A It's at his right hand. It's more along the
17 left side of my face.

18 Q How close to your face?

19 A I would say about from right here.

20 Q What kind of gun was it? Do you recall?

21 A It was a revolver. It was just a silver
22 revolver. I would say just an average length.

23 Q When the gun is pointed in your direction,
24 what do you do?

25 A I'm, basically, telling him that this

1 doesn't need to happen. He needs to put the gun away.

2 I tried moving the gun with my palm.

3 Q Show me exactly what you did.

4 A I tried to first move the gun that way.

5 (Demonstrating.)

6 Q When you first moved it, did you grab the
7 gun at all?

8 A Not that I recall, no.

9 Q Do you wrap -- did you wrap your hand
10 around the trigger?

11 A No, ma'am.

12 Q Why did you try to move the gun?

13 A It was more reflex from him and me just
14 having -- it scared me. Him, being in my face, I
15 didn't want it right there. I was just trying to get
16 it out of my face.

17 Q So you -- I don't know -- I can't remember
18 what word you used. I'm sorry.

19 A I just palmed it.

20 Q Okay. When you palm it, what happens next?

21 A He, basically, just puts it right back into
22 my face.

23 Q And where is he pointing it at you that
24 time?

25 A Now, it's more like dead center of my face,

1 just like right here.

2 Q And when that happens, what do you do?

3 A I take both of my hands and I push the gun
4 up like this.

5 Q Again, are you trying to rip the gun from
6 him?

7 A No, ma'am.

8 Q Did you put your fingers on the trigger?

9 A No, ma'am.

10 Q And while all this is going on, the putting
11 the gun in your face twice, what is the defendant
12 doing during that? How is he acting?

13 A He's yelling. He's being very threatening.
14 He's, basically, asking me if I'm ready -- basically,
15 if I'm ready to die. He's telling me that -- he makes
16 me feel like he's not afraid to end my life.

17 Q Okay. And do you at all try to get out of
18 the car?

19 A No, ma'am.

20 Q Did you at all try to get out of the car
21 when he was approaching with the gun?

22 A No, ma'am.

23 Q Did Robby?

24 A I didn't know. I was more focused on him
25 crossing.

1 Q Did you see Robby try to get out of the
2 car?

3 A No, ma'am.

4 Q Did you see Kalyn try to get out of the
5 car?

6 A No, ma'am.

7 Q Did you see either of them point a weapon
8 at him?

9 A No, ma'am.

10 Q Did you point a weapon at him?

11 A No, ma'am.

12 Q Did you threaten him at all when he is at
13 your window?

14 A No, ma'am.

15 Q Did you try to drive over him at all with
16 your car?

17 A No, ma'am.

18 Q You said he walked between the car that he
19 was in and your car, correct?

20 A Yes, ma'am.

21 Q Did you have the opportunity to run him
22 over if you wanted to?

23 A If I wanted to, probably. But I believe
24 when he started to walk in front of the car, I had
25 actually put the car in park.

1 Q Okay. But you didn't hit him at all?

2 A No, ma'am.

3 Q The second time that you -- I think you did
4 a V motion with your hands --

5 A Yes, ma'am.

6 Q -- what happens?

7 A The gun goes off. For a few seconds, I'm in
8 a haze. I'm looking down to see if I'm bleeding
9 anywhere. I look up. I see Mr. Gibbs running back
10 toward the passenger side of the car. I, then, look
11 to my passenger side to look if Robby and Kalyn are
12 okay. And that's when I notice Robby's got a bullet
13 right here above his ear, and it starts to bleed.

14 Q And did you say anything to Mr. Gibbs when
15 that gun went off?

16 A Not immediately. But when I noticed Robby
17 was bleeding, I just started screaming that he had
18 shot Robby.

19 Q Did Mr. Gibbs say anything to you when the
20 gun fired?

21 A Not that I heard.

22 Q Did Mr. Gibbs stay on scene and try to
23 help?

24 A No, ma'am.

25 Q Okay. What happened to the car that he was

1 in? Do you know?

2 A They took off.

3 Q Now, there were pills in your car,
4 marijuana in your car, correct?

5 A Yes, ma'am.

6 Q Did you at all try to get rid of those
7 pills and marijuana before law enforcement showed up?

8 A No, ma'am.

9 Q Part of the marijuana that was found in
10 your car, was that some of what you had purchased
11 from Mr. Gibbs?

12 A Yes, ma'am.

13 Q Did you at all struggle with Mr. Gibbs over
14 that gun trying to take it from him?

15 A No, ma'am.

16 Q Do you know if there were other people
17 around when this happened?

18 A When we had first stopped, I didn't. But
19 after we had gotten -- after a minute and me trying
20 to take care of Robby, I noticed there were a lot of
21 people that surrounded us. There were people trying
22 to help us get him out of the car.

23 Q And was this -- what time of day was this?

24 A I'd say it was midday, around the
25 afternoon.

1 Q Let me show you what's been marked as
2 State's 11.

3 Q Do you recognize what that is?

4 A That's my vehicle.

5 Q Okay. Is that -- is this the driver's side
6 or the passenger's side?

7 A This would be the passenger's side.

8 Q Okay. And are the windows up or down on
9 that car?

10 A It looks like these windows --

11 Q Would the passenger -- the front passenger
12 side window be up in this photo?

13 A Yes, ma'am.

14 MS. HINTON: Your Honor, at this time, I
15 move State's 11 into evidence.

16 THE COURT: Any objection?

17 MS. D. WHITE: Your Honor, may I look at
18 that again please? (Pause.)

19 Your Honor, --

20 MS. HINTON: Judge, she can cross-examine
21 him on the picture.

22 THE COURT: All right.

23 MS. D. WHITE: No, ma'am. She was asked --
24 she asked, in this picture, is it up. They know
25 on the body cam that the first officer says all

1 of them were up, except for the driver's side
2 window. It's not relevant whether it's up in
3 this picture. They didn't preserve the crime
4 scene. This is down.

5 **THE COURT:** That's for cross-examination
6 and that's for argument. I don't believe there's
7 anything wrong with the photographs itself.
8 Whether the windows are up or down, you can
9 cross-examine him about that.

10 **MS. D. WHITE:** Your Honor, may I just state
11 for the record there's no relevance on whether
12 it's down later if it wasn't that way when the
13 shooting occurred.

14 **THE COURT:** I only know from you
15 testifying, so I'm going to have to wait and
16 hear from a witness. All right.

17 **MS. HINTON:** Thank you, Your Honor.

18 (State's Exhibit 11 is admitted into the
19 record.)

20 **BY MS. HINTON:**

21 **Q** Mr. Raby, State's 11. You identified this
22 as your car, correct?

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

24 **Q** And you stated that the windows were up.
25 Was that your testimony?

1 **A** Yes, they should -- all, but my window, was
2 up when we had stopped.

3 **Q** Okay. And let me show you State's Exhibit
4 Number 7. Do you recognize this?

5 **A** That is my vehicle again.

6 **Q** Okay. Now, in this picture, is the driver's
7 side window up?

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

9 **Q** Take a look.

10 **A** (Reviewing.)

11 **Q** So is it up or down?

12 **A** It's up in that photo.

13 **Q** Okay.

14 **MS. D. WHITE:** No objection.

15 **BY MS. HINTON:**

16 **Q** Okay. So on State's 7, what side of the car
17 is this?

18 **A** That's the driver's side.

19 **Q** And you stated that the window, the
20 driver's side window is up in this picture?

21 **A** Yes.

22 **Q** And to be clear, the window was not up when
23 Mr. Gibbs approached, correct, the driver's side?

24 **A** Yes.

25 **Q** Is this window tinted? This first window?

1 **A** No, ma'am. The front two windows are not
2 tinted at all.

3 **Q** Okay. So in State's 11, if that passenger
4 side window was up when this all happened, that front
5 passenger window, this one right here is not tinted,
6 correct?

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

8 **MS. HINTON:** Your Honor, I think I moved
9 State's 7 and 11 in. But if I didn't, State's 7,
10 as well.

11 **THE COURT:** All right.

12 **MS. HINTON:** I believe she said no
13 objection.

14 **THE COURT:** Any objection to those being
15 admitted?

16 **MS. D. WHITE:** Your Honor, I object to the
17 first one, based on what I said before.

18 **THE COURT:** All right. I'll allow State's
19 7 and 11 to be admitted.

20 (State's Exhibit 7 is admitted into the record.)

21 **BY MS. HINTON:**

22 **Q** When Mr. Gibbs headed back to the car after
23 the shooting, did he walk, run? Do you recall?

24 **A** It was like a half jog.

25 **Q** Do you ever recall seeing the vehicle that

1 Mr. Gibbs was in come back to see what happened?

2 A No, ma'am.

3 Q When you originally spoke to police, what
4 did you tell them was the reason that you guys were
5 following Mr. Gibbs?

6 A We had told them that Mr. Gibbs had robbed
7 us beforehand.

8 Q And why -- why did you tell him -- them
9 that?

10 A We wanted them to more focus on finding him
11 now and wanted him to pay -- wanted them to primarily
12 focus on finding him. So we figured -- I figured the
13 reason that -- why we -- why we were trying to get
14 ahold of him now was little to the main reason why
15 they needed to find him now.

16 Q So you were not honest, originally, about
17 it being a robbery, correct?

18 A In a sense, no, ma'am, and it was wrong.

19 Q Okay. And this wasn't actually a robbery,
20 this was a prior drug deal; is that right?

21 A Yes, ma'am.

22 Q But did you make any effort to hide any of
23 the drugs that were in your car?

24 A No, ma'am.

25 Q I'm sorry?

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

2 **Q** Mr. Raby, what do you have on your wrist?

3 **A** I actually just had a baby, and they are
4 hospital bracelets. I'm sorry.

5 **Q** Okay. Okay. All right. Mr. Raby, that's all
6 I have. Please answer any questions that Ms. White
7 may have.

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

9 **CROSS-EXAMINATION**

10 **BY MS. D. WHITE:**

11 **Q** Why did you put your car in park if you saw
12 someone coming toward you with a gun?

13 **A** Well, because I was trying to pay more
14 attention to Mr. Gibbs at my driver's side window. I
15 took my foot off the brake. So if I was going to take
16 my foot off the brake, I didn't want to slide the
17 car.

18 **Q** Say that again.

19 **A** I put the park so -- I put the car in park
20 so the car will stay safe, so that when I was trying
21 to deal with Mr. Gibbs in the window and talk him
22 down, the car would not drift forward.

23 **Q** Now -- so you've testified before that you
24 tried to cut off -- recently, very recently, you
25 testified that you tried to cut off Jaron before he

1 got into this other car, when you came back to Abel
2 Road, that circle area.

3 A We weren't trying to cut him off from
4 getting into a car, but we had just pulled in front
5 of the car that he was in.

6 Q And you pulled up repeatedly and you were
7 talking in a very loud voice; is that correct?

8 A Yes.

9 Q You were angry?

10 A We were both very upset, yes.

11 Q Now, you said that today, in front of this
12 jury, that when Jaron came to your car, he was saying
13 things like this isn't how I wanted it to go down and
14 other words like that; is that correct? That's what
15 you just told, all sorts of things that he supposedly
16 was saying at the car.

17 A It was more he was saying to me this isn't
18 how I, me, wanted this to go. He was, basically,
19 telling me that I was making a mistake and that he
20 was about to fix the mistake I made.

21 Q And at the scene, you talked to Sergeant
22 Bridgeman; is that correct?

23 A I didn't get his name, but if that's who I
24 did, then yes.

25 Q And to Mike Arflin; is that correct?

1 **A** Once again, I don't recall names. But I did
2 talk to officers, yes.

3 **Q** And you gave a written statement to yet
4 another officer; is that correct?

5 **A** Yes.

6 **Q** And until today, you have never once said
7 that Jaron said any of those things; isn't that
8 correct?

9 **A** When I actually met with the Solicitor, we
10 went over this and I told her this.

11 **Q** A few weeks ago?

12 **A** Yes.

13 **Q** So all this stuff you say Jaron was saying
14 in a murder investigation, when you are repeatedly
15 being interrogated, you didn't mention any of that?

16 **A** Once again, I was also in shock. I was -- I
17 wasn't really there. I was very panicky.

18 **Q** Well, were you in shock a month later?

19 **A** I was in contact a month later.

20 **Q** Yes, sir. Did you know -- Robby is your
21 best friend; is that right?

22 **A** He was, yes, ma'am.

23 **Q** And Mike Arflin has worked at Clemson
24 Police Department this whole time; is that right?

25 **A** I guess, ma'am.

1 Q Did you ever pick up the phone a month
2 later, when you weren't in shock and say, Detective
3 Arflin, I've got some things to add?

4 A I didn't know I could do that. I was just
5 waiting on -- for someone, I guess, to get ahold of
6 me, if they needed me.

7 Q So all these statements about, this is not
8 how I wanted it to go down, are you ready to die,
9 every one of these statements, you first told the
10 prosecution a few weeks ago, while they were
11 preparing you to testify?

12 A I mean, I guess, yes, that would be the
13 truth. But I don't think he said am I ready to die. I
14 said he made me feel like he was telling -- he was
15 making me feel like he was going to end my life.

16 Q You were convicted of Shoplifting in 2016;
17 is that correct?

18 A Yes, ma'am.

19 Q You were convicted of Breach of Trust with
20 Fraudulent Intent in 2015; is that correct?

21 A Yes, ma'am.

22 Q Let's talk about this drug deal gone bad.
23 When did you first tell -- you didn't mention
24 anything about any kind of drug deal at all, neither
25 you nor Kalyn, at all during this investigation; is

1 that correct?

2 **A** At the very beginning, no, ma'am.

3 **Q** Well, actually, until a few weeks ago; is
4 that correct?

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

6 **Q** So a few weeks ago, you all told the
7 prosecution while you were being prepared for court
8 that this was a drug deal gone bad; is that correct?

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

10 **Q** Well, let me ask you something. The police
11 were there within about four minutes to this scene.
12 When did you and Kalyn decide that you all were going
13 to make up a story about being robbed by Jaron a few
14 weeks earlier?

15 **A** I -- I believe I was the one that came up
16 with the story. It was more just so, like I said, we
17 could focus our attention -- that their attention
18 would be focused on finding him and not looking at us
19 as if we deserved it.

20 **Q** So you would agree, at the scene, you told
21 Detective Mike Arflin, who took meticulous notes,
22 that you all were following Jaron to get the money he
23 owed you because he had robbed you a few weeks before
24 this? Do you recall that?

25 **A** Yes.

1 Q So what you're telling this jury is there
2 in the car, or was it in the woods beside the car,
3 you and Kalyn decided that you would make up a story
4 involving a robbery from a few weeks before? When was
5 that made up?

6 A I couldn't recall the actual time. It would
7 have been between that time.

8 Q Were you in the car when you all decided to
9 lie to the police or were you outside the car walking
10 around in the woods?

11 A It would have been outside the car.

12 Q Who --

13 A After.

14 Q -- who thought up that story, you or Kalyn?

15 A It would have been me.

16 Q And Kalyn agreed to it?

17 A I probably asked Kalyn to agree to it, yes.

18 Q So I just want to make sure I'm clear.

19 Until a few weeks ago --

20 MS. HINTON: Asked and answered, Judge.

21 THE COURT: I'll allow you to ask the
22 question. Go ahead.

23 MS. D. WHITE: Yes, ma'am.

24 BY MS. D. WHITE:

25 Q Until a few weeks ago -- wait a minute.

1 This happened August 1st of 2015; is that right?

2 A Yes.

3 Q So I just want to make this clear. Until a
4 few weeks ago, the story was that Jaron had robbed
5 you a few weeks before the shooting and y'all were
6 trying to get your money. There was no mention of
7 drugs at all. Is that correct?

8 A Yes, ma'am.

9 Q And until a few weeks ago, there was no
10 mention whatsoever of Jaron saying anything during
11 any of this other than, I don't have your money? Is
12 that correct?

13 A Can you repeat that question?

14 Q Yes, sir. Until a few weeks ago, during
15 this entire investigation, there was never any
16 mention of Jaron saying anything during this entire
17 incident other than, I don't have your money; is that
18 correct?

19 MS. HINTON: Objection, Judge. I don't
20 think there's been any testimony that he ever
21 said, I don't have your money.

22 MS. D. WHITE: Well, actually, Kalya just
23 testified that she put that in her statement.

24 MS. HINTON: Judge, this is as to Mr.
25 Raby's testimony. I don't believe Mr. Raby has

1 ever testified that Jaron said, I don't have
2 your money.

3 **THE COURT:** Well, let's find out if he --
4 if he knows if that was said.

5 **THE WITNESS:** I actually don't recall ever
6 saying that.

7 **BY MS. D. WHITE:**

8 **Q** All right. Well, let's take a look at your
9 written statement, while we're on statements. All
10 right. I'm going to hand you your statement so you
11 can follow along. Now, you gave some oral statements,
12 meaning you talked to police officers, is that right,
13 there at the scene?

14 **A** I believe so, yes.

15 **Q** And you also gave a written statement in
16 your own handwriting; is that correct?

17 **A** Yes.

18 **Q** And where were you when you gave that
19 written statement?

20 **A** I believe I was in the ambulance at the
21 time.

22 **Q** So this would have been before you would
23 have had the chance to talk to a prosecutor or
24 anybody like that. You were just writing right after
25 it happened; is that right?

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

2 **Q** Okay. Did you write, we were behind the
3 silver car and when we got to the stop sign, the
4 black male came out of the passenger side with a gun?
5 Did you write that? If you will, follow along.

6 **A** Yes, I did write that.

7 **Q** Did you write, he was yelling at us while
8 waving a gun in my face?

9 **A** I actually did not put in there that he was
10 yelling, but I did put that he had a gun in my face.

11 **Q** And if you will, just follow along with the
12 sentence. I'm on the third sentence now. Did you
13 write, he thrust the gun toward me and I swatted it
14 off and it went off, hitting my friend in the
15 passenger side?

16 **A** Well, that's not exactly how I wrote it
17 now.

18 **Q** Well, sir, here. It's right here, right?

19 **A** Right here?

20 **Q** No, sir. Right up here.

21 **A** That was crossed out.

22 **Q** Yes, sir. You wrote it and then you crossed
23 it out and then you wrote some more. I want your
24 entire statement. Just cause you cross it out doesn't
25 mean you didn't write it.

1 **A** They said that that wouldn't count. That's
2 why I crossed it out because I couldn't -- I can't --
3 I didn't know anyone could legibly read it. That's
4 why I tried to rewrite it.

5 **Q** All right. Well, let's do this again, and
6 including the statement you wrote out and then
7 crossed out that they said wouldn't count. Let's go
8 through these. You ready?

9 **A** (No response.)

10 **Q** We were behind the silver car. And when we
11 got to the stop sign, the black male came out of the
12 passenger side with a gun. Is that correct what you
13 wrote?

14 **A** Yes.

15 **Q** And then you wrote he was yelling at us
16 while waving a gun in my face; is that correct?

17 **A** Yes.

18 **Q** And then you wrote, he thrust the gun --
19 thrust the gun toward me and I swatted it off and
20 it went off, hitting my friend in the passenger side;
21 is that what you wrote?

22 **A** Yes.

23 **Q** So let's keep going. So you crossed that
24 out; is that right?

25 **A** Right.

1 **Q** And then you continued to write; is that
2 correct?

3 **A** Because I believed that the first part was
4 not descriptive in some areas. And then, like I said,
5 in some areas, I couldn't even read my own
6 handwriting at the time.

7 **Q** All right. Well, let's keep going. You
8 continued to write, Nice had robbed us and we
9 followed him while calling him to get the money back;
10 is that correct?

11 **A** Yes.

12 **Q** We followed him to a stop sign where he
13 jumped out with a gun. Is that what you wrote?

14 **A** Yes.

15 **Q** He came to the driver's side and he
16 thrust the gun in my face. Is that what you wrote?

17 **A** Yes.

18 **Q** And then you wrote, I swatted it away twice
19 and, the second time, it went off. Is that what you
20 wrote?

21 **A** Yes.

22 **Q** I turned and saw my friend Robby was hit,
23 and I immediately started pressure on his wound until
24 help arrived. Is that what you wrote?

25 **A** Yes.

1 Q Now, all this stuff about how you hit the
2 gun, today, oh, no, I had open hands, sir, is that
3 ever told to Mike Arflin, to Tim Bridgeman, or to the
4 officer who took that statement that day or any other
5 time in the investigation until today?

6 A Well, with the term "swatted", a swat is
7 with an open hand is how I would have seen it. If
8 they would have asked me to clarify, maybe get more
9 details, I would have.

10 Q That the trained detectives and the trained
11 officers --

12 A Like I'm saying, if they would have -- I
13 put in there that I swatted it. In my opinion, a swat
14 is with an open hand, like you would swat a fly. You
15 wouldn't swat a fly with a fist. You wouldn't go to
16 grab a fly when you swat it. You just use your hand
17 and you swat at it.

18 Q You said that Jaron had the gun in his
19 right hand. Is that correct?

20 A I believe so, yes.

21 Q And you would agree -- well, have you
22 looked at witness statements?

23 A Other witness statements, no, ma'am.

24 Q Well, you're quite aware, aren't you, that
25 Jaron is left-handed?

1 **A** No, I did not know that.

2 **Q** Don't you think it's odd that if you're
3 going to go to a car and try to shoot somebody that
4 you would hold it in your non-dominant hand?

5 **MS. HINTON:** Again, Judge, same objection
6 as before. I think we're getting into the intent
7 of Mr. Gibbs. I don't think he can testify to
8 that.

9 **THE COURT:** Sustained.

10 **BY MS. D. WHITE:**

11 **Q** Will you tell the jury in that statement
12 where you said that Jaron pointed the gun at you?

13 **A** It's when he -- I said he came to the
14 driver's side and thrust the gun in my face.

15 **Q** So is that your answer that you didn't put
16 that in your statement?

17 **A** It's in my statement.

18 **Q** Will you please tell the jury where in your
19 written statement in your own words you said that
20 Jaron shot this gun or pulled the trigger?

21 **A** Well, I said that the gun went off. I
22 didn't touch the gun trigger. I can only assume that
23 Jaron had pulled the trigger.

24 **Q** Will you please show the jury in this
25 statement where you said you didn't touch the

1 trigger?

2 **A** I didn't think it was. Once again, no one
3 asked me to clarify. When I say I swat a gun, I don't
4 say I grabbed the gun. I didn't say I tried to take
5 the gun from his hands. I didn't try to fight with
6 him. All I did was tried to push the gun away.

7 **Q** And when you pushed the gun away --

8 **A** I pushed it with an open palm.

9 **Q** But this is the first time we've ever heard
10 that.

11 **A** Because I've been asked to clarify.

12 **Q** Because all of the officers you talked to
13 weren't trained to do that; is that correct?

14 **A** I guess they understood what I meant.

15 **Q** Now, you said that you decided that you
16 would make up this story, the robbery, a few weeks
17 before, so that they would focus on Jaron; is that
18 correct?

19 **A** Yes.

20 **Q** And that definitely took the focus off of
21 you; didn't it?

22 **A** It was not about getting focus off of me.
23 It was just getting focus on Robby. It didn't matter
24 what happened to me, at that moment.

25 **Q** So you and Kalyn both lied to the police

1 within minutes after the shooting; is that correct?

2 **A** Yes.

3 **Q** If, in fact, Jaron was not just trying to
4 give you this gun, you were demanding money, why
5 wouldn't he have it in his dominant hand?

6 **MS. HINTON:** Objection, Judge. Again,
7 we're going to the intent.

8 **THE COURT:** Sustained.

9 **BY MS. D. WHITE:**

10 **Q** Let me ask you this. Is there anything that
11 would have prevented him, if he was trying to shoot
12 you, from standing outside of the car and shooting?
13 Was there any barrier there?

14 **A** Him, being in the middle of the road.

15 **Q** Yes, sir. This was a bright, sunny day,
16 wasn't it?

17 **A** Yes.

18 **Q** Witnesses everywhere; isn't that true?

19 **A** From what I understand, yes.

20 **Q** So if I'm trying to get the jump on you and
21 I'm trying to shoot you, do you think it's weird that
22 I would put the gun right into your hands?

23 **MS. HINTON:** Objection, Judge. Again, one,
24 that's not the testimony that the gun went right
25 into his hands. That's never been his testimony.

1 And second, she's again asking about the intent
2 of the defendant.

3 **THE COURT:** If you will, just ask him what
4 he saw.

5 **MS. D. WHITE:** Yes, sir. Yes, Your Honor.

6 **THE COURT:** You'll have plenty of time to
7 draw conclusions with the jury.

8 **BY MS. D. WHITE:**

9 **Q** Now, when the gun went off, you didn't know
10 that Robby had been shot, did you, right away?

11 **A** Not immediately, no.

12 **Q** And you were sitting right beside him?

13 **A** Right.

14 **Q** So it certainly would have been reasonable
15 that Jaron had no idea he had been shot either?

16 **MS. HINTON:** Judge, objection. Again, he
17 doesn't know what Mr. Gibbs thinks.

18 **MS. D. WHITE:** No, but he knows where it
19 was positioned, Your Honor.

20 **THE COURT:** I will allow it. I will allow
21 him to answer that question.

22 **BY MS. D. WHITE:**

23 **Q** So you were seated right beside Robby and
24 you had no idea he had been shot; did you?

25 **A** In the first 30 seconds, no.

1 Q Yes, sir. And Jaron was on the same side of
2 the car that you were on, isn't that correct, when
3 that shot went off?

4 A Yes.

5 Q He was outside the car; isn't that correct?

6 A Right.

7 Q Now, did you wear a hat that day?

8 A I believe I had a hat on, yes.

9 Q Did anybody ever take your blood or take
10 your urine or any other bodily fluids that day to
11 test as to how accurate a witness you would have
12 been?

13 A Maybe the hospital would have, but I would
14 not have gotten any results on that.

15 Q The hospital did not. I'm asking if law
16 enforcement did, but the hospital didn't.

17 MS. HINTON: Judge, she's making
18 statements.

19 THE COURT: Sustained.

20 BY MS. D. WHITE:

21 Q Did law enforcement ever get your blood?

22 A If they took my hat, it would have had
23 maybe my blood on it. But other than that, I don't
24 know.

25 Q Did anybody draw your blood to run

1 toxicology results on it?

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

3 **Q** Did anybody ever take your clothing, since
4 you were seated right there, to test for blood
5 spatter and other things?

6 **A** No, ma'am. They actually looked me over. I
7 guess they didn't see any blood spatter. They did do
8 a gunshot residue test though.

9 **Q** On your hands?

10 **A** On my hands.

11 **Q** Now, let's talk about that. Before they ran
12 gunshot residue on your hands, were you walking
13 around the scene like this with your hands through
14 your hair? And I'm going to warn you, we have a body
15 cam.

16 **A** It's possible. When I get really panicky, I
17 tend to run my hands through my hair.

18 **Q** Were you also taking your fists and
19 slamming it into your car, in fact, four times?

20 **A** I was pretty furious with myself, yes.

21 **Q** Now, you and Kalyn were in and out of the
22 car, is that correct, even after the scene tape was
23 up?

24 **A** I don't remember going to the car. Maybe
25 once after they pulled him out. And that was, I

1 guess, to get my keys ---

2 Q Uh-huh.

3 A --- and maybe my cell phone. But that would
4 have been it. Then, I don't remember going to the car
5 again.

6 Q Did anybody ever take your cell phone?

7 A Not that I recall.

8 Q How about the tablet that was in your car?

9 A No, I don't think they took that.

10 Q You were wearing cargo pants, is that
11 right, like the long khaki kind of pants that were
12 down to here that had pockets all over them?

13 A I guess, ma'am, yes.

14 Q Now, you are aware, when your car was
15 examined, that there was marijuana in a box
16 underneath the seat and marijuana in the console? Are
17 you aware of that?

18 A Yes, ma'am.

19 Q So two different locations; is that
20 correct?

21 A Right.

22 Q But you are telling this jury that you were
23 buying marijuana?

24 A Yes. We were trying to buy marijuana.

25 Q Now, there were lots of different bottles

1 with probably hundreds of pills or close to.

2 **A** A lot of it was old anxiety medications,
3 depression medications, stuff that I had actually
4 been prescribed.

5 **Q** And they were all jumbled together in lots
6 of different bottles with different names; is that
7 correct?

8 **A** Right.

9 **Q** What drugs had you used that day?

10 **A** I don't believe I had actually used any
11 drugs that day.

12 **Q** You don't believe that or are you sure?

13 **A** I am almost 100 percent positive. I am 100
14 percent positive.

15 **Q** So we went from I'm not sure to I'm almost
16 positive to I'm 100 percent positive in about 10
17 seconds there.

18 **A** It's been a long time. But I -- I am 100
19 percent positive.

20 **Q** Now, at some point, after you had been
21 putting your hands in your hair, walking around,
22 slamming your fists into things, some purple gloves
23 were put on you. Do you remember that?

24 **A** Maybe, vaguely.

25 **Q** And they were latex gloves; is that

1 correct? Kind of a plasticky. They weren't --

2 **A** I think they were hospital ones, yeah. I
3 think.

4 **Q** And this was August; is that right?

5 **A** Yes.

6 **Q** You would agree it was very hot that day?

7 **A** It was kind of hot, yeah.

8 **Q** I can't remember. I may have already asked
9 you this, but I don't remember. Did anybody take your
10 clothing?

11 **A** No, ma'am. Other than the hat, I don't
12 think anyone took any other clothing.

13 **Q** Now, when you all were driving back from --
14 you went back, you said. You said you saw Jaron again
15 and then you followed. On that route, do you pass
16 some public buildings? Walmart, 7-Eleven, Ingles?

17 **A** We would have passed the Walmart. Then we
18 would have turned before the Ingles.

19 **Q** Okay. How about the 7-Eleven?

20 **A** I think that is the 7-Eleven at that
21 corner.

22 **Q** Now, I believe you testified that actually
23 you are the one -- you said today "we". But, in fact,
24 you've testified that you're the one who did the drug
25 transaction with Jaron; is that correct?

1 **A** Correct.

2 **Q** So your testimony is it wasn't Robby, it
3 was you who did that?

4 **A** Robby was the connection between me and
5 Mr. Gibbs.

6 **Q** But the bottom line is you all lied about
7 the alleged drug deal that you're telling us about
8 today so that the focus would go over on Jaron?

9 **A** Yes, ma'am. But as it does say in my
10 written report, I did not say that he robbed us weeks
11 before. I just said he had robbed us.

12 **Q** No, sir. You are aware that you said a
13 verbal report and notes were made of that. Are you
14 aware of that?

15 **A** I wasn't made a -- I don't know about the
16 oral report, but I'm just saying in my written
17 report, it does say that he just robbed us.

18 **Q** Yes, sir. And you are aware that you
19 actually told Mike Arflin that he robbed you a few
20 weeks before?

21 **A** Yes, ma'am. I just wanted to make sure we
22 had those separated.

23 **Q** And you testified, under oath very
24 recently, that, yes, you did say that to Mike Arflin
25 throughout the investigation; is that right?

1 **A** Yes.

2 **Q** Now, I wrote down and put quotation marks
3 around, when you were asked first, by the prosecutor,
4 did you wrap your hand around that gun, you said not
5 that I recall. Why did you say that a few minutes ago
6 first and then go into, oh, no, no, no, it was open
7 palm? Why did you first say not that I recall?

8 **A** Because, like I said, it's been a while. I
9 am almost positive that I did not wrap my hands
10 around the gun. But, like I said, it's been a long
11 time. In my memory, I did not.

12 **Q** But you're not sure of that at all, are
13 you?

14 **A** I mean, in my memory, I am positive that I
15 did not.

16 **Q** So I'm confused in some of the scene
17 pictures that were supposedly taken while the scene
18 was preserved. How is your window up and how is the
19 front passenger window down, if, in fact, it was just
20 the opposite when this occurred?

21 **MS. HINTON:** Objection, Judge. There's
22 been no ---

23 **MS. D. WHITE:** Who did that?

24 **MS. HINTON:** --- no testimony that the
25 front passenger window is down in that photo.

1 His testimony was that it's up.

2 **THE COURT:** Just ask him a question, and I
3 will allow him to answer if he knows.

4 **THE WITNESS:** I'm not sure. It could have
5 been when the EMS was trying to help Robby.
6 Other than that, I'm not sure.

7 **BY MS. D. WHITE:**

8 **Q** I'm going to hand you State's Exhibit 11
9 again. I'm going to ask you again to look at that
10 passenger side front window. That thing is down, not
11 up; isn't it?

12 **A** I really can't tell.

13 **Q** Do you know when Robby used the cocaine,
14 the benzos and the marijuana?

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

16 **Q** But you picked him up from his house; is
17 that right?

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

19 **Q** And Kalyn was with him?

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

21 **Q** So it went from those two to you three. Did
22 he leave your presence at all between the time you
23 picked him up and the time he was shot?

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

25 **MS. D. WHITE:** Just one minute, Your Honor.

1 **BY MS. D. WHITE:**

2 Q Whose tablet was that in your car?

3 A Was it an iPad?

4 Q Yes.

5 A Yes, that was mine.

6 Q To your knowledge, did the police ever take
7 it?

8 A No, ma'am. It wasn't used in any sort or
9 fashion for the incident.

10 Q Well, that's your testimony, right?

11 A Yeah, like we never made a phone call on
12 it. There were no photos taken on it. It was not like
13 it was used for contacts. I mainly used it for music.

14 **MS. D. WHITE:** No further questions.

15 **MS. HINTON:** Briefly, Your Honor.

16 **THE COURT:** Certainly.

17 **REDIRECT EXAMINATION**

18 **BY MS. HINTON:**

19 Q Mr. Raby, are your front windows tinted?

20 A No, ma'am.

21 Q Ms. White asked you about your statement
22 about whether or not your hands were wrapped around
23 it -- around the gun. How long after this incident
24 did you give your written statement to law
25 enforcement?

1 **A** I can't recall a time. It was after the
2 ambulance had got there and they sat me in the
3 ambulance. They gave me a pen and paper and asked me
4 to write it down.

5 **Q** Let me ask you this, were you still on
6 scene when you gave your statement?

7 **A** By the hospital?

8 **Q** No, were you still --

9 **A** On the scene?

10 **Q** Yes.

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

12 **Q** And is that when you gave both your oral
13 and your written statement?

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

15 **Q** And at any time in your written statement,
16 do you say that you wrapped your hands around the
17 gun?

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

19 **Q** At any time that you spoke to law
20 enforcement, did you tell them that you wrapped your
21 hands around the gun?

22 **A** Once again, I don't believe I did. I would
23 have -- I would have made sure that I told them that
24 I didn't. That was not my intentions at all.

25 **Q** Okay. And there was some testimony about

1 the different places on the road that you would have
2 passed, Walmart, 7-Eleven, Ingles. Other than pulling
3 into the Walmart parking lot to weigh that marijuana,
4 when you were following Mr. Gibbs' car, did you pull
5 into any of those places?

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

7 **Q** Were any stops made prior to getting to
8 that four-way stop?

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

10 **Q** Your two prior convictions, that
11 shoplifting and that breach of trust, those are both
12 less than \$2000; is that correct?

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

14 **MS. HINTON:** That's all I have.

15 **THE COURT:** Anything else for this
16 witness?

17 Sir, you can step down.

18 Ladies and Gentlemen, we've come to a good
19 point for our morning break. I'm, in just a
20 moment, going to ask you to step to your jury
21 deliberation room to take a break. We'll break
22 for about 10 or so minutes and then resume.
23 Please don't discuss the case with anyone. All
24 right. Thank you.

25 If everyone would, remain seated while the

1 going to keep you more than an hour away from
2 here. You understand?

3 **THE WITNESS:** Yes, ma'am.

4 **THE COURT:** All right. Y'all ready to
5 bring the jury back in?

6 **MS. HINTON:** Yes, Your Honor.

7 **MS. D. WHITE:** Yes, Your Honor.

8 (Jury enters at approximately 11:18 a.m.)

9 **THE COURT:** All right. Yes, ma'am.

10 **MS. HINTON:** Thank you, Your Honor. The
11 State would call Amelia Hood.

12 **AMELIA HOOD**

13 having first been duly sworn, testifies as follows:

14 **THE CLERK:** If you would, have a seat and
15 state your name for the record please.

16 **THE WITNESS:** Amelia Hood.

17 **DIRECT EXAMINATION**

18 **BY MS. HINTON:**

19 **Q** Ms. Hood, are you from the Upstate area?

20 **A** Yes.

21 **Q** Okay. Have you lived here your entire life?

22 **A** Pretty much. I been in Clemson since '86.

23 **Q** And are you employed?

24 **A** Yes.

25 **Q** Where do you work?

1 **A** Clemson University.

2 **Q** And what do you do there?

3 **A** I do payroll.

4 **Q** On August the 1st of 2015, were you in the
5 Issaqueena Trail area?

6 **A** Yes, I was.

7 **Q** And what were you doing that day?

8 **A** I was headed to Ingles to pick up some
9 supplies, some party favors to go to a pool party.

10 **Q** I'm going to show you what's been entered
11 as State's Exhibit Number 1. And there is a laser
12 pointer. It's the red button that says LASER. Can you
13 tell me -- can you show the jury where you were
14 driving that day?

15 **A** Trying to get my bearings on where
16 Issaqueena --

17 **Q** And I know it's a little blurry. If you
18 need me to bring it up closer to you at first, I'm
19 happy to do that.

20 **A** (Reviewing.)

21 I was over near Lowe's.

22 **Q** And which direction were you headed?

23 **A** If that's Lowe's, okay, I was coming from
24 this direction headed -- I don't see Ingles on here,
25 but I was headed towards Ingles.

1 Q Okay.

2 A Is this Issaqueena Trail? Yep. Okay.

3 Q All right.

4 A So I was coming from this direction headed
5 in that direction.

6 Q Okay. Is there a four-way stop on that
7 road?

8 A Yes, there is.

9 Q And where is that? Can you tell on that
10 map?

11 A I believe it's right there ---

12 Q Okay.

13 A --- near the -- there's a Wesleyan Church
14 on the corner, which I'm not seeing on the map.

15 Q Yeah. I apologize. It doesn't have
16 everything on there. Did you come to that four-way
17 stop on that day?

18 A I did, yes.

19 Q And when you got there, were there any
20 other cars at the four-way stop?

21 A There was already a vehicle on the left.

22 Q On the left?

23 A Yes.

24 Q Just using that map, could you show me
25 where the other vehicle was?

1 **A** I was coming from this direction and kind,
2 of right there on the left.

3 **Q** Okay. And do you know what type of vehicle
4 it was?

5 **A** I recall it being silver. What I remember
6 is it had a big grill on the front, a vehicle with a
7 big grill, a silver grill.

8 **Q** Did you notice any cars behind that silver
9 car?

10 **A** Yes, there was a vehicle behind it.

11 **Q** Do you recall what kind of car that was?

12 **A** An SUV, white, I believe.

13 **Q** And did you notice anyone else at the four-
14 way stop?

15 **A** At that time, I did not.

16 **Q** Was there anyone behind you, do you know?

17 **A** Not that I recall.

18 **Q** When you get to that four-way stop and the
19 silver car and the white SUV are on your left, tell
20 me what you see.

21 **A** Of course, I stopped because there was a
22 vehicle on the left and I knew I had to give it the
23 right-of-way. Then, as I was sitting waiting for it
24 to go, I realized that there was someone standing at
25 the driver's window of the vehicle, the second

1 vehicle, the SUV.

2 Q And when you noticed that someone was
3 standing there, did it seem like a friendly
4 conversation to you?

5 A I just assumed it was. I thought, oh, okay,
6 somebody knew -- some people knew each other. They
7 are out, and they are having a conversation.

8 Q Did you see anyone else out of the car,
9 except for the person at the driver's side?

10 A I did not.

11 Q And can you describe the person that you
12 saw at the driver's side?

13 A A black male.

14 Q What happened next?

15 A I noticed that there -- I recalled seeing
16 that there was a bag on the ground beside the
17 passenger door of the silver vehicle.

18 Q What kind of bag?

19 A Like a -- for lack of a better word, a man
20 purse, like a satchel.

21 Q Do you know what color it was?

22 A Brown, dark. Deep brown or dark.

23 Q And that was located where?

24 A Beside the passenger door of the silver
25 vehicle.

1 Q Okay.

2 A Of the first vehicle.

3 Q Okay.

4 A And then -- I'm sorry. Go ahead.

5 Q Just to be clear, did you see the black
6 male exit the car in front or did you just see him at
7 the driver's side?

8 A He was already at the driver's side.

9 Q I'm sorry. Go ahead.

10 A Okay. And so I was waiting, not knowing if
11 I should go or what I should do. And what seemed like
12 a friendly visit, looked like it perhaps was turning
13 into a heated discussion. It was, at that point, I
14 just heard a pop. I saw an arm go up. I thought, I
15 don't know that this is a friendly discussion. The
16 sequence of events that I remember next is seeing the
17 man that was standing at the passenger side of the
18 second vehicle run to -- I mean, at the driver's side
19 of the second vehicle, run to the passenger side of
20 the first vehicle and get in the car.

21 Q Okay. And did you stop or did you continue
22 on? What did you do?

23 A I thought at that point in time -- I mean,
24 it's the middle of the day -- I'm going to be honest
25 -- it's the middle of the day on a Saturday on a

1 four-way stop at Issaqueena Trail. I really thought
2 that it was not a gunshot. I thought -- I thought I
3 saw the vehicle turn right and pull over. I went on
4 through the four-way stop. It looked like the front
5 of the SUV had a dent in it. I convinced myself it
6 was a heated argument, like a traffic violation. I
7 thought maybe the first -- second car bumped into the
8 first car. I went on through the stop.

9 At that point in time, I noticed -- I
10 looked in my rear view mirror. The car that had
11 pulled up on the right, someone had gotten out of the
12 car and was running across the intersection. That's
13 when I realized it was probably more -- it probably
14 was a gunshot, so I called 911.

15 Q And you said that car was to the right. Can
16 you use your laser pointer and show where that car
17 was?

18 A At the corner of Old Shirley here.

19 Q And you said, ran across. What were they
20 running towards? Could you tell?

21 A They were running -- they were running from
22 here across to the white SUV.

23 Q And I believe -- did you say that you
24 called 911?

25 A I did.

1 Q Did you ever see which way the silver car
2 that was in front went?

3 A I did not. I thought that it had pulled
4 over beside me and was also running -- someone had
5 gotten out. I thought they were running to the
6 incident as well. But I don't think that was the case
7 at this point.

8 Q What kind of car were you driving that day?

9 A 2015 silver Kia Optima.

10 Q And were you alone?

11 A I was not.

12 Q Who was with you?

13 A My daughter.

14 Q How old is your daughter?

15 A Nine.

16 Q Did you go back to the scene and give a
17 statement or where did you go?

18 A I called the police department, on Sunday,
19 when I realized that there had been a shooting, and
20 let them know I had seen the incident, had called
21 911. I figured it was -- because I gave my name, I
22 figured it was a matter of time before they called
23 me, so I called them.

24 Q Okay.

25 A I gave my statement on Sunday afternoon.

1 Q So to be clear, you didn't hang around the
2 scene and discuss all this with everybody, correct?

3 A I did not.

4 Q And I don't mean this offensive at all, but
5 were you using any drugs or alcohol that day?

6 A I was not.

7 Q Let me ask you one other thing. That
8 satchel that you said you saw when you got to the
9 side door, did you notice it again when you looked in
10 your rear view?

11 A I did not.

12 Q Do you have any idea where it went?

13 A I do not.

14 Q That's all I have. Please answer any
15 questions Ms. White may have.

16 **THE COURT:** Ms. White.

17 **CROSS-EXAMINATION**

18 **BY MS. D. WHITE:**

19 Q Ms. Hood, you came the next day to the
20 police; is that correct?

21 A I did, yes.

22 Q And you gave a videoed statement, is that
23 right, a videotaped statement? Did you know they were
24 videotaping it?

25 A I did not -- or I may have. I don't

1 remember.

2 Q Do you remember -- and what -- this was --
3 the shooting occurred on a Saturday; is that right?

4 A Correct.

5 Q So you said you came Sunday?

6 A Yes.

7 Q Do you recall about what time you came?
8 Sunday?

9 A Middle to late afternoon. As mentioned, I
10 had my daughter with me, and I'm a single mom. I just
11 needed to make sure she wasn't wrapped up in it more
12 than needed to be.

13 Q And do you recall while you were giving
14 your statement that the officer said to you, the day
15 after this occurred, this is murder? Do you remember
16 that?

17 A I don't believe that was the case.

18 Q Would it surprise you to know that's on the
19 tape?

20 A That would surprise me.

21 Q Would you agree the tape would accurately
22 reflect that?

23 A Oh, yes, of course.

24 Q Now, let's go back to that day. You said, I
25 kept going because I just assumed nothing like this

1 would happen. It was a sunny day, a public place. Why
2 did you think that? Why would you say nobody would
3 kill somebody on a day like this? Explain to the jury
4 why you thought that.

5 **A** You know, fairly safe area. It was broad
6 daylight. There was lots of people around, I mean, at
7 that point in time, and we were sitting at a four-way
8 stop. So I just didn't think someone would do that in
9 those circumstances.

10 **Q** And you could not see inside this car at
11 all; is that correct?

12 **A** The first vehicle?

13 **Q** Yeah. Well, the first or the second
14 vehicle. You couldn't see inside the car; is that
15 correct?

16 **A** I recall the first vehicle had tinted
17 windows. The second one seemed to have -- I did
18 recall seeing maybe, as I was driving through, other
19 -- another person, just cause the windows weren't as
20 dark. No, I didn't see physical features.

21 **Q** Okay. I asked that question poorly. You
22 talked to Ashlea in my office and you told her that,
23 in other words, you couldn't see what was happening
24 inside the car when this male was standing there?

25 **A** That is correct.

1 Q Sorry. That was my fault for not asking
2 that correctly. And I believe you also said,
3 however, you saw something like an arm going up.

4 A Yes.

5 Q Okay. But you couldn't see anything that
6 was happening inside the vehicle?

7 A That's correct.

8 Q It was a really sunny day. Is that right?

9 A I tend to always have my sunglasses on, but
10 yes. I mean, yeah, we ended up going to a party and
11 the sun was shining.

12 Q And it was a warm day that day?

13 A In August, yeah.

14 MS. D. WHITE: No further questions.

15 THE COURT: Anything else for this
16 witness?

17 MS. HINTON: No, Your Honor. May she be
18 excused?

19 THE COURT: Any objection?

20 MS. D. WHITE: No objection.

21 THE COURT: Thank you, ma'am, for being
22 here.

23 MS. MCCALL: The State would call
24 Fredricka Gibson to the stand.

25 FREDRICKA GIBSON

1 having first been duly sworn, testifies as follows:

2 **THE CLERK:** State your name for the record
3 please.

4 **THE WITNESS:** Fredricka Gibson.

5 **DIRECT EXAMINATION**

6 **BY MS. MCCALL:**

7 **Q** Hi, Ms. Gibson. Can you tell the jury where
8 you live?

9 **A** In Seneca, South Carolina.

10 **Q** Okay. And around the time of August 1st,
11 2015, were you also living in Seneca?

12 **A** Yes.

13 **Q** Would you have had a reason to be in
14 Clemson that day?

15 **A** Yes.

16 **Q** And what was that reason?

17 **A** I was born and raised in Clemson.

18 **Q** Okay.

19 **A** My family lives in Clemson.

20 **Q** So on that day, were you visiting family?

21 **A** Yes.

22 **Q** And did you come upon a four-way stop right
23 at Issaqueena Trail and Cambridge Drive that day?

24 **A** Yes, I did.

25 **Q** And you'll see up on the screen what's

1 already been placed as State's Exhibit 1. There is a
2 pointer up there. It also has a red button. It's a
3 laser. If you will, take that and point out on the
4 map where your car was positioned that day at that
5 four-way stop.

6 **A** I am not good with maps.

7 **Q** Would you like me to bring it closer to you
8 so you can see?

9 **A** Yes.

10 **Q** Okay. Just take your time. I know there's
11 quite a few streets on there.

12 **A** (Reviewing.)

13 **Q** Okay. There is Issaqueena here. Cambridge
14 here.

15 **MS. D. WHITE:** Your Honor, I have no
16 objection whatsoever to her pointing out the
17 intersection, even though this is her witness.

18 **MS. MCCALL:** Thank you, Ms. White.

19 **BY MS. MCCALL:**

20 **Q** So this is Issaqueena Trail?

21 **A** Yeah.

22 **Q** And then that's Cambridge Drive?

23 **A** Uh-huh.

24 **Q** So then the four-way stop would have been
25 where those streets intersect.

1 **A** I was coming right here ---

2 **Q** Okay.

3 **A** -- on the side of the church.

4 **Q** All right. I'm going to put this back on
5 the screen. If you will, point that out with the
6 laser for the jury. Push the red button please. Is it
7 working?

8 **A** I can't see that well.

9 **Q** Okay. This is Issaqueena Trail and
10 Cambridge Drive. So the four-way would be -- the
11 four-way stop would be right there?

12 **A** Right.

13 **Q** So can you tell what direction you were
14 coming from at that intersection?

15 **A** There it was. I was coming -- whatever side
16 the church was on, I was on the left-hand side -- the
17 right-hand side of the church.

18 **Q** Okay. So if you were facing, the church
19 would have been on your right -- if you were at the
20 four-way stop sign and the church was on your right?

21 **A** Uh-huh.

22 **Q** Okay. And when you came up on this four-way
23 stop, were there any cars at the four-way stop?

24 **A** There were cars on both sides of the four-
25 way stop, all of them.

1 Q Okay. And were -- was a car in front of you
2 at the stop sign?

3 A No.

4 Q And will you explain to me if you remember
5 what the cars looked like that were at the four-way
6 stop?

7 A Only one that I know -- I remember up to my
8 right, I remember seeing a Chrysler. It was headed in
9 the opposite direction. And I remember the person at
10 the four-way. They were in, like, a four-door. They
11 had kids in the car.

12 Q Okay.

13 A And in front of me, I saw a white SUV.

14 Q Was the white SUV at the four-way stop?

15 A At the four-way stop.

16 Q Were there any cars in front of that SUV?

17 A The Chrysler right in front of it.

18 Q And did you notice anything else at that
19 four-way stop that day?

20 A No, the only thing I noticed is that it was
21 hot.

22 Q Uh-huh.

23 A No, air conditioner. Just sitting there
24 waiting, wondering why they got to talk at that time.
25 I was just ready to move to get some air going.

1 Q Okay. So you say, why they had to talk. Did
2 you see anyone outside of a car talking?

3 A I saw a young gentleman outside of the car.

4 Q Okay. And what car was he outside of?

5 A He was standing outside the Chrysler --
6 outside the white Ford SUV.

7 Q And where was he standing outside? What
8 door?

9 A He was on the driver's door.

10 Q And what did this gentleman look like?

11 A He was, I guess about 5'7, slender build.

12 Q Any other features that you recall?

13 A No.

14 Q And when you saw him talking, did you hear
15 anything they were saying?

16 A No.

17 Q Did you see anything else happen while they
18 were talking?

19 A No.

20 Q What is the next thing that you recall
21 taking place?

22 A The next thing I recall, I turned around to
23 check on my great-granddaughter. My grandson was
24 sitting on the passenger side. He started yelling,
25 back up, back up. And I'm turning around trying to

1 figure out why is he saying that. By the time I
2 turned around, I just heard the gun. That's all I
3 heard.

4 Q So you heard a gunshot?

5 A Uh-huh.

6 Q And you said that you had your grandson and
7 granddaughter in the car with you?

8 A Yeah.

9 Q How old are they?

10 A Right now, at the time, Oczavius were 12
11 and the little great-granddaughter, she was 1.

12 Q So Oczavius is your grandson?

13 A Uh-huh.

14 Q And after you heard the gunshot, what
15 happened then?

16 A All I remember is my grandson getting out
17 the car, running across the four-way stop, trying to
18 see what was going on, trying to stop him from going.
19 I just remember the car taking off, the Chrysler.

20 Q Let me back up just a moment. When you saw
21 the young gentleman standing outside of the white
22 Ford, do you recall what color he was?

23 A The gentleman that was standing out in
24 front of the Ford?

25 Q Yes, ma'am.

1 **A** It was a black gentleman.

2 **Q** Okay. Did you see anything in his hands at
3 that time?

4 **A** No.

5 **Q** When you said that you heard a gunshot, did
6 you hear one or more?

7 **A** One.

8 **Q** And did you see him when he left from
9 standing outside the driver's door?

10 **A** Yes.

11 **Q** In what direction did he head?

12 **A** He was headed like he was going towards
13 Lowe's as far as getting back in the vehicle. The
14 vehicle took off towards Lowe's.

15 **Q** When he was on his way back to the vehicle,
16 did he get in the driver's seat, the passenger's
17 seat?

18 **A** The passenger's seat.

19 **Q** Ms. Gibson, do you recall giving a
20 statement that day on scene?

21 **A** Uh-huh.

22 **Q** Ms. Gibson, I'm going to show you that
23 statement. If you will, just review that and read it
24 to yourself please.

25 **A** (Reviewing.)

1 Q Did you see anyone point a gun that day?

2 A No.

3 Q Do you -- after having an opportunity to
4 review your statement, do you realize that, in your
5 statement, you stated that you saw someone point a
6 gun?

7 A In my statement, I did. But as I look back
8 on it, I didn't.

9 Q Okay. So if you gave that statement that
10 day, would that had been accurate?

11 A I don't know. My adrenaline was rushing. I
12 don't know.

13 Q Ms. Gibson, do you recall meeting with me
14 and Ms. Hinton at our office to discuss this case?

15 A Uh-huh.

16 Q Do you also recalling telling us when you
17 met with us that you saw someone stand outside of
18 that vehicle and point a gun in the car?

19 A I didn't say it was a gun. I do know that.

20 Q Okay.

21 A Not when I talked to y'all on several
22 occasions.

23 Q What do you recall?

24 A I remember seeing a hand go up and down.
25 That's all I remember.

1 Q Ms. Gibson, have you been sitting outside
2 of the courtroom today before you came in and
3 testified?

4 A Yes.

5 Q And were you sitting outside with the
6 defendant's family?

7 A I don't know the defendant's family. I just
8 know people I went to school with.

9 Q Okay. And are those people in the courtroom
10 today?

11 A Yes.

12 Q And can you point out the people that you
13 were sitting with outside?

14 A Everybody, basically, back there.

15 Q Thank you. So to be clear for the record,
16 Ms. Gibson, you are denying that you never saw the
17 gentleman point a gun in the vehicle?

18 A No, I'm not denying it. I said, after time
19 went by, you think about and reflect on things and
20 things is just not what it is what it seems to be at
21 the time.

22 Q Okay. So to be clear, on August 1st, 2015
23 when you gave this statement --

24 **MS. D. WHITE:** Your Honor, I'm going to
25 object. This is leading. This is her witness.

1 **THE COURT:** I'm going to allow her to ask
2 the question. Just be careful about leading.

3 **MS. MCCALL:** Thank you, Your Honor.

4 **BY MS. MCCALL:**

5 **Q** On August 1st, 2015, you gave this
6 statement. It says, halfway down the statement, and
7 you can read along, you saw a young, black man get
8 out of a Chrysler 300 and went up to a white SUV on
9 the driver's side and pointed a gun and fired it
10 once. Do you recall making that statement?

11 **A** Yes, I do.

12 **Q** After you stated that you saw this young
13 man get back in the car, what happened next? Did you
14 pull -- did you stay at the scene? Did you leave the
15 scene?

16 **A** I pulled across the four-way stop. I left
17 and went to check to see what my grandson was --
18 checking on his well-being.

19 **Q** And what did you see once you got out of
20 your vehicle?

21 **A** Nothing. The only thing that I saw is my
22 grandson checking on everyone and that the people
23 were still sitting in the car, in the white SUV.

24 **Q** How many passengers did you see in that
25 SUV?

1 **A** The driver and the one in the back, the
2 young lady in the back and the gentleman that got
3 shot. It was three altogether.

4 **Q** And where was the gentleman sitting that
5 got shot?

6 **A** He was sitting on the passenger side in the
7 front.

8 **Q** Do you recall how those victims were acting
9 that day?

10 **A** No. The only one that I recognized was the
11 lady. She was hysterical.

12 **Q** And that would have been the lady that was
13 in the back?

14 **A** The back.

15 **Q** When you were outside of this white Ford,
16 did you see any weapons?

17 **A** No.

18 **Q** While on scene, after officers arrived, is
19 that when you gave your statement to police?

20 **A** Yes.

21 **Q** Prior to you hearing this gunshot and the
22 shooting, did you see anyone get out of that white
23 Ford?

24 **A** No.

25 **Q** Approximately how long were you on the

1 scene that day?

2 A About two or three hours.

3 Q Thank you, Ms. Gibson. Answer anything
4 Ms. White has please.

5 THE COURT: Ms. White.

6 CROSS-EXAMINATION

7 BY MS. D. WHITE:

8 Q Ma'am, did you have any idea of the
9 shooter's identity that day at the scene?

10 A No, ma'am.

11 Q And you gave a written statement and you
12 talked to the officers too; is that correct?

13 A Yes.

14 Q And I'm looking at the officer's report,
15 actually. Did you say you never saw a gun but you
16 heard a pow?

17 A Yes.

18 Q Would you like to look at the officer's
19 report?

20 MS. HINTON: Judge, I don't think she
21 needs to. She said that that's what she said.

22 THE COURT: I think she's in agreement
23 that that's what she said.

24 BY MS. D. WHITE:

25 Q So when the prosecution, in front of the

1 jury, asked you, oh, were you sitting with the family
2 and did you make this prior statement, in fact,
3 that's in the State's investigative report that you
4 made that statement that day at the scene; is that
5 correct?

6 A Yes.

7 Q Now, when you gave your written statement
8 and you had been talking to Kalyn, she was there
9 hugging you, I think it shows on the body cam; is
10 that right?

11 A Uh-huh.

12 Q And Hunter Raby was right there with all
13 the witnesses as well; is that right?

14 A Right.

15 Q And do you know why, with the scene all
16 taped off, you -- all the witnesses would have been
17 standing there hugging them and talking to them?

18 A No.

19 Q So did you assume that that's what happened
20 since you heard the pow?

21 A Right.

22 Q But once it was clarified with the officer
23 that day, did you tell them that day, well, actually,
24 I didn't see the gun. I just heard a pow. In fact,
25 did you see anything that happened inside that car?

1 **A** No.

2 **Q** It was a sunny day; is that right?

3 **A** Yes.

4 **Q** Now I believe that you told my office that
5 the way that you saw the conversation going, you
6 thought that they were just saying something to each
7 other, the male that was standing outside the car to
8 the one inside?

9 **A** Yeah.

10 **Q** In fact, you never saw a gun at all, just
11 like you told the officer at the scene that day. And
12 you never saw a gun -- never saw anything that
13 happened inside the car; is that right?

14 **A** Right.

15 **Q** Now, I believe you stood at the scene
16 there, according to the body cam; is that right?

17 **A** Uh-huh.

18 **Q** You and several other witnesses and Kalyn
19 and Hunter; is that right?

20 **A** Right.

21 **Q** And did you see Hunter going to his car and
22 punching it several times?

23 **A** I didn't see it. My grandson did.

24 **Q** And did you see purple vinyl, like the
25 plastic kind of gloves like a medical person would

1 use, being placed on Hunter Raby's hands? Or did you
2 see them on his hands? I'm sorry.

3 **A** No, I did not.

4 **Q** You said it was very hot that day?

5 **A** Yes.

6 **Q** So if the State knew that you had given
7 this prior statement the day of the scene to Mike
8 Arflin who is sitting right here and made a written
9 report, why would you be asked if you were sitting
10 with Jaron's family?

11 **MS. HINTON:** Objection, Your Honor.

12 **THE COURT:** Sustained.

13 **MS. D. WHITE:** No further questions.

14 **THE COURT:** Anything else for this
15 witness?

16 **MS. MCCALL:** Just briefly, Your Honor.

17 **REDIRECT EXAMINATION**

18 **BY MS. MCCALL:**

19 **Q** Ms. Gibson, if you -- do you recall what
20 time you gave this written statement on August 1st,
21 2015?

22 **A** No.

23 **Q** Okay. If you will, take a look at your
24 statement that you have before you. Down at the
25 bottom, there is a time stated on there.

1 **A** (Indiscernible.)

2 **Q** Do you recall if you gave this statement
3 prior to speaking with law enforcement and explaining
4 your statement or after?

5 **A** What do you mean?

6 **Q** Did you give the written statement to law
7 enforcement first or did you talk to law enforcement
8 and give an oral statement first?

9 **A** I gave it. Didn't talk to them at all.
10 After -- they came up and asked me to come to his car
11 to be a witness and just to write my statement down.

12 **Q** So Ms. Gibson, is it your testimony that an
13 officer walked up and just asked you to write your
14 statement on a piece of paper?

15 **A** No, that is not what I'm saying. I'm saying
16 is that while we were standing out there, all the
17 officers was coming around and just talking to people
18 and randomly just talking to them, you know, how --
19 what did we see, walked around. Then he come back and
20 talked to other people. He come back and asked me
21 would I mind giving a statement.

22 **Q** So you did talk to the officer prior to
23 giving a written statement?

24 **A** Briefly, yeah.

25 **Q** Thank you, Ms. Gibson.

1 **A** Uh-huh.

2 **Q** No further questions.

3 **THE COURT:** Anything else for this
4 witness?

5 **MS. D. WHITE:** No, Your Honor.

6 **THE COURT:** Ma'am, you can step down.

7 **MS. MCCALL:** Your Honor, may Ms. Gibson be
8 excused?

9 **THE COURT:** Any objection to that?

10 **MS. D. WHITE:** No objection.

11 **THE COURT:** All right. Thank you, ma'am,
12 for being here.

13 **MS. MCCALL:** At this time, the State calls
14 Alexander Saidat to the stand.

15 **ALEXANDER SAIDAT**

16 having first been duly sworn, testifies as follows:

17 **THE CLERK:** If you would, have a seat.
18 State your name for the record please.

19 **THE WITNESS:** My name is Alexander Saidat.

20 **DIRECT EXAMINATION**

21 **BY MS. MCCALL:**

22 **Q** Hello, Mr. Saidat. Where do you currently
23 live?

24 **A** Central.

25 **Q** Is that where you lived around August of

1 2015 as well?

2 **A** Yes, we've lived there almost three years.

3 **Q** And on August 1st, 2015, did you happen to
4 come upon the intersection of Issaqueena Trail and
5 Cambridge Drive?

6 **A** Yes.

7 **Q** And do you recall what time of day that
8 would have been?

9 **A** It was about noontime.

10 **Q** And as you'll see, State's Exhibit 1 is a
11 map. It is on the screen already. If you would, take
12 that laser pointer in front of you and point out
13 where your car was positioned that day -- or in this
14 area.

15 **A** All right. So we were coming down
16 Issaqueena Trail. We were at that intersection right
17 there.

18 **Q** Where were you headed or coming from that
19 day?

20 **A** We live here on Briar Lane. So we were
21 coming down Issaqueena and we were headed this way.

22 **Q** When you came upon this four-way stop, were
23 you the only car there?

24 **A** No, there was a silver Chrysler 300. It was
25 coming down Cambridge. They were stopped at the stop

1 sign. I was waiting for them to go. That's when
2 somebody got out of the passenger side. There was
3 also somebody coming from Old Shirley Road.

4 Q So with that laser pointer, will you point
5 out where the Chrysler was?

6 A The Chrysler was here on Cambridge. The
7 other vehicle was over here on Shirley Road.

8 Q You stated you were coming down Issaqueena
9 Trail. What type of car do you drive?

10 A I drive a -- well, I currently -- I
11 recently bought a new car. At the time, I was driving
12 a Chrysler Sebring.

13 Q Okay. And what color was that Chrysler
14 Sebring?

15 A It was kind of a champagne, silver color.

16 Q Were you in the car alone that day?

17 A No, I had my wife and my two kids with me.

18 Q When you came upon that four-way stop and
19 you noticed these other cars there, did you notice
20 anything else that occurred?

21 A Well, like I said, the silver 300 was
22 stopped. I was waiting for them to go. They didn't.
23 That's when the passenger of the silver 300, he got
24 out and he walked to the back of his vehicle. At
25 first, my wife and I thought that they had a fender

1 bender. We didn't see any damage, so I thought he was
2 getting out to check. Then he crossed in between the
3 vehicles and I noticed he had a gun in his right
4 hand.

5 Q So you stated that someone got out of the
6 passenger seat of the -- I'm sorry, out of the
7 Chrysler. What side of the car did he get out of?

8 A The passenger side.

9 Q And then continue on to what you saw.

10 A I saw he was holding a silver -- I don't
11 know if it was a high polish or if it was dull, but
12 it was a silver revolver in his right hand. He
13 crossed in between his vehicle and the vehicle behind
14 him. He approached the driver side of the vehicle.

15 Q Do you recall what that individual looked
16 like?

17 A He was about six feet tall. Black man. He
18 was wearing -- he was wearing a pair of blue jeans
19 and a white t-shirt, I believe. He also had a North
20 Carolina ball cap on.

21 Q When he walked up to the driver's side of
22 the car behind him, what did you see next?

23 A Well, they got into a -- an argument. They
24 were having a heated discussion. That went on from
25 somewhere between five and ten seconds, at which

1 point, the man who was standing outside the vehicle,
2 he thrust his -- he thrust his right arm inside the
3 vehicle with the gun. That's when I heard a gunshot.
4 Then he quickly retreated back to his vehicle and
5 they drove off.

6 Q Did you hear anything -- any words that
7 were exchanged during that time?

8 A At the time, my window was closed. I heard
9 commotion, but I couldn't make out what they were
10 saying.

11 Q And once you heard this gunshot, did you
12 see or hear anything else after that point?

13 A I heard screaming, but I couldn't make out
14 what they were saying.

15 Q Once you heard the gun go off, then what
16 happened?

17 A Then, like I said, the man went back to the
18 Chrysler 300. They pulled off. They turned to the
19 right heading south on Issaqueena. At that point, I
20 drove quickly through the intersection so I could get
21 a good look at his license plate. I noticed it was a
22 North Carolina tag. I didn't really take note of
23 anything else. Then I pulled over and I went to check
24 on the driver to make sure everybody in the car was
25 okay.

1 Q And when you pulled over, where did you
2 pull over to?

3 A I pulled over on the right just past the
4 intersection. I believe all four wheels were off the
5 roadway.

6 Q I'm going to show you what has been
7 previously marked as State's Exhibit 8. If you would,
8 just take a look at that.

9 A The silver Sebring behind the stop sign is
10 my car.

11 Q So do you recognize that photo, what is
12 shown in that photo?

13 A Yes.

14 Q And you stated that that is your vehicle?

15 A Yes.

16 Q And explain to us again what your vehicle
17 looks like.

18 A Well, it's a silver Chrysler Sebring. It's
19 a sedan, four doors.

20 Q Okay. Thank you. So Mr. Saidat, once you
21 pulled over, did you get out of your vehicle?

22 A I did.

23 Q And what did you --

24 A I'm sorry. I went to the -- I went to the
25 vehicle to make sure everybody was okay. I approached

1 the driver's side. Through the open window, I asked
2 the driver was anybody hurt. To which, the driver
3 responded he is shot. So then I went around to him.
4 He indicated the passenger -- front passenger of the
5 vehicle. I went around to the passenger side of the
6 vehicle. I opened the door.

7 Q Prior to this time, did you see anyone from
8 the white Ford get out of the vehicle?

9 A No.

10 Q When you walked up to that Ford, were the
11 passengers all still in the car?

12 A Yes.

13 Q Do you have any previous training, medical
14 training?

15 A I do. At the time, I was working full time
16 as an EMT.

17 Q So you were able to render some sort of aid
18 at that point?

19 A Yes, ma'am. I didn't have any equipment
20 with me. The aid that I was able to render was mostly
21 just first aid. I was able to apply direct pressure
22 and to stabilize his cervical spine.

23 Q Did you, yourself, observe any wounds on
24 the victim?

25 A I did. I did. He had a -- the victim had a

1 gunshot wound, a hole probably three-eighths of an
2 inch behind his left ear.

3 Q And at what point did EMS actually arrive?

4 A Well, police got there pretty quickly.
5 Generally speaking, in EMS, on a violent crime like
6 that, EMS is not sent directly in. They wait for
7 police to arrive and then secure the scene.

8 Q When EMS arrived, where was the passenger
9 at that point?

10 A The time EMS -- the ambulance arrived, he
11 had -- the passenger had been removed from the
12 vehicle by another first responder who holds a higher
13 certification than I. He was removed from the vehicle
14 and laid out on the side of the road.

15 Q When you first approached the passenger to
16 give help, was the driver doing anything to the
17 passenger at that point?

18 A He was. He was holding up a -- I'm not sure
19 if it was a bath towel or a beach towel, but he was
20 holding up a towel to passengers.

21 Q During the time that you were at the white
22 Ford helping render aid, did you see any weapons at
23 that point?

24 A I did not see any weapons.

25 Q Did you see any weapons in the car

1 anywhere?

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

3 **Q** When you first pulled up to this four-way
4 stop, did you actually see the white Explorer pull up
5 behind the Chrysler?

6 **A** I believe they were just coming to a stop,
7 yes, behind me.

8 **Q** Did you notice anything out of the
9 ordinary? Were they driving aggressively? Did you see
10 anything that gave you reason to be concerned?

11 **A** It seemed that they were shouting at the
12 occupants of the 300. That's kind of what led me to
13 believe that there was some type of a fender bender.

14 **Q** But to be clear, you never saw any -- you
15 never saw the two vehicles touch?

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

17 **Q** While on scene that day, did you provide a
18 statement to police?

19 **A** I did.

20 **Q** How long would you say that you were on
21 scene?

22 **A** From the time that we pulled up to the
23 intersection to the time that we left after giving
24 our statement was about three hours.

25 **Q** So that's a pretty long amount of time.

1 During that time, did you get together with any other
2 witnesses or anyone else on the scene to go over the
3 story to tell police?

4 A No, I mean, we kind of discussed what
5 happened, can you believe what just happened sort of
6 thing. After police got on scene, they did a pretty
7 good job of kind of keeping us apart, keeping us from
8 really, you know, coming up with a story. We were
9 just trying to figure out what happened.

10 Q And once you gave your statement to police
11 and the scene was being cleared, did you leave and go
12 home or what did you do at that point?

13 A At that point, we actually had offered the
14 rear passenger of the white Explorer, we offered her
15 a ride to the hospital where her husband was.

16 Q And did you actually give her a ride to the
17 hospital?

18 A Yes. Yes, ma'am.

19 Q All right. I have no further questions,
20 Mr. Saidat. Please answer anything Ms. White has.

21 THE COURT: Ms. White.

22 CROSS-EXAMINATION

23 BY MS. D. WHITE:

24 Q Sir, you said that you actually -- you and
25 your wife gave Kalyn a ride to the hospital; is that

1 correct?

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

3 **Q** And are you aware there was a body cam
4 going there on one of the officers?

5 **A** Around the scene, yes, ma'am.

6 **Q** Yes, sir. And are you aware it actually
7 shows witnesses talking and Kalyn hugging and various
8 things like that?

9 **A** I -- I -- I have not seen the video from
10 the body cam.

11 **Q** Okay. Well, let me ask it a different way.
12 You were concentrating giving care to someone; is
13 that correct?

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

15 **Q** And you said that when the SUV came up
16 behind the Chrysler, you got the impression the
17 people in the SUV were shouting at the Chrysler. Do
18 you know what gave you that impression?

19 **A** Well, it's like I said. I heard a
20 commotion, but I couldn't make out what they were
21 saying.

22 **Q** And I think you said that you saw no
23 weapons in the SUV; is that right?

24 **A** That's correct.

25 **Q** Did you ever search that vehicle?

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

2 **Q** Did you see any drugs in it?

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

4 **Q** So you didn't do any kind of search. You
5 are just there rendering aid beside the vehicle on
6 the ground?

7 **A** Well, initially, I was rendering aid in the
8 passenger seat. After the victim was moved to the
9 roadside, that's where I was.

10 **Q** And you were positive that the shooter or
11 that the -- that the shooting occurred on -- let me
12 do it this way. In other words, the two cars were
13 here. You all were over here. Is that right? You're
14 facing that way?

15 **A** We were facing south and the two other
16 vehicles were facing east.

17 **Q** And this was a bright, sunny day?

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

19 **Q** Lots of people around?

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

21 **Q** And you said you are positive that the
22 person who walked to that car back there behind them
23 had a gun in his right hand; is that correct?

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

25 **Q** And you knew that because you were right,

1 looking this way, and the car was right?

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

3 **Q** Do you shoot guns?

4 **A** I do, as recreation.

5 **Q** Are you right-handed or left-handed?

6 **A** I'm right-handed.

7 **Q** Which hand do you shoot with?

8 **A** I've trained to shoot with both my right
9 and my left.

10 **Q** You're a first responder. Normally, which
11 hand does one use when one is wanting to do
12 something, their dominant hand or their non-dominant
13 hand?

14 **A** Generally speaking, when somebody learns to
15 shoot, they learn to shoot with their dominant hand.

16 **Q** Now, I believe you talked to Ashlea in my
17 office. You said you couldn't see anything inside of
18 the vehicle; is that correct?

19 **A** I was -- I wouldn't say I couldn't see
20 anything in the vehicle. I didn't take note of
21 anything in the vehicle.

22 **Q** And I think you said that when you talked
23 to Ashlea that the man who was standing outside of
24 the white SUV appeared to be yelling back at the
25 driver, that there appeared to be some kind of

1 argument; is that right?

2 **A** They seemed to be arguing through the open
3 window for about five to ten seconds.

4 **Q** And I believe you said that you never saw a
5 gun be pointed at anybody, you just saw it be jammed
6 inside the vehicle?

7 **A** Yes, ma'am. I suppose that would be
8 accurate.

9 **Q** And I believe you also -- I need to go
10 check on this. Did you say you saw the driver's hand
11 come out of the vehicle?

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

13 **Q** Okay. I wasn't sure if that was you or not.
14 Now, you said, I believe, when you talked to Ashlea,
15 that when you got to the car, the driver of the SUV
16 was yelling F you, F you. I won't say the words.

17 **A** Yes, that was after the gun went off.

18 **Q** I'm sorry?

19 **A** That was after the gun went off.

20 **Q** Yes, that's what I'm talking about.

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

22 **Q** When you got up to the car is when I'm
23 talking about or some time right in between those
24 two.

25 **A** It would have been after -- as he was

1 moving to his vehicle and before I got to the
2 vehicle.

3 Q Okay. And you said also, I think, to her
4 that the -- Kalyn kept saying over and over again
5 that the guy owed them money.

6 MS. MCCALL: Objection, Your Honor.
7 Hearsay.

8 BY MS. D. WHITE:

9 Q Did you go straight to the car?

10 A Yes, ma'am. I did.

11 Q And did you just testify earlier that she
12 was hysterical, that Kalyn was hysterical?

13 A I don't believe those words -- I don't
14 believe I said those words.

15 Q Well, how would you explain her demeanor?

16 A She was -- she was visibly upset.

17 Q And I believe when we talked earlier, you
18 said you didn't know she was under the influence or
19 not or if it was shock; is that fair to say?

20 A Being an EMS professional, I am -- I'm not
21 qualified to make a determination of whether or not
22 somebody is under the influence or if they are
23 suffering some medical emergency.

24 Q Were you there to see the driver punching
25 the car? Did you see any of that?

1 **A** I do seem to have a recollection of that.
2 How far that would have been after the fact, I
3 believe, would have been after the victim was
4 transported to the hospital.

5 **Q** And are you aware that the body cam picked
6 that up as well. Did you see the body cam?

7 **A** I saw the -- I saw the body cam itself, but
8 I have not seen the footage.

9 **Q** And the -- do you recall seeing any gloves
10 on the driver's hand at some point? On his hands?

11 **A** I believe that that would have -- that
12 would have been a method to preserve any forensic
13 evidence on his hands.

14 **Q** Yes, sir. Are you aware that's the last
15 thing you should do in a hot day because --

16 **MS. MCCALL:** Objection, Your Honor.

17 **THE COURT:** Sustained.

18 **BY MS. D. WHITE:**

19 **Q** Does it make sense that on an August day,
20 if you wanted to preserve gunshot residue --

21 **MS. MCCALL:** Objection, Your Honor.

22 **THE COURT:** I think there's better
23 witnesses for that question.

24 **MS. D. WHITE:** I'll hold off on that.

25 **BY MS. D. WHITE:**

1 Q So there is no question though that he was
2 punching the car, and I'm talking about after the
3 shooting? He was punching the car later at the scene?

4 A Yes, ma'am.

5 Q Was law enforcement there at that time?

6 A At the time that he struck the car, yes,
7 ma'am, I believe they were.

8 Q In fact, there were a lot of law
9 enforcement there pretty quickly. Isn't that true?

10 A Yes, ma'am.

11 Q No further questions.

12 THE COURT: Any other questions for this
13 witness?

14 MS. MCCALL: Briefly, just one.

15 REDIRECT EXAMINATION

16 BY MS. MCCALL:

17 Q Mr. Saidat, in your training as an EMT,
18 were you trained to shoot guns with both hands as a
19 result of that specific training?

20 A No, ma'am. As an EMT, they rather frown on
21 carrying weapons on an ambulance for the obvious
22 conflict of interest that would arise. I learned to
23 shoot independently.

24 Q Thank you, Mr. Saidat. I have no further
25 questions for this witness.

1 **THE COURT:** Any questions, Ms. White?

2 **MS. D. WHITE:** No, Your Honor.

3 **THE COURT:** Sir, you can step down.

4 **MS. MCCALL:** Your Honor, may he be
5 excused?

6 **THE COURT:** Any objection?

7 **MS. D. WHITE:** No objection, Your Honor.

8 **THE COURT:** Thank you, sir, for being
9 here.

10 **MS. MCCALL:** Your Honor, at this time, the
11 State calls Lena Saidat to the stand..

12 **MS. HINTON:** In the meantime, Judge, can
13 we approach on scheduling?

14 **THE COURT:** Sure.

15 Is everybody doing okay? We're going to
16 break shortly.

17 (Bench conference is held off the record.)

18 **LENA SAIDAT**

19 having first been duly sworn, testifies as follows:

20 **THE CLERK:** Have a seat and state your
21 name for the record, please.

22 **THE WITNESS:** Lena Saidat.

23 **DIRECT EXAMINATION**

24 **BY MS. MCCALL:**

25 **Q** Hi, Ms. Saidat, are you married?

1 **A** Yes.

2 **Q** And who is your husband?

3 **A** Alex Saidat.

4 **Q** So would that had been the Alex that just
5 testified here today?

6 **A** Yes.

7 **Q** And do you live in Central with Alex?

8 **A** We do.

9 **Q** On August 1st, 2015, would you have been in
10 the car with him at the four-way stop near Issaqueena
11 Trail?

12 **A** Yes, with our two children.

13 **Q** And how old are your children?

14 **A** They are five and two.

15 **Q** And how old were they at that point in time
16 at 2015?

17 **A** Our daughter was three and our son was
18 about three and a half months.

19 **Q** When you came upon this four-way stop, can
20 you tell us where you were sitting in the car?

21 **A** I was in the passenger seat.

22 **Q** And what direction were you coming from?

23 **A** We were coming from Central from our house,
24 so the church was on our left. We were on Issaqueena.

25 **Q** When you came up to the four-way stop, were

1 there any other cars there?

2 **A** Yes.

3 **Q** Will you explain what cars you saw at the
4 four-way stop that day?

5 **A** There was a Chrysler to our right. Then
6 there was another car. I don't remember exactly what
7 it was, but it was next to the church on our left.

8 **Q** Were those all of the cars you saw at that
9 time?

10 **A** Yes.

11 **Q** Were there any cars behind the Chrysler at
12 the four-way stop?

13 **A** Yes. There was a Ford Explorer, I believe
14 it was.

15 **Q** And do you recall what color that was?

16 **A** White.

17 **Q** While you were sitting at the four-way
18 stop, did anything out of the ordinary occur?

19 **A** Yes. When we were sitting there, we were
20 waiting for the Chrysler on our right to go. And as
21 we were waiting for him to go, the Ford Explorer
22 pulled up behind. And when they pulled up behind, we
23 heard a little bit of commotion. We thought maybe the
24 Ford had hit the Chrysler. That's when we saw a
25 gentleman get out of the Chrysler and walk back to

1 the Explorer.

2 Q Let me back you up for just a moment. You
3 say and he -- we were waiting on him to go at the
4 four-way stop, referring to the Chrysler?

5 A Right.

6 Q Do you know who was in that Chrysler?

7 A There was a male in the car and then there
8 was a female.

9 Q And who was driving the vehicle? Could you
10 tell?

11 A I think the female was driving.

12 Q You said that a male got out of that car.

13 A Yes.

14 Q Could you tell what door he got out of?

15 A I believe it was the passenger side, but
16 I'm not 100 percent sure.

17 Q And what did you see next?

18 A He got out of the car. He had a gun by his
19 side. He walked back to the Ford Explorer. There was
20 arguing between the driver of the Explorer and the
21 man who got out of the Chrysler. I, originally,
22 thought, like I said, that the Explorer had hit the
23 Chrysler and that they were arguing about that.

24 Q Did you actually see the Explorer and the
25 Chrysler cars touch or was there room in between

1 them?

2 **A** There was a little bit of room. I thought
3 maybe there was a bump or something. So I told my
4 husband to originally get out of the car to maybe
5 stop the fight because they were yelling at each
6 other.

7 **Q** And when you heard yelling, was the driver
8 of the Ford and the gentleman standing outside, were
9 they both yelling?

10 **A** Yeah.

11 **Q** And can you describe the gentleman that you
12 saw standing outside of the Explorer?

13 **A** A black male, probably between 5'8, 5'10. I
14 believe he was wearing a blue jersey at the time and
15 a hat and jean shorts, I thought.

16 **Q** When you heard the arguing, what happened
17 next?

18 **A** The male who got out of the Chrysler pulled
19 the gun out and he stuck it in the driver's side
20 window. When he did, they were yelling at each other.
21 The next thing I know, I saw the hand of the driver
22 come out, and the gun went off. When the gun went
23 off, the male who was in the Chrysler who had shot
24 ran back to the Chrysler and they drove away.

25 **Q** When you say you saw the hand come out, can

1 you describe any more for us what you saw?

2 **A** I saw the driver's hand, white male stick
3 his hand out, like, hit the guy who stuck the gun in
4 the car. I saw him hit the gun.

5 **Q** Do you recall what direction he hit the
6 gun? Away from him? Toward him?

7 **A** When he was -- when the driver had -- it
8 looked like he hit like this. (Demonstrating.)

9 **Q** And after that happened, what did you see
10 next?

11 **A** Like I said, the shooter got back into the
12 Chrysler. They sped away. My husband and I pulled
13 through the intersection up to where the Explorer
14 was. The driver was screaming, F you, F you, F you. I
15 ran to the passenger side. My husband, originally,
16 ran to the driver's side. That's where we saw the
17 gunshot go off. When we realized that it was the
18 passenger that was hurt more, we switched. My husband
19 went to the passenger.

20 **Q** At that point when you ran up to the
21 Explorer, were the passengers still inside of the
22 vehicle?

23 **A** Yes.

24 **Q** Prior to that time, did you see them leave
25 the vehicle at all?

1 **A** No.

2 **Q** And when you ran up and you said that you
3 and your husband switched sides so that he could
4 provide assistance, what did you do then?

5 **A** I ran over to the driver's side and was
6 checking on him because my husband realized that the
7 driver wasn't as seriously hurt as the passenger was.
8 How were those passengers acting in that car?

9 **A** Well, the driver, obviously, was screaming
10 and yelling. Really agitated. There was -- the wife
11 of the passenger was behind the passenger. She was,
12 obviously, upset as well.

13 **Q** How was she acting?

14 **A** Just upset. You know, in shock, I guess, is
15 the best word to use.

16 **Q** Did she say anything to you when you came
17 up to the vehicle?

18 **A** Yeah. I called 911. My husband had told me
19 to call 911. When I said that -- when he said that,
20 she was shouting at me that it was Jaron, it was
21 Jaron. She -- that they knew who the shooter was.

22 **Q** From that point forward, did medical
23 personnel and law enforcement arrive on the scene?

24 **A** Yes.

25 **Q** And did you stay there for quite some time

1 after that?

2 **A** Yeah, we stayed until the very end. We
3 actually ended up giving the wife a ride to the
4 hospital after..

5 **Q** And while on scene, did you give a
6 statement, a written statement to police?

7 **A** Yes.

8 **Q** I have no further questions. If you will,
9 answer anything that Ms. White has for you.

10 **THE COURT:** Ms. White.

11 **CROSS-EXAMINATION**

12 **BY MS. D. WHITE:**

13 **Q** Yes, ma'am. So you said that you saw the
14 white guy's hand come out and that's when you heard
15 the shot, is that right ---

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

17 **Q** --- at that same time? And you said that
18 when you got over there -- I'm a little bit confused
19 -- did you say that the driver of that car was
20 yelling, F you, or the wife was yelling, F you, F
21 you?

22 **A** No, the driver of the Explorer.

23 **Q** And I think you said that the wife was
24 shouting that it was Jaron, Jaron was the shooter; is
25 that correct?

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

2 **Q** So you heard that from the moment you got
3 over to the car; is that correct?

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

5 **Q** Just one minute please. You couldn't see
6 anything inside the car; is that right? You talked to
7 Ashlea at my office and said you couldn't see inside
8 the car at all.

9 **A** No, I couldn't see inside the car.

10 **Q** And I'm going to try to figure out how to
11 do this. If you're where you were that day and this
12 is their car that you're seeing, that's because the
13 male was right here at the window; is that right?

14 **A** He wasn't right in front of the window. He
15 was kind of at an angle.

16 **Q** What I mean is, he was between you and the
17 car?

18 **A** Correct.

19 **Q** Okay. And I believe you also told Ashlea in
20 my office that you don't know if he was using his
21 right or his left hand. You couldn't tell from where
22 you were?

23 **A** No.

24 **Q** Okay. No further questions.

25 **THE COURT:** Any other questions for this

1 (Court goes off the record at approximately
2 12:21 p.m.)

3 (Court goes on the record at approximately
4 1:51 p.m.)

5 **THE COURT:** All right. Okay. Anything we
6 need to take up before we bring the jury back
7 in?

8 **MS. HINTON:** Not from the State, Your
9 Honor.

10 **MS. D. WHITE:** No, Your Honor.

11 **THE COURT:** All right then.

12 (Jury enters at approximately 1:53 p.m.)

13 **THE COURT:** Sorry we caught you at a bad
14 moment. I apologize. Okay.

15 All right. You're ready to proceed?

16 **MS. MCCALL:** Yes, Your Honor. Thank you,
17 Your Honor. The State, at this time, calls
18 Jeffery Sammons to the stand.

19 **JEFFERY SAMMONS**

20 having first been duly sworn, testifies as follows:

21 **THE CLERK:** If you would, have a seat and
22 state your name for the record please.

23 **THE WITNESS:** My name is Jeffery Sammons.

24 **DIRECT EXAMINATION**

25 **BY MS. MCCALL:**

1 Q Mr. Sammons, where do you currently work?

2 A Clemson University Fire Department.

3 Q Is that where you worked in August of 2015
4 as well?

5 A Yes, ma'am.

6 Q What is your job there?

7 A Firefighter/paramedic.

8 Q And can you explain what training you had
9 to receive and undergo, those certifications for that
10 job?

11 A Six months of EMT basic school, two years
12 of paramedic school, and six months of fire school.

13 Q And since you're a fireman and paramedic,
14 do you -- on certain days, do you primarily operate
15 as a fireman and other days, you operate as a
16 paramedic, or how does that work?~

17 A 24 hours -- within 24 hours, I usually work
18 -- it depends on whatever my captain decides to put
19 me as. I could work, primarily, just as a paramedic.
20 Other days, I'll be on the fire truck, and then I'll
21 go to an ambulance. Just kind of -- whatever happens,
22 I work.

23 Q Okay. So however they need you?

24 A Yes, ma'am.

25 Q On August 1st of 2015, did you respond to

1 the four-way stop in Clemson, right at Issaqueena
2 Trail?

3 A Yes, ma'am.

4 Q And in what capacity did you respond to
5 that incident that day?

6 A Code 3, lights and sirens.

7 Q And was that as a paramedic or as a
8 fireman?

9 A Paramedic.

10 Q Paramedic. Okay. And who was in the
11 ambulance with you?

12 A David Dixon.

13 Q What is his role or job?

14 A At the time, he was a basic driver. Now,
15 he's a paramedic.

16 Q And explain your duties on that day and
17 what you were responsible for in the ambulance.

18 A I'm responsible for everything. I'm
19 responsible for him, I'm responsible for myself, the
20 truck, how it handles, how he drives, how we respond,
21 how we park, park in safe environment so everyone can
22 see us, things like that. I'm responsible for
23 everything.

24 Q And you said that you responded to a Code
25 3; is that correct?

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

2 **Q** And will you explain what that means.

3 **A** Code 3 is emergency, lights and sirens,
4 flickering lights and things like that.

5 **Q** So when you're dispatched, in particular,
6 on this day, did you know what type of situation you
7 were being dispatched to?

8 **A** All I remember was GSW to the head.

9 **Q** And what does GSW stand for?

10 **A** Gunshot wound.

11 **Q** When you arrived on scene, what did you
12 see?

13 **A** The patient was lying -- one of our guys
14 from our department, actually, took the patient out
15 of the car. We found him in the grass. So when I
16 responded, I found him in the grass. I called -- I
17 needed a C-spine -- C-collar, long spine board and
18 things like that. I just started calling out orders
19 that I needed, and held the C-spine and so forth.

20 **Q** I'm going to back up just a moment just so
21 we can confirm. There were two -- two passengers
22 injured that day. What passenger or what individual
23 did you treat?

24 **A** I treated the most critical.

25 **Q** And is that the one that was in the

1 passenger seat? Do you know?

2 **A** Don't know which one it was. All I know is
3 it was the one with the head shot wound. This was the
4 most critical, so I went to it.

5 **Q** And you say he had a gunshot wound. Can you
6 explain where that wound was?

7 **A** They found injury to right above the left
8 ear. We didn't see an exit wound, but we saw a lot of
9 blood around it, around his head, pooling of blood
10 around it. It was right above the left ear and we
11 didn't see an exit wound at all.

12 **Q** And what was his condition when you began
13 treating him?

14 **A** Unconscious. Barely breathing. Probably
15 breathing about -- I'd have to look at my notes --
16 about 10 times a minute, if that.

17 **Q** Did he regain consciousness at all while
18 you were there on the scene?

19 **A** Negative.

20 **Q** Explain just what the process was from when
21 you arrived to when you left in the ambulance as far
22 as your treatment of the patient.

23 **A** Other than seeing what I have when I get on
24 the scene, I try to verify if the patient is alert or
25 responsive. That's like our mission when we get up on

1 the scene. So, I noticed he was unresponsive. Then, I
2 look for pupillary response to see if they are
3 reactive. They were very sluggish reactive. After
4 that, his breathing was very shallow, slow, 10 times
5 a minute. Also, he had clinching jaws. I knew in
6 order to get him secure air, he had to do a procedure
7 called rapid sequence intubation, which we,
8 basically, push drugs to sedate you, calm you down a
9 little bit, basically, to relax the jaw line. Then we
10 push a paralytic to open up the airways so we can
11 open up the airway so we can get a secured airline.

12 Q Were you able to intubate?

13 A Yes, ma'am.

14 Q And once you had him intubated, what did
15 you do from that point?

16 A Pushed another drug to keep him sedated.
17 Got another IV for some fluids. Checked his vital
18 signs. Checked more mental status, reassessed him
19 again and went Code 3 to, I think, AnMed. Code 3,
20 emergent, lights and sirens. We called for travel
21 alert.

22 Q So you loaded him onto the ambulance and
23 left the scene?

24 A Yeah, we did C-spine precautions and long
25 spine board, got him onto the stretcher, secured him

1 to the stretcher, got him into the ambulance, did RSI
2 in the back of the ambulance with my lieutenant. Then
3 we went Code 3 to ambulate him.

4 Q Can you estimate about how long you were on
5 scene before leaving in the ambulance?

6 A Honestly, without looking at my notes, I
7 couldn't tell you. I don't recall.

8 Q Okay. I have no further questions,
9 Mr. Sammons. If you will, answer anything Ms. White
10 has.

11 THE COURT: Ms. White.

12 CROSS-EXAMINATION

13 BY MS. A. WHITE:

14 Q All right. Mr. Sammons, you talk really
15 fast.

16 A Yes, ma'am. I do.

17 Q We just talked about that.

18 A Yes.

19 Q I think you said that you pushed drugs to
20 sedate, relax muscles and then another drug to keep
21 sedated.

22 A Yes, ma'am.

23 Q Is that right?

24 A Yes, ma'am.

25 Q Would any of those drugs cause someone to

1 test positive for either barbiturates or marijuana
2 use or cocaine?

3 **MS. HINTON:** Objection, Your Honor.

4 **THE COURT:** Yes.

5 **MS. HINTON:** I don't believe he is the
6 proper witness to testify to this.

7 **THE COURT:** If he knows, I'll let him
8 answer.

9 Yes, sir.

10 **THE WITNESS:** I can't answer that.

11 **BY MS. A. WHITE:**

12 **Q** Okay. What drugs did you push? What is it?

13 **A** I didn't physically push them because I am
14 not RSI certified.

15 **Q** Okay.

16 **A** We pushed -- the first drug we push is
17 etomidate. It's the relaxer, the sedative. Then after
18 that, we push succinylcholine, which is a paralytic.
19 It paralyzes the muscles. You physically can not
20 breath on your own. When those wear off, within two
21 to three minutes, we're going to push another
22 sedative, the rocuronium, to keep you sedated.

23 **Q** Okay. And you're -- you have no knowledge
24 of whether or not that would test positive for any
25 drug use?

1 **A** I have no idea.

2 **Q** Okay. Thank you. Did you push cocaine,
3 marijuana or barbiturates?

4 **A** Do I push cocaine, marijuana or --

5 **Q** Right. Did you give the patient any of
6 those drugs?

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

8 **Q** Thank you.

9 **THE COURT:** Any other questions for this
10 witness?

11 **MS. MCCALL:** No, Your Honor.

12 **THE COURT:** Thank you, sir, for being
13 here.

14 **THE WITNESS:** Thank you very much.

15 **MS. MCCALL:** May he be excused, Your
16 Honor?

17 **THE COURT:** Any objection?

18 **MS. A. WHITE:** None.

19 **THE COURT:** All right. Thank you.

20 **MS. MCCALL:** Your Honor, at this time, the
21 State calls Jacob Smith to the stand.

22 **JACOB SMITH**

23 having first been duly sworn, testifies as follows:

24 **THE CLERK:** If you would, have a seat and
25 state your name for the record.

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THE WITNESS: Jacob Smith.

DIRECT EXAMINATION

BY MS. MCCALL:

Q Mr. Smith, who do you work for?

A Pickens County EMS.

Q And what is your job title?

A EMT.

Q What does that job entail? What are your duties as an EMT?

A I do anything from drive the ambulance to assist my partner as a paramedic.

Q And what training did you have to undergo in order to be an EMT?

A I think about six months of school that I took at night.

Q On August 1st of 2015, were you working in that capacity for Pickens County EMS?

A Yes, ma'am.

Q Did you respond to an incident at a four-way stop in Clemson around Issaqueena Trail?

A Yes, ma'am.

Q What did you see when you arrived on scene that day?

A As we arrived on scene, there was a Clemson University ambulance already on scene. All occupants

1 were out of the vehicle. There was a stopped vehicle,
2 numerous law enforcement there. My partner --
3 actually, my partner and my trainee went to the back
4 of the ambulance. They was already there. Asked them
5 if we could assist. They said no. They left, patient
6 loaded. We remained on scene.

7 Q The patient that you are referring to, that
8 was loaded, that was the gunshot -- is it your under
9 understanding that was the gunshot victim?

10 A Yes, ma'am.

11 Q And who did you treat on scene?

12 A I think he was the driver. He was pretty
13 emotionally shook up.

14 Q Was that Hunter Raby?

15 A I'm not sure. I didn't gather information
16 -- names at the scene.

17 Q Would that have been someone else's job
18 that was on the ambulance with you to gather that
19 type of information as far as names go?

20 A Yes, ma'am. That was not my patient.

21 Q And the driver that was there and was
22 injured, could you briefly explain the injury that he
23 had?

24 A To my best recollection, the injury that he
25 had was what appeared to be a graze on the top of his

1 head.

2 Q And what type of medical treatment did you
3 provide for him?

4 A We just, basically, bandaged it up to keep
5 it from bleeding, put a piece of gauze on top of it,
6 and then wrapped it up and secured with a roll of
7 gauze.

8 Q For an injury like that on top of the head,
9 what would the bandage look like? Would it -- could
10 you explain visibly what the bandage would look like?

11 A Just a square piece of gauze that we put on
12 top and take some roll gauze that -- wrapped it
13 around the head to secure it whichever way we could.

14 Q So the point is to keep the gauze on the
15 top of his head?

16 A Yes, ma'am, to keep the -- control
17 bleeding.

18 Q Would that gauze have been wrapped around
19 the front, around his chin, around the top of his
20 head?

21 A Depends on the location of the injury site.
22 If it's directly on top of the head, then probably
23 underneath his chin and around the top.

24 Q So the majority of this face would still be
25 visible?

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

2 **Q** Do you recall when you began treating
3 Mr. Raby if he was wearing a hat at that point?

4 **A** I don't remember him wearing a hat. No,
5 ma'am.

6 **Q** After treating Mr. Raby's head injury there
7 on the scene, was that the end of your treatment or
8 did you load him onto the ambulance?

9 **A** We put him in the back of our ambulance. As
10 we were sitting on the scene, our ambulance was
11 struck by a civilian car. We had to pass our patient
12 off to another Pickens County EMS unit, who then
13 transported him to the hospital.

14 **Q** Okay. Mr. Smith, I have no further
15 questions. If you will, answer anything Ms. White has
16 please.

17 **THE COURT:** Ms. White?

18 **CROSS-EXAMINATION**

19 **BY MS. A. WHITE:**

20 **Q** Okay. So you said that you treated Mr. Raby
21 for a graze; is that right?

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

23 **Q** That's not a serious injury, correct?

24 **A** It could be, but I don't remember his being
25 that serious.

1 Q He didn't require stitches?

2 A Like I said, I don't know. I didn't
3 transport him to the hospital. But the best thing I
4 can remember is it probably didn't need stitches, no,
5 ma'am.

6 Q Gauze contained the wound?

7 A Yes, ma'am.

8 Q Did you hand Mr. Raby or administer gloves
9 to Mr. Raby to hold his -- to put on his hands?

10 A I did not.

11 Q Do you know who did that?

12 A No, ma'am.

13 Q Did you see him with purple gloves on his
14 hands?

15 A The best of my recollection, no, ma'am. I
16 did not.

17 Q What is the purpose for medical gloves?
18 Latex gloves?

19 A For us, it's to keep germs and blood and
20 stuff off of us, to keep our hands cleaner so we
21 don't have a -- get contaminated substances on our
22 hands.

23 Q So it's correct to say that you would keep
24 your hands clean that are inside the gloves from
25 getting anything on the outside of the gloves?

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

2 **Q** Okay. And did Mr. Raby have his hair
3 shaved?

4 **A** It was short. I don't remember it being
5 completely buzzed off or shaved off, but it was
6 short.

7 **Q** Let me -- let me rephrase. What I mean is
8 there was a graze on his head. He wasn't shaved near
9 the wound to see what the wound looked like or to
10 test for GSR or anything like that. The wound wasn't
11 shaved, correct?

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

13 **Q** Okay.

14 **A** I don't remember it being shaved, no.

15 **Q** And there were -- there were lots of police
16 officers there that could have done that, could have
17 tested that GSR on the wound, could have shaved
18 that --

19 **MS. MCCALL:** Objection, Your Honor. He was
20 not there to observe that situation. He was not
21 involved in the GSR testing at all.

22 **MS. A. WHITE:** I think I just asked whether
23 or not there were police officers there that
24 could do that.

25 **THE COURT:** Okay. I'll allow him to answer

1 that question, if you know.

2 **THE WITNESS:** I'm sure they did -- I mean,
3 I don't know if they did or not. I don't really
4 remember a whole lot about it. I remember just
5 wrapping it up. They didn't say anything to us
6 about it if they tested or not tested it.

7 **BY MS. A. WHITE:**

8 **Q** Okay.

9 **A** We just placed the BAND-AID on his head,
10 transported him to the hospital.

11 **Q** So, to your knowledge, no one did a GSR
12 test or shaved his head or did anything to deal with
13 that graze before you got ahold of him and put the
14 gauze around his head?

15 **A** Not to my knowledge, no.

16 **Q** Okay. Thank you. And just to reiterate. I
17 asked this already. There were lots of law
18 enforcement officers there that could have done that
19 before you were in possession of Mr. Raby to wrap the
20 gauze and to put him in the ambulance, correct?

21 **A** Yes, ma'am. There were several there before
22 we arrived on scene.

23 **Q** Okay. Thanks. Nothing else from the State,
24 Your Honor.

25 **THE COURT:** All right. You want him to be

1 excused?

2 **MS. MCCALL:** Please.

3 **THE COURT:** Y'all have any objection to
4 his being excused?

5 **MS. A. WHITE:** We have no objection.

6 **THE COURT:** All right. Thank you, sir, for
7 being here.

8 **MS. HINTON:** Your Honor, we have to take
9 our next witness kind of out of order. He's the
10 one who has other subpoenas this week.

11 **THE COURT:** Oh, I understand. Certainly.

12 **MS. HINTON:** Thank you, Your Honor.

13 **THE COURT:** Ladies and Gentlemen, in the
14 interest of time, some witnesses are now going
15 to be taken out of order, just so you know.
16 We're just doing that because these witnesses
17 are under subpoena to be at other places during
18 the week. All right.

19 **MS. HINTON:** Thank you, Your Honor. The
20 State would call Kevin Shaw.

21 **KEVIN SHAW**
22 having first been duly sworn, testifies as follows:

23 **THE CLERK:** If you would, have a seat and
24 state your name for the record please.

25 **THE WITNESS:** My name is Kevin Shaw.

DIRECT EXAMINATION

BY MS. HINTON:

Q Deputy Shaw, where are you currently employed?

A Anderson County Sheriff's Office.

Q And what's your job over there?

A I'm a K-9 handler.

Q All right. How long have you been there?

A I been there since hired on January the 3rd.

Q Of this year?

A Yes, ma'am.

Q Prior to that, did you work in law enforcement at Clemson City Police Department?

A I did. I started with the Clemson City Police Department January of 2010.

Q Okay. And what were your duties when you first started there?

A I began my career as a regular road patrol officer, working -- answering calls for service and then eventually transferred over into the Crime Scene Department.

Q And were you working the Crime Scene Department on August the 1st of 2015?

A Yes, ma'am, I was.

1 Q Did you respond to an intersection of
2 Cambridge Drive, I believe, and Issaqueena Trail?

3 A It was Cambridge Drive and Issaqueena
4 Trail.

5 Q Is that in Clemson city limits?

6 A It is.

7 Q And what county is that in?

8 A It's in the county of Pickens.

9 Q When you arrived, was the scene already
10 secured?

11 A Yes, it was. It was already patrol officers
12 on the scene. There was an ambulance on the scene
13 and, I believe, there was a Pickens County deputy on
14 scene already.

15 Q And when we say a secured scene, what do
16 you mean by that?

17 A Nobody is allowed to enter the crime scene.
18 Nobody is allowed to go out of the crime scene unless
19 it's documented on the type of log that we used at
20 the time. So it's very secure. There's always people
21 watching, and it's always very detailed.

22 Q Okay. And when you arrived there, who was
23 the lead detective?

24 A Detective Arflin.

25 Q And were you instructed to take any

1 photographs on scene?

2 **A** I was.

3 **Q** I'm going to show you what's been marked as
4 State's 6, 8, 9, 10, 12 and 14. Would you just look
5 through those and see if you recognize those
6 photographs?

7 **A** (Reviewing.)

8 Yes, ma'am. I do.

9 **Q** Okay. Did you take those photographs?

10 **A** I did.

11 **Q** Do those accurately reflect the scene of
12 when you got there?

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

14 **MS. HINTON:** Your Honor, at this time, the
15 State moves State's 6, 8, 9, 10, 12 and 14 into
16 evidence.

17 **MS. D. WHITE:** No objection.

18 **THE COURT:** All right then. They are so
19 admitted.

20 (State's Exhibits 6, 8, 9, 10, 12, and 14 are
21 admitted into the record.)

22 **BY MS. HINTON:**

23 **Q** Now, I'm going to show you State's 6. Would
24 you tell me what that's a photograph of?

25 **A** That's a photograph of the vehicle in which

1 both victims were in at the time of the shooting.

2 Q And what kind of intersection is this?

3 A It's a four-way intersection. That's the
4 Cambridge Drive. If you take a right right there
5 where the vehicle was sitting, it will take you back
6 towards Highway 93.

7 Q And State's 8, what is that a photograph
8 of?

9 A That's the rear of the victim's vehicle.
10 That's my patrol vehicle over to the left. That's
11 also on Cambridge Drive.

12 Q This is your patrol vehicle?

13 A Yes, ma'am.

14 Q Okay. And what is this back here? Do you
15 know?

16 A That's the church parking lot.

17 Q And State's 9, what is that a photograph
18 of?

19 A That's the front of the victim's vehicle on
20 Cambridge Drive, as well.

21 Q Okay. When you arrived, did you find any,
22 like, broken glass or broken taillights that would be
23 indicative of any sort of car accident?

24 A No, ma'am.

25 Q And then State's 10, would you tell me what

1 that is?

2 **A** It's just a closer shot of the same
3 vehicle.

4 **Q** State's 12, what is that?

5 **A** That's the passenger seat of the white Ford
6 Explorer.

7 **Q** Okay. And the red stuff in there, what is
8 that?

9 **A** When I arrived on scene, it appeared to be
10 blood ---

11 **Q** Okay.

12 **A** --- from my experience.

13 **Q** When you arrived on scene, was the
14 passenger still on scene or had he already been
15 transported? Do you know?

16 **A** The passenger, he had already been
17 transported.

18 **Q** And were the other two people in the car
19 still present?

20 **A** Yes, ma'am. The driver of the vehicle was
21 already -- I believe he was seated in a Pickens
22 County deputy's vehicle when I arrived on scene. And
23 I don't recall exactly where the female was sitting.

24 **Q** And then State's 14, what is that a
25 photograph of?

1 **A** That's the interior of the victim's
2 vehicle. That's the -- I believe his name is Hunter
3 Raby -- that's his camouflage hat.

4 **Q** Okay. Did you take that hat into evidence?

5 **A** I did.

6 **Q** Okay. And why did that go into evidence?

7 **A** Because he was wearing it at the time of
8 the shooting and it had a -- it had a hole somewhere
9 in the top of it from where he had been shot in the
10 head.

11 **Q** Okay. So when you arrived -- aside from
12 taking photographs, what else did you do?

13 **A** I made contact with, I believe it was
14 Sergeant Bridgeman at the time. I always made contact
15 with whoever the responding officer was at the time
16 and find out kind of the general details of the scene
17 and, basically, where I needed to start with
18 processing the crime scene. So I arrived on scene and
19 spoke with him.

20 And then I located the first victim, who
21 was Hunter Raby. He had been shot in the top of the
22 head. I conducted a GSR, a gunshot residue test on
23 his hands and his face. There had been mention of his
24 hand had been on the firearm when it was discharged.
25 I did it on both hands and his face. I processed the

1 interior of the vehicle and took photographs as you
2 just seen and just collected any type of evidence
3 that may be related to the case.

4 Q And let's go piece by piece of what you
5 did.

6 A Okay.

7 Q Let's start with the gunshot residue test.
8 Those kits that you guys used, tell me a little bit
9 about them.

10 A It's a prepackaged kit. It has little tabs.
11 That's what I call them. They are little bottles that
12 have a -- it has like a sticky substance on one side
13 of it. Basically, they are labeled left hand, right
14 hand, back palm, things of that nature. It tells you
15 exactly how to do it. It comes with gloves. So you
16 put your gloves on, take the little bottle apart and,
17 basically, just dab it on the back of the person's
18 hand, whoever conduct the GSR kit. In this case, I
19 used the same GSR kit, but I just repurposed it.
20 Instead for a hand, I used it for his face as well.

21 Q Okay. So did you use one or two kits?

22 A Two kits.

23 Q Do they make GSR kits for face -- faces?

24 A Not to my knowledge.

25 Q Okay.

1 **A** I just had to reinvent it a little bit.

2 **Q** By the time that you got to Mr. Raby, had
3 he already been bandaged by EMS?

4 **A** I believe he already had a bandage on his
5 head and he was wearing the medical gloves that EMS
6 had gave him.

7 **Q** Okay. Was there any urgency for you to deal
8 with Mr. Raby?

9 **A** Yeah, cause he had a gunshot wound to the
10 top of his head, so he needed to be transported to
11 the hospital.

12 **Q** So you didn't undo his bandage or anything
13 like that?

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

15 **Q** And this bandage, was it covering his face
16 at all?

17 **A** I remember it was on the top of his head
18 somewhere. I'm not sure about his face area.

19 **Q** Do you remember it impeding your ability to
20 collect GSR from his face at all?

21 **A** No, it didn't.

22 **Q** And you said it came with gloves. You were
23 the one who puts those gloves on; is that right?

24 **A** Right. The gloves that are in the kit, I
25 do. They are submitted with the GSR kit to SLED.

1 Q So you perform GSR on Hunter's face and
2 hands, correct?

3 A Yes, ma'am.

4 Q Prior to performing GSR on Hunter Raby, did
5 Hunter Raby have gloves on his hands?

6 A He did. He had purple medical gloves.

7 Q Okay. Did you remove those gloves?

8 A I did.

9 Q And did you save those gloves?

10 A I did. They were submitted into evidence.

11 Q Okay. Once you finish with a GSR kit, how
12 do you make sure that it's preserved?

13 A I enter it into evidence just like I do
14 every other piece of evidence.

15 Q Let's talk about evidence. When you enter
16 it into the evidence room, what kind of room is that?

17 A It's a secured facility that's outside of
18 the police department. It's in the same parking lot,
19 but it's a different building. There's only a few
20 people who have access to the building.

21 Q When you take evidence in and out of the
22 evidence room, how do you make sure that somebody
23 knows that you did that?

24 A It's logged in and out of a computer system
25 that we use.

1 Q Did you put both the GSR kit, the gloves
2 that Mr. Raby is wearing and the hat from Mr. Raby
3 into evidence?

4 A I did.

5 Q Did you search for any shell casings around
6 the area?

7 A I did. I searched around the vehicle,
8 inside the vehicle and I wasn't able to locate any.

9 Q What about bullet holes?

10 A And I don't recall any bullet holes.

11 Q Did you find drugs in the Explorer?

12 A I did.

13 Q Multiple pills; is that correct?

14 A Yes, ma'am.

15 Q And marijuana?

16 A Yes, ma'am.

17 Q And did you also find drug paraphernalia, a
18 pipe to smoke with?

19 A I did.

20 Q Did you take all that into evidence?

21 A Yes, ma'am.

22 Q Was there any doubt in your mind in your
23 training and experience that those were controlled
24 substances?

25 A That's what they -- they appeared to be

1 controlled substances.

2 Q Was there any doubt in your mind that it
3 was marijuana?

4 A It was marijuana.

5 Q To your knowledge and in your processing of
6 the scene, did you find any pills and marijuana
7 scattered out on the side of the road like someone
8 tried to throw it away or hide it?

9 A It was all -- it appeared to be all within
10 the vehicle.

11 Q Did you dust the Explorer off for
12 fingerprints?

13 A I didn't.

14 Q And why did you not do that?

15 A Well, there was no mention to me of any --
16 of the suspect entering the vehicle at any point, so
17 I didn't feel there was a need to process it for
18 fingerprints because everybody in the vehicle was
19 supposed to be in the vehicle.

20 Q Okay. At some point, do you leave the scene
21 and head back to the Clemson City Police Department?

22 A I do.

23 Q And why did you head back there?

24 A I was notified that there was a -- I think
25 it was a silver Chrysler 300 in which the suspect had

1 been in at the time of the shooting. So I arrived
2 back at the police department to process that vehicle
3 as well.

4 Q And did you take photos of that vehicle as
5 well?

6 A Yes, ma'am. I did.

7 Q I'm going to show you State's 15, 16, 17
8 and 18. Will you see if you recognize those at all.

9 A (Reviewing.)

10 Q I do.

11 Q And what are those photos?

12 A Those are the photos of the Chrysler 300
13 that the suspect had been in. I believe it was a
14 female driver.

15 Q Okay.

16 MS. HINTON: Your Honor, at this time, the
17 State would move State's 15, 16, 17 and 18 into
18 evidence.

19 MS. D. WHITE: No objection, Your Honor.

20 THE COURT: They are so admitted.

21 (State's Exhibits 15, 16, 17 and 18 are admitted
22 into evidence.)

23 BY MS. HINTON:

24 Q I know these are a little bit cumulative,
25 but State's 15, what is that a photo of?

1 **A** The driver's side of the vehicle that the
2 suspect was in.

3 **Q** Okay. And State's 16, what was that a
4 photograph of?

5 **A** It's the rear of the vehicle.

6 **Q** What kind of tags are on that vehicle? Do
7 you know?

8 **A** Looks like a North Carolina tag to me.

9 **Q** And no damage to the rear of that vehicle
10 that you saw; is that right?

11 **A** No, ma'am. There was no damage.

12 **Q** And State's 17, what is that a photo of?

13 **A** That is the passenger side of the same
14 vehicle.

15 **Q** And State's 18, what is that a photo of?

16 **A** That's the front of it.

17 **Q** Prior to photographing that car, did you go
18 into the Clemson City Police Department and speak to
19 the female driver of that vehicle?

20 **A** I did.

21 **Q** Okay. And what was your purpose in meeting
22 with her?

23 **A** I needed to meet with her for a couple of
24 reasons. One of them was to give consent to process
25 her vehicle and also to conduct a -- the same GSR kit

1 on her hands.

2 Q Did she give you consent to process her
3 car?

4 A She did.

5 Q Did she give you consent to get GSR from
6 her hands?

7 A Yes, ma'am.

8 Q Did you follow the same procedure that you
9 already explained about GSR when dealing with the
10 female's hands?

11 A I did.

12 Q Did you secure that in the evidence room?

13 A Yes, ma'am.

14 Q When she gave you consent to search the
15 car, did you process that car for fingerprints?

16 A I did.

17 Q Okay. Were you able to retrieve a
18 fingerprint?

19 A I believe I retrieved a fingerprint from
20 the passenger side mirror on the visor.

21 Q And did that print end up coming back to
22 Mr. Gibbs?

23 A No.

24 Q Okay. And did you also find in there a
25 cigar package?

1 **A** I did.

2 **Q** Okay.

3 **A** It was in the passenger door.

4 **Q** Did it have anything in it?

5 **A** Not that I recall.

6 **Q** Did you find any guns or bags or anything
7 else in that Chrysler?

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

9 **Q** And going back to the scene, did you find
10 any guns on scene?

11 **A** I didn't.

12 **Q** Did you find any guns in the Explorer?

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

14 **Q** Did you find -- did you look for a gun, I
15 guess, outside in the area?

16 **A** In the general vicinity.

17 **Q** Did you find one?

18 **A** I didn't.

19 **Q** Did you end up going to AnMed Hospital?

20 **A** I did.

21 **Q** And did you pick anything up while you were
22 there?

23 **A** I picked up a -- I believe it was a bullet
24 fragment from one of the nurses.

25 **Q** And where had that been recovered from?

1 **A** I believe it was recovered from the
2 victim's head. It was already in a bottle when I
3 received it. I can't remember exactly.

4 **Q** Okay. Did you, at some point, obtain
5 additional fragments from Detective Arflin?

6 **A** I did.

7 **Q** Did you transport the GSR kit from Hunter
8 Raby's face and hands, as well as a GSR kit from the
9 female's hands to SLED for analysis?

10 **A** I did.

11 **Q** Did you also transport the hat, the
12 camouflage hat and the purple gloves from Mr. Raby to
13 SLED for analysis?

14 **A** Yes.

15 **Q** Did you also send the bullet and the
16 fragments to SLED for analysis?

17 **A** I did.

18 **Q** Did you also send the print off for
19 analysis ---

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

21 **Q** --- that you looked at? And where did you
22 send that for analysis?

23 **A** The print was sent to the Greenville County
24 Sheriff's Office.

25 **Q** And just -- are you familiar with -- I

1 guess you lift prints. Are you familiar with prints
2 and how hard or easy they are to obtain?

3 A Yes, ma'am.

4 Q Can you explain that a little bit?

5 A Well, prints can be left for a numerous
6 amount of reasons. If somebody's hands are extremely
7 oily or the lack of oil could be the difference
8 between them leaving behind a print or not or if
9 somebody is wearing gloves or if it's wiped off. It's
10 all oil-based. If something is dirty or dusty, then
11 it's not going to be there. The finger is going to
12 pick up the particles instead of leaving behind the
13 prints. They are difficult to retrieve, but it is
14 very possible. It's retrieved on a lot of crimes.

15 Q Okay. When you transport items to SLED, do
16 you open the packages in transit or anything like
17 that?

18 A No, ma'am.

19 Q So when you remove them from the evidence
20 room, are they in the same condition as when you
21 dropped them off at SLED?

22 A They are.

23 Q One second. (Pause.)

24 THE COURT: Sorry, Your Honor. That's my
25 phone going off. I apologize. I don't know how

1 to stop it. That's my son's voicemail. I'm
2 sorry. I don't know why that's playing on my
3 phone.

4 **BY MS. HINTON:**

5 Q Deputy Shaw, that's all the questions I
6 have. Please answer any questions Ms. White may have
7 for you.

8 A Yes, ma'am.

9 **CROSS-EXAMINATION**

10 **BY MS. D. WHITE:**

11 Q Well, let's start with some sort of
12 background questions. You're in the forensic ID unit,
13 you were, on the first of August of 2015; is that
14 correct?

15 A Yes, ma'am. I was.

16 Q So that's like, CSI. It's crime scene
17 investigations. I mean, that's what the general
18 public would think of as your unit?

19 A Oh, yeah.

20 Q All right.

21 A Yes, ma'am.

22 Q And of course, the reason for forensic
23 evidence is witnesses can lie, witnesses can be
24 mistaken, so, therefore, you need the physical
25 evidence to confirm, prove, one way or the other; is

1 that correct?

2 A Say that again?

3 Q Well, like, witnesses can be biased. They
4 can be mistaken. They can be under the influence. But
5 physical evidence is generally not going to lie, not
6 be mistaken, not take sides. It just is what it is.
7 Would you agree with that? It's an impartial witness.

8 A Yes, ma'am.

9 Q So the reason why it's so important to
10 collect all the physical evidence is when you get in
11 front of a jury, the jury hears one thing, they hear
12 something else, they hear something else. They can
13 say, okay, that's true because that panned out or
14 that's not true because that didn't pan out. That's
15 why we have physical evidence. Would you agree?

16 A To some degree.

17 Q And you talked about sending evidence down
18 to SLED, that's South Carolina Law Enforcement
19 Division; is that correct?

20 A Yes, ma'am.

21 Q And SLED is in Columbia; is that right?

22 A It is.

23 Q And SLED has officers who investigate if a
24 local agency does not investigate. They have one
25 division that does that; is that right?

1 **A** I believe so.

2 **Q** But they also have a huge lab, is that
3 right, in Columbia?

4 **A** Uh-huh.

5 **Q** And any agency in South Carolina, police
6 departments, sheriff's departments, anybody can send
7 evidence down there to SLED and they will run
8 whatever tests are requested?

9 **A** Correct.

10 **Q** And it's free?

11 **A** It is.

12 **Q** Is that right?

13 **A** It is.

14 **Q** You all don't get a bill later that says we
15 did DNA, we did fingerprints, we did this, here is
16 your bill?

17 **A** Right.

18 **Q** Now, SLED, the lab people at SLED have no
19 idea what your case is about; is that right?

20 **A** They do. It's located on the evidence sheet
21 when you submit it into evidence that tells what kind
22 of crime it is.

23 **Q** It's an alleged murder. It's alleged rape.
24 Something like that. They didn't go to the scene.
25 They didn't talk to witnesses. They don't get the

1 case reports.

2 A They do get the reports.

3 Q They get the entire file.

4 A They get the incident report that details
5 all the stuff that occurred.

6 Q And the incident report is normally a few
7 pages long; is that correct?

8 A Right.

9 Q The bottom line is, at any time between
10 August 1st of 2015 and today, anybody in your
11 department or anyone in the Solicitor's office could
12 have said, listen, we want these other tests run, we
13 want this other evidence tested. You could request
14 any of that; is that correct?

15 A Right.

16 Q And there's no extra cost at all?

17 A No.

18 Q All right. Now, let's talk about some of
19 the testing that be requested for free at SLED.
20 There's a fingerprints division; is that correct?

21 A There is.

22 Q And you were asked to tell a little bit
23 about fingerprints. Fingerprints are not left every
24 time somebody touches something; is that right?

25 A Correct.

1 **Q** In fact, there are three factors, one is
2 the condition of the hands, one is the condition of
3 the object and the third is how it's touched; is that
4 correct?

5 **A** Correct.

6 **Q** For instance, if my hands are bone dry or
7 very, very sweaty, I'm not going to leave a print, am
8 I, because of soil?

9 **A** You could, but there's very minimal chance.

10 **Q** The conditions of my hands would affect
11 that?

12 **A** Correct.

13 **Q** Now, if I talk -- touch something that is a
14 jagged versus something nice and smooth like this,
15 the surface makes a difference as well; is that
16 correct?

17 **A** It does.

18 **Q** So the more smooth, the more glass-like,
19 the more like the outside of a car, that would be
20 something more conducive to picking up a print?

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

22 **Q** And finally, it depends on how I touch it.
23 For instance, if I go like this, then I'm probably
24 not going to leave a print. Whereas, if I go like
25 this, I may; is that correct?

1 **A** Correct.

2 **Q** So unlike TV where anytime anything is
3 touched, in real life it depends on those three
4 things?

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

6 **Q** But the bottom line is if you don't process
7 an item for prints, you're definitely not going to
8 get prints; is that correct?

9 **A** Yeah.

10 **Q** Now, the other divisions at SLED, they have
11 a DNA lab. Do they not?

12 **A** They do.

13 **Q** And we have something called touch DNA
14 these days. What is touch DNA? Just overall, what is
15 it?

16 **A** If you touch something, there's DNA left
17 behind.

18 **Q** Okay.

19 **A** I mean from a person.

20 **Q** So certainly, if you're processing a
21 vehicle, if you get something, a container from the
22 vehicle, a box that contains marijuana, a pill
23 container, any of that, it can be sent to SLED and
24 SLED can process it for prints or touch DNA; is that
25 correct?

1 **A** They can, but it's very time-consuming.

2 **Q** Okay. And it's free to the agency?

3 **A** It is.

4 **Q** But it's got to be requested?

5 **A** Correct.

6 **Q** But certainly, it can be requested by you,
7 it can be requested by the lead officer, it can be
8 requested by the prosecutor's office, anyone down the
9 line on the State's side can request that; is that
10 right?

11 **A** They can.

12 **Q** Now, they also have something called a
13 trace lab that is totally free as well; is that
14 correct?

15 **A** They do.

16 **Q** And the trace lab processes gunshot
17 residue; is that right?

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

19 **Q** Now, gunshot residue is the stuff that
20 comes out of a gun when it's shot; is that correct?

21 **A** There is all kinds of different factors.
22 I'm not a gunshot residue expert, so you would have
23 to ask somebody else that question.

24 **Q** Okay. It's made up of barium, antimony and
25 lead, the three particles that they're looking for in

1 gunshot residue. Do you -- are you aware of that?

2 **A** I don't know the compound of it.

3 **Q** That's fine. Fair enough. But the bottom
4 line is, in a shooting like this, you can swab
5 someone's hands; you can swab, if there's a wound on
6 the head, up at the head or get the hair; you can
7 swab the hands of the person suspected of holding a
8 gun and that gunshot residue, you can test to see is
9 it on their hands; is it on their head; is it
10 anywhere on these people; is that correct?

11 **A** You can.

12 **Q** Now, if someone -- if you're going to test
13 someone's hands, normally, you would put a brown bag
14 around the hands, like the kind you would get in a
15 grocery store that's not plastic; is that correct?

16 **A** I would, as somebody in forensics. But if
17 you don't have that available, you just use what you
18 have to preserve it.

19 **Q** And are you aware that the last thing you
20 would want to do on an August day with something that
21 has the texture of a light flour would be to put
22 plasticky, latexy gloves that don't breath, their
23 whole purpose is not to breath and let stuff go in
24 and out?

25 **MS. HINTON:** Objection. I don't think she

1 has any authority to testify as to what the best
2 way to do something is, or not. I mean, we will
3 have someone that she can ask those questions
4 to, but I don't think that her, just, maybe a
5 blanket statement is appropriate.

6 **THE COURT:** All right. I'm going to allow
7 the question if he knows the answer to the
8 question.

9 **BY MS. D. WHITE:**

10 **Q** The reason why brown paper bags are used,
11 loose brown paper bags that are then taped to the
12 wrists, is so that the hands can breathe and the
13 evidence will not -- they won't sweat off the
14 evidence; is that correct?

15 **A** We just use what --

16 **Q** And it will be --

17 **A** -- just use what we have available. I mean,
18 if I didn't have a brown paper bag, I would just use
19 what I had available to try to preserve what evidence
20 is on the hand to keep it on the hand.

21 **Q** To try to pre --

22 **A** If he had on a glove, it's going to remain
23 there.

24 **Q** -- to try to preserve the evidence ---

25 **A** Correct.

1 Q --- is what you said; is that correct? Now,
2 was Robby ever processed for gunshot residue? His
3 hands, his head, anything else processed for gunshot
4 residue?

5 A Robby, the victim?

6 Q Yes, sir. Yes, sir.

7 A I'm not sure.

8 Q Would it surprise you to know that that was
9 never tested at SLED and there's no evidence of it
10 ever being processed?

11 A Of the victim being processed?

12 Q Yes, sir.

13 A I have no knowledge of it.

14 Q How about Kalyn, who was also in the car?
15 Was anything tested on her?

16 A No, ma'am.

17 Q Now, there's also something called a
18 distance determination; is that correct?

19 A I'm not familiar with that.

20 Q Did anybody's clothes get taken? Did
21 Robby's clothes, Kalyn's clothes, Hunter Raby's
22 clothes -- were any of those clothes taken?

23 A No, ma'am. Not that I recall. I'm not sure
24 about Robby, like I said. But the other two, no.

25 Q And certainly, when a gun is shot, gunshot

1 residue shoots out with the bullet, is that correct,
2 with the projectile?

3 A Yes, ma'am.

4 Q And so one thing that is looked at is you
5 can tell how far back a gun was, approximately,
6 depending on the pattern of gunshot residue, on
7 clothing; is that correct?

8 A I'm not sure if that's possible or not. I'm
9 not an expert in GSR.

10 Q Okay. You didn't learn that in crime scene
11 school?

12 A I didn't learn the projection and/or how to
13 determine the distance of somebody. I mean, I'm sure
14 that's a mathematical calculation that I'm not
15 prepared to answer for.

16 Q Actually, you put a piece of material. You
17 shoot it at different things.

18 MS. HINTON: Objection.

19 THE COURT: Yeah, sustained. He said he
20 doesn't know. Move on.

21 BY MS. HINTON:

22 Q Are you aware that there is a blood spatter
23 unit at SLED?

24 A Yes.

25 Q And certainly, one of the things you're

1 looking at on blood spatter is how far away is the
2 person, how did the drops fall, but you have to get
3 the clothing to get that; is that correct?

4 A I'm not a blood spatter expert.

5 Q Well, did you get any of the clothing, or
6 was the inside of his vehicle processed at all for
7 blood spatter?

8 A It was not.

9 Q Now, this vehicle had solid headrests on
10 the driver's seat and the passenger seat, is that
11 correct, the front ones? And feel free. If you want
12 to look at your pictures --

13 A I can't follow up from memory.

14 Q Any time you need to refer back to your
15 pictures, let me know.

16 A Okay.

17 Q I think that's about all of them in there.
18 Those are all -- each one is copies.

19 A Oh, okay. Oh, okay. So same ones.

20 Q I might be able to find it a little faster.
21 (Pause.)

22 A I can see but I can't tell if there's a
23 detachable headrest or not.

24 Q Well, we'll move on and we'll go back to
25 that.

1 **A** Okay. You need these back or you want me to
2 keep them?

3 **Q** If you would like to keep them up there to
4 refresh your memory with anything, you're welcome to.

5 **A** Okay.

6 **Q** Okay. So I think we were talking about
7 labs. So we have the blood spatter, we have the
8 trace, we have the prints. SLED also has toxicology;
9 is that right?

10 **A** They do.

11 **Q** And toxicology, for free, will test if you
12 send someone's blood there, they'll test it to see
13 what drugs are in there, is there alcohol in there.
14 And that's all free, as well; is that correct?

15 **A** Correct.

16 **Q** Did anyone collect Hunter Raby's blood or
17 Kalyn's blood?

18 **A** Not to my knowledge.

19 **Q** Now, they also have a lab down there that
20 tests for drugs; is that correct?

21 **A** They do.

22 **Q** For instance, if you find pills, you can
23 send it down to the lab for free. They will tell you
24 what those are. These are Xanax. These are blank,
25 whatever it is. Is that correct?

1 **A** I can do the same thing. We use, like, a
2 pill ID.

3 **Q** Okay.

4 **A** They don't -- typically, they won't test
5 the actual compound of it, unless it's requested.

6 **Q** Okay. They also -- well, they won't do any
7 of these unless they are requested, right?

8 **A** Correct.

9 **Q** Okay. So if you have suspected marijuana,
10 you can send it down. They'll say, yes, this is
11 marijuana, is that correct, or it's not?

12 **A** They will.

13 **Q** Cocaine, any other drug; is that right?

14 **A** Correct.

15 **Q** Again, this is all for free. You just have
16 to request it; is that correct?

17 **A** Correct. Could I get a cup of water?

18 Thank you, Your Honor.

19 **Q** You good?

20 **A** I am. I don't know what happened.

21 **Q** Okay. Any time you need to take a minute or
22 get a break, just let me know.

23 **A** I got you.

24 **Q** This isn't a marathon. All right. So we're
25 going to look at State's Exhibit 6 now. Now, we had

1 Mr. and Mrs. Saidat -- I may be saying that wrong --
2 testify earlier today that they were parked right
3 here. This is the car that is the SUV we've been
4 hearing about that Hunter Raby and Kalyn and Robby
5 Porter were in; is that correct?

6 **A** Yes, ma'am. That's two -- the two victims
7 were in that car.

8 **Q** So if the couple over here with the two
9 children were -- and they are seated in the courtroom
10 -- was right here, this would have been the view; is
11 that correct?

12 **A** From -- I'm not sure exactly where their
13 vehicle was positioned, if it was exactly there. I
14 mean, that's exactly where I was standing at the time
15 of the photograph.

16 **Q** Well, that's -- that looks like a little
17 white line here, right, where you stop? And the stop
18 sign had to have been somewhere back here. Wouldn't
19 you agree? It's a four-way stop.

20 **A** I would assume it's somewhere in that
21 vicinity.

22 **Q** So, if anything, they would have been
23 further back this way because normally you stop
24 before the stop sign; is that right?

25 **MS. HINTON:** Objection, Judge. He has no

1 idea where they stopped. He said that's the
2 angle of where he was standing.

3 **THE COURT:** If he does know, I will allow
4 him to answer.

5 **THE WITNESS:** I don't know where they were
6 stopped. I wasn't in the vehicle.

7 **BY MS. D. WHITE:**

8 **Q** Okay. Well, let me ask it another way. Is
9 there a stop sign anywhere in here?

10 **A** No.

11 **Q** Are you supposed to stop before the stop
12 sign?

13 **A** I always stop at the stop bar.

14 **Q** Okay. At the stop sign or before, is that
15 correct, or stop bar? Does that look like a stop bar
16 to you?

17 **A** Where the stop bar is, that's where I
18 always stop.

19 **Q** Okay. And you would agree that you are not
20 on the front of the car when you stop. You've got the
21 hood and all and you're back a little ways in the
22 car. You don't sit at the front of the car. You sit
23 behind the hood; is that correct?

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

25 **Q** Now, let's look at State's Exhibit 9. Y'all

1 introduced some pictures of the Chrysler. Did you
2 ever measure the Chrysler from front to back?

3 A No, ma'am.

4 Q Did you ever measure from here to here?

5 A I didn't.

6 Q Would you agree that this is not the
7 smallest car in the world?

8 A I have no idea what the smallest car in the
9 world is.

10 Q Okay. Would you agree that if you had to go
11 to a private lab and get tests run, it would cost
12 thousands and thousands of dollars to do? They are
13 very expensive, each one.

14 A Greenville County is very inexpensive.

15 Q No, I'm not talking about law enforcement.
16 I'm talking about a ---

17 A Oh, a private lab.

18 Q --- private lab.

19 A I've never used a private lab, so I'm not
20 sure how much they cost.

21 Q And while you bring that up, in fact,
22 Greenville has a lab. It doesn't do all the testing
23 that Columbia does, but nevertheless, it's free to
24 law enforcement too; isn't that correct?

25 A Drugs and different things like that, I'm

1 not sure what they charge for them, but they do
2 charge some people different types of tests. It just
3 depends on what tests you use.

4 Q To the State? To the prosecution?

5 A They charge \$25 per drug case. I'm not sure
6 about the other types of cases, I do know that they
7 charge for that.

8 Q Now, let's go back to what SLED has for
9 free. SLED also has a forensic unit that can search
10 phones, tablets. Even if things are deleted, they get
11 in there, they can pick it up, they can tell all the
12 texts that have happened, all the calls that have
13 happened, everywhere you been on Facebook, everything
14 you pulled up on the internet. Isn't that true?

15 MS. HINTON: Judge, if I may. I think what
16 the appropriate way to do this would be to ask
17 him if he's familiar with that lab. And then if
18 he says yes, then she can ask him about the
19 additional things that it does. But what she's
20 doing is essentially testifying to say
21 everything that it can do and he may or may not
22 have knowledge of that.

23 THE COURT: All right. Why don't you just
24 ask him first if he's -- if he's familiar with
25 it. I think we can probably save some time.

1 BY MS. D. WHITE:

2 Q Yes, sir. You testified earlier that you're
3 familiar with SLED and you, in fact, dropped off
4 things at the SLED testing unit, is that correct, at
5 the lab?

6 A Yes, ma'am.

7 Q Okay. So you're familiar with it. You drove
8 some of this stuff down there yourself; is that
9 right?

10 A I did.

11 Q Okay. So did you take any of the phones in
12 this case or the tablet down to the forensic lab in
13 Columbia where it can be tested for free?

14 A I didn't. The only reason I didn't is
15 because we have -- we can do that in house. If we can
16 do something in house, then there's no need to send
17 it down there and wait for that time frame.

18 Q Okay. So then, sir, to your knowledge, was
19 that ever done in this case?

20 A Was what ever done? The phone sent down?

21 A Yes, sir. You gathered the phones actually,
22 didn't you?

23 A Yes.

24 Q A couple of them, not all of them.

25 A I did.

1 **Q** Is there any reason why on earth none of
2 them ever would have been tested?

3 **A** Tested for?

4 **Q** You got it locally, right? You've got it in
5 house. All you've got to do is take the evidence down
6 the hall and say, here, do a computer search on
7 these, basically, computers. Do you know why it was
8 never done?

9 **A** Like as far as -- what do you mean being
10 done to the phones?

11 **Q** No one did a forensic examination on the
12 two phones that you got, did they?

13 **A** I'm not sure.

14 **Q** Let me ask you this, did anyone go back
15 from 1.4 miles where there was allegedly some
16 following or a chase, depending on what you believe,
17 to pick up videos along the way from public places to
18 see what it looked like when the cars went by?

19 **A** I'm not sure. I just did the forensic side
20 of everything.

21 **Q** Okay. So you're not aware of that ever
22 happening?

23 **A** I don't know if it did or it didn't.

24 **Q** Isn't it true that a lot of businesses now
25 have videos and, in fact, if the police want to see

1 what really happened on something, they go back and
2 they trace the route and they say do you have a
3 video, do you have a video, do you have a video, and
4 they gather those up? That's possible; is that right?

5 **A** In some places. It just depends on the
6 store.

7 **Q** But if no one asks, we don't know; do we?

8 **A** No.

9 **Q** When did Clemson get body cams?

10 **A** I have no idea.

11 **Q** Did you have a body cam in 2015?

12 **A** I can't remember. If I did, it only worked
13 when I was on patrol.

14 **Q** And do you agree that there were Pickens
15 County officers there? In fact, that's the one body
16 cam we have. Did you see that?

17 **A** I did.

18 **Q** Okay. Would you agree there were also
19 Clemson Police Department officers there in uniform?

20 **A** There were.

21 **Q** Do you know why only one body cam would
22 have been kept in evidence?

23 **A** Well, I'm not sure. If you've ever worn a
24 body camera , a body camera -- there's multiple
25 reasons why you wouldn't have a video. I mean, the

1 battery could be dead because you're working a 12-
2 hour shift. It could be malfunctioned. There's
3 numerous reasons why you would have a body camera. At
4 some point later on in my career, I did get one. I'm
5 not sure why they didn't have them or whatever reason
6 there.

7 Q Do you know why the hat that you gathered
8 was never tested for gunshot residue?

9 A You would have to ask the people at SLED
10 that.

11 Q You know why the gloves that you gathered,
12 correctly gathered, were never tested?

13 A I'm not sure.

14 Q But certainly, anybody could have requested
15 any of those tests any time up to today; is that
16 right?

17 A I'm pretty sure that they were requested
18 for the hat and the gloves. I can't recall right off
19 the top of my head.

20 Q Do you know why none of the drugs were
21 tested?

22 A I didn't request for them to be tested.

23 Q Well, maybe you didn't. But is there any
24 reason why when you bring somebody for murder in a
25 case in front of a jury you don't test the drugs?

1 **A** I didn't see any relation to the drugs to
2 the murder. When I talked to the detective, we sat
3 down and discussed which evidence we want processed.
4 If we come to the conclusion that we don't want it
5 processed, then we won't process it.

6 **Q** Okay. Well, let's say later, two
7 eyewitnesses say, oh, we lied, drugs were involved.
8 At that point, would you think it would be relevant
9 to send these things down and get them tested?

10 **A** Well, we knew that they were drugs. There
11 was no need to spend that time and waste that time.

12 **Q** Sir, do you know if they're spiked with
13 something?

14 **A** I'm not a drug expert.

15 **Q** Where all did you find marijuana in this
16 car?

17 **A** I can't recall.

18 **Q** All right. Well, if you look at your
19 report, do you remember you found marijuana under --
20 in a box under the driver's front seat and in the
21 center console?

22 **A** Do you have my report?

23 **Q** Yes, sir. I'll be happy to give it to you.

24 **A** (Reviewing.)

25 **Q** Well, I thought I had two copies, but I

1 don't. I just have one, so we're going to have to
2 share it, if that's okay.

3 A Okay.

4 Q All right. We don't have to share after
5 all.

6 A Was it just one page?

7 Q That's all I'm aware of.

8 A Okay.

9 Q If you go down one, two, three, four, five,
10 six lines, "I photographed loose green plant material
11 believed to be marijuana on the center console."
12 Then, on down to the bottom line of your first
13 paragraph, "I located a silver and black box
14 containing green plant material believed to be
15 marijuana and a smoking pipe under the driver's
16 seat." Do you see that?

17 A I do.

18 Q So you had two different amounts. Did you
19 all ever weigh this marijuana?

20 A No, ma'am.

21 Q That could be done at SLED; is that
22 correct?

23 A It can.

24 Q Did you find any scales in this car, in
25 this SUV?

1 **A** Do you have the evidence report?

2 **Q** Yes, sir.

3 **A** That would have it in there. I can't recall
4 from memory. (Reviewing.)

5 I don't see a scale listed on there
6 specifically.

7 **Q** So if you heard that these people went to
8 Walmart and weighed some things, you found no scales
9 in that car; did you? And in fact, it's not listed
10 anywhere in there.

11 **MS. HINTON:** Objection, Judge. I don't
12 think that that's what the property and evidence
13 sheet reflects.

14 **MS. D. WHITE:** Well, I'll be happy to have
15 you look through. I'll be happy to show it
16 directly to him.

17 **MS. HINTON:** Item 5.

18 **BY MS. D. WHITE:**

19 **Q** Look at Item 5.

20 **A** (Reviewing.)
21 It says miscellaneous drug paraphernalia.

22 **Q** Yes, sir. Does it list scales?

23 **A** It doesn't. It could have been part of
24 that.

25 **Q** Well, did you take pictures of all of these

1 things?

2 **A** I don't recall if I took pictures of every
3 piece of evidence that I took. Typically, if it was
4 scales and different types of things like that, it
5 could be condensed into one package. Then I would
6 have put it in one package and just listed it as
7 miscellaneous drug paraphernalia.

8 **Q** Is it typical in a murder case for the
9 crime scene person to take hundreds of pictures so
10 that every single thing could be documented in case a
11 story changes later?

12 **A** It depends on the person who is processing
13 the crime scene.

14 **Q** Would it surprise you to know that there
15 were only 40-something pictures taken in this case
16 and that includes Autumn's car, as well as this
17 scene?

18 **A** What was the question?

19 **Q** Are you aware that there are only 40-
20 something pictures taken in this entire case for an
21 alleged murder case? That includes -- included the
22 pictures of Autumn's car?

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

24 **Q** Now, I'm going to hand you -- or show you
25 -- and I may need to hand this straight up to you.

1 Let me know if I do. I'm looking at State's Exhibit
2 14. Do you know what this is in here or was it ever
3 tested? Would you like -- let me show you the
4 picture. It's a little hard to see. What does that
5 look like to you?

6 **A** I can't really tell. It looks like dirt or
7 it's just a tannish -- some kind of substance in the
8 crack of the seat.

9 **Q** Looks like marijuana; doesn't it?

10 **A** It's hard to tell from the picture.

11 **Q** Was that gathered?

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

13 **MS. D. WHITE:** Your Honor, this has been
14 introduced into evidence. I'd like to pass it
15 around to the jury.

16 **THE COURT:** All right.

17 **BY MS. D. WHITE:**

18 **Q** Let's go back to the pills that were found.

19 **MS. HINTON:** Judge, if I may. I mean, I
20 don't think there's been any testimony that
21 these were not pills, these were not marijuana.
22 I mean, I think these have been asked and
23 answered. There's not been any statement that
24 they weren't what she's alleging that they were.
25 I just think we can move on from this.

1 **THE COURT:** Let's just see where you're
2 going with it. All right.

3 **MS. D. WHITE:** Your Honor, we've got
4 allegedly two eyewitnesses who never had their
5 blood tested --

6 **THE COURT:** I gotcha.

7 **MS. D. WHITE:** Yes, ma'am.

8 **THE COURT:** I'm going to allow you to
9 continue on with it.

10 **BY MS. D. WHITE:**

11 **Q** So, sir, let's go over some of the pills
12 that were found in the car, if you don't mind. Feel
13 free to... while I'm waiting on that, let's move on.
14 Now, Autumn, you said Autumn Gilstrap, you saw her
15 when she came to give her statement to the police
16 department a couple of hours after this, correct?

17 **A** She --

18 **Q** The one who was driving the silver car ---

19 **A** Okay.

20 **Q** --- that you took pictures of.

21 **A** Okay.

22 **Q** Okay. And you took -- she gave a taped
23 statement; is that right?

24 **A** I believe so. I wasn't in there for that
25 part of it.

1 Q She gave a written statement; is that
2 right?

3 A I'm not sure.

4 Q She consented to you searching the car?

5 A She did.

6 Q She voluntarily had you swab her hands?

7 A Yes, ma'am.

8 Q When you were at the scene, there was kind
9 of a tree line? And I'll show it to you right here.
10 Look at State's Exhibit 9. See this tree line along
11 here?

12 A I do.

13 Q Did anybody search that tree line to see if
14 anything had been thrown or disposed of it in that
15 tree line?

16 A I'm not sure. I walked the general vicinity
17 around the vehicle.

18 Q Okay. But it would surprise you to know, on
19 the body cam of the officer that was there, nobody
20 ever looks in this tree line at all?

21 A I hadn't seen the video.

22 Q And, in fact, Hunter and Kalyn were in and
23 out of this area. Is that correct?

24 A I have no idea.

25 Q Just walking all around.

1 **A** He was seated in the back of a patrol
2 vehicle when I arrived. She was seated on the ground.

3 **Q** And she was seated, at times, over here on
4 the ground and there were some other witnesses in
5 there too; isn't that right?

6 **A** I just remember seeing her sitting on the
7 ground. He was in the back of a patrol vehicle.

8 **Q** Would you agree that's why it's so
9 important to preserve body cams because you can see
10 what actually happened, instead of trying to remember
11 two years later?

12 **A** As far as me remembering the body camera?

13 **Q** No, that's just one reason why we have body
14 cams is so that we will have an exact record of what
15 happened.

16 **A** One could say that.

17 **Q** Now, you were talking about the urgency of
18 treating Mr. Raby.

19 Do you have a picture of the hat up there
20 that's been introduced into evidence?

21 All right. Let's look at State's Exhibit
22 14. There's no blood at all in that hat that you can
23 see; is there?

24 **A** I didn't test the hat.

25 **Q** And in fact, he didn't have stitches or

1 anything else. He just had a little tiny mark on the
2 head; is that correct?

3 A He had a hole in his head.

4 Q Well, actually, we had EMS testify there
5 wasn't a hole.

6 MS. HINTON: Judge, she's pitting one
7 witness. He can testify as he remembers.

8 BY MS. D. WHITE:

9 Q Do you see any blood on the inside of the
10 hat that supposedly was right against the entry?

11 A I'm not sure if that's the inside or the
12 outside of the hat.

13 Q Oh, would you like to look at it?

14 A (Reviewing.)

15 Like I said, I'm not sure if that's the top
16 of the hat or if the top of the hat was camouflage. I
17 can't tell whether it's inside out or...

18 Q Okay. So let's talk about the pills in the
19 car. You said that you all saw no need to get them
20 tested by SLED. Is that right?

21 A Correct.

22 Q So if you will, look at your report. The
23 first had Hunter Raby's name on it; is that correct?

24 A (Reviewing.)

25 Which line are you speaking of?

1 Q Uh --

2 A I see Marilyn Porter. I located a pill
3 bottle with the name Marilyn Porter on it ---

4 Q All right.

5 A --- containing green plant material.

6 Q Now, that one had marijuana in it; is that
7 right?

8 A It did.

9 Q And that's a bottle that had Marilyn
10 Porter's name on it, a pill bottle, like a regular
11 pill bottle that you get pills in; is that right?

12 A Correct.

13 Q There's also another bottle that had
14 Marilyn Porter's name on it; is that right?

15 A (Reviewing.)

16 That's right.

17 Q And that had benzos, clonazepam, a couple
18 of different kinds of clonazepam. Several in there,
19 as well. Like, altogether, almost 50, is that
20 correct, in that bottle of various things?

21 A It had six clonazepam, 41 and one half
22 round yellow pills --

23 Q And those turned out to be clonazepam as
24 well; is that correct?

25 A I have no idea.

1 Q Are you aware that -- you said that there
2 was, like, a Bible that you could go to that would
3 tell you what these supposedly were; is that right?

4 A I could.

5 Q And did anybody do that besides us?

6 A No.

7 Q By us, I mean the defense.

8 A I'm not sure. I don't remember anybody
9 looking the pills up, specifically.

10 Q Okay. All right. And then there's another
11 bottle under Hunter Raby's name with trazodone. That
12 one was empty; is that correct?

13 A Yeah, trazodone. The bottle with Hunter
14 Raby.

15 Q Yes, sir. Then there's another bottle under
16 Hunter Raby's name with 28 pills that treat anxiety
17 and panic disorder and borderline personality, 30
18 Zoloft and two unknown. Is that correct?

19 A I'm not sure what the pills were.

20 Q Okay. And then another bottle under
21 Hunter's name that has 14 Prilosec, 15 --

22 **MS. HINTON:** Judge, I'm going to object to
23 her testifying to what the pills are. She can
24 ask him how they were inscribed, whether he
25 tested them. But her just throwing out what they

1 are is not --

2 **THE COURT:** I'm going to sustain your
3 objection as to what they are used for. As far
4 as the names are concerned, if that's what you
5 have found them to be in this book, that's fine.

6 **BY MS. D. WHITE:**

7 **Q** Sir, do you understand that my client is
8 facing murder charges brought by the State against
9 him?

10 **A** I do.

11 **Q** All right. So here, we've got 14 Prilosec,
12 15 sertraline, 28 Vistaril, 12 trazodone, 14
13 buspirone and 40 Zoloft in this other one; is that
14 correct? This is the other one that we're talking
15 about, the pill bottle.

16 **A** Which -- you're going to have to -- you're
17 going to have to describe what pills you're talking
18 about. I don't know what any of the pills -- what any
19 of the pills are, specifically.

20 **Q** Were all of these found in the car where
21 the State's two star witnesses were driving?

22 **A** Whose the star witnesses you are referring
23 to?

24 **Q** I would assume Kalyn and Hunter Raby.

25 **A** Okay. They were located in the white Ford

1 Explorer.

2 Q Well, why wouldn't the State test all of
3 this? What would be the reason that this wouldn't be
4 tested?

5 A The pills?

6 Q Sir, any of this stuff.

7 A The pills, I wouldn't -- I didn't see a
8 need to process the pills. Him being in possession of
9 a controlled substance, whether it was his or not his
10 is the least important thing we had at the time. I
11 mean, somebody had just been murdered.

12 Q So when you were at the scene within
13 minutes afterwards, you all worked from the premise
14 that someone had just been murdered. That's before
15 you gathered evidence, before any of this was
16 processed. That was the premise from the moment that
17 the evidence was gathered; is that correct?

18 A The fact of the pills or you mean all of
19 the evidence? I'm not sure where your question was
20 referring to, specifically.

21 Q Did anybody get in the back seat of the
22 Ford Explorer, from where Kalyn was supposedly
23 sitting, and take pictures of what her view would
24 have been in that vehicle of the front driver's seat?

25 A I did get in the back of the vehicle

1 searching it, but I did not take pictures from the
2 rear of the vehicle.

3 **MS. D. WHITE:** Just one minute, please.

4 (Pause.)

5 I don't have any other questions.

6 **THE COURT:** Any follow-up?

7 **MS. HINTON:** Briefly, Your Honor.

8 **THE COURT:** Sure.

9 **REDIRECT EXAMINATION**

10 **BY MS. HINTON:**

11 **Q** Deputy Shaw, Ms. White asked you if you
12 were CSI. Have you seen CSI before, the show?

13 **A** A long time ago.

14 **Q** Is your job anything like CSI?

15 **A** CSI is -- the stuff they do on there is not
16 really possible at an agency our size. Some of the
17 stuff they do, I'm not even sure if it really exists.
18 I wish it did sometimes.

19 **Q** Was Robert Porter on scene, the victim,
20 Robert Porter, on scene when you arrived?

21 **A** No.

22 **Q** When you went to the hospital to collect
23 the projectile that had been recovered from him, did
24 you know his state at that point?

25 **A** I just know that he was back in some room

1 for surgery.

2 Q Was he available to you to do GSR at that
3 point?

4 A He wasn't.

5 Q Was not?

6 A He was not.

7 Q And you talked about how physical evidence
8 is part of gathering. Is that the only part of
9 investigating a case, the physical evidence?

10 A No, ma'am.

11 Q Do you also talk to witnesses?

12 A I don't.

13 Q Well, does somebody, as part of the
14 investigation?

15 A Right.

16 Q We talked about phone extractions. And just
17 to be clear, are you the phone -- were you the phone
18 extraction expert at Clemson at the time?

19 A I wasn't.

20 Q And we talked about body cams and why they
21 may or may not have a video. Is another possible
22 reason why they don't have video is you didn't have
23 body cams at that time?

24 A Right. I can't recall when we got them,
25 specifically.

1 Q But would there be a body cam if you didn't
2 have body cams issued?

3 A No.

4 Q When you come onto a scene and you start
5 gathering physical evidence, do you throw common
6 sense and the facts of the case out the window and
7 just start willy-nillying physical evidence?

8 A I don't.

9 Q And why don't you do that?

10 A Cause that would be crazy. That's part of
11 processing a crime scene. A lot of times, you use
12 experience that you have and use common sense when
13 you are processing it. That's just part of the job.

14 Q But to be clear, you did send that print
15 off to Greenville, correct?

16 A I did.

17 Q And they are capable of processing prints;
18 is that correct?

19 A They are. They have their own AFIS experts
20 in Greenville.

21 Q And that came back not belonging to
22 Mr. Gibbs?

23 A It didn't belong to Mr. Gibbs.

24 **MS. HINTON:** That's all I have.

25 **THE COURT:** Anything else for this.

1 witness?

2 **RECROSS-EXAMINATION**

3 **BY MS. D. WHITE:**

4 **Q** Now, there were a lot of other law
5 enforcement officers there, though, who could have
6 preserved these things, the gunshot residue, bagged
7 the hands, done things like that, is that right,
8 before you got there?

9 **A** Well, when I -- typically, when I would
10 arrive on the scene, I wouldn't just start touching
11 evidence. I would preserve the actual scene and every
12 piece of evidence that's within that scene, on the
13 outside of it. I mean, if you're not trained to do
14 it, you could mess it up. I would never touch it
15 until I became familiar with the process.

16 **Q** Are you aware that the one body cam was
17 from a Pickens County officer and he's actually
18 directing people to preserve those things because, in
19 his words, GSR will need to be done?

20 **A** I haven't seen the body camera.

21 **THE COURT:** Anything else?

22 **MS. HINTON:** No, Your Honor. May he be
23 excused?

24 **THE COURT:** Any objection?

25 **MS. D. WHITE:** No, sir -- no, Your Honor.

1 -- without us fully having a foundation laid of
2 the chain. All right. So we're not there yet.

3 All right. We're in recess for 10 minutes.

4 (Court goes off the record at approximately

5 3:21 p.m.)

6 (Court goes on the record at approximately

7 3:45 p.m.)

8 (Jury enters at approximately 3:45 p.m.)

9 **THE COURT:** Ladies and Gentlemen, while
10 you were taking a break, these attorneys were in
11 here working to streamline this case even
12 further. They have agreed -- in lieu of a
13 witness, they have agreed to stipulate to
14 something. A stipulation is simply something
15 that you do not have to determine. I told you
16 that you are the trier of fact and you are
17 finding the facts in this case. A stipulation
18 means it's a fact that you just take as is. You
19 do not need to find it to be true or not true.
20 You take it as true.

21 The parties have stipulated that projectile
22 -- a projectile and fragments were removed from
23 the deceased Robert Porter.

24 Does that comply with the stipulation from
25 the State?