

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JYQUEZ JULIUS FREEMAN,

APPELLANT

APPELLATE CASE NO 2018-001891

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

SCOTT MATTHEWS
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit

180 Magnolia Street
Spartanburg, SC 29306
(864) 596-2575

ATTORNEYS FOR RESPONDENT

RECEIVED
NOV 25 2019
SC Court of Appeals

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED OCTOBER 8-11, 2018.....	1
MOTION TO SUPPRESS VIDEO.....	13
RULING OF THE COURT	19
JURY VOIR DIRE	21
JURY SELECTION.....	52
OPENING STATEMENT BY MR. BARNETTE.....	64
OPENING STATEMENT BY MR. MORIN	72
TESTIMONY	
SHAWN MICHAEL CLORAN	
Direct Examination by Mr. Barnette.....	85
Cross Examination by Mr. Morin	103
QUENTIN XAVIER MEADOWS	
Direct Examination by Mr. Barnette.....	109
Cross Examination by Mr. Morin	121
Redirect Examination by Mr. Barnette	135
RICHARD BEHNKE	
Direct Examination by Mr. Barnette.....	136
Cross Examination by Mr. Morin	144
Redirect Examination by Mr. Barnette	146
MALIK MONDRELL SMITH	
Direct Examination by Mr. Barnette.....	147
Cross Examination by Mr. Morin	153
Redirect Examination by Mr. Barnette	158
ZAQUASHA JANICE WILLIAMS	
Direct Examination by Mr. Barnette.....	160
Cross Examination by Mr. Morin	166
INDIA LEE JETER	
Direct Examination by Mr. Barnette.....	167

ALEXUS GORY	
Direct Examination by Mr. Barnette.....	172
THOMAS LOREN CLARK	
Direct Examination by Mr. Barnette.....	176
DAVID WELCH	
Direct Examination by Mr. Barnette.....	185
Cross Examination by Mr. Morin	189
LATHIER GRAHAM	
Direct Examination by Mr. Barnette.....	190
Cross Examination by Mr. Morin	217
Redirect Examination by Mr. Barnette	221
VALENCIA GARCIA	
Direct Examination by Mr. Barnette.....	224
CHRIS TAYLOR	
Direct Examination by Mr. Barnette.....	234
SARA ANN KRUGER	
Direct Examination by Mr. Barnette.....	236
NATHAN CANTRELL	
Direct Examination by Mr. Barnette.....	239
MARK GADDY	
Direct Examination by Mr. Barnette.....	244
Cross Examination by Mr. Morin	249
Redirect Examination by Mr. Barnette	251
COURTNEY THOMPSON	
Direct Examination by Mr. Barnette.....	252
Cross Examination by Mr. Morin	260
THOMAS EDWARD DARNELL	
Direct Examination by Mr. Barnette.....	261
MICHELE EICHENMILLER	
Direct Examination by Mr. Barnette.....	265
WILLIAM RICHARD FOSTER	
Direct Examination by Mr. Barnette.....	272
Cross Examination by Mr. Morin	278

MARYANN BOEHM	
Direct Examination by Mr. Barnette.....	279
Cross Examination by Mr. Morin	289
Redirect Examination by Mr. Barnette	296
JOHN DAVID WREN	
Direct Examination by Mr. Barnette.....	297
COLLOQUY WITH DEFENDANT ON HIS RIGHT TO TESTIFY	304
MOTION FOR DIRECTED VERDICT.....	307
COURT’S RULING	307
STATE RESTS	307
COLLOQUY WITH JUROR DEANDRE’ LONG.....	310
JUROR DEANDRE’ LONG EXCUSED FROM THE JURY BY THE COURT	324
CLOSING ARGUMENT BY MR. BARNETTE.....	327
CLOSING ARGUMENT BY MR. MORIN	339
CHARGE ON THE LAW	348
VERDICT	383
SENTENCING	389
INDICTMENTS	391
SENTENCE SHEETS	397
COURT’S EXHIBIT #4 (Juror Facebook image with friend suggestion)	404
COURT’S EXHIBIT #5 (Potential Witness Facebook image with friend suggestion).....	405
COURT’S EXHIBIT #6 (Potential Witness Facebook image)	406
COURT’S EXHIBIT #8 (Appellant’s witness list)	407
JURY STRIKE SHEET	408
STATE’S EXHIBIT #23 (Map).....	409

STATE’S EXHIBIT #124 (SLED firearm report).....	410
CERTIFICATE OF COUNSEL	413

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

State’s Exhibit #48 (KFC office video); State’s Exhibit #59 (KFC lobby video); State’s Exhibit #60 (KFC work area video); State’s Exhibit #71 (picture of items found in front yard); State’s Exhibit #87 (picture of gun underneath pillow); State’s Exhibit #96 (picture of white skull mask); State’s Exhibit #98 (picture of latex glove box); State’s Exhibit #104 (picture of black jackets); State’s Exhibit #106 (picture of blue book bag); State’s Exhibit #107 (close up picture of blue book bag); State’s Exhibit #109 (picture of Halloween costume); State’s Exhibit #110 (picture of blue book bag Appellant had with him when he was arrested)

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

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Jyquez Julius Freeman,) 2017-GS-42-4859-5861;4864
6 Defendant.) October 8 - 11, 2018
7 Spartanburg, South Carolina

8
9
10
11 B E F O R E:

12 HONORABLE J. DERHAM COLE, JUDGE; and a jury
13
14
15

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

17 BARRY JOE BARNETTE, ESQUIRE
18 Attorney for the State

19 MICHAEL D. MORIN, ESQUIRE
20 Attorney for the Defendant
21
22

23 Linda D. Moffitt
24 Circuit Court Reporter
25

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	SHAWN CLORAN (SW)	
4	Direct examination by Mr. Barnette	85
5	Cross-examination by Mr. Morin	114
6	QUENTIN XAVIER MEADOWS (SW)	
7	Direct examination by Mr. Barnette	120
8	Cross-examination by Mr. Morin	132
9	Redirect examination by Mr. Barnette	146
10	RICHARD BEHNKE (SW)	
11	Direct examination by Mr. Barnette	147
12	Cross-examination by Mr. Morin	155
13	Redirect examination by Mr. Barnette	157
14	MALIK MONDRELL SMITH (SW)	
15	Direct examination by Mr. Barnette	158
16	Cross-examination by Mr. Morin	164
17	Redirect examination by Mr. Barnette	169
18	ZAQUASHA JANICE WILLIAMS (SW)	
19	Direct examination by Mr. Barnette	171
20	Cross-examination by Mr. Morin	177
21	INDIA JETER (SW)	
22	Direct examination by Mr. Barnette	178
23	ALEXUS GORY (SW)	
24	Direct examination by Mr. Barnette	183
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	THOMAS LOREN CLARK (SW)	
4	Direct examination by Mr. Barnette	178
5	DAVID WELCH (SW)	
6	Direct examination by Mr. Barnette	196
7	Cross-examination by Mr. Morin	200
8	LATHIER GRAHAM (SW)	
9	Direct examination by Mr. Barnette	201
10	Cross-examination by Mr. Morin	228
11	Redirect examination by Mr. Barnette	232
12	VALENCIA GARCIA (SW)	
13	Direct examination by Mr. Barnette	235
14	CHRIS TAYLOR (SW)	
15	Direct examination by Mr. Barnette	245
16	SARA ANN KRUGER (SW)	
17	Direct examination by Mr. Barnette	247
18	NATHAN CANTRELL (SW)	
19	Direct examination by Mr. Barnette	250
20	MARK GADDY (SW)	
21	Direct examination by Mr. Barnette	255
22	Cross-examination by Mr. Morin	260
23	Redirect examination by Mr. Barnette	262
24		
25		

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	COURTNEY THOMPSON (SW)	
4	Direct examination by Mr. Barnette	263
5	Cross-examination by Mr. Morin	261
6	THOMAS EDWARD DARNELL (SW)	
7	Direct examination by Mr. Barnette	272
8	MICHELE EICHENMILLER (SW)	
9	Direct examination by Mr. Barnette	276
10	WILLIAM RICHARD FOSTER (SW)	
11	Direct examination by Mr. Barnette	283
12	Cross-examination by Mr. Morin	289
13	MARYANN BOEHM (SW)	
14	Direct examination by Mr. Barnette	290
15	Cross-examination by Mr. Morin	300
16	Redirect examination by Mr. Barnette	307
17	DR. JOHN DAVID WREN (SW)	
18	Direct examination by Mr. Barnette	308
19		
20		
21		
22		
23		
24		
25		

1	Jury qualification	21
2	Jury sworn	65
3	Opening statements	75
4	Closing arguments	338
5	Jury charge	359
6	Verdict	395
7	Sentence	398
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	<u>EXHIBITS</u>		
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u> <u>EV.</u>
3	S-1	Black Members Only jacket	153
4	S-1.1	Swab	268 269
5	S-1.2	Swab	268 269
6	S-2	Plastic mask	153
7	S-2.1	Swab	268 269
8	S-3	Rossi .38 caliber revolver	154
9	S-3.1	Swab	268 269
10	S-4	Bandana	154
11	S-4.1	Swab	268 269
12	S-4.2.1	Swab	268 269
13	S-5	Cartridge case	219
14	S-6	Cartridge case	219
15	S-7	Unfired round	219
16	S-8	Unfired round	219
17	S-8.1	Swab	268 269
18	S-9	Smith & Wesson semiautomatic pistol	217
19	S-10	Buccal swab	
20	S-11	Swab from Dasani water bottle	249
21	S-11.1	Dasani water bottle	249
22	S-11A	One fired bullet marked	112
23	S-12	One fired bullet marked	112
24	S-13	One fired bullet marked	112
25	S-14	One fired bullet jacket; one fired bullet core	112

7

1	<u>EXHIBITS</u>		
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u> <u>EV.</u>
3	S-15	Fired .380 auto caliber cartridge case	87
4	S-16	Fired .380 auto caliber cartridge case	87
5	S-17	Fired .380 auto caliber cartridge case	87
6	S-18	Fired .380 auto caliber cartridge case	87
7	S-19	Fired .380 auto caliber cartridge case	87
8	S-20	Lead bullet fragment	87
9	S-21	Lead bullet fragment	87
10	S-22	Lead bullet fragment	87
11	S-23	Photograph	88
12	S-24	Photograph	88
13	S-25	Photograph	88
14	S-26	Photograph	88
15	S-27	Photograph	88
16	S-28	Photograph	88
17	S-29	Photograph	88
18	S-30	Photograph	88
19	S-31	Photograph	88
20	S-32	Photograph	88
21	S-33	Photograph	88
22	S-34	Photograph	88
23	S-35	Photograph	88
24	S-36	Photograph	88
25	S-37	Photograph	88

1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-38	Photograph	88	
4	S-39	Photograph	88	
5	S-40	Photograph	88	
6	S-41	Photograph	88	
7	S-42	Photograph	88	
8	S-43	Photograph	88	
9	S-44	Photograph	88	
10	S-45	Photograph	88	
11	S-46	Photograph	88	
12	S-47	Photograph	88	
13	S-48	video	89	
14	S-49	Photograph	89	
15	S-50	Photograph	89	
16	S-51	Photograph	89	
17	S-52	Photograph	89	
18	S-53	Photograph	89	
19	S-54	Photograph	89	
20	S-55	Photograph	89	
21	S-56	Photograph	89	
22	S-57	Photograph	89	
23	S-58	Photograph	89	
24	S-59	Photograph	89	
25	S-60	Photograph	89	

1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-61	Photograph	89	
4	S-62	Photograph	89	
5	S-63	Photograph	150	
6	S-64	Photograph	150	
7	S-65	Photograph	150	
8	S-66	Photograph	150	
9	S-67	Photograph	150	
10	S-68	Photograph	150	
11	S-69	Photograph	150	
12	S-70	Photograph	150	
13	S-71	Photograph	150	
14	S-72	Photograph	207	
15	S-73	Smith & Wesson .380	207	
16	S-74	Member's Only jacket	207	
17	S-75	Blue and white bandana	207	
18	S-76	Silver federal .38 fired cartridge casing	207	
19	S-77	Gold WCC68 .38 special fired cartridge casing	207	
20	S-78	.38 special unfired bullet	207	
21	S-79	Gold .38 special unfired bullet		
22	S-80	Photograph	207	
23	S-81	Photograph	207	
24	S-82	Photograph	207	
25	S-83	Photograph	207	

1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-84	Photograph		207
4	S-85	Photograph		207
5	S-86	Photograph		207
6	S-87	Photograph		207
7	S-88	Photograph		207
8	S-89	Photograph		207
9	S-90	Photograph		207
10	S-91	Photograph		207
11	S-92	Photograph		207
12	S-93	Photograph		207
13	S-94	Photograph		
14	S-95	white skull mask		207
15	S-96	Photograph		207
16	S-97	Photograph		207
17	S-98	Photograph		207
18	S-99	Photograph		207
19	S-100	Photograph		207
20	S-101	Photograph		207
21	S-102	Photograph		207
22	S-103	Photograph		207
23	S-104	Photograph		207
24	S-105	Photograph		207
25	S-106	Photograph		207

1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-107	Photograph	207	
4	S-108	Photograph	207	
5	S-109	Photograph	207	
6	S-110	Photograph	207	
7	S-111	One pair of sneakers		
8	S-112	Skull mask	220	
9	S-113	Box of Blue Nitrile latex gloves	221	
10	S-114	Box of purple latex gloves	223	
11	S-115	Empty ammo box	221	
12	S-116	Black jacket	230	
13	S-117	Black leather jacket	222	
14	S-118	Nylon bag	233	
15	S-119	Halloween costume	222	
16	S-120	Blue bookbag	226	
17	S-121	SLED serology report	265	
18	S-122	SLED report	292	
19	S-123	SLED report	274	
20	S-124	SLED report	277	
21	S-125	Photograph	205	
22	S-126	Photograph	205	
23	S-127	Photograph		
24	S-128	Diagram	309	310
25				

1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	C-1	State's Exhibit No. 48		13
4	C-2	Original State's Exhibit No. 48		59
5	C-3	Question from the jury		393
6	C-4	Facebook printout of Deandre' Long		393
7	C-5	Facebook printout		393
8	C-6	Facebook printout		393
9	C-7	Jury information of Deandre' Long		393
10	C-8	Defendant's potential witness list		393

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (Proceedings October 8, 2018)

2 (State's exhibits premarked by Mr. Barnette.)

3 THE COURT: Are there any matters that need to be
4 addressed prior to the jury panel being brought around?

5 MR. MORIN: Your Honor, there is the defense motion to
6 suppress the video from inside the office.

7 We believe it's unfairly prejudicial. It appeals to
8 the jury's passions, and it is not necessary for the state
9 to play it in order to prove their case.

10 They've already presented me with pictures from those
11 videos that they claim is my client that they intend to
12 introduce as evidence, and I believe that my client would
13 be unfairly prejudiced by a video of another man shooting
14 the victim in this case.

15 THE COURT: Mr. Barnette.

16 MR. BARNETTE: May it please the Court, Your Honor.

17 I think we need to mark that as Court's Exhibit 1. I
18 think we gave it to Your Honor earlier when me and Mr.
19 Morin met with you to make sure that you got a copy of it.
20 I believe you've reviewed it.

21 (State's Exhibit No. 48 marked Court's Exhibit No. 1.)

22 MR. BARNETTE: Your Honor, I think the second thing,
23 the second part of that video, is not objectionable if I
24 understood it right. It's the one in the office we're
25 talking about.

1 MR. MORIN: Right. In the office.

2 MR. BARNETTE: The one that's clearly in the office.

3 The other one which is the work room or the food area
4 is not being objected to. But actually I'm going to have
5 five videos that we're going to play. I shared that with
6 the defense -- introduce them through Investigator Cloran
7 when we get ready to introduce.

8 But the one in the office, Your Honor, I think is
9 definitely probative in this case for several reasons. One
10 obviously shows the robbery occurring with two individuals
11 involved with it. It shows the individual trying to name
12 Mr. Freeman when he was in there. And that's the reason I
13 did stills, to slow it down for the jury. You see a blue
14 bandana that is located on him. You see him have a
15 revolver. You see him in a black jacket. There was a --
16 with certain items on top of the shoulders, especially the
17 way the -- basically around the sleeve area of the coat.

18 You can also, I believe, see part of, like, the mask
19 where it's a -- like a flesh color from that standpoint.

20 They go in, and basically Mr. Garcia, the first one
21 comes in, actually comes in with the gun first, and
22 Mr. Freeman follows in with him.

23 Mr. Freeman eventually pulls his gun, which we see the
24 revolver.

25 Mr. Garcia steps out to check, I guess, the work area,

1 which we see on another video or another video camera.

2 Meanwhile, Mr. Freeman then got in an altercation in
3 the room at that time. That's when you see the blue
4 bandana. You can see of course, the purple gloves, latex
5 gloves, that he is wearing, as well as Mr. Garcia.

6 When they -- and then basically Mr. Tiffany, the
7 victim in this case, is stepping back. And then when Mr.
8 Garcia sees that he actually shoots him originally.

9 Mr. Tiffany falls in the floor in front of the safe.
10 He shoots him again at that time.

11 They both leave initially, go out. You'll see on
12 another video cameras. Go out. Those videos in the case.
13 And Mr. Garcia actually comes back in.

14 Mr. Freeman stays outside. He actually circles around
15 the K.F.C., goes all the way to the other side of the
16 building through the drive-through window and looks through
17 it and comes back around to the side door.

18 Mr. Garcia actually goes back in the office, goes
19 through Mr. Tiffany's pockets. He appears to take a key
20 out originally trying to open the safe.

21 Mr. Garcia used to work there, so he knows there has
22 to be a code, as well as a key. But he doesn't have the
23 code.

24 He actually kicks Mr. Tiffany at that point, I guess
25 asking for the code. Of course he can't give him the code.

1 He's dying on the floor. And eventually he leaves.

2 And I agree. At that point I think the tape should
3 probably be stopped. That'd be the end of the armed
4 robbery.

5 But in the process before he leaves he actually goes
6 back to Mr. Tiffany's pockets and actually takes his
7 wallet. And when he takes the wallet, that's obviously the
8 completion of the armed robbery.

9 So it shows the armed robbery in this case. It's
10 definitely -- of course the hand of one is the hand of all.
11 Mr. Freeman is still outside waiting on him. He's actually
12 seen later on the outdoor cameras. Both of them leave
13 together. At that point it's still part of the armed
14 robbery.

15 The reason I mention the gloves and everything, try to
16 make a long story short, I know this will be in the case,
17 but the next morning at [REDACTED] Avenue, Mr. Behnke
18 finds a coat very similar to the one that appears in the
19 video tape that Mr. Freeman is wearing, finds a blue
20 bandana in his yard.

21 He also finds a mask, which one -- Malik Smith will be
22 testifying about the mask he possibly saw the gentleman
23 outside the K.F.C. when he ran into him leaving the K.F.C.
24 And the gloves are actually found. And there's also a
25 revolver found with those items, Your Honor, was very

1 similar to the revolver used allegedly by Mr. Freeman in
2 the K.F.C.

3 And later on there was a search warrant done.
4 Mr. Freeman and Mr. Garcia was in the same house.
5 Mr. Freeman was actually living with Mr. Garcia and his
6 family. And he finds a -- they find the purple gloves
7 involved with this, in our position, and they actually
8 found that bookbag in Mr. Freeman's room, in the room he
9 was staying in.

10 Also, there's a .380 that was used in the K.F.C. cases
11 found in Mr. Garcia's bedroom which is right in the next
12 bedroom over underneath the pillow. And that gun matches
13 up with the bullets, as well as the shell casings found at
14 the K.F.C. scene, the three bullets taken from Mr. Tiffany
15 in this case, as well as the five bullet casings or shell
16 casings that were found at the scene there.

17 So we feel like it's definitely probative. Obviously,
18 the video speaks for itself. I understand where Mr. Morin
19 is coming from, but it's definitely probative in this case
20 more than it's prejudicial in our opinion.

21 Oh, one other thing I need to mention too. The mask
22 that was found at [REDACTED] Street, the D.N.A. that was
23 found from that mask was found to come from Mr. Freeman in
24 this case.

25 THE COURT: All right. Mr. Morin.

1 MR. MORIN: Your Honor, most of what Mr. Barnette said
2 is coming from evidence they collected and is coming from
3 the videos there at the store.

4 The only video to which I am speaking and is outlined
5 clearly, and even said, the still shots are the ones that
6 is intended to use to show, alleged that my client was
7 present.

8 The position is the actual killing by someone else in
9 this case is unduly, unfairly prejudicial in this case,
10 because it's not necessary for the state to prove its case.
11 And they know, and I think anybody that's seen it knows,
12 it's extremely disturbing video and it's not necessary for
13 them to prove their case.

14 THE COURT: All right. Well, as you know, I have been
15 provided a copy of the video and I have reviewed it.

16 In any case it's always desirable to have the best
17 evidence, the most credible evidence and the most probative
18 evidence to be provided to a jury to make their
19 determination.

20 In this particular case we have an actual video that
21 captures the conduct that the state contends supports the
22 allegations made in the indictments for the crimes of
23 murder and armed robbery.

24 And I agree. It's an actual depiction by capturing
25 the conduct on video that shows a shooting taking place and

1 shows a taking of property taking place. That clearly is
2 probative because it makes the existence of a crime of
3 murder and armed robbery more likely than not, and so it's
4 certainly relevant to the allegations made by the state.

5 It's certainly probative because it shows what they
6 contend of the crime is being committed in real time.

7 It also is important because it tends to provide the
8 jury information as to at least one of the essential
9 elements that they have to determine, and that is the
10 element of malice and malice aforethought.

11 So while it may be prejudicial, I do find that the
12 probative value of the video is not substantially
13 outweighed by the danger of unfair prejudice to the
14 defendant in this case.

15 Now, as counsel knows, we have discussed the video in
16 chambers, and I have determined that anything shown on that
17 particular video -- that is the one that's in the office
18 where Mr. Tiffany was shot and fell to the floor -- I have
19 determined that anything after a defendant, a codefendant,
20 leaving, or both defendants for that matter, both
21 perpetrators, let's put it that way -- leaving the office,
22 anything after that is not relevant, and it is perhaps more
23 prejudicial than probative.

24 So I have decided to exclude that portion of the
25 video. As I understand it, counsel understands what has to

1 be excluded. And that video has been redacted to exclude
2 that portion.

3 MR. BARNETTE: Your Honor, one more thing. State's
4 Exhibit 48 will be the redacted version. Court's Exhibit 1
5 will be the one that the Court actually reviewed in
6 chambers.

7 THE COURT: Well, now, the one you gave me, I thought,
8 was a copy.

9 MR. BARNETTE: It is, but we'll have a redacted copy,
10 obviously, of -- for the original.

11 THE COURT: Well, what I'm saying, I thought you
12 provided me with a copy of the video. So I don't have the
13 original video, I guess you'd say.

14 MR. BARNETTE: No, sir. But we'd like to enter that
15 as a court's -- enter that as Court's Exhibit 1 just to
16 protect the record.

17 THE COURT: Okay. All right. And, Mr. Morin, you've
18 seen the redacted version?

19 MR. BARNETTE: He has not seen it.

20 MR. MORIN: I have not seen it, but I know what we've
21 discussed.

22 THE COURT: Well, do you want to look at the --

23 MR. BARNETTE: What -- what happened, Your Honor, they
24 brought me the tape, and I had marked -- to make sure it
25 didn't get back and in anybody's hands, and they're going

Jury qualification

1 back to copy it and make it clean so I can write on it
2 plainly, on it, because I just wrote draft on top of it to
3 make sure it didn't get into anybody -- into the wrong
4 place, wrong situation in court.

5 THE COURT: All right. Well, Mr. Morin, you'll be
6 able to look at that. I mean, I think all you need to do
7 is look at the end --

8 MR. MORIN: Yes, sir.

9 THE COURT: -- to determine if it's been properly
10 redacted.

11 MR. MORIN: Yes, sir.

12 THE COURT: Anyway, you'll do that before it's shown
13 to the jury.

14 MR. MORIN: Yes, Your Honor.

15 MR. BARNETTE: Yes, sir.

16 THE COURT: All right. Any other pretrial matters?

17 MR. MORIN: No, sir. None from the defense.

18 THE COURT: All right. Bring the jury around, please.

19 (The following takes place in the presence of the jury
20 venire.)

21 THE COURT: Good afternoon, ladies and gentlemen of
22 the jury panel.

23 We are ready to begin with jury selection in the first
24 case that's going to require some of your participation,
25 and the title of that case is the State vs. Jyquez Julius

Jury qualification

1 Freeman.

2 Mr. Freeman has been charged by the state through the
3 prosecutor, the solicitor, with having committed seven
4 separate and distinct criminal offenses, although they are
5 alleged to have arisen out of one event or a course of
6 events which the state alleges occurred back on March the
7 31st of 2017. But there are seven separate and distinct
8 criminal offenses that have been brought against the
9 defendant.

10 Mr. Freeman has been charged in one indictment with
11 the crime of murder, the state alleging that on or about
12 March the 31st of 2017 he did, along with another, wilfully
13 and with malice aforethought kill one Anthony Dwayne
14 Tiffany by Mr. Tiffany being shot with a firearm and that
15 he died as a proximate result of that conduct.

16 He's charged in a separate indictment with the crimes
17 of armed robbery and possession of a firearm during the
18 commission of a violent crime, that violent crime being the
19 armed robbery set forth in that same indictment, the state
20 alleging by way of this indictment that Mr. Freeman did
21 here in Spartanburg County on or about March the 31st of
22 2017 while armed with a deadly weapon or while alleging
23 either by action or words that he was armed while using a
24 representation of a deadly weapon or any object which a
25 person present during the commission of the robbery

Jury qualification

1 reasonably believed to be a deadly weapon, and that he did
2 take, steal and carry away from the person or presence of
3 Anthony Dwayne Tiffany, an employee of the Kentucky Fried
4 Chicken store located on 228 Cedar Springs Road in
5 Spartanburg, including a wallet, and he did that by the use
6 of force or violence or intimidation and with the intent to
7 commit the crime of larceny.

8 Count two of the indictment alleges that he did
9 possess or visibly display a firearm during the commission
10 of that violent crime of armed robbery.

11 The remaining four charges brought against the
12 defendant, Mr. Freeman, are the crimes of kidnapping, four
13 separate counts.

14 Mr. Freeman is charged with on March the 31st of 2017
15 having committed the crime of kidnapping in that he did
16 wilfully and unlawfully and with a criminal intent seize,
17 confine, kidnap or abduct Malik Mondrell Smith, Alexis
18 Simone Gory, India Lee Jeter and Zaquasha Janice Williams
19 without authority of law.

20 Now, as to each of the indictments and as to the
21 allegations contained therein the defendant, Mr. Freeman,
22 has entered a plea of not guilty.

23 A plea of not guilty places upon the state the burden
24 of proving the allegations that they have made by way of
25 each of these separate indictments, the burden of proving

Jury qualification

1 each of the essential elements that make up the crimes
2 alleged against Mr. Freeman; and therefore the burden is
3 upon the state to establish the defendant's guilt to the
4 satisfaction of 12 jurors beyond a reasonable doubt before
5 the defendant could be found guilty of any of the crimes
6 alleged against him. And therefore we're going to be
7 selecting a number of you -- 12 primary jurors and likely
8 two alternate jurors -- to participate in the trial of the
9 case.

10 By way of your participation you're going to be called
11 upon to simply listen to testimony that will be presented
12 by way of witnesses testifying from the witness stand and
13 other evidence that might be introduced during the course
14 of the trial.

15 At the trial's conclusion the jury is going to be
16 instructed by me as to the law that's applicable to these
17 particular charges, and the jury will go back, deliberate
18 the case, decide the facts where you can, apply the law
19 that's been provided and determine whether or not the
20 defendant's guilt as to a particular charge has been proven
21 beyond a reasonable doubt.

22 Now, before we begin with jury selection I've got some
23 folks to introduce to you. The purpose of these
24 introductions is to find out if any member of the jury
25 panel has any connection of any kind with anybody involved

Jury qualification

1 in the trial of this case or any members of their
2 respective families.

3 After I introduce those folks to you and we make that
4 determination, I'll have some additional questions to ask
5 you in order to determine whether or not there's any reason
6 why any particular juror could not be fair and impartial if
7 called upon to serve as a juror in this particular case.

8 So, as far as the introductions go, as I told you, the
9 defendant, the person who is accused of having committed
10 each of these offenses by way of these indictments, is
11 Jyquez Julius Freeman.

12 Mr. Freeman, if you will, stand and face the jury
13 panel.

14 (Whereupon, the defendant stood.)

15 THE COURT: Seated at the defendant's table with
16 Mr. Freeman is Michael Morin. Mr. Morin is Mr. Freeman's
17 lawyer. He'll be assisting him during the course of this
18 trial.

19 (Whereupon, Mr. Morin stood.)

20 THE COURT: Presenting the case on behalf of the state
21 is Barry Barnette who is your elected circuit solicitor for
22 the Seventh Judicial Circuit.

23 (Whereupon, Mr. Barnette stood.)

24 THE COURT: As I've indicated by reading the
25 allegations in the indictment, the person who is alleged to

Jury qualification

1 have been the victim of the murder and of the armed robbery
2 is Anthony Dwayne Tiffany.

3 Are any of Mr. Tiffany's family members present?

4 MR. BARNETTE: Yes, sir. Would you like them to
5 stand?

6 THE COURT: If y'all will, please stand and face the
7 jury panel so that they may see you, and by seeing you they
8 may can determine whether or not they had any connection or
9 knowledge of Mr. Tiffany.

10 (Whereupon, the victim's family stood.)

11 THE COURT: And the other persons who are alleged to
12 have been the victims of the kidnapping are Malik Mondrell
13 Smith.

14 Are they present?

15 MR. BARNETTE: Yes, sir. They'll be present after we
16 get the jury. We just had them --

17 THE COURT: Okay. Are they outside?

18 MR. BARNETTE: They'll be outside. Do you want them?

19 THE COURT: Are they there now?

20 MR. BARNETTE: They're not here. They're up in our
21 office. Do you want me to have them brought down, Your
22 Honor?

23 THE COURT: No. That's all right. We'll -- I'm going
24 to read the names. And if you think you know somebody by
25 that same name, we can bring the individual in here so you

Jury qualification

1 can see who they are.

2 All right. The persons who are alleged to be the
3 victims of the kidnappings are Malik Mondrell Smith, Alexis
4 Simone Gory, India Lee Jeter and Zaquasha Janice Williams.

5 So does any member of the jury panel know any of those
6 persons who've just been introduced for your benefit? Do
7 you have any connection with any of them or any members of
8 their respective families? If you do, I would ask that you
9 please stand.

10 All right. Your name and number, please, sir.

11 JUROR NO. 155: Juror 155, Jeffrey Sanders.

12 THE COURT: 155?

13 JUROR NO. 155: Yes, sir.

14 THE COURT: And what person do you have a connection
15 with?

16 JUROR NO. 155: I know Mr. Morin, acquaintance.

17 THE COURT: And how do you know Mr. Morin?

18 JUROR NO. 155: He was on the -- he was president of
19 the band boosters club that my son is in the band booster
20 club -- former president.

21 THE COURT: Okay. Would that have any bearing in your
22 decision in this case?

23 JUROR NO. 155: No, sir.

24 THE COURT: Okay. Thank you. You may be seated.

25 Anyone else?

Jury qualification

1 (No response.)

2 THE COURT: Does any member of the jury panel know any
3 other person who's not been introduced but who is employed
4 in the Seventh Judicial Circuit Solicitor's Office or the
5 Seventh Judicial Public Defender's Office? Do you know any
6 other person employed in either of those offices, the
7 solicitor's office or the public defender's office? If so,
8 please stand.

9 (No response.)

10 THE COURT: All right. Now, I'm going to recite
11 a list of potential -- yes, sir.

12 UNIDENTIFIED JUROR: I know Charlie Jones, but I don't
13 know if that would apply here. He's a judge up here.

14 THE COURT: But he's not in either of those offices.

15 UNIDENTIFIED JUROR: Okay. Well, that's fine. I just
16 wanted to make sure.

17 THE COURT: Okay. Thank you.

18 All right. Now, the following persons are potential
19 witnesses to be called during the trial.

20 Now, I am going to recite the entire list. The fact
21 that a witness' name is recited does not necessarily mean
22 they will be called to testify in the case, but it does
23 mean that they potentially may be called. So I have to
24 recite everybody who potentially may be called, because I
25 have to find out if you know these folks in case they do

Jury qualification

1 testify or you have any connection with them or any members
2 of their respective families.

3 So as I recite the list of potential witnesses, if you
4 know that person or you know any members of their
5 respective families or you have any connection -- that is
6 by blood or marriage, do you attend church with them, do
7 you attend school with them, do you work at the same place
8 they work, do you socialize with them, have you met them
9 somewhere, do you know them in any fashion -- then I would
10 ask that you stand so that we can determine that connection
11 should there be one and whether or not it would have any
12 bearing upon your decision in the case if you were selected
13 as a juror.

14 So in addition to those persons who have already been
15 introduced, we also have John David Wren who is a
16 pathologist, Spartanburg Regional Medical Center; Jamaal
17 Copeland; Lakeisha Fernanders; Quinten Meadows; Robert
18 Marks; Stuart Rogers; Charles Thornton; Richard Lamar
19 Behnke; Trina Behnke; Joshua Burns; Phillip Wilson; Larry
20 Miller; Taylor Richards; Valencia Garcia; Shannetta
21 Thompson who is employed with the Spartanburg Police
22 Department; Adrien Patton employed with the Spartanburg
23 Police Department.

24 Let's do it this way. I'm going to read a list. When
25 I stop, these are all employed by the Spartanburg Police

Jury qualification

1 Department.

2 They include Billy Geier; Joseph Eggleston; Rita
3 Castro; Kevin Renneker; Timothy Hancock; Chindar Ryant;
4 John Karski; Jason Tapp; Jeff Kirby; Za'Kirra Smith; Jeff
5 Powell; Daniel Gordon; Trisha Wright; James Price; Mark
6 Hillers; Louis Nelson; Chris Taylor; Shawn Cloran; Christy
7 Norkett; and Benjamin Peacock; Ed Guthro; and Brian Stokes.
8 Those are all employed by the Spartanburg Police
9 Department.

10 In addition, I have the following persons employed by
11 the state law enforcement division.

12 They include Michelle Eichenmiller; Thomas Darnell;
13 Courtney Thompson; Maryann Boehm or Bem -- B-O-E-H-M; as
14 well as Jackie Davis.

15 Now, the following list of persons are employed by the
16 Spartanburg County Sheriff's Department.

17 They include Sara Kruger; Sean Nix; David Welch;
18 Lathier Graham; Andy Lawson; Richie Foster; Mike Walsh;
19 Nate Cantrell; Brandon Letterman; Mark Gaddy; Andrew
20 Daniel; Robert Rosenberg; Angela Nelson; Robert Taylor;
21 Josh Montjoy; Sarah Powell; and William Gary.

22 Those are all employed by the Spartanburg County
23 Sheriff's Department.

24 MR. BARNETTE: Your Honor, also Tommy Clark,
25 Investigator Clark.

Jury qualification

1 THE COURT: Did I skip him?

2 MR. BARNETTE: Yes, sir. I think he's No. 48.

3 THE COURT: I'm sorry.

4 And also Tom Clark with the sheriff's department.

5 And just remain standing. Not you, but the jurors.

6 And additional witnesses include Tishiana Lee;

7 Jayonce -- Jayonce Freeman; Jayhova Freeman; Charles

8 Keenan; and Zy'Kerria Wilkins.

9 All right. So if you have any connection with anybody
10 who's been identified, please stand so we can address that
11 connection and whether or not it would affect your judgment
12 in the case.

13 All right. I'll start with you, ma'am, if you'll give
14 me your name and your number when you respond, and tell me
15 who you have a connection with and what that connection is.
16 And then I'll ask you if it would affect your judgment.

17 JUROR NO. 185: Sandra Walden, No. 185. My connection
18 is with Sean Nix. He is a nephew by marriage.

19 THE COURT: Okay.

20 JUROR NO. 185: My brother-in-law's son.

21 THE COURT: All right. And would that have any
22 bearing in your decision in the case?

23 JUROR NO. 185: No, sir.

24 THE COURT: Thank you. Be seated.

25 Yes, ma'am.

Jury qualification

1 JUROR NO. 100: Susan Kuhn, No. 100. Robert
2 Rosenberg. We went to school together.

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

5 JUROR NO. 100: No, sir.

6 THE COURT: Thank you. Be seated.

7 Yes, ma'am.

8 JUROR NO. 5: Laura Anderson, No. 5. Andy Lawson. I
9 know him through church, school, and my father-in-law is in
10 law enforcement.

11 THE COURT: And what, the last thing?

12 JUROR NO. 5: My father-in-law through law
13 enforcement.

14 THE COURT: Okay. And would any of those factors have
15 any bearing upon your decision in the case?

16 JUROR NO. 5: Probably not.

17 THE COURT: All right. Well, are you relatively
18 certain it would not?

19 JUROR NO. 5: I mean, I would be more likely to
20 believe what he says, but if it didn't, I mean.

21 THE COURT: Okay.

22 JUROR NO. 5: Would he know?

23 THE COURT: Well.

24 MR. BARNETTE: Your Honor, this may make it easier. I
25 don't think Investigator Lawson is going to be testifying

Jury qualification

1 in the case.

2 THE COURT: Okay. All right. So does that resolve
3 any particular problem?

4 JUROR NO. 5: Then, no.

5 THE COURT: Okay. Thank you.

6 Yes, ma'am.

7 JUROR NO. 11: I'm Kellie Atkins, 11. Valencia
8 Garcia. I'm not really sure if that's her name -- my
9 cousin's daughter. But I'm not close to them, but I think
10 that was her name.

11 THE COURT: Valencia Garcia was your cousin's
12 daughter?

13 JUROR NO. 11: Yes.

14 THE COURT: Do you know where this person resides?

15 MR. BARNETTE: They reside in Roebuck, [REDACTED]
16 Road in Roebuck.

17 JUROR NO. 11: Her mom passed away, or no. It was her
18 sister that passed away. I'm not sure if that was her
19 name. I just, you know, I think that was her name.

20 THE COURT: All right. This individual lives in the
21 Roebuck community on [REDACTED] Road, [REDACTED] Road. Would
22 that be the same?

23 JUROR NO. 11: I wouldn't know where she lives.

24 THE COURT: You would not know.

25 JUROR NO. 11: No.

Jury qualification

1 THE COURT: All right.

2 JUROR NO. 11: She was very little when I even seen
3 her.

4 THE COURT: Okay. Well, let's assume it's the same
5 person. Would that connection have any bearing in your
6 decision?

7 JUROR NO. 11: No.

8 THE COURT: All right. Thank you. You may be seated.
9 All right. You, sir.

10 JUROR NO. 146: Phillip Pruitt, 146. I know a Richie
11 Foster and Josh Montjoy.

12 THE COURT: All right. And how do you know them?

13 JUROR NO. 146: Richie Foster lives near my
14 grandparents. Went to school with his daughter. Josh
15 Montjoy was my wrestling coach at one time.

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

18 JUROR NO. 146: No, sir.

19 THE COURT: Thank you. Be seated.

20 Yes, sir.

21 JUROR NO. 155: 155, Jeff Sanders. I know Nate
22 Cantrell, just acquaintance, used to attend church
23 together.

24 THE COURT: Would that have any bearing in your
25 decision?

Jury qualification

1 JUROR NO. 155: No, sir.

2 THE COURT: Thank you. Be seated.

3 Next row.

4 JUROR NO. 29: No. 29, Eric Burke. I know William
5 Gary. He's a member of my gym. I've known him for
6 multiple years.

7 THE COURT: Would that have any bearing in your
8 decision?

9 JUROR NO. 29: No, sir.

10 THE COURT: Thank you. Be seated.

11 Yes, ma'am.

12 JUROR NO. 33: No. 33, Kathryn Cantrell. I know Andy
13 Lawson and Josh Montjoy. I went to high school and worked
14 with both of them.

15 THE COURT: And would either of those connections have
16 any bearing in your decision in the case?

17 JUROR NO. 33: No, sir.

18 THE COURT: Thank you. Be seated.

19 Anyone else?

20 (No response.)

21 THE COURT: Now, these are events, as I have already
22 stated, that the state alleges occurred on March the
23 31st of 2017 at the Kentucky Fried Chicken outlet located
24 at 228 Cedar Springs Road here in the city and county of
25 Spartanburg.

Jury qualification

1 Does any juror believe that you have heard, seen or
2 read anything that might relate to these particular cases
3 or allegations?

4 In other words, have you been exposed to any type of
5 information that relates to this case from any source
6 whatsoever, whether it be television, radio, newspaper,
7 discussions at work, discussions at church, school or
8 anywhere else, or have you overheard other people
9 discussing the circumstances that might relate to these
10 cases? Anyone been exposed to any type of information
11 about these cases from any source whatsoever? If so,
12 please stand.

13 JUROR NO. 185: I just remember reading about it in
14 the newspaper, No. 185, at the time.

15 THE COURT: All right. Don't tell me what you read.
16 But you -- you think you read something in the newspaper
17 back at or about the time that it is alleged to have
18 occurred?

19 JUROR NO. 185: Yes.

20 THE COURT: And do you recall what you read?

21 JUROR NO. 185: Just the basics.

22 THE COURT: Just yes or no.

23 JUROR NO. 185: Basics, yes. I remember basics.

24 THE COURT: Okay. Is there anything about what you
25 did read that would affect your ability to be fair and

Jury qualification

1 impartial if you were selected as a juror?

2 JUROR NO. 185: No, sir.

3 THE COURT: My point being is that it's not a problem
4 because you might have been exposed to some type of
5 information about the case, but it is important if you
6 cannot put that aside and not allow it to influence your
7 judgment, and that's because what you hear outside of the
8 courtroom and what you see on television and what you read
9 in the paper or hear on the radio might be inaccurate.

10 That's why we have trials in court and not on T.V.,
11 and so the point being is every juror selected in a case
12 has to be able to decide the verdict based upon the
13 evidence presented during the trial and not to be
14 influenced by any outside or extraneous information.

15 So would you be able to put aside anything you might
16 have read about the case and not allow it to influence your
17 judgment?

18 JUROR NO. 185: Yes, sir.

19 THE COURT: All right. Thank you. Be seated.

20 Yes, sir.

21 JUROR NO. 95: T.L. Jones, No. 95. I just heard it on
22 W.S.P.A.

23 THE COURT: All right. And the same information that
24 I just stated goes for you too.

25 Is there anything about what you heard that would

Jury qualification

1 affect your judgment in the case?

2 JUROR NO. 95: No, sir.

3 THE COURT: Could you put it aside?

4 JUROR NO. 95: Yes, sir.

5 THE COURT: Thank you. Be seated.

6 Yes, sir.

7 JUROR NO. 29: I heard about it also, but I could put
8 it aside too.

9 THE COURT: All right. You're Juror 29.

10 JUROR NO. 29: Yes, sir.

11 THE COURT: All right. Anybody else?

12 (No response.)

13 THE COURT: All right. Has any member of the jury
14 panel or any members of your immediate family -- I'm going
15 to define an immediate family member as a parent or a
16 spouse or a child or a sibling -- parent, spouse, child or
17 sibling. Have you or any members of your immediate family
18 as I just defined it ever been the victim of any type of
19 violent criminal offense, as well as have you or that
20 family member ever been accused of having committed any
21 type of criminally violent offense.

22 Included in that definition would be murder,
23 manslaughter, armed robbery, burglary, criminal sexual
24 conduct, kidnapping, domestic violence of a high and
25 aggravated nature, attempted murder, or any other similar

Jury qualification

1 type of an offense that might be classified as a violent
2 offense or described as a violent offense.

3 I need to know if you or any members of your immediate
4 family have ever been the victim of such or you or that
5 family member has ever been accused of having committed
6 such. If so, please stand.

7 All right. I've got four standing. I'm going to get
8 your name and your number. And you can respond to the
9 question where you are. If you'd prefer not to and you
10 want to step down here, feel free to do that.

11 So I will start with you, ma'am.

12 JUROR NO. 191: I'm 191, Rebecca Whilden.

13 THE COURT: All right. Do you want to answer it where
14 you are?

15 JUROR NO. 191: I can answer where I am.

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

17 JUROR NO. 191: One of each.

18 THE COURT: Okay. And what was the -- well, tell us.
19 Start with you. Were you a victim or an accused?

20 JUROR NO. 191: I was a victim of domestic violence.

21 THE COURT: Okay. Would that fact interfere with your
22 ability to be fair in this case?

23 JUROR NO. 191: No, it will not.

24 THE COURT: All right. And what about the family
25 member?

Jury qualification

1 JUROR NO. 191: One of my daughters was raped.

2 THE COURT: All right. And would that experience that
3 she has undergone and your knowledge of it, would that
4 interfere with your ability to be fair in this case?

5 JUROR NO. 191: No, it will not.

6 THE COURT: All right. Thank you. You may be seated.
7 All right. 155.

8 JUROR NO. 155: A family member was victim of domestic
9 violence as a child.

10 THE COURT: All right. would that have any bearing in
11 your decision?

12 JUROR NO. 155: No, sir.

13 THE COURT: Thank you. Be seated.
14 Yes, ma'am.

15 JUROR NO. 98: Mikki Kimbrell, No. 98. I would like
16 to approach.

17 THE COURT: Okay.

18 (Bench conference held off the record with Juror No. 98
19 with counsel present.)

20 THE COURT: Juror 98 is excused from service in the
21 case.

22 All right. Your name.

23 JUROR NO. 64: Glenn Fowler, 64.

24 THE COURT: Thank you.

25 JUROR NO. 64: May I approach?

Jury qualification

1 THE COURT: You may.

2 (Bench conference held off the record with Juror No. 64
3 with counsel present.)

4 THE COURT: All right. Anyone else need to respond to
5 that question?

6 (No response.)

7 THE COURT: Has any member of the jury panel or any
8 member of your immediate family ever been worked -- ever
9 worked or been employed by any type of office or agency
10 dealing with the criminal justice system whether it be as a
11 police officer, investigator, paralegal working for a
12 lawyer, working for a lawyer's office or prosecutor's
13 office, public defender's office?

14 Also, if you or a family member has been employed as a
15 law enforcement officer by any law enforcement agency.
16 That includes sheriffs' departments, city police
17 departments, municipal or town law enforcement agencies.
18 That includes the state law enforcement division; that
19 includes a detention facility; department of corrections;
20 probation and parole.

21 Any type of law enforcement agency, whether it be
22 civilian or military, as well as work in any other capacity
23 in the criminal justice system. Does that make sense? If
24 so, please stand.

25 All right. Juror 185. How does that question relate

Jury qualification

1 to you?

2 JUROR NO. 185: Brother-in-law, John Nix, is a deputy.

3 THE COURT: All right. Would that affect your
4 judgment in this case?

5 JUROR NO. 185: No, sir.

6 THE COURT: Thank you.

7 Yes, sir.

8 JUROR NO. 170: 170. I had an uncle that was a Shiloh
9 police officer.

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

12 JUROR NO. 170: No.

13 THE COURT: Thank you. Be seated.

14 Yes, ma'am.

15 JUROR NO. 5: Father-in-law. Police in Duncan.

16 THE COURT: Give me your number again, please.

17 JUROR NO. 5: Sorry. Five, Laura Anderson.

18 THE COURT: All right. Would that have any bearing in
19 your decision?

20 JUROR NO. 5: No, sir.

21 THE COURT: Thank you.

22 Next.

23 JUROR NO. 44: Forty-four, John Cranford. I was a
24 security guard for a coastal security at Myrtle Beach for
25 the year of 1990.

Jury qualification

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

3 JUROR NO. 44: No, sir.

4 THE COURT: Thank you. Be seated.

5 Yes, sir.

6 JUROR NO. 95: Tawata Jones, 95. My niece is a
7 probation officer.

8 THE COURT: Would that have any bearing in your
9 decision?

10 JUROR NO. 95: No, sir.

11 THE COURT: Thank you. Be seated.

12 Yes, ma'am.

13 JUROR NO. 47: No. 47. I used to work for them for
14 about a month in an I.T. analyst position.

15 THE COURT: Would that have any bearing in your
16 decision?

17 JUROR NO. 47: No, sir.

18 THE COURT: Thank you.

19 Next.

20 JUROR NO. 82: Eighty-two, Leanna Henderson. My
21 stepbrother is employed with Spartanburg County.

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

24 JUROR NO. 82: No, sir.

25 THE COURT: Thank you. Be seated.

Jury qualification

1 Yes, ma'am.

2 JUROR NO. 41: Forty-one, Susan Conrad. My son-in-law
3 works with the juvenile prison system.

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

6 JUROR NO. 41: No, sir.

7 THE COURT: Thank you. Be seated.

8 Yes, ma'am.

9 JUROR NO. 21: Twenty-one, Kimberly Boyd, former clerk
10 of court employee.

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

13 JUROR NO. 21: No, sir.

14 THE COURT: Thank you. Be seated.

15 Yes, ma'am.

16 JUROR NO. 197: April Wyatt, Juror No. 197. My uncle
17 is a retired Spartanburg County sheriff's officer.

18 THE COURT: All right. Would that have any bearing in
19 your decision?

20 JUROR NO. 197: No, sir.

21 THE COURT: Thank you. Be seated.

22 Yes, ma'am.

23 JUROR NO. 154: Nita Rolan, 154. My husband worked
24 here as a bailiff for about a year.

25 THE COURT: All right. Would that have any bearing in

Jury qualification

1 your decision?

2 JUROR NO. 154: No, sir.

3 THE COURT: Thank you. Be seated.

4 Yes, sir.

5 JUROR NO. 29: Twenty-nine, Eric Burke. My mother
6 worked for Charlie Jones and Horace Smith for about 30
7 years. Wouldn't have any bearing.

8 THE COURT: Okay. Thank you. Be seated.

9 Anyone else have any connection with law enforcement
10 or the legal system?

11 (No response.)

12 THE COURT: Has any member of the jury panel ever been
13 called to testify as a witness in a criminal case, whether
14 you were called by the prosecution or called by defense
15 counsel? Anybody ever testified as a witness in a criminal
16 case? If so, please stand.

17 (No response.)

18 THE COURT: Has any member of the jury panel ever
19 worked in any type of fast food restaurant -- fast food
20 restaurant? You know what those are.

21 All right. I'll start with you, ma'am. Your name and
22 number.

23 JUROR NO. 63: Anta'licia Foster, No. 63.

24 THE COURT: What was the restaurant?

25 JUROR NO. 63: I worked for K.F.C. and McDonald's.

Jury qualification

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

3 JUROR NO. 63: No, sir.

4 THE COURT: Thank you. Be seated.
5 Yes, sir.

6 JUROR NO. 170: Daniel Stockholm, 170. I worked at a
7 fast food restaurant.

8 THE COURT: Which one?

9 JUROR NO. 170: Mr. Quick.

10 THE COURT: All right. Thank you. Would it affect
11 your judgment?

12 JUROR NO. 170: No.

13 THE COURT: Thank you. Be seated.
14 Yes, ma'am.

15 JUROR NO. 75: Regina Hamrick, 75. I worked at
16 Bojangles in Virginia and Long John Silvers in Spartanburg.

17 THE COURT: Would that affect your judgment?

18 JUROR NO. 75: No, sir.

19 THE COURT: Thank you. Be seated.
20 Yes, sir.

21 JUROR NO. 113: I worked at Burger King.

22 THE COURT: Name and number, please.

23 JUROR NO. 113: 113. Wouldn't have any bearing.

24 THE COURT: Tell me where you worked again.

25 JUROR NO. 113: Burger King.

Jury qualification

1 THE COURT: All right. Would it have any bearing in
2 your decision?

3 JUROR NO. 113: No.

4 THE COURT: Thank you. Be seated.
5 Next.

6 JUROR NO. 197: Juror 197, April Wyatt. I actually
7 worked for Kentucky Fried Chicken. I actually worked at
8 the store in Cedar -- Cedar Springs for a little while.
9 It's been years ago. And I'm a general manager now of
10 Little Caesars in Inman.

11 THE COURT: All right. Would that fact have any
12 bearing in your decision?

13 JUROR NO. 197: No, sir.

14 THE COURT: Thank you. Be seated.
15 Next.

16 JUROR NO. 47: No. 47, Michael Daniels. worked at
17 Sonic.

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

20 JUROR NO. 47: No, sir.

21 THE COURT: Thank you. Be seated.
22 Yes, sir.

23 JUROR NO. 177: Juror 177, Sopha Touch. I worked at
24 Donald's.

25 THE COURT: Would that have any bearing in your

Jury qualification

1 decision?

2 JUROR NO. 177: No, sir.

3 THE COURT: Thank you. Be seated.

4 JUROR NO. 132: Samuel Morrison, 132. I worked at a
5 Burger King in a different state.

6 THE COURT: Did you say 132 or 32?

7 JUROR NO. 132: 132.

8 THE COURT: Okay. Would that have any bearing in your
9 decision?

10 JUROR NO. 132: No, sir.

11 THE COURT: And 29.

12 JUROR NO. 29: I worked at McDonald's at River Falls.

13 THE COURT: And would that have any bearing in your
14 decision?

15 JUROR NO. 29: No, sir.

16 THE COURT: Thank you. Be seated.

17 All right. Does any juror belong to any type of
18 organization that might be characterized or described as
19 law enforcement support organizations or victims rights or
20 victims advocacy organizations or anything that has a -- an
21 agenda for the support of law enforcement?

22 Does anybody belong to any of those types of
23 organizations, or do you contribute time or money to those
24 organizations?

25 And some of those might be -- might include Mothers

Jury qualification

1 Against Drunk Drivers or Citizens Against Violent Crime,
2 the honorary troopers' association, honorary sheriffs'
3 association, the fraternal order of police, the police
4 benevolence society, safe homes, rape crisis. Any type of
5 organization that supports -- that is supportive of law
6 enforcement or of persons alleged to be victims or
7 advocates for victims.

8 If so, please stand if you belong to any or you
9 contribute time or money to any.

10 All right.

11 JUROR NO. 44: John Cranford, No. 44. I used to give
12 to, when I lived at Myrtle Beach to, the sheriff's agency.
13 One was down there when I was working Costal Security. I
14 can't remember the exact name of it -- the association.
15 And also I'm currently an N.R.A. member. I don't know if
16 that pertains to law enforcement or not.

17 THE COURT: Okay.

18 JUROR NO. 44: Thank you.

19 THE COURT: Thank you.

20 Yes, sir.

21 JUROR NO. 64: Glenn Fowler, No. 64. Member of the
22 N.R.A.

23 THE COURT: All right. Thank you. Be seated.

24 Yes, sir.

25 JUROR NO. 177: Sopha Touch, 177. I just give the

Jury qualification

1 money to law enforcement.

2 THE COURT: Okay. Thank you. Be seated.

3 Yes, ma'am.

4 JUROR NO. 191: 191. I support the United Way, which
5 some of their money then goes to various things. But I
6 don't specify what it goes to.

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

8 Anybody else?

9 Yes, sir.

10 JUROR NO. 139: Chris Owens, 139. I donate time and
11 support down at Tyger River Correctional Institute.

12 THE COURT: Okay.

13 JUROR NO. 139: Chaplain. Wouldn't have any effect.

14 THE COURT: Thank you. Be seated.

15 Yes, ma'am, No. 5.

16 JUROR NO. 5: No. 5, Laura Anderson. State troopers.

17 THE COURT: Thank you. Be seated.

18 Anybody else?

19 JUROR NO. 185: 185. I contributed to the fraternal
20 order of police and the sheriff's department.

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

22 Anybody else?

23 (No response.)

24 THE COURT: All right. I've introduced the lawyers to
25 you and I've introduced the witnesses to you and I've told

Jury qualification

1 you basically what the case is about based upon the
2 allegations set forth in each of the indictments and those
3 persons who are alleged to be the victims of those events.

4 Understanding everything, what the case is about, is
5 there any juror who has already made up your mind or formed
6 an opinion as what you think the ultimate decisions ought
7 to be based upon what you've heard here today or based upon
8 any other consideration? Have you already formed an
9 opinion or made up your mind? If so, please stand.

10 (No response.)

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

17 (No response.)

18 THE COURT: None responding.

19 Any other questions requested by the state?

20 MR. BARNETTE: Your Honor, number ten, perhaps, on our
21 questionnaire.

22 THE COURT: Well, as I've already indicated, a jury's
23 function in any case is to listen to the testimony, to
24 consider any other type of evidence that might be
25 introduced during the trial, go back and deliberate,

Jury qualification

1 consider all of that evidence, decide the facts as they
2 relate to the allegations made in the indictments where you
3 can, apply the law that I will have provided you and render
4 a verdict, whatever that decision may be, whether it be one
5 of guilty or one of not guilty.

6 So I need to find out if there's any member of the
7 jury panel who would be unable to consider the evidence
8 presented and to apply the law that I would provide. Is
9 there anyone that would be unable to render a decision
10 based upon the law and the evidence presented during the
11 trial of the case? If so, please stand.

12 (No response.)

13 THE COURT: All right. Any other questions?

14 MR. BARNETTE: No, sir. Thank you, Your Honor.

15 MR. MORIN: No, sir.

16 THE COURT: Okay. Now, the way a jury is selected,
17 the computer selects your names as random.

18 When your name is called, you'll be asked to come
19 forward. The bailiff will be out in the middle of the
20 floor here in a minute. But you'll just come towards me in
21 the middle of the floor there about three steps past the
22 desks where the lawyers are seated.

23 Each side has an opportunity to have you excused from
24 serving in the case, or both may agree to have you accepted
25 for service in the case.

Jury qualification

1 If either side asks that you be excused from serving
2 in the case, just go back and have a seat where you are
3 now.

4 If both agree to have you accepted for service in the
5 case, you'll be having a seat in that jury box to your
6 right and to my left.

7 So please come forward as your name is called, and
8 you'll be instructed as to whether you have been accepted
9 for service in the case or excused from service in the
10 case.

11 THE CLERK: Juror No. 185, Sandra Walden.
12 What say the state?

13 MR. BARNETTE: Please present the juror.

14 THE CLERK: What say the defense?

15 MR. MORIN: Please excuse the juror from service in
16 this case.

17 THE CLERK: Juror No. 113, Gary Martin.
18 What say the state?

19 MR. BARNETTE: Please present the juror.

20 THE CLERK: What say the defense?

21 MR. MORIN: Please swear the juror.

22 THE CLERK: Juror No. 143, Teresa Pressley.
23 What say the state?

24 MR. BARNETTE: Please present the juror.

25 THE CLERK: What say the defense?

Jury qualification

1 MR. MORIN: Please excuse the juror from service in
2 this case.

3 THE CLERK: Juror No. 99, Christopher Klugh.
4 What say the state?

5 MR. BARNETTE: Please excuse this juror from service.

6 THE CLERK: Juror No. 136, Christopher Owens.

7 MR. BARNETTE: What was that number again, please?

8 THE CLERK: 136.

9 What say the state?

10 MR. BARNETTE: Please excuse this juror from service.

11 THE CLERK: Juror No. 31, Larry Campbell.

12 What say the state?

13 MR. BARNETTE: Please present the juror.

14 THE CLERK: What say the defense?

15 MR. MORIN: Please excuse the juror from service in
16 this case.

17 THE CLERK: Juror No. 174, Casey Thomas.

18 MR. MORIN: 174?

19 THE CLERK: Uh-huh.

20 What say the state?

21 MR. BARNETTE: Please present the juror.

22 THE CLERK: What say the defense?

23 MR. MORIN: Please swear the juror.

24 THE CLERK: Juror No. 184, Clyde Waddell.

25 What say the state?

Jury qualification

1 MR. BARNETTE: Please present the juror.
2 THE CLERK: What say the defense?
3 MR. MORIN: Please swear the juror.
4 THE CLERK: Juror No. 157, Michael Sherbert.
5 What say the state?
6 MR. BARNETTE: Please present the juror.
7 THE CLERK: What say the defense?
8 MR. MORIN: Please swear the juror.
9 THE CLERK: Juror No. 114, Stephen Mason.
10 What say the state?
11 MR. BARNETTE: Please present the juror.
12 THE CLERK: What say the defense?
13 MR. MORIN: Please swear the juror.
14 THE CLERK: Juror No. 10, William Arthur.
15 What say the state?
16 MR. BARNETTE: Please present the juror.
17 THE CLERK: What say the defense?
18 MR. MORIN: Please swear the juror.
19 THE CLERK: Juror No. 196, William Wright.
20 What say the state?
21 MR. BARNETTE: Please present the juror.
22 THE CLERK: What say the defense?
23 MR. MORIN: Please swear the juror.
24 THE CLERK: Juror No. 64, Glenn Fowler.
25 What say the state?

Jury qualification

1 MR. BARNETTE: Please excuse this juror from service.
2 THE CLERK: Juror No. 145, Jerry Pruitt.
3 What say the state?
4 MR. BARNETTE: Please present the juror.
5 THE CLERK: What say the defense?
6 MR. MORIN: Please excuse the juror.
7 THE CLERK: Juror No. 3, Susan Alley.
8 What say the state?
9 MR. BARNETTE: Please present the juror.
10 THE CLERK: What say the defense?
11 MR. MORIN: Please excuse the juror.
12 THE CLERK: Juror No. 107, Deandre' Long.
13 What say the state?
14 MR. BARNETTE: Please present the juror.
15 THE CLERK: What say the defense?
16 MR. MORIN: Please swear the juror.
17 THE CLERK: Juror No. 132, Samuel Morrison.
18 What say the state?
19 MR. BARNETTE: Please present the juror.
20 THE CLERK: What say the defense?
21 MR. MORIN: Please swear the juror.
22 THE CLERK: Juror No. 4, Cynthia Anderson.
23 What say the state?
24 MR. BARNETTE: Please present the juror.
25 THE CLERK: What say the defense?

Jury qualification

1 MR. MORIN: Please swear the juror.
2 THE CLERK: Juror No. 11, Kellie Atkins.
3 What say the state?
4 MR. BARNETTE: Please present the juror.
5 THE CLERK: What say the defense?
6 MR. MORIN: Please swear the juror.
7 THE CLERK: Juror No. 35, Chun Cheng.
8 What say the state?
9 MR. BARNETTE: Please present the juror.
10 THE CLERK: What say the defense?
11 MR. MORIN: Please swear the juror.
12 THE CLERK: Juror No. 24, Jessica Broome.
13 THE COURT: This is for the first alternate.
14 THE CLERK: What say the state?
15 MR. BARNETTE: Please present the juror.
16 THE CLERK: What say the defense?
17 MR. MORIN: Please swear the juror.
18 THE COURT: This is for the second alternate.
19 THE CLERK: Juror No. 170, Daniel Stokholm.
20 What say the state?
21 MR. BARNETTE: Please present the juror.
22 THE CLERK: What say the defense?
23 MR. MORIN: Please excuse the juror in this case.
24 THE CLERK: Juror No. 33, Kathryn Cantrell.
25 What say the state?

Jury qualification

1 MR. BARNETTE: Please present the juror.

2 THE CLERK: What say the defense?

3 MR. MORIN: Please excuse the juror.

4 THE CLERK: Juror No. 82, Leanna Henderson.
5 What say the state?

6 MR. BARNETTE: Please present the juror.

7 THE CLERK: What say the defense?

8 MR. MORIN: Please swear the juror.

9 (Whereupon, a jury was impaneled.)

10 THE COURT: Those jurors who have been selected, I'll
11 ask you to please go with a bailiff to a jury room, and
12 I'll bring you back in just a few minutes to begin with the
13 trial.

14 (The following takes place outside the presence of the
15 jury.)

16 THE COURT: Are there any matters to be addressed
17 regarding jury selection by the state?

18 MR. BARNETTE: None from the state, Your Honor.

19 THE COURT: By the defendant?

20 MR. MORIN: No, sir.

21 (Whereupon, the remaining members of the jury venire
22 were excused.)

23 THE COURT: We will be at ease for ten minutes.

24 (Whereupon, a recess was taken.)

25 (Redacted video marked State's Exhibit No. 48; original

1 State's Exhibit No. 124 marked Court's Exhibit No. 2.)

2 THE COURT: Bring the jury in, please.

3 (The following takes place in the presence of the
4 jury.)

5 THE COURT: Thank you for your patience, ladies and
6 gentlemen.

7 Something came up that I had to address. It had
8 nothing to do with this case, but it is something I had to
9 deal with. And that's why we've been delayed coming back
10 in.

11 Because of the hour, it doesn't make sense for us to
12 begin this afternoon, because we'd have to break it up too
13 quickly.

14 So we're going to recess for the afternoon. You're
15 going to be excused. You'll be asked to come back in the
16 morning beginning at 9:30 at which time we'll begin with
17 the trial of the case.

18 Now, let me caution you that now that you have been
19 selected you are not permitted to talk about this case in
20 any fashion with any person whatsoever.

21 As I indicated earlier, your decision has to be based
22 solely upon what's presented during the trial and the law
23 that's applicable as I'll give it to you, and so you can't
24 allow yourselves to be influenced by any outside
25 discussions or considerations or research or investigation.

1 You can't allow anyone to try to discuss it with you.
2 You might have family or friends that know that you have
3 jury duty this week and they want to know what you're
4 doing, whether it's interesting or what you're involved in.

5 You just tell them you cannot talk about it until it's
6 over. You can talk about it later as much or as little as
7 you'd like to as many or as few as you like. But until
8 you've reached a decision you can't talk about the case.

9 You also are not to allow yourselves to be exposed to
10 any type of media coverage that might relate to the case,
11 whether that be television, radio or newspaper.

12 Again, you've got to base your decision upon the
13 evidence presented. You can't be influenced by anybody
14 else's representation of the facts that might not even be
15 accurate. So ignore television, radio or newspaper.

16 You can't conduct your own research or do your own
17 investigation into any issue that arises during the trial.
18 So no research, no investigation, no internet search, no
19 nothing.

20 Again, under your oath as a juror you have to base
21 your decision upon what comes in during the trial and then
22 the law that I'll provide you with.

23 So no discussions, no research, no investigation, no
24 media exposure.

25 Otherwise, have a good evening. Please report to your

1 jury room at 9:30 in the morning, 9:30 in the morning.

2 Have a good afternoon.

3 (The following takes place outside the presence of the
4 jury.)

5 THE COURT: All right. Court is in recess until
6 9:30 in the morning.

7 Let me see the lawyers before you go, please.

8 END OF PROCEEDINGS OCTOBER 8, 2018

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (Proceedings October 9, 2018)

2 (The following takes place outside the presence of the
3 jury.)

4 MR. BARNETTE: Your Honor, there is a matter I need to
5 put on the record quickly.

6 (Bench conference held off the record.)

7 THE COURT: All right. Any matters to address before
8 the jury is sworn?

9 MR. BARNETTE: Your Honor, I believe I made a motion
10 for sequestration of the witnesses in this case -- I think.

11 MR. MORIN: That's correct, and none of the family or
12 friends that are here are on my list.

13 MR. BARNETTE: The only three people we've got, Your
14 Honor, I have the two lead detectives on the case, in this
15 case, also Investigator Thomas Clark that worked on the
16 case, Your Honor.

17 I do have the victim's family here. They're not
18 testifying. They're going to be here.

19 I have the victims of the kidnappings, are also here,
20 Your Honor. And all of the other witnesses will be
21 outside. They'll come in as needed.

22 THE COURT: All right. Well, I've have to rely upon
23 you two to enforce the sequestration order.

24 MR. MORIN: Yes, sir.

25 THE COURT: Okay.

1 MR. BARNETTE: Give me one second.

2 (Pause.)

3 THE COURT: All right. Bring the jury in, please.

4 (The following takes place in the presence of the
5 jury.)

6 THE COURT: Good morning, ladies and gentlemen.

7 We are ready to begin with the trial of the case for
8 which each of you have been selected.

9 And, Mr. Arthur, I'm going to ask you to serve as the
10 foreperson of the jury. As the foreperson you'll have
11 three specific duties that the other jurors will not have.

12 First of all, you're going to be asked to serve as the
13 spokesperson for the jury. And that just means if
14 something happens during the course of the trial that you
15 or a fellow juror has some difficulty or problem or
16 question, you're going to be the person to let me know of
17 that fact. You'll do that directly if you're here in the
18 courtroom. You'll do that through the bailiff if you're
19 outside the courtroom. But if during the trial you or a
20 fellow juror has some issue, you'll let me know. You'll be
21 the person to do that.

22 Secondly, you will be tasked with the responsibility
23 of presiding over jury deliberations when that time comes
24 at the trial's conclusion simply to ensure that the
25 deliberations are carried out in some orderly fashion.

Opening statements

1 So I do want to thank you in advance for your
2 participation, as well as for your careful attention. I
3 would ask that you please give the lawyers your attention
4 now as they give you their opening statements.

5 Mr. Barnette.

6 MR. BARNETTE: May it please the Court, Your Honor.

7 Mr. Foreman and ladies and gentlemen of the jury, I
8 want to take you back to March 31st of 2017.

9 Anthony Tiffany was actually the Union K.F.C. manager.
10 He was called that night to come and take the place of the
11 manager at the Spartanburg K.F.C. He came. He started
12 working there and started working with the crew.

13 During that time while he was working the defendant,
14 Mr. Freeman in this case, was living with De'Adrian Garcia.
15 They lived at [REDACTED] Road in Roebuck, South
16 Carolina. He'd been staying with them and staying with Mr.
17 Garcia's mother.

18 Across the street Quentin Meadows, which is the cousin
19 of Mr. Garcia, they got a ride with him and was going
20 around town, going around to different hotels. Mr. Meadows
21 will testify and tell you about that.

22 But, ultimately, he winds up dropping them off at [REDACTED]
23 [REDACTED] Avenue in Spartanburg approximately 23 miles,
24 24 miles from the Kentucky Fried Chicken on Cedar Springs
25 Road.

Opening statements

1 If you're familiar with that area, you have the 295
2 ball complex. You have a neighborhood Wal-Mart across the
3 street. There's a Hardees. Big Lots is there. Beyond
4 that's the deaf and blind school. It's in that area of
5 town.

6 After he drops them off Mr. Freeman and Mr. Garcia go
7 to K.F.C. And you're going to see video tapes that's been
8 taken from K.F.C.'s cameras.

9 You see them go through the parking lot. They're
10 dressed in black jackets, black clothes and wearing masks.

11 They also have guns with them. Mr. Freeman had a
12 revolver; Mr. Garcia had an automatic weapon, a .380.

13 You'll see on the cameras coming in. The outside
14 cameras in the lobby is not really -- they're kinda grainy.
15 When you get in the back you actually see more detail.

16 Anthony Tiffany was in the office. He was actually
17 working on the money. They close at 10:00 o'clock.

18 One thing on the video is you'll see, it says 9:30.
19 It's actually 10:30. This happens within, basically, the
20 4-minute period of time, four to five minutes. And you'll
21 see the times there. And of course daylight savings time
22 had just happened, so that's why it's an hour off.

23 You'll see him go into the store. You'll see him go
24 into the office. Like I say, Mr. Tiffany is there.

25 The first gentleman, which is Mr. Garcia, comes in.

Opening statements

1 He points a gun at him, and you see Mr. Freeman come in
2 behind him. Mr. Freeman's got the revolver in his pocket.

3 Mr. Garcia will step back out into the work area or
4 into the food area. At that time you'll see three of the
5 other victims in this case. You'll see Ms. Jeter,
6 Ms. Williams and Ms. Gory. You'll see their reactions and
7 what happens there.

8 Malik Smith is actually out in the lobby. He had
9 actually -- once he was -- he was working the lobby, back
10 there where the tables was, you'll see that he hides there
11 when this happens.

12 And Mr. Garcia steps back, steps out of the work area.
13 Mr. Freeman pulls his weapon. And during this time the
14 still is to help you with it, so we've taken it off the
15 video. You'll see a blue bandana. You'll see a black
16 jacket with certain markings on it and you'll see the
17 revolver. You'll see part of the flesh colored mask that
18 aims from up top, basically watching the employee.

19 At that time Mr. Tiffany and Mr. Freeman is in an
20 altercation.

21 Mr. Garcia comes back. He steps in and he steps back
22 and shoots Mr. Freeman. Not Mr. Freeman -- Mr. Tiffany.
23 He follows him in and shoots him again. You'll see this on
24 the video. And I apologize up front. It's disturbing to
25 watch.

Opening statements

1 They initially -- they go out. You'll see both of
2 them go outside.

3 Mr. Garcia comes back in the office, and he used to be
4 an employee of K.F.C. He scares the girls back, and you'll
5 actually -- came and checked on Mr. Tiffany. Then he runs
6 back away.

7 He goes in. He goes through the pockets of
8 Mr. Tiffany as he's laying there shot and dying. He gets a
9 key and he's trying to open the safe, trying to open the
10 code. He didn't know the code. So he kicks Mr. Tiffany
11 more than once.

12 He also takes Mr. Tiffany's watch. You'll see him
13 take it in the pocket. Meanwhile, Mr. Freeman is outside.
14 He goes around the K.F.C. checking to make sure nobody's
15 leaving around. You'll see him go around the corner.
16 You'll see him go all the way to the drive-through for a
17 split second. Look in the drive-through window, come back
18 around.

19 He actually runs back to the side door. At that time
20 Malik Smith sees an opportunity to run outside. At that
21 time Mr. Freeman comes, and he's at the doorway. He comes
22 out. He actually sees Mr. Freeman. He sees him start
23 pulling the revolver on him. He says no, and then he runs
24 in the opposite direction away from him. He says he sees
25 the mask. He sees what he's wearing. He sees the revolver

Opening statements

1 and the black jacket.

2 After Mr. Garcia tries to open the safe and takes
3 Mr. Tiffany's wallet, he'd also checked the cash register
4 before he went into the office. You'll see him jump over
5 the counter.

6 He goes back outside. Him and Mr. Freeman run off.
7 You'll see them once this happens in about four or five
8 minutes.

9 Malik Smith comes back in. You'll see him come back
10 in about two or three minutes after he leaves trying to
11 give medical attention to Mr. Tiffany, but, obviously, it's
12 too late. He tried to give him C.P.R. and tried. You
13 could see it.

14 Like I said, you're going to have five different
15 cameras. You're going to see the five different angles of
16 different things. You'll see the office where this
17 happened; you'll see the work area where, obviously, they,
18 basically, tell the girls -- kidnapping.

19 Mr. Smith is actually in the front rather than Mr.
20 Freeman. Mr. Freeman is, obviously, dressed the way he is.
21 And before this, like I said, 20 minutes, drop them off
22 where he did.

23 The next morning Mr. Behnke wakes up. He lives at [REDACTED]
24 [REDACTED] Avenue. He walks out to go to work. He sees a
25 coat laying down, a black jacket. He notices it, says

Opening statements

1 maybe my son or somebody drops it. He picks it up and a
2 gun and a mask falls out of it. He immediately calls the
3 sheriff's department. And this is about 23 miles, give or
4 take, from the Kentucky Fried Chicken where this occurred
5 at.

6 Sheriff's department arrives there. You'll hear
7 Deputy Welch comes there. They get that and they also find
8 across the fence, they find a blue bandana, a blue and
9 white bandana there.

10 They collect all of these items. Those items are sent
11 for processing at the state law enforcement division.
12 That's where they do forensic testing.

13 Inside the mask is the D.N.A. of that man right there.
14 And you'll have the lady testify as to that. Those items
15 were collected for evidence. The city officers begin their
16 investigation. They start working with the county. They
17 find these two individuals. They actually go out to [REDACTED]
18 [REDACTED] Road.

19 The sheriff's department actually got warrants for
20 both of these individuals and searched the house. As they
21 approached the house Mr. Garcia comes out, gives himself up
22 to them. Mr. Freeman actually runs and leaves. He's
23 dressed in shorts and a pair of socks.

24 They actually start searching for him -- the sheriff's
25 department does. It goes on for several hours. In the

Opening statements

1 meanwhile they go in and process the house. As they go in
2 the house, like I said, Ms. Garcia lives there. De'Adrian
3 Garcia also lives there. He has a bedroom. And
4 Mr. Freeman stays there also. He has a bedroom.

5 They go into the bedroom where Mr. Garcia is. They
6 find an automatic weapon, a .380, underneath his pillow and
7 the bed. They also find a large amount of money right
8 there in the bed. They gather that gun. They also find a
9 mask in there. They go back in the room Mr. Freeman is in.
10 They find a bookbag, and in that bookbag there's gloves.

11 And one thing you'll see that I failed to mention in
12 the videos, you'll see them wearing latex gloves. They
13 find latex gloves in his bookbag in his bedroom.

14 Ms. Garcia is a home nurse or home physical care
15 provider. She has latex gloves, different -- all different
16 types. In her closet is latex gloves they had available to
17 them. That is taken.

18 They also find a large amount of money in a blue
19 bookbag and they take it. They also find a white jacket
20 and other items in the room which we'll talk about, and
21 stuff. The officers will testify about that.

22 Meanwhile, they leave the house. Mr. Freeman actually
23 went back into the residence, grabs a bookbag, comes out,
24 and he's still in the shorts and his socks. He runs right
25 into the sheriff's department. They place him in custody

Opening statements

1 at that point. He has the blue bookbag. That blue bookbag
2 is where they took the money from, or on top of it, also
3 clothes, and he's placed in custody at that point.

4 The gun that was found, Mr. Garcia's, was the gun that
5 was used to kill Mr. Tiffany. We matched it to the bullets
6 that was found in his body, also matches the shell casing
7 found at the scene.

8 You'll find out these two men, Mr. Garcia and
9 Mr. Freeman, were the best of friends, was together on
10 everything.

11 Ladies and gentlemen, the one thing you bring with you
12 is common sense. The judge was telling you earlier to use
13 your common sense, and that's what I am going to ask you to
14 do, is use your common sense. If you look at this evidence
15 and, they say, you're going to hear in court. And I'll
16 come back and talk to you later about that and how it ties
17 in here in the opening.

18 And the other thing the judge is going to tell you --
19 I usually don't talk about jury charges up front, but you
20 need to know this. It's called accomplice liability where
21 the hand of one is the hand of all.

22 If a person participates in a crime, a person
23 participates, involved in the murder and armed robbery and
24 kidnapping, they are just as guilty as the person that shot
25 him. And you'll see he is actively involved in this armed

Opening statements

1 robbery, as well as the kidnapping.

2 But what I'll be doing, ladies and gentlemen, is
3 coming to you after all of the evidence is presented and
4 ask you for guilty verdicts on all counts, is that
5 gentleman right there what he did to Mr. Tiffany that
6 night. Thank you very much. Thank you, Your Honor.

7 THE COURT: Mr. Morin.

8 MR. MORIN: As the government lawyer said, on
9 March 31st De'Adrian Garcia shot and killed Mr. Tiffany.
10 As the government lawyer wants you to say and what he's
11 interested in and what I need and Mr. Freeman asks that you
12 do during the course of this trial is ask yourself have
13 they proven that Mr. Freeman is the other person in this
14 video by listening to the witnesses, the witnesses and what
15 they told law enforcement the day it happened, versus what
16 they may say today or tomorrow.

17 Mr. Garcia definitely shot Mr. Tiffany, as the
18 government lawyer just said. But during the course of this
19 trial what you're going to hear is the government is going
20 to go through a lot of twists and gyrations about how they
21 know that it was him. They were friends and what have you.
22 And they're going to go through a lot of twists and
23 gyrations as the government lawyer just said. Well, he's
24 kind of guilty because he was with him at the time.

25 And what I'm asking you to do during the course of

Opening statements

1 this trial is pay attention to what they say happened at
2 the time and have they proven that Mr. Freeman is the man
3 that's with Mr. Garcia.

4 And you're going to hear about Mr. Meadows, Mr.
5 Garcia's cousin who drove them over there, drove Mr. Garcia
6 over there, was in the area when the shots were fired,
7 left, came back, picked up Mr. Garcia and drove him home,
8 because, as I stated, the state wants to do a lot of -- the
9 government wants to do a lot of gyrations about accomplice
10 liability.

11 well, we'll see if they can prove that Mr. Freeman
12 isn't guilty of accomplice liability, because during the
13 course of the trial we'll see who else is guilty of
14 accomplice liability and what the government's doing.

15 And at the end of the day I don't believe they're
16 going to be able to prove beyond a reasonable doubt that
17 Mr. Freeman is Mr. Garcia's accomplice or was with him.
18 And we're going to ask that you find him not guilty. And
19 it's going to be -- require some paying attention because
20 the government wants to put in a lot of stuff about
21 Mr. Garcia, what Mr. Garcia did, what Mr. Garcia did.

22 what we're here to decide is what, if anything, can
23 they prove Mr. Freeman was there, and what, if anything, he
24 is guilty of. That's the question that's going to come up.
25 And you're going to have to sift through all of that Garcia

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 stuff. And I agree with the government's lawyer in that
2 this video is disturbing. But the question is going to be
3 at the end of the day is Mr. Freeman the person who is with
4 Mr. Garcia when he commits these crimes, and that's what we
5 have to stay focused on and that's what we'd ask you to
6 focus on, because at the end that's what you have to
7 decide. Thank you.

8 MR. BARNETTE: Your Honor, we would like to call
9 Investigator Cloran to the stand.

10 SHAWN MICHAEL CLORAN, having
11 been first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MR. BARNETTE

13 Q If you would, sir, please state your full name for the
14 record.

15 A Shawn Michael Cloran.

16 Q And where do you work at, sir?

17 A City of Spartanburg.

18 Q And what's your position there, sir?

19 A I'm a forensic investigator.

20 Q And do you work crime scenes for the city, Your Honor?

21 A Yes, sir.

22 Q And then how long have you been there, sir?

23 A I've worked for the city, it'll be five years in
24 December.

25 Q And how many crime scenes have you worked, sir?

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 A Hundreds.

2 Q And on March 31st of 2017 was you called to the crime
3 scene at the Kentucky Fried Chicken at 228 Cedar Springs
4 Road?

5 A Yes, sir.

6 Q And when you arrived there, would you tell the jury
7 what you found?

8 A Upon my arrival there were several officers already on
9 the scene. They were securing the area. They gave us a
10 brief rundown as to what they encountered when they went
11 inside to clear the business. And they informed me there
12 were multiple shell casings on the ground and the lifeless
13 body of Mr. Tiffany in the office.

14 Q And working that scene and everything, did you find
15 there was video cameras there?

16 A Yes, sir.

17 Q And did you look at those videos?

18 A Yes, sir. They had to contact the owner. And once he
19 arrived from North Carolina, we were able to do so.

20 Q And did you download those videos?

21 A Yes, sir.

22 Q And did you place those in evidence?

23 A Yes, sir.

24 Q And did you also take pictures of the scene?

25 A Yes, sir.

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 Q Let me let you look through. I apologize. There's
2 been a lot of evidence here. If you can, look through
3 Exhibits 15 through 22. I think they're the items that you
4 collected at the scene. I can let you look through those,
5 sir, and verify those are the items that you collected.

6 A Yes, sir.

7 Q Okay.

8 MR. BARNETTE: Your Honor, I'd like to move these
9 items into evidence at this time. It'll be 15 through 22.
10 And I believe also there'll be Item 79, is the other item
11 that was collected at the scene.

12 MR. MORIN: I don't have any objection to the pieces
13 of evidence.

14 (Fired .380 auto caliber cartridge case marked State's
15 Exhibit No. 15; fired .380 auto caliber cartridge case
16 marked State's Exhibit No. 16; fired .380 auto caliber
17 cartridge case marked State's Exhibit No. 17; fired .380
18 auto caliber cartridge case marked State's Exhibit No. 18;
19 fired .380 auto caliber cartridge case marked State's
20 Exhibit No. 19; lead bullet fragment marked State's Exhibit
21 No. 20; lead bullet fragment marked State's Exhibit No. 21;
22 lead bullet fragment marked State's Exhibit No. 22.)

23 THE COURT: What is 79?

24 MR. BARNETTE: 79, Your Honor, is a lead bullet in
25 this case.

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 Q Let me let you look through these items here, sir, to
2 verify that these are pictures that you took at the scene.
3 These are going to be items 23 through 47.

4 A Yes, sir.

5 Q Do those fairly represent what you saw that night?

6 A Yes, sir.

7 MR. BARNETTE: Your Honor, I'd like to...

8 Q Well, actually Exhibit 23, is that a map of the area?

9 A Yes, sir.

10 Q And these are pictures, is that right?

11 A Yes, sir.

12 MR. BARNETTE: Your Honor, I'd like to move these into
13 evidence at this time.

14 MR. MORIN: Your Honor, with the exception of State's
15 Government's 28, I have no objection to any of them except
16 for 28.

17 (Bench conference held off the record in the presence
18 of the jury but out of the hearing of the jury.)

19 THE COURT: Twenty-three through 47 are admitted, and
20 28 is admitted over objection.

21 MR. BARNETTE: Thank you, Your Honor.

22 (Photographs marked State's Exhibits Nos. 23 through
23 47.)

24 Q Let me show you what's been -- 49 through 62. If you
25 would, take a look at if those are the videos, as well as

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 the pictures that were taken from those videos.

2 A Yes, sir.

3 MR. MORIN: Your Honor, I object to 49 through 53.

4 MR. BARNETTE: And, Your Honor, let me ask the witness
5 here.

6 Q State's Exhibit 48. Was that another video that was
7 taken, that you took --

8 A Yes, sir.

9 Q -- from the computers that day, or the videos? Okay.

10 MR. MORIN: I have no objection to 55 through 58. And
11 I also object to 48 in their previous objection.

12 Do you want us to approach?

13 (Bench conference held off the record in the presence
14 of the jury but out of the hearing of the jury.)

15 THE COURT: Forty-eight through 53 are all admitted.
16 Wait a minute. Excuse me. Now, we've got 48 through 62?

17 MR. BARNETTE: Yes, sir. I don't think there's any
18 objection.

19 THE COURT: All right. Forty-eight through 62 are all
20 admitted; 48, 49, 50 and 51, 52 and 53 are admitted over
21 objection.

22 (Video marked State's Exhibit No. 48; photographs
23 marked State's Exhibits Nos. 49 through 62.)

24 Q And, Your Honor, just to add some clarification,
25 questions on the one.

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 THE COURT: Okay.

2 Q No. 48 was the video that you downloaded, is that
3 right, sir, or a copy of it?

4 A It's a copy of it, yes, sir.

5 Q And then 49, 50, 51, 52 and 53. You looked off the
6 video and those stills. Those stills fairly represent what
7 was on the video, is that correct?

8 A Yes, sir.

9 Q And you looked at that, the video, and the stills
10 together, is that right?

11 A Yes, sir.

12 Q Okay.

13 MR. BARNETTE: State's Exhibit 48. Your Honor, at
14 this time I'd like do publish it to the jury.

15 THE COURT: Okay.

16 MR. MORIN: And, for the record, one more time I'd
17 like to object to the introduction as previously stated.

18 THE COURT: I know. I've already done that twice.

19 MR. MORIN: I understand.

20 THE COURT: It's admitted over objection.

21 Q Okay. And what is this? Like I said, there were
22 several video cameras. Which video camera is this, sir?

23 A This angle represents the -- the office, showing the
24 office inside the K.F.C. from the -- through 3117.

25 Q Okay.

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 THE COURT: Let me state this for the benefit of the
2 jury.

3 Any time a video is being played in court, it's being
4 played as it's introduced, but it will also be in the jury
5 room with you when you go back to deliberate.

6 All of the exhibits will go back into the jury room.
7 So you'll have an opportunity to view the videos as many
8 times as you need to, and any other evidence that's
9 presented by way of a D.V.D. You'll have those in the jury
10 room when you go back to deliberate.

11 Q This starts around 9:30 on the video, but it's
12 actually 10:30 though.

13 A Yes, sir. I believe I documented. It was
14 approximately 56 minutes, was the approximated time
15 difference.

16 (Pause.)

17 Q And are we seeing the office at the K.F.C.?

18 A Yes, sir.

19 Q I'm going to fast forward it to about 9:30 so that way
20 the jury can watch it.

21 THE COURT: Let me remind the witness to be sure to
22 use that black microphone when you respond.

23 MR. BARNETTE: May we approach for a second, Your
24 Honor?

25 (Bench conference held off the record in the presence

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 of the jury but out of the hearing of the jury.)

2 THE COURT: Ladies and gentlemen, we've got -- we
3 might have a technical difficulty, so we're going to try to
4 correct it.

5 Let me ask you to please go to the jury room. Don't
6 discuss the case. I'll bring you back in just a few
7 minutes after we resolve that issue.

8 (The following takes place outside the presence of the
9 jury.)

10 MR. BARNETTE: Thank you, Your Honor. I just wanted
11 to doublecheck something real quick.

12 (Pause.)

13 MR. BARNETTE: It's the other disc. For some reason
14 they got switched. That's the wrong disc.

15 THE COURT: We will take ten minutes.

16 (Whereupon, a recess was taken.)

17 MR. MORIN: Your Honor, while the jury's out I'd like
18 to put on the record my objections to those photographs.

19 THE COURT: Okay. Twenty-eight and forty-eight
20 through fifty-three.

21 MR. MORIN: Correct. Twenty-eight, I objected to. It
22 shows a photograph of the victim, which is after the video
23 that we're about to see stops. And then that picture is
24 after that, which I felt was inconsistent and was unduly
25 prejudicial in that we've already said that that part of

Shawn Michael Cloran

1 the video doesn't come in. So therefore I am arguing the
2 same thing on 28. Does that make sense?

3 THE COURT: Yes. But, I mean, I don't recall
4 excluding that particular segment. I mean, I did exclude
5 everything on the video after the perpetrators left the
6 view.

7 MR. MORIN: Correct, yes, Your Honor. And the
8 photograph is after they come in and they move him.

9 THE COURT: But that's not shown.

10 MR. MORIN: Okay. That's fine. That was the basis of
11 my objection. I understand.

12 THE COURT: Okay.

13 MR. MORIN: With regard to 48 through 53, those
14 photographs were not taken by this witness.

15 This witness did take photographs of -- from the
16 video, and I felt that -- and I've seen this video and I've
17 gone through it for hours clicking back and forth, and you
18 can't -- it's difficult to do, and therefore I felt that
19 he -- if he had taken the photographs he could have said I
20 took them from there. But instead he said these
21 photographs were taken and they appear to be consistent
22 with the video, which you have to really be technical to
23 get it to that.

24 And that's my -- my objection on that, because those
25 aren't photographs he took. And whether or not he can say

Shawn Michael Cloran

1 they were consistent, given the fact that they're still
2 shots when this entire event takes about 13 seconds, I felt
3 was -- he -- he can't necessarily say he knows for a fact
4 that that's -- that's what it is, because if it had, he
5 would have been able to do it himself.

6 THE COURT: Well, as I understand it, he has seen the
7 video. He's watched it more than once, and he says that it
8 accurately represents what's in the video.

9 MR. MORIN: I understand.

10 THE COURT: Are you suggesting that those are not
11 accurate?

12 MR. MORIN: No, I'm not doing that, Your Honor.

13 THE COURT: Okay. So you believe they did.

14 MR. MORIN: Someone did take those stills from there,
15 correct.

16 THE COURT: They did actually come from the video --

17 MR. MORIN: That's correct.

18 THE COURT: -- that's in evidence.

19 MR. MORIN: Yes, Your Honor.

20 THE COURT: Okay. Mr. Barnette, do you need to be
21 heard?

22 MR. BARNETTE: Your Honor, they're a fair
23 representation.

24 Investigator Cloran got to see those pictures on the
25 video, and you work with the video, you can see where it

Shawn Michael Cloran

1 stops there, and obviously they're at a high resolution or
2 whatever that came off of it. We took the pictures from
3 that standpoint. But that's the way it happens from there.

4 THE COURT: Okay. Well, I've allowed them, but, as I
5 understand it, Mr. Morin is not objecting on the grounds
6 that they don't accurately reflect what was -- what is
7 shown on the video.

8 He's objecting simply because this witness is not the
9 person who made the still shot from the video. But he has
10 stated, and maybe he'll need to if he hasn't, but I thought
11 he testified that it was -- that it accurately reflected
12 what was on the video. Is that a fair statement?

13 THE WITNESS: Yes, sir.

14 THE COURT: Okay. All right. Are we ready for the
15 jury?

16 MR. BARNETTE: We are, Your Honor. Thank you for
17 the -- thank you for the recess.

18 THE COURT: Sure.

19 All right. Bring them in, please.

20 (The following takes place in the presence of the
21 jury.)

22 THE COURT: All right. The jury is present.

23 MR. BARNETTE: Thank you, Your Honor.

24 (Whereupon, the video was played for the jury.)

25 BY MR. BARNETTE

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 Q Does this video fairly represent what you got that
2 night?

3 A Yes, sir.

4 Q And was some stills taken from them, pictures taken
5 off of the video?

6 A Yes, sir.

7 Q And if you can, step down, but make sure you talk loud
8 enough so the court reporter can hear you if you can come
9 down, sir.

10 MR. BARNETTE: Your Honor, permission to publish 49
11 through 53 at this time.

12 THE COURT: You may.

13 (Whereupon, the witness left the stand.)

14 Q On the video you saw two robbers comes in, is that
15 right?

16 A Yes, sir.

17 Q And this is actually concentrating on the second one
18 that came in.

19 A Yes, sir.

20 Q Let me show you State's Exhibit 49. What does this
21 appear to be right here, sir?

22 A That is a gloved hand in a pocket.

23 Q And on top of the -- what kind -- what kind of colored
24 jacket does it appear to be?

25 A On the jacket it appears there is a button or a tag

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 here and here on the shoulder part.

2 Q Let me show you State's Exhibit 50. What does that
3 show, sir?

4 A A gloved hand holding a handgun.

5 Q Okay. And then the glove. What does it appear to be,
6 what type of glove?

7 A A latex glove.

8 Q Show you State's Exhibit 51. What is that, sir? What
9 does that show?

10 A A latex gloved hand holding a revolver with the same
11 tagged jacket.

12 Q Show you State's Exhibit 52. What is that, sir? What
13 do you see in that?

14 A The same -- same type of jacket with a -- the flesh
15 covered mask or colored mask. I apologize. Portion of a
16 blue bandana, a latex glove holding a revolver.

17 Q Let me show you State's Exhibit 53. What does this
18 show, sir?

19 A The blue and white bandana, a portion of the flesh
20 colored mask, the jacket -- you can see the portion of the
21 tag or button -- the latex glove and the revolver as the
22 manager is having a confrontation.

23 Q If you would, have a seat, sir. Thank you.

24 (Whereupon, the witness returned to the stand.)

25 Q And there was other videos that you collected, is that

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 right, sir?

2 A There were different angles, yes, sir.

3 Q Let me publish State's Exhibit 54. I believe this is
4 outside the K.F.C. at the time.

5 MR. MORIN: Just have these been introduced as well,
6 Your Honor? I was trying to keep up.

7 THE COURT: They have. Forty-three through 62 were
8 admitted.

9 MR. MORIN: I was trying to keep up.

10 Q What I may do is go through the videos so we don't
11 keep changing back and forth that shows the stills off the
12 other one.

13 Where is this at, Investigator Cloran?

14 A This is the back side of K.F.C. where the
15 drive-through -- the dark left or bottom left is where the
16 drive-through sign is, and it's facing towards the parking
17 lot of K.F.C.

18 Q Okay. And this K.F.C. is in the City of Spartanburg,
19 as well as the County of Spartanburg.

20 A Yes, sir.

21 Q Let me move that. It's about 9:31, I think.

22 Originally, what are we going to see here, Investigator?

23 A You'll see two individuals wearing dark clothing come
24 up from the left side of the screen and walk towards the
25 entrance, which is on the right.

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 Q Is that the side entrance of the K.F.C.?

2 A Yes. And then moments later you'll see one individual
3 come to the corner.

4 Q Is this where one actually runs out and goes back
5 before they go over in that corner?

6 A What was that, sir?

7 Q Just watch.

8 (Whereupon, the video was played for the jury.)

9 Q Is that them running away from the K.F.C.?

10 A Yes, sir.

11 MR. BARNETTE: Your Honor, I'd like to publish State's
12 Exhibit 59 at this time.

13 THE COURT: You may.

14 MR. BARNETTE: And I believe this is the lobby of the
15 K.F.C.

16 (Whereupon, the video was played for the jury.)

17 Q Before this, does this appear to be workers of K.F.C.?

18 A Yes, sir.

19 Q In about 20 seconds will we see somebody at the side
20 door?

21 MR. MORIN: Your Honor, I object to the solicitor
22 narrating these videos.

23 MR. BARNETTE: I'll rephrase the question, Your Honor.

24 THE COURT: Okay.

25 Q Do we see anything at the side door?

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 A You'll see two persons enter the side door. They'll
2 go out of the -- or out to the left after entering, which
3 there's a little hallway which leads to the office and back
4 area.

5 Then you'll see one person exit. Well, actually it'll
6 be two. One of the suspects, and then one person from the
7 dining area will leave as well. Another -- and then one of
8 the suspects will come back and hop over the counter at one
9 point in the video as well.

10 Q Okay. So we'll see both of them go out the door here
11 in a minute or --

12 A Yes, sir.

13 (Whereupon, the video was played for the jury.)

14 A Shots have been fired at that point. And that's one
15 of the suspects, the one not wearing the reflective mask.
16 And then the one wearing the reflective mask will enter
17 again.

18 (Whereupon, the video was played for the jury.)

19 A I believe this is about where one of the employees run
20 out the door.

21 Q Are they in the back located -- where?

22 A Yes. They're in the dining area where they were
23 hiding under one of the tables.

24 MR. BARNETTE: Your Honor, permission to publish
25 No. 61.

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 THE COURT: You may.

2 MR. BARNETTE: I believe this is the drive-through
3 window.

4 Q What will we see on this video?

5 A You'll see suspect wearing non-reflective mask peek in
6 through the drive-through window.

7 Q Which part of the window?

8 A Through the drive-through-area windows. I'm not sure
9 if it -- which exact window.

10 Q Right there?

11 A Yes, sir.

12 Q Play it again.

13 (Whereupon, the video was played for the jury.)

14 MR. BARNETTE: Your Honor, permission to publish
15 No. 60.

16 THE COURT: You may.

17 (Whereupon, the video was played for the jury.)

18 Q And where is this, sir?

19 A This is the -- the line area and to the right where
20 the -- you can see the white door and the doorknob, that is
21 the office area, or you can, I guess, classify it the tile
22 area, the work area. To the left is where they pack
23 orders, have the food.

24 Q In a second here, what will we see on the far right
25 area there, the door?

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 A Slightly. You'll see the suspects enter, because
2 the -- the tight window the camera's at, and then you'll
3 see one of the suspects come out and go towards the packing
4 area.

5 They'll kind of duck under and lean over the table,
6 and then they'll come back and you'll see them fire shots
7 into the office. And as you see, that suspect is the one
8 with the semiautomatic, not the revolver. And the shots
9 have been fired. The employees are checking on the
10 manager, grabbing their phones to call for help. And
11 suspect will come back.

12 (Whereupon, the video was played for the jury.)

13 THE COURT: Stop the video, please. I've got
14 something I've got to take up.

15 Let me ask the jury to please go to your jury room.
16 Don't talk about the case. I'll bring you back in just a
17 few minutes.

18 (The following takes place outside the presence of the
19 jury.)

20 THE COURT: You can step down. Don't discuss your
21 testimony during the break.

22 We'll be at ease 15 minutes.

23 (Whereupon, a recess was taken.)

24 THE COURT: Bring the jury in.

25 (The following takes place in the presence of the

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 jury.)

2 THE COURT: Ladies and gentlemen, something has arisen
3 that requires my attention, and it's not related to this
4 case in any way. But, nevertheless, we're going to have to
5 take an early lunch.

6 So you're going to be excused right now for lunch.
7 You're going to be asked to report back to the jury room
8 this afternoon at 2:30, 2:30 this afternoon, at which time
9 we'll continue with the trial.

10 In the meantime, don't discuss the case with anybody,
11 not even among yourselves. No research, no investigation,
12 no exposure to any type of media coverage.

13 Have a good lunch. I'll see you at 2:30 this
14 afternoon.

15 (The following takes place outside the presence of the
16 jury.)

17 THE COURT: Court is in recess until 2:30.

18 (Whereupon, a recess was taken for a medical emergency
19 with a member of the court reporter's family.)

20 THE COURT: All right. Any matters to address before
21 the jury is brought in?

22 MR. BARNETTE: Your Honor, we received information
23 that some of our witnesses are being threatened by the
24 defendant's family members.

25 We've got a jail phone call. I'm actually going to

1 turn that over to the sheriff's department or to the state
2 law enforcement division for investigation.

3 I know we had a brief in-chambers, so obviously the
4 phone calls, the defendant is calling his mama about
5 certain things that they are going to do.

6 So we've had some verification that they've been
7 trying to intimidate our witnesses. So we're definitely
8 going to ask for an investigation, but I just wanted to put
9 that on the record.

10 THE COURT: I think that is the appropriate course of
11 action. Let them address it.

12 MR. BARNETTE: Yes, sir.

13 THE COURT: And if I need to, I'll address it.

14 MR. BARNETTE: Yes, sir.

15 THE COURT: When the jury comes in are we resuming
16 with the video?

17 MR. BARNETTE: Your Honor, I'm finished with the
18 video. I'm actually going to go to the physical evidence,
19 the pictures and the physical evidence.

20 THE COURT: Okay. Bring with the jury in, please.

21 (The following takes place in the presence of the
22 jury.)

23 THE COURT: Good afternoon, ladies and gentlemen.

24 We're going to continue with the examination of
25 officer Cloran.

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 BY MR. BARNETTE

2 Q Sir, I know we just, I think, finished up on the
3 videos. What I'd like to do now is go to some of the
4 pictures and the map.

5 A Yes, sir.

6 MR. BARNETTE: Your Honor, may I publish Exhibit 23 to
7 the jury?

8 THE COURT: You may.

9 Q If you would, just describe what that is. I'll go put
10 it on the screen when it comes up.

11 A It's a map showing Southport Road along with Cedar
12 Springs Road and the shopping centers, showing where K.F.C.
13 is located and then nearby restaurants and residences.

14 Q Do you see [REDACTED] Drive on there or [REDACTED] Avenue?
15 Excuse me.

16 A Yes, sir.

17 Q And it's on the map also.

18 A Yes, sir.

19 Q What is this area right here, sir?

20 A K.F.C.

21 Q And what area is this over here?

22 A [REDACTED] Drive.

23 Q So that's [REDACTED] Avenue right there?

24 A Or avenue, yes, sir.

25 Q Okay. And of course this is the Big Lots. This is

Shawn Michael Cloran
Direct examination by Mr. Barnette

- 1 the wal-Mart, is that right?
- 2 A Yes, sir.
- 3 Q Showing you State's Exhibit 24. What is that a
- 4 picture of, sir?
- 5 A That is the side entrance to K.F.C.
- 6 Q Show you State's Exhibit 25. What is that, sir?
- 7 A That is the drive-through side of K.F.C.
- 8 Q Showing you State's Exhibit No. 26. What is that,
- 9 sir?
- 10 A More up close of the entry side of K.F.C.
- 11 Q Showing you State's Exhibit No. 27. What is that,
- 12 sir?
- 13 A That's the lobby area and order counter of K.F.C.
- 14 Q Showing you No. 28. What is that, sir?
- 15 A That is the work area right in front of the office
- 16 where the white door is. That leads into the office.
- 17 Q State's Exhibit 29. What is that, sir?
- 18 A That is the work area in K.F.C. just outside of the
- 19 office.
- 20 Q State's Exhibit 30. What is that, sir?
- 21 A That is the work area inside of K.F.C.
- 22 Q And what door is that?
- 23 A That's the back door, leading out the back, I believe
- 24 at the drive-through.
- 25 Q This is State's Exhibit 31. And what is this, sir?

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 A That's showing from the other side of the working
2 area.

3 Q Is this where the ladies was at the time --

4 A Yes, sir.

5 Q -- when he came in? And State's Exhibit 32. What is
6 that, sir?

7 A Showing the back of the restaurant right by the
8 emergency exit, the coolers.

9 Q Showing you State's Exhibit 33. What is this area,
10 sir?

11 A To the right would be the bathrooms and to the left
12 would be where you would go behind the counter to get to
13 the office and the working area.

14 Q Okay. Let me zoom in real quick. What is this right
15 here, sir?

16 A It appears to be a shell casing.

17 Q And let me show you State's Exhibit 34. What is that
18 a picture of, sir?

19 A Shell casing.

20 Q Was that the one we saw earlier and you just marked it
21 with a placard?

22 A Yes, sir.

23 Q And did you collect that shell casing?

24 A Yes, sir.

25 Q And showing you State's Exhibit 35. Is that just a

Shawn Michael Cloran
Direct examination by Mr. Barnette

- 1 closeup of the shell casing?
- 2 A Yes, sir.
- 3 Q State's Exhibit 36. What is this, sir?
- 4 A A shell casing.
- 5 Q And what is this right here, that area?
- 6 A I believe that one was right up under the register
- 7 area.
- 8 Q State's Exhibit 37. What is that, sir?
- 9 A Shell casing.
- 10 Q That's a different shell casing, is that right?
- 11 A Yes, sir.
- 12 Q And did you mark placards for each exhibit on this?
- 13 A Yes, sir.
- 14 Q And that's No. 7.
- 15 A Yes, sir.
- 16 Q And I think these -- you matched the item numbers to
- 17 those numbers.
- 18 A Yes, sir.
- 19 Q State's Exhibit 38. What is that, sir?
- 20 A A closeup of the shell casing.
- 21 Q State's Exhibit 39.
- 22 A A shell casing. It was under one of the racks.
- 23 Q And what placard number was that?
- 24 A No. -- placard No. 8.
- 25 Q Show you State's Exhibit 40. What is that, sir?

Shawn Michael Cloran
Direct examination by Mr. Barnette

- 1 A A closeup of the shell casing marked No. 8.
2 Q And State's Exhibit 41. What is that, sir?
3 A A closeup of the shell casing marked placard No. 9.
4 Q Showing you State's Exhibit 42. What is that, sir?
5 A That is a piece of lead from a fired round.
6 Q Okay. State's Exhibit 11. It may be hard to see. I
7 mean, State's Exhibit 43 but placard 11.
8 A A piece of lead from a fired round.
9 Q Is that it right there?
10 A Yes, sir.
11 Q Showing you State's Exhibit 44. What is that a
12 picture of, sir?
13 A A larger piece of lead from a fired round.
14 Q And this is all in the floor in that area.
15 A Yes, sir.
16 Q State's Exhibit 45. What is that, sir?
17 A That was the whole projectile or bullet, fired bullet.
18 It was on the desk in the office.
19 Q Around, I guess, in the computer wires.
20 A Yes, sir.
21 Q State's Exhibit 14. What is that?
22 A That was the deposit bag that was sitting on the desk
23 in the office.
24 Q Okay. Showing you State's Exhibit 47. What is that,
25 sir?

Shawn Michael Cloran
Direct examination by Mr. Barnette

- 1 A The victim's cell phone.
- 2 Q Okay.
- 3 A Also left in the office.
- 4 Q Let me quickly go through these too.
- 5 Was these the items that you collected? We saw a lot
- 6 of these in the pictures, is that right?
- 7 A Yes, sir.
- 8 Q Let me show you what's been marked as State's
- 9 Exhibit 15. Was this one of the shell casings recovered?
- 10 A Yes, sir.
- 11 Q And I believe -- and on the package it shows where it
- 12 was collected at.
- 13 A Yes, sir. In the entryway to the kitchen.
- 14 Q Okay. So that was the bullet that was outside of the,
- 15 I guess outside of the, door there.
- 16 A Yes, sir.
- 17 Q Show you State's Exhibit No. 16. Where was this
- 18 located at, sir? Here is the bullet or shell casing.
- 19 A It's below the cash register, counter.
- 20 Q Okay. Show you State's Exhibit 17. Where was this
- 21 shell casing recovered? I'll enlarge it if I can.
- 22 A It was below the -- one of the racks behind the
- 23 register.
- 24 Q State's Exhibit 18. There is the shell casing. Where
- 25 was it found, sir?

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 A Below register No. 2 under the wire rack.

2 Q That was a picture we saw of the shell casing on the
3 wire rack.

4 A Yes, sir.

5 Q State's Exhibit No. 19. That's this shell casing up
6 here. Where was it found at, sir?

7 A It was on top of the worker table below the warmer, in
8 between the warmer and the -- the table.

9 Q State's Exhibit 20. I believe this is the bullet.
10 Where did you find that?

11 A A piece of the -- a piece lead. It was the entryway
12 into the office.

13 Q Okay. State's Exhibit 21.

14 A On the floor just in the worker area, the left of the
15 entryway into the office.

16 Q State's Exhibit 22. I believe these two items were
17 found. Where were they found at, sir?

18 A Just in front of the safe, left of Mr. Tiffany.

19 Q Okay. And State's Exhibit 79. Is this the bullet or
20 the part that we saw? Where was it found at, sir?

21 A On the desk beside the printer in the office.

22 Q And all of these items were collected and they were
23 sealed and put into evidence?

24 A Yes, sir.

25 Q And was these later sent to SLED for analysis?

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q Let me show you four other items. Let you look at
3 State's 13, State's 14, State's 12, State's 11 and State's
4 Exhibit 11-A if you would.

5 A Yes, sir.

6 Q Did you go to the autopsy of Mr. Tiffany?

7 A Yes, sir.

8 Q And was you there when Dr. Wren performed the autopsy?

9 A Yes, sir.

10 Q And did he remove the bullets from Mr. Tiffany?

11 A Yes, sir.

12 Q And did he give you possession of those bullets?

13 A Yes, sir.

14 Q And they were sealed is your presence?

15 A Yes, sir.

16 Q And did you place them into evidence?

17 A Yes, sir.

18 MR. BARNETTE: Your Honor, I'd like to move these four
19 exhibits into evidence at this time. Again, that's 11-A,
20 12, 13 and 14.

21 MR. MORIN: No objection.

22 THE COURT: 11-A, 12, 13 and 14?

23 MR. BARNETTE: Yes, sir.

24 (One fired bullet marked State's Exhibit No. 11-A; one
25 fired bullet marked State's Exhibit No. 12; one fired bullet

Shawn Michael Cloran
Direct examination by Mr. Barnette

1 marked State's Exhibit No. 13; one fired bullet jacket and
2 one fired bullet core marked State's Exhibit No. 14.)

3 MR. BARNETTE: Permission to publish, Your Honor.

4 THE COURT: You may.

5 Q Showing 11-A here. This was sealed. Was this one of
6 the bullets that was removed from Mr. Tiffany?

7 A Yes, sir.

8 Q And is this it right here?

9 A Yes, sir.

10 Q Showing you State's Exhibit No. 12. Was this another
11 bullet that was removed?

12 A Yes, sir.

13 Q State's Exhibit 13. Was this another bullet removed
14 from Mr. Tiffany?

15 A Yes, sir.

16 Q Was this the actual bullet removed?

17 A Yes, sir.

18 Q And that was State's Exhibit 13.

19 And State's Exhibit 14. Was this another bullet or
20 jacket that was removed from him?

21 A Yes, sir.

22 Q And these items were taken to SLED also.

23 A Yes, sir.

24 MR. BARNETTE: One moment, Your Honor, please.

25 (Pause.)

Shawn Michael Cloran
Cross-examination by Mr. Morin

1 Q If you would, please, answer any questions Mr. Morin
2 may have for you.

3 CROSS-EXAMINATION

4 BY MR. MORIN

5 Q Officer Cloran --

6 A Cloran.

7 Q -- how long have you been employed with the
8 Spartanburg Police Department?

9 A It'll be five years in December.

10 Q Okay. And where did you work before that?

11 A I was in the United States military.

12 Q Okay. How long were you there?

13 A Six and a half years.

14 Q What were your duties there?

15 A Several different things. I was convoy security team;
16 I was a mechanic.

17 Q Okay. And have you always been in the forensics since
18 you've been in Spartanburg?

19 A No, sir. I was a patrol officer for approximately a
20 year and a half.

21 Q Okay. And then you moved to forensics from there.

22 A Yes, sir.

23 Q And when you made that move did you go and get any
24 other training regarding forensics?

25 A Yes.

Shawn Michael Cloran
Cross-examination by Mr. Morin

1 Q Tell me about that.

2 A I've been to several different classes. Sirgy is one
3 of them; crime scene investigation classes; homicide
4 classes; fingerprinting classes. I can't name off all of
5 the classes off the top of my head.

6 Q Okay. But it's been a significant amount of training.

7 A Yes, sir.

8 Q All right. Now, Mr. Barnette showed you -- let me
9 make sure I have it. This is State's Exhibits 49, 50, 51,
10 52 and 53. Okay?

11 A Yes, sir.

12 Q Now, those are still shots, or you've testified they
13 are, from the video that we saw at the beginning of the
14 trial, correct?

15 A Correct.

16 Q You took possession of that video.

17 A Correct.

18 Q And you ran it through your machine, I guess. I am
19 going to call it a machine -- computer or what have you?

20 A The computer.

21 Q And you took still shots from that, from that video.

22 A I took some, yes.

23 Q But these aren't those.

24 A These are not those, no.

25 Q Okay.

Shawn Michael Cloran
Cross-examination by Mr. Morin

- 1 A But they do depict.
- 2 Q I understand. But those aren't the ones that you did.
- 3 Somebody else did those.
- 4 A Correct.
- 5 Q Now, you've been testifying about a lot of evidence.
- 6 Is this all of the evidence that you collected in this case
- 7 that you're aware of?
- 8 A There's a box of evidence of other things setting over
- 9 there.
- 10 Q All right. Well, did you go to [REDACTED] Avenue and
- 11 collect any?
- 12 A No.
- 13 Q Okay. One of these photographs you referred to as you
- 14 can tell it's a flesh colored mask if I understood that
- 15 correctly. Can you see -- show me which one of those it
- 16 is? Look through those and tell me which one.
- 17 A I said you could see the flesh color of a mask.
- 18 Q Color of a mask. Okay. In this one right here.
- 19 A In this one.
- 20 Q Okay. Well, all right. I'm going to show you State's
- 21 Exhibit No. 52. That's this one. And it's my
- 22 understanding that you're referring to -- and the light's a
- 23 little bad on it -- but you're saying that that little
- 24 white area right there is the flesh colored mask.
- 25 A Yes. It's flesh colored, just as the hand is flesh

Shawn Michael Cloran
Cross-examination by Mr. Morin

1 colored.

2 Q Right. But you didn't recover any flesh colored mask,
3 is that correct?

4 A I didn't. No.

5 Q Okay. Are you saying that you're aware of one through
6 the course of this investigation, or you just happened to
7 say that?

8 A While I was on scene --

9 Q Okay.

10 A -- one of the witnesses said there was two masked
11 gunmen, one of which had a shiny skull-looking mask. The
12 other had a skin toned or flesh colored scream looking
13 mask.

14 Q Right. They also reported that the -- that there was
15 a car with a paper tag that left this incident. Do you
16 remember that?

17 A Yes.

18 Q Okay. And then there was also a report that the car
19 was in the Wal-Mart parking lot. Do you remember that?

20 A Yes.

21 Q Okay. All right. If I can get my bearings here,
22 you've got the K.F.C., which is right here.

23 A Uh-huh.

24 Q And then you have a witness that says they were
25 leaving the Wal-Mart, which is over here, correct?

Shawn Michael Cloran
Cross-examination by Mr. Morin

1 A Said they were leaving? Can you rephrase?

2 Q Well, they were in the Wal-Mart parking lot. Is that
3 an accurate statement?

4 A To my understanding, it was one of the two witnesses
5 that were seen running out of the store when the shooting
6 had just occurred --

7 Q Uh-huh.

8 A -- saw a car after everybody ran out. Saw a silver
9 car speeding through.

10 Q You can come down --

11 A Okay.

12 Q -- and point to it if you need if that's all right
13 with the Court.

14 (Whereupon, the witness left the stand.)

15 MR. BARNETTE: Your Honor, I'm going to object at this
16 time for hearsay from that standpoint.

17 MR. MORIN: He's testified about it was under his
18 investigation and he was there.

19 A I'm not the criminal investigator. It's -- but I was
20 here.

21 Q That's what I'm trying to establish, where the areas
22 are then.

23 THE COURT: Be sure you ask him about things within
24 his personal knowledge.

25 Q All right. If you could, come forward. I just want

Shawn Michael Cloran
Cross-examination by Mr. Morin

1 to make sure. I've got a couple of things. All right. So
2 right here's K.F.C., right?

3 A Uh-huh.

4 Q Now, you saw a video where they ran. They ran in this
5 direction or toward the Cube Smart?

6 A I'm not sure. Let's see. They ran towards the back,
7 but to my understanding they didn't say it was the
8 suspects. They saw a vehicle --

9 Q Right.

10 A -- driving across through the parking lot this way.

11 Q Okay.

12 A But they didn't state it was them.

13 Q All right. And just as a separate note.

14 A Because the -- one of the persons that were in K.F.C.
15 was running this way toward Southport to my knowledge.

16 Q All right. I understand. And I just want to make
17 sure. The K.F.C. is here, and I guess toward the back of
18 it is that drive-through, drive around it like that.

19 A You can drive around, but there's this parking lot --

20 Q Uh-huh.

21 A -- goes all the way around.

22 Q I see.

23 A So this is all one big parking lot that can also go to
24 Southport Road. There's several entrances on Cedar Springs
25 through this parking lot.

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 Q Okay.

2 MR. MORIN: Let me have just a moment, Your Honor.

3 (Pause.)

4 MR. MORIN: I don't have any further questions of this
5 witness.

6 MR. BARNETTE: No further questions of this witness,
7 Your Honor.

8 THE COURT: You may step down.

9 MR. BARNETTE: Your Honor, we'd like to call Quinton
10 Meadows.

11 QUENTIN XAVIER MEADOWS, having
12 been first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MR. BARNETTE

14 Q I'm going to ask you to raise your voice and talk into
15 that black mic and look at the jury. Okay?

16 A Yes, sir.

17 Q I know you -- that's good. Make sure everybody can
18 hear.

19 Can you give me your full name for the record, sir?

20 A Quentin Xavier Meadows.

21 Q And where do you live at, sir?

22 A In Spartanburg. Roebuck, South Carolina.

23 Q And do you know the defendant in this case,
24 Mr. Freeman?

25 A Yes, sir.

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 Q How do you -- can you tell me what he's wearing today?

2 A A pink shirt, tie.

3 MR. BARNETTE: Your Honor, I would ask for the record
4 to reflect he's identified the defendant.

5 THE COURT: It shall.

6 Q And how do you know Mr. Freeman, sir?

7 A He used to hang out with Garcia a little bit.

8 Q Okay. And who is Garcia?

9 A That's my cousin, little cousin.

10 Q And what's his -- what do you call him?

11 A De'Adrian.

12 Q Okay. And what's Mr. Freeman's name?

13 A Jyquez.

14 Q And at that time back on March 31st of 2017, where did
15 you live at in relationship to Mr. Garcia?

16 A I lived across the street from Mr. Garcia. I lived on
17 [REDACTED]. I believe his is [REDACTED].

18 Q Is that [REDACTED] Road in Roebuck?

19 A Yes, sir.

20 Q And was Mr. Freeman staying with Mr. Garcia and his
21 mom at that time?

22 A Yeah, a little bit. Every day I would see him there
23 when I was there.

24 Q On this day, on March 31st, 2017, tell the jury.

25 How -- did they meet you or get with you that day?

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 A Yes, sir. I met with them at Mr. Garcia's house.
2 This would have been around 5:45, close to 6:00. The only
3 reason I remembered is that was my mother's birthday,
4 March 31st.

5 Q And tell the jury what happened when you got with
6 them. What occurred?

7 A It was pretty normal. I met with them. They had a
8 plan on doing a little get-together at a hotel, a little
9 hotel party. That's why we met. And once we got the plan
10 going I went back to my house and got dressed up. They got
11 dressed, and then we went on our way.

12 Q And where did y'all go from there?

13 A It was about -- when we left the house it was about a
14 two-or-three-hour drive going to different hotels in the
15 Boiling Springs, Hwy. 9 area.

16 Q And why was y'all doing that?

17 A Well, because every hotel that we would go to would be
18 something wrong with it. Some only needed credit cards;
19 some it was a prominent location. There was just something
20 wrong with each one of them.

21 Q How old were you at that time?

22 A You say what?

23 Q How old were you at that time back in March of 2017?

24 A I was 22.

25 Q And they were -- when was y'all getting the hotel

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 room, or why was you getting the hotel room?

2 A Because I was over the age of -- I was 21 and I could
3 get the hotel room. And the reason was for a party,
4 get-together, that we had. We had something similar to it
5 a year before. Mr. Freeman wasn't there. That was just me
6 and Mr. Garcia. So this was supposed to be, like, part two
7 of that.

8 Q And what kind of party?

9 A It was a -- the first one, it was during prom. It was
10 a hotel party. Everybody come out. And it was like 60 or
11 70 people there. This was in 2016. So once we got to
12 2017, I thought it'd be similar to the first one.

13 Q Okay. So y'all went. Who was going to pay for this
14 hotel?

15 A Mr. Garcia paid. He had -- he had the money on him.
16 It was only like \$200 or something like that.

17 Q I understand. So you went to the hotel. So you say
18 over a two-or-three-hour period.

19 A Uh-huh.

20 Q What happened after that?

21 A Once we finally picked the hotel, I think it's called
22 the Crown Royal, something like that. Once we finally
23 found it it was about maybe 8:00, close to 9:00. It was
24 nighttime once we finally got there. And we just chilled,
25 watched T.V. There was a basketball game at the time.

Quentin Xavier Meadows
Direct examination by Mr. Barnette

- 1 South Carolina was playing Gonzaga in the Final Four, 2017.
2 So we was watching that, chilling.
3 Q Okay. And where was this hotel, again?
4 A It's in -- it's going towards Hwy. 9. It's right -- I
5 don't know exactly where it's at, but it's right by a
6 waffle House and it's by another building. There's another
7 motel right behind it.
8 Q So y'all chilled there and watched some of the game
9 there.
10 A Yeah, watched T.V. and just chilled.
11 Q And what happened after that?
12 A What happened, the party started at 12:00. Now, at
13 this time it's about 9:00 or something. So Mr. Garcia
14 comes up with the idea to kill time to go see some females.
15 Q So y'all were supposed to start the party at 12:00.
16 A Yeah, we supposed to start at 12:00. We still had
17 another two to three hours before that point. So he was
18 like until then let's go. He had something set up -- three
19 girls, three guys.
20 Q And about what time was this?
21 A This was -- when he first mentioned it it was 8:00.
22 When we left it was like 9:45, close to 10:00.
23 Q And how do you know that?
24 A Because I was watching the game. There's a clock in
25 every -- like, there was a clock on the television in the

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 motel. So I was able to see a clock and everything like
2 that.

3 Q So y'all left the hotel.

4 A Uh-huh.

5 Q And what kind of car -- you were driving.

6 A Uh-huh. It was a Kia Spectra, 2008, silver.

7 Q Okay. And who was with you when you left the hotel?

8 A It was me, Mr. Garcia and Mr. Freeman.

9 Q Okay. And how were they dressed or what did they have
10 with them?

11 A I thought they looked pretty -- I thought they looked
12 pretty normal. Mr. Freeman -- he had on just a hoody. Not
13 too crazy. Mr. Garcia -- he had on a black jacket.

14 Q Did they carry anything with them?

15 A Yeah. They had bags, but it was designer. It wasn't
16 nothing like big or crazy. It was like a little E a bag
17 and then an M.C.M. bag, just for going out and stuff like
18 that.

19 Q You could put clothes and different things?

20 A Yeah. You could put whatever -- whatever. Sometimes
21 you'll put different shoes in there to switch or different
22 clothes if it's a hot day. That's mainly what it's for.

23 Q And what kind of coat was Mr. Freeman wearing that
24 night?

25 A It was a hoody, but it was burgundy. It was like a

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 burgundy regular hoody.

2 Q And what was Mr. Garcia wearing?

3 A He was wearing a black jacket, but it was open. It's
4 like a just regular black jacket on him.

5 Q Okay. And where did you drive to?

6 A As soon -- as soon as we left we drove all the way to
7 Cedar Springs. And the neighborhood -- I think it's called
8 Francis Marion or something like that. That's the name of
9 one of the streets. We drove all the way down there.
10 There's a stop sign where the house that I originally
11 dropped them off at is right there.

12 Q As you was going over there what -- did he get a phone
13 call? What happened?

14 A No. Everybody was just talking -- talking about the
15 game, talking about what was going on. It was regular,
16 banded to a regular conversation.

17 Q And when you got -- before you got there did they get
18 a phone call about the girls or anything like that?

19 A Oh, no.

20 Q Okay.

21 A No.

22 Q So when you got there, what happened then?

23 A When I got there -- on our way there -- actually, let
24 me take -- I need to take that back.

25 On our way there my girl supposedly left, but he was,

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 like, you can still come. Your girl -- look, you ain't
2 going to be doing anything. And I didn't feel comfortable
3 fourth-willing. So I was, like, I'm good, I'll just drop
4 you guys off so you guys can do your thing. And that's
5 what -- that's what it was.

6 Q So you dropped them off where, again?

7 A Yeah. I -- I dropped them off on -- where that house
8 was and that stop sign. I think the nickname of the street
9 is Francis Marion or something like that. I'm not a
10 hundred percent sure.

11 Q Okay. And when they got out did they have their
12 bookbags with them?

13 A Yeah.

14 Q Or their bags, I should say.

15 A Yeah.

16 Q And at the house you let them -- who were they
17 supposed to meet there, again?

18 A Just -- well, all I know is there was three females.
19 That's all I know of. I didn't know who their names, what
20 they looked like, who they were. It was somebody they were
21 supposed to know.

22 Q They got out of your car. What happened then?

23 A They got outta my car. I said bye. I said if you
24 guys need me, I'm going to be down at McDonald's, just call
25 me before I leave. And they was like okay and left. And

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 then I went straight. There's a McDonald's right up the
2 street, and I went straight down there.

3 Q So you went to the McDonald's there at Cedar Springs?

4 A Yes, sir.

5 Q And while you were in your car did you notice
6 anything?

7 A Yeah. When I gotta at McDonald's -- when I went into
8 McDonald's, I went into the bathroom. I was having a bad
9 day. I realized I forgot my whole wallet, so I wasn't
10 going to be able to get anything.

11 I get back in the car. I had textbooks on the
12 passenger seat. I lift it up. I see Mr. Garcia's cell
13 phone. So I'm, like, here we go.

14 So I go back to the neighborhood to the house, I
15 originally dropped them off there, and the house just
16 looked like there was no sign of life anywhere in there.
17 No lights, no voices, no nothing.

18 So I think I actually did like a -- I did like a
19 little lap in the neighborhood just to see if they were
20 walking, just a real quick lap, you know what I'm saying,
21 and ended up on the other side and didn't see anything.

22 So I was, like, when he realizes I have his cell
23 phone, he'll give me a call. And that's when I went back
24 home.

25 Q And where did you go back to?

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 A I went -- going back -- I went back -- I live on [REDACTED]
2 [REDACTED] Road, but I went the way like you're going past,
3 back to, McDonald's. You make that right going past the
4 Waffle House. That whole plaza like you're going up
5 towards Spinx. There's a left turn you can make right
6 there by that light, and that's the way I took home. It
7 goes right past -- I think it's E.P. Todd or something like
8 that.

9 Q E.P. Todd Elementary School?

10 A Yeah.

11 Q Okay. So you went back home. What did you do when
12 you got home?

13 A Before I got home, that's when -- as I'm leaving to go
14 home, that's when I first see the police officers flying
15 down. And I originally think that's like a point or
16 something like that, checkpoint or something like that.

17 So when I get home I take a shower. I change. I get
18 into pajamas. And I called my baby-mom just waiting for
19 Mr. Garcia's phone to light up, and it finally does, and
20 it's about an hour and 15 minutes later.

21 Q And what happens then?

22 A So I pick -- I answer. I pick up the phone. He was
23 like you, yo, this is D, come get me. He hangs up quick
24 before I can even say anything back.

25 So I get back in the car, pajamas and all, go back to

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 that house that I originally pulled up at. Still no one.
2 Before I can call that number back, D's phone, Mr. Garcia's
3 phone, lights up again, and he's says I'm at Club Corner.
4 And I was like okay.

5 So I drive all the way down, and that's when I see
6 Mr. Garcia appear from the back of Club Corner, and I was,
7 like, where's Mr. Freeman. You know what I'm saying. He
8 was like he had a family situation to go handle. You know
9 what I'm saying. I was like okay, because I'm think you
10 could've went with him, you could've got your phone back.
11 But he was, like, he had a family situation. So I was,
12 like, why are you all the way down at Club Corner, because
13 if you know where that neighborhood is at --

14 Q If you would, tell the jury where Club Corner is.

15 A Club Corner. I don't know the absolute when it comes
16 to miles -- car. I'll give you, get there in two minutes
17 with walking. It's -- it would -- that would have been at
18 least a 20-minute walk or a 30-minute walk at night. So
19 it's a -- it's a good bit away from there.

20 Q In relationship to the K.F.C., where is it at?

21 A In a relationship to the K.F.C., the, Club Corner,
22 yeah, it's probably less than a mile, not even two minutes,
23 three minutes away.

24 Q Okay. So when you -- when you get there you pick him
25 up.

Quentin Xavier Meadows
Direct examination by Mr. Barnette

1 A Uh-huh. So I pick him up and we go the opposite way
2 back towards K.F.C. that would pass K.F.C. And as we're
3 driving I literally see officers pulling caution tape out.
4 And I'm like what just happened over there. And Mr.
5 Freeman was, like, I don't know. He didn't know what
6 happened. And I dropped him off at the hotel and --

7 Q And who was with you, again?

8 A I picked up -- I lost my -- I said Mr. Freeman.
9 Mr. Garcia. And he was with me. I picked him up. We went
10 past the K.F.C. They're pulling out yellow tape as we're
11 driving by. And I thought, okay, that's not a checkpoint,
12 that's a crime scene.

13 Q And where did you go after that with him?

14 A I went back to the hoyle -- the broil -- whatever it's
15 called -- back to the motel. And I dropped D off, dapped
16 him up, and that was the last time I ever seen him.

17 Q So where did you go after that?

18 A I went back home.

19 Q Okay. Mr. Freeman. What kind of -- what kind of
20 phone did D have, or Mr. Garcia?

21 A Mr. -- Mr. Garcia -- he had -- iphone seven had just
22 came out, so he had the new iphone seven, the small one.

23 Q What did Mr. Freeman -- what kind of phone did he
24 have?

25 A I didn't know what type of phone he had.

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 Mr. Freeman's phone wasn't on at the time. So I wasn't
2 even really thinking about his phone. It probably was just
3 a [sic] iphone used for WiFi or something like that.

4 Q Okay.

5 MR. BARNETTE: And one moment, Your Honor, please.

6 (Pause.)

7 Q The two people you dropped off that night at that
8 house, was those -- which two people were they, again?

9 A De'Adrian Garcia and Jyquez Freeman.

10 Q And this is Mr. Freeman?

11 A Yes, sir.

12 Q Thank you.

13 If you would, answer any questions Mr. Morin may have
14 for you.

15 CROSS-EXAMINATION

16 BY MR. MORIN

17 Q Mr. Meadows, how did you get here today?

18 A I drove here.

19 Q Now, you told us that your cousin is De'Adrian and
20 lives across the street.

21 A Yes, sir.

22 Q And then you also said, "I saw him almost every day I
23 was there." Were you there often?

24 A Every -- no, not often, but more than just a little
25 bit. Every few times I would stop by.

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 Q Okay. And over what time period?

2 A This was during the time of early 2017. Mr. Garcia --
3 he went to college in November of 2016. We fell out at
4 that point, so I didn't see him for the rest -- no. He
5 came back from college. I'm sorry. November of 2016. And
6 that was the first time I seen him. We had fell out a
7 little bit before due to his -- his grandmother's funeral.
8 So around early 2017, that's when I first started when he
9 came back from college. That's when I first started seeing
10 Mr. Freeman around at the house.

11 Q Okay. Now, if I understand correctly -- and it's your
12 testimony, and correct me if I'm wrong -- but you had to go
13 with them because you were old enough to get the hotel.

14 A Yeah, yes, sir.

15 Q But De'Adrian was the one who was going to pay.

16 A Yeah, because I was broke.

17 Q Okay. And you drove around, and you finally came to
18 the royal something in Boiling Springs.

19 A Uh-huh, yes, sir.

20 Q Okay. And about what time was that?

21 A When we first started driving?

22 Q No. When you got to the hotel.

23 A This would have been about maybe 8:00, 8:00 something,
24 yeah.

25 Q And is it -- and that's when y'all watched basketball

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 games.

2 A Yeah, watched basketball. I was really -- I'm the
3 sports guy. I was really more into the game. They was
4 just talking and stuff like that on snapchat. You know
5 what I'm saying.

6 Q Sure.

7 A Yeah.

8 Q And that's how you know it was that time.

9 A Yeah.

10 Q Okay. Can I see your driver's license?

11 A Oh, it's -- oh, it's in my car. I have one, but yeah.

12 Q Okay.

13 A I left all of my stuff in the car.

14 Q All right. Your driver's license, do you keep it
15 separate? I know --

16 A No. I keep it in my wallet. It's just that in here
17 they have a metal detector, so I leave everything in the
18 car just to get through there quickly.

19 Q Now, do you remember giving a statement to the police
20 about this, a long, written statement?

21 A Yes, sir.

22 Q Do you remember telling the police that you realized
23 you had left your wallet at home?

24 A Uh-huh.

25 Q Okay. Well, if you didn't have your wallet and you

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 keep your license in your wallet, how did you prove how old
2 you were when you got to the hotel?

3 A I -- I had my wallet when I got to the hotel, when we
4 first got to the hotel.

5 Q So when you told the police that you left your wallet
6 at home, that's not what you meant?

7 A Yeah. Well, I -- I didn't know where my wallet was.
8 That same wallet I haven't seen in months. I had to buy a
9 whole new wallet and everything. I had to get a whole new
10 I.D. and everything -- social security card, all of that.

11 Q And you said -- and I think you said even after you
12 left the hotel and you were going to meet the girls, y'all
13 were talking about the game.

14 A Uh-huh.

15 Q And you referred to that as the South Carolina,
16 Gonzaga game?

17 A Yeah. I think so, yeah.

18 Q You pretty sure?

19 A Yeah, I'm pretty sure South Carolina against Gonzaga.
20 I think it was the Final Four of 2017.

21 Q Yeah. This happened on March 31st. You're aware of
22 that, right?

23 A Yes, sir.

24 Q You're also aware that that game wasn't played until
25 April 1st at 3:00 o'clock in the afternoon. You're aware

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 of that, right?

2 A No, sir. I'm not.

3 Q Well, that's what it says on the ticket stub.

4 A Oh.

5 Q And it's what happened, because the Final Four is
6 played on a Saturday, and it's Monday.

7 A Who did they play when they was in Arizona? Was that
8 Florida? They played somebody in Arizona. That's what we
9 watched. I'm pretty sure it was a South Carolina, Gonzaga.
10 I'm not sure.

11 Q Sir, you're basing your entire recollection of this
12 time on a game that wasn't played until April 1st. That's
13 a Saturday.

14 A Yes, sir.

15 Q So, how do you know what time it was or where you were
16 that day?

17 A I'm just basing it off of my memory and the clock,
18 that clock at the hotel.

19 Q Right. Well, apparently your memory is having some
20 trouble. But, anyway, I'll move on to the next question.

21 It's my understanding you drove Mr. Garcia around
22 Roebuck and then went to Cedar Springs, right? You were
23 driving.

24 A Yes, sir.

25 Q And what were you driving?

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 A A Kia Spectra, 2008, silver.

2 Q 2008 Kia Spectra, 4-door.

3 A Uh-huh.

4 Q And where was Mr. Garcia sitting?

5 A He was sitting where our textbooks was in the
6 passenger.

7 Q He was sitting on them or --

8 A No, no, yeah. They was -- originally they was on the
9 seat, but he was kind of rude and knocked them over off to
10 the -- he knocked one of them off to the side, which my
11 psychology textbook was where the phone was under, and then
12 my other one was on the side of the door.

13 Q So he almost knocked them out the door when he sat
14 down.

15 A No. Just on the -- you know that little space in
16 between the door and the seat, that crevice right there,
17 yeah. One of them was kinda lodged in there and the other
18 one was on the seat.

19 Q Okay. And the only way you knew where to go was
20 because Garcia directed you the whole way.

21 A Yeah, yeah. It was a G.P.S. -- never -- because never
22 knew. If he would have threw out some titles, I would have
23 been able to probably just drove straight there, but it was
24 all based off his G.P.S.

25 Q Did you grow up in the Cedar Springs area?

Quentin Xavier Meadows
Cross-examination by Mr. Morin

- 1 A Cedar Springs area, kinda, yeah. I live in Roebuck.
2 It's right there.
- 3 Q Well, I noticed in your statement that you say you
4 drove right onto Francis Marion and then you turned left on
5 [REDACTED], then we turned right. Do you remember that?
- 6 A Yeah. I remember giving -- they were kind of helping
7 me through that. I'm not good with directions and stuff
8 like that.
- 9 Q Who was helping you?
- 10 A Two detectives that were originally on the case. They
11 knew the names. They were familiar with the area where I
12 was. That was the first time I'd ever been there.
- 13 Q I see. So they were helping you with road names. Do
14 you see any of those detectives here in the courtroom?
- 15 A Yes, sir.
- 16 Q Can you point them out for us?
- 17 A Black coat, gray coat.
- 18 Q On the end?
- 19 A Yes, sir.
- 20 Q Okay. Now, after you dropped them off, you went to
21 McDonald's.
- 22 A Yes, sir.
- 23 Q That's when you realized you had left your wallet
24 somewhere else.
- 25 A Uh-uh. I went -- I walked in and went to the bathroom

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 and used the bathroom. That's when I realized it.

2 Q Okay. So you're in the bathroom and you realize
3 you've lost -- left your wallet.

4 A Yes, sir.

5 Q Somewhere.

6 A Yes, sir.

7 Q Initially, told the police home, but now you're saying
8 it might have been somewhere else.

9 A Yeah. I never found that wallet ever again. I had to
10 buy a whole new wallet.

11 Q Okay. But you had it when you got to the hotel
12 because you proved that you were -- that was your I.D.

13 A Uh-huh, yeah. I had my -- I had my I.D. and
14 everything, yeah.

15 Q All right. When you went back to the hotel with D,
16 did you go back up to see if it was there?

17 A No. Well, when I dropped D off the final time --

18 Q Yes.

19 A -- he had -- he had went up. I had a -- this was in
20 the middle of class, so I was in school and stuff like
21 that, studying and stuff like that.

22 So when he dropped him off, I was, like, it's too
23 late, y'all just go ahead and do what y'all do.

24 Q You had class on Saturdays.

25 A No. I had class. I was in class during this time.

Quentin Xavier Meadows
Cross-examination by Mr. Morin

- 1 This was in the middle of my second semester so I -- this
2 would actually -- this happened during exam time. So I
3 would have been studying and hustling and all of that
4 throughout this time. Weekends too.
- 5 Q What school were you going to?
- 6 A Spartanburg Methodist College. I currently go there
7 now.
- 8 Q Okay. And they had final exams the first week of
9 April.
- 10 A Uh-huh.
- 11 Q And that Friday night you had a class -- the next
12 class would have been when?
- 13 A The next class would have been my day -- if that --
14 wherever -- yeah.
- 15 Q So had two days to do that.
- 16 A Yeah.
- 17 Q You know that you had to have had an I. D. when you
18 checked into the hotel.
- 19 A Uh-huh, yes, sir.
- 20 Q You know you didn't have it when you got there.
- 21 A Uh-huh.
- 22 Q But you didn't go back up and see if it was left
23 there.
- 24 A No, sir. It was late when I got back.
- 25 Q Okay. Now, after you went back to try to find D,

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 because he left his phone in your car, you saw the
2 police --

3 A Uh-huh.

4 Q -- at the K.F.C. or around the K.F.C.

5 A Uh-huh. I -- when I went back to go find De'Adrian,
6 went through the -- went through the neighborhood, as I get
7 to the stop sign just to go back home I see them flying
8 down the road.

9 Q The police.

10 A Blue lights, everything, flying down. Not just one or
11 two. It's like three squad cars flying.

12 Q And that's when you turned onto Cedar Springs?

13 A No. That's -- that's where -- I'm at the stop sign.
14 I turned this way. They're going this way. I'm going this
15 way. They're going the opposite way.

16 Q Which road?

17 A Which -- I don't know the name of the -- it's the main
18 road. It's the main road, the highway road.

19 Q 290?

20 A Yeah, 290, yeah.

21 Q Okay. That's maybe a hundred yards from where the
22 K.F.C. is. I mean, if you -- we're at K.F.C., and you
23 walked to 290.

24 A Let me give you -- let me give you a more clear look.

25 This is -- this is the neighborhood right here. Okay.

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 so the neighborhood has two entrances. There's one right
2 here and one right here. And this Bible would be the
3 neighborhood.

4 Q Right.

5 A When we first got here I came through the entrance.
6 The house would be right here. Dropped them off. Then I
7 leave out that way. That's -- McDonald's is about right
8 here.

9 Q Right.

10 A Once I realized that I have none of my stuff, I go
11 back through that same one, go all the way around and end
12 up at this one. Cops are coming down this way. I'm going
13 this way. So I was able to see them coming down the road.

14 Q I understand that. But, now, when you went back, you
15 didn't -- just going by what you just did, you came down,
16 you turned left. You dropped them off right here.

17 A Yeah.

18 Q When you made that left off of Cedar Springs.

19 A Uh-huh.

20 Q And then later you went back there because D forgot
21 his phone.

22 A Yeah.

23 Q But you didn't turn right right there. You went to
24 the next one.

25 A No. I went right back to that same one once -- once I

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 left that.

2 Q Let me make sure I understood that.

3 Now, so all these police came by and you went home.

4 You didn't go back to the hotel. You went home.

5 A Yeah.

6 Q Okay. And how did D call you?

7 A That is the biggest mystery of this day. He called me
8 from an unknown number. He would've -- he called his own
9 cell phone from a number. It was just a regular number
10 that lit up. First conversation, very quick and abrupt,
11 come get me, click.

12 Q I see. And the phone didn't have to be unlocked.

13 A No, no.

14 Q It was --

15 A No. On iphone you just -- yeah.

16 Q So anybody could just pick up the phone and --

17 A No, not usually, but D didn't have a pass code on his
18 phone.

19 Q Okay. So then he says come back.

20 A Yeah.

21 Q So you go all the way back down there. And now you
22 pass those policemen again, correct?

23 A Uh-huh.

24 Q And you pick him up.

25 A Uh-huh. Well, when I come all the way back I

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 originally go to the house first. No one's there. As soon
2 as I get there I'm -- I'm about to call that number back.

3 He calls me before I can do it. He's at Club Corner.

4 Q All right. So now that you've got him picked up and
5 he said he was going to see a girl --

6 A Uh-huh.

7 Q -- but there is no girl --

8 A Uh-uh. I -- I asked him a barrage of questions. I
9 was, like, so what happened, did you -- did you guys, you
10 know, get luck, did you do whatever, and he just told me
11 they had attitudes, he walked outta the house and walked to
12 Club Corner while smoking.

13 Q Okay. Now, this whole evening began because you were
14 going to have a party at this hotel.

15 A Yes, sir.

16 Q But apparently the party didn't pan out because now
17 it's just you and him.

18 A Uh-huh.

19 Q And he lives across the street from you.

20 A Uh-huh.

21 Q Well, why didn't you take him home if the party was
22 off?

23 A Oh, I offered to, but he wanted to go back to the
24 motel, because they'd already paid. They paid two nights
25 for the hotel.

Quentin Xavier Meadows
Cross-examination by Mr. Morin

1 Q okay.

2 A So that's -- that's the reason I figured it.

3 Q And this whole time you didn't know that Mr. Garcia
4 had gone over there, shot someone while you were in the
5 area. And then later you went back and picked him up.

6 A No. I had no idea.

7 Q And, so, after all of that happened -- that would have
8 been April 2nd, April 3rd, April 4th.

9 A 5th, 6th, yeah, 7th.

10 Q Right, right. When he got arrested and you saw on the
11 news that that's what happened, what did you do?

12 A I put two and two together, and I was, like, oh, God.
13 And then the same night, that's when those two
14 detectives -- the same night they got arrested, they came
15 to my house.

16 Q They came to get you.

17 A Yeah, no. They came -- they -- it wasn't like a
18 come-and-get type of vibe. They came to speak to me in my
19 mother's living room with me and my mom.

20 Q All right. But didn't call them. They just showed
21 up.

22 A Yeah, they just -- yeah. They just showed up.

23 Q Just, and, finally, so there's basically -- if I
24 understand, there's three trips you made to [REDACTED] Road
25 at that time. You dropped them off, and you went back and

Quentin Xavier Meadows
Redirect examination by Mr. Barnette

1 first saw the police, and then when he called you the
2 second time to come and pick you up, and he ended up going
3 to Club Corner.

4 A First time is when I dropped him off; second time is
5 when I realized I had his cell phone. I came back. He
6 wasn't there. Third time would have been when he -- yes,
7 sir. He made a phone call, yeah.

8 Q And, like I say, when you took that phone back, you'd
9 already saw police going heavy.

10 A Yeah, yeah. It was heavy. But I thought it was a
11 checkpoint, like rolling-thunders type thing.

12 Q Uh-huh.

13 A But, yeah, they were already there.

14 Q Okay.

15 MR. MORIN: That's all the questions I have, Your
16 Honor.

17 MR. BARNETTE: Just one in followup, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. BARNETTE

20 Q You fully cooperated with the police when they arrived
21 there, didn't you?

22 A Yes, sir.

23 Q And you gave a statement.

24 A Yes, sir.

25 Q Thank you.

Richard Behnke
Direct examination by Mr. Barnette

1 THE COURT: You may step down.

2 MR. BARNETTE: Your Honor, I'd like to call Richard
3 Behnke. I think he's outside.

4 I ask this witness be excused, Your Honor.

5 THE COURT: He may be.

6 (Whereupon, the witness was excused.)

7 RICHARD BEHNKE, having been
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MR. BARNETTE

10 Q If you would, sir, please state your full name for the
11 record.

12 A Richard Behnke.

13 Q And where do you live at, sir?

14 A [REDACTED] Avenue.

15 Q And is that near Cedar Springs?

16 A Yes.

17 Q Does your road come off Francis Marion Road there off
18 Cedar Springs?

19 A Yes, sir.

20 Q And how long have you lived there, sir?

21 A Twelve years.

22 Q And do you work, sir?

23 A Yes, sir.

24 Q Where do you work at?

25 A Schaeffler Group of Spartanburg. Been there 24 years.

Richard Behnke
Direct examination by Mr. Barnette

1 Q Been there 24 years.

2 On the morning of April 1st of 2017 did you -- was you
3 planning on -- did you go out to your truck that morning?

4 A Yes, ma'am -- yes, sir. I mean, we was going on a
5 camping trip that morning.

6 Q And, if you would, tell the jury what you found when
7 you got there.

8 A As I -- usually, I don't park my truck outside my
9 fence, but that evening we did.

10 Went outside, unlocked the gate, approached my truck.
11 Near the door there's a pole, near the door. I noticed a
12 black jacket. I figured when I got outta my truck it fell
13 out, and so I went to pick it up. I picked it up, started
14 for my keys to go to the truck, and out came a mask, and
15 the pistol hit the ground. I dropped it. I dropped the
16 jacket. The first thing in my mind was I was about to get
17 a home invasion.

18 Q So what did you do once that happened?

19 A I hollered for my wife. I says I think we's getting
20 ready to get ran in on or something. So I told her to
21 bring me my cell phone. We called 9-1-1.

22 I picked the -- I took the -- I took the jacket and
23 sort of like scooped the mask and gun up and carried it and
24 put it on a table in my yard.

25 Q And did the sheriff's department arrive there, sir?

Richard Behnke
Direct examination by Mr. Barnette

- 1 A Oh, yeah, very quickly, and I was really surprised,
2 because I didn't know nothing about the murder at K.F.C.
3 Q And this is the next morning, is that right?
4 A Yes, sir.
5 Q About what time did y'all get up to go that day?
6 A Around about 9:00 o'clock.
7 Q Let me show you what's been marked as State's Exhibits
8 63 and 64. Get your glasses there. I'll just let you look
9 at 65, 66, 67, 68. If you would, take a look as those
10 items, sir.
11 A Yeah. That's all the items I found.
12 Q Okay. And do those pictures fairly represent what --
13 what you found that day?
14 A Yes.
15 Q Okay. And at the sheriff's department there did y'all
16 find a blue bandana in your yard?
17 A Yes. After -- after the sheriff's department was
18 there walking around outside there we -- we's talking in my
19 yard, and then my wife -- we noticed -- one of the officers
20 and my wife noticed a blue bandana in the yard.
21 Q Let me let you look at State's Exhibits 69 and 70.
22 And does that show where the bandana was found?
23 A Yes, sir. Right outside my pool area, yes.
24 Q And those fairly represent what you saw that morning.
25 A Yes.

Richard Behnke
Direct examination by Mr. Barnette

1 Q Let me let you -- State's Exhibit 71. Is that all of
2 the items together --

3 A Yes.

4 Q -- that you saw there once the sheriff's department
5 gathered them up?

6 A Yes, sir.

7 MR. BARNETTE: Your Honor, at this time I'd like to
8 introduce State's Exhibits 63 through 71 into evidence, at
9 this time.

10 MR. MORIN: No objection.

11 THE COURT: They're admitted.

12 (Photographs marked State's Exhibits Nos. 63 through
13 71.)

14 MR. BARNETTE: Permission to publish at this time,
15 Your Honor.

16 THE COURT: You may.

17 Q Mr. Behnke, I'll see -- if you can't see real well
18 from there, I'll ask you to come out here and take a look
19 and see if you can see.

20 MR. BARNETTE: Publishing State's Exhibit 63.

21 Q Can you tell the jury what those things are?

22 A Yes.

23 THE COURT: Be careful with that microphone, please.

24 THE WITNESS: The microphone. I'm sorry.

25 A That's the jacket, the mask and the pistol I found.

Richard Behnke
Direct examination by Mr. Barnette

- 1 Q Okay. Let me show you State's Exhibit 64. What was
2 that item, sir?
- 3 A That's the mask and the pistol and the jacket.
- 4 Q Okay. State's Exhibit 65.
- 5 A The pistol.
- 6 Q The pistol. And was there a revolver that was found?
- 7 A Yes, sir, .38 Special.
- 8 Q Okay. And State's Exhibit 66. Is that just a picture
9 of the other side of the pistol?
- 10 A Yes.
- 11 Q State's Exhibit 67. I don't think you -- you never
12 saw the inside of the gun, did you?
- 13 A No. Never opened, never touched the gun.
- 14 Q Okay. No. 68.
- 15 A That's the jacket, Members Only style.
- 16 Q Okay. You said Members Only style?
- 17 A Well, that's what I call it.
- 18 Q Yes, sir. And I think if -- get it clear enough. Is
19 that where it says Members Only?
- 20 A Oh, I don't know. I mean, to me it's just the style
21 of that jacket, sir.
- 22 Q That's true. Let me let you look at -- unfortunately,
23 I can't get it to work on the projector that well.
- 24 A Yes. Members Only.
- 25 Q Okay.

Richard Behnke
Direct examination by Mr. Barnette

1 MR. BARNETTE: Pull it up for the jury. There we go.

2 Q Okay. Showing you State's Exhibit 69. What was that,
3 sir?

4 A That's the blue bandana we found on the other side of
5 my wall near the pool area.

6 Q Okay. So it's on that side of your house, on the same
7 side you found the jacket, the -- I guess.

8 A Yes.

9 Q Just across the fence, I guess.

10 A Yes.

11 Q Okay. State's Exhibit 70. Is that a closeup of it?

12 A Yes, sir.

13 Q And it's blue and white, I guess. Got white in it
14 also.

15 A Yes, sir.

16 Q And then State's Exhibit 71. Was these the four items
17 that was found on your property, sir?

18 A Yes, sir.

19 Q Let me show you State's Exhibit No. 1, sir. If you
20 would, sir, just open that up.

21 MR. BARNETTE: Any objection from the defense if I
22 open this up for him?

23 MR. MORIN: No.

24 Q Would you like some gloves, sir? I'll pick it up.

25 Sir, was that the black jacket that you found in your

Richard Behnke
Direct examination by Mr. Barnette

1 yard or in your property that day?

2 A Yes, sir.

3 Q Okay.

4 A That's it.

5 MR. BARNETTE: Your Honor, I'd like to move State's
6 Exhibit 1 into evidence at this time.

7 MR. MORIN: No objection.

8 THE COURT: It's admitted.

9 (Black Members Only jacket marked State's Exhibit No.
10 1.)

11 Q Let me show you State's Exhibit No. 2, sir.

12 Sir, does that appear to be the mask that you found
13 that day inside of --

14 A Yes, sir, that's the mask.

15 MR. BARNETTE: Any objection to State's Exhibit 2?

16 MR. MORIN: No objection.

17 (Plastic mask marked State's Exhibit No. 2.)

18 MR. BARNETTE: May I publish it to the jury, Your
19 Honor?

20 THE COURT: You may.

21 Q Let me show you State's Exhibit 3, sir, if I could.

22 Does this appear to be the gun that you found in the coat
23 that day on your property? If you want to pick it up, you
24 can. It's got the lock in it.

25 A Yes, sir. That's the gun.

Richard Behnke
Direct examination by Mr. Barnette

1 Q Okay.

2 MR. BARNETTE: Your Honor, I'd like to move State's
3 Exhibit 3 into evidence at this time.

4 MR. MORIN: No objection.

5 THE COURT: It's admitted.

6 (Rossi .38 caliber revolver marked State's Exhibit No.
7 3.)

8 MR. BARNETTE: May I publish it to the jury, Your
9 Honor?

10 THE COURT: You may.

11 Q Sir, let me show you State's Exhibit No. 4. Does that
12 appear to be the bandana you found in your yard, sir?

13 A Yes, sir.

14 MR. BARNETTE: Your Honor, I'd like to enter State's
15 Exhibit 4 into evidence at this time.

16 MR. MORIN: No objection.

17 THE COURT: It's admitted.

18 (Bandana marked State's Exhibit No. 4.)

19 MR. BARNETTE: May I publish it to the jury, Your
20 Honor?

21 THE COURT: You may.

22 Q And, sir, the sheriff's department picked up all of
23 these items and collected them, is that right?

24 A Yes, sir.

25 Q And do you know the defendant in this case?

Richard Behnke
Cross-examination by Mr. Morin

1 A Never met him.

2 MR. BARNETTE: One moment, Your Honor, please.

3 (Pause.)

4 Q Please answer any questions Mr. Morin may have for
5 you, sir.

6 MR. MORIN: May I approach?

7 CROSS-EXAMINATION

8 BY MR. MORIN

9 Q That morning you say you were going to go --

10 A We was going on a camping trip, sir.

11 Q Yeah. And at that time your son was how old?

12 A what?

13 Q You say -- who were you going with?

14 A Me and my wife.

15 Q wife. I'm sorry. Okay. You and your wife going on a
16 camping trip.

17 Now, when you see the jacket on the ground, you can't
18 see the other things.

19 A No.

20 Q Is -- as best you can, because I'm going to ask you.
21 Is the jacket, like, laying over the top of it, or are they
22 sort of wrapped up in it?

23 A Looked like wrapped -- they were definitely wrapped up
24 in it, and it was right next to a telephone pole. And
25 where my truck was parked, if the door was opened up it

Richard Behnke
Cross-examination by Mr. Morin

- 1 almost like it would've fell out of the truck.
- 2 Q Okay. All right. And your driveway -- your
- 3 driveway --
- 4 A Yes.
- 5 Q -- that you drove your truck up into, because it's
- 6 beside your house, right?
- 7 A I got a driveway. I parked it -- I parked it outside
- 8 the fence. I've got about an acre front yard.
- 9 Q Okay. So you're outside the fence.
- 10 A Correct.
- 11 Q But you drive up. So from the road to where your car
- 12 was parked, how far was that?
- 13 A Five feet.
- 14 Q So almost right there.
- 15 A Right there.
- 16 Q Okay. And was it on the passenger side?
- 17 A Driver's side.
- 18 Q Driver's side. I'm sorry.
- 19 A Driver's side.
- 20 Q You got me good. All right. So it's on the driver's
- 21 side about five feet from the road, and it was wrapped up.
- 22 A The jacket was approximately two feet from my truck.
- 23 Q Okay. And from the road.
- 24 A Between the fence and my truck.
- 25 Q Between the fence and your truck.

Richard Behnke
Redirect examination by Mr. Barnette

1 A Correct, and then the road.

2 Q And then the road. So if I'm on the road and I want
3 to walk all the way to where the jacket has got the stuff
4 wrapped up, that's a --

5 A Right around my truck.

6 Q And that's the length of the truck and a little bit.

7 A Yeah. The width.

8 Q Okay. All right.

9 MR. MORIN: That's all the questions I have.

10 MR. BARNETTE: Just one or two on redirect, Your
11 Honor, if I could.

12 REDIRECT EXAMINATION

13 BY MR. BARNETTE

14 Q All of Mr. Morin's questions is you have the road,
15 which is Hampton Avenue.

16 A Correct.

17 Q And then you had your truck.

18 A Correct.

19 Q And the coat and these items were found between your
20 truck here and the fence.

21 A Correct.

22 Q So they weren't beside the road. They was on the
23 other side of the truck.

24 A Correct.

25 Q The fence. And, like I said, you didn't have a

Malik Mondrell Smith
Direct examination by Mr. Barnette

1 Members Only, I guess, the way it looks and things like
2 that.

3 A Yes. I had one in high school.

4 Q So you know what they are from that standpoint.

5 A Yes.

6 Q Thank you, sir. I don't know if the defense has any
7 more questions.

8 MR. BARNETTE: But I'd ask he be excused, Your Honor,
9 if they don't.

10 MR. MORIN: I have no questions, Your Honor.

11 THE COURT: All right. You may be excused. Thank
12 you.

13 (Whereupon, the witness was excused.)

14 MR. BARNETTE: Your Honor, the next witness will be
15 Malik Smith.

16 MALIK MONDRELL SMITH, having
17 been first duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. BARNETTE

19 Q If you would, sir, state your full name for the
20 record.

21 A Malik Mondrell Smith.

22 Q I'm going to ask you -- I know you're soft-spoken. I
23 need you to speak up a little bit. Okay.

24 A Malik Mondrell Smith.

25 Q Thank you.

Malik Mondrell Smith
Direct examination by Mr. Barnette

1 Like I said, I want to make sure they can hear you
2 over here. Okay. From there.

3 Mr. Smith, where do you live at?

4 A I live on [REDACTED] Road. It's on Archer Road and
5 right beside Ike's Grill.

6 Q Okay. And who do you live there with, sir?

7 A My mother.

8 Q And how long -- back on March 31st of 2017, where was
9 you working at, sir?

10 A I was working at K.F.C., sir.

11 Q And when you was working that day, who else was with
12 you that night working?

13 A Alexus, Zi and India and Mr. Tiffany and Robert.

14 Q And was Mr. Tiffany your normal manager?

15 A Yes, sir.

16 Q I mean, had he came over to replace somebody at some
17 point that night?

18 A When I got there, he was already the manager for the
19 rest of the night.

20 Q Okay. But there was another person that's usually the
21 manager there?

22 A Oh, yes, sir, the -- the general manager, Mr. Freeman.

23 Q Okay. And that night, what time did y'all close?

24 A We closed kind of early because it was a slow day. So
25 we closed probably -- got everything set up and cleaned

Malik Mondrell Smith
Direct examination by Mr. Barnette

1 probably around 9:15, 9:20-ish.

2 Q But didn't y'all usually close at 10:00 o'clock?

3 A Yes, sir.

4 Q And where was Robert and you working at at this time?

5 A Where was?

6 Q Right around 10:30 or so, where was you cleaning up
7 at?

8 A I was -- 10:30 I'd be like cleaning the kitchen and
9 making sure the grease traps and stuff was clean, changing
10 the oil, making sure the whole back area is cleaned.

11 Q And did Robert and you actually work in the dining
12 room area that night too?

13 A Yes, sir.

14 Q And was you working that area too that night?

15 A Yes, sir.

16 Q That night -- you've seen the video tape --

17 A Yes, sir.

18 Q -- when they came in the side door, two individuals
19 did.

20 A Yes, sir.

21 Q Where was you at?

22 A I was in the dining room actually waiting for my
23 mother to come and pick me up at that time.

24 My back was towards the window, so I never seen them
25 come in. I just heard just the aftereffects of the shots

Malik Mondrell Smith
Direct examination by Mr. Barnette

1 and then seeing one of the guys jump over the counter. And
2 me -- when we first heard the shots we hid under the table,
3 and then we'll peep up and see, like, if the coast was
4 clear to move or anything like that.

5 I proceeded to go behind, like behind, the trash cans
6 and just sit there and wait, and until just wait it out
7 just a little bit and have enough time just to run out the
8 door.

9 Q And did you run out the door when you thought you had
10 an opportunity there?

11 A Yes, sir.

12 Q And when you went out the door did you run into
13 somebody out there?

14 A Yes, sir.

15 Q Who did you -- can you describe the person you ran
16 into?

17 A When I ran out the door it was just like a kind of
18 tall figure just -- when he seen me, he looked like he was
19 just ready to do anything. He was just trying to make
20 sure. He was trying to get out of the way basically.

21 So when I seen him, he drew out a little bit, and I
22 put my hands up. I said I don't have anything. He drew
23 back down and ran across -- ran behind the building behind
24 the bush. And I took up across -- towards Southport, Earl.

25 Q Okay. When he drew, what kind of gun did he have?

Malik Mondrell Smith
Direct examination by Mr. Barnette

- 1 A Looked like a black revolver.
- 2 Q Revolver. Showing you State's Exhibit 71. Was it
- 3 similar to this gun, revolver type?
- 4 A Yes, sir.
- 5 Q And what color jacket was he wearing?
- 6 A It was a black jacket.
- 7 Q And was he wearing a mask?
- 8 A Yes, sir.
- 9 Q Did this look like the mask he was wearing that night?
- 10 A Yes, sir.
- 11 Q And did you also see a blue bandana?
- 12 A Yes, sir.
- 13 Q Did it appear to be similar to this blue bandana?
- 14 A Yes, sir.
- 15 Q Once you put your hands up and he put back down, what
- 16 did you do after that?
- 17 A I took off.
- 18 Q And where did you run to?
- 19 A Towards the Wal-Mart and the Hardee's and the
- 20 McDonald's, towards that way. By the time I looked back I
- 21 was already past, like, the O'Charley's and everything
- 22 else.
- 23 Q Was you scared?
- 24 A Honestly, I was. I mean, that's -- of course you're
- 25 in -- that's too much going on at one time. The first

Malik Mondrell Smith
Direct examination by Mr. Barnette

1 thing is to get out of there.

2 Q So you ran away. But did you back in K.F.C.?

3 A Yes, sir.

4 Q And why did you back to K.F.C.?

5 A To check on everyone else, just to make sure they were
6 safe.

7 I called my mother, and then I called the police. And
8 then I went in and checked on everybody else.

9 Q Did you check on Mr. Tiffany?

10 A Yes, sir.

11 Q Where was he at?

12 A He was in the office. He was already -- he was, like,
13 laying on the floor, like, his arms crossed and legs out.

14 Q And did you try to give him C.P.R.?

15 A Yes, sir.

16 Q And did y'all try to get -- I saw blue cloths or
17 whatever to put on him?

18 A Yes, sir. We, like, the towels, like we clean up
19 with, we grabbed the towels and tried to put pressure on
20 it, try to do anything that's possible just to give enough
21 time for the ambulance to get there so they can at least do
22 anything to try to help.

23 Q I know. I can show the video, but you came back and
24 tried to help.

25 A Yes, sir.

Malik Mondrell Smith
Cross-examination by Mr. Morin

1 MR. BARNETTE: One moment, Your Honor, please.

2 (Pause.)

3 Q If you would, please answer any questions Mr. Morin
4 may have for you, sir.

5 CROSS-EXAMINATION

6 BY MR. MORIN

7 Q Sir, do you remember after -- after that the police
8 took you to the city, right?

9 A Yes, sir.

10 Q And at that time they interviewed you about what you
11 knew about it and got it down, right? I mean, you told
12 them what you had seen and that kind of thing.

13 A Yes, sir.

14 Q And that was right that night.

15 A Yes, sir.

16 Q You didn't go home. You went from K.F.C. to city
17 hall.

18 A Yes, sir.

19 Q And the officers that interviewed you, do you see them
20 here in the courtroom?

21 A Yes, sir.

22 Q Okay. Now, isn't it true that that night you said
23 they both had on silver masks?

24 A No. I said that one had on a silver mask, but the
25 other one had, like, a -- it's a -- it looked like a

Malik Mondrell Smith
Cross-examination by Mr. Morin

1 "Purge" mask, off the movie "Purge".

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

3 Q This is -- well, this is a transcript of that
4 conversation you had with them where you're listed as
5 Smith, correct? That's your last name.

6 A Correct.

7 Q Okay. Now, if you'll look at that and read that --
8 read over that. I'm going to ask you again.

9 (Pause.)

10 Q Now, according to that you said they both had on
11 silver masks, correct?

12 A I also proceeded to say they had on, like, a clear
13 mask too.

14 Q All right. Let me see.

15 A Right.

16 Q Yes. A clear mask too. silver clear.

17 Now, that mask that we in this picture -- can you see
18 it up there?

19 A Yes, sir.

20 Q All right. After you went to the police station did
21 you -- when was the next time after you went to the police
22 station that that mask was shown to you?

23 A Honestly, I -- I really don't recall because after --
24 after that last time I seen the mask was maybe a couple of
25 days after and it was, like --

Malik Mondrell Smith
Cross-examination by Mr. Morin

- 1 Q where did you see it?
- 2 A One -- one of the investigators showed me, like, is
- 3 this one of the masks, like, helped trying to clarify,
- 4 like, how the mask looked or what the color was.
- 5 Q Okay. And what did you say?
- 6 A I -- I seen the metallic mask, the one.
- 7 Q Right. The metallic one. I'm asking you about this
- 8 other one.
- 9 A Right.
- 10 Q Did anybody after you went --
- 11 MR. MORIN: Did you put it here?
- 12 MR. BARNETTE: I did.
- 13 MR. MORIN: You did?
- 14 MR. BARNETTE: It should be -- I think it's in that
- 15 right there.
- 16 MR. MORIN: Is it in here with this bandana? It's not
- 17 in there.
- 18 MR. BARNETTE: I'm sorry. It's in this one.
- 19 MR. MORIN: Okay.
- 20 (Pause.)
- 21 MR. MORIN: Sorry about that, Your Honor.
- 22 Q What I'm asking you, Mr. Smith, is when did -- did
- 23 anyone ever say do you recognize this mask?
- 24 A No. They just showed me the metallic mask.
- 25 Q They only showed you the metallic mask.

Malik Mondrell Smith
Cross-examination by Mr. Morin

- 1 A Yes, sir.
- 2 Q Okay. And that's not the metallic mask.
- 3 A No, sir.
- 4 Q Those papers I need.
- 5 Now, you also mentioned to the police that you saw
- 6 them get in the car and drive away.
- 7 A Yes, sir.
- 8 Q Do you remember that?
- 9 A Yes, sir.
- 10 Q Tell me about when they got in the car.
- 11 A It was around the same time of when they was leaving
- 12 out, because when I was on my way turning back to go back
- 13 to K.F.C., it was a car speeding out --
- 14 Q Okay.
- 15 A -- of -- at the bottom -- at the back end of the
- 16 paths, like, where the drive-through is.
- 17 Q Right.
- 18 A And it was leaving out at the same time, so I
- 19 automatically assumed that.
- 20 Q Right. And what kind of car was that?
- 21 A To me it looked like a gray Nissan Altima.
- 22 Q Gray 4-door car?
- 23 A Yes, sir.
- 24 Q And you said the man that you saw -- how did you
- 25 describe him?

Malik Mondrell Smith
Cross-examination by Mr. Morin

- 1 A It was --
- 2 Q He was built -- I mean, you told the solicitor.
- 3 A Yeah. It was kind of not -- I'm short, so everybody
- 4 seems kind of tall to me. So he was kind of tall. I mean,
- 5 I really couldn't too much describe him, too much.
- 6 Q Okay. All right. When you were in the store in the
- 7 dining area --
- 8 A Yes, sir.
- 9 Q -- you didn't realize anything. Correct me if I'm
- 10 wrong. But you didn't realize anything until after you
- 11 heard the shot.
- 12 A Correct.
- 13 Q In fact, first shot, you didn't think anything then,
- 14 did you? Thought maybe somebody dropped something.
- 15 A Correct.
- 16 Q And then the second?
- 17 A I did. I heard the like -- when I heard the first
- 18 shots, I thought, like, somebody dropped one of the pans of
- 19 chicken, because we was deboning.
- 20 Q Right.
- 21 A And then I heard the second one.
- 22 Q And that's when you got down.
- 23 A Yes, sir.
- 24 Q And the only time anybody saw you -- and not meaning
- 25 anybody. I mean these guys. How many did you see?

Malik Mondrell Smith
Redirect examination by Mr. Barnette

1 A Two.

2 Q All right. When did you first see the two of them?

3 Because they were already in when you heard the shot,
4 right?

5 A Correct.

6 Q Then what?

7 A The only time I seen, was the first one I seen was
8 when I was behind the trash can. He was behind the
9 counter. And then I didn't see the second one until I ran
10 out.

11 Q Okay. So you didn't even see the second one in the
12 store. You didn't see him until you got outside.

13 A Correct.

14 Q Thank you.

15 MR. MORIN: That's all the questions I have.

16 REDIRECT EXAMINATION

17 BY MR. BARNETTE

18 Q One question real quick.

19 Showing you State's Exhibit No. 2. Was this the mask
20 you saw that man wear outside of the K.F.C. in the red
21 jacket?

22 A Yes, sir.

23 MR. BARNETTE: That's all the questions, Your Honor.

24 THE COURT: You may step down.

25 MR. BARNETTE: We would ask for the witness to be

Malik Mondrell Smith
Redirect examination by Mr. Barnette

1 excused, Your Honor.

2 THE COURT: He may be.

3 (Whereupon, the witness was excused.)

4 THE COURT: We'll take a short break before we go
5 further.

6 I'll ask the jury to please go to your jury room.
7 Continue not to discuss the case. I'll bring you back
8 after that break.

9 (The following takes place outside the presence of the
10 jury.)

11 THE COURT: We'll be at ease for 15 minutes.

12 (Whereupon, a recess was taken.)

13 THE COURT: Are we ready for the jury?

14 MR. BARNETTE: The state is ready, Your Honor.

15 MR. MORIN: The defense is ready.

16 THE COURT: Bring them in.

17 (The following takes place in the presence of the
18 jury.)

19 THE COURT: All right. You may proceed.

20 MR. BARNETTE: Your Honor, I'd like to call
21 Ms. Williams as my next witness.

22 THE COURT: Who is it?
23
24
25

3 DIRECT EXAMINATION BY MR. BARNETTE

6 | A Zaquasha Janice Williams.

10 A Zaquasha Janice Williams.

12 | A You say what?

14 | A what town?

16	A	Spartanburg.

19 | A K.F.C.

21	A	Cashier.

23 | A Before that?

24 | Q Uh-huh.

171

Zaquasha Janice Williams
Direct examination by Mr. Barnette

- 1 Q That night, what time was closing time?
- 2 A Technically, closing time was 10:00 o'clock. We just
- 3 had got done early so everything was slow.
- 4 Q What was you doing when y'all was closing up?
- 5 A When we was closing?
- 6 Q Yes, ma'am.
- 7 A At the time of the accident?
- 8 Q When this -- when this happened, what was you doing?
- 9 A We was deboning at the back.
- 10 Q Let me show you State's Exhibit 31. Do you recognize
- 11 that picture?
- 12 A Yes, sir.
- 13 Q And was that where y'all worked?
- 14 A We was standing right there deboning chicken.
- 15 MR. BARNETTE: Your Honor, I'd like to publish State's
- 16 Exhibit 31 at this time. I think it's already been entered
- 17 into evidence.
- 18 MR. MORIN: I have no objection.
- 19 THE COURT: Okay.
- 20 Q Y'all was working back in this area?
- 21 A Yes, sir.
- 22 Q And what was y'all doing, again?
- 23 A We was deboning, taking the chicken off the bones.
- 24 Q And I can play the video again, but you've seen the
- 25 video. You was in the courtroom here.

Zaquasha Janice Williams
Direct examination by Mr. Barnette

1 A Yes.

2 Q Was that video a fair representation of what you saw
3 that night?

4 A Yes, sir.

5 Q So actually let me show you State's Exhibit 28. Do
6 you recognize that?

7 A Yes, sir. That's by office. That's the door and
8 the -- yeah. When you first walk in, that's what you see.

9 Q And let me put State's Exhibit 28 and publish that.
10 Are y'all on the other side of this where y'all are
11 deboning?

12 A Yes, sir.

13 Q When -- if you would, tell the jury what happened that
14 night when this event occurred.

15 A We was at the back deboning. It was me and D.L. and
16 Alexis. Anthony was in the office doing the money and --

17 Q You can look at the jury. You don't have to look at
18 the picture there, ma'am.

19 A Okay. My bad.

20 We was standing there and deboning, right, and then a
21 dude came back. Well, correct myself. A masked person
22 came back and looked down or whatever. And he sounded like
23 he mumbled to me over there. Before I looked up I said,
24 "Stop. Stop playing, Malik." And then I thought it was
25 Malik automatically over there.

Zaquasha Janice Williams
Direct examination by Mr. Barnette

- 1 Q So you thought it was Malik.
- 2 A Yeah, playing as a --
- 3 Q why did you --
- 4 A -- joke cause she had already before I looked up.
- 5 THE COURT: Excuse me just a minute, ma'am.
- 6 Don't block your view from the court reporter. She's
- 7 got to hear what you say, and you're turning your head away
- 8 from her.
- 9 So use the microphone, but speak loudly so she can
- 10 hear you and see your face too.
- 11 Q Going back, you thought Malik was playing a joke?
- 12 A Yeah.
- 13 Q And why was that?
- 14 A Because before I looked up Alexis had said, "Malik,
- 15 stop playing." So when I looked up, I automatically
- 16 thought it was Malik even though I just seen a mask.
- 17 Q And you saw the mask. And what did you hear from him
- 18 or that person?
- 19 A It sounded like a mumbling to me, not no specific
- 20 words because I really didn't understand.
- 21 Q So y'all thought it was a joke at this time.
- 22 A Yes.
- 23 Q What was the next day anyway?
- 24 A Huh?
- 25 Q What was the next day anyway on April 1st?

Zaquasha Janice Williams
Direct examination by Mr. Barnette

1 A I don't know. What you say?

2 Q I was going to say March 31st was the day this
3 happened, right?

4 A Yeah.

5 Q And so you thought it was a joke at that time, right?

6 A Yes.

7 Q What happened next?

8 A He just walked away or whatever and then came back,
9 and we heard gunshots in the office or whatever. And we
10 crouched down by the thing down there. They came around to
11 check. They went around to check, you know, at the time.

12 Q Who went to check on Anthony?

13 A India and Alexis.

14 Q So they go --

15 A And then I came around the other side.

16 Q They actually came down from the top side here to go
17 check on him.

18 A Yeah.

19 Q You actually came around.

20 A I came -- yeah. I went all the way around.

21 Q Was you wearing glasses at that time?

22 A Yes.

23 Q So they go and check on him. What happens next?

24 A We had got to the office, had got there or whatever.

25 The dude jumped over with the same silver mask I had seen

Zaquasha Janice Williams
Direct examination by Mr. Barnette

- 1 the first time. Jumped over the counter, and he was
2 pointing a gun or whatever, and he told us to get back.
3 Q So he ordered you to get back.
4 A Uh-huh.
5 Q And did all three of you get back?
6 A Yeah. We did.
7 Q And obviously --
8 A Alexis took a little minute to get back, but we
9 eventually got back.
10 Q Was you scared at that time?
11 A Most definitely.
12 Q And where did y'all -- did y'all go back behind where
13 you were deboning, to that area?
14 A Yes, sir.
15 Q And was he in the office for a period of time?
16 A Who, he?
17 Q The guy with the silver mask or shiny mask.
18 A Yes.
19 Q And did he leave after that, or did y'all ever see him
20 leave?
21 A I didn't see him leave. I'm not going to say.
22 Q Because y'all stayed down?
23 A I stayed down, yeah. That means they was trying to
24 see, but they didn't want to get off back there.
25 Q Did you ever see the second guy that went in?

Zaquasha Janice Williams
Cross-examination by Mr. Morin

1 A No.

2 Q So you really just saw the first guy.

3 A Yes. That was the only guy. At first when it
4 happened, I only thought it was one person.

5 Q Right. And later on did y'all go check on Anthony
6 after everybody left?

7 A Yes.

8 Q And did Malik come back in?

9 A Yes.

10 Q And did Malik try to help Anthony?

11 A Yes. He tried to give him C.P.R.

12 Q And did they get towels or blue things to put on him?

13 A Yeah. They got -- I had went back to the back to grab
14 some of my cleaning towels or whatever, and they put it on
15 him.

16 Q But the video tape shows -- what we showed earlier is
17 what happened that night.

18 A Yes, sir.

19 MR. BARNETTE: One moment, Your Honor, please.

20 (Pause.)

21 Q Please answer any questions that Mr. Morin may say or
22 ask you.

23 CROSS-EXAMINATION

24 BY MR. MORIN

25 Q Ms. Williams, just briefly.

India Lee Jeter
Direct examination by Mr. Barnette

1 If I understand correctly that night you saw one man
2 wearing a silver mask, is that right?

3 A Yes, sir.

4 MR. MORIN: That's all the questions I have.

5 THE COURT: You may step down.

6 MR. BARNETTE: We'd ask this witness be excused, Your
7 Honor.

8 THE COURT: She may be.

9 (Whereupon, the witness was excused.)

10 MR. BARNETTE: Your Honor, I'd like to call Indian
11 Jeter to the stand.

12 INDIA JETER, having been first
13 duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. BARNETTE

15 Q If you would, ma'am, please state your full name for
16 the record.

17 A India Lee Jeter.

18 Q I'm going to have to ask you to speak up. They've got
19 to be able to hear you. Okay.

20 A India Lee Jeter.

21 Q Okay. Ms. Jeter, was you working at the K.F.C. back
22 on March 31st of 2017?

23 A Yes.

24 Q And what position did you have at that time?

25 A A cashier.

India Lee Jeter
Direct examination by Mr. Barnette

- 1 Q And how long had you worked there?
- 2 A Some months.
- 3 Q Okay. And that night, if you would, tell the jury
- 4 what you remember from that night.
- 5 A We was deboning chicken and we saw --
- 6 Q If you would, I'm going to have to ask you to speak up
- 7 because she's got to be able to hear you and we have to be
- 8 able to hear you back here. I know you're soft-spoken. I
- 9 apologize, but speak up a little more if you could.
- 10 A We was deboning chicken, and we saw somebody with a
- 11 silver mask come in and then somebody else come in.
- 12 Q So you -- did you actually see one or two people?
- 13 A I saw two.
- 14 Q But you actually saw two.
- 15 A Uh-huh.
- 16 Q And how were they dressed?
- 17 A They was in all black with masks.
- 18 Q Okay. The person -- did you get to see both of them
- 19 or just see the one in the face?
- 20 A I saw a shiny mask, and that's all.
- 21 Q The first one?
- 22 A Uh-huh.
- 23 Q Did -- did you thought it was a joke at first?
- 24 A Uh-huh.
- 25 Q And why did you think it was a joke?

India Lee Jeter
Direct examination by Mr. Barnette

- 1 A Because Alexis said, "Malik, stop playing." So we
2 assumed it was, like, they was playing, but you know.
- 3 Q So he comes up to you. Did he say anything to you
4 when he came up to you when y'all was deboning chicken or
5 at you?
- 6 A Uh-huh. He said like don't move. So we stayed.
- 7 Q Okay. Did he just -- I know it's tough -- get you to
8 speak up. Okay. And after -- what happened after he
9 looked at you and went back to the office?
- 10 A He went into the office to ask, like, for the open the
11 safe and you know --
- 12 Q What happened after that?
- 13 A I heard gunfire, like, shots.
- 14 Q What did you do?
- 15 A Stayed in the corner.
- 16 Q After you heard the gunshots, what happened after
17 that?
- 18 A They had -- well, and then we went to check on
19 Anthony, and then one of them jumped over the counter to
20 tell us to go back and went into the office.
- 21 Q Did he order you to go back?
- 22 A Uh-huh.
- 23 Q Did you see his gun?
- 24 A Uh-huh.
- 25 Q You got to --

India Lee Jeter
Direct examination by Mr. Barnette

1 A Yes.

2 Q She's recording it. After he went back in the office,
3 what did y'all do? He told y'all to get back. what did
4 y'all do?

5 A We went back to the corner, and I pressed the little
6 button.

7 Q So you was the one that pushed the panic button or the
8 alert button?

9 A Yes.

10 Q So you -- y'all went back -- and y'all went back --
11 and I guess originally you and Alexis came over to the
12 office, is that right?

13 A Yes.

14 Q And then you and Ms. Williams actually ran back.

15 MR. MORIN: Your Honor -- Your Honor, I'd ask that he
16 stop leading this witness.

17 MR. BARNETTE: I'll rephrase, Your Honor.

18 Q So when the person came back, what did y'all do then?

19 A We went back to the corner.

20 Q And did y'all stay there or hide there until after
21 that?

22 A Yes.

23 Q Eventually, did y'all come back to check on Anthony?

24 A Yes. When they left.

25 Q And where was Anthony at?

India Lee Jeter
Direct examination by Mr. Barnette

- 1 A In the office on the floor.
- 2 Q And did Malik come back in?
- 3 A Yes.
- 4 Q Did he attempt to do C.P.R.?
- 5 A Yes.
- 6 Q Did he -- did y'all get little towels or things to
- 7 help him?
- 8 A Yes.
- 9 Q And was the video that you saw earlier, was that the
- 10 video -- I mean, does that represent what you saw that day?
- 11 A Yes.
- 12 Q Did you get much of a look at the second guy?
- 13 A No. I just knew that they had masks on.
- 14 Q But you don't know what kind of mask or anything like
- 15 that?
- 16 A Uh-uh.
- 17 Q Was the first guy, the guy with the white mask, was
- 18 that the one with the shiny mask, the one you got the look
- 19 at?
- 20 A Yeah. The shiny mask.
- 21 Q Okay.
- 22 MR. BARNETTE: One moment, Your Honor, please.
- 23 (Pause.)
- 24 Q I don't know if you know this or not. Did Mr. Garcia
- 25 work there before? Did you know him? Did you know either

Alexus Gory.
Direct examination by Mr. Barnette

1 one of these gentlemen -- Garcia or Freeman?

2 A All I knew is they went to Dorman.

3 Q Okay. But you don't know if -- you didn't know if he
4 worked there before or not -- Mr. Garcia?

5 A Yeah. I didn't know him.

6 Q Please answer any questions Mr. Morin will have for
7 you.

8 MR. MORIN: I have no questions.

9 THE COURT: You may step down.

10 MR. BARNETTE: Your Honor, I'd like to call Alexis
11 Gory.

12 I'd ask for this witness be excused, Your Honor.

13 THE COURT: She may be.

14 (Whereupon, the witness was excused.)

15 ALEXUS GORY, having been first
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. BARNETTE

18 Q If you would, ma'am, please give your full name for
19 the record.

20 A Alexis Gory.

21 Q And, Ms. Gory, back on March 31st of 2017, was you
22 working at the Kentucky Fried Chicken?

23 A Yes, sir.

24 Q And what was your position there, ma'am?

25 A Cashier.

Alexus Gory
Direct examination by Mr. Barnette

1 Q And how long had you been there?

2 A Well, I been working at K.F.C. for two years, but at
3 that store particularly it was just a year.

4 Q And that night, if you would, tell the jury what you
5 saw.

6 A Well, as India and Za stated, we were behind the prep
7 area deboning chicken.

8 Fast forward a little bit. The person with a metallic
9 silver mask came right here and, like, bent down, I guess
10 as y'all seen in the video, and then seen him drift off.

11 And when he did that I was, like, oh, my gosh, Malik,
12 what are you doing, and then we were just like he's just
13 joking because it's March 31st. The day afterwards is
14 April Fools. And I just assumed that it was Malik because
15 he plays a lot.

16 But after the suspect left he went into the office and
17 he -- I believe he left out once more. And then he came
18 back in. And then that's when you heard the gunshots. And
19 then the first gunshot was like -- it sounded like a pan
20 dropped, because we have, like, very heavy pans. So it
21 just sounded like that.

22 And then you heard the rest of them, and it was, like,
23 this isn't -- this isn't a joke.

24 So we heard the door close, and then me and India came
25 around and then went into the office, and we saw him, like,

Alexus Gory
Direct examination by Mr. Barnette

1 laying there, and it was kind like kinda in shock, because
2 it's not something that you would -- you'd, like, expect to
3 see.

4 And I was still in the office and India and Za were
5 kinda like standing right there where the door is. So I
6 guess when the suspect jumped over the counter, I didn't
7 see it. And India and Za dropped their stuff, and I
8 looked. And then Mr. Garcia came into the office with me
9 and told me to get out.

10 Q And so he ordered you out.

11 A Yes, sir.

12 Q And he told -- was you scared?

13 A Pretty much, yes, sir.

14 Q And did he have a gun with him?

15 A Yes, sir.

16 Q So did you comply with his order?

17 A Yes, sir.

18 Q And where did y'all hide or go to?

19 A We went back to the same place we were deboning the
20 chicken.

21 Q Did you see one or two people that night?

22 A Just one.

23 Q Okay. And was he with the white metallic mask or
24 whatever?

25 A Yes, sir.

Alexus Gory
Direct examination by Mr. Barnette

- 1 Q So you never saw, actually saw, the second person.
2 A No, sir.
3 Q And after he left did y'all go back to check on
4 Anthony?
5 A Yes, sir.
6 Q And did Malik come back?
7 A Yes, sir.
8 Q And did he come in and did y'all try to help Anthony?
9 A Yes, sir.
10 Q And did the police come after that?
11 A Yes, sir.
12 Q Please answer any questions Mr. Morin may have for
13 you.
14 MR. MORIN: One moment, Your Honor.
15 (Pause.)
16 BY MR. BARNETTE
17 Q There is one other question I wanted to ask.
18 Do you know Mr. Garcia?
19 A Yes, sir.
20 Q Had he worked at K.F.C. before?
21 A Not while I was there, but, yes, sir, he did.
22 Q So he had worked at K.F.C. prior to that?
23 A Yes, sir.
24 Q Mr. Garcia.
25 Thank you.

Thomas Loren Clark
Direct examination by Mr. Barnette

1 Please answer any questions Mr. Morin may have for
2 you.

3 MR. MORIN: I have no questions, Your Honor.

4 THE COURT: You may step down.

5 MR. BARNETTE: We'd ask for her to be excused, Your
6 Honor.

7 THE COURT: She may be.

8 (Whereupon, the witness was excused.)

9 MR. BARNETTE: One moment, Your Honor. Let me check
10 on one thing real quick.

11 (Pause.)

12 MR. BARNETTE: Your Honor, I'm going to call a witness
13 out of order because he actually came from out of town.
14 Like to call Tommy Clark to the stand, please.

15 THOMAS LOREN CLARK, having
16 been first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. BARNETTE

18 Q If you would, sir, please state your full name for the
19 record.

20 A My name is Thomas Loren Clark.

21 Q And where did -- where did you work at back on
22 March 31st of 2017, sir?

23 A I was a violent crimes investigator with the
24 Spartanburg County Sheriff's office.

25 Q And how long was you with the Spartanburg County

Thomas Loren Clark
Direct examination by Mr. Barnette

- 1 Sheriff's Office, sir?
- 2 A Just over 20 years.
- 3 Q And have you retired from the sheriff's office since
- 4 then?
- 5 A Yes, sir.
- 6 Q And where do you live at now, sir?
- 7 A In Florida.
- 8 Q You came back for this trial.
- 9 A Yes, sir.
- 10 Q Back -- I believe it's going to be on April 7th of
- 11 2017. Was you working that day, sir?
- 12 A Yes, sir.
- 13 Q And on that day was there a search warrant executed at
- 14 [REDACTED] Road in Roebuck?
- 15 A Yes, sir.
- 16 Q And whose residence was that?
- 17 A It was -- I was told it was De'Adrian Garcia's.
- 18 Q And once that was done was two people arrested or
- 19 brought to the sheriff's department?
- 20 A Yes, sir.
- 21 Q And who was those two people, sir?
- 22 A The first person was Mr. Garcia, and then a little
- 23 while later Mr. Freeman.
- 24 Q Mr. Freeman was brought after Mr. Garcia.
- 25 A Yes, sir.

Thomas Loren Clark
Direct examination by Mr. Barnette

1 Q Did you talk to both of them at different times?

2 A Yes, sir.

3 Q And just look at Mr. Freeman in this case. Was

4 Mr. Freeman also interviewed by Investigator Nelson?

5 MR. MORIN: I have a motion.

6 THE COURT: Let me see y'all just a minute.

7 (Bench conference held off the record in the presence
8 of the jury but out of the hearing of the jury.)

9 Q Investigator Clark, on that day was two water bottles
10 given to the defendant in this case?

11 A Yes, sir.

12 Q And where did you get the two water bottles from?

13 A From a refrigerator inside of the criminal
14 investigations division of the Spartanburg County Sheriff's
15 office.

16 Q And were they brand new bottles when you got them?

17 A Yes, sir.

18 Q So they were sealed.

19 A Yes, sir.

20 Q And who did you give those two bottles to, sir?

21 A Investigator Taylor.

22 Q And Investigator Taylor took them from that point?

23 A Yes, sir. I met him at the door, at the entrance.

24 Q Okay. Afterwards, did you see the two bottles again?

25 A Yes, sir.

Thomas Loren Clark
Direct examination by Mr. Barnette

- 1 Q And where were they at?
- 2 A They were left in the room after the interview was
- 3 over, and Mr. Freeman was transported with the lids on
- 4 them.
- 5 Q Okay. And did you ask somebody to go in the room for
- 6 you?
- 7 A I requested our Spartanburg County Sheriff's Office
- 8 C.S.I. Kruger to come, recover the bottles and swab the
- 9 mouth to look for D.N.A.
- 10 Q And did she do that?
- 11 A Yes, sir.
- 12 Q And did she take possession of the two bottles?
- 13 A Yes, sir.
- 14 Q And did she take the swabs?
- 15 A Yes, sir.
- 16 Q Were they placed in evidence at the sheriff's
- 17 department?
- 18 A Yes, sir.
- 19 Q And let me show you State's Exhibit 11.1, which is
- 20 actually -- looks like No. 40. If you would, take a look
- 21 at that. If you can, open that up. And do you need a pair
- 22 of scissors?
- 23 A Yes, sir. Do you want me to take them out?
- 24 Q No. If you would, can you look in there and see
- 25 enough?

Thomas Loren Clark
Direct examination by Mr. Barnette

1 A Yes, sir, I can see them.

2 Q Do those appears to be two Dasani water bottles?

3 A Yes, sir.

4 Q Do they appear to be the one that was collected by
5 Investigator Kruger?

6 A Yes, sir.

7 Q If you would, please answer any questions of Mr.
8 Morin.

9 MR. MORIN: I have no questions of this witness.

10 THE COURT: Step down.

11 MR. BARNETTE: We'd ask for the witness to be excused.

12 THE COURT: He may be.

13 (Whereupon, the witness was excused.)

14 MR. BARNETTE: May I approach, Your Honor?

15 THE COURT: Yes, sir.

16 (Bench conference held off the record in the presence
17 of the jury but out of the hearing of the jury.)

18 THE COURT: Ladies and gentlemen of the jury, we're
19 going to recess for the afternoon.

20 Keep in mind my caution previously given you. No
21 discussions about the case with anybody whatsoever, in any
22 fashion whatsoever. No research, no investigation. Do not
23 permit yourselves to be exposed to any type of media
24 coverage, whether it be television, radio or newspaper.

25 Do have a good evening. Please report to your jury

1 room at 9:30 in the morning, 9:30 in the morning.

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Court is in recess until 9:30 in the
5 morning.

6 END OF PROCEEDINGS OCTOBER 9, 2018

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (Proceedings October 10, 2018)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Are there any matters that need to be
5 addressed before the jury is brought in?

6 MR. BARNETTE: Not from the state, Your Honor.

7 MR. MORIN: Your Honor, if you could briefly ask about
8 media coverage. That's all.

9 THE COURT: Bring the jury in, please.

10 (The following takes place in the presence of the
11 jury.)

12 THE COURT: Good morning, ladies and gentlemen.

13 When you were excused last night you, of course, were
14 instructed not to have discussions, not to do any research
15 or investigation and not allow yourselves to be exposed to
16 any type of media coverage relating to the case, whether it
17 be television, radio or newspaper.

18 Has any juror failed or been unable to follow the
19 instruction?

20 In other words, has any juror had any discussion, done
21 any investigation, research or been exposed to any type of
22 media coverage relating the case, whether it be by
23 television, radio or newspaper? If you have -- all right.
24 sir, you have?

25 JUROR NO. 132: I stopped to get a newspaper and it

1 was in the headlines.

2 THE COURT: All right. Just a minute.

3 Let me do this. Let me ask the jurors except for the
4 -- are there any other jurors who might have been exposed
5 to something?

6 Your number is what?

7 JUROR NO. 132: 132.

8 THE COURT: All right. Let me ask the jurors to go
9 back to the jury room.

10 And I'll ask Juror 132 to stay with me.

11 (The following takes place outside the presence of the
12 jury with Juror 132.)

13 THE COURT: All right. Mr. Morrison, tell me in what
14 fashion you were unable to comply with the instruction.

15 JUROR NO. 132: I left my house this morning. I
16 stopped to get a cup of coffee, and I just grabbed a
17 newspaper off the shelf. And when I got to the jury room I
18 saw where it said trial begins, and I threw it in the
19 garbage can.

20 THE COURT: Okay. So the only thing you read was the
21 headline?

22 JUROR NO. 132: Yes, sir.

23 THE COURT: You didn't read any part of the article?

24 JUROR NO. 132: No, sir.

25 THE COURT: Okay. Did you bring the newspaper to the

1 courthouse?

2 JUROR NO. 132: Yes, sir.

3 THE COURT: Where is that now?

4 JUROR NO. 132: In the first little jury room we met
5 at.

6 THE COURT: In the jury assembly room?

7 JUROR NO. 132: Yes, sir.

8 THE COURT: Okay.

9 JUROR NO. 132: It's in the garbage can next to the
10 coffeepot.

11 THE COURT: Okay. Good. Thank you.

12 Okay. You can bring the balance of the jurors in.

13 (The following takes place in the presence of the
14 jury.)

15 THE COURT: All right. One or more jurors have asked
16 to have a pad to take notes with, and that's fine, but
17 understand that the notes that you take are for the benefit
18 of yourself.

19 They're not to be shared with others; they're not to
20 be relied upon by any other juror as to your recollection
21 as to the testimony or evidence in the case.

22 The notes are simply for the benefit of the juror
23 taking the notes.

24 And so you'll maintain those in your possession.

25 Now, what I suggest you do or what I'm asking you to

David Welch
Direct examination by Mr. Barnette

1 do is put your name and/or your juror number on your note
2 pad, because when you leave you'll leave the notepads with
3 us. Nobody's going to look at them or read them. I'll
4 keep them and they'll be locked up just like the evidence
5 is. And then they'll be returned to you when we come back
6 for the taking of additional testimony.

7 So be sure you have your name and number on your pad
8 so you'll be sure to get it back.

9 All right. We're going to continue with the state's
10 presentation this morning.

11 Mr. Barnette.

12 MR. BARNETTE: Your Honor, I'd like to call Deputy
13 Welch to the stand please.

14 DAVID WELCH, having been first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BARNETTE

17 Q If you would, sir, please, state your full name for
18 the record.

19 A David Welch.

20 Q And where do you work at, sir?

21 A Spartanburg County Sheriff's Office.

22 Q And what's your position there, sir?

23 A I work uniform patrol.

24 Q And how long have you been with the law enforcement,
25 sir?

David Welch
Direct examination by Mr. Barnette

1 A A little over 20 years.

2 Q Back on April the 1st of 2017 was you called to [REDACTED]

3 [REDACTED] Avenue --

4 A Yes, sir.

5 Q -- in Spartanburg? If you would, tell the jury about
6 that.

7 A I responded to [REDACTED] in reference to the
8 Behnke -- that's the Behnkes' residence. He had found
9 items. It's a fenced yard. Outside of his fenced area, he
10 parks his vehicles, and he found the items that were
11 collected outside of his father's truck.

12 Q Okay. So in this case let me show you State's
13 Exhibits 63 through 68. Was those the items? Let you take
14 a look at them real quick.

15 A Yes, sir. They are.

16 Q And once you got there, did you make sure they were
17 secure or whatever and kept there until the I.D. unit got
18 there?

19 A Yes, sir. I stayed out here by the residence until
20 the investigators and I.D. showed up.

21 Q Okay. And then also was there a blue bandana found?

22 A There was, but it was -- it was somewhere else on the
23 property. I was not there when that was found. I don't
24 know where.

25 Q That was actually the I.D. unit found that.

David Welch
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q So you actually got these -- these items and made sure
3 they were secure until he got there.

4 A Yes, sir.

5 Q And what was the items that was found, sir?

6 A It was a black shiny jacket, a flesh colored mask and
7 a little revolver.

8 Q And these have already been entered into evidence.

9 MR. BARNETTE: Your Honor, may I publish them to the
10 jury -- 63 through 68?

11 THE COURT: You may.

12 Q Showing you Exhibit 63. Was that the mask and the gun
13 and the jacket that was there when you got there?

14 A Yes, sir.

15 Q And, like you said, you made sure it stayed there
16 until Investigator Graham got there.

17 A Yes, sir.

18 Q State's Exhibit 64. Was that the mask that was part
19 of it?

20 A Yes, sir.

21 Q Sixty-five. Was that the gun that was found -- the
22 revolver?

23 A Yes, sir.

24 Q And 66. Is that just the other side of the revolver?

25 A Yes, sir.

David Welch
Direct examination by Mr. Barnette

1 Q And 67. Investigator Graham took possession of it.
2 He looked inside and saw the shell casing, what was fired
3 and what hasn't?

4 A Yes, sir.

5 Q And then 68. Was that the jacket that was actually
6 found too?

7 A Yes, sir.

8 Q And, like you said, you secured from Mr. Behnke once
9 you arrived there. And Investigator Graham took it over
10 from there.

11 A Yes, sir.

12 Q If you would, answer any questions. Well, one other
13 question I want to ask.

14 Hampton Avenue, [REDACTED] Hampton Avenue, how far is it from
15 the K.F.C.?

16 A It's [REDACTED] Avenue.

17 Q [REDACTED] Avenue.

18 A It's less than a half a mile. It's across the street
19 two streets down.

20 Q What's the street right beside of there that you come
21 off --

22 A Francis Marion. Francis Marion runs almost directly
23 across from the Kentucky Fried Chicken on Cedar Springs.
24 So turn down Francis Marion. Two streets to your right is
25 [REDACTED], and half way down [REDACTED] is [REDACTED].

David Welch
Cross-examination by Mr. Morin

1 Q Thank you, sir. Please answer any questions Mr. Morin
2 will have for you.

3 CROSS-EXAMINATION

4 BY MR. MORIN

5 Q Sir, I'm going to show you what's been marked as
6 State's No. 67, right?

7 A Yes, sir.

8 Q This is a revolver, right?

9 A Yes, sir.

10 Q The solicitor asked you showing the number --
11 showing -- I think he said showing one's been fired or one
12 has been fired. This doesn't show that, does it?

13 A Well, I can't see.

14 Q Well, you can step down if you need to see it.

15 A The primer's hit? I don't know. I can't see.

16 Q Well, I guess my question was --

17 THE COURT: Well, be careful of the microphone,
18 please.

19 Just give him the picture and let him look at it.

20 MR. MORIN: Okay. Sorry, Your Honor.

21 Q Here you go.

22 A It appears that two of the primers are hit. The
23 two -- two complete rounds, two spent rounds, and one empty
24 cylinder.

25 Q Okay.

Lathier Graham
Direct examination by Mr. Barnette

1 MR. MORIN: That's all the questions I have.

2 MR. BARNETTE: We'd ask for this witness to be
3 excused, Your Honor.

4 THE COURT: He may be. Thank you.

5 (Whereupon, the witness was excused.)

6 MR. BARNETTE: I would like to call Investigator
7 Graham, Your Honor, to the stand.

8 LATHIER GRAHAM, having been
9 first duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MR. BARNETTE

11 Q If you would, sir, state your full name for the
12 record.

13 A Lathier Graham.

14 Q And where do you work at, sir?

15 A Spartanburg County Sheriff's Office.

16 Q And what's your position there, sir?

17 A Crime scene investigator.

18 Q And how long have you been there, sir?

19 A I've been at the sheriff's office fifteen years; crime
20 scene investigator, ten years.

21 Q And you work multiple crime scenes, obviously.

22 A Yes, sir.

23 Q Back on April 1st of 2017, was you called to the scene
24 at [REDACTED] Avenue here in Spartanburg?

25 A Yes, sir.

Lathier Graham
Direct examination by Mr. Barnette

1 Q And when you arrived there, what did you find?

2 A It was -- I was advised that there was some -- there
3 was a jacket, a black jacket, laying on the side of the
4 roadway with some items in it.

5 That jacket was moved by the homeowner to a small
6 table in his yard like a patio table. And at that time
7 Deputy Welch showed me where it was. I photographed it and
8 collected it and searched the yard for other items.

9 Q And I know the jury has seen this and everything. Let
10 you look at it real quickly. See if those are the pictures
11 you took at the scene there.

12 A Yes, sir, yes, sir.

13 Q I just showed them to Deputy Welch. State's
14 Exhibit 63. Was that the way they were when you got there?

15 A Yes, sir.

16 Q And State's Exhibit 64. Is that the mask you
17 collected there, sir?

18 A Yes, sir. It is.

19 Q State's Exhibit 65. Was that the revolver that you
20 collected?

21 A Yes, sir.

22 Q And 66 is just the other side of that revolver?

23 A Yes, sir.

24 Q State's Exhibit 67. Was that -- you looked inside the
25 revolver?

Lathier Graham
Direct examination by Mr. Barnette

1 A Yes, sir. I opened up the cylinder, and that's what I
2 recovered.

3 Q And how many fired shell casings was there?

4 A Two.

5 Q And how many was unfired?

6 A Two.

7 Q And then, of course, there was one empty chamber, is
8 that right?

9 A Yes, sir.

10 Q State's Exhibit 68. Was this the jacket that you
11 collected, sir?

12 A Yes, sir, it is.

13 Q And then did you search for other items in that
14 location?

15 A Yes, sir.

16 Q And did you find something else?

17 A A blue bandana.

18 Q And State's Exhibit 69. Was that a picture you took
19 of the blue bandana?

20 A Yes, sir.

21 Q And did you take State's Exhibit 7? That's where you
22 found it, I guess, located it.

23 A Yes, sir. That's where I -- that's where it was
24 laying in the yard when I found -- when I saw it.

25 Q Okay. And that was in the same -- that was in the

Lathier Graham
Direct examination by Mr. Barnette

1 same area of [REDACTED] Hampton Avenue, is that right?

2 A Yes, sir.

3 Q I guess it was across the fence. Well, you had the
4 roadway, it was across the fence from there, is that right,
5 in the yard?

6 A Yes, sir.

7 Q And State's Exhibit 70. What is that a picture of,
8 sir?

9 A It's the closeup photo of the blue bandana.

10 Q Okay. And State's Exhibit 71. Are those all four
11 items that you collected from that area?

12 A Yes, sir, it is.

13 Q And did you secure those and put those into evidence?

14 A Yes, sir.

15 Q This has already been entered into evidence. State's
16 Exhibit 2 was the mask. If you need to look at it, you
17 can. Was that the mask that you secured and put into
18 evidence there?

19 A Yes, sir. It is.

20 Q If you would, look at State's Exhibit No. 3 and see if
21 that was the revolver you collected from that scene and
22 placed into evidence.

23 A Yes, sir. It is.

24 Q And I believe that's already been entered into
25 evidence also. Let you look at State's Exhibit 1. Is that

Lathier Graham
Direct examination by Mr. Barnette

1 the black jacket that you collected at [REDACTED] Avenue?

2 A Yes, sir.

3 Q Okay. Let me let you look at State's Exhibit No. 4.
4 Was that the bandana the -- I guess blue and white on it?
5 If you need to pull it out, you can, sir.

6 A Yes, sir.

7 Q Okay. Like I said, I think all of these have been
8 already entered into evidence. And these are items that
9 you secured and placed into evidence at the sheriff's
10 department.

11 A Yes, sir.

12 Q Later on April 7th of 2017 was you called to a scene
13 at [REDACTED] Road in Roebuck, South Carolina?

14 A Yes, sir.

15 Q And was there a search warrant executed there?

16 A Yes, sir.

17 Q And did you go process that scene?

18 A Yes, sir, I did.

19 Q And did you take pictures of that scene?

20 A Yes, sir.

21 Q Let me show you what's been marked 72 through 78 and
22 80 through 110; 125 and 127. If you would, take a look at
23 those items and see if those pictures fairly represent what
24 you did that day, what you photographed.

25 A Yes, sir. They are.

Lathier Graham
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, I'd like to enter these
2 as -- into evidence at this time.

3 THE COURT: All right. Give us those numbers again.

4 MR. BARNETTE: Seventy-two through 78; 80 through 110;
5 and then 125 and 127, Your Honor.

6 MR. MORIN: Do we need to approach, Your Honor?

7 (Bench conference held off the record in the presence
8 of the jury but out of the hearing of the jury.)

9 THE COURT: All right. As I understand it,
10 Exhibits 72 through 110 and Exhibits 125, 126 and 127 have
11 been offered. The state is withdrawing exhibits -- excuse
12 me -- Exhibits 94 and 127.

13 MR. BARNETTE: That's correct, Your Honor, and I think
14 79 is not -- I think it's actually 72 through 78, and then
15 80 to 110, except for 94; 94 is being withdrawn; and then
16 127 is being withdrawn.

17 THE COURT: So 79 is not being offered?

18 MR. BARNETTE: It's already been entered into
19 evidence.

20 THE COURT: Okay.

21 MR. BARNETTE: It was entered into evidence with the
22 K.F.C. evidence, Your Honor.

23 THE COURT: All right. Mr. Morin, you're in
24 agreement?

25 MR. MORIN: I am in agreement, Your Honor.

Lathier Graham
Direct examination by Mr. Barnette

1 THE COURT: All right. They're admitted.

2 (Photograph marked State's Exhibit No. 72; Smith &
3 Wesson .380 marked State's Exhibit No. 73; Member's Only
4 jacket marked State's Exhibit No. 74; blue and white bandana
5 marked State's Exhibit No. 75; silver federal .38 fired
6 cartridge casing marked State's Exhibit No. 76; gold WCC68
7 .38 special fired cartridge casing marked State's Exhibit
8 No. 77; .38 special unfired bullet marked State's Exhibit
9 No. 78; photographs marked State's Exhibit No. 80 through
10 93; white skull mask marked State's Exhibit No. 95;
11 photographs marked State's Exhibits No. 96 through 110;
12 photograph marked State's Exhibit No. 125; photograph marked
13 State's Exhibit No. 126.)

14 MR. BARNETTE: Thank you, Your Honor.

15 May I go ahead and publish these to the jury?

16 THE COURT: You may.

17 Q If you can't see, let me know. And, if you would,
18 talk loud enough where she can hear you.

19 A Okay.

20 Q State's Exhibit --

21 THE COURT: Let's do this.

22 It might be easier for you if you want to step down.

23 Do you see that microphone hanging from the ceiling?
24 If you'll stand kind of beneath that and back and just
25 project your voice up towards it, then you'll be able to

Lathier Graham
Direct examination by Mr. Barnette

1 see.

2 THE WITNESS: Right here, Your Honor?

3 THE COURT: Yeah. Well, you can come back this way a
4 little bit. Yeah. Just kind of project your voice, and
5 you'll be able to see the picture there, I think.

6 THE WITNESS: All right.

7 Q Sir, when you first got there, what did you do, sir?

8 A I took over all photos of -- we're talking about the
9 [REDACTED] Road residence, right?

10 Q Yes, sir.

11 A Yes, sir. I took over all photos of the exterior of
12 the residence.

13 Q So State's Exhibit 80 was one of the pictures you
14 took?

15 A Yes, sir, the front of the house.

16 Q This is a residence you, obviously, did the search
17 warrant on.

18 A Yes, sir.

19 Q State's Exhibit 77 is actually just a closeup view of
20 the porch, is that right?

21 A Yes, sir.

22 Q And then State's Exhibit 78 shows, obviously, after
23 it's down out.

24 A Yes, sir.

25 Q And then you went -- let me show you State's

Lathier Graham
Direct examination by Mr. Barnette

1 Exhibit 2. Did you go to the back of the house also?

2 A Yes, sir, I did.

3 Q And what did you locate in the back where the placards
4 are marked?

5 A Fired shell casings.

6 Q And State's Exhibit 73. Is this another picture of
7 some of those placards, I guess closer to some?

8 A Yes, sir.

9 Q And State's Exhibit 3 just shows, I guess, a shell
10 casing right there.

11 A Yes, sir.

12 Q And that's what was collected from there. Four and
13 five show some more shell casings.

14 A Yes, sir.

15 Q And I can zoom in so you can see.

16 These are the shell casings we're talking about, is
17 that right, sir?

18 A Yes, sir.

19 Q And State's Exhibit 76, is that just another shell
20 casing?

21 A Yes, sir.

22 Q After surveying the area and everything did you go
23 inside, sir?

24 A Yes, sir, I did.

25 Q Show you State's Exhibit -- how is the house set up,

Lathier Graham
Direct examination by Mr. Barnette

- 1 sir, when you went in from there? Did you go into the
2 bedrooms of the house?
- 3 A Yes, sir, I did. I went through the living room and
4 kitchen and the bedrooms.
- 5 Q So, and I guess State's Exhibit 81, was this the
6 master bedroom?
- 7 A I believe so, sir.
- 8 Q Okay. And was this a picture of that master bedroom
9 area?
- 10 A Yes, sir.
- 11 Q And State's Exhibit 82. Was that just another picture
12 of that bedroom?
- 13 A Yes, sir.
- 14 Q Did you move on to the other bedroom, sir?
- 15 A Yes, sir, I did.
- 16 Q And State's Exhibit 83. Do you remember which bedroom
17 this was?
- 18 A If I'm correct, it's the first bedroom on the right
19 going down the hallway.
- 20 Q Okay. And going in there, showing you State's
21 Exhibit 84, what was one of the first things you saw in
22 there?
- 23 A The money laying on the pillow.
- 24 Q And is it this right here we're talking about?
- 25 A Yes, sir, it is.

Lathier Graham
Direct examination by Mr. Barnette

1 Q And State's Exhibit 85. What's that a picture of,
2 sir?

3 A A picture of the bed with the money on the pillow.

4 Q State's Exhibit 86. What is that a picture -- was
5 that a closeup picture of that money?

6 A Yes, sir. It is.

7 Q And State's Exhibit 87. Can you tell the jury what
8 this is?

9 A That is placard No. 8. It was the -- is the handle of
10 a weapon coming out from underneath the pillow where the
11 money was located.

12 Q And State's Exhibit 88. What's that a picture of,
13 sir?

14 A That's the weapon that we found under the pillow.

15 Q State's Exhibit 89. What's that a picture of, sir?

16 A Serial number of said weapon.

17 Q Okay. And did you collect that weapon and place it
18 into evidence, sir?

19 A Yes, sir, I did.

20 Q And did you also collect the money?

21 A Yes, sir, I did.

22 Q State's Exhibit 10. That's not in. Then State's
23 Exhibit 91. What was found at placard No. 10?

24 A More money.

25 Q Okay. State's Exhibit 92. What is that, sir?

Lathier Graham

Direct examination by Mr. Barnette

- 1 A Backpack.
- 2 Q Okay. And State's Exhibit 93.
- 3 A A coin roll, sir.
- 4 Q And was that in the backpack itself?
- 5 A Yes, sir.
- 6 Q Showing you State's Exhibit No. 95. What is this,
- 7 sir?
- 8 A It's a dresser drawer to keep clothes in without --
- 9 didn't have fronts on it.
- 10 Q And State's Exhibit 96. What was found in that
- 11 dresser?
- 12 A Skull mask.
- 13 Q And did you collect that, sir?
- 14 A Yes, sir, I did.
- 15 Q Okay. Showing you State's Exhibit 97. What was that,
- 16 sir?
- 17 A A box of blue latex gloves.
- 18 Q Okay. State's Exhibit No. 98. What is that also,
- 19 sir?
- 20 A Closeup of those, that box.
- 21 Q Okay. And do you remember where this box was found
- 22 at?
- 23 A That was in the first bedroom, the master bedroom to
- 24 the -- I want to say left down the hallway.
- 25 Q Did you move on to another bedroom after you went

Lathier Graham
Direct examination by Mr. Barnette

- 1 through those two bedrooms?
- 2 A Yes, sir, I did.
- 3 Q And which bedrooms did you go to next?
- 4 A The last bedroom on the right.
- 5 Q Okay. And in there -- showing you State's Exhibit 99.
- 6 What did you find there, sir?
- 7 A Another bag of gloves.
- 8 Q And State's Exhibit 100. What did you find inside
- 9 that bookbag?
- 10 A Another box of gloves.
- 11 Q Are these latex gloves?
- 12 A Yes, sir, it is.
- 13 Q And did you collect those items?
- 14 A Yes, sir, I did.
- 15 Q Going back to State's Exhibit 110. What is this? And
- 16 State's Exhibit 18.
- 17 A Trash can in one of the bedrooms on the right.
- 18 Q Okay. And showing you State's Exhibit 102. What did
- 19 you find in there, sir?
- 20 A Ammunition box.
- 21 Q And did you collect that box, sir?
- 22 A Yes, sir, I did.
- 23 Q Going back. I think it's State's Exhibit 103. Did
- 24 you go back to the other bedroom, the last, the third
- 25 bedroom?

Lathier Graham
Direct examination by Mr. Barnette

- 1 A Yes, sir.
- 2 Q And where is this located at, again?
- 3 A In the closet.
- 4 Q Okay. That's State's 103.
- 5 And State's 104. Was those items that you collected
- 6 out of that closet?
- 7 A Yes, sir.
- 8 Q State's Exhibit 105. What was that, sir?
- 9 A A black leather jacket.
- 10 Q Was that collected -- out of which bedroom, again?
- 11 A The back bedroom on the right.
- 12 Q That's the third bedroom in the back.
- 13 A Yes, sir.
- 14 Q Okay. And State's Exhibits 106. What's that, sir?
- 15 A Blue backpack.
- 16 Q And which bedroom was that located in? Was that in
- 17 the back bedroom also?
- 18 A Yes, sir, I believe so.
- 19 Q And State's Exhibit 107. What is that, sir?
- 20 A Closeup of the blue backpack.
- 21 Q And what else was on the blue -- with the bookbag, I
- 22 guess -- 108?
- 23 A A large amount of money.
- 24 Q And was that like a nylon bag with the bookbag?
- 25 A Yes, sir.

Lathier Graham
Direct examination by Mr. Barnette

1 Q And did you collect -- did you collect the money at
2 that time?

3 A Yes, sir, I did.

4 Q And did you collect the nylon bag that was in?

5 A Yes, sir, I did.

6 Q Did you collect the bookbag at that time?

7 A Later on.

8 Q You collected --

9 A I didn't collect it on scene then.

10 Q So you collected it later on, is that right?

11 A Yes, sir.

12 Q Okay. But it was left there in the house, is that
13 right?

14 A Yes, sir. It was.

15 Q Showing you State's Exhibit 109. What is that, sir?

16 A It's not a coat. It's like a -- like a little
17 Halloween type costume.

18 Q And you collected that also?

19 A Yes, sir. I did.

20 Q Okay. And just to make sure. I want to make sure
21 this is clear.

22 (Pause.)

23 Q Showing you State's 107. That was the money and the
24 nylon bag found with the bookbag. But you collected the
25 nylon bag and the money, is that right?

Lathier Graham
Direct examination by Mr. Barnette

- 1 A Yes, sir.
- 2 Q But you did not collect the bookbag at that time.
- 3 A No, sir. I did not.
- 4 Q As a matter of fact, that was the money you collected.
- 5 A Yes, sir. It was.
- 6 Q Okay. And showing you State's 125. Is these the
- 7 receipts that you found there, sir?
- 8 A Yes, sir.
- 9 Q And I don't know if I can get it clear enough to --
- 10 can you see what the date was on these receipts?
- 11 A The one to the left is April 1st of 2017. The middle
- 12 is the same. I believe that --
- 13 Q It might be easier to read off here. I'm trying to
- 14 make it where the jury can see it. It's smaller.
- 15 A I can't see it right there. I'm sorry.
- 16 Q Saw it better on the screen. You're like me. Let me
- 17 see if I can make it bigger.
- 18 (Pause.)
- 19 A This one here, the Paxton receipt, is also April.
- 20 Looks like April 1st of 2017.
- 21 Q Okay.
- 22 A Yes, sir.
- 23 Q That's much better.
- 24 Okay. So all are April 1st of 2017.
- 25 A Yes, sir.

Lathier Graham
Direct examination by Mr. Barnette

1 Q And these are the receipts that you found in one of
2 the bedrooms, is that right?

3 A Yes, sir.

4 Q If you would, please have a seat, sir, at that point.
5 (Whereupon, the witness returned to the stand.)

6 Q This first. Let me show you State's Exhibit 9. If
7 you would, sir, take a look at that.

8 Sir, is that the gun that you collected from that
9 scene right there?

10 A Yes, sir, it is.

11 Q And did you secure that and put it into evidence, sir?

12 A Yes, sir, I did.

13 Q If you would, just pull it out so the jury can see.
14 Well, let me do this.

15 MR. BARNETTE: Your Honor, I'd like to move this into
16 evidence at this time.

17 MR. MORIN: No objection.

18 THE COURT: It's admitted.

19 (Smith & Wesson semiautomatic pistol State's Exhibit
20 No. 9.)

21 Q If you would, pull it up. And I know it's been
22 secured. What kind of gun is that, sir?

23 A It's a Smith & Wesson.

24 Q And is that an automatic weapon?

25 A Yes, sir, it is.

Lathier Graham
Direct examination by Mr. Barnette

1 Q And it has a clip. I think the clip is in the box, is
2 that right?

3 A Yes, sir. The magazine.

4 Q Thank you, sir.

5 If you would, sir, go ahead and take a look at those
6 items. I've collected them for you. And see if that is
7 items you collected there at that scene.

8 THE COURT: Be careful of the microphone, please.

9 THE WITNESS: I'm sorry.

10 Q Investigator Graham, see if that will help.

11 A Thank you, sir.

12 Q Thank you.

13 (Whereupon, the witness received scissors.)

14 (Pause.)

15 Q I'll let you look at these four items too, sir. See
16 if that's actually the shell casing you collected from the
17 revolver at [REDACTED] Avenue. I guess it was two
18 bullets and two fired bullets or casings that you
19 recovered.

20 A Yes, sir.

21 Q Okay. Five through eight. And I'm going to move
22 these into evidence. These are the two fired cartridges of
23 the revolver, and two unfired bullets, is that right?

24 A Yes, sir, it is.

25 MR. BARNETTE: Your Honor, I'd like to move State's

Lathier Graham
Direct examination by Mr. Barnette

1 Exhibit 5 through 8.

2 MR. MORIN: No objection.

3 (Cartridge case State's Exhibit No. 5; cartridge case
4 State's Exhibit No. 6; unfired round State's Exhibit No. 7;
5 unfired round State's Exhibit No. 8.)

6 Q And just going back to that scene, I just want to make
7 sure. This is not involving [REDACTED]. This is the first
8 scene. I just forgot to introduce these where it happened.

9 That was one of the bullets you found in the .38
10 revolver, is that right?

11 A Yes, sir.

12 Q And that was the cartridge -- fired cartridge casings,
13 is that right?

14 A Yes, sir.

15 Q Just show the jury what that is. I'm not going pull
16 all of these out. Just pull this one out.

17 That's the fired cartridge case, is that right?

18 A Yes, sir, it is.

19 Q State's Exhibit 6. What was that, sir?

20 A That was also a .38 special fired cartridge case.

21 Q And State's Exhibit 7. What was that, sir?

22 A Another .38 special fired cartridge casing.

23 Q And State's Exhibit 8.

24 A And a .38 special unfired cartridge casing.

25 Q And I know the jury will have this back in the

Lathier Graham

Direct examination by Mr. Barnette

1 evidence room, but showing them the difference. That's the
2 actual bullet, is that right, that has been fired?

3 A Yes, sir.

4 Q Going through these items, sir. Showing you State's
5 Exhibit 112. What is that, sir?

6 A A skull mask.

7 Q And that's what you collected at the scene?

8 A Yes, sir.

9 MR. BARNETTE: Your Honor, I'd like to enter 112 at
10 this time into evidence.

11 MR. MORIN: No objection.

12 (Skull mask marked State's Exhibit No. 112.)

13 MR. BARNETTE: Like to publish it to the jury, Your
14 Honor.

15 THE COURT: You may.

16 Q If you would, pull that out, sir. Is that the skull
17 mask that you found, sir?

18 A Yes, sir, it is.

19 Q And, if you would, put that back in the bag, sir.

20 And, if you would, go to 113, if you would. What is
21 that, sir?

22 A Box of Blue Nitrile latex gloves.

23 Q And if you would...

24 MR. BARNETTE: Your Honor, I'd like to move these into
25 evidence at this time.

Lathier Graham
Direct examination by Mr. Barnette

1 MR. MORIN: No objection.

2 THE COURT: It's admitted.

3 (Box of Blue Nitrile latex gloves marked State's
4 Exhibit No. 113.)

5 MR. BARNETTE: Like to publish to the jury, Your
6 Honor.

7 THE COURT: What number is that?

8 MR. BARNETTE: It'll be 113, Your Honor.

9 Q Put those back in. Thank you.

10 If you would, sir, what is that, the next item?

11 A That was the empty -- this is the empty ammo box from
12 the trash can.

13 Q And what number is that, sir?

14 A 115.

15 MR. BARNETTE: Your Honor, I'd like move 115 into
16 evidence at this time.

17 MR. MORIN: No objection.

18 MR. BARNETTE: May we publish it to the jury, Your
19 Honor?

20 THE COURT: You may.

21 (Empty ammo box State's Exhibit No. 115.)

22 Q Thank you, sir.

23 If you would, take a look at 117, sir. What is that?

24 A A black leather jacket.

25 MR. BARNETTE: Your Honor, I'd like to move this into

Lathier Graham
Direct examination by Mr. Barnette

1 evidence at this time.

2 MR. MORIN: No objection.

3 THE COURT: It's admitted.

4 (Black leather jacket marked State's Exhibit No. 117.)

5 Q If you would, just pull it out for a second, sir.

6 Is this one of the jackets found in the closet?

7 A Yes, sir.

8 Q If you would, go ahead and put that back in. Thank
9 you.

10 If you would, take a look at 119. I don't think
11 you've had a chance to look at that. I just pulled it up
12 there. If you want to take a chance to look at it, you
13 can.

14 What is that? What is 119, sir?

15 A The Halloween costume.

16 MR. BARNETTE: Your Honor, I'd like to move that into
17 evidence at this time.

18 MR. MORIN: No objection.

19 THE COURT: It's admitted.

20 (Halloween costume marked State's Exhibit No. 119.)

21 MR. BARNETTE: May we publish it to the jury, Your
22 Honor?

23 THE COURT: You may.

24 Q Thank you, sir. Put that back in the bag.

25 I'd like to show you State's Exhibit 114. What is

Lathier Graham
Direct examination by Mr. Barnette

1 that, sir?

2 A Box of purple gloves.

3 MR. BARNETTE: Your Honor, I'd like to move that into
4 evidence at this time.

5 MR. MORIN: which one was that?

6 MR. BARNETTE: 114. It's the purple latex gloves.

7 MR. MORIN: No objection.

8 THE COURT: They are admitted.

9 (Box of purple latex gloves marked State's Exhibit No.
10 114.)

11 MR. BARNETTE: Your Honor, may we publish that to the
12 jury?

13 THE COURT: You may.

14 Q And those were the gloves found. One pair was found
15 in the closet. But that was not found in the closet, is
16 that right?

17 A Correct.

18 Q Showing you State's Exhibit 99. They were found in
19 that bag, is that right?

20 A Yes, sir.

21 Q And that bag was located in which bedroom, again? Is
22 that the back bedroom?

23 A Yes, sir. I believe so.

24 Q Showing you State's Exhibit 100. Is that a closeup of
25 those?

Lathier Graham
Direct examination by Mr. Barnette

- 1 A Yes, sir, it is.
- 2 Q And those are the gloves that you found in that
- 3 bookbag that you collected.
- 4 A Yes, sir.
- 5 Q And they were found in that back bedroom.
- 6 A Yes, sir.
- 7 Q How long did this take you to go through this?
- 8 A I was out there a couple of hours.
- 9 Q So you went and photographed and, obviously, collected
- 10 the evidence and things like that. And you took all of
- 11 this back to the sheriff's department.
- 12 A Yes, sir.
- 13 Q And it was secured in evidence there.
- 14 A Yes, sir.
- 15 Q Was you called back out to the scene?
- 16 A Yes, sir.
- 17 Q And was you called back out to the scene to take more
- 18 pictures?
- 19 A Yes, sir.
- 20 Q And did you take a picture -- was a picture taken of
- 21 this defendant at the scene when you went back?
- 22 A Yes, sir. He was.
- 23 Q Showing you State's Exhibit 110. Is that a picture of
- 24 the items that was found on that individual?
- 25 A Yes, sir.

Lathier Graham
Direct examination by Mr. Barnette

1 Q Let me show you State's Exhibit 126. Is that a
2 picture of the individual as you saw him when you went
3 back?

4 A Yes, sir. It was.

5 Q Does these fairly represent what you saw?

6 A Yes, sir.

7 MR. BARNETTE: Your Honor, I'd like to move these into
8 evidence at this time.

9 MR. MORIN: No objection.

10 THE COURT: Those are numbered what?

11 MR. BARNETTE: 110 and 126, Your Honor.

12 THE COURT: They're already in.

13 MR. BARNETTE: Publishing 126 to the jury.

14 Q Was that a picture of what he looked like when you got
15 there, sir?

16 A Yes, sir.

17 Q He was wearing shorts and socks, and that was all he
18 had?

19 A Yes, sir.

20 Q And he had some items with him also. State's
21 Exhibit 110. Was these items that he had with him?

22 A Yes, sir. It is.

23 Q And you collected these items, is that right?

24 A Yes, sir.

25 Q You collected the bag, is that right?

Lathier Graham

Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q Showing you State's Exhibit 120. Was this the bag you
3 collected there that was on the defendant in this case?

4 A Yes, sir. It is.

5 Q Okay. If you would go ahead and open it. Well, let
6 me do this.

7 MR. BARNETTE: Your Honor, I'd like move this into
8 evidence at this time.

9 THE COURT: What number is it?

10 MR. BARNETTE: It's going to be 120.

11 Q Do you want to look at it and make sure that's the
12 bag --

13 A Yes, sir.

14 Q -- you got marked?

15 A Yes, sir. It is.

16 Q Can you pull it out? Let me do this.

17 MR. BARNETTE: I'd like to move it into evidence at
18 this time.

19 MR. MORIN: No objection.

20 THE COURT: It's admitted.

21 (Blue bookbag marked State's Exhibit No. 120.)

22 MR. BARNETTE: May we publish it to the jury, Your
23 Honor?

24 THE COURT: You may.

25 Q So that was the bookbag you, obviously, collected from

Lathier Graham
Direct examination by Mr. Barnette

1 him.

2 A Yes, sir.

3 Q And that's the way he was dressed when you got there.

4 A Yes, sir.

5 Q And this was several -- well, it's a couple of hours

6 at least, or how long was it after you done the search

7 warrant or whatever? Or you don't know. But that's

8 definitely after you got back to the sheriff's department.

9 A I don't know. Timeframe, when I left the crime scene
10 from the search warrant, I was almost to the sheriff's
11 office, and they called me back to come out to collect a
12 bookbag, to take photos of the subject.

13 MR. BARNETTE: Publishing State's Exhibit 106.

14 Q Is that the bookbag that was in that picture?

15 A Yes, sir.

16 Q And this is the bookbag. Showing State's Exhibit 107,
17 State's Exhibit 21.

18 A Yes, sir.

19 Q Was that the bookbag that had the money with it?

20 A Yes, sir.

21 MR. BARNETTE: One moment, Your Honor. Let me check
22 and make sure I've got everything I need to get in.

23 (Pause.)

24 Q I know the jury will have this back with them.

25 Showing State's Exhibits 106 and 110. Is that the same

Lathier Graham
Cross-examination by Mr. Morin

1 bookbag in both pictures?

2 A Yes, sir.

3 Q If you would, please, answer any questions that Mr.
4 Morin may have for you.

5 CROSS-EXAMINATION

6 BY MR. MORIN

7 Q Let me make sure I keep up.

8 This is State's 104 and 105 and 109. Can you --
9 because there's been a lot, and I only have a few
10 questions, but I want to get to the ones. Can you tell me
11 what those are?

12 A This is the --

13 Q No. Just the number and what it's a picture of so
14 I'll make sure.

15 A This number here?

16 Q Yes.

17 A State's Exhibit 104, and a picture of two black
18 jackets.

19 Q Okay.

20 A And State's Exhibit 105, item No. 20, black leather
21 jacket.

22 Q Okay.

23 A And State's Exhibit No. 109, item No. 22, looks like a
24 black Halloween mask -- costume.

25 Q Costume. Can you tell me why you collected this

Lathier Graham
Cross-examination by Mr. Morin

1 Halloween costume?

2 A It was requested by the investigators.

3 Q And State's 104. These are two black jackets?

4 A Yes, sir.

5 Q Did you collect them both?

6 A Yes, sir.

7 Q I know on the one on the right with the red inside
8 you've shown the jury. Is -- is the one on the left in
9 evidence? I saw him hold one jacket up.

10 A It's right -- it's right here.

11 Q Okay. Are they both in there?

12 A I sat it on the floor so the jury can see me when I
13 was answering questions.

14 MR. BARNETTE: I'm going to enter that. Do you want
15 me -- I'm going to move that into evidence. I'm sorry I
16 missed it.

17 MR. MORIN: I have no objection. Can I see both of
18 the jackets?

19 THE COURT: Tell me what the exhibit number is on
20 there, please.

21 THE WITNESS: 116. State's Exhibit 116.

22 THE COURT: Thank you.

23 Q So State's Exhibit 116 is two jackets.

24 A No, sir. One jacket.

25 Q Okay. Well, my question is we see State's Exhibit

Lathier Graham
Cross-examination by Mr. Morin

- 1 No. 20. It's a black jacket and it's got a red interior.
2 A Yes, sir.
3 Q And I've seen that jacket. You held it up for the
4 jury.
5 A Yes, sir.
6 Q I'm asking you about the other black jacket, the one
7 on the left in this picture that's marked 19.
8 A It's right here.
9 Q Okay. Well, okay. Let me see that one.
10 THE COURT: Let me see y'all just a minute, Mr.
11 Barnette.
12 (Bench conference held off the record in the presence
13 of the jury but out of the hearing of the jury.)
14 Q Yes. That.
15 THE COURT: 116 is offered by the state and admitted
16 without objection.
17 MR. BARNETTE: Thank you.
18 (Black jacket marked State's Exhibit No. 116.)
19 Q Okay. All right. May I hold it just for a moment?
20 Thank you, sir.
21 (Pause.)
22 Q Now, if I understand the layout of the house, there's
23 three bedrooms, or two?
24 A Three.
25 Q Okay. Now, the master bedroom, there's two pictures

Lathier Graham
Cross-examination by Mr. Morin

1 of it, but there wasn't anything in collected in there that
2 I saw.

3 A The box of blue gloves.

4 Q Box of blue gloves. Okay. But that was it on that
5 one.

6 A Yes, sir.

7 Q And then you go to the next bedroom. Is that --
8 because we referred to one of the bedrooms as the last one
9 on the right.

10 A Right.

11 Q So is this one of those houses where it's one, two,
12 three, or one, two and --

13 A There's two on the right-hand side, one on the
14 left-hand side.

15 Q All right. Master on the left and two smaller ones on
16 the right.

17 A Yes, sir.

18 Q And the last one on the right is what I want to ask
19 you.

20 A Yes, sir.

21 Q You found that blue bookbag with some money in it.

22 A Yes, sir.

23 Q And there was the box of gloves that was in that other
24 bag that you collected.

25 A Yes, sir.

Lathier Graham
Redirect examination by Mr. Barnette

1 Q But I'm trying to think. I think all of the other
2 things were in that -- that first bedroom is where you
3 spent a good bit of your time.

4 A Yes, sir.

5 Q Okay.

6 MR. MORIN: If I may have just a moment, Your Honor.

7 (Pause.)

8 Q And the receipts, that was in the first bedroom.

9 A Yes, sir.

10 Q And the semiautomatic gun, that was in the first
11 bedroom.

12 A Yes, sir.

13 MR. MORIN: One moment, Your Honor.

14 (Pause.)

15 MR. MORIN: That's all the questions I have, Your
16 Honor.

17 REDIRECT EXAMINATION

18 BY MR. BARNETTE

19 Q Just one for clarification.

20 The coats and things, were they found in that back
21 bedroom also?

22 A Yes, sir.

23 Q They were found there with the gloves and the money
24 that was in the bookbag.

25 A Yes, sir.

Lathier Graham
Redirect examination by Mr. Barnette

1 Q And that was the bookbag that was later found on him.

2 A Yes, sir.

3 Q Thank you. That's all the questions I have.

4 MR. BARNETTE: Ask this witness be excused.

5 THE COURT: Before he goes let me see y'all just a
6 minute.

7 (Bench conference held off the record in the presence
8 of the jury but out of the hearing of the jury.)

9 Q There was a nylon bag -- I think it's 118 -- the small
10 bag that the money was in, on the bag, with the bookbag.

11 A Yes, sir.

12 Q Did you collect that item, sir?

13 A Yes, sir, I did.

14 Q And that was found with the blue bookbag, is that
15 right?

16 A Yes, sir.

17 MR. BARNETTE: Your Honor, I move that into evidence
18 at this time.

19 MR. MORIN: No objection.

20 (Nylon bag marked State's Exhibit No. 118.)

21 MR. BARNETTE: Can we just publish that to the jury,
22 Your Honor?

23 THE COURT: You may.

24 Q Thank you, sir.

25 MR. BARNETTE: Thank you, Your Honor. We'd ask for

Lathier Graham
Redirect examination by Mr. Barnette

1 him to be excused.

2 THE COURT: Mr. Morin, have you got anything else?

3 MR. MORIN: No, sir.

4 THE COURT: You may step down. Thank you.

5 (Whereupon, the witness was excused.)

6 THE COURT: We're going to take a short break. We'll
7 take a break.

8 I'll ask the jury to please to your jury room.

9 Remember not to discuss the case. I'll bring you back
10 shortly.

11 (The following takes place outside the presence of the
12 jury.)

13 THE COURT: We'll be at ease for 15 minutes.

14 (Whereupon, a recess was taken.)

15 THE COURT: Are we ready for the jury?

16 MR. BARNETTE: The state is ready, Your Honor.

17 MR. MORIN: The defense is ready.

18 THE COURT: Bring them in.

19 (The following takes place in the presence of the
20 jury.)

21 THE COURT: All right. The jury is present. You may
22 continue.

23 MR. BARNETTE: May it please the Court, Your Honor.

24 I'd like to call Ms. Garcia to the stand please.

25

Valencia Garcia
Direct examination by Mr. Barnette

- 1 VALENCIA GARCIA, having been
2 first duly sworn, testified as follows:
3 DIRECT EXAMINATION BY MR. BARNETTE
4 Q Ms. Garcia, would you state your full name for the
5 jury, please?
6 A Valencia Garcia.
7 Q I know you're soft-spoken. I'm going to have to ask
8 you to raise your voice so they can hear you all the way in
9 the back.
10 A Valencia Garcia.
11 Q Let me move that mic a little bit closer to you. It's
12 actually this one right here.
13 A Yes, sir. Valencia Garcia.
14 Q Where do you live at, ma'am?
15 A I live in Roebuck, [REDACTED] Road, in
16 Spartanburg.
17 Q And what do you do, ma'am, for a living, or where do
18 you work at?
19 A I work for a home health agency. I do occupational
20 therapy. I'm a certified occupational therapist assistant.
21 Q What kind of hours do you work, ma'am?
22 A I work day shift, Monday through Friday.
23 Q Who is your son, ma'am?
24 A De'Adrian Garcia.
25 Q And did he live with you back March 31st of 2017?

Valencia Garcia
Direct examination by Mr. Barnette

- 1 A Yes, sir.
- 2 Q Who else was staying with you at your house?
- 3 A Jyquez was living with us for a few weeks.
- 4 Q Okay. Do you see him in here in the courtroom today?
- 5 A Yes, sir.
- 6 Q Would you describe what he's wearing, ma'am?
- 7 A White shirt, blue tie.
- 8 MR. BARNETTE: Your Honor, I'd like the record to
- 9 reflect that she's identified the defendant.
- 10 THE COURT: It shall.
- 11 Q He was living there with you?
- 12 A Yeah. He stayed with us. Periodically, he would pop
- 13 in. I met him around the end of the year before -- 2016.
- 14 But the last few weeks -- maybe in March -- that he was
- 15 staying with us, I seen him pretty regular, yes, sir.
- 16 Q And -- and your son, where -- where had he been before
- 17 he came back home?
- 18 A He was at Costal Carolina University. He came home
- 19 the end of '16. And then, you know, he was home ever
- 20 since.
- 21 Q Did he -- when did he meet Mr. Freeman?
- 22 A I'm not sure exactly where they met. I think they met
- 23 previously during the course, I think, of middle school,
- 24 District Six schools. So I -- from my understanding, they
- 25 lost contact, and then they ran into each other towards the

Valencia Garcia
Direct examination by Mr. Barnette

1 end of 2016.

2 Q And did they fast become friends and everything?

3 A Well, initially they bonded because De'Adrian was
4 really into fashion. So Jyquez and his friends will come
5 over, and they would have sketch boards and brief cases,
6 like doing designing. So they bonded over that initially,
7 you know, towards the end of 2016. So yeah.

8 Q And so he came over regularly. And did he start
9 staying with y'all?

10 A Right, yes, sir.

11 Q How did that happen? If you would, explain to the
12 jury.

13 A Well, De -- well, when De'Adrian first came home he
14 was -- he was working second shift. So he wasn't doing it
15 then, and so it was sometime during the course of March he
16 started. I saw him frequently, and I said, well,
17 De'Adrian, when is he going home, you know, where's his
18 mom. And De'Adrian said he couldn't go home. So, and I
19 can't remember the date, but it was sometime in March.

20 Q So he basically moved in with y'all?

21 A I guess kind of, without a whole bunch of luggage,
22 but, you know, it just kind of gradually happened. So
23 yeah.

24 Q Okay. And how many bedrooms are in your house, ma'am?

25 A Four.

Valencia Garcia
Direct examination by Mr. Barnette

- 1 Q And which bedroom did you stay in?
- 2 A I stayed in the front left bedroom.
- 3 Q And where did your son De'Adrian stay?
- 4 A De'Adrian stayed in the first right bedroom.
- 5 Q And where did Mr. Freeman stay?
- 6 A Mr. Freeman was in the last right bedroom.
- 7 Q And so he was staying there, obviously, on March 31st.
- 8 He was staying there.
- 9 A Yes, sir.
- 10 Q Let me show you some pictures, ma'am. I know the jury
- 11 has seen this. It's been entered into evidence. But I
- 12 just want you to describe which location is which if you
- 13 could.
- 14 A Okay.
- 15 Q State's Exhibit 81. whose bedroom is that, ma'am?
- 16 A That's mine.
- 17 Q Okay. State's Exhibit --
- 18 THE COURT: Be careful of the microphone.
- 19 A That -- that is also my bedroom, sir.
- 20 Q Okay. And in your work, ma'am, do you use latex
- 21 gloves?
- 22 A Yes, sir.
- 23 Q And how -- what types of latex gloves do you have?
- 24 A All types, all colors. So, yes, sir.
- 25 Q Let me show you State's Exhibit 98. was this a -- a

Valencia Garcia
Direct examination by Mr. Barnette

1 box that you had in your house?

2 A Yes, sir.

3 Q And where was that located at, ma'am?

4 A That -- I had -- most of the gloves were kept either
5 in the right back bedroom or in my bedroom.

6 Q Okay.

7 A Or in the -- I had another place in the closet,
8 hallway closet, that I kept gloves.

9 Q Okay. Show you State's Exhibit 83. whose bedroom is
10 this, ma'am?

11 A That is De'Adrian's bedroom.

12 Q State's Exhibit 84. whose bedroom is that?

13 A De'Adrian.

14 Q And State's Exhibit 85.

15 A De'Adrian.

16 Q State's Exhibit 87. whose bedroom was that, ma'am?

17 A Also De'Adrian's bedroom.

18 Q State's Exhibit No. 90. whose bedroom is that?

19 A De'Adrian.

20 Q State's Exhibit 29. whose bed was that, ma'am?

21 A De'Adrian.

22 Q State's Exhibit 13. whose bedroom was that, ma'am?

23 A De'Adrian's bedroom.

24 Q I may have showed you this picture before. I should
25 have showed you this one first. This shows the location

Valencia Garcia
Direct examination by Mr. Barnette

- 1 there. State's Exhibit 97. That was the box of gloves
2 originally.
- 3 A That's my bedroom closet.
- 4 Q And those are a box of your gloves.
- 5 A Yes, sir.
- 6 Q Let me show you what's been marked as State's
7 Exhibit 106. which bedroom, whose bedroom was that?
- 8 A That's the back bedroom that Jyquez was staying in.
- 9 Q That's where Mr. Freeman stayed at, was this bedroom.
- 10 A Yes, sir.
- 11 Q And State's Exhibit 103. which bedroom was that,
12 ma'am?
- 13 A That's the bedroom Mr. Freeman was staying in.
- 14 Q And State's Exhibit 99. I don't know if you can see
15 enough on this.
- 16 A That's the bedroom Mr. Freeman was staying in.
- 17 Q So Mr. Freeman was staying in that bedroom.
- 18 A Yes, sir.
- 19 Q And that was his items back in that bedroom. Do you
20 know any reason why he would have a pair of your gloves in
21 his bag or in his bedroom?
- 22 A No, sir.
- 23 Q Okay. what kind of relationship would you say
24 Mr. Freeman and your son had?
- 25 A I guess towards, like, March they became -- you know,

Valencia Garcia
Direct examination by Mr. Barnette

1 when Mr. Freeman was staying with us, they were pretty
2 close, you know, together most of the time. So they seemed
3 to have a pretty close relationship.

4 Q So they were with each other most of the time?

5 A Yes, sir.

6 Q Could your son drive at that time?

7 A Well, he initially was driving. He totaled a car in
8 February, and then in March I took the keys from him. So
9 he no longer had free access to the cars in March.

10 Q Did Mr. Freeman have a car?

11 A No, sir.

12 Q So did they get rides from other folks?

13 A Yes, sir.

14 Q And who would give them rides, do you know?

15 A A little bit of everyone. I have a cousin across the
16 street -- Quinton Meadows. He frequently gave them rides.
17 And then they had other friends that were driving. I'm not
18 that familiar with a lot of them, but they got rides
19 frequently. It didn't, you know, stop them from going --
20 yeah -- going places. So they did get rides, sir.

21 Q And would they usually go together when they'd get
22 those rides?

23 A Some -- yeah, most of the time they would be together,
24 yes, sir.

25 Q On March 31st of 2017, did you work that day, ma'am?

Valencia Garcia
Direct examination by Mr. Barnette

- 1 A Yes.
- 2 Q And what time did you leave that day?
- 3 A I usually leave around in the mornings, so sometime
4 before 10:30.
- 5 Q Were they both still there when you left?
- 6 A I did reflect back and look at the security cameras,
7 and they were there, and I did notice they left that
8 afternoon maybe around 2:30, 3:30.
- 9 Q So they didn't leave together?
- 10 A They left together, yes, sir.
- 11 Q Do you still have a copy of that tape?
- 12 A Well, I have a D.V.R., so I'm not sure. I didn't save
13 it, but I'm not sure if it's still in the system.
- 14 Q So it just rotates off.
- 15 A Usually, yes, sir.
- 16 Q And this was March 31st of 2017.
- 17 A Yes, sir.
- 18 Q But you looked at the tape, and that's when you saw
19 it.
- 20 A Yes. After everything kinda transpired, I did go back
21 looking at that date just to try to make sense of what was
22 going on.
- 23 Q So when your son was arrested on April 7th, was you
24 there when the sheriff's department came and did the search
25 warrant?

Valencia Garcia
Direct examination by Mr. Barnette

1 A No, sir. I was at work.

2 Q And when that happened, that's when you went back and
3 looked at the security?

4 A Like maybe not that day, but like the next day, yes,
5 sir.

6 Q So that's when they left from there?

7 A That -- yes. I looked back on that Friday and I saw
8 that they did leave around 2:30 or 3:30 that afternoon.

9 Q Did you see them the next day, any time after that?

10 A That I -- I'm really not sure of exactly when did I
11 see them, how soon or when did I see them after that.

12 Q Were they always -- after -- even after this happened
13 were they always --

14 A They were together, yes, sir.

15 Q And was he still living with you at that residence?

16 A Yes, sir.

17 Q So he was living with y'all on April 7th.

18 A Yes.

19 Q of 2017.

20 A Yes, yes.

21 Q April 7th. So after March 31st, that week, he still
22 was staying at your house.

23 A He kinda -- yeah. He still kind of stayed there. You
24 know, sometimes they would be out all night at their
25 friend's house, and sometimes they would be at my house.

Valencia Garcia
Direct examination by Mr. Barnette

1 Q And they were together?

2 A Most of the time, yes, sir.

3 MR. BARNETTE: One moment, Your Honor, please.

4 (Pause.)

5 Q Thank you, ma'am, for answering my questions.

6 A Thank you.

7 Q Please answer any questions Mr. Morin may have now.

8 MR. MORIN: Can I have just a moment, Your Honor?

9 MR. BARNETTE: There is one more questions I wanted to
10 ask, Your Honor, if I could.

11 BY MR. BARNETTE

12 Q What kind of phone did your son have?

13 A He had an iphone.

14 Q And what kind of phone did Mr. Freeman have?

15 A I think he also had an iphone, but he had a WiFi
16 phone.

17 Q So he didn't have service. You had to have -- be on
18 WiFi to get it.

19 A Yes, sir.

20 Q Thank you.

21 (Pause.)

22 MR. MORIN: I don't have any questions, Your Honor.

23 THE COURT: You may step down.

24 MR. BARNETTE: We would ask this witness be excused,
25 Your Honor.

Chris Taylor
Direct examination by Mr. Barnette

1 THE COURT: She may be.

2 (Whereupon, the witness was excused.)

3 MR. BARNETTE: Your Honor, I would like to call
4 Investigator Taylor to the stand.

5 CHRIS TAYLOR, having been
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MR. BARNETTE

8 Q If you would, sir, state your full name for the
9 record.

10 A Chris Taylor.

11 Q And where do you work at, sir?

12 A Spartanburg Police Department.

13 Q And what's your position there, sir?

14 A Investigator.

15 Q And how long have you been working with the
16 department?

17 A Over 20 years now.

18 Q Back on March 31st of 2017 did you -- was you
19 initially contacted about the event at K.F.C.?

20 A Yes, sir.

21 Q And through the investigation and everything on
22 April 7th did you meet with Mr. Freeman?

23 A Yes, sir.

24 Q And during that time did he ask you for bottles of
25 water?

Chris Taylor
Direct examination by Mr. Barnette

- 1 A Yes, sir.
- 2 Q And how many bottles of water did he ask you for?
- 3 A Two bottles.
- 4 Q Okay. Let me show you what's been marked as State's
- 5 Exhibit 11.1. If you would, take a look at that, sir.
- 6 Are those the two bottles that was given to him?
- 7 A Yes, sir.
- 8 Q And did you receive those bottles -- once he requested
- 9 them, was y'all at the sheriff's department when this
- 10 happened?
- 11 A Yes, sir.
- 12 Q And did you receive them from Investigator Tom Clark?
- 13 A Yes, sir.
- 14 Q And were they sealed? Were they brand new, sealed
- 15 bottles?
- 16 A Yes, sir, as far as I could tell.
- 17 Q And was you -- did you give them to the defendant,
- 18 Mr. Freeman?
- 19 A Yes, sir.
- 20 Q And did he drink out of them?
- 21 A Yes, sir.
- 22 Q And afterwards was the bottles left for somebody at
- 23 the sheriff's department?
- 24 A Yes, sir.
- 25 Q And did the sheriff's department collect those?

Sara Ann Kruger
Direct examination by Mr. Barnette

1 A We left before they collected them.

2 Q Well, I guess Investigator Clark was there with them
3 when they collected them.

4 A Yes, sir.

5 Q If you would, answer any questions that Mr. Morin may
6 have for you.

7 MR. MORIN: No questions.

8 THE COURT: Step down.

9 MR. BARNETTE: Your Honor, I'd like to call
10 Investigator Kruger to the stand next.

11 SARA ANN KRUGER, having been
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MR. BARNETTE

14 Q If you would, have a seat, ma'am. Pull that mic close
15 to you if you would.

16 A The yellow one?

17 Q The black one. I'm sorry.

18 Could you give us your full name, ma'am?

19 A Sara Ann Kruger.

20 Q And where do you work at, ma'am?

21 A Spartanburg County Sheriff's Office.

22 Q And what's your position there, ma'am?

23 A I work the crime scene unit. I'm a deputy two.

24 Q And how long have you been with the sheriff's -- or in
25 law enforcement?

Sara Ann Kruger
Direct examination by Mr. Barnette

- 1 A It's been a little over six years now.
- 2 Q Back on April 7th of 2017, was you working that day,
3 ma'am?
- 4 A Yes, I was.
- 5 Q And was you contacted by Investigator Clark to come to
6 the interview room or to a room to get a -- some bottles?
- 7 A I was.
- 8 Q And let me show you what's been marked as State's
9 Exhibit 40. I'll let you look at that, ma'am, real quick.
- 10 A Uh-huh.
- 11 Q And did you place those bottles into evidence?
- 12 A I did.
- 13 Q And you collected those bottles.
- 14 A I did collect these bottles.
- 15 Q And were they placed in evidence and secured at that
16 point?
- 17 A Yes, sir.
- 18 MR. BARNETTE: Your Honor, I'd like to move this into
19 evidence at this time.
- 20 THE COURT: What's the number?
- 21 THE WITNESS: The item number?
- 22 MR. BARNETTE: Maybe I said the wrong number.
- 23 THE COURT: Exhibit number.
- 24 THE WITNESS: Forty.
- 25 MR. BARNETTE: No. It's 11.1. I'm sorry. I was

Sara Ann Kruger
Direct examination by Mr. Barnette

1 looking at 40. That's the sheriff's department. It's
2 11.1, Your Honor.

3 MR. MORIN: No objection.

4 THE COURT: It's admitted.

5 (Dasani water bottle marked State's Exhibit No. 11.1.)

6 Q And when you placed those into evidence, took them
7 into evidence, ma'am, did you take a swab from those
8 bottles?

9 A Prior to placing them in evidence, I took a swab.

10 Q Let me let you look at State's Exhibit No. 11. You
11 may need to open. If you would, open on that side there if
12 you need to look inside.

13 A Yes.

14 Q Was that the swab you took from the bottles, ma'am?

15 A That is the swab.

16 Q And was that placed into evidence also?

17 A Yes, sir.

18 Q And was it secured into evidence?

19 A Yes, sir.

20 MR. BARNETTE: Your Honor, I'd like to move this into
21 evidence at this time. That's going to be State's
22 Exhibit 11, Your Honor.

23 MR. MORIN: No objection.

24 THE COURT: It's admitted.

25 (Swab from Dasani water bottle marked State's Exhibit

Nathan Cantrell
Direct examination by Mr. Barnette

1 No. 11.)

2 Q Thank you, ma'am. If you would, answer any questions
3 that Mr. Morin may have for you.

4 MR. MORIN: No questions, Your Honor.

5 THE COURT: You may step down.

6 MR. BARNETTE: We'd ask the witness be excused, Your
7 Honor.

8 THE COURT: She may be.

9 (Whereupon, the witness was excused.)

10 MR. BARNETTE: Your Honor, I'd like to call
11 Investigator Cantrell next.

12 NATHAN CANTRELL, having been
13 first duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. BARNETTE

15 Q If you would, sir, please state your name for the
16 record.

17 A Nathan Cantrell.

18 Q And where do you work at, sir?

19 A Spartanburg County Sheriff's Office.

20 Q And what's your position there, sir?

21 A I am currently assigned to the homicide violent crime
22 division. I'm a senior investigator.

23 Q And how long have you been in law enforcement, sir?

24 A A little over 19 years.

25 Q Back on April 7th of 2017 was you called to help,

Nathan Cantrell
Direct examination by Mr. Barnette

1 assist on a search warrant, process an area at [REDACTED]
2 [REDACTED] Road in Roebuck, South Carolina?
3 A Yes, sir, I was.
4 Q If you would, tell the jury about that.
5 A So on April 7th of 2017 I was requested by at the time
6 Investigator Tommy Clark with the Spartanburg County
7 Sheriff's Office to respond to that location, [REDACTED]
8 [REDACTED] Road, to assist in surveillance on some wanted
9 subjects.

10 Another investigator with the Spartanburg County
11 Sheriff's Office, Richie Foster, was already in place, so I
12 was heading to him, to assist him.

13 Q As y'all was doing this, looking for those two
14 individuals -- was that Mr. Garcia and Mr. Freeman that
15 y'all was looking for?

16 A Yes, sir.

17 Q When y'all got there did Mr. Garcia come up to you,
18 come up to Mr. Foster, Investigator Foster?

19 A Yes, sir. Actually, Investigator Foster was already
20 in place. So we were communicating between the radio and
21 cell phone, and Investigator Foster notified me that --

22 MR. MORIN: Objection to hearsay.

23 MR. BARNETTE: I'll rephrase the question, Your Honor,
24 from that standpoint.

25 Q Was Mr. Garcia taken into custody afterwards?

Nathan Cantrell
Direct examination by Mr. Barnette

1 A Yes, sir, as I was en route.

2 Q When you arrived there did you see something at the
3 house, or what happened once you got there?

4 A Yes, sir. So within that vicinity where Investigator
5 Foster -- where I responded to him at -- he had an
6 individual detained at that time.

7 There was a road, and I could see someone fleeing down
8 that road. The best I can describe was a black male
9 wearing some dark clothing, went around a bushy area, and I
10 couldn't see him any more.

11 Q Later on the sheriff's department kept the
12 surveillance on that area?

13 A Yes, sir. At that time because of what we believed
14 was one of our wanted subjects, we called for the
15 Spartanburg County Sheriff's Office canine support team.

16 We were doing a canine track. We had a perimeter in
17 the area, and then we also had surveillance at the
18 residence that we were going to do a search warrant on.

19 Q So you went in and executed the search warrant.

20 A Yes, sir.

21 Q And later on was the search warrant concluded at
22 that -- at some point?

23 A Yes, sir.

24 Q And I guess Investigator Graham did that.

25 A Yes, sir.

Nathan Cantrell
Direct examination by Mr. Barnette

1 Q And he had actually left the scene afterwards.

2 A I believe that's correct, yes, sir. It was a -- it
3 was a long day and it was a lengthy search warrant, and I
4 believe he may have left at that point at the end of the
5 day.

6 Q Did you stay there at that time or --

7 A I stayed the entirety of the -- of the search warrant,
8 yes, sir.

9 Q Okay. And later on did -- later on did y'all catch
10 Mr. Freeman?

11 A Yes, sir.

12 Q And how was Mr. -- if you would, tell the jury what
13 happened. Or Investigator Foster -- was he the one that
14 actually --

15 A I'm sorry? Say that again.

16 Q If you would, tell the jury what you know about that
17 situation.

18 A So during the search warrant, execution of the search
19 warrant at a residence, we search the residence. If we
20 find anything of any evidentiary value, we gather it. So
21 sometimes when you're searching a residence that can be a
22 lengthy process.

23 At that time when we were concluding executing the
24 search warrant, we were beginning to leave the area, but we
25 still had canine officers in the area because we had

Nathan Cantrell
Direct examination by Mr. Barnette

1 tracked the person that I saw fleeing the area.

2 As we were leaving we were contacted that we believed
3 that the individual that we were originally pursuing was
4 back in the area.

5 So at that time when I heard that on the radio, I
6 turned around. I came back to the residence, and I -- I
7 saw Mr. Freeman in the -- in the yard, and he had just been
8 captured by one of our officers and was being detained.

9 Q Let me show you these pictures, sir, if I can, 126 and
10 110. Do those pictures fairly represent what you saw when
11 you went back?

12 A Yes, sir.

13 Q Okay. And this is the individual and the items he had
14 with him?

15 A Yes, sir. That's correct.

16 Q And that's how he was addressed when y'all got -- when
17 he was captured?

18 A Yes, sir, which was fit with the person that I saw
19 fleeing and the fact that he was in a wooded area and --
20 and he was dirty, had a lot of debris and vegetation on
21 him.

22 MR. BARNETTE: Your Honor, can I publish? These are
23 already in evidence. Can I publish them for the jury?

24 Q And this is the individual. When you went back,
25 that's the one you saw.

Mark Gaddy
Direct examination by Mr. Barnette

1 A Yes, sir. That's correct.

2 Q And it was consistent with the person you saw fleeing
3 from the scene.

4 A Yes, sir. Dark-clothing-wise, anyway.

5 Q And then that was the items that was with him.

6 A Yes, sir.

7 Q Okay.

8 MR. BARNETTE: That's state State's Exhibit No. 110.

9 Q If you would, sir, please answer any questions that
10 Mr. Morin may have for you.

11 A Yes, sir.

12 MR. MORIN: No questions of this witness.

13 THE COURT: You may step down.

14 MR. BARNETTE: Ask this witness be excused, Your
15 Honor.

16 THE COURT: He may be.

17 (Whereupon, the witness was excused.)

18 MR. BARNETTE: Your Honor, I'd like to call
19 Investigator Gaddy to the stand.

20 MARK GADDY, having been first
21 duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. BARNETTE

23 Q If you would, sir, please state your full name for the
24 record.

25 A My name's Mark Gaddy.

Mark Gaddy
Direct examination by Mr. Barnette

- 1 Q And where do you work at, sir?
- 2 A I work for the Spartanburg County Sheriff's Office.
- 3 Q What's your position there, sir?
- 4 A Right now I'm the sergeant in charge of the gang task
5 force, but I was in violent crimes when -- when this
6 investigation was going on working robberies.
- 7 Q And how long have you been in law enforcement, sir?
- 8 A Twenty-five years.
- 9 Q Back on April 7th of 2017, was you part of a team that
10 went to [REDACTED] Road?
- 11 A Yes, sir.
- 12 Q If you would, tell the jury what your -- what you did
13 that day.
- 14 A As a part of this ongoing investigation with the city,
15 we had been out on that night from like midnight up looking
16 for people that were involved in these armed robberies.
- 17 Q Wait, wait, wait. Involved in the armed robbery of
18 the K.F.C.?
- 19 A Yes. It was all in conjunction because the stuff that
20 we had compared as far as the investigations were
21 paralleling each other.
- 22 MR. MORIN: I have an objection, Your Honor.
- 23 (Bench conference held off the record in the presence
24 of the jury but out of the hearing of the jury.)
- 25 THE COURT: Let me ask the jury to step out just a

Mark Gaddy
Direct examination by Mr. Barnette

1 minute.

2 And I'll bring you right back. Don't discuss the
3 case.

4 (The following takes place outside the presence of the
5 jury.)

6 THE COURT: Now, that the jury is out, Mr. Barnette,
7 will you make it clear to this witness what case we're
8 trying here today?

9 MR. BARNETTE: Yes, sir. We're just talking about the
10 one K.F.C. robbery.

11 THE WITNESS: Absolutely. Okay.

12 MR. MORIN: I understand that, Your Honor, but I'm
13 going to move for a mistrial. He's made reference to other
14 investigations and other robberies twice.

15 Mr. Barnette tried to save him one time, and then he
16 repeated it again.

17 THE COURT: Well, I don't think that's clear.
18 That's -- that wasn't clear to me.

19 I understand what your concern is and I understand
20 where I thought he was going. That's why I sent the jury
21 out, but it wasn't clear to me that he was referring to
22 anything other than this one, but I anticipated that he
23 might, and that's the reason I excused the jury.

24 So at this point I don't think it's necessary to grant
25 a motion for a mistrial, and so that motion is denied.

Mark Gaddy
Direct examination by Mr. Barnette

1 All right. Are we clear now on where we are?

2 MR. BARNETTE: Yes, sir. What I'm going to do, I'm
3 just going to go to the search warrant because, relate to
4 it that he went and what he did on the search warrant.

5 THE COURT: Okay. Good.

6 All right. Bring the jury back.

7 And let me just remind the witness. We're not talking
8 any other case other than the one that occurred on
9 March the 31st of 2017 at a K.F.C. on Cedar Springs Road.

10 THE WITNESS: Yes, sir.

11 (The following takes place in the presence of the
12 jury.)

13 THE COURT: All right. Mr. Barnette.

14 MR. BARNETTE: Thank you, Your Honor.

15 BY MR. BARNETTE

16 Q At that location did you help execute a search
17 warrant?

18 A Yes, sir.

19 Q And in executing that search warrant was you part of
20 the team that went in with Investigator Graham?

21 A Yes.

22 Q And let me show you State's Exhibit 107. Was that one
23 of the items that you saw during the search warrant?

24 A Yes.

25 Q And there was money that was found with that that was

Mark Gaddy
Direct examination by Mr. Barnette

1 taken into evidence, is that right?

2 A Yes.

3 Q And later on had one of the individuals ran from the
4 house?

5 A Yes.

6 Q And was y'all looking for that individual?

7 A Yes.

8 Q And how long was that over a period of time?

9 A A couple of hours. I mean, it was -- it was all in
10 the same afternoon.

11 Q Was the canine unit called in?

12 A Yes.

13 Q And later on what -- did this individual come back to
14 the house?

15 A Yes.

16 Q Obviously, that bookbag was inside the house.

17 A Yes, at the time the search warrant was executed, yes,
18 sir.

19 Q Was he captured?

20 A Yes.

21 Q And did you see what -- what he looked like
22 afterwards?

23 A Yes.

24 Q And what did he have? Showing you State's Exhibit 126
25 and 110. Is that a picture of him?

Mark Gaddy
Cross-examination by Mr. Morin

1 A Yes.

2 Q And is this a picture of what he had with him?

3 A Yes.

4 Q Was he dressed that way when y'all saw him from that
5 standpoint?

6 A Yes.

7 MR. BARNETTE: Your Honor, permission to publish these
8 pictures to the jury. They're all in evidence at this
9 time.

10 THE COURT: You may.

11 Q Show you State's Exhibit 107. That was the bookbag
12 that y'all saw in the residence in that bedroom?

13 A Yes.

14 Q And 126. This is obviously him when he was captured.

15 A Yes.

16 Q And then 110. Is that the items he had with him?

17 A Yes.

18 Q If you would, please, answer any questions that Mr.
19 Morin may have for you.

20 CROSS-EXAMINATION

21 BY MR. MORIN

22 Q When you went out there to the Roebuck address did you
23 drive yourself or were you with somebody else?

24 A As I recall, I drove myself when it was me and
25 Sergeant Letterman at the time.

Mark Gaddy
Cross-examination by Mr. Morin

1 Q Okay. And were you -- who was the first officer to
2 arrive on the scene? Was it you?

3 A I don't -- I don't recall who was first.

4 Q How many officers were there when you arrived?

5 A At the time that we arrived at [REDACTED] I think it was
6 just he and I.

7 Q So -- so you think you -- you were the first ones
8 there.

9 A As I remember it, yes, sir.

10 Q Okay. And you saw Mr. Garcia and another individual,
11 is that right?

12 A I don't know that I ever saw them.

13 Q You never saw them?

14 A I don't know. I don't recall seeing them.

15 Q Okay. So when Mr. Barnette said did you -- did you
16 later apprehend the other individual, and you said yes, you
17 really don't know because you didn't see him when they
18 first got there.

19 A I know that those were the people that we were after.

20 Q That is correct. But my question is there was a
21 gentleman who ran away. But you didn't see him when he ran
22 away, did you?

23 A No.

24 Q So you don't know if Mr. Freeman is the man that ran
25 away. You just know a man ran away.

Mark Gaddy
Redirect examination by Mr. Barnette

1 A Okay. Yes, sir.

2 Q All right. Thank you.

3 MR. MORIN: No further questions.

4 REDIRECT EXAMINATION

5 BY MR. BARNETTE

6 Q Other officers were there at the scene taking care of
7 the perimeter, is that right?

8 A Yes.

9 Q And, obviously, they was pointed at different points
10 in those locations.

11 A Yes.

12 Q And Investigator Graham came there to execute the
13 search warrant.

14 A Yes.

15 Q Did -- and this is the individual that -- obviously,
16 the bookbag inside the house.

17 A Yes.

18 Q And that bookbag was taken from that house and was
19 this individual.

20 A Yes.

21 Q That was after you executed the search warrant.

22 A Yes.

23 Q And all the officers there.

24 A Yes.

25 Q And after they were looking for Mr. Freeman.

Courtney Thompson
Direct examination by Mr. Barnette

1 A Yes.

2 Q Thank you.

3 MR. MORIN: No further questions.

4 THE COURT: You may step down.

5 MR. BARNETTE: We'd ask the witness be excused.

6 THE COURT: He may be.

7 (Whereupon, the witness was excused.)

8 MR. BARNETTE: Give me one second, Your Honor.

9 (Pause.)

10 MR. BARNETTE: Your Honor, the state calls Courtney
11 Thompson.

12 COURTNEY THOMPSON, having been
13 first duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. BARNETTE

15 Q If you would, ma'am, state your full name for the
16 record.

17 A My name is Courtney Thompson.

18 Q And where do you work at, ma'am?

19 A I work for the South Carolina Law Enforcement
20 Division, also referred to as SLED.

21 Q And what's your position there, ma'am?

22 A I'm a forensic serologist in the D.N.A. casework
23 department.

24 Q And how long have you been there, ma'am?

25 A I've been there for about six years.

Courtney Thompson
Direct examination by Mr. Barnette

1 Q And what is part of your duties, ma'am?

2 A My duties are examining items of evidence for possible
3 body fluids, as well as processing items for different
4 types of D.N.A. that might be left behind on those items.
5 And then after processing them I will typically prep the
6 samples for D.N.A. analysis, issue a report on my findings
7 and then testify in court when necessary.

8 Q In this case did you receive some items to process,
9 ma'am?

10 A Yes, I did.

11 Q Let me let you look at this item, ma'am. It's marked
12 as .8 -- .1.

13 THE COURT: Marked as what?

14 MR. BARNETTE: 8.1, Your Honor.

15 THE COURT: No. What's the state's exhibit?

16 MR. BARNETTE: That'll be State's Exhibit 8.1, Your
17 Honor.

18 THE COURT: Okay.

19 Q And then -- let's see. Let you look at item No. 4,
20 State's Exhibit No. 2, No. 3 and 1. And did you process
21 these or look at these items, ma'am?

22 A Yes, I did process and/or collect some swabs from
23 these items.

24 Q Okay. And let me show -- look at 121, State's
25 Exhibit. Is that a report that's involved in this?

Courtney Thompson
Direct examination by Mr. Barnette

1 A Yes. This is the report that I issued.

2 MR. BARNETTE: Your Honor, I'd like to move this into
3 evidence at this time.

4 MR. MORIN: No objection.

5 THE COURT: It's admitted.

6 (SLED serology report marked State's Exhibit No. 121.)

7 MR. BARNETTE: May I publish it to the jury, Your
8 Honor?

9 THE COURT: You may.

10 Q Is this a copy of your report, ma'am?

11 A Yes.

12 Q In this case you received a black jacket, which is
13 State's Exhibit 1.

14 A That is correct. I did.

15 Q And you did a swab from that. I guess the cuffs and
16 the collar of the jacket.

17 A That is correct. I processed the cuffs and the collar
18 of the jacket with a sterile scraper and then swabbed it
19 with a wet swab.

20 THE COURT: Let me ask you to speak into that
21 microphone, please, that black microphone.

22 A Yes. I did process the jacket.

23 Q And then the plastic mask for this case, State's
24 Exhibit 2, did you process that?

25 A Yes. I collected swabs from the interior of the mask.

Courtney Thompson
Direct examination by Mr. Barnette

1 Q So, if you would, is this the mask you processed,
2 ma'am?

3 A Yes, it is. I recognize it based off of the case
4 number and item number and my initials that I placed on the
5 item.

6 Q If you would, step down for a second.

7 (Whereupon, the witness left the stand.)

8 Q Let me bring that mask here. I want them to see the
9 inside here if they can.

10 A Okay.

11 Q You can come over here, ma'am. If you'll just stand
12 right underneath this mic, they can hear you over here.

13 A Right here?

14 Q Yes, ma'am. Back here. Just talk loud enough where
15 they can hear you there.

16 A Sure.

17 Q I'm trying to let the jury see this.

18 A Okay.

19 Q Tell what you did in this mask to swab it.

20 A Since this item is a piece of plastic, the way that I
21 swabbed it was a wet swab and then a dry swab, followed up
22 behind it, all throughout the entire interior of the mask.
23 And the arrows that you see drawn on the inside of the mask
24 are indicating just where I collected from. 2.1 are the
25 swabs that I collected from this mask, which is item -- the

Courtney Thompson
Direct examination by Mr. Barnette

1 mask is item two.

2 Q Okay. So 2.1 is the swabs themselves, and then the
3 arrows show where you swabbed it at.

4 A Yes. It's just an indication of where I collected
5 from.

6 Q Okay. Thank you, ma'am.

7 (Whereupon, the witness returned to the stand.)

8 Q Okay. Going to the next item, the revolver, State's
9 Exhibit 3. Did you swab that, ma'am?

10 A Yes. I collected swabs from the grip and trigger of
11 the revolver.

12 Q Okay. And all of this was forwarded to the D.N.A.
13 section, is that right?

14 A That is correct.

15 Q No. 4. Did you take a swab from the bandana, the blue
16 and white bandana?

17 A Yes. I collected a swab from scraping the entire
18 bandana.

19 Q And then you also tried to collect hair from different
20 items, is that right?

21 A Yes. The process is that if a hair is visible, I
22 would collect it and then evaluate.

23 If a root is present on the hair, and if so the hair
24 can be forwarded on to see if the D.N.A. analyst is able to
25 develop anything from that. Roots are required for an

Courtney Thompson
Direct examination by Mr. Barnette

1 analyst to be able to do anything for them because that's
2 where the -- basically, the D.N.A. is housed that they need
3 to do their processes.

4 Q Let me let you look at State's Exhibits 5 through 8.
5 Did you process the shell casings, I guess, from the
6 revolver?

7 A Yes. I did process items five through eight.

8 Q Okay. And were they forwarded to the D.N.A.
9 department?

10 A Yes. The swabs I collected were forwarded to the
11 D.N.A. section.

12 Q Okay. Let me let you open this up, ma'am.

13 A Okay.

14 Q Let you open up on the side there. Look at those
15 envelopes, if you would, since you opened that up.

16 A Yes. This appears to be all the swabs that I
17 collected from the items or the hair collected from the
18 items.

19 Q Can I get those from you, ma'am?

20 A Uh-huh.

21 (Swabs marked State's Exhibit Nos. 1.1, 1.2, 2.1, 3.1,
22 4.1 and 4.2.1, 8.1 for Identification.)

23 Q And you collected all of the swabs, is that correct,
24 ma'am?

25 A That is correct.

Courtney Thompson
Direct examination by Mr. Barnette

1 Q And these were forwarded to the D.N.A. department for
2 testing.

3 A They were, yes.

4 MR. BARNETTE: Your Honor, at this time I'd like to
5 enter State's Exhibits 1.1, 1.2, 2.1, 3.1, 4.1, 4.2 and 8.1
6 into evidence.

7 MR. MORIN: I have no objections.

8 THE COURT: They're admitted.

9 (Swabs marked State's Exhibit Nos. 1.1, 1.2, 2.1, 3.1,
10 4.1 and 4.2.1 and 8.1.)

11 Q Just to show the jury here real quick, so when you
12 take this off the jacket right here, you take it and then
13 you swab it and then it's forward to the D.N.A. for D.N.A.
14 processing.

15 A That's correct.

16 Q And, obviously, you seal that and send that to her, is
17 that right?

18 A That's correct, after I'm finished with whatever I'm
19 doing, I make sure to seal it and write my initials and the
20 date of collection.

21 Q And this is your swab for the plastic mask, is that
22 right?

23 A That's correct.

24 Q And that was forwarded and sealed and everything and
25 sent to D.N.A.

Courtney Thompson
Direct examination by Mr. Barnette

- 1 A That's correct.
- 2 Q 3.1. Same thing was done with the revolver?
- 3 A Yes.
- 4 Q 4.1. The badana -- bandana?
- 5 A Yes. That's correct.
- 6 Q 4.2. Just another one of the badana -- bandana.
- 7 Excuse me.
- 8 A Yes.
- 9 Q In this order. And you also have item 1.2 from the
- 10 jacket itself?
- 11 A Yes.
- 12 Q And then 8.1 is from the bullets or whatever from the
- 13 revolver.
- 14 A That is correct.
- 15 Q And you didn't notice any evidence tampering or
- 16 anything from anything you received or anything.
- 17 A No, sir. All evidence was sealed whenever it was
- 18 placed into my custody.
- 19 Q And then you sealed it and forwarded it to D.N.A. for
- 20 testing there.
- 21 A That's correct. The swabs that I collected were
- 22 placed inside this heat-sealed pouch which I sealed myself.
- 23 There's my initials and the date at the top. And then
- 24 until the D.N.A. analyst opened it, it remained in its
- 25 sealed state.

Courtney Thompson
Cross-examination by Mr. Morin

1 Q If you would, please, answer any questions Mr. Morin
2 may have for you.

3 CROSS-EXAMINATION

4 BY MR. MORIN

5 Q Just so I understand. When you're doing these swabs
6 you don't know if you're collecting D.N.A. or not. You
7 just swab it, right?

8 A Yes. The attempt is to collect D.N.A. that might be
9 present, but I would not actually know how much D.N.A. is
10 there.

11 Q And you just sealed it up and sent it on to someone to
12 analyze.

13 A That is correct.

14 MR. MORIN: That's all the questions I have.

15 THE COURT: You may step down.

16 MR. BARNETTE: We ask for the witness to be excused,
17 Your Honor.

18 THE COURT: She may be.

19 (Whereupon, the witness was excused.)

20 MR. BARNETTE: I'd like to call Maryann Boehm next.

21 MR. MORIN: Can we approach, Your Honor?

22 (Bench conference held off the record in the presence
23 of the jury but out of the hearing of the jury.)

24

25

Thomas Edward Darnell
Direct examination by Mr. Barnette

1 THOMAS EDWARD DARNELL, having
2 been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q If you would, sir, please give us your full name for
5 the record, please.

6 A My name is Thomas Edward Darnell, D-A-R-N-E-L-L.

7 THE COURT: Let me ask you not to turn your back to
8 the court reporter. Don't turn your back to her.

9 THE WITNESS: Excuse me.

10 Q Where do you work? Where do you work at, again, sir?

11 A I work for the state law enforcement division, most
12 commonly referred to as SLED. And I am currently in the
13 latent print forensic laboratory.

14 MR. BARNETTE: And, Your Honor, I think I talked to
15 Mr. Morin. He's agreed to his qualifications as a latent
16 print examiner.

17 MR. MORIN: I do, Your Honor.

18 THE COURT: Okay.

19 Q And in this case, sir, did you look at a plastic mask
20 and a .38 caliber revolver, sir?

21 A Yes, I did.

22 Q And I think the revolver -- is it State's Exhibit
23 No. 3?

24 A Yes, sir.

25 Q I'll let you look at it.

Thomas Edward Darnell
Direct examination by Mr. Barnette

1 A Yes. This is it.

2 Q And did y'all look at the plastic mask, which is, I
3 think, State's Exhibit 2, which I think is SLED's
4 Exhibit 2?

5 A Yes, sir. This is also it.

6 Q If you would --

7 A State's 2.

8 Q And it was actually -- did Courtney Thompson look at
9 them first before you looked at them, sir?

10 A Yes, sir. She -- she swabbed them for touch -- for
11 touch D.N.A.

12 Q Okay. And did you -- did you look at them for
13 fingerprints?

14 A I did.

15 Q Was you able to find any fingerprints on either item?

16 A I was able to develop areas of fingerprints that were
17 not suitable for comparison.

18 Q So just because we touch something don't mean there's
19 a fingerprint left on it.

20 A That is -- that's correct, yes, sir.

21 Q And if you was wearing gloves would you leave a
22 fingerprint?

23 A I would expect not.

24 Q And you developed a report in this case, is that
25 correct, sir?

Thomas Edward Darnell
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q Okay. Thank you. And is it State's Exhibit 123?

3 A Yes, sir. This is my report with my signature on it.

4 Q Okay.

5 MR. BARNETTE: Your Honor, I'd like to enter State's
6 Exhibit 123 into evidence at this time.

7 MR. MORIN: No objections.

8 THE COURT: It's admitted.

9 (SLED report marked State's Exhibit No. 123.)

10 Q And just for the jury or whatever, just because I
11 touch it, does that mean I leave a fingerprint there?

12 A No, sir.

13 Q What factors factor into that?

14 A Well, you know, it's unlike television where you
15 always get fingerprints and they're -- in the real world it
16 just doesn't happen that way.

17 There are lots of factors that come into play, one
18 being the amount of perspiration that you might be -- that
19 you might have on your hands.

20 It also might depend on the condition of the surface
21 that you're touching, and it also depends on things such as
22 weather, because the majority of a fingerprint is nothing
23 but moisture, about 99 percent moisture.

24 And so, obviously, if you're out in the heat it
25 would -- it would tend to -- to evaporate versus if you

Thomas Edward Darnell
Direct examination by Mr. Barnette

1 were inside in a protected area. But there are a lot of --
2 lot of variables that come into play.

3 It also depends on how you touch something, you know,
4 how -- if you slide your hand across something or if you
5 just, you know, touch it and leave your hand in one spot,
6 you may or may not. But there is a lot of -- a lot of
7 variables that come into play when it determines if you
8 leave a print or not.

9 Q But you didn't receive any readable prints off any of
10 the items.

11 A Did not. Did not develop anything that I could
12 identify.

13 Q And just showing you your report, 123. That's what
14 you showed, is that correct, for your report?

15 A Yes, sir.

16 Q If you would, please, answer any questions that Mr.
17 Morin may have for you.

18 MR. MORIN: No questions, Your Honor.

19 THE COURT: Step down.

20 MR. BARNETTE: We ask for this witness to be excused,
21 Your Honor.

22 THE COURT: He may be.

23 (Whereupon, the witness was excused.)

24 MR. BARNETTE: I'd like to call Michele Eichenmiller,
25 as the next witness, Your Honor.

Michele Eichenmiller
Direct examination by Mr. Barnette

- 1 MICHELE EICHENMILLER, having
2 been first duly sworn, testified as follows:
3 DIRECT EXAMINATION BY MR. BARNETTE
4 Q If you would, ma'am, please state your name for the
5 record.
6 A Michele Eichenmiller.
7 Q And where do you work at, ma'am?
8 A I work for the South Carolina Law Enforcement Division
9 in the forensic lab in the firearms department.
10 Q And how long have you been there, ma'am?
11 A Approximately 12 and a half years.
12 MR. BARNETTE: I believe Mr. Morin is going to
13 stipulate to her qualifications as a firearm examiner.
14 MR. MORIN: I do, Your Honor.
15 THE COURT: Okay.
16 Q And did you -- in this case, ma'am -- how many cases
17 have you worked over the years?
18 A Probably thousands.
19 Q How many times have you actually testified before?
20 A Approximately 70 times.
21 Q In this case did you receive five fired .380 auto
22 cartridges and three lead fragments in this case?
23 A May I refer to my notes?
24 Q Yes, ma'am. Let me do -- it may be easier to do it
25 this way.

Michele Eichenmiller
Direct examination by Mr. Barnette

1 State's Exhibit 124. Is that a copy of your report in
2 this case, ma'am?

3 A Yes. It's slightly altered, but that's it.

4 Q Okay. But this is your report, is that correct?

5 A Yes.

6 MR. BARNETTE: Your Honor, I'd like to move State's
7 Exhibit 124 into evidence at this time.

8 MR. MORIN: No objection.

9 THE COURT: It's admitted.

10 (SLED report State's Exhibit No. 124.)

11 MR. BARNETTE: In this case -- may I publish this to
12 the jury, Your Honor?

13 THE COURT: You may.

14 Q In this report, 124, you received five fired .380 auto
15 cartridge cases in this case, ma'am?

16 A I did.

17 Q Let me let you look at State's Exhibit 79, State's
18 Exhibit 22, State's Exhibit 21, State's Exhibit 20, State's
19 Exhibit No. 19, State's Exhibit No. 15, State's Exhibit 16
20 and State's Exhibit 17. If you would, take a look at those
21 items, ma'am, and see if you looked at those.

22 A Whenever we receive evidence in the lab I will write
23 on it with my case number, the item number and my initials.
24 And then when I -- when it gets ready to be packaged for a
25 return I'll seal it and put the date and my initials on it.

Michele Eichenmiller
Direct examination by Mr. Barnette

1 (Pause.)

2 A There's four of the cartridge cases I examined in this
3 case.

4 Q Okay. Did you also -- let me show you State's
5 Exhibits 11-A, 12, 13 and 14 and see if you received those
6 items too, ma'am.

7 A Yes, sir. These are also the fired projectiles that I
8 examined in this case.

9 Q Okay. So you received those too. And, like you said,
10 you mark on these when you do that, is that right?

11 A Yes. I mark on the actual item and then the packaging
12 that the item was received in.

13 Q Okay. And then you did an analysis on these items,
14 ma'am?

15 A I did.

16 Q Later on did you receive, also receive, a gun involved
17 in this case?

18 A I did.

19 Q And is that State's Exhibit No. 9? Should be. Take a
20 look at that, ma'am.

21 A This is the firearm I examined in this case.

22 Q In these items did you examine the bullets and the
23 gun, as well as the shell casings?

24 A I did.

25 Q In these shell casings, and the shell casings from

Michele Eichenmiller
Direct examination by Mr. Barnette

1 five to eight, were they fired by this weapon?

2 A They were.

3 Q Was the bullets that you received, I guess, from the
4 body of Anthony Tiffany, were they also fired by this gun?

5 A They were. I should correct it though. One of the
6 cartridge cases was inconclusive. It was too damaged to be
7 able to tell if it was fired by that gun, but the other
8 four were fired by the pistol I received.

9 Q Okay. Can you show the jury which pistol you did
10 receive?

11 A It's the Smith and Wesson .380 pistol.

12 Q So is that the automatic weapon that you received?

13 A Yes, semiautomatic.

14 Q So these bullets that you received from that body of
15 Anthony Tiffany was fired by this gun.

16 A Correct.

17 Q Four of the five shell casings -- I think what we call
18 the K.F.C. crime scene -- was fired by that gun.

19 A Correct.

20 Q And one of them was inconclusive because of the
21 damage.

22 A Correct.

23 Q Okay.

24 MR. BARNETTE: One moment, Your Honor.

25 Can we approach the bench for a second?

Michele Eichenmiller
Direct examination by Mr. Barnette

1 (Bench conference held off the record in the presence
2 of the jury but out of the hearing of the jury.)

3 Q Do you have your original report on this case, ma'am?

4 A I do.

5 Q Let me have that.

6 MR. BARNETTE: Your Honor, if I could sub her
7 report --

8 MR. MORIN: Your Honor, may I approach?

9 (Bench conference held off the record in the presence
10 of the jury but out of the hearing of the jury.)

11 MR. BARNETTE: Your Honor, I would like to sub 120 --
12 I mean, her report that she has with -- for this report.
13 This one is an incomplete report before this one was, is
14 what happened.

15 THE COURT: What's the one that's marked as an
16 exhibit?

17 MR. BARNETTE: 124, Your Honor.

18 THE COURT: 124. You're withdrawing that?

19 MR. BANNISTER: Yes, sir. I'd like to add 124.

20 THE COURT: Make that a Court's exhibit. All right.
21 And this will be 124.

22 MR. BARNETTE: Yes, sir.

23 (Updated SLED report marked State's Exhibit No. 124;
24 prior State's Exhibit No. 124 previously marked Court's
25 Exhibit No. 2.)

Michele Eichenmiller
Direct examination by Mr. Barnette

1 Q Let me let you look at that report, ma'am. I guess
2 what the confusion was, the first report was before you
3 received the gun, is that right? And then you received the
4 gun later after the analysis, is that right?

5 A No. I had that -- all of the evidence in a close
6 proximity.

7 Q I got you. But this report was done after the first,
8 the original, report was done, is that correct? The one I
9 just showed you earlier.

10 A No. That one was the original.

11 Q Okay. But this one was the one that was done
12 afterwards. I mean, they are all together.

13 THE COURT: Show her both of them so she can reference
14 it.

15 MR. BARNETTE: I apologize.

16 Q I just want to make sure the jury understands. The
17 first report, I think, you -- the first report, you
18 received some information and then you got some additional
19 evidence at a later time and did -- did the report from
20 there.

21 A No. I completed -- I did one report after I got all
22 of the evidence.

23 Q Right. I understand. But that's -- there's nothing
24 any different from the first report. There's just
25 different information on the second report.

Michele Eichenmiller
Direct examination by Mr. Barnette

1 A There's more information on the original report than
2 this one. This one has some information that was removed.

3 Q Okay. I Understand. But your original report -- I
4 want to make sure it's correct as the one we're entering
5 into evidence now.

6 A Yes, yes.

7 Q Thank you. Please answer any questions Mr. Morin may
8 have for you.

9 MR. MORIN: I have no questions.

10 THE COURT: You may step down.

11 MR. BARNETTE: Thank you, Your Honor. Ask for her to
12 be excused.

13 THE COURT: She may be.

14 (Whereupon, the witness was excused.)

15 THE COURT: Is that all you have before lunch?

16 MR. BARNETTE: The next witness, I think, will be a
17 longer witness, Your Honor.

18 THE COURT: Okay. All right. We'll break for lunch.

19 Remember the caution. No discussions, no research, no
20 investigation, no media exposure.

21 Have a good lunch. Please report to your jury room at
22 2:00 o'clock, at 2:00 o'clock this afternoon.

23 Let me ask y'all to move those exhibits off the floor,
24 please.

25 Let me ask you to give your notepads to the bailiff as

William Richard Foster
Direct examination by Mr. Barnette

1 you leave.

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Court is in recess until 2:00 o'clock.

5 Let me see y'all before you go.

6 (Whereupon, a recess was taken.)

7 THE COURT: All right. Any matters to address before
8 the jury is brought in?

9 MR. BARNETTE: None from the state, Your Honor.

10 MR. MORIN: None from the defense.

11 THE COURT: Okay. Bring them in.

12 (The following takes place in the presence of the
13 jury.)

14 THE COURT: All right. The jury is present. You may
15 proceed.

16 MR. BARNETTE: I'd like to call Officer Richie Foster
17 to the stand, Your Honor.

18 WILLIAM RICHARD FOSTER, having
19 been first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q Sir, if you would, give your full name, please.

22 A William Richard Foster.

23 Q And where do you work at, sir?

24 A Spartanburg County Sheriff's Office.

25 Q And what position are you in now, sir?

William Richard Foster
Direct examination by Mr. Barnette

- 1 A I'm a school resource officer now for District Four
2 schools.
- 3 Q And what position was you back in March or
4 April 7th of 2017?
- 5 A Worked in the violent crimes investigation unit.
- 6 Q And how long was you in law enforcement, sir?
- 7 A I've been at the sheriff's office over 28 years now.
- 8 Q Back on April 7th of 2017 was you called to [REDACTED]
9 [REDACTED] Road in Roebuck, South Carolina?
- 10 A We had gone down there to sit and watch it. We had --
11 another investigator asked me to go sit and watch for any
12 activity.
- 13 Q And did you go down as other officers did that?
- 14 A Yes, sir. Well, I arrived first.
- 15 Q So you were there. And where did you position
16 yourself at?
- 17 A The driveway for [REDACTED] comes out on [REDACTED]. And
18 right below there is Rogers Drive.
- 19 I backed into a little pasture entranceway, just where
20 there's a little cut-in where a farm gate is just on --
21 just on to Rogers Road. I could see the driveway from
22 there.
- 23 Q And when you sat yourself there, what happened after
24 that?
- 25 A I wasn't there but a few minutes, and I had gotten on

William Richard Foster
Direct examination by Mr. Barnette

1 the phone to call Investigator Cantrell who was coming down
2 to tell him where I was and where he needed to be. And as
3 I was talking De'Adrian Garcia comes walking in front of
4 me. I couldn't see him until he got right to me because
5 the little cut I was in had a big bush right in front of
6 me. So I couldn't see into the -- down the road.

7 And as he's walking in front of my car and about three
8 feet in front of my car and I'm telling Investigator
9 Cantrell that he's walking in front of me right now, come
10 on get down here, so he's looking at me. And then he comes
11 over and he looks in my window, because I am in an
12 undercover car. I'm in a Chevy Equinox.

13 He comes over to my window. And about the time he
14 gets there I just opened the door. And I had my badge
15 around my neck and my sidearm on. And he said, well, I was
16 just checking to see who you were, what you were doing. I
17 said we -- I'm Richie Foster with the sheriff's office and
18 we're down here watching a house. And I pointed the
19 opposite way down the road.

20 And he said, well, this is my property, family's
21 property, and I just wanted to know who you were, didn't
22 recognize the car.

23 I said -- and I introduced myself and shook -- went to
24 shake his hand. He said he was De'Adrian Garcia. And I
25 said, well, my name's Richie Foster with, like I said, with

William Richard Foster
Direct examination by Mr. Barnette

1 the sheriff's office. I said we got a warrant for you,
2 you're under arrest.

3 So as I was placing him up against my fender to my car
4 Investigator Cantrell comes in and his eyes are real big.
5 And I am patting Mr. Garcia down and I get Mr. Cantrell to
6 throw me some handcuffs because I -- mine were in the car.
7 And as he's doing that he's telling me somebody else ran
8 down the road. And at that time Garcia said that's Jyquez.

9 Q So --

10 MR. MORIN: Objection, objection. Move to strike.

11 THE COURT: Overruled.

12 A And about that time another investigator was coming
13 down, and I gave Garcia off to him.

14 I ran around up [REDACTED], around the pasture field.
15 It wasn't a field. It was overgrown with trees. About 50
16 yards up to a gap where I could see up -- up through there
17 to watch and see if whoever was running away from us went
18 that way. And I sat there ten or so minutes waiting on
19 other folks to show up.

20 Q And what -- did they go ahead and execute the search
21 warrant on the residence there?

22 A Yes, sir. I think Investigator Gaddy went and got
23 that typed up while we were trying to track the other
24 individual.

25 Q And did y'all try to track down Mr. Freeman?

William Richard Foster
Direct examination by Mr. Barnette

1 A Yes, sir. We -- I think we utilized two dogs with no
2 success in that next couple of hours there.

3 Q After that couple of hours was the search warrant --
4 did they finish up with the search warrant and so forth?

5 A Yes, sir. I went and helped with that. And as we
6 were finishing up and about to leave we got a call in from
7 a neighborhood just adjacent to this address that a
8 suspicious man come up to their -- their house.

9 So we go around there, and I talked with the occupants
10 of the house, the father and two sons, and they said --

11 MR. MORIN: Objection. Hearsay.

12 THE COURT: Sustained.

13 Q If you would, just tell them what you did, if you
14 would, from there.

15 A I got up there and got the dogs to come over there
16 because the suspect or this individual had come to their
17 house, and he had gone out the back. So we started another
18 dog track right behind this house. As --

19 Q What happened after that?

20 A As the dogs started, we're going around behind the
21 house. And this back yard of this house through the
22 woods -- 200 yards maybe -- you can see the back of [REDACTED]
23 [REDACTED] Road. It's not that cluttered of trees, and
24 it's got a clear opening.

25 So I was kind of flanking out to the right of the dogs

William Richard Foster
Direct examination by Mr. Barnette

1 as they were going down the back -- the back yards of these
2 houses.

3 And as I was flanking out I was looking at this house,
4 because that's where we just came from, to see if he was
5 running that way or running from that way.

6 And about that time a young man come running out the
7 back door, and then he run -- he was running right back to
8 us, because he apparently don't see us yet. And I let them
9 know on the radio, said he's running out the back door of
10 this house and he's running right at us.

11 So everybody kind of started slowing down, and he's
12 still running at us. And he finally saw us, turned around
13 and took off running back toward the house again. And the
14 dog handler yelled that he was going to send a dog, get
15 down, and Mr. Freeman laid down on the ground, and myself
16 and another officer went over and secured him up and got
17 him -- got him ready to transport to the office.

18 Q Let me show you what's been marked as State's Exhibits
19 126 and 110. Is that how Mr. Freeman appeared to you that
20 day?

21 A Yes, sir.

22 Q And 110. Was those the items he had with him?

23 A Yes, sir, coming out of the house.

24 MR. BARNETTE: Your Honor, I'd like to republish
25 these. These have already been entered into evidence.

William Richard Foster
Cross-examination by Mr. Morin

1 Q So this is the way he was dressed when y'all caught
2 him, is that right?

3 A Yes, sir. No shoes, no shirt and a pair of shorts and
4 apparently another pair of shorts or underwear up
5 underneath there.

6 Q And State's Exhibit 110. Those are the items he had
7 with him.

8 A Several items of clothing in that bookbag, yes, sir.

9 Q Thank you, sir. If you would, answer any questions
10 that defense, Mr. Morin, may have for you.

11 CROSS-EXAMINATION

12 BY MR. MORIN

13 Q Officer Foster, before you say you saw Mr. Freeman
14 come out the back door, had you seen him at all while you
15 were out there before that?

16 A No. I hadn't laid eyes on him at all.

17 Q That's all the questions I have. Thank you.

18 MR. BARNETTE: Ask for this witness to be excused,
19 Your Honor.

20 THE COURT: You may step down. You may also be
21 excused.

22 (whereupon, the witness was excused.)

23 MR. BARNETTE: I'd like call Maryann Boehm.
24
25

Maryann Boehm
Direct examination by Mr. Barnette

1 MARYANN BOEHM, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q If you would, ma'am, please state your full name for
5 the record.

6 A My name is Maryann Elizabeth Boehm.

7 Q And where do you work at, ma'am?

8 A I work at the South Carolina Law Enforcement Division,
9 commonly known as SLED.

10 Q And what's your position there, ma'am?

11 A I am a D.N.A. analyst.

12 Q And how long have you been there, ma'am?

13 A Approximately 13 years.

14 Q And how many times have you been qualified for court
15 for D.N.A. analysis, ma'am?

16 A Sixty-five times.

17 Q And that's in state court?

18 A That's correct. One military court and then the rest
19 for state.

20 Q Okay. And would you let the jury know a little bit
21 about your education and your experience?

22 A Yes. I received a bachelor of science in integrated
23 science and technology with a concentration in
24 biotechnology from James Madison University. That's in
25 Harrisonburg, Virginia.

Maryann Boehm
Direct examination by Mr. Barnette

1 Upon completion of my degree I worked for a private
2 forensic company for approximately two years in D.N.A.
3 analysis. And then I was hired by SLED and was trained by
4 court qualified analysts in the proper procedures and
5 techniques used in the lab before I was certified to do
6 independent casework analysis.

7 Q And how many cases have you worked on, ma'am?

8 A That's really hard to estimate. It's in the
9 thousands.

10 MR. BARNETTE: Your Honor, at this time I'd like to
11 move her as an expert in D.N.A. analysis.

12 MR. MORIN: I have no questions of this witness.

13 THE COURT: All right. She is so qualified.
14 Can we take that picture down?

15 MR. BARNETTE: Yes, sir.

16 Q Ma'am, in this case, did you receive several items for
17 analysis in this case?

18 A I did.

19 Q And on these, let me show you here if I can. Let me
20 let you look at those items there, ma'am, as well as that
21 item there. I believe that item --

22 A Yes, sir. I received all of these items.

23 Q And did you use those to do analysis on these cases?

24 A I did perform D.N.A. analysis on all of those items.

25 Q And did you do a report once you did the analysis on

Maryann Boehm
Direct examination by Mr. Barnette

1 those?

2 A I did.

3 Q And let you look at what's been marked State's
4 Exhibit 122. Is that a copy of your report, ma'am?

5 A This is a copy of my report. However, some
6 information, the header, has been removed because it was
7 unrelated to this case.

8 MR. BARNETTE: Your Honor, I'd like to move State's
9 Exhibit 122 at this time.

10 MR. MORIN: No objection.

11 THE COURT: It's admitted.

12 (SLED report marked State's Exhibit No. 122.)

13 THE COURT: Let me ask the witness to identify those
14 exhibits that she has just testified that she received and
15 examined.

16 MR. BARNETTE: Your Honor, I was going to ask her
17 through the report if that's okay.

18 THE COURT: Okay. That's fine.

19 Q If you would, ma'am, come on down with me if you
20 would.

21 (Whereupon, the witness left the stand.)

22 Q Ma'am, this is a copy of your report, is that right?

23 A That's correct.

24 Q And in this case No. 11 is actually the D.N.A., the
25 swabs from the water bottles you received of Mr. Freeman's

Maryann Boehm
Direct examination by Mr. Barnette

1 D.N.A., is that right?

2 A That's correct.

3 Q And you used that as a standard for him.

4 A That's correct.

5 Q And is that something -- when you get standards can
6 they come from all different sources?

7 A Yes, sir. Typically it comes directly from a person.
8 However, we do accept alternate known standards, which is
9 this item 11. It is a [sic] object or item that has been
10 directly observed from that person or a personal item such
11 as a toothbrush that should only have been used by a
12 particular individual.

13 Q Let me show you here. And these are the items that
14 you received. 1.1. That was actually a swab from the
15 jacket, the black jacket. Well, from a jacket in this
16 case, is that right?

17 A That's correct.

18 Q And 1.2 is hair that was received from that jacket.

19 A Yes. That is correct.

20 Q 2.1. That was a swab that was D.N.A. from a plastic
21 mask.

22 A That's correct.

23 Q 3.1 is a swab that was taken from a revolver, is that
24 right?

25 A That's correct.

Maryann Boehm
Direct examination by Mr. Barnette

1 Q When you received these items, who was the person you
2 received them from?

3 A From Courtney Thompson.

4 Q And she was here earlier, is that right?

5 A That is correct.

6 Q 4.1. Is that a swab from the bandana in this case?

7 A That's correct.

8 Q And 4.2. Is that another swab or another hair sample
9 from the bandana in this case?

10 A Yes. That is a hair.

11 Q And then 8.1 is from unfired round, I guess, from a
12 revolver in this case.

13 A That's correct.

14 Q Okay. So tell the jury a little bit about D.N.A. and
15 how you get it if you would.

16 You can have a seat back there.

17 A All right.

18 Q Thank you.

19 (Whereupon, the witness returned to the stand.)

20 A So D.N.A. stands for deoxyribonucleic acid. It is a
21 chemical found within all of the cells of our body except
22 for red blood cells. It gives us our physical features
23 like our hair color and our height. It's also responsible
24 for passing along traits from generation to generation.

25 We get half of our --

Maryann Boehm
Direct examination by Mr. Barnette

1 THE COURT: Excuse me just a minute.

2 Let me ask you not to turn your back to the court
3 reporter.

4 THE WITNESS: Oh, I'm so sorry.

5 A We get half of our D.N.A. from our mother and half
6 from our father. With the exception of identical twins, no
7 two individuals have the same D.N.A.

8 So at SLED you're interested in those portions of
9 D.N.A. that differ between individuals. We test --

10 THE COURT: I'm sorry.

11 I'm going to need you to get close to that microphone,
12 and let the court reporter see your profile. I know you're
13 talking to the jury, but we've got to see you too. Slow
14 down.

15 THE WITNESS: Yes, sir. I'm so sorry.

16 A So we test 23 different locations of the D.N.A. that
17 differs between individuals. The combination of those test
18 results make up a D.N.A. profile.

19 So we generate a D.N.A. profile from the evidence and
20 from any known standards submitted in the case and then
21 compare the known standards to the evidence and write a
22 report based on our findings.

23 Q And I'll look at these items. Did you compare
24 Mr. Freeman's standard to the standards that you received
25 from, like, the plastic mask, the gun and the jacket and

Maryann Boehm
Direct examination by Mr. Barnette

1 the other items?

2 A So before comparing the standards we first deem the
3 evidence, whether it's suitable for comparison or not. So
4 some items in this case were not suitable for comparison.
5 Therefore, I did not compare any known standards to that
6 evidence.

7 Q And you have that marked on the report, is that right?

8 A That's correct.

9 Q So in your report you went through each item, is that
10 right, pretty much?

11 A Yes. Each item is reported that I analyzed.

12 Q 1.1. Do you need -- do you -- do you want to come up
13 here? Can you see from there?

14 A I have a copy on my lap I can just use.

15 Q Okay. 1.1, which is the -- from the jacket itself,
16 what was your analysis on that, ma'am?

17 A So the D.N.A. profile developed from item 1.1 is a
18 mixture of at least three individuals. Due to the
19 inability to calculate a statistic, this profile is not
20 suitable for comparison.

21 Q So you had at least three individuals on that. You
22 can't eliminate or include the defendant based on any of
23 that.

24 A That is correct. I cannot make any comparisons.

25 Q And the 1.21 and 1.22, was that the hair sample?

Maryann Boehm
Direct examination by Mr. Barnette

1 A Those were the hairs from the jacket.

2 Q And was you able to develop any profile from that?

3 A No. There's no D.N.A. profile developed from either
4 of those items.

5 Q On 2.1, was you able to develop a profile on that?

6 A I did.

7 Q And what did you find, ma'am?

8 A The D.N.A. profile developed from item 2.1 is a
9 mixture of at least two individuals. If the D.N.A. profile
10 developed from item 11 is from Jyquez Freeman, then the
11 D.N.A. profile developed from the major contributor to this
12 mixture matches the D.N.A. profile of Jyquez Freeman.

13 The probability of randomly selecting an unrelated
14 individual matching the major contributor to this item is
15 approximately one in 1.09 nonillion.

16 Due to the inability to calculate a statistic, the
17 partial D.N.A. profile of the minor contributor is not
18 suitable for comparison.

19 Q Let me ask you one. And how many zeroes is that after
20 the one?

21 A Thirty zeroes.

22 Q Thirty zeroes. How many people are in the world
23 today?

24 A Approximately 7 billion.

25 Q So this number is how many times bigger than the

Maryann Boehm
Direct examination by Mr. Barnette

1 number of people in this world?

2 A Approximately a quadrillion times larger than the
3 population.

4 Q So statistically this is a match, is that correct, or
5 it -- it appears to be one out of one point -- like you
6 said -- can you write that number out for us?

7 A I could.

8 Q Yeah. If you could. If you would, ma'am, come here
9 and I'll let you write it out here.

10 (Whereupon, the witness left the stand.)

11 Q Thank you, ma'am. So this is the number that you came
12 up with statistically, one out of that number.

13 A Yes, sir.

14 Q Thank you. Please have a seat.

15 (Whereupon, the witness returned to the stand.)

16 Q So item 11, which was Mr. Freeman's D.N.A., is one out
17 of one -- ten -- 9 nonillion, is that right? Am I saying
18 that correctly?

19 A Will you repeat that question for me?

20 Q The -- comparing the swab -- or not the swab but
21 the -- from the water bottle in this case, Mr. Freeman's
22 D.N.A. matches the profile that you developed off here, the
23 major profile.

24 A That'll be correct.

25 Q If you would, the 3.1 -- let me just go back for the

Maryann Boehm
Direct examination by Mr. Barnette

1 jury on this to make sure we go through each one. 2.1 was
2 the mask in this case, is that right?

3 A That is correct.

4 Q And then 3.1 you looked at also. And that was from
5 the revolver in this case. What was your findings on that,
6 ma'am?

7 A The D.N.A. profile developed from item 3.1 is a
8 mixture of at least five individuals. Due to the
9 complexity of this mixture this profile is not suitable for
10 comparison.

11 Q And you also did one for 4.1, is that right?

12 A That's correct.

13 Q What was your findings on that, ma'am?

14 A The partial D.N.A. profile developed from item 4.1 is
15 a mixture of at least three individuals. Due to the
16 inability to calculate a statistic, this profile is not
17 suitable for comparison.

18 Q And what you're saying is you just don't have enough
19 there to -- you can't say it's this defendant or you
20 can't -- you can't exclude or include him in those
21 statistics.

22 A Right. I can't make any comparison based on the rules
23 that are allowed.

24 Q And 4.21 or 4.2.1 is not suitable for comparison, is
25 that right?

Maryann Boehm
Cross-examination by Mr. Morin

1 A That's correct.

2 Q And then 8.1 was the unfired round from the revolver
3 in this case. What is your findings on that, ma'am?

4 A The D.N.A. profile developed from item 8.1 is a
5 mixture of at least two individuals. Due to the inability
6 to calculate a statistic, this profile is not suitable for
7 comparison.

8 Q So that's like the other ones in this case.

9 A That's correct.

10 Q 2.1 though you were able to determine a profile.

11 A That's correct.

12 Q And you was able to match it up with Mr. Freeman's
13 profile that was supplied to you.

14 A Yes. The major contributor from that item.

15 Q One moment, Your Honor, please.

16 (Pause.)

17 Q If you would, ma'am, please, answer any questions Mr.
18 Morin may have for you.

19 CROSS-EXAMINATION

20 BY MR. MORIN

21 Q All right. Let me start with the D.N.A. I think you
22 said 23 or 24. Which number was it that you compared?

23 A I believe I said 23.

24 Q Twenty-three. Okay. Now, what do you call those 23
25 markers or what-have-you that you compare?

Maryann Boehm
Cross-examination by Mr. Morin

1 A In general terms or locations, technically they're
2 called loci.

3 Q And we're doing 23, right?

4 A That is correct.

5 Q All right. Now, when I first started many years ago
6 we only did nine. Then we went to 13. Now we're at 23.

7 Now, back when we did nine, if you did eight and you looked
8 at the next ninth loci and it didn't match, that was not a
9 match, correct?

10 A Yes, sir.

11 Q Okay. And then several years later we decided we're
12 going to do 13 and we did the same thing. So if you did
13 nine -- did 13, and then 12, and then the 13th one didn't
14 match, it wasn't a match.

15 A Yes, sir.

16 Q Correct? All right. So now we're up to 23. And if
17 you only did nine on each one of these would you have been
18 able to develop a statistic?

19 A Yes. I would be able to.

20 Q And that would have been considered a match many years
21 ago.

22 A That would be correct.

23 Q And then if you matched 13, and then the 14th didn't
24 match, today that wouldn't be a match.

25 A That is correct.

Maryann Boehm
Cross-examination by Mr. Morin

1 Q But several years after we did nine and we got to 13
2 that became a match, correct?

3 A Will you repeat that question?

4 Q I think I might have messed it up myself.

5 What I said was when we were at 13 if the 14th one
6 didn't match, it still counted because 13 loci matched,
7 that was a match, correct?

8 A No.

9 Q If you go to the 14th one and it doesn't match, now
10 that would be considered not a match.

11 A Right. If there's -- somebody -- it doesn't match,
12 then it's not a match.

13 Q So -- so I guess my point is is tomorrow we decide to
14 go to 30 loci, you could do the same thing and come out
15 with a completely different result, couldn't you?

16 A Not for the locations I tested. Those locations would
17 be the same. However, the additional ones, I can't really
18 testify to that because I don't know what those results
19 would be.

20 Q Well, I'm asking you a hypothetical.

21 MR. BARNETTE: Your Honor, I'm going to object at this
22 time. That's asking the witness to speculate.

23 MR. MORIN: She's an expert.

24 THE COURT: Overruled.

25 Go ahead.

Maryann Boehm
Cross-examination by Mr. Morin

1 Q I'm asking you that after you looked at the 23 today
2 and you say, well, that's a match, statistical match, for
3 Mr. Freeman, but if I gave you another loci to look at or
4 another six, and one of those six didn't have him on it,
5 that would immediately exclude him under this hypothetical
6 30 loci.

7 A Yes.

8 Q Okay. And how many loci are on the D.N.A.?

9 A I don't know. They're discovering new ones every day.

10 Q Well, what number are we up to?

11 A I don't -- I can't answer that. I know the 23 that we
12 test, and other than that I couldn't tell you the exact
13 number of how many.

14 Q Okay.

15 A Or --

16 Q Can you tell me what these 23 loci do?

17 A They are the noncoding reading of the D.N.A.,
18 therefore, they do not code for anything specific. There's
19 no function with them.

20 Q They're actually referred to in some circles as junk
21 D.N.A.

22 A I don't like calling that junk D.N.A.

23 Q I didn't -- I didn't want to put it on you, but some
24 people do call it that, don't they?

25 A I've heard that before.

Maryann Boehm
Cross-examination by Mr. Morin

1 Q Now, as you testified, and I believe you will agree,
2 that the entire population of the world is something like
3 9 billion or 10 billion. Is that approximate? Let's say
4 12.

5 A Okay.

6 Q Okay. Now, you're saying in your testimony that a
7 human was wearing that mask, right?

8 A A human's D.N.A. has come in contact with that mask.

9 Q All right. But it would have to be someone on the
10 planet, correct?

11 A To leave the D.N.A., yes.

12 Q Well, if there's only 9 to 12 billion people in the
13 world, how did you come up with this number? Because it
14 can't be more than the number of people in the world, can
15 it?

16 A Yes, it can.

17 Q Yes. Go ahead.

18 A It is based on frequencies of those results at each
19 location tested.

20 Q Frequencies. Tell me about that. What do you mean by
21 frequencies?

22 A So we use the frequencies developed by the National
23 Institute of Standards and Technology, commonly referred
24 to, NIST, as our frequency database to -- to devise -- to
25 calculate these estimates.

Maryann Boehm
Cross-examination by Mr. Morin

1 They did a study, and I can't quote them, but the --
2 of the frequency, how often these results show up in a
3 population. And based on the frequencies of that test
4 result they are able to calculate the frequency of the
5 entire profile.

6 Q I see. So they took a sample of some amount of people
7 and they determined that this is normally what it shows up
8 as, and then that creates a statistical, where you get 30
9 zeroes, right? Because you said they did a study. I mean,
10 they didn't study all of us, did they?

11 A That is correct. They did a small portion of the
12 population and determined the frequency within that
13 population to -- expanded it to the entire.

14 Q Okay. So that's why you say that 1.1 is at least
15 three people. But because you can't do the statistic, you
16 can't tell us if -- who those people are.

17 A We have specific regulations on when we can D.N.A.
18 profile suitable for comparison. Generally, it's either --
19 it's a mixture of too many people. So we don't really know
20 what's going to, how many people are contributing to this
21 mixture or that the level of D.N.A. is too low for us to
22 reliably calculate a statistic for that profile.

23 Q Well, is that statistic being -- being calculated
24 based on the 23 loci that you're looking at?

25 A Depends on how many loci had a profile developed for

Maryann Boehm
Cross-examination by Mr. Morin

1 that profile.

2 Q Okay. So when you say in your report that you're not
3 able to calculate a statistic, are you saying you don't
4 have enough loci, or are you saying that because of the
5 government's statistic that they gave you on the sample
6 side you can't compare it statistically?

7 A No. Based on our validation we are restrained from
8 calculating -- performing a comparison of that profile.

9 For example, for 4.1 the data was too low for me to
10 reliably believe that all the D.N.A. was fully represented
11 in order to calculate that statistic. We have to make sure
12 that all of the data for the profile is there before we
13 even attempt to make a comparison and then do a statistic.

14 Q Now, you found D.N.A. on -- well, you weren't able to
15 do certain profiles, and some of them were mixtures and
16 some of them were statistics. But can you tell me how long
17 any of this D.N.A. was on any of these items?

18 A No. I cannot.

19 Q So this D.N.A. could have been on these items for
20 months or minutes.

21 A That's correct.

22 MR. MORIN: That's all the questions I have, Your
23 Honor.

24 MR. BARNETTE: Just one or two on direct, Your
25 Honor -- redirect.

Maryann Boehm
Redirect examination by Mr. Barnette

1 REDIRECT EXAMINATION

2 BY MR. BARNETTE

3 Q The ones you had, like, three individuals or whatever,
4 if you had those loci that did not match with him would he
5 be excluded at that point?

6 A I could not make a comparison, so I can't -- I
7 couldn't compare him or any others that are submitted due
8 to the condition of that profile.

9 Q But, obviously, the 2.1, you were able to develop that
10 profile.

11 A Right. That profile -- the major contributor from
12 that profile was sufficient for comparison. Therefore, I
13 compared it to the known standard.

14 Q And all 23 points matched him.

15 A That's correct.

16 Q And if they hadn't matched him would you have excluded
17 him at that point?

18 A That is correct.

19 Q Thank you, ma'am.

20 MR. MORIN: I have no further questions.

21 THE COURT: You may step down.

22 MR. BARNETTE: Your Honor, I would ask for this
23 witness to be excused.

24 THE COURT: She may be.

25 (Whereupon, the witness was excused.)

Dr. John David Wren
Direct examination by Mr. Barnette

1 MR. BARNETTE: Like to call Dr. Wren to the stand,
2 Your Honor.

3 DR. JOHN DAVID WREN, having
4 been first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. BARNETTE

6 Q Dr. Wren, where do you work at, sir?

7 A I work for Carolinas Pathology Group, and I'm
8 stationed at Spartanburg Medical Center.

9 Q And what is your position there?

10 A I'm the -- I'm a pathologist board certified in
11 anatomic and clinical pathology. And I am currently the
12 laboratory medical director of the hospital there, Hospital
13 for Restorative Care, Northgrove Laboratory and several
14 smaller areas in the hospital that have separate CLIA
15 certificates.

16 MR. BARNETTE: And, Your Honor, I think Mr. Morin is
17 going to agree that he is --

18 MR. MORIN: I will stipulate and agree to Dr. Wren's
19 expertise.

20 MR. BARNETTE: In forensic pathology, Your Honor.

21 MR. MORIN: Correct, Your Honor.

22 THE COURT: All right. He so qualified.

23 BY MR. BARNETTE

24 Q Dr. Wren, did you perform an autopsy on Anthony
25 Tiffany in this case?

Dr. John David Wren
Direct examination by Mr. Barnette

1 A Yes, I did. I performed an autopsy on Anthony Dwayne
2 Tiffany on April the 1st of 2017. I began that autopsy at
3 11:00 a.m. in the Spartanburg Medical Center Autopsy Room.

4 Q And had he been shot?

5 A Yes. Multiple times.

6 Q And where was those shots at? Do you want to use me
7 or point on yourself?

8 A He had a through-and-through to his right proximal
9 forearm.

10 Q Here. This might be easier to do.

11 A I've got --

12 Q The diagram.

13 A Right.

14 Q Let me do this. Let me go ahead and mark that real
15 quick.

16 (Anatomic diagram marked State's Exhibit No. 128 for
17 Identification.)

18 Q Did you do a diagram of where the bullets went and
19 where they were found?

20 A Yes. Those are approximate locations where the
21 gunshots went in, and if they came out, where they came
22 out, and where the bullets were recovered.

23 Q Okay.

24 MR. BARNETTE: Your Honor, I'd like to -- it's marked
25 as 128. It's a diagram. I'd like to enter it into

Dr. John David Wren
Direct examination by Mr. Barnette

1 evidence at this time.

2 MR. MORIN: No objection.

3 THE COURT: It's admitted.

4 (Anatomic diagram marked State's Exhibit No. 128.)

5 Q Thank you, Dr. Wren.

6 MR. BARNETTE: May I publish it to the jury, Your
7 Honor?

8 Q Dr. Wren, if you want to come down you can point on
9 the diagram.

10 (Whereupon, the witness left the stand.)

11 A I can just do it from there.

12 Q Okay. Go ahead. Go ahead, sir.

13 A All right. He had -- the way we number gunshot wounds
14 is front, top to bottom usually, and then the back, top to
15 bottom just for some -- it doesn't indicate when the
16 gunshots were fired. It just indicates where we can keep
17 track of them.

18 The one I labeled No. 1 went into his -- right at the
19 sternum, which is the breastplate, and it traveled through
20 the heart and came to rest down in the lower left chest,
21 went through the heart and through the lungs in that tract.

22 The dotted lines mean that if you're following the --
23 the wound, you can't see it because it's behind tissue. So
24 the bullet came in from his upper right shoulder and then
25 passed into the body. And then the bullet is labeled in

Dr. John David Wren
Direct examination by Mr. Barnette

1 this case Bullet C, because it was the third one I
2 recovered. That was the more fatal one, although the
3 others could have been fatal.

4 The second one that I have labeled in the front is
5 No. 4, and it was in -- came -- well, that's in the back.
6 It came in the back, over laterally in the right lower
7 back, and it passed up through the liver and other tissue
8 and came to rest in the right pleural cavity where I
9 recovered it -- I mean, the left pleural cavity where I
10 recovered it after -- I'm sorry -- subcutaneous tissues
11 where I recovered it in the soft tissues. It went through
12 the abdomen and it caused hemorrhage.

13 Once again, the dotted line means you couldn't see it,
14 and the B is where it was recovered.

15 The next gunshot wound is -- the others are in the
16 back.

17 No. 6 gunshot wound is an entrance in the back, almost
18 in the midline of the back, just at the lower part of the
19 ribcages. And it passed almost directly into the body.
20 And I recovered that bullet, which is Bullet D, in the
21 first thoracic vertebra -- I mean, the first lumbar
22 vertebra, which is the first vertebra of the vertebral
23 column just below the 12th rib vertebra.

24 And the other bullet I recovered was -- well, that's
25 C. That'd be -- if it was A, the gunshot wound No. 5, and

Dr. John David Wren
Direct examination by Mr. Barnette

1 it was in the left medial back, passed up through the
2 tissues and came to rest in the upper left chest where I
3 recovered it. That's bullet A. That was the first one I
4 recovered because it was just below the skin as I recall.

5 So he had six gunshot wounds. Two and three were in
6 and out. Then he had four others to his body -- one --
7 gunshot wound No. 1 and gunshot wound No. 4 in the back,
8 No. 5 in the back and No. 6 in the back. And then No. 1
9 was in the chest. So that was the only one that came in
10 the front.

11 Now, the one in the forearm came into the arm
12 inferiorly, and it came out more superior and posterior.

13 Q Dr. Wren, please have a seat. Thank you.

14 (Whereupon, the witness returned to the stand.)

15 Q Dr. Wren, let me let you look at these. Are these the
16 four bullets that you recovered from the body of Mr.
17 Tiffany?

18 A Yes, unless they've been removed. They are -- I
19 describe them in my autopsy report.

20 MR. BARNETTE: For the record, these are State's
21 Exhibits 11.1, 12, 13 and 14.

22 A No. A, I got from the left upper chest. That's my
23 writing. It's Bullet A. I signed it and dated it 4/1/17.

24 B was the one that I described in the left lower chest
25 region. It was superficial. I can't read that word, but

Dr. John David Wren
Direct examination by Mr. Barnette

1 it is the B bullet I recovered. It was -- all of these are
2 copper jacketed.

3 C is from the left pleural cavity, as one can see on
4 that diagram. It was in the left chest cavity after I
5 evacuated blood that it accumulated in there, and signed
6 and dated.

7 And then D was from the L1 vertebra. It's extremely
8 flattened and distorted. As it hit the vertebra it
9 flattened out and was in the vertebra itself. And it came
10 out in two pieces, because it separated. The bullet lead
11 part separated from the jacket. And that was signed and
12 dated also.

13 Q And you turned all of these over to law enforcement
14 that was present at the autopsy.

15 A I gave them to Officer -- Evidence Officer Shawn
16 Cloran of the Spartanburg City Police Department.

17 Q And, Dr. Wren, was the gunshots the cause of death of
18 Mr. Tiffany?

19 A Yes. I put down the cause of death as internal and
20 external hemorrhage with a hemopericardium, which is -- is
21 the bullet went through the heart.

22 And what happens is if there's a hole in the heart
23 itself, it communicates with any of the cavities in the
24 heart -- any of the chambers rather.

25 As the heart beats it forces blood out of that defect,

Dr. John David Wren
Direct examination by Mr. Barnette

1 and then it has to refill for the next beat of the heart.
2 And when that happens as it's continually squirting blood
3 out through that hole and trying to refill, the blood on
4 the outside, keeps the blood from -- keeps the heart from
5 expanding the next time as much as it did before. And
6 eventually it'll reach a point where it causes a
7 hemopericardium, meaning that there's blood around the
8 pericardium. And it stops the heart from beating if you
9 haven't had some other catastrophic event before that.

10 Q Thank you, Dr. Wren. Please answer any questions.

11 A Oh, and then I said multiple gunshot wounds to the
12 body. But he did have a hemopericardium, and that was
13 probably what made his heart finally stop.

14 Q Thank you, Dr. Wren. Please answer any questions Mr.
15 Morin may have for you.

16 MR. MORIN: I have no questions for Dr. Wren.

17 THE COURT: Thank you. You may step down.

18 MR. BARNETTE: We'd ask that he be excused, Your
19 Honor.

20 THE COURT: He may be.

21 (Whereupon, the witness was excused.)

22 MR. BARNETTE: Your Honor, I need to check on
23 something.

24 THE COURT: All right. Ladies and gentlemen, let me
25 ask you to please go to your jury room.

1 Don't talk about the case. I'll bring you back
2 shortly.

3 (The following takes place outside the presence of the
4 jury.)

5 THE COURT: We will be at ease.

6 (Whereupon, a recess was taken.)

7 THE COURT: All right. Mr. Barnette, are you going to
8 rest?

9 MR. BARNETTE: Yes, sir. We are.

10 THE COURT: Mr. Morin, have you talked to Mr. Freeman
11 about his right to testify or not testify?

12 MR. MORIN: I have, Your Honor.

13 THE COURT: And has he indicated to you what his
14 preference is?

15 MR. MORIN: He has indicated to me that he will not
16 testify.

17 THE COURT: All right. Mr. Freeman, do you understand
18 when you're charged with a crime, as you are, you have an
19 absolute right to remain silent?

20 You also have a right to testify if you want to. It's
21 your decision. You're the only person that can make it.
22 But whatever decision you make, you have to live with the
23 consequence.

24 So do you understand that if you want to testify you
25 have a right to do that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you understand you're only going to
3 have one opportunity to do it?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: In other words, you can't wait until later
6 and change your mind about it. So now is the time you've
7 got to decide --

8 THE DEFENDANT: Yes, sir.

9 THE COURT: -- if you're going to testify or not.

10 If you choose to testify you've got to not only answer
11 the questions asked of you by your lawyer, but you'd have
12 to answer the questions asked of you by the prosecutor to
13 the extent they're relevant even if the responses to those
14 questions might tend to prove you guilty of some crime they
15 claim you committed.

16 If you don't take the witness stand and you don't
17 testify, I'm going to instruct the jury they can't hold
18 that against you, as I already have. But I will do it
19 again. And I will tell them they can't hold that against
20 you or consider it in any way in their deliberations.

21 Have you and Mr. Morin had a chance to talk about your
22 right to testify and not testify?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And has he explained to you the advantages
25 and disadvantages of testifying, as well as not testifying?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And do you appreciate what those
3 advantages and disadvantages are?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And have you had time to reflect upon your
6 decision?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you made one?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: What is it?

11 THE DEFENDANT: I won't be testifying.

12 THE COURT: All right. And is that a decision that
13 you made of your own free will and accord?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You made it on your own?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Nobody pressured into it?

18 THE DEFENDANT: No, sir.

19 THE COURT: Did anybody even suggest what decision you
20 ought to make?

21 THE DEFENDANT: No, sir.

22 THE COURT: You made that decision on your own?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And you're satisfied with it?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you have any other witness you want Mr.
2 Morin to call on your behalf?

3 THE DEFENDANT: No, sir.

4 THE COURT: Okay. When the jury comes back you can --
5 the state can rest. The defense can rest. And then I'll
6 excuse them.

7 MR. MORIN: And I'll make motions following that?

8 THE COURT: You can do that now if you'd like.

9 MR. MORIN: Your Honor, at this time the defense would
10 make a motion for a directed verdict on the charges in that
11 while there may be some speculative evidence regarding his
12 identity and his participation in these crimes, I don't
13 believe it's sufficient enough for a jury to find him
14 guilty.

15 THE COURT: All right. Well, I do think there's
16 sufficient evidence from which a jury could reasonably find
17 him guilty of each of the charges, and therefore that
18 motion is denied.

19 Anything else before the jury comes back?

20 MR. BARNETTE: Nothing from the state, Your Honor.

21 THE COURT: All right. Bring them back in.

22 (The following takes place in the presence of the
23 jury.)

24 THE COURT: All right. Mr. Barnette.

25 MR. BARNETTE: The state would rest at this time, Your

1 Honor.

2 THE COURT: All right. Mr. Morin, does the defense
3 wish to present any additional evidence?

4 MR. MORIN: No, sir. The defense will rest.

5 THE COURT: All right. Ladies and gentlemen, that is
6 all of the testimony and all of the evidence to be
7 introduced during the trial of this case; and therefore
8 what remains to be done are the lawyers' final summations,
9 after which I'll instruct you on the law, and then you'll
10 begin with your deliberations.

11 We don't have enough time this afternoon to get that
12 accomplished in a reasonable period of time. So we'll
13 begin in the morning with the lawyers' summations, my
14 instruction and then your deliberations.

15 So during the overnight recess keep in mind the
16 caution I've previously given you. No discussions about
17 the case with anybody, no research, no investigation, no
18 exposure to any type of media coverage, whether it be
19 television, radio or newspaper.

20 Do have a good evening, and please report to your jury
21 room in the morning at 9:30, 9:30 in the morning. Have a
22 good afternoon.

23 When you leave, if you'll put those notebooks in that
24 black folder, and then we'll lock those up tonight. And
25 you'll be provided those in the morning.

1 (The following takes place outside the presence of the
2 jury.)

3 THE COURT: Do y'all have any particular instruction
4 requests?

5 MR. BARNETTE: Your Honor, I think you're going to
6 charge accomplice liability, hand of one, hand of all. We
7 would request that, Your Honor.

8 MR. MORIN: I don't have anything, Your Honor. Your
9 general charge will be fine.

10 THE COURT: You're just going to leave it up to me to
11 get it right?

12 MR. MORIN: If I was going to pick a judge to get it
13 right, I would pick you.

14 THE COURT: Okay. Thank you. I'll do the best I can.
15 All right. Court is in recess until 9:30 in the
16 morning.

17 END OF PROCEEDINGS OCTOBER 10, 2018

18

19

20

21

22

23

24

25

1 (Proceedings October 11, 2018)

2 (The following takes place outside the presence of the
3 jury. The following takes place in chambers with Juror No.
4 107 and counsel present.)

5 THE COURT: Good morning.

6 JUROR NO. 107: Good morning.

7 THE COURT: Ask them to pull that door to. Did they
8 shut the door?

9 Good morning, Mr. Long.

10 JUROR NO. 107: Good morning.

11 THE COURT: How are you doing?

12 JUROR NO. 107: I am doing fine, sir.

13 MR. BARNETTE: We're here on the record in chambers
14 with the juror Deandre' Long. The solicitor is present;
15 the defense counsel is present; along with, of course, the
16 court reporter.

17 The purpose of this inquiry is to determine whether or
18 not Mr. Long has a connection with the defendant or any of
19 the potential witnesses that were recited from the witness
20 list prior to the selection of the jury in the case of the
21 State vs. Jyquez Freeman.

22 Mr. Long, it has been brought to my attention that
23 there may be the possibility that you have some connection
24 with either the defendant, Mr. Freeman, or with some
25 members of his family, and/or some other person who was

1 identified as a potential witness in this case.

2 As you know, it seems like everything today is on the
3 internet, and it's pretty easy for anybody, including law
4 enforcement, to investigate things. And they get a lot of
5 information off the internet. And of course you never know
6 whether or not some of that information is valid or whether
7 it's credible or the like. And of course that's the
8 purpose for law enforcement investigations. But that's not
9 what we're here for this morning.

10 The purpose of this morning is simply for me to
11 inquire of you as to whether or not you have any connection
12 with the defendant, Jyquez Freeman, or with his mother or
13 with his girlfriend or with any other person who is listed
14 as a potential witness. And those persons include Tishiana
15 Lee, Jayonce Freeman, Jayhova Freeman, Charles Keenan,
16 Zy'kerria Wilkins or any members of those persons'
17 respective families.

18 JUROR NO. 107: Uh-huh, no, sir. Names and anybody I
19 seen in there, sir, I don't think I know any of them. I
20 have never -- I don't think I know any of those people.

21 THE COURT: Well, are you certain? Because it's
22 important that you --

23 JUROR NO. 107: Yeah. Anybody --

24 THE COURT: You think about it. I'm going to give you
25 as much time as you need to think about it.

1 JUROR NO. 107: From sitting in there and seeing who
2 he was behind him, I don't know.

3 THE COURT: All right. Well, some -- some of those
4 persons on the witness list aren't in the courtroom. But
5 it's been indicated that you might have some type of a
6 connection.

7 JUROR NO. 107: Out of those names you just said?

8 THE COURT: Uh-huh. Zy'kerria Wilkins being one and I
9 believe her sister, which is Kz'Ketra Wilkins, Tishiana
10 Lee, Tiffany Lee.

11 JUROR NO. 107: From the name, I don't recall any of
12 them.

13 THE COURT: Okay. Are you representing to me right
14 now under your oath as a juror that you don't recognize nor
15 do you --

16 JUROR NO. 107: Yes.

17 THE COURT: Well, let me finish my question.

18 JUROR NO. 107: I'm sorry.

19 THE COURT: You don't recognize nor do you have any
20 connection with any person who is sitting in the courtroom
21 during the course of this trial.

22 JUROR NO. 107: Yes, sir.

23 THE COURT: You have no connection.

24 JUROR NO. 107: No, sir.

25 THE COURT: You have no knowledge of any of those

1 persons.

2 JUROR NO. 107: Any of them.

3 THE COURT: You've never met them; you've never
4 communicated with them, whether it be personally or by
5 phone or by electronic means or by email or by a text
6 message or by any type of internet connection.

7 JUROR NO. 107: No, sir. I don't -- I don't think so.
8 From what I see in there, I don't know anybody in there.

9 THE COURT: All right. So it's your -- you're
10 representing to me now that you do not know Jyquez Freeman;
11 you do not know -- is that what you're representing?

12 JUROR NO. 107: Yes, sir.

13 THE COURT: You do not know Tiffany Lee.

14 JUROR NO. 107: Has she been in the courtroom?

15 THE COURT: Tiffany Lee is the mother of Jyquez
16 Freeman.

17 JUROR NO. 107: I don't know her.

18 THE COURT: And she is in the courtroom.

19 JUROR NO. 107: Yeah. I don't know her.

20 THE COURT: And in other words --

21 JUROR NO. 107: Yes, sir. I'm sorry.

22 THE COURT: I think you've told me that you don't
23 recognize anybody in the courtroom.

24 JUROR NO. 107: No, sir. I don't.

25 THE COURT: And you have no connection with anybody in

1 the courtroom.

2 JUROR NO. 107: No, sir.

3 THE COURT: You do not?

4 JUROR NO. 107: No, sir.

5 THE COURT: Okay. And you have no connection or
6 knowledge of Tishiana Lee, Zy'Kerria Wilkins, Tiffany Lee
7 and Zaketra Wilkins.

8 JUROR NO. 107: The names, I know you probably
9 couldn't do it, but as far as a picture or anything of them
10 before I give a statement saying I don't know them, but
11 from the names I don't recall any of them.

12 THE COURT: All right.

13 JUROR NO. 107: So I don't want to sit here and say I
14 don't and then see a face that I might have seen before,
15 but from the names, I don't.

16 THE COURT: Well, now, I want you to understand. I'm
17 not -- I'm not trying to -- to get you to tell me if you've
18 ever seen somebody somewhere at some time. In other words,
19 if you might have bumped into somebody at Wal-Mart or
20 something and you don't really know them but you might have
21 seen them somewhere.

22 My question to you is if you've had a connection with
23 any of these people, or have you ever communicated with
24 these people in any fashion whatsoever? Do you have any
25 knowledge of these people? Have you met them personally or

1 through friends where you've had an actual personal
2 connection, whether it be, you know --

3 JUROR NO. 107: Gotcha.

4 THE COURT: -- physically or whether it be through an
5 electronic device?

6 THE WITNESS: I gotcha. I don't recall any of them.

7 THE COURT: All right. So are you telling me that
8 you're -- you're relatively certain that you have no
9 connection with any of the persons that I've named --

10 JUROR NO. 107: Yes, sir.

11 THE COURT: -- or any members of their respective
12 families?

13 JUROR NO. 107: Yes, sir.

14 THE COURT: Okay. All right. I'll ask you to -- the
15 bailiff will take you back. Don't discuss anything with
16 anybody.

17 JUROR NO. 107: Let me ask you. Like you say, you
18 said on the witness list. If I was to see someone that it
19 might bring back something, that I might have seen them or
20 something like that, because from the names I don't know
21 them, but now I'm in this situation I feel like what if it
22 is somebody that --

23 THE COURT: Well, I mean, I don't want to -- I don't
24 want to place more emphasis on it than needs to be placed,
25 but I want you to understand what we're doing right here is

1 most important --

2 JUROR NO. 107: That's what I know.

3 THE COURT: -- because if it turns out that some
4 information you provided me turns out not to be accurate it
5 could --

6 JUROR NO. 107: It'd come back on me. That's what I
7 say.

8 THE COURT: It could result in some future interviews.

9 JUROR NO. 107: Yes, sir. That's what I know. That's
10 what I said. Say, somebody -- is it more witnesses that
11 will come in?

12 THE COURT: Well, these were the witnesses that were
13 named.

14 JUROR NO. 107: Okay.

15 THE COURT: I mean, of course the state's witness
16 list, but the -- these are the persons that I'm -- I'm
17 really addressing as to whether or not you have any
18 connection with, knowledge of or communication with. And
19 those are the defendant, Mr. Freeman, his mother, who is
20 Tiffany Lee. She's present in the courtroom. She looks
21 like him.

22 JUROR NO. 107: Looks like him. Yeah. I don't know
23 her.

24 THE COURT: And Tishiana Lee.

25 JUROR NO. 107: She is in there?

1 THE COURT: Now, that I'm not certain.

2 JUROR NO. 107: Okay.

3 THE COURT: Zy'Kerria Wilkins.

4 JUROR NO. 107: That was the one that came up there
5 from K.F.C. that was on the witness stand, wasn't it?

6 THE COURT: No. Now, the -- you're talking about one
7 of the persons that testified that they were at the K.F.C.
8 the night of the event?

9 JUROR NO. 107: Yes.

10 THE COURT: Those were -- those were not Zy'Kerria
11 Wilkins.

12 JUROR NO. 107: Okay. See, I was thinking --

13 THE COURT: None of those were Zy'Kerria Wilkins.
14 Those were employees at the store.

15 JUROR NO. 107: Okay. See, I was thinking that name
16 right there was the one that she kept saying she said, Zi,
17 stop playing or something like that. So I was going to say
18 I don't know her, anybody who came.

19 THE COURT: Now, I'm not asking you about somebody who
20 has come in and -- and actually testified during the trial.
21 I mean, I think you already told me you didn't know those
22 people.

23 But what has come up is the fact that you might have
24 had some knowledge of or communication with some of the
25 other potential witnesses, including those that I just

1 named.

2 JUROR NO. 107: The names, I don't think so.

3 THE COURT: So you don't believe you've had any
4 contact by internet, facebook, any type of communication.

5 JUROR NO. 107: No, sir.

6 THE COURT: You're certain you don't know them?

7 JUROR NO. 107: Yes, sir.

8 THE COURT: Okay. If you will, go back outside with
9 the bailiff. And, you know, if you think of something, you
10 need to tell me something, you let me know but --

11 JUROR NO. 107: Say, if it did -- if it came up and
12 something popped up, someone came in and I did, who do I
13 need to tell about that -- about that?

14 THE COURT: Well, I need to know that right now.

15 JUROR NO. 107: The names, I really don't recall any
16 of those names, sir.

17 THE COURT: Okay. All right. Well, let's do this.

18 Let me ask you to go back here with the bailiff, and
19 then I'll -- I might need to bring you back. I may not.

20 (Whereupon, the juror was excused from chambers.)

21 (Whereupon, a recess was taken.)

22 (Whereupon, the juror returned to chambers.)

23 THE COURT: Hey. Come on back and have a seat again.

24 All right. This is a -- this is what I believe to be
25 a photo of Zy'Kerria Wilkins.

1 JUROR NO. 107: Uh-uh. I'm sorry. I don't -- I don't
2 know her.

3 THE COURT: You don't know her?

4 JUROR NO. 107: No, sir.

5 THE COURT: Have no connection with her?

6 JUROR NO. 107: No, sir.

7 THE COURT: Never communicated with her?

8 JUROR NO. 107: No, sir.

9 THE COURT: Now, this is her facebook page or some
10 internet source.

11 JUROR NO. 107: I don't know her.

12 THE COURT: All right. And you see who is on there
13 too?

14 JUROR NO. 107: Have friends, saying we are friends on
15 there?

16 THE COURT: Well, you tell me.

17 JUROR NO. 107: Saying add friend. So I don't know if
18 this is.

19 THE COURT: Well, what I'm trying to do is get your
20 explanation, if you have one, as to how you would appear on
21 that facebook page.

22 JUROR NO. 107: That's just saying we're mutual
23 friends on facebook, but I don't know all of my friends on
24 facebook. There's no telling how long -- she's from here.
25 You know, a lot of people from here is on my facebook, from

1 Spartanburg that is. But as far as me personally knowing
2 her or any type of conversation, seeing her or anything, I
3 have never seen her, had any of that.

4 THE COURT: Okay. So is it -- am I understanding you
5 think that you may have a mutual friend, but you don't know
6 her?

7 JUROR NO. 107: Yeah. I don't. I personally don't.

8 THE COURT: Okay. And there was another witness,
9 Tishiana Lee, and that's -- that's a photograph of her and
10 that appears to be your page.

11 JUROR NO. 107: Yes. That's my -- a friend of mine I
12 went to school with. That's his child's mother, and I've
13 never called her by that name, so I didn't know.

14 THE COURT: Okay. But you do know her.

15 JUROR NO. 107: She went to school with me. She's
16 younger than me, but we -- I've never known her by that
17 name. I guess that's her real name.

18 THE COURT: Tishiana Lee went to school with you?

19 JUROR NO. 107: Yes. She went to Dorman. I graduated
20 a few years before her, yes, sir.

21 THE COURT: Okay. And do you know of any connection
22 she has with anybody else that's been identified as a
23 witness or participant in this case?

24 JUROR NO. 107: No. I don't know that much. Going
25 off that name, going off her picture, that's my son -- my

1 friend's, Devin Ross, his son's mother. We always called
2 her Ti -- Tot. So I never -- I never knew her real name.

3 THE COURT: Wait a minute.

4 (Pause.)

5 (Whereupon, the judge and attorneys left the room and
6 returned.)

7 THE COURT: Mr. Long, Tishiana Lee -- who you know as
8 Ti -- is the sister of Mr. Freeman, and I'm told that when
9 her name was called she was not in the courtroom and she
10 has not been in the courtroom --

11 JUROR NO. 107: Uh-huh.

12 THE COURT: -- because the witnesses were sequestered.
13 And so, obviously, if you had seen her, you might have been
14 able to say, yes, I know her. And that would have resolved
15 any potential issue. But I'll ask you to be certain.
16 You're saying you do -- there's no question that you do
17 know Tishiana Lee.

18 JUROR NO. 107: Yeah.

19 THE COURT: And you're friends of hers.

20 JUROR NO. 107: I know her son's father. I know her
21 son's father, and I'm -- I'm very close, well, ain't going
22 to say very close. But I used to be very close with him.

23 THE COURT: Okay. With them?

24 JUROR NO. 107: With him, not -- well, she was there,
25 but me and her had no ties.

1 THE COURT: Okay. No question you know her.

2 JUROR NO. 107: Yes, sir.

3 THE COURT: And had she been in the courtroom when the
4 witnesses were called, you could have identified her.

5 JUROR NO. 107: Yeah, I could have.

6 THE COURT: But the fact she wasn't there, you weren't
7 sure.

8 JUROR NO. 107: I never knowed her by that name.

9 THE COURT: You called her Ti.

10 JUROR NO. 107: Ti.

11 THE COURT: Tit?

12 JUROR NO. 107: T-O-T.

13 THE COURT: T-O-T.

14 JUROR NO. 107: Yes, sir.

15 THE COURT: All right. Well, Mr. Long, based upon
16 that information, I'm going to remove you from the jury.
17 You're going to be excused.

18 But I don't find based upon what you've told me and
19 what I understand, I don't find fault with you simply
20 because you couldn't -- she wasn't in the courtroom and you
21 couldn't identify her. But still based upon the fact that
22 you know her and she's connected with the defendant, I'm
23 going to remove you from the jury.

24 And is there anything else you need to tell me about
25 it?

1 JUROR NO. 107: No, sir.

2 THE COURT: Okay. All right. Well, you'll be
3 excused, and you won't need to come back any more.

4 JUROR NO. 107: Okay.

5 THE COURT: The clerk will provide you with a
6 statement for your employer if you need one, and you'll
7 also receive a pay voucher in the mail that'll be mailed to
8 you at the address that appears on your juror summons
9 unless you have a different address.

10 JUROR NO. 107: No, sir.

11 THE COURT: All right. So you'll get your pay voucher
12 in the mail. Do you need an employer statement today?

13 JUROR NO. 107: Yes, sir.

14 THE COURT: We'll get that for you.

15 JUROR NO. 107: okay.

16 (Whereupon, the juror was excused from the chambers.)

17 THE COURT: All right. Based upon my conversations
18 with Mr. Long and based upon the fact that he has
19 identified one of the potential witnesses -- that being
20 Tishiana Lee -- she was not present in the courtroom at the
21 time that the witness list was recited, but he says he is
22 friends of she, and other family members more closely, and
23 that he would have recognized her had she been in the
24 courtroom. But that she does know him. Excuse me. He
25 does know her and is friends with her and other members of

1 her family.

2 And Mr. Morin confirms that Tishiana Lee is the sister
3 of the defendant, Jyquez Freeman.

4 So based upon that connection, the solicitor has moved
5 to remove Mr. Long from any further participation in this
6 trial.

7 MR. BARNETTE: That's correct, Your Honor, based off
8 that information and based off your interview, we ask for
9 him to be removed, because, obviously, if I had that
10 information beforehand, I would have struck him. And I had
11 strikes left.

12 THE COURT: Mr. Morin.

13 MR. MORIN: I understand the Court's ruling. I'm
14 going to object. I'm also going to ask that I be allowed
15 to ask Mr. Cloran how many other jurors he's been
16 investigating during the course of this trial. I know
17 that's going to create an issue, but that's an issue that
18 we have.

19 THE COURT: Well, you'll be provided with that
20 information.

21 MR. MORIN: Okay.

22 THE COURT: I'm going to remove Mr. Long from the
23 jury. We'll go forward and then any other --

24 MR. BARNETTE: Your Honor, just in response to that
25 since we're back on the record or whatever, Investigator

1 Cloran, if you remember right, was in the gallery when the
2 jury was brought in. He was asked to be sitting over on
3 the far side against the wall where the defense side was.

4 He noticed something at that point between the
5 interaction, it appeared, between the defendant and
6 Mr. Long when he was seated. I did not see it. But he
7 said he did where he was sitting at. He could look where
8 he was looking at.

9 He noticed throughout the trial. He told me
10 yesterday. He said they're constantly having eye contact,
11 he is, with different members, of the family members from
12 there. He said some -- in his opinion, said something is
13 going on. That's the reason why he took a look at the
14 facebook page from there, which these are public facebook
15 pages. These are not -- I just wanted to put that on the
16 record.

17 THE COURT: He simply was looking at the juror because
18 he perceived there was a connection, but the facebook page
19 that he looked at belonging to Juror Long is not a police
20 investigation. It's simply available to anybody that wants
21 to look. Is that what --

22 MR. MORIN: Yes, that's correct.

23 MR. BARNETTE: That's correct, Your Honor.

24 THE COURT: All right. In any event, Mr. Long is
25 going to be removed.

1 We'll proceed with an alternate. And then after the
2 jury goes back to deliberate if anything else needs to be
3 made part of the record, we'll do so.

4 MR. BARNETTE: And, Your Honor, from what I
5 understand, I open and he closes, is that right?

6 (The following takes place in the courtroom outside the
7 presence of the jury.)

8 THE COURT: All right. As you are aware, one of the
9 jurors has been excused.

10 Is it the agreement of the state and defense that the
11 first alternate will become the twelfth?

12 MR. BARNETTE: The state agrees, Your Honor.

13 MR. MORIN: Yes, sir.

14 THE COURT: Okay. All right. Are we ready for the
15 jury now?

16 MR. MORIN: The defense is ready.

17 MR. BARNETTE: The state's ready, Your Honor.

18 THE COURT: Okay. Bring them in.

19 (The following takes place in the presence of the
20 jury.)

21 THE COURT: Good morning, ladies and gentlemen.

22 I apologize for the delay in having you brought in,
23 but it was necessary.

24 One of the jurors, one of the original jurors, has
25 been excused from further participation.

Closing arguments

1 So that means, Ms. Broome, you're going to be taking
2 the -- that juror's place. You are now the twelfth juror,
3 and so you'll be participating fully throughout the
4 deliberations also.

5 As you know, yesterday we had concluded with the
6 reception of all of the evidence. And what remains to be
7 done are the lawyers' final summations, after which I'll
8 instruct you on the law. And then you'll begin with your
9 deliberations in the case.

10 So please give the lawyers your attention now as they
11 give you their final summations.

12 Mr. Barnette.

13 MR. BARNETTE: May it please the Court, Your Honor.

14 Mr. Foreman, ladies and gentlemen of the jury, I
15 appreciate you attentively listening to everything we've
16 had before you today and the past three days.

17 I'm going to go through every piece of evidence with
18 you that that I can, what I think is important in this
19 case. And all of the evidence points to one conclusion.
20 That man right there was with Mr. Garcia that night.

21 We'll start with the videos, watching those. And
22 you'll have the videos with you. There's also a video,
23 State's Exhibit 48. We'll provide you with a computer and
24 let you watch it again. You can do that. I made sure you
25 saw what appeared later over there. No question, robbery;

Closing arguments

1 no question of the murder; no question of the kidnapping;
2 no question of possession of a weapon during a violent
3 crime.

4 The judge is going to give you the instruction on
5 what's called homicide. The hand of one is the hand of
6 all. If you are involved with that crime, you're as guilty
7 as the man that pulled the trigger. And you will see.

8 And like you've seen on the video, Mr. Garcia comes in
9 first, pulls the gun. In behind him comes Mr. Freeman.
10 Mr. Freeman stays in there. And you'll see on the video,
11 the work area there. Mr. Garcia goes out, confronts the
12 workers out there and ladies out there in the work area.

13 Mr. Freeman shuts the door. Mr. Garcia comes back.
14 And during that time Mr. Freeman is in an altercation with
15 Mr. Tiffany. Mr. Garcia sees that. He shoots him.

16 And you'll have Dr. Wren's diagram right here with the
17 shots that were done to Mr. Tiffany from the front to the
18 back. And you'll know how he died, and, unfortunately, you
19 saw how he died.

20 And you'll have some still pictures with you. You see
21 two individuals walking up to the K.F.C. And you'll have
22 that video with you back there as well.

23 You see them as they go in. Mr. Garcia has an
24 automatic weapon, and this is the weapon he had, and that's
25 the weapon he killed Mr. Tiffany with. The bullets, the

Closing arguments

1 shell casings, all but one match this gun.

2 You see when he comes in. He was the one that pointed
3 the gun right at Mr. Tiffany. You see the latex gloves,
4 purple or blue, whatever the angle would be from there.
5 And before that he came in. And you see the jacket up
6 here. And you'll have the jacket back with you that was
7 found 23 miles away. You'll see the -- basically, around
8 the wrist. And you've got the glove or latex glove there.

9 This picture. No question, revolver. Like I said, I
10 did the stills. You can watch the video and you can see
11 the times and match them up and try to stop them and see.
12 There's no question that's a revolver.

13 This one shows it even better. The revolver, the
14 jacket, the cuff on the jacket. And you also see the blue
15 and white bandana.

16 This is another frame where they're having the fight.
17 You see the blue bandana. You see part of the flesh mask
18 there. Like I say, you'll have this bandana back there
19 with you. That was the one that was found on [REDACTED]
20 Drive. Same design, same collar, same everything.

21 Then you heard from witnesses in the case. You heard
22 from the ladies in there, what they went through. You
23 heard Malik Smith. Malik Smith was out and working in the
24 area, in the dining room area. And another fellow was out
25 there. Actually hid underneath the table. Didn't know

Closing arguments

1 what was going on. They didn't know at first.

2 You saw him actually run behind there and then run
3 out. And if you look at the films and match it up, you
4 remember. Mr. Freeman -- they initially went outside after
5 the shooting. Mr. Garcia comes back in. Mr. Freeman is
6 outside. He actually goes around the corner. I'm sorry.
7 These are not the best quality there, but you see him
8 walking around the corner. From there you'll see him go
9 all the way around here. And he's checking outside making
10 sure people is not going out and not leaving from there.

11 You'll see him go through the drive-through. You'll
12 see him right here when he looks through the drive-through
13 window while Mr. Garcia is inside, working with Mr. Garcia
14 to make sure nobody gets out.

15 And then you see him run back to the side door. If
16 you look at the times on the tapes and everything, he gets
17 to the side door. He's there, and that's when Malik Smith
18 runs out. And Malik Smith goes there, and he faces him
19 face to face. He said I saw him start drawing. He had a
20 revolver in his hand. He said I put my hands up. He's
21 face to face with him. And then he put it back down and he
22 ran off. He told you what he saw. Black jacket, blue
23 bandana and the mask. You will have this back in evidence.
24 That's the mask I saw.

25 He runs and leaves. while he's gone it's kind of

Closing arguments

1 interesting. You recall Ms. Meadows, which I'm sure Mr.
2 Morin is going to talk about -- Mr. Quentin Meadows, the
3 guy that drove them off that night -- the question --
4 Mr. Smith -- he brought up there was a silver car. And he
5 said you saw two people jump in that silver car, didn't
6 you.

7 Like I said, you remember the testimony as you heard
8 it. Well, Mr. Meadows could have easily been the one that
9 drove that night.

10 Like I said, Mr. Smith saw two people jump in that
11 car. Silver car, drive away and drive-through.

12 The items wind up at Mr. Freeman's home that day 1.3
13 miles away. And there is where Mr. Meadows said that they
14 went that night where he dropped them off at.

15 You heard Mr. Behnke. Can you imagine coming out to
16 your truck getting ready to go on a camping trip.

17 And then the black jacket -- and you'll have that
18 jacket back there with you. And you can see. It has
19 the -- on top of it from there has where SLED, obviously,
20 did their work on that. But you can see. Same style of
21 jacket Mr. Freeman was wearing that night.

22 Along with that was the mask that was found inside of
23 it, as well as the revolver that he used that night.
24 Mr. Behnke sets it over. He calls the sheriff's
25 department. The sheriff's department comes out and

Closing arguments

1 collects it. They also found in their yard a blue and
2 white bandana. They gathered all four pieces of evidence
3 like they should have.

4 SLED -- the mask is sent for D.N.A. identification.
5 And if you look -- and you'll have this mask back with you,
6 so you can look into it, but you can see she swabbed the
7 different spots. She swabbed all through the mask, not
8 just one spot. And those swabs came back the D.N.A. of
9 this gentleman right here.

10 And you will have the report back there with you. And
11 one -- one 9 nonillion -- she said 30 zeroes. That's how
12 sure she was. She said it was a match in this case. They
13 did swab the other items and found there was other people
14 there. Like I said, any time there's touch D.N.A. from
15 that standpoint. And it came back to this individual the
16 next morning after the robbery.

17 Working through the case law enforcement realized
18 Mr. Garcia and Mr. Freeman was involved with this. They
19 actually went to the residence at [REDACTED] Road.

20 You heard Ms. Garcia come and testify. I'm sure that
21 was hard for her. I can't imagine that situation. But she
22 told you the truth. She didn't add to it, didn't subtract
23 from it.

24 I'm sure I'd love to say, hey, I know all of this
25 stuff, I know that glove and that mask and all that. She

Closing arguments

1 didn't say all of that. She told you what she knew, that
2 Jyquez and De'Adrian is best of friends. And he came back
3 from Costal and they started getting together and Jyquez
4 started staying over at his house for two or three weeks
5 before this, or the week before. It just -- the event
6 happened on March 31st. So he moved in and was living in
7 there in the back bedroom.

8 And when they went to serve the search warrant, you
9 heard Richie Foster from the sheriff's department. He was
10 just sitting there in an unmarked car. Mr. Garcia comes up
11 to him, talking to him. He said, well, we have a warrant
12 for you. So they arrest him.

13 Mr. Freeman runs, and he keeps running. They kept
14 chasing for a couple of hours. They actually go ahead and
15 do a search warrant on the house, and in the house -- and
16 you'll have all of this evidence back there with you. What
17 was interesting, you know, I don't know what their
18 argument's going to be. I just get to argue to you one
19 time, and then the defense gets to argue to you after that,
20 and then the judge will give you the law.

21 But at the house there was shell casings in the back.
22 Like I said, they took pictures of this. You'll have these
23 pictures of these shell casings. So it was obvious anybody
24 living there except for Ms. Garcia -- a lot of this stuff
25 probably happened when she was at work. She's a

Closing arguments

1 hard-working lady, Monday through Friday, doing home
2 health. And she uses latex gloves in her work.

3 These shell casings in the back. When they do the
4 search warrant they find a lot of money right there on the
5 top of Mr. Garcia's bed. This is a close-up picture of the
6 money. And doing that they find the gun. It's this gun
7 right here, the murder weapon.

8 They also go through his -- find the money, find
9 another mask that you'll have back with you, that skull
10 mask.

11 Also, she has all kinds of latex gloves. That's part
12 of what she does, is home health. She has all of those
13 through there. They have an easy access. She has
14 different colors -- blue, purple, different ones.

15 And then they go to his room, Mr. Freeman's room, and
16 in that room he has a bag, and he has latex gloves in his
17 bag in his room. Why would he have latex gloves in his
18 bag?

19 Ladies and gentlemen, I submit to you he used this to
20 do this robbery -- closeup. You'll actually have those
21 gloves back with you that they snatched the pictures from.

22 They also find that he has a bookbag back there, and
23 they found money with it, another wad of money there that
24 was with that bag.

25 They also found other jackets back in his room.

closing arguments

1 But going back to the bag of the money, while he's
2 running they have the canine units out looking for him and
3 everything else. They get done with the search warrant.
4 They're leaving the house, left it.

5 Mr. Freeman goes back into the house at some point.
6 Goes in and takes this bookbag. This is a pretty big bag.
7 You'll have this back with you, and you can see that it
8 matches. This is the same bag. There's a lot of stuff in
9 there -- clothes, shoes, whatever you need, masks,
10 anything.

11 So he runs out of the house. And I know you've seen
12 that picture several times. He just has a pair of shorts
13 on, and socks, and he has this bookbag with him that had
14 the money with it. And he has clothes. That's the way he
15 looked when they caught him.

16 Remember that he saw them. Remember Investigator
17 Foster said when he ran away from him, and he said we are
18 going to put the canine unit, and that's when he finally
19 stopped, just like that. Has the bookbag with him that had
20 the money in it.

21 Here's a man. Why would he run? Why would you run?
22 I submit to you, ladies and gentlemen, he knew what he had
23 done and he knew what they came for, and that's the reason
24 why we're here today.

25 He made a conscientious decision. He was with his

Closing arguments

1 best friend, with him all of the time. You heard
2 Ms. Garcia say that she looked off the video. They left
3 around 2:00 or 3:00 o'clock that day together. They was
4 always together. They were together when they went out and
5 checked out the police car -- Investigator Foster. They
6 were together all of the time. They were together that
7 night on March 31st.

8 Mr. Tiffany was working that night for somebody else,
9 a man that was just working there doing his job. And
10 you'll have those videos back there, ladies and gentlemen.
11 You can look at all of them if you want, as much as you
12 want or as little as you want. Truly an innocent man that
13 was just working that night. And this man, Mr. Freeman,
14 went back in and did this to him.

15 Like I said, the judge will tell you the hand of one
16 is the hand of all. No question. He was an accomplice on
17 this case. No question he did this. Every piece of
18 evidence leads to that from the time of being dropped off.

19 And, like I said, Mr. Morin is going to talk about
20 that, say a lot -- say the story didn't add up. But the
21 one thing was he saw the blue lights and everything else
22 that night. That may be something else we deal with later,
23 but, like I said, Malik saw that silver car driving
24 through. Two people jumped in, and that was their
25 testimony -- Ms. Garcia's testimony. That don't make this

Closing arguments

1 man any less culpable here for what he did.

2 The judge is going to give you several jury charges,
3 and one part of this is called reasonable doubt. The judge
4 will fully instruct it. Please listen to what the judge
5 says, because what he is, he's the law like you are the
6 judges of the facts.

7 The one part of his reasonable doubt charge is --

8 MR. MORIN: Your Honor, we object to him putting up
9 what apparently is the law.

10 THE COURT: Overruled.

11 MR. BARNETTE: Thank you, Your Honor.

12 This says proof beyond a reasonable doubt is proof
13 that leaves you firmly convinced of the defendant's guilt.
14 There's absolutely very few things in this world we know
15 with absolute certainty.

16 In criminal cases the law does not require proof that
17 overcomes every possible doubt. If, based on your
18 consideration of the evidence in this case, you are firmly
19 convinced that the defendant is guilty of some crime that
20 the state claims he's committed, you must find the
21 defendant guilty.

22 And if, on the other hand, you think there's a real
23 possibility the defendant's not guilty of the particular
24 crime of which he has been charged, then you must give him
25 the benefit of that doubt and return a verdict of not

Closing arguments

1 guilty as to that charge.

2 That is part of Judge Cole's reasonable doubt charge.
3 He will be giving you that charge. Like I said, please
4 listen to what he tells you.

5 But, ladies and gentlemen, like I said, all of the
6 evidence points to this man right here as the man with
7 Mr. Garcia that night. That's evidence that leaves you
8 firmly convinced. And I submit to you that evidence is
9 guilt.

10 You've got all of the evidence that points to that.
11 In my opinion there's nothing that points that he's not
12 guilty in this case. It points to his guilt. Every piece
13 of evidence points to guilt in this case.

14 You'll have the mask showing the location, showing
15 where the eyes are found. Like I said, you'll have the
16 diagram. I showed this to you earlier. Mr. Tiffany was
17 shot. You'll have the videos. You'll have all of this
18 evidence.

19 And I'm asking you for Mr. Tiffany. Like I said, his
20 family has been with us the whole time watching too. This
21 man didn't deserve this. Nobody deserves what happened to
22 him that night.

23 I want you to hold the people accountable for that,
24 and this person's accountable today, is Mr. Freeman,
25 because what he did, he deserves to be found guilty on all

Closing arguments

1 counts in this case. Thank you again for your time.

2 Thank you, Your Honor. Do you want me to take the
3 items down, Your Honor?

4 THE COURT: You can take the projector off.

5 MR. MORIN: I might need it, Your Honor.

6 THE COURT: Okay. Mr. Morin.

7 MR. MORIN: Thank you, Your Honor.

8 The government says accomplice liability. I say guilt
9 by association is what they're really talking about.

10 They say that my client was his friend, but his mother
11 says they'd only been together about a couple of months.

12 They say, well, there's some purple gloves in the back
13 right bedroom in a bag that they say -- but no one's
14 testified to -- was my client's. There was a bag in the
15 back that had some purple gloves that they say, and then
16 they start saying a lot of stuff.

17 Mr. Cloran, Detective Cloran, first got out of the box
18 and points to a picture and says, see, you can see a flesh
19 colored mask right there, right there you can see it. And
20 then he proceeds to point to that dot.

21 There were four people who testified that they were
22 there at the store -- four -- Ms. Jeter, Ms. Williams,
23 Ms. Gory. All of them said I only saw one person and they
24 were wearing a silver mask. All of them.

25 So go on to the next. Malik Smith. Malik Smith stood

Closing arguments

1 up here and said, yeah, that's the mask. And I said, well,
2 500 days ago -- 560 is what it's been -- the police took
3 you to the sheriff's -- to the police office, station,
4 right? Yes. And they asked you what happened, right?
5 Yes. And that was the same day. Yes. What did you tell
6 them? Initially, he said I told them that mask, you know,
7 and then I had to remind them. Did you really say that?
8 No. What did you say? I said it was a silver mask. Then
9 he also clarified and said silver or clear.

10 The government's case is based on Malik Smith who
11 never said it was a flesh-colored mask and a picture with a
12 dot that they claim is a flesh-colored mask. That mask is
13 their case.

14 As I told you at the beginning, the issue in this case
15 isn't about whether Mr. Garcia shot and killed Mr. Tiffany.
16 He did. And they've told you many times in many ways that
17 Mr. Garcia shot Mr. Tiffany.

18 But the question is who is with Mr. Tiffany. That's
19 what they have to prove beyond a reasonable doubt. That
20 is. And they don't just get to come in here and say it was
21 Mr. Freeman, it was Mr. Freeman, he knew Mr. Garcia, which
22 is what they're trying to do with flesh colored masks that
23 no one saw anybody wearing.

24 Now, the other thing is this jacket business. You
25 know what I noticed about this jacket? I noticed that

Closing arguments

1 whoever is wearing it has an arm this long. And I don't
2 think my client, who's a full grown man, would be wearing a
3 small jacket buttoned. And note their position is right
4 there. They're saying this cuff reached all the way to his
5 wrist. This jacket.

6 Now, during the course they showed you another jacket,
7 but there was a third jacket. They didn't really talk
8 about that jacket. They didn't talk about that one.
9 That's this one, this one that they took a picture of.

10 You'll remember there was another jacket that had a
11 red inside. They put that up. But they didn't talk about
12 this one, and the reason they didn't talk about this one is
13 this is a large jacket. This is a size jacket that they
14 found in my client's room. No one talked about this one
15 because -- and I'm fooling around with it. Here we go.
16 This one has got a longer sleeve. It's a bigger jacket.
17 This jacket wouldn't even go around Mr. Freeman.

18 We're going to talk about the important pieces of
19 evidence. We're not going to talk about the other piece of
20 evidence we put in.

21 Mr. Barnette says I'm going to talk about Mr. Meadows.
22 You bet I'm going to talk about Mr. Meadows. He's a liar.
23 He is a liar. And I know you and you've learned from this
24 witness stand he's a liar. And I thought I did it on
25 cross-examination, but they put up Ms. Garcia. She

Closing arguments

1 confirmed, because she testified that at 2:30 in the
2 afternoon she saw Mr. Freeman and Mr. Garcia leave the
3 house and never return.

4 I agree with Mr. Barnette. It was probably hard for
5 her to testify about her son being the killer. Never
6 returned.

7 So what did Mr. Meadows say? He said that at around
8 6:00 o'clock he met them over there and then they went and
9 got ready and he went and got ready and then they came out
10 and he took them away four hours after Ms. Garcia said
11 never returned.

12 So why he is lying? Why is he saying -- and can
13 anybody justify this whole wallet thing? I had to come and
14 get this room for them because they weren't old enough, so
15 I did.

16 And then later, miraculously, he has no wallet but he
17 has Mr. Garcia's phone. And then Mr. Garcia starts calling
18 him from some other phone. And, no, it's not Mr. Freeman's
19 phone, because they testified he didn't have any cellular.

20 And where does Mr. Meadows go? Well, he goes to
21 [REDACTED] Avenue and says he dropped -- dropped Mr. Garcia
22 off. Then he drives up the street. He drives past the
23 K.F.C. He drives past several others things and claims he
24 goes to McDonald's. Passes other fast food restaurants
25 there at Cedar Springs. And he goes to McDonald's. why?

Closing arguments

1 To use the restroom. And that's when he realized he'd lost
2 his wallet, in the restroom.

3 So he goes back out. Now he's driving back to
4 [REDACTED] Avenue. Why? Well, he's got to give Mr. Garcia
5 his phone back.

6 Mind you, that's when the shooting occurred. And we
7 know it occurred at that time because he says when he drove
8 back out he saw those policemen racing there, and the city
9 police do a good job, but they're not instantaneous. So
10 that means that whole time he was around there.

11 Mr. Barnette says the government says we may deal with
12 that later. That's what I call picking and choosing who we
13 want.

14 Mr. Meadows drove -- drove Mr. Garcia over there, a
15 killing occurred, then picked him up and drove him home.
16 His words. I put two and two together, but I didn't do
17 anything. They came to my house.

18 That's their witness. That's one of their best
19 witnesses, and he is a liar. He's not charged. We may see
20 about that later.

21 They're accusing my client of murder. They got a
22 baby, a little child, jacket, a lying driver that they
23 didn't charge. And, oh, by the way, I almost forgot. He
24 was also helped with his statement. How did you know all
25 of the names of these streets and everything? Oh, that man

Closing arguments

1 helped me. That's how this investigation is going.

2 They've got a jacket that would fit a child; they've
3 got a revolver that they say is not -- they cannot identify
4 to anybody.

5 So what do they do? What do we do? We can't -- he
6 didn't have the murder weapon. We've got this jacket.
7 Three of the four witnesses didn't see him at all.

8 What we'll do is we'll get Ms. Boehm from the SLED
9 department. She's going to clean all of this up for us.
10 She's going to clean all of this up.

11 And then the government comes out with government
12 statistics and a government number. Nine -- or 1.1
13 nonillion. I don't know. He said that D.N.A. matches him.
14 She didn't say that. She said we came up with the
15 statistic.

16 MR. BARNETTE: Your Honor, I'm going to object at that
17 point. I don't know that that was the evidence.

18 THE COURT: Overruled.

19 Go ahead.

20 MR. MORIN: She said. I asked her if the world's
21 population is 12 billion, which it's less than that, but
22 significantly less than nonillion, and you're looking for a
23 person, how can you come up with that number. And she says
24 statistic.

25 And here's why I brought that up, because I'm not a

Closing arguments

1 math quiz and I didn't know nonillion had 30 zeroes after
2 it. But I do know this. If I take a bucket and I put ten
3 baseballs in it and I mark one with a number, my chances of
4 pulling that specific one out is one in ten. It's not one
5 in a hundred or one in a thousand or one in a million.
6 It's one in ten, because I'm looking for one baseball in
7 this. They're looking for one person on the planet.

8 So I asked her. I said, okay, well, the statistic
9 that you came up with, how many people were in that group.
10 She's an expert. She doesn't know. I don't know.

11 I said okay. Then I did another thing from having
12 practiced for a while, because I've known how this D.N.A.
13 stuff has grown over time. And I asked her about went from
14 nine to thirteen. Now they're at twenty-three alleles.
15 And I don't want to get all into that again.

16 But my point is this. Back in the 90s if you had nine
17 alleles you were a match, as they say. I say it's a
18 statistic, because that's what they say it is, if you can
19 get them to say it, get them to admit it.

20 I said so if you look at ten that might have been
21 different. So somebody that had a D.N.A. match in 1998
22 might not match in the 2000s when they went to 13. They
23 might not match when they go to 23.

24 Now, as we go forward they're going to make the number
25 higher and more people are going to be eliminated. That's

Closing arguments

1 their statistic.

2 It's important because it's not a fingerprint. As
3 they pointed out, they looked for fingerprints on all of
4 this and didn't find any, because a fingerprint comes from
5 a person and it's unique to each one of us.

6 This is not, and if you look at the rest of this
7 you'll see what I'm talking about, because sometimes we
8 have D.N.A. profile for item 3.1, is at least five people.
9 Individuals is what they said, so I don't know. I think
10 individuals is people, but they're using that complex math
11 that I can't do.

12 Due to the complexity of this mixture we can't do it.
13 This is even better, partial D.N.A. developed from 4.1, and
14 they want to say over here.

15 Due to the inability to calculate a statistic their
16 case is completely based on a flesh colored mask. And
17 that's what Officer Welch called it yesterday when he came
18 in here and testified, that no one had said they saw, and a
19 D.N.A. statistic that's on there.

20 And what did I say at the end? I said can you tell me
21 how long this swab thing that you did was on that mask.
22 Was it a minute; was it a month? I don't know. So they
23 don't even know when it got there. She didn't know; they
24 don't know.

25 They want you to find my client guilty because he

Closing arguments

1 knows Mr. Garcia and had lived with him for about three
2 weeks and because some purple gloves in a bag -- not that
3 bag, the bag that's in the picture that they didn't prove
4 was his had purple gloves in it, which Ms. Garcia said
5 that's where I keep them.

6 At the end of the day, ladies and gentlemen, yes, the
7 state put in a lot of evidence. The question is what
8 evidence do they have to identify Mr. Freeman as the other
9 person in this case. And the answer is they don't -- they
10 don't. And because they don't, Mr. Freeman is not guilty
11 of these charges. Thank you.

12 THE COURT: Ladies and gentlemen, before I give you
13 the instruction I'm going to ask you to go to the jury
14 room, and the clerk is going to come and take your lunch
15 orders. And then that'll be prepared while I'm giving you
16 the instruction.

17 So if you'll go to your jury room right now, give your
18 lunch order to the clerk, and then I will bring you back to
19 conclude.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: We'll be at ease for 15 minutes.

23 (Whereupon, a recess was taken.)

24 THE COURT: All right. Bring the jury in, please.

25 (The following takes place in the presence of the

Jury charge

1 jury.)

2 THE COURT: Mr. Foreman and ladies and gentlemen of
3 the jury, you of course have heard and seen all of the
4 evidence to be presented in the case.

5 You've now also heard the final summations of the
6 lawyers, and therefore it now becomes my duty and
7 obligation to instruct you on the law that's applicable in
8 the case, and then you'll be asked to go back and to begin
9 with your deliberations. And through this process you'll
10 examine the evidence, decide the facts, apply the law and
11 arrive at a fair and impartial decision, whatever that
12 decision may be.

13 It is your exclusive prerogative to determine what the
14 facts are as they relate to the allegations made by way of
15 each of these indictments. And you determine the facts
16 based upon your own common sense examination and evaluation
17 of all of the testimony and other evidence received during
18 the course of the trial.

19 You 12 jurors alone will decide what weight, value and
20 effect to give to any particular testimony or other
21 evidence in the case. Again, your sole objective is to
22 simply render a fair and impartial decision based upon the
23 evidence presented during the trial and the law that's
24 applicable as I will have provided it to you.

25 Now, in this case, as you know, the state through the

Jury charge

1 circuit solicitor has accused the defendant, Jyquez Julius
2 Freeman, with the commission of seven separate and distinct
3 criminal offenses, although they are alleged to have arisen
4 out of one event or a course of events which the state
5 alleges occurred back on March the 31st of 2017. But there
6 are seven separate charges.

7 You'll be called upon to render seven separate and
8 distinct verdicts. Those verdicts may be the same; they
9 may be different. That of course will depend upon your
10 determination of fact based upon your consideration of the
11 evidence as it relates to the allegations set forth in a
12 particular indictment and then your application of the law
13 to those facts as you determine them to be in arriving at
14 your decision.

15 But the defendant is charged with the crimes of
16 murder.

17 He's charged with the crime of armed robbery, and also
18 contained in that same indictment the crime of possession
19 of a firearm during the commission of a violent crime, that
20 violent crime being the armed robbery set forth in count
21 one of that indictment.

22 A separate indictment charges him with the crime of
23 kidnapping. In that indictment the victim is alleged to
24 have been Malik Mondrell Smith.

25 And the remaining indictment contains three separate

Jury charge

1 counts, three separate charges. Each of those allege
2 kidnapping, but it is alleged by way of the indictment
3 three separate persons alleged to be the victims. And they
4 allege the kidnapping of Alexis Simone Gory, India Lee
5 Jeter and Zaquasha Janice Williams.

6 Now, as to those allegations and as to each of those
7 charges, as you know, the defendant has entered a plea of
8 not guilty.

9 That plea of not guilty has placed upon the state the
10 burden of proving the allegations that they have made by
11 way of each of the indictments, the burden of proving each
12 of the essential elements of the crimes that are alleged
13 against the defendant by way of these indictments; and
14 therefore the burden is upon the state to establish the
15 defendant's guilt to the satisfaction of you 12 jurors
16 beyond a reasonable doubt before any verdict of guilty
17 could be returned as to any of the separate charges.

18 Every person who is accused of a crime is always
19 presumed innocent of that charge. That presumption of
20 innocence remains with every defendant, as it does with
21 this defendant, from the time that he is placed under
22 arrest and throughout the course of the criminal process
23 and even throughout the course of the actual trial in the
24 case.

25 As I told you, that presumption of innocence will be

Jury charge

1 with Mr. Freeman even as you go back into your jury room to
2 begin with your deliberations in this case, and that
3 presumption of innocence will be with him in that jury
4 room, and it'll be with him forever unless you 12 jurors
5 determine that he's no longer entitled to that presumption
6 of innocence.

7 In other words, after you have carefully considered
8 the evidence as it relates to a particular charge, and
9 where you are able to determine the facts as they relate to
10 those allegations, and after deciding those facts you apply
11 the law that I will have provided you, if you 12 jurors
12 unanimously determine that his guilt as to a particular
13 charge has been proven beyond a reasonable doubt, then he
14 would no longer be entitled to that presumption of
15 innocence as it relates to that particular charge. But it
16 is only if, unless and until you are satisfied of his guilt
17 beyond a reasonable doubt that the presumption of innocence
18 would no longer be applicable.

19 Now, the state does have the burden of proving the
20 defendant's guilt to your satisfaction beyond a reasonable
21 doubt.

22 That does not mean that the state has to prove his
23 guilt beyond all doubt or beyond any possible doubt, but it
24 does require the state to prove his guilt to your
25 satisfaction beyond a reasonable doubt.

Jury charge

1 The term reasonable doubt should be given its plain
2 and ordinary meaning. A reasonable doubt is the kind of
3 doubt that would cause a reasonable person to hesitate to
4 act upon the information provided.

5 A defendant is entitled to any reasonable doubt that
6 arises from the evidence, or lack of evidence, in a case,
7 and if upon any factual issue essential to a finding of a
8 verdict of guilty you have some reasonable doubt as to how
9 that issue should be resolved, it would be your duty to
10 resolve that reasonable doubt in favor of the defendant.

11 Now, while there are various forms of evidence such as
12 testimony, photographs, documents, charts and other types
13 of physical exhibits, there are really only two types of
14 evidence. Either or both of those types of evidence may be
15 used to prove any fact in issue. And those types of
16 evidence may be used independently or in conjunction in
17 order to prove a fact in issue. But the two types of
18 evidence are direct evidence and circumstantial evidence.

19 Now, direct evidence is the testimony of a person who
20 testifies from actual knowledge of that fact. It is
21 testimony by a person who has perceived the existence of
22 some fact by means of his or her senses, and then they come
23 into court and they testify as to what they have previously
24 perceived.

25 Direct evidence proves the existence of a fact in

Jury charge

1 issue directly, and it does not require any deduction or
2 inference in order to establish that fact.

3 Circumstantial evidence, on the other hand, is the
4 proof of some other fact or set of facts which taken either
5 singly or collectively may prove the existence of a fact in
6 question, as a necessary consequence, that is through an
7 inference or a deduction.

8 An inference is simply a deduction of fact that may
9 logically and reasonably be drawn from the proof of some
10 other fact or set of facts. In other words, it is a fact
11 that is not proven by the direct testimony of a person
12 based upon their perception, but it is a conclusion which
13 might reasonably be drawn from the proof of other facts.

14 In other words, you may infer that a particular event
15 occurred or that a particular fact exists based upon the
16 proof of sufficient factual circumstances which would
17 reasonably warrant your arriving at a particular
18 conclusion.

19 The commission of a crime and any particular element
20 necessary to prove that crime may be proven by direct
21 evidence or by circumstantial evidence or by a combination
22 of both direct and circumstantial evidence.

23 The law makes no distinction between the weight or the
24 value to be given to direct evidence or to circumstantial
25 evidence. However, to the extent that the state relies

Jury charge

1 upon circumstantial evidence in order to establish the
2 commission of a crime, all of the circumstances proven must
3 be consistent with each other and when taken together point
4 conclusively to the guilt of the accused beyond a
5 reasonable doubt. If these circumstances merely portray
6 the defendant's behavior as suspicious, then proof -- that
7 proof is insufficient and it fails.

8 The burden rests with the state, regardless of whether
9 the state relies upon direct evidence or circumstantial
10 evidence or a combination of those two types of evidence,
11 in order to prove the defendant guilty beyond a reasonable
12 doubt.

13 Proof beyond a reasonable doubt is proof that leaves
14 you firmly convinced of the defendant's guilt. There are
15 very few things in the world that we know with absolute
16 certainty, and in criminal cases the law does not require
17 proof that overcomes every possible doubt.

18 If, based on your consideration of the evidence in
19 this case and in the exercise of good judgment and common
20 sense, you are firmly convinced that the defendant is
21 guilty of a crime with which he stands charged, then it
22 would be your duty and obligation as a juror to find him
23 guilty of that crime.

24 If, on the other hand, you think there is a real
25 possibility that the defendant is not guilty of a crime for

Jury charge

1 which he stands charged, then it would be your duty to
2 resolve that reasonable doubt in his favor and to return a
3 verdict of not guilty as to that particular charge.

4 Now, as I told you, you are the sole judges of the
5 facts in this case, and you are therefore necessarily the
6 sole judges of the credibility and the believability of
7 each witness that has testified during the course of this
8 trial.

9 You 12 jurors alone will decide what weight, value and
10 effect to give to any particular witness' testimony, or
11 portions of that testimony. But there are a number of
12 factors which you should consider in arriving at your
13 assessment and your evaluation as to a witness' credibility
14 or believability, and I'm going to list those factors for
15 you.

16 You should consider the demeanor of the witness as the
17 witness testified from that witness stand. Was the witness
18 straightforward in responding to questions, or was the
19 witness hesitant or evasive in responding to questions that
20 were posed of the witness.

21 Simply put, did the witness appear to you to be
22 telling the truth and to have knowledge of the facts to
23 which that witness has testified.

24 You should also consider whether or not the testimony
25 of a witness is consistent, or is it inconsistent with that

Jury charge

1 witness' own testimony provided during the course of the
2 trial, or whether or not it is consistent or inconsistent
3 with other testimony or other statements made by that same
4 witness, whether in court or outside of court.

5 You should consider whether or not the testimony of a
6 witness is consistent, or is it inconsistent with other
7 witnesses' testimony or other evidence received during the
8 course of the trial.

9 You should also consider how the witness came to know
10 the facts to which a witness has testified. In other
11 words, what was that particular witness' opportunity and
12 ability to perceive the existence of those facts to which
13 that witness has testified by having previously used his or
14 her senses, and then what is that particular witness'
15 ability to be able to come into court and to accurately
16 recollect to you as to what they have previously perceived.

17 You should also consider any bias or prejudice or
18 interest that a witness might have with regard to the
19 outcome in the case.

20 In other words, do you find some particular reason
21 that a witness would testify one way or another to help or
22 hurt one side or the other, and you may consider any
23 interest that a witness might have in the outcome if you
24 determine that a witness does have such an interest and you
25 find that that interest would bear upon that particular

Jury charge

1 witness' credibility.

2 You should also consider whether or not the testimony
3 of a witness was strengthened, or was it weakened by other
4 testimony or other evidence received during the course of
5 the trial.

6 Now, you as the finders of the fact and you as the
7 judges of the credibility and the believability of each of
8 the witnesses that have testified during the trial of this
9 case are permitted to believe as much or as little of what
10 a witness has testified to as you deem is appropriate.

11 And therefore you may believe everything that a
12 witness testified to; you may choose to believe none of it.
13 You may believe some portion of a witness' testimony and
14 reject some other portion of that same witness' testimony.

15 You could believe one witness as opposed to more, or
16 more as opposed to one. But whatever your good judgment
17 and common sense tells you is the most credible and
18 believable testimony is the testimony you should accept,
19 and you should reject any testimony or other evidence that
20 you find not to be credible or believable.

21 Again, your sole objective is to simply render a fair
22 and impartial decision based upon the evidence presented
23 during the trial and the law that's applicable as I will
24 have provided it to you.

25 Now, the same law that provides that you are the

Jury charge

1 judges of the facts also provides that I am the judge of
2 the law, and that simply means that nobody's going to tell
3 you how to arrive at your determination of fact in this
4 case.

5 You do that, as I've already stated, through the
6 exercise of good judgment and common sense conscientiously
7 applied to the testimony and the evidence received during
8 the course of the trial. But under your oath as a juror
9 you must accept the law as I provide it to you as being the
10 law that's applicable in this particular case.

11 In other words, you're not to concern yourself with
12 what you thought the law was before you came to serve as a
13 juror this week or what you think the law ought to be.

14 Under your oath as a juror you must accept the law as
15 I provide it to you as being the law that you are to apply
16 in the case, and then you simply take that law and you
17 apply it to the facts as you 12 jurors determine those
18 facts to be based upon your evaluation of the evidence
19 received during the course of the trial.

20 Now, in this case, as you know, the defendant is
21 charged with seven separate and distinct offenses.

22 Those offenses are set forth in the indictments.
23 There are actually four indictments. I'm going to begin my
24 instruction as to the law as it relates to the indictment
25 charging the defendant with the crime of murder, after

Jury charge

1 which I will instruct you on the law as it relates to the
2 crimes of armed robbery and possession of a firearm during
3 the commission of a violent crime, and then I'll instruct
4 you on the law as it relates to the criminal offense known
5 as kidnapping.

6 So first is the indictment alleging the crime of
7 murder.

8 Murder -- each of these offenses are statutory
9 offenses, and that just means that the legislature has
10 codified the law as it relates to a criminal offense. It's
11 contained in these blue volumes. There are a number of
12 them.

13 Every year from January to June the legislature meets,
14 and they pass a number of laws and rules and regulations
15 that govern our conduct in a variety of ways.

16 Some of the laws they pass are criminal penalty
17 statutes. In other words, the legislature passes a law
18 that prohibits us from engaging in certain types of
19 conduct. And where we are found to have engaged in that
20 conduct in violation of that statute, then it subjects us
21 to some form of punishment or penalty for that violation.

22 But please understand under your oath as a juror your
23 sole obligation and duty in this case is to determine
24 whether or not the defendant's guilt as to a particular
25 charge has been proven beyond a reasonable doubt. And

Jury charge

1 you're to make that determination without any consideration
2 being given to any punishment that might be imposed or any
3 other consequence of your verdict in the case.

4 You simply make that decision as to whether or not the
5 defendant has been proven guilty based upon your
6 consideration of the evidence and the law that I will have
7 provided you.

8 Murder is a statutory offense set forth in Section
9 16-3-10 of the Code of Laws of South Carolina. And that
10 statute defines murder as the killing of any person with
11 malice aforethought, either expressed or implied -- the
12 killing of any person with malice aforethought, either
13 expressed or implied.

14 In order for you to find the defendant guilty of the
15 crime of murder it would be necessary that the evidence in
16 this case has established to your satisfaction beyond a
17 reasonable doubt that the defendant, Jyquez Julius Freeman,
18 or an accomplice with whom he was acting in concert -- and
19 I'll instruct you on the law of accomplice liability later
20 on in this instruction -- but the evidence has to show that
21 the defendant or an accomplice did commit some act or acts
22 which proximately caused the death of Anthony Dwayne
23 Tiffany and that that killing was done with malice
24 aforethought. Malice aforethought is an essential element
25 of the crime of murder.

Jury charge

1 So what is malice aforethought? Well, malice is a
2 state of mind connoting an ill will and having the intent
3 to do harm.

4 Intent means the state of a person's mind which
5 directs his actions towards a specific object or goal. An
6 intent would include those consequences which represent the
7 very purpose for which an act is done, as well as those
8 consequences which are known to be substantially certain to
9 result, whether actually intended or not.

10 Malice is a technical term importing wickedness and
11 excluding just cause or legal excuse. It is something
12 which springs from depravity, from a heart devoid of social
13 duty and fatally bent on mischief.

14 It is a state of mind indicating an extreme disregard
15 for or an extreme indifference to human life. Malice may
16 be likewise defined as a state of mind which indicates a
17 formed purpose and design to do a wrongful act under
18 circumstances that exclude any legal right to do it.

19 The words expressed or implied malice do not mean
20 different kinds of malice but merely the manner in which
21 malice may be shown to have existed, that is to say either
22 by direct evidence proving the existence of malice or by
23 circumstantial evidence which may imply or infer the
24 existence of malice.

25 Malice may be expressed as where there is an expressed

Jury charge

1 threat to kill or a lying in wait or where the
2 circumstances surrounding a killing show directly that an
3 intent to kill was entertained by the killer.

4 Malice may be inferred, though no expressed intent to
5 kill is proven by direct evidence, where the facts and
6 circumstances which have been proven by the evidence in the
7 case satisfy you beyond a reasonable doubt that malice was
8 present in the mind of the killer at the time any killing
9 took place.

10 The existence of malice may be inferred from acts,
11 declarations, as well as other conduct of the killer, as
12 well as from any other circumstances shown to have existed
13 at the time of the event from which you might reasonably
14 infer the existence of malice, as often the state of a
15 person's mind can only be proven by circumstantial
16 evidence.

17 Malice as an essential element of the crime of murder
18 does not necessarily require proof of an ill will or a
19 hatred towards the particular individual who was killed,
20 nor does it necessarily require proof of an actual or a
21 specific intent to take human life. But rather it means a
22 state of mind accompanying conduct signifying a general
23 malignant reckless and an extreme disregard for or an
24 extreme indifference to human life.

25 So even if the facts established in the case are

Jury charge

1 sufficient to give rise to an inference of malice, such an
2 inference is simply an evidentiary fact which may be taken
3 into consideration by you 12 jurors along with all of the
4 other evidence in the case, and you may give such
5 inferences such weight, if any, that you determine they
6 should receive, if any.

7 The state is required to prove malice, just as it must
8 prove any other essential element of that crime charged,
9 and it is for you 12 jurors to determine whether or not the
10 evidence in this case has established malice beyond a
11 reasonable doubt.

12 It is also essential that there exist not only malice
13 but there exist malice aforethought.

14 The law does not require that malice must exist for
15 any appreciable length of time before the commission of an
16 act proximately causing a fatal result. In fact, it may be
17 conceived at the very moment that the fatal act is
18 committed.

19 It is sufficient in the law so long as the state does
20 prove beyond a reasonable doubt both the existence of
21 malice and the commission of an act or acts by the
22 defendant or an accomplice which proximately caused the
23 fatal result.

24 You must determine whether or not malice aforethought
25 existed based upon your consideration of all of the

Jury charge

1 evidence in the case and any reasonable inferences that
2 might be deprived from that evidence.

3 Now, while the state must prove beyond a reasonable
4 doubt that a killing did occur and it was accompanied by
5 the element of malice aforethought in order to prove the
6 crime of murder, it is not necessary that the state prove
7 any motive for such a killing, although there may be
8 evidence relating to such a fact introduced during the
9 trial of the case.

10 The second and third offenses that I will instruct you
11 as to relate to the indictment charging the defendant with
12 the crimes of armed robbery and possession of a weapon
13 during the commission of a violent crime.

14 Armed robbery is defined in Section 16-11-330 of the
15 Code of Laws of South Carolina, and it provides that a
16 person who commits the crime of robbery while armed with a
17 pistol, dirk, slingshot, metal knuckles, razor or any other
18 deadly weapon, or while alleging either by action or words
19 that he is armed while using a representation of a deadly
20 weapon or any object which a person present during the
21 commission of the robbery reasonably believed to be a
22 deadly weapon is guilty of the crime of armed robbery.

23 The crime of robbery is a larceny by force or the
24 threat of the use of force. Robbery is defined in the law
25 as the taking of another person's property with the intent

Jury charge

1 to steal it from the person or from that person's presence
2 by the use of force or violence or by the threat of the use
3 of force or violence through intimidation in order to
4 accomplish the theft.

5 A thing is deemed to be in the presence of a person
6 with respect to the crime of robbery when that property is
7 so within that person's reach, observation or control that
8 he or she could, if not overcome by violence or prevented
9 by fear, retain possession of it.

10 A robbery is the forcing of a person to surrender
11 property with the intent to steal it by the use of force or
12 violence or by threatening a person with the use of force
13 or violence in order to accomplish the theft.

14 Taking property of another with an intent to steal it
15 by forcing a person to surrender possession of the property
16 or by causing a person to surrender possession of the
17 property by putting that person in fear by intimidation is
18 a robbery under the law.

19 A robbery becomes an armed robbery when the robbery is
20 accomplished through the use of a pistol or other deadly
21 weapon; and therefore before you could find the defendant
22 guilty of the crime of armed robbery in this case it would
23 be necessary that the state has proven to your satisfaction
24 beyond a reasonable doubt that the defendant did commit the
25 crime of robbery and at the time he committed the crime of

Jury charge

1 robbery he was armed with a pistol or other deadly weapon
2 with which he accomplished the crime of robbery.

3 Count two of the indictment alleges a violation of
4 Section 16-13-490 -- excuse me -- 16-23-490 of the Code of
5 Laws. And that separate criminal offense is provided for
6 in that statute, and it states that it shall be an
7 additional criminal offense if a person is in possession of
8 a firearm or visibly displays what appears to be a firearm
9 during the commission of a violent crime and that person is
10 convicted of committing or attempting to commit that
11 violent crime, violent crimes being defined in Section
12 16-1-60. And that section, 16-1-60, does define a violent
13 crime to include the crime of armed robbery.

14 So in order for the defendant to be found guilty of a
15 violation of this particular statute it would be necessary
16 that the defendant be found guilty of a violent crime -- in
17 this case that would be the crime of armed robbery -- and
18 that during the commission of that crime the defendant did
19 possess or visibly display a firearm.

20 The remaining criminal offense for which the defendant
21 stands charged are set forth in two indictments alleging
22 four separate counts. But each of those allege the crime
23 of kidnapping.

24 Kidnapping is defined in Section 16-3-910 of the Code
25 of Laws, and it provides in its pertinent parts that

Jury charge

1 whoever shall unlawfully seize or confine or kidnap any
2 other person by any means whatsoever without authority of
3 law is guilty of the crime of kidnapping.

4 So in order for the defendant to be guilty of a
5 violation of this particular section it would be necessary
6 that the state has proven to your satisfaction beyond a
7 reasonable doubt each of the essential elements of the
8 crime of kidnapping.

9 The essential elements of kidnapping as provided for
10 by the statute are that, number one, the defendant did
11 seize or confine or kidnap some other person by some means
12 or method.

13 And, secondly, that one or more of those acts was done
14 without authority of law.

15 The term seize means to take hold of suddenly and
16 forcibly. That is actually or constructively.

17 The word confine means to imprison or to restrain or
18 to restrict a person's freedom in some significant way.

19 The word kidnap means to take a person away through
20 the use of force and against his or her will.

21 The term without authority of law simply means that
22 the conduct engaged in was not permitted, sanctioned,
23 condoned, allowed or justified under the law.

24 Now, in order for the defendant to be found guilty of
25 a violation of this particular section or statute the state

Jury charge

1 does not have to prove each of the terms seize, confine or
2 kidnap. Proof of any one or more of those prohibited acts
3 is sufficient so long as it is done without the authority
4 of law and without consent of the person who is alleged to
5 have been kidnapped.

6 You are further instructed that a person who is
7 charged with the commission of a crime may be convicted as
8 a principal by being the principal offender or by being an
9 accomplice with the principal offender. An accomplice is
10 one who knowingly and voluntarily and with a common intent
11 and purpose unites with a principal offender in the
12 commission of criminal acts resulting in the commission of
13 a crime.

14 An accomplice is sometimes referred to as an aider or
15 an abettor in the commission of a crime. In order to be
16 guilty as an aider or an abettor or as an accomplice a
17 person must be a participant in the commission of a crime
18 and be chargeable with knowledge of the principal
19 offender's criminal conduct.

20 In this case the state is alleging that the defendant,
21 Jyquez Julius Freeman, is guilty of the crimes of murder
22 and armed robbery and kidnapping either as a principal
23 offender or as an accomplice with a principal offender.

24 It is the law in this state that when two or more
25 people act together with a common intent and purpose and

Jury charge

1 they combine, conspire, plan or otherwise agree to the
2 commission of a crime, each person who is present to aid,
3 abet and assist or otherwise participate in the commission
4 of that crime are equally guilty of any crime that is
5 accomplished by the efforts of all who participate. The
6 hand of one is deemed to be the hand of all, and the acts
7 of one become the acts of all.

8 Any person who joins with another to accomplish an
9 illegal purpose is held to be criminally responsible for
10 everything done by any other person which occurs incidental
11 to and as a natural and probable consequence of the acts
12 done pursuant to and in furtherance of the common plan and
13 purpose.

14 In order for the defendant to be found guilty under
15 the legal theory of aiding or abetting or accomplice
16 liability it must be proven that the defendant was present
17 at the scene of the crime with the intention of aiding,
18 abetting, assisting or participating in the common plan or
19 scheme which culminates in the commission of a crime.

20 Under the legal therapy of accomplice liability two or
21 more persons may be guilty of an unlawful homicide even
22 though only one person actually commits the fatal act which
23 is directly responsible for the death of another. And
24 therefore where two or more persons combine, conspire or
25 otherwise agree to the commission of a crime such as a

Jury charge

1 robbery, and in the commission of criminal acts done in
2 furtherance of that crime a homicide is committed by one of
3 the participants which is incidental to and a natural and
4 probable consequence of those acts done in furtherance of
5 the common plan, each who are present and participating in
6 the criminal acts are equally as responsible as the one
7 whose acts directly caused the fatal result.

8 The common purpose may not have been to kill anyone at
9 all, but if during the commission of a criminal offense a
10 homicide is committed by one of the participants which is
11 incidental to and a natural and probable consequence of the
12 acts done in furtherance of the common plan, then each
13 person who is present aiding, abetting, assisting and
14 participating in the common design are equally guilty of
15 any homicide committed by one of the participants.

16 Again, the hand of one is deemed to be the hand of
17 all; the acts of one are deemed to be the acts of all.

18 A criminal intent is also a necessary element of any
19 crime that has to be proven beyond a reasonable doubt, for
20 there must have been an intent to commit a crime and the
21 crime be committed pursuant thereto.

22 Intent means the state of a person's mind which
23 directs his actions towards a specific object or goal. And
24 intent would include those consequences which represent the
25 very purpose for which an act is done, as well as those

Jury charge

1 consequences which are known to be substantially certain to
2 result, whether actually intended or not.

3 A criminal intent is a state of mind that operates
4 jointly with some act in the commission of a crime.

5 Criminal intent is a mental state of conscious
6 wrongdoing in contrast to the commission of some act which
7 is the result of accident, mistake or inadvertence.

8 Intent may be proven by the acts, declarations and
9 conduct of a defendant, as well as any other circumstances
10 which are established by the evidence in this case from
11 which you may naturally and reasonably infer such intent,
12 as often, as I have stated, the state of a person's mind
13 can only be proven by circumstantial evidence.

14 Not only must the state prove beyond a reasonable
15 doubt each of the essential elements of any crime alleged
16 against a defendant as forth in an indictment before the
17 defendant may be found guilty of that particular crime.
18 The state must also prove beyond a reasonable doubt that it
19 was the defendant who committed the crime.

20 In this case the state not only must prove that the
21 crimes of murder, armed robbery and kidnapping have been
22 committed by some person or persons, but the state must
23 also prove beyond a reasonable doubt that it was this
24 defendant who has committed those crimes, either as a
25 principal or as an accomplice as I have explained that term

Jury charge

1 to you during the course of this instruction.

2 After your careful consideration of all of the
3 evidence received during the course of this trial,
4 including any evidence relating to the issue of the
5 identification of the defendant as the perpetrator of any
6 crime proven to have been committed by someone, if you have
7 a reasonable doubt as to the accuracy of the identification
8 of the defendant as the perpetrator of that crime, it would
9 be your duty to resolve that reasonable doubt in favor of
10 the defendant and to return a verdict of not guilty.

11 And if, on the other hand, you have no reasonable
12 doubt as to the accuracy of the identification of the
13 defendant as a perpetrator of some crime alleged to have
14 been committed as set forth in the indictment, then it
15 would be your corresponding duty to find the defendant
16 guilty of any crime that you find he has committed beyond a
17 reasonable doubt.

18 Now, ladies and gentlemen, I further instruct you, and
19 I emphasize to you, that the fact that a defendant does not
20 take the witness stand and testify during the trial of the
21 case is not a fact or circumstance that may be considered
22 in any way by the jury during your deliberations, nor may
23 such a fact ever weigh in the slightest degree against a
24 defendant.

25 As I have previously stated, the burden is always upon

Jury charge

1 the state because they have made the accusation, they have
2 brought the charge. The burden is on the state to
3 establish a defendant's guilt beyond a reasonable doubt.

4 The burden is never upon the defendant or a person
5 accused of a crime to prove that they are not guilty or to
6 prove that they are innocent because in some cases that
7 might not be possible; and therefore you shall never be
8 permitted to draw any conclusion or draw any inference from
9 the fact that a defendant does not testify during the trial
10 of the case, nor may that fact be weighed in the slightest
11 degree against a defendant, nor may you even discuss that
12 fact while you are engaged in your deliberations.

13 Now, Mr. Foreman and ladies and gentlemen of the jury,
14 I am not in any way concerned with what your verdicts are,
15 but, as I've stated, your decisions have to be unanimous.
16 All 12 of you must be in agreement before any verdict of
17 may be rendered as to any of the separate charges.

18 Mr. Foreman, as you know, you are tasked with the
19 responsibility of presiding over jury deliberations in the
20 jury room simply to ensure that those deliberations are
21 carried out in some orderly fashion, but all jurors are
22 expected to participate in those deliberations, because, as
23 I say, whatever decision is reached, it must be the
24 unanimous consensus opinion of all 12 jurors. All of you
25 must agree.

Jury charge

1 Now, with respect to the indictments, you have two
2 potential verdict forms as they relate to each of the
3 separate charges. Those verdict forms are guilty and not
4 guilty.

5 So whatever that decision is as it relates to a
6 particular charge, Mr. Foreman, you'll be asked to indicate
7 that decision on the back of the respective indictment.
8 You'll see in the lower left-hand corner of each indictment
9 the word verdict. It's beneath that word that you're going
10 to indicate the jury's decision as it relates to that
11 particular charge.

12 With respect to the indictment charging murder,
13 there's just one count. There's one charge contained in
14 that indictment.

15 So the two verdict forms are guilty and not guilty.
16 Whatever the unanimous decision is, insert it in the space
17 provided, sign your name as the foreperson and place the
18 appropriate date on the verdict form. Today is the 11th of
19 October.

20 The indictment charging the defendant with the
21 commission of the crimes of armed robbery and possession of
22 a weapon during the commission of a violent crime, has two
23 counts in that indictment; and therefore you're going to
24 have two separate verdict forms there, count one and count
25 two.

Jury charge

1 Again, the potential forms are guilty and not guilty,
2 but please understand, as I have stated through my
3 instruction, that in order for the defendant to be found
4 guilty of count two, which is possession of a firearm
5 during the commission of a violent crime, he must
6 necessarily be found guilty of count one, which is armed
7 robbery, because you can't be guilty of possession of a
8 firearm during the commission of a violent crime unless you
9 are convicted of having committed that violent crime.

10 So in this case if the verdict is -- if you find the
11 defendant guilty of armed robbery, then you may find the
12 defendant guilty of possession of a firearm during the
13 commission of that violent crime.

14 If you find the defendant not guilty of the crime of
15 armed robbery, you must find him not guilty of possession
16 of a firearm during the commission of a violent crime. And
17 I've written in the verdict -- where the verdict forms are,
18 count one and count two. So you'll insert separate verdict
19 forms. One relates to count one; the other relates to
20 count two. Again, sign your name and date it.

21 Another indictment charges the defendant with the
22 crime of kidnapping. That's the one that relates to Malik
23 Mondrell Smith. There's just one count to that indictment.
24 The verdict forms are guilty and not guilty. Whichever it
25 is, insert it in the space provided, sign your name as the

Jury charge

1 foreperson and date it.

2 The remaining indictment charges three counts of
3 kidnapping, and so I've also written in the verdict form,
4 space provided for the verdict, count one, count two, count
5 three.

6 You will insert separate verdict forms for each of
7 those separate counts. Again, those verdicts forms are
8 guilty and not guilty. And you'll read the allegations
9 because you can see that they relate to three separate
10 individuals. So, again, your verdicts may be the same;
11 they may be different. That depends upon your
12 determination of fact and then your application of the law.

13 So once you have decided the verdicts in each of the
14 cases you'll indicate that verdict on the space provided,
15 sign your name as the foreperson. You're the only juror
16 that has to sign the verdict form. Date it and knock on
17 the jury room door, notify the bailiff that you have
18 reached your decisions. We'll bring you back to receive
19 your verdicts.

20 Mr. Foreman, when you do reach your decisions and you
21 notify the bailiff that you've arrived at your unanimous
22 decisions, you will maintain possession of these verdict
23 forms.

24 Don't give them to the bailiff. I'll receive them
25 from you when you come back into the courtroom for us to

Jury charge

1 receive your verdicts. You may give the bailiff the
2 evidence that's been introduced, but you hold on to the
3 verdict forms.

4 Now, during the deliberations there may come a time
5 where you have a question about facts or you have a
6 question about evidence that's been introduced or you think
7 might exist that's not been introduced.

8 Please understand that no additional evidence may be
9 introduced. The case is closed. You're going back to
10 deliberate. So don't ask me about something that has not
11 been introduced but you think might help you should
12 something come up during deliberations, because even if
13 those items did exist, they cannot now be introduced. So
14 you can't have them even if they're helpful or even if they
15 exist.

16 If at any time you have a question about testimony and
17 that question can be answered by having a witness'
18 testimony replayed in whole or in part, I do not have
19 transcripts of the witnesses' testimony, but we will bring
20 you back into the courtroom to have a witness' testimony
21 replayed by the court reporter in its entirety or just in
22 part if that's all you need. But we will have to bring you
23 into the courtroom in order to have testimony reheard.

24 The lawyers are going to -- and the Court -- will
25 verify the exhibits which have been introduced, and so

Jury charge

1 anything that was introduced during the trial should be in
2 the courtroom.

3 If you think something was introduced but you don't
4 have it back there, you can let us know of that fact,
5 because everything that was introduced should be in the
6 jury room with you. So, as I say, we'll verify the
7 exhibits. But should we make an error, you let us know,
8 and we'll address that issue.

9 If at any time during deliberations you have a
10 question about the law that is applicable, I am always
11 allowed to answer those questions. So if you need a
12 reinstruction on the law that I've already provided or you
13 need an additional explanation or clarification of the
14 instruction I've given you, I'll be happy to provide you
15 with a reinstruction, an explanation or a clarification of
16 the law that you are to apply.

17 So, Mr. Foreman, if at any time you or your fellow
18 jurors have some issue that you need to address to me, if
19 you'll write it on a piece of paper, provide it to the
20 bailiff, he or she will provide that to me, and we'll
21 address those matters as they arise should something arise
22 during the course of deliberations.

23 I've already told you about the note-taking. Those
24 notes that have been taken by a juror are for the sole use
25 of that juror and are not to be relied upon -- anyone else

Jury charge

1 unless that just happens to be your recollection also,
2 because, as I say, if you have an issue about the testimony
3 we can always bring you back and have testimony reheard.
4 So the notes are for the note-taker's own use.

5 If we have smokers on the jury, you can smoke during
6 deliberations, but it's pouring down rain outside and you
7 have to go outside to smoke. You can't smoke in the
8 courthouse. They'll find a covered place for you if you
9 need it.

10 If anybody needs to smoke, let the bailiff know.
11 They'll take you outside. But understand the deliberations
12 cannot take place unless all 12 jurors are present so that
13 all may participate. So if at any time a juror is absent
14 for some authorized purpose the deliberations have to stop,
15 and they may only resume when all 12 jurors are present so
16 that all may participate.

17 You have ordered lunch, and so that's been called in.
18 I'm not certain whether it's here yet or not, but if it is,
19 you'll get it, and if not, you'll get it as soon as it
20 arrives.

21 If you want to stop and eat, stop deliberations and
22 eat lunch, that's fine. If you want to deliberate while
23 you eat, that's up to you. I'll leave that to your
24 prerogative and your discretion.

25 I think that covers everything, but in the event it

Jury charge

1 does not I'm certain one of these lawyers will remind me
2 that I neglected to provide you with some information I was
3 supposed to. And if I agree with that I'll bring you back
4 in order to give you that additional information. And if I
5 don't need to bring you back I'll simply send word by way
6 of the bailiff that you may begin with your deliberations.
7 And in that event he will bring to the jury room all of the
8 exhibits which have been introduced.

9 And to you, Mr. Foreman, he'll also bring the
10 indictments which will serve as the verdict forms.

11 Now, there are some D.V.D.s which have been introduced
12 into evidence. There will be a computer provided you for
13 review of those D.V.D.s should you like to do so. If for
14 some reason you can't get it to work, let me know, and
15 we'll assist you with that. But between the 12 of you, I'm
16 guessing you can figure it out. If not, let me know.

17 All right. I'm going to ask the alternate juror to
18 remain here in the courtroom with me. I'll ask the 12
19 primary jurors to please retire to your jury room. But do
20 not begin deliberations until I send you word to do so.

21 (Whereupon, the jury retired to deliberate at
22 12:32 p.m.)

23 (Whereupon, the alternate juror was excused.)

24 THE COURT: Are there any exceptions taken to the
25 instruction or requests for additions to the instruction by

1 the state?

2 MR. BARNETTE: None from the state, Your Honor.

3 THE COURT: The defendant?

4 MR. MORIN: No, sir.

5 THE COURT: All right. Let me ask y'all to verify the
6 exhibits, please, before they go back.

7 (Pause.)

8 THE COURT: All of the exhibits are accounted for?

9 MR. BARNETTE: Yes, sir.

10 MR. MORIN: Yes, sir.

11 THE COURT: All right. Send them back and tell the
12 jury to begin deliberations and notify us when they've
13 concluded.

14 We'll be at ease while the jury is deliberating.

15 (Whereupon, the evidence was submitted to the jury at
16 12:55 p.m.)

17 (Whereupon, a recess was taken.)

18 THE COURT: All right. I understand the jury wishes
19 to have the testimony of SLED Agent Maryann Boehm reheard.
20 So we'll bring them back for that purpose.

21 (Whereupon, the jury returned to the courtroom at
22 2:53 p.m.)

23 THE COURT: Mr. Foreman, I understand that you and
24 your fellow jurors wish to have the testimony of Maryann
25 Boehm who was the SLED agent qualified as an expert in

1 D.N.A. analysis. You want to have that testimony reheard.

2 THE FOREMAN: Yes, sir, Your Honor.

3 THE COURT: Okay. Now, what we'll do is the court
4 reporter is going to play it from the beginning. If you
5 want to stop it at any time, you'll have to let me know.
6 Otherwise, we'll play it straight through.

7 Okay. Also, let me know if you can't hear it for some
8 reason, and we'll do a different speaker arrangement.

9 (Whereupon, the testimony of Maryann Boehm was replayed
10 for the jury.)

11 (Question from the jury marked Court's Exhibit No. 3;
12 facebook printout of Deandre' Long marked Court's Exhibit
13 No. 4; facebook printout marked Court's Exhibit No. 5;
14 facebook printout marked Court's Exhibit No. 6; jury
15 information of Deandre' Long marked Court's Exhibit No. 7;
16 defendant's potential witness list marked Court's Exhibit
17 No. 8.)

18 THE COURT: All right. Please retire to your jury
19 room and continue with your deliberations.

20 (Whereupon, the jury retired to deliberate at
21 3:20 p.m.)

22 THE COURT: Who has motions this afternoon?

23 MR. BARNETTE: Call the motions?

24 MR. MORIN: Your Honor, I did have a motion regarding
25 the removal of one of the jurors. Is that what you're

1 talking about?

2 THE COURT: No, not yet.

3 MR. MORIN: Okay.

4 THE COURT: I'm talking about the afternoon motions.

5 MR. MORIN: Oh, those motions. I am going to slide
6 across and do my plea then.

7 (Whereupon, a recess was taken.)

8 THE COURT: I'm told the jury has reached their
9 decisions. Are we ready to receive it?

10 MR. BARNETTE: The state is ready, Your Honor.

11 MR. MORIN: The defense is ready.

12 THE COURT: Bring them in, please.

13 (Whereupon, the jury returned to the courtroom at
14 4:05 p.m. to report its verdict.)

15 THE COURT: Mr. Foreman, have you and your fellow
16 jurors reached unanimous decisions?

17 THE FOREMAN: Yes, sir. We have reached a verdict.

18 THE COURT: And have you reflected those decisions on
19 the verdict forms as requested?

20 THE FOREMAN: Yes, sir.

21 THE COURT: If you will, please hand those up by way
22 of the bailiff.

23 You may publish the verdicts.

24 THE CLERK: Indictment No. 2017-GS-42-4859, the State
25 of South Carolina, County of Spartanburg, the State vs.

Verdict

1 Jyquez Julius Freeman, indictment for murder, we, the jury,
2 find the defendant guilty.

3 Signed by the foreperson, William Arthur, October the
4 11th of 2018.

5 Indictment No. 2017-GS-42-4861, the State of South
6 Carolina, County of Spartanburg, the State vs. Jyquez
7 Julius Freeman, indictment for armed robbery, count one,
8 possession of a weapon during the commission of a violent
9 crime, count two, we, the jury, find the defendant guilty
10 as to count one and guilty as to count two.

11 Signed by the foreperson, William Arthur, October the
12 11th of 2018.

13 Indictment No. 2017-GS-42-4864, the State of South
14 Carolina, County of Spartanburg, the State vs. Jyquez
15 Julius Freeman, indictment for kidnapping, we, the jury,
16 find the defendant guilty.

17 Signed by the foreperson, William Arthur, October the
18 11th of 2018.

19 Indictment No. 2017-GS-42-4860, the State of South
20 Carolina, County of Spartanburg, the State vs. Jyquez
21 Julius Freeman, indictment for kidnapping, three counts,
22 count one, we, the jury, find the defendant guilty, count
23 two, guilty, count three, guilty.

24 Signed by the foreperson, William Arthur, October the
25 11th of 2018.

1 Ladies and gentlemen of the jury, if this is your
2 verdict and still your verdict, please raise your right
3 hand.

4 (Whereupon, all jurors responded in the affirmative.)

5 THE CLERK: So say you all.

6 THE COURT: Does the defendant wish to have the jury
7 polled?

8 MR. MORIN: No, sir.

9 THE COURT: All right. Thank you.

10 Are there any other matters that need to be addressed
11 with the jury present?

12 MR. MORIN: None from the defense.

13 MR. BARNETTE: None from the state, Your Honor.

14 (Whereupon, the trial jury was excused.)

15 THE COURT: All right. Mr. Morin, as you are aware,
16 prior to the jury receiving the case one of the jurors had
17 been removed based upon a motion by the state. You did
18 object to the removal. However, I did tell you that I
19 would afford you an opportunity to expand on your objection
20 and the basis thereof if you'd like to for the benefit of
21 the record. So I'll provide you with that opportunity now.

22 MR. MORIN: Your Honor, during the deliberations I
23 spoke with the state.

24 It was my understanding initially that a social media
25 check was done on one specific juror. However, Mr.

1 Barnette has informed me that the state does social-media
2 background on all of the jurors.

3 That being the case, I don't have any motion as long
4 as Mr. Barnette's confirming that.

5 MR. BARNETTE: Yes, sir. We do a background or
6 basically a social-media check now on facebook. We do that
7 on every juror that has an open facebook page.

8 What happened in the case of this juror was the name
9 was spelled differently on the sheets. When we ran it, it
10 didn't show up that way. Once we found what the real name
11 was from that standpoint, was able to find his facebook.
12 That's what led to the information I think the Court has.

13 I know you have the facebook pages. I'm assuming that
14 will be made as a court's exhibit --

15 THE COURT: Well.

16 MR. BARNETTE: -- or the facebook post.

17 THE COURT: Let me have y'all to step up here and show
18 you the ones that have been marked. These are the ones
19 that were discussed with the juror. You may have other
20 information you wish to provide.

21 (Bench conference held off the record.)

22 MR. BARNETTE: Thank you, Your Honor.

23 Your Honor, may I have one second?

24 THE COURT: Sure.

25 (Pause.)

Sentence

1 THE COURT: All right. Any other matters to address
2 prior to the imposition of sentence?

3 All right. Mr. Barnette.

4 MR. BARNETTE: Thank you, Your Honor.

5 I just wanted to let you know. Ms. Tiffany, the
6 victim's mother, would like to speak at the appropriate
7 time.

8 They also had other family members come from New York
9 and Ohio, Your Honor, seated on the front row there.

10 I'll let her give her full name, and then she'd like
11 to address Your Honor.

12 THE COURT: All right. Yes, ma'am.

13 CHERYL ANN TIFFANY: My name is Cheryl Ann Tiffany. I
14 am the mother of Anthony.

15 There isn't a day that doesn't go by that I do not
16 miss my son. He was a wonderful person. He loved
17 everybody. He would have gave that man the shirt off his
18 back if he had asked it or needed it. But, no, he had to
19 be a coward and take -- be a part of taking my son's life.

20 So I'm hoping in prison you get the same fate as my
21 son did and you get the hell that you put him through. And
22 don't ever ask me to forgive you, because you will not
23 receive it.

24 THE COURT: Thank you, ma'am.

25 MR. BARNETTE: Thank you, Your Honor. That'd be the

Sentence

1 state's -- he has no prior record, Your Honor.

2 THE COURT: No history.

3 Okay. Mr. Morin.

4 MR. MORIN: Your Honor, my client is 20 years old. He
5 attended high school in Florida, and he's lived here for a
6 while, and he was living in Florida with his family.

7 His father, step-father, was stationed in the military
8 and he attended school down there.

9 He came -- was transferred up here. His father,
10 step-father, was. The family moved back.

11 He attended a semester at Limestone College. His
12 grades were in the C and D range. That's the fall of 2016.

13 And he decided, along with his parents, to withdraw
14 from Limestone for not making the progress that was
15 necessary.

16 Unfortunately, after that he met up with Mr. Garcia,
17 which up to that point -- and he makes his own decisions --
18 but the fact of the matter is until January of 2017 he had
19 been making adequate progress in his life. Unfortunately,
20 this has happened.

21 We ask that you consider his lack of record, his
22 participation in this, the jury has found, in your
23 sentencing.

24 Obviously, his family has been very supportive of him
25 in the course of this, and I believe they will continue to

Sentence

1 be.

2 THE COURT: Mr. Freeman, would you like to add
3 anything to what your lawyer has told me?

4 THE DEFENDANT: Yes, sir. I'd just like to -- I would
5 just like to say I'm sorry for the family's loss. That's
6 it.

7 THE COURT: Let me see the lawyers just a minute.

8 (Bench conference held off the record.)

9 THE COURT: On Indictment 2017-04859 -- that's the
10 indictment for murder -- the State vs. Jyquez Julius
11 Freeman, wherein you have been found guilty by the jury of
12 that offense, the Sentence of the Court is you be confined
13 to the South Carolina Department of Corrections for a
14 period of 40 years.

15 Indictment 2017-04861 -- that's the indictment for
16 armed robbery -- and 04861-A, count two being possession of
17 a firearm during the commission of a violent crime, as to
18 each of those offenses, you have having been found guilty
19 by a jury, the Sentence of the court is as to count one,
20 armed robbery, you are to be confined to the South Carolina
21 Department of Corrections for a period of 30 years. Count
22 two, five years.

23 Indictments 2017-04864, an indictment for kidnapping,
24 and Indictments 2017-08 -- excuse me -- 04860 and 0-A and
25 0-B, three counts, kidnapping, total of four counts of

Sentence

1 kidnapping, wherein you have been found guilty by the jury
2 as to each of those counts of kidnapping, the Sentences of
3 the Court are that you are to be confined to the South
4 Carolina Department of Corrections as to each separate
5 count for a period of 30 years.

6 You have a right to appeal the verdict of the jury;
7 you have a right to appeal the Sentence of the Court. You
8 must file your notice of your intent to appeal those
9 decisions within ten days of today's date.

10 Mr. Morin will advise you in that regard.

11 END OF REQUESTED TRANSCRIPT OF RECORD

12

13

14

15

16

17

18

19

20

21

22

23

24

25

WITNESSES

1. SENTENCE MADE

2. REPORT ENDED
Spartanburg City Police Department

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND
FINE CARD MADE

8. TRAFFIC VIOLATION COPY

COMPUTER

COMPUTER

ARREST WARRANT NUMBER

2017A4210101149

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury SEP 29 2017
Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date: 11 Oct 2018

DOCKET NO.

17-GS-42-4859

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 2 2017

TERM

THE STATE

v.

JYQUEZ JULIUS FREEMAN

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 OCT -4 PM 4:05
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on SEP 29 2017, the
Grand Jurors of Spartanburg County present upon their oath:

MURDER

That the Defendant, Jyquez Julius Freeman, did in Spartanburg County on or about March 31, 2017, feloniously, willfully, and with malice aforethought, kill one Anthony Duane Tiffany by shooting him with a firearm, and the victim died as a proximate result thereof, all in violation of §16-3-0010, 0020, *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

WITNESSES

1. SENTENCE MADE

2. REPORT ENDED

Spartanburg City Police Department

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND
FINE CARD MADE

8. TRAFFIC VIOLATION COPY

COMPUTER

COMPUTER

DOCKET NO. -

17-GS-42-4860

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 6 2 2017

TERM

ARREST WARRANT NUMBER

2017A4210101155 (Count I)

2017A4210101154 (Count II)

2017A4210101153 (Count III)

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

SEP 29 2017

VERDICT

count I Guilty

count II Guilty

count III Guilty

William J. Arthur

Foreperson of Petit Jury

Date: 11 Oct. 2018

JYQUEZ JULIUS FREEMAN

Indictment for

KIDNAPPING (3 Counts)

SC Code: 16-03-910

CDR Code: 0095

Class FEL-A

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 OCT -4 PM 4:05
M. HOPE BLACKLEY

OF SOUTH CAROLINA)
)
 CITY OF SPARTANBURG)

INDICTMENT

SEP 29 2017

At a Court of General Sessions, convened on _____, the
 Grand Jurors of Spartanburg County present upon their oath:

KIDNAPPING (Count I)

That the Defendant, Jyquez Julius Freeman, did in Spartanburg County on or about March 31, 2017, willfully and unlawfully with criminal intent seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Alexis Symone Gory, without authority of law, all in violation of Section 16-03-910, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

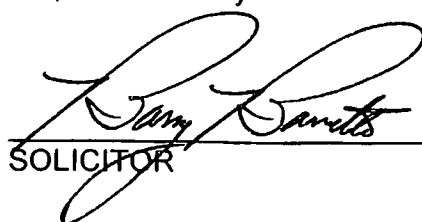
KIDNAPPING (Count II)

That the Defendant, Jyquez Julius Freeman, did in Spartanburg County on or about March 31, 2017, willfully and unlawfully with criminal intent seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, India Lee Jeter, without authority of law, all in violation of Section 16-03-910, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

KIDNAPPING (Count III)

That the Defendant, Jyquez Julius Freeman, did in Spartanburg County on or about March 31, 2017, willfully and unlawfully with criminal intent seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Zaquasha Janice Williams, without authority of law, all in violation of Section 16-03-910, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


 SOLICITOR

WITNESSES

1. SENTENCE MADE

Spartanburg Police Department

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSIGNMENT AND
FILE CARD MADE

8. TRAFFIC VIOLATION COPY

ARREST WARRANT NUMBER

Count One - 2017A4210101151

Count Two - 2017A4210101150

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury SEP 29 2017

Date:

VERDICT

Count 1 Guilty

Count 11 Guilty

William F. Arthur
Foreperson of Petit Jury

Date: 10 Oct. 2018

DOCKET NO. -

17-GS-42-4861

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 02 2017

TERM

THE STATE

v.

JYQUEZ JULIUS FREEMAN

Indictment for

ARMED ROBBERY (Count I);
POSSESSION OF A WEAPON DURING
COMMISSION OF A VIOLENT CRIME
(Count II)

SC Code: 16-11-330 (A); 16-23-490

CDR Code: 139; 549

Class: FEL/A; FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2017 OCT -4 PM 4:05

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

SEP 29 2017

At a Court of General Sessions, convened on _____, the Grand Jurors of Spartanburg County present upon their oath:

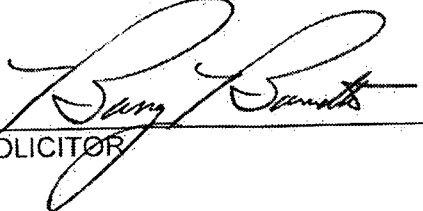
COUNT ONE – ARMED ROBBERY

That the Defendant, Jyquez Julius Freeman, did in Spartanburg County on or about March 31, 2017, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take property and/or currency from the person or presence of Anthony Duane Tiffany, an employee of Kentucky Fried Chicken located at 228 Cedar Springs Road, Spartanburg, SC, including but not limited to a wallet by means of force, violence, and/or intimidation with the intent to deprive him permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO – POSSESSION OF A WEAPON DURING
COMMISSION OF A VIOLENT CRIME**

That the Defendant, Jyquez Julius Freeman, did in Spartanburg County on or about March 31, 2017 possess or visibly display a firearm or a knife during the commission of a violent crime, to-wit: ARMED ROBBERY, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 397

COUNTY OF SPARTANBURG

STATE VS.
Jyquez Julius Freeman

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip:

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 / Murder

INDICTMENT/CASE#: 2017GS4204859

A/W#: 2017A4210101149

Date of Offense: 3/31/2017

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

SCB13039

SC Bar#

Defendant

Morin, Michael David
Attorney for Defendant

SCB65094

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 40 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 SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

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 FundOther: ☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter: Moffitt

Presiding Judge

Judge Code: 2053Sentence Date: October 11, 2018

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE VS.

Jyquez Julius Freeman

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Roebuck, SC 29376-3527

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Kidnapping / Kidnapping - COUNT ONE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4204860

A/W#: 2017A4210101155

Date of Offense: 3/31/2017

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

SCB13039

SC Bar#

Defendant

Morin, Michael David
Attorney for Defendant

SCB65094

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:	\$	
§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§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

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 FundOther: non-sexual motivation

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk C. PooleCourt Reporter: MoffittPresiding Judge William H. HesterJudge Code: 2053Sentence Date: October 11, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 399

COUNTY OF SPARTANBURG
STATE VS.
Jyquez Julius Freeman

AKA:

Race: BLACK Sex: M Age: 20

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Roebuck, SC 29376-3527

DL#: [REDACTED] SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Kidnapping / Kidnapping - COUNT TWO

INDICTMENT/CASE#: 2017GS4204860A

A/W#: 2017A4210101154

Date of Offense: 3/31/2017

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY:

BARNETTE, BARRY

SCB13039

SC Bar#

Defendant

Morin, Michael David
Attorney for Defendant

SCB65094

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 90 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 SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§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

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: none - sexual motivation

☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter: Moffitt

Presiding Judge

Judge Code: _____

Sentence Date: October 11, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Jyquez Julius Freeman

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Roebuck, SC 29376-3527

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Kidnapping / Kidnapping - COUNT THREE

INDICTMENT/CASE#: 2017GS4204860B

A/W#: 2017A4210101153

Date of Offense: 3/31/2017

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

SCB13039

SC Bar#

Defendant

Mofitt, Michael David
Attorney for Defendant

SCB65094

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk C. PoolCourt Reporter: MoffittPresiding Judge [Signature]Judge Code: 2093Sentence Date: October 11, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 401

COUNTY OF SPARTANBURG

STATE VS.

Jyquez Julius Freeman

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#

Address:

City, State, Zip: Roebuck, SC 29376-3527

DL#: SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon - COUNT ONE

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

SCB13039

SC Bar#

Defendant

Moffitt, Michael David
Attorney for Defendant

SCB65094

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed — years and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for — months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: —☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP .. —Total: \$ — plus 20% fee: \$ —— days/hours Public Service EmploymentPayment Terms: —☐ Set by SCDPPPS —Recipient: —

*Fine:

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Moffitt

Presiding Judge

Judge Code: 2053

Sentence Date: October 11, 2018

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Jyquez Julius Freeman

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#

Address:

City, State, Zip: Roebuck, SC 29376-3527

DL#: SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death - COUNT 2

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 ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

SCB13039

SC Bar#

Defendant

Morin, Michael David
Attorney for Defendant

SCB65094

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 SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$3.75

TOTAL

\$128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4204861A

A/W#: 2017A4210101150

Date of Offense: 3/31/2017

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 403

COUNTY OF SPARTANBURG
STATE VS.
Jyquez Julius Freeman

AKA:

Race: BLACK Sex: M Age: 20

DOB: SS#

Address:

City, State, Zip: Roebuck, SC 29376-3527

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping / Kidnapping

INDICTMENT/CASE#: 2017GS4204864

A/W#: 2017A4210101152

Date of Offense: 3/31/2017

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

SCB13039

SC Bar#

Defendant

Morin, Michael David
Attorney for Defendant

SCB65094

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

\$14-1-206 (Assessments 107.5 %)		\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Moffitt

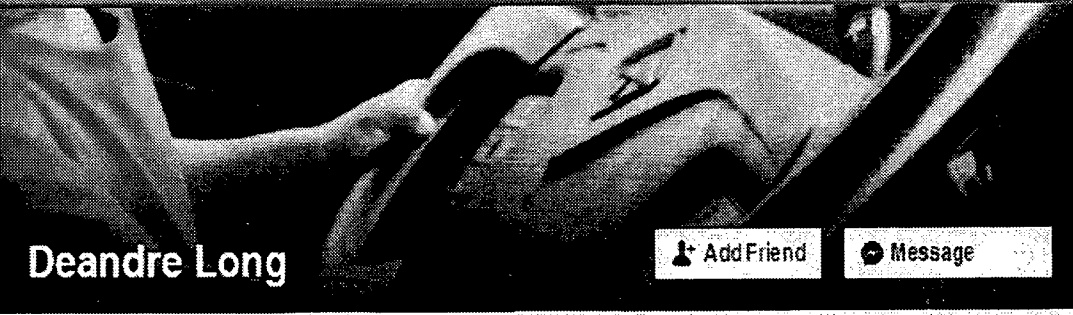
Presiding Judge

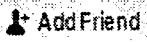
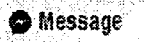
Judge Code:

Sentence Date:

 Deandre Long 

Shawn Home Create 



Deandre Long  

Timeline About Friends Photos More ▾

DO YOU KNOW DEANDRE?

To see what he shares with friends, send him a friend request.



Friends

All Friends Recently Added College High School Current City Hometown 

Results for: lee



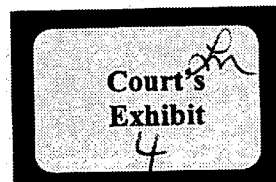
Tishiana Lee





Le'Andrea Littlejohn





ALMIGHTY WINKS



ZyKerria Wilkins

 Add Friend

 Message

[Timeline](#) [About](#) [Friends](#) [Photos](#) [More ▾](#)

DO YOU KNOW ZYKERRIA?

To see what she shares with friends, send her a friend request.

 Add Friend

Friends

[All Friends](#) [Recently Added](#) [College](#) [Current City](#) [Hometown](#)

deandre |

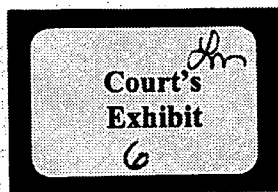
Results for: deandre



Deandre Long

 Add Friend





Zy'Kerria Wilkins



Add Friend



Message



More

Faith. Focus. Finish. Certified Lash Tech. Owner of
AlmightyWinks 



Works at AlmightyWinks 



Studies at Coastal Carolina University



Lives in Myrtle Beach, South Carolina



From Spartanburg, South Carolina



Pronounces name ZY-KE-ree-uh WIL-kenz

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS
 IN THE SEVENTH JUDICIAL CIRCUIT

INDICTMENT NOS.: 2017-GS-42-4858
 thru 2017-GS-42-4864

State of South Carolina,

vs.

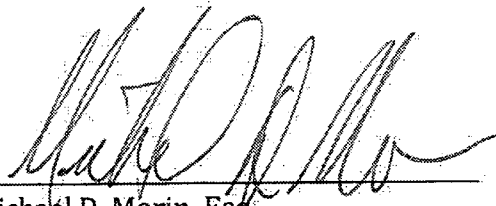
Jyquez Freeman,

Defendant.

Defendant's Potential Witness List



1. Tishiana Lee
2. Jayonce Freeman
3. Jayhova Freeman
4. Charles Keenan
5. Zy Kerria Wilkins


 Michael D. Morin, Esq.
 Post Office Box 161903
 Boiling Springs, South Carolina 29316
 Phone: (803) 628-3144
 mmorin@morin.law1.pro

Spartanburg Co. Courthouse

RANDOM STRIKE SHEET

JUDGE NAME : Cole Derham J.

CRIMINAL TYPE : Criminal

CASE ID : 2017-4859

COURTROOM WA

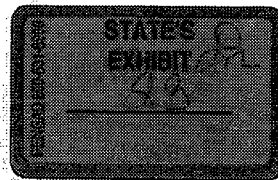
DESCRIPTION : State vs. Jyquez Freeman

Sorted by: Random N

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1 Walden, Sandra A	185	W	F	(✓)	(X)	()	
2 Martin, Gary R	113	W	M	(✓)	(✓)	()	
3 Pressley, Teresa R	143	W	F	(✓)	(X)	()	
4 Klugh, Christopher B	99	B	M	(X)	()	()	
5 Owens, Christophe	136	W	M	(X)	()	()	
6 Campbell, Larry T	31	W	M	(✓)	(X)	()	
7 Thomas, Casey L	174	W	F	(✓)	(✓)	()	
8 Waddell, Clyde K	184	W	M	(✓)	(✓)	()	
9 Sherbert, Michael S	157	W	M	(✓)	(✓)	()	
10 Mason, Stephen E	114	W	M	(✓)	(✓)	()	
11 Arthur, William F III	10	W	M	(✓)	(✓)	()	
12 Wright, William C	196	W	M	(✓)	(✓)	()	
13 Fowler, Glenn A	64	W	M	(X)	()	()	
14 Pruitt, Jerry S	145	W	M	(✓)	(X)	()	
15 Alley, Susan B	3	W	F	(✓)	(X)	()	
16 Long, Deandre' J	107	B	M	(✓)	(✓)	()	
17 Morrison, Samuel M	132	W	M	(✓)	(✓)	()	
18 Anderson, Cynthia J	4	W	F	(✓)	(✓)	()	
19 Atkins, Kellie A	11	W	F	(✓)	(✓)	()	
20 Cheng, Chun L	35	A	M	(✓)	(✓)	()	
21 Broome, Jessica L	24	W	F	(✓)	(✓)	()	
22 Stokholm, Daniel K	170	W	M	(✓)	(X)	()	
23 Cantrell, Kathryn K	33	W	F	(✓)	(X)	()	
24 Henderson, Leanna B	82	W	F	(✓)	(✓)	()	

Google Maps 135 Hamilton Ave



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

Sgt. Mark Hillers
Spartanburg Department of Public Safety
PO Box 1746
Spartanburg, SC 29304

FIREARMS DEPARTMENT

May 25, 2017
SLED LAB: L17-05108
Your Case No: C17040001
Incident Date: 03/31/2017
[V-Deceased] Anthony Tiffany

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Items: 1 – 5 Five fired 380 Auto caliber cartridge cases.

RESULTS:

Items 1 – 5 were physically and microscopically examined. Marks of value were found, and it was concluded that Items 1 – 5 may be suitable for identification with a firearm(s) or other fired cartridge cases. Please see "Comparisons with other cases" section for comparison results.

Items: 6 – 8 Three lead fragments.

RESULTS:

Items 6 – 8 were physically and microscopically examined. No marks of value for identification were found, and it was concluded that Items 6 – 8 were unsuitable for identification with a firearm/firearms and/or other fired evidence.

Item: 9 One unknown object.

RESULTS:

Item 9 was physically and microscopically examined. Item 9 was found not to be consistent with an ammunition component. No further analysis was performed.

Item: 11 One fired bullet "A", described as "...recovered from victim's(Anthony Duane Tiffany) body during autopsy".

Item: 12 One fired bullet "B", described as "...recovered from victim's(Anthony Duane Tiffany) body during autopsy".



AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SLED LAB No. L17-05108
May 25, 2017

Page 2 of 3

Item: 13 One fired bullet "C", described as "...recovered from victim's(Anthony Duane Tiffany) body during autopsy".

Item: 14 One fired bullet jacket and one fired bullet core "D", described as "...recovered from victim's(Anthony Duane Tiffany) body during autopsy" (Note: Items 12 - 14 were originally submitted as part of Item 11. For examination and comparison purposes, the bullets were separated into individual Item numbers.)

RESULTS:

Physical and microscopic examinations of Items 11, 12, 13, and the Item 14 fired bullet jacket revealed that they were most consistent with bullets loaded into some 380 Auto caliber cartridges. These Items were microscopically compared with each other. Matching individual identifying characteristics were found, and it was concluded that Items 11 - 14 were fired by one firearm. These Items may be suitable for identification with a specific firearm (barrel) and/or another fired bullet(s).

The Item 14 bullet core bore no marks of value and was unsuitable for identification.

Items 11, 12, 13, and the Item 14 fired bullet jacket had been fired through a conventionally rifled barrel with six grooves, left twist. Based on the general rifling characteristics, possible manufacturers of firearms in 380 Auto caliber that could have fired these Items includes, but may not be limited to, the following:

ACCU-TEK
DAVIS INDUSTRIES

AMT
LLAMA

COLT
SMITH & WESSON

DAEWOO

This list is not all-inclusive and is provided for investigative assistance only. If a non-listed firearm is recovered, contact the examiner listed below prior to submitting the firearm for examination.

Items 4 and 5 were entered into the Integrated Ballistics Identification System (IBIS). Should any "hits" be developed against these entries, your Agency will be notified. Please retain the evidence for a minimum of two years in order to maintain its availability for any future comparisons related to IBIS activity.

Cartridge case results:

The Item 1 - 5 fired cartridge cases submitted in L17-05108, the Item 2 - 6 fired cartridge cases submitted in L17-05316, and the Item 1 - 2 fired cartridge cases submitted in L17-05556 were microscopically



ALI-359-T

AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SLED LAB No. L17-05108
May 25, 2017

Page 3 of 3

compared with test cartridge cases fired by and cycled through the Item 9 pistol (Smith & Wesson Model SW380 semiautomatic pistol, 380 Auto caliber, serial number BAZ0095) submitted in L17-05082. From these comparisons, the following conclusions were reached:

- Matching individual identifying characteristics were found on Items 1 and 3 – 5 (L17-05108), Items 2 – 6 (L17-05316), Items 1 – 2 (L17-05556), and test cartridge cases fired by Item 9 (L17-05082). It was concluded that these Items were fired by the Item 9 pistol (L17-05082).
- Due to insufficient corresponding individual identifying characteristics, the results of comparisons between Item 2 (L17-05108) and test cartridge cases fired by the Item 9 pistol (L17-05082) were inconclusive. Though some similarities were noted, it could not be determined whether Item 2 (L17-05108) was fired by the Item 9 pistol (L17-05082) or by another similar firearm.

Bullet results:

The Item 1 fired bullet jacket submitted in L17-05316, the Item 11 – 13 fired bullets and the Item 14 fired bullet jacket submitted in L17-05108 were microscopically compared with test bullets fired by the Item 9 pistol submitted in L17-05082.

Matching individual identifying characteristics were found, and it was concluded that Item 1 (L17-05316), the Item 11 – 13 fired bullets and the Item 14 fired bullet jacket (L17-05108) were fired by the Item 9 pistol (L17-05082).

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Michele Eichenmiller
Michele Eichenmiller
Forensic Scientist



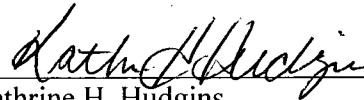
AN ASCLD/LAB-International ACCREDITED TESTING LABORATORY SINCE 09/19/2014

P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 25th day of November, 2019.

RECEIVED
NOV 25 2019
SC Court of Appeals